

TARGET MAINS 2022

CURRENT AFFAIRS

POLITY-2



TOPICS:

1. Capital Punishment.
2. Shatrughan Chauhan Case.
3. Medical Termination of Pregnancy (Amendment) Act, 2021.
4. ✓ ↗ 'Essential Religious Practice' Doctrine.
5. Dowry Deaths.
6. Tribunals Reforms Act, 2021.
7. Role of a Governor.
8. Article 142.





Dowry Deaths

Topic 5

10L →
100 Gold Coins



• **Comment of KWC Chairperson**

Victim – shamed for tolerating abuse; shamed for raising her voice.



HDI

1 month

3 Women

→ < 25 yrs age

WOMAN

Complains

does not complain

- Kerala: Best performing states in terms of lowest number of dowry deaths.
- 2016: worst performing states – Haryana, Bihar & Odisha.

- 1) low sex ratio
- 2) Standard of living
- 3) Poverty

CONTRIBUTING
FACTORS

PATRIARCHY

5 yrs → 64 deaths ✓
↳ dowry
15K → Complaints
↓
harassment

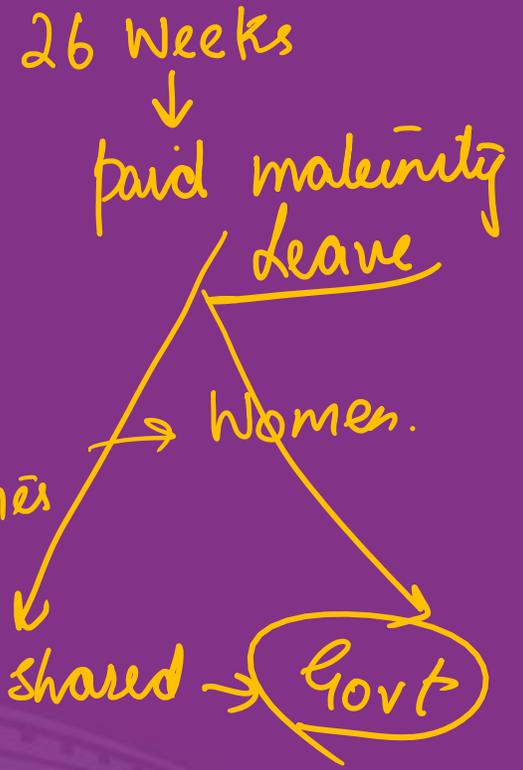
Why Dowry related violence?

Poor presence of women in workforce and their consequent lack of financial independence.

Solution:

- Expand Childcare.
- Safe public transport.
- Reduce discrimination in hiring.
- Men should share domestic work and care responsibilities.

Grouped



employment opportunities

Maternity Benefit Act, 2017

Absence of a Law? No.

Dowry Prohibition Act, 1961 – allows 'Gifts'.

before marriage }
after marriage } not allowed.



VOLUNTARILY

"not of excessive value"

Solution

1. Accepting dowry should be made social stigma.
2. Get superstars to endorse this.
3. } Expand support systems to help victims with shelter, counselling and legal follow-up.

