

CURRENT AFFAIRS SUPPLEMENT 3

Supreme Court Allows Sub-Categorisation of SCs/STs

Supreme Court dismisses review petitions against judgment allowing sub-classification of Scheduled Castes

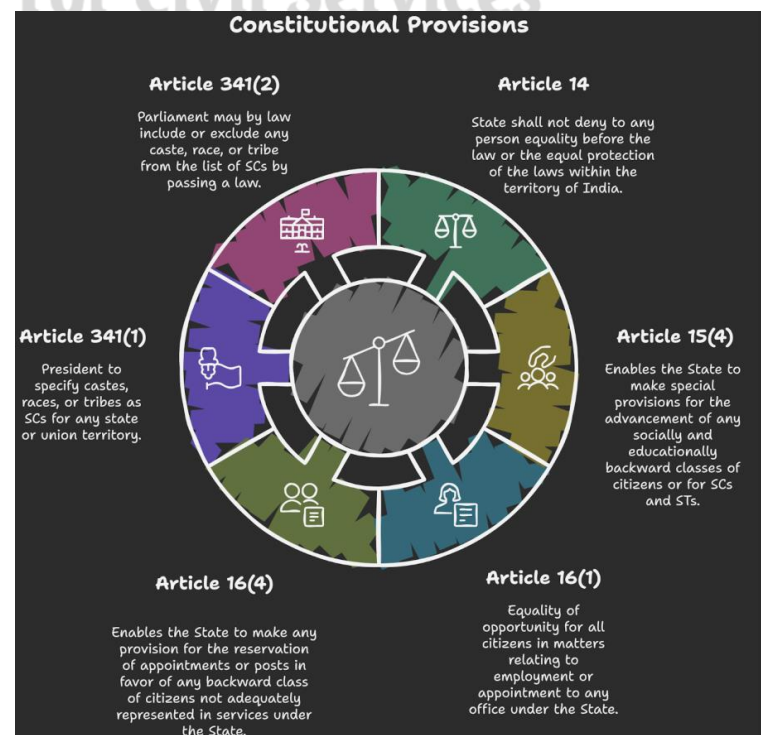
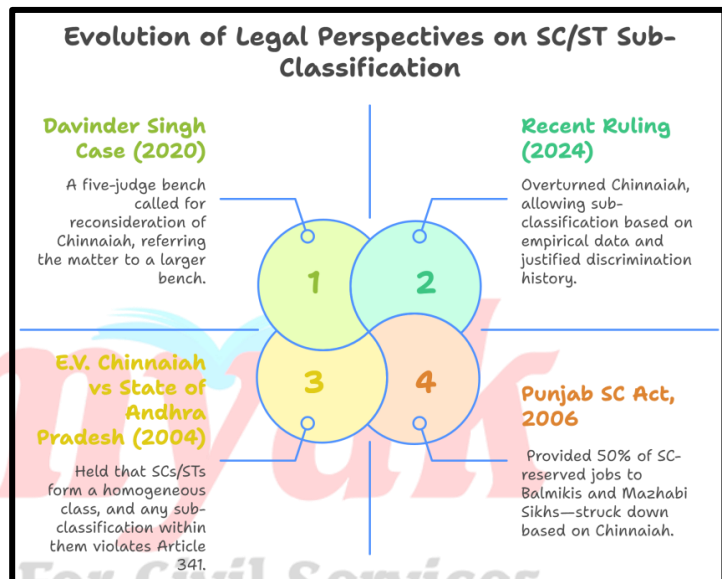
The top court rejects review pleas on SC sub-classifications for reservation, stating no apparent errors in judgment

WHY IN NEWS?

- The Supreme Court of India, through a **6:1 majority ruling**, overturned the 2004 *E.V. Chinnaiah* judgment and held that **SCs/STs are not a socially homogeneous group**, and states can **sub-classify** these categories to ensure targeted benefits for the most disadvantaged sub-groups.

