

# QUICK FACTS Polity & Governance



















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#### Dear Students,

In the competitive landscape of the UPSC Mains examination, the significance of integrating data, facts, and examples into your answers cannot be overstated.

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These elements serve as the backbone of a compelling and persuasive response, elevating your answer from a generic narrative to a well-substantiated argument.



To support you, we have distilled essential information from the VisionIAS Mains 365 resources which are renowned for their comprehensive coverage of current affairs.



For Science & Technology, this document provides a concentrated source of high-quality data, facts, initiatives, and applications. Given the demands of the UPSC Mains examination, it is crucial to be prepared with important data, applications, and facts that can enrich your answers.



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The layout of this document is designed for quick reference and easy integration into your answer.



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- Article 246 and Seventh Schedule (Entry 69) make the census a Union subject.
- Article 340 mandates a commission to examine backward classes.
- The Census Act, 1948 and Census Rules, 1990 govern the process.
- The Justice Rohini Commission submitted a report on the sub-categorization of OBCs.

## 🚋 🛛 Citizenship

- Article 5: Citizenship at the commencement of the Constitution.
- Article 6: Rights of citizenship of certain persons who have migrated to India from Pakistan.
- Article 8: Rights of citizenship of certain persons of Indian origin residing outside India.
- Article 11: Parliament to regulate the right of citizenship by law.

#### Uniform Civil Code (UCC)

- Article 44: Directs the state to strive for a UCC.
- Article 25 (Freedom of Religion): Used as an argument against UCC.
- Shah Bano Begum (1985) and Sarla Mudgal (1995) highlight the need for UCC.
- 21st Law Commission (2018) found a UCC to be neither necessary nor desirable at present.

#### Property Rights

- Article 300A: Right to property is a constitutional right. Originally a fundamental right (Articles 19(1)(f) & 31),
   The 44th Amendment (1978) removed property as a fundamental right.
- > Property Owners Association v. State of Maharashtra: SC limited state powers in acquiring private property.
- T.N. Godavarman v. Union of India: State as trustee manages resources for public benefit (Public Trust Doctrine).

#### State Autonomy

- Rajamannar Committee (1969): Recommended for a High Power Commission to be constituted for the redistribution of the three lists.
- Anandpur Sahib Resolution (1973): Demanded Centre's powers to be restricted only to defence, foreign affairs, communication, currency, etc., with all other powers vested in the states.
- West Bengal Memorandum (1977): Demanded the removal of Article 356 (President's Rule) and the inclusion of the word "Federal" in the Constitution.



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#### Demand for New States

- Article 3: Empowers Parliament to form new states, alter boundaries, or rename existing states through ordinary legislation.
- S.K. Dhar Commission (1948): Advocated reorganization based on administrative convenience, not language.
- JVP Committee (1948): Rejected language as a basis for reorganization.
- Fazl Ali Commission (1953): Recommended reorganization based on Unity and security of the country; Linguistic and cultural homogeneity; Financial, etc.
- SC held that ceding territory requires a constitutional amendment.



#### Decline in Parliamentary and State Productivity (PRS Report)

#### Parliament

- 17th Lok Sabha functioning at 88% and Rajya Sabha at 73% of the scheduled time.
- 18th Lok Sabha (Winter 2024), productivity further dropped to 54.5% and 40% in Lok Sabha and Rajya Sabha respectively.

#### **State Legislature**

- Declined in Average Number of Sitting Days: from 28 in 2017 to 20 in 2024.
- Limited Debate: 51% Bills passed in a day; only 4% sent to committees.

# Anti-defection Law

- Introduced through 52nd Amendment Act, 1985, adding the Tenth Schedule to the Constitution
- Kihoto Hollohan v. Zachillhu (1992): Courts should have the power of judicial review to intervene if the Speaker delays action.
- Karnataka MLAs' disqualification case (2020): Consider transferring disqualification powers from the Speaker to an independent tribunal.