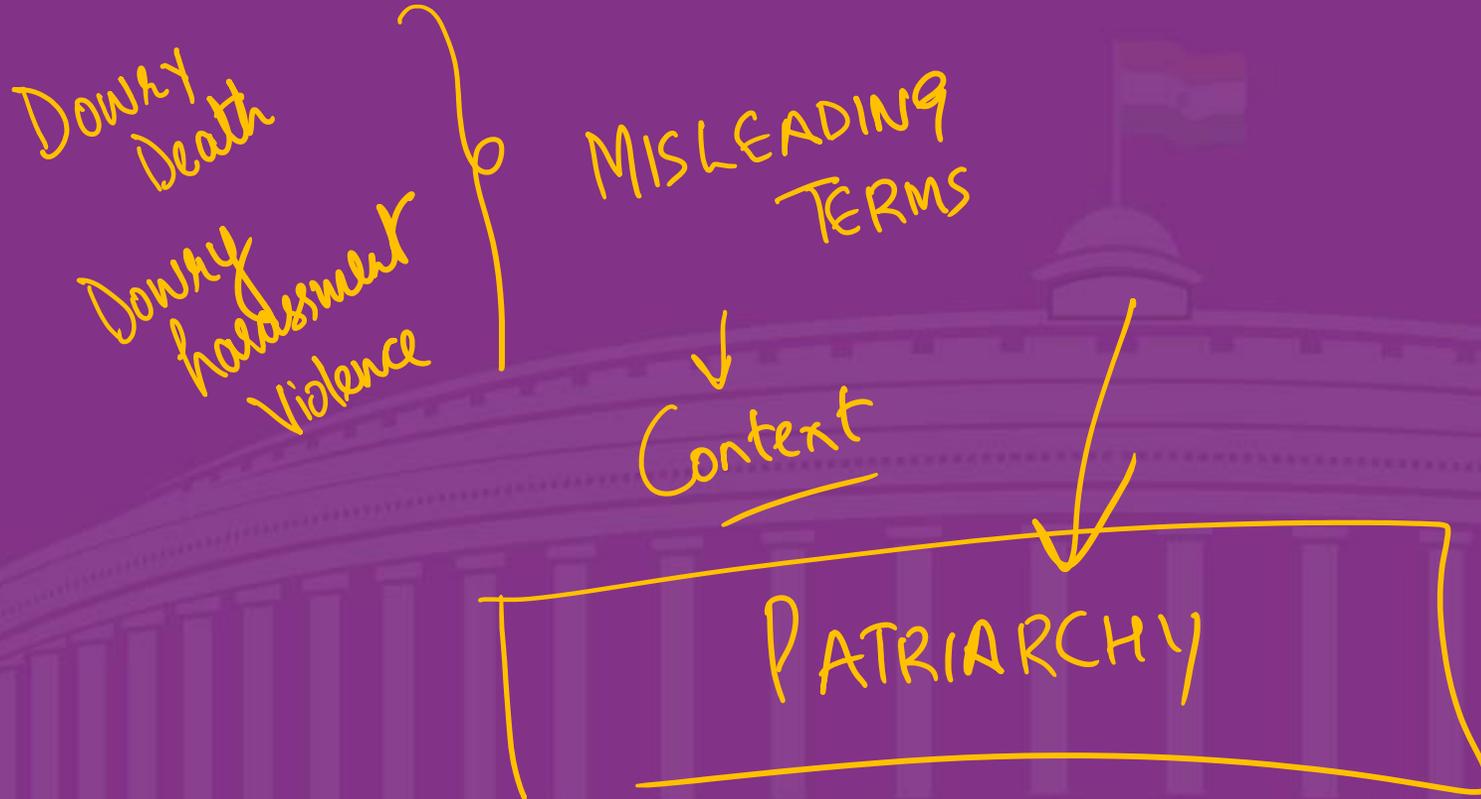
Women are not lifelong victims but empowered survivors seeking justice and dignity.

- Self Help Groups (SHGs): spread awareness and display solidarity.
- Domestic Violence Act, 2005: police and commissions should not play the role of mediators.
- Govt employees be made to sign affidavits.
- Special duty on Opinion makers and political leaders.

↓
→ Terminated

• Dowry deaths: Unique to India?

Ugly.
Lousy Cook.





Dowry
Share → Unequal

Why do people justify dowry?

1. ✓ Through dowry daughters get a share of ancestral property.
2. ✓ Bride feels awkward to ask for things for her daily use.
3. ✓ Its not a one way street: Gifts from Groom's side. ✗





Tribunals Reforms Act, 2021

Topic 6

abolished
few
Tribunals

Search Cum
Selection
Committee

age
Criteria
Term

→ **"How Can Struck Down Provisions Be Revived Through Legislation?": Supreme Court To Decide Constitutional Validity Of Tribunal Reforms Act 2021 On July 26**

Hannah M Varghese

4 May 2022 7:30 PM

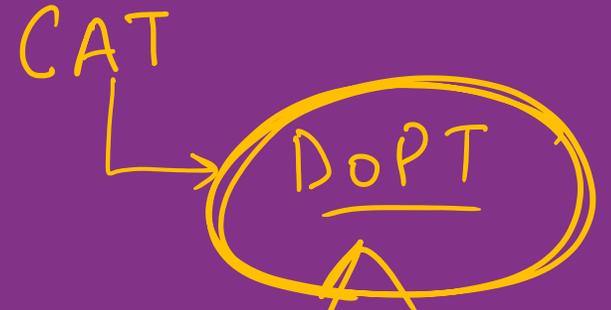


Search-cum-selection committees:

The Chairperson and Members of the Tribunals will be appointed by the central government on the recommendation of a Search-cum-Selection Committee.

The Committee will consist of:

- (i) the Chief Justice of India, or a Supreme Court Judge nominated by him, as the Chairperson (with casting vote),
- (ii) two Secretaries nominated by the central government,
- (iii) the sitting or outgoing Chairperson, or a retired Supreme Court Judge, or a retired Chief Justice of a High Court, and
- (iv) the Secretary of the Ministry under which the Tribunal is constituted (with no voting right).



NTC

NATIONAL TRIBUNALS COMMISSION.

2017

Finance Act

26 → 19 → Tribunals

2017 → Rules.

2019 → Unconstitutional

ROGER MATEW v/s South Indian Bank.

2020 → Rules

Eligibility and term of office:

The Act provides for a four-year term of office (subject to the upper age limit of 70 years for the Chairperson, and 67 years for members).

Further, it specifies a minimum age requirement of 50 years for appointment of a chairperson or a member.

Advocates
↳ 10 yrs
etc.

40

Madras Bar Association
v/s UoI.
5 yrs.