Key Features of the Supreme Court Verdict

- Sub-Classification Allowed:** States can now **sub-classify** SCs/STs within the existing quota (e.g., 15% for SCs) to benefit the most backward.
- Not a Violation of Article 341:** The Court held that allowing sub-classification **does not interfere with the Presidential list** of SCs/STs.
- Introduction of 'Creamy Layer' in SC/ST Quota:** Inspired by the *Indra Sawhney* judgment for OBCs, SCs/STs must now **exclude the creamy layer** from benefits.
- First Generation Limitation:** Reservation benefits should **not automatically extend to second-generation beneficiaries**.
- Sub-classification Subject to Judicial Review:** Must be **evidence-based**, not driven by **political motivations**.



- **No 100% Sub-Quota:** Reservations within sub-categories **must not lead to absolute exclusion** of other castes.

AMU Minority Status Case

Supreme Court overrules 1967 verdict against Aligarh Muslim University's minority tag

Recognition by law won't annul minority status, says seven-judge Bench in 4:3 majority judgment; court returns case to a regular Bench to examine the question of the university's minority status

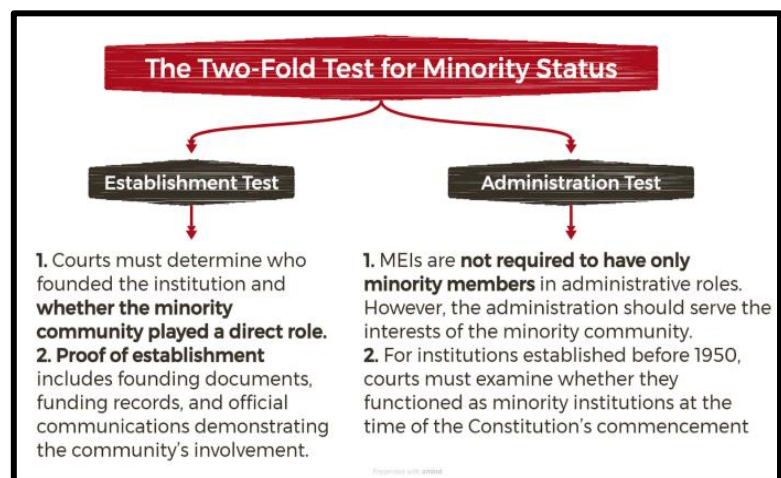
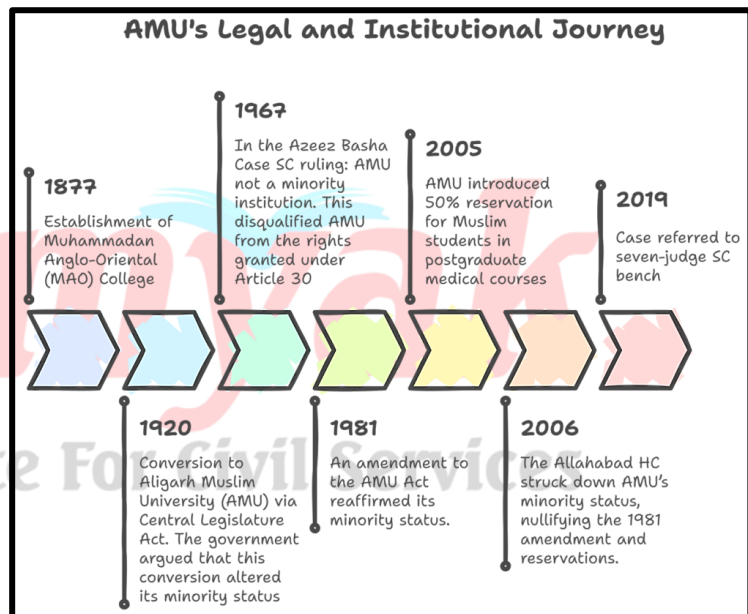
Updated - November 09, 2024 12:13 am IST - NEW DELHI

WHY IN NEWS?

A seven-judge bench of the Supreme Court recently overruled the 1967 **Azeez Basha case** by a **4:3 majority** without explicitly deciding whether **Aligarh Muslim University (AMU)** is a **minority institution**. Instead, the Court laid down a framework for determining the **minority character of an institution** and delegated the final decision to a **regular bench**.