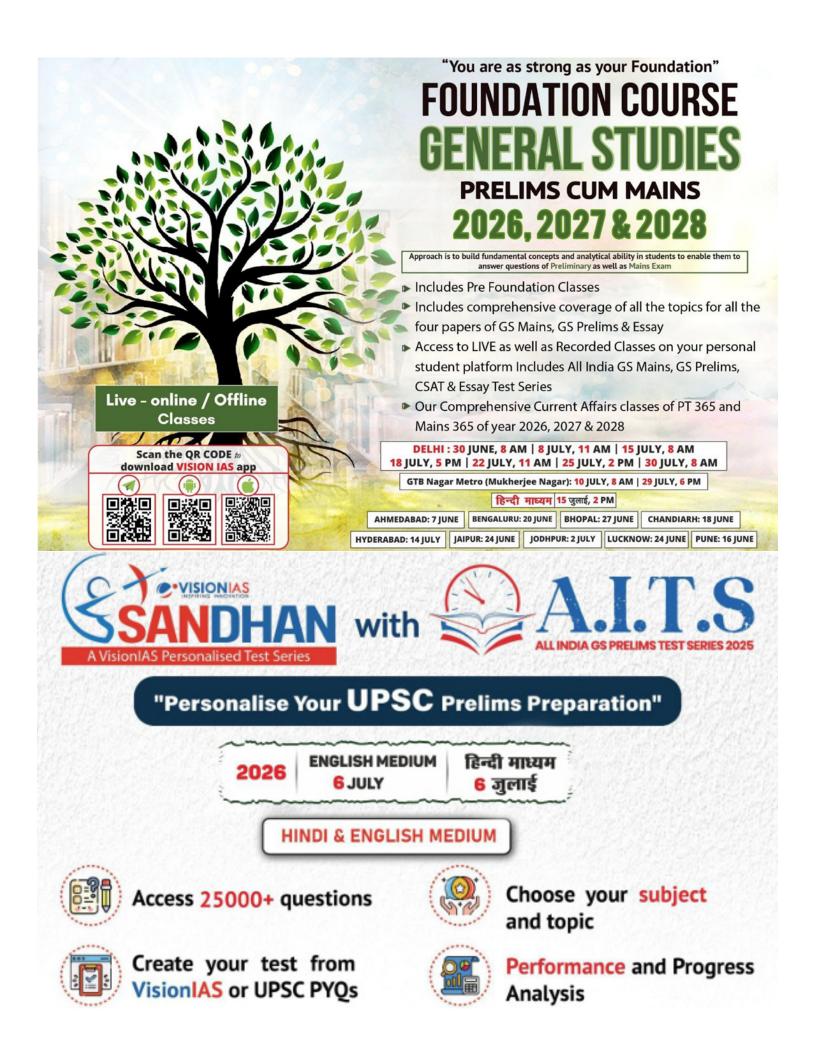
## **Office of Deputy Speaker**

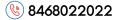
- Article 93 (Election): As per a long-standing convention, the post of DS has been offered to the Opposition.
- Article 94: Deals with vacation, resignation and removal (by a resolution passed by a majority of all then members of the House).
- Article 95: He performs the duties of Speaker in case of vacancy, absence, etc.



# **Representation of Women in Legislature**

- 18<sup>th</sup> Lok Sabha (LS): Representation of women saw a slight dip to 74 (from 78 in 17<sup>th</sup> LS), making 13.6% of total members.
  - >> Globally, share of women in national parliaments is 26.9%.







#### Criminal Justice System in India

- Low Conviction Rates: Murder 43.8%, Rape 27.4% (NCRB, 2022).
- Case Pendency: 4.7 crore cases pending across courts.
- Undertrials constitute 75.8% of India's prison population.
- The national prison occupancy rate is 131.4%
- Poor Extradition Rate: Only 1 in 3 fugitives successfully extradited
- Manpower Shortage: 192 police per lakh vs. UN norm of 222
- Low Judge-Population Ratio: Only 21 judges per million.



- M.H. Hoskot v. State of Maharashtra (1978): Established prisoners' right to free legal assistance under Article 21.
- Hussainara Khatoon v. State of Bihar (1979): Affirmed the right to a speedy trial under Article 21, emphasizing access to legal aid.

#### **Prison Reforms**

- Model Prison Manual, 2016 and Model Prisons and Correctional Services Act, 2023: Provides guidance to states to incorporate best modern practices related to prisons.
- Ramamurthy vs state of Karnataka case 1996: Supreme Court emphasised upon the need to replace Prisons Act, 1894.



- Article 323A: Empowers Parliament to set up administrative tribunals for public service matters.
- Article 323B: Allows legislatures to create tribunals for specific subjects like taxation, land reforms, etc.
- L. Chandra Kumar Case (1997): Recommended a National Tribunals Commission (NTC) to oversee all tribunals.

## **Internal Democracy in Political Parties**

- 46% of the newly elected Lok Sabha members have criminal cases against them (ADR).
- Tarkunde Committee (1975), Dinesh Goswami Committee (1990), and Indrajit Gupta Committee (1998) strongly argued for more transparent working of the political parties in the country.
- Law Commission (255th Report): Give ECI power to de-register a party in certain cases of non-compliance.

## **Criminalisation of Politics**

- ADR Case (2002): Voters have a right to know candidate background
- PUCL Case (2004): struck down sec 33B RPA 1951, upholding full disclosure
- Lily Thomas Case (2013): Held that membership of convicted parliamentarian no longer protected under section 8(4) of RPA, 1951
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- Subramaniyam Balaji Case (2013): Court upheld state distribution of items like TVs and laptops as aligned with DPSP.
- Ashwini Kumar Upadhyay v Union of India (pending): Court is reviewing challenges to freebies in election campaigns.



# **Election Commission of India**

- Article 324: Power of superintendence, direction and control of elections to Parliament, State Legislatures, offices of President and Vice-President with the ECI.
- Goswami Committee (1990): recommended that CEC and ECs should not be eligible for any further office under government
- 255th Law Commission Report: Article 324(5) should be amended to equate the removal procedures of ECs with that of CEC.