~~FCAT~~ → nominal fee

High Court

42nd C.A. Act

Tribunalisation

assault on the HC's

CBFC

Examining C
Revising C

Good
Bad
Ugly

U
A
U/A
S

N*TC



Office of the Governor

Topic 7

Bengal passes Bill to replace Governor with CM as Chancellor of state universities

The West Bengal University Laws (Amendment) Bill, 2022 was passed by 182 votes in favor against 40 not in favor.



Article 163: There shall be a council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, **except in so far as he is by or under this constitution required to exercise his functions or any of them in his discretion.**

word of
the 4 → final

Constituent Assembly Debates

- 1) There is a dearth of competent legislators in India.
- 2) a certain element of centralisation of powers is necessary.

CRITICISM

Use of discretion—

- (i) in choosing Chief Minister
- (ii) in testing majority
- (iii) in dismissal of Chief Minister
- (iv) in dissolving the Legislative Assembly
- (v) in recommending President's Rule
- (vi) in reserving Bills for President's consideration



SARKARIA COMMISSION

A person to be appointed as a Governor should satisfy the following criteria:

- (i) He should be eminent in some walk of life.
- (ii) He should be a person from outside the State.
- (iii) He should be detached figure and not too intimately connected with the local politics of the State; and
- (iv) He should be a person who has not taken too great a part in politics generally, and particularly in the recent past.

- It is desirable that a politician from the ruling party at the Union is not appointed as Governor of a State which is being run by some other party or a combination of other parties.
- In order to ensure effective consultation with the State Chief Minister in the selection of a person to be appointed as Governor the procedure of consultation should be prescribed in the Constitution itself by suitably amending Article 155.
- SECURITY OF TENURE.

Indispensability of Governor's Office

- In sum, the functions of the Governor are at once diverse and important. Functioning in normal times as the constitutional head of the State and as a vital link between the Union and the State, he becomes an agent of the Union in certain special circumstances, e.g., when a proclamation under Article 356 is in operation. He fills the vacuum and ensures continuity in executive government for short periods during which no Council of Ministers is available to aid and advise him. The Governor is the key functionary of the system envisaged by the Constitution. No other constitutional functionary can discharge these responsibilities in addition to his own duties. Therefore, it is an office which cannot be dispensed with.

5yr

Ceremony



C3-HC



- Would it not be better, for example, to clearly specify the rules governing government-formation in the Constitution itself, and reduce swearing-in to a purely ceremonial action, to be performed by the Chief Justice of the relevant High Court?

to eliminate the

discretionary

Powers

of
the Governor?

Amendments Needed

- 1) An alliance of parties that was formed prior to the elections.
- 2) The single largest party staking a claim to form the government with the support of others, including independents.
- 3) A post-electoral coalition of parties, with all the partners in the coalition joining the government.
- 4) A post-electoral alliance of parties, with some of the parties in the alliance forming a government and the remaining parties, including independents, supporting the government from outside.

1. The incumbent should stay away from active politics (even at a local level) for at least two years prior to his appointment.
 2. There should be a say of the State's Chief Minister while making the Governor's appointment.
 3. A committee should be formed that is entrusted with the task of appointment of governors. This committee may comprise the Prime Minister, the Home Minister, the Lok Sabha's speaker and the concerned Chief Minister of the State.
 4. Deletion of the Doctrine of Pleasure from the Constitution.
 5. The term of appointment should be five years.
 6. Recommendation of provision for the Governor's impeachment by State Legislature.
 7. Right of Governor to sanction the prosecution of ministers against the advice of the State Government.
- **It was also recommended by the Commission that the convention of appointing governors as chancellors of universities must also come to an end.**

Arguments
in
favour

Against
↳ K.K. Venugopal

Article 142

Topic 8

Policy → executive

The Supreme Court uses Article 142 to exercise its special powers in any case or matter pending before it to do “**complete justice**”.

“The Supreme Court in the exercise of its jurisdiction may pass such a decree or make such order as is necessary for doing complete justice in any cause or matter pending before it,

Judicial Restraint

Seperation of Powers

Basic Structure

1) 1993 →

Coal licenses

↓
Suspended

2) 500 kms of Highways

142

3 yrs
1) UNION CARBIDE
→ \$ 470 mn → Compensation

2) Undertrials
↓
Bihar Jails

1. All cases invoking Article 142 should be referred to a Constitution Bench of at least five judges so that this exercise of discretion may be the outcome of five independent judicial minds operating on matters having such far-reaching impact on the lives of people.
2. In all cases where the court invokes Article 142, the government must bring out a white paper to study the beneficial as well as the negative effects of the judgment after a period of six months or so from its date.

The time has come for the Supreme Court to introspect on whether the use of Article 142 as an independent source of power should be regulated by strict guidelines so that, in the words of Justice Benjamin Cardozo, the judge "is not a knight-errant roaming at will in pursuit of his own ideal..."



THANK YOU