#### **State Election Commission**

- 73rd and 74th Amendment Act, 1992 provides for constitution of SEC (on Gadgil Committee recommendation).
- Article 243K (1) & 243ZA: SEC has control over electoral rolls and conduct of Panchayat and Municipality elections.
- Article 243K (2): Governor decides service conditions and tenure of the State Election Commissioner.
- 2nd ARC: Appoint State Election Commissioners via a collegium (Chief Minister, Speaker, and Leader of Opposition).

#### **Delimitation Commission**

- Article 82: Parliament enacts a Delimitation Act after every Census which establishes a delimitation commission.
- Article 170: States get divided into territorial constituencies as per Delimitation Act after every Census.
- Kishorchandra Chhanganlal Rathod Case: SC held that constitutional courts have the power to review orders of the Delimitation Commission if an order is manifestly arbitrary and irreconcilable to constitutional values.

#### **Participative Governance**

- Land Acquisition Act, 2013: Social impact assessment study in collaboration with affected families.
- Forest Rights Act, 2006: Gram Sabha as the statutory institution due to its participatory and democratic nature.
- Nagoya Protocol on Access and Benefits Sharing: Benefits arising from the use of traditional knowledge be shared with indigenous communities.

# **Obscenity on Digital Format**

- Ranjit D. Udeshi v. State of Maharashtra (1964): SC used the Hicklin test—anything that could "deprave and corrupt" was obscene.
- Aveek Sarkar v. State of West Bengal (2014): SC adopted the community standards test, judging obscenity by current social norms.
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#### Constitutionalization of environmental issues

- M.K. Ranjitsinh and Others v. Union of India and Others (2024): SC stated that the right to be free from the adverse effects of climate change should be recognised by Articles 14 and 21 of the Constitution.
- M.C. Mehta vs. Union of India (1986) SC recognized pollution-free environment as part of Article 21 (Right to Life).
- Maneka Gandhi vs. Union of India (1978): Right to environment, free of danger of disease and infection is inherent in Article 21.



- Vijay Kumar Committee (2017): Light regulation, modernized registration, nodal body for oversight, accreditation, database for transparency, promoting volunteerism.
- 2nd ARC Recommendations: Decentralize FCRA implementation, balanced legislative interpretation.

#### **Devolution**

- ♦ 243G: State endows Panchayats with powers to function as institutes of self-governments.
- 243H: State Legislatures can authorize Panchayats to collect taxes, duties, tolls, fees.
- 243I: State Finance Commission (SFC), every five years, transfers resources to Panchayats.
- 243ZD: District Planning Committee consolidates Panchayat, Municipality plans into district development plan.



- Common Cause vs Union of India (2019): CBI Director's appointment to be recommended by a committee comprising:
  - >> Prime Minister (Chairperson)
  - » Leader of Opposition (Lok Sabha) or Leader of the largest opposition party
  - » Chief Justice of India or a nominated Supreme Court Judge
- CPIO CBI v. Sanjiv Chaturvedi (2024): Delhi High Court ruled that CBI is not fully exempt from the RTI Act; must disclose information on corruption and human rights violations.

## 🕀 | Internet Shutdown

- **CrPC, 1973:** Before 2017, under Section 144 (now 163 of BNSS).
  - >> Allowed Magistrates to curb gatherings/activities.
- Telecommunications Act, 2023: Empowers temporary suspension of internet services to maintain law and order, public safety etc. except for natural disaster or public emergency.
- Faheema Shirin v. State of Kerala: Kerala HC recognized internet as Fundamental Right (Art. 21)
- Anuradha Bhasin v. union of India: SC reaffirmed internet freedom as Fundamental under Article 19(1)(a).

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## Cooperatives in India

- Genesis: Started with the Cooperative Credit Societies Act, 1904.
- Status: India holds 27% of world's cooperatives.
- **Top 3 Sectors:** Housing, Dairy & Primary Agriculture Credit (PACS).
- Leading States: Maharashtra (25%), Gujarat, Telangana, MP, Karnataka.
- Constitutional Status: 97th Amendment, 2011 added following
  - >>> Fundamental Right: Article 19(1)(c)
  - >> Directive Principle: Inserted Article 43B
  - >> New Part IXB: Articles 243ZH-243ZT
- Governance:
  - >> Multi-State: Union List Entry 44; Multi-State Cooperative Societies Act, 2002.
  - >> State: State List Entry 32; respective State Acts.

# || Right to Information (RTI)

- People's Union for Civil Liberties v. Union of India (2004): Declared RTI a fundamental right under Article 19(1)
   (a), paving the way for the RTI Act, 2005.
- Namit Sharma v. Union of India (2013): Held the Information Commission as a quasi-judicial tribunal, similar to a court, under the RTI Act.
- Recommendations of 2nd ARC: National Coordination Committee (NCC); Awareness campaigns, etc.
- Justice BN Srikrishna Committee (2018): Recommended narrowly tailored exemptions under Section 8(1)
   (j), permitting non-disclosure only where there is a risk of grave harm. E.g. identity theft, discrimination.

#### | Minorities Educational Institutions

- Article 30 (1) provides for linguistic & religious minorities a fundamental right to establish & administer educational institutions of their choice.
- National Commission for Minority Educational Institutions (NCMEI) Act has been enacted to safeguard the educational rights of the minorities enshrined in Article 30(1) of the Constitution



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