Constitutional Protections and Benefits of Minority Educational Institutions (MEIs)

- **Key Constitutional Provisions**
 - **Article 30(1):** Grants minorities the right to establish and administer educational institutions.
 - **Article 15(5):** Provides exemptions to MEIs from reservation policies for SCs and STs in admissions.
- **Benefits of Minority Status**
 - MEIs can reserve up to 50% of seats for minority students.
 - They enjoy autonomy in administration, faculty hiring, and syllabus decisions.
 - These institutions contribute to preserving cultural and linguistic diversity.



SC's Criteria for Determining Minority Educational Institution (MEI) Status

- **Parameters Identified by the SC**
 - The institution's primary purpose must be to conserve the minority language and culture.
 - MEIs may admit non-minority students without losing their minority character.
 - Offering secular education does not dilute the minority status.
 - Government-aided institutions cannot compel religious instruction, while fully state-funded institutions cannot offer religious education.

Essential Religious Practice (ERP) and Judicial Interpretations

Why Bombay HC said use of loudspeakers is not essential to religion

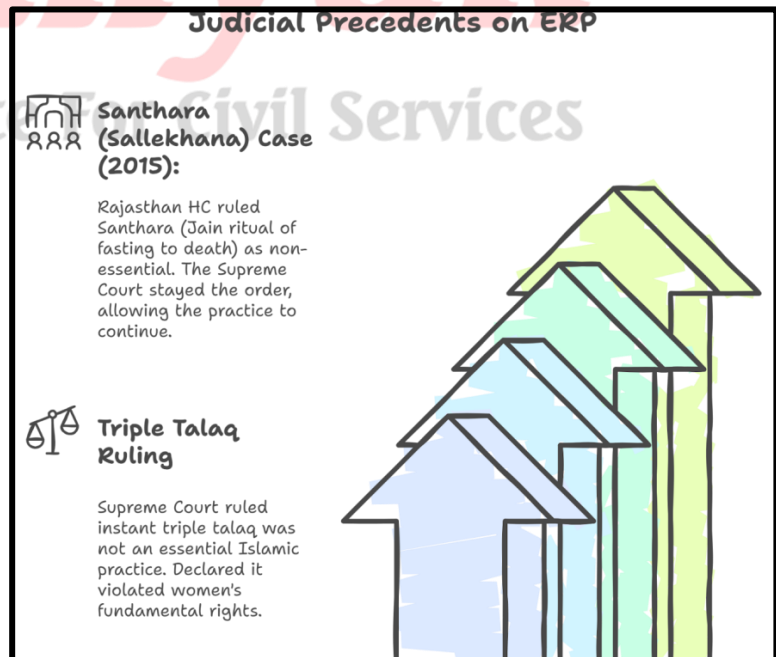
The HC was hearing a writ petition filed by two residents' associations in Mumbai's suburban Nehru Nagar, Kurla (East) and Chunabhatti areas against the use of loudspeakers by mosques and madrasas beyond permissible decibel limits and during prohibited hours.

WHY IN NEWS?

- The Bombay High Court ruled that the use of loudspeakers is not an essential religious practice (ERP) under Article 25 or Article 19(1)(a) of the Constitution. This ruling reinforces past judicial precedents that limit noise pollution in religious activities while ensuring public order and environmental protection.

Essential Religious Practice (ERP)

- ERP refers to practices integral to a religion's doctrine, protected under Article 25 of the Constitution. The judiciary determines ERP based on religious scriptures and traditions.
- **Origin:** Introduced by the Supreme Court in the Shirur Mutt Case (1954).
 - The Court ruled that the term "religion" includes not just beliefs but acts done in pursuance of religious belief.
- The determination of what constitutes an "essential practice" should be primarily based on the doctrines and tenets of the religion itself, not merely personal interpretations.



Bombay HC Ruling on Loudspeakers

- The Bombay High Court ruled that the use of loudspeakers is not an ERP under Article 25 or Article 19(1)(a).
- Dr Mahesh Vijay Bedekar v Maharashtra (2016): The HC mandated strict enforcement of noise pollution rules.
- **Restrictions on Loudspeakers:**
 - Banned from 10 PM to 6 AM and in silence zones.
 - Exception: Allowed for 15 days a year for specific cultural or religious events.

Noise Pollution and Legal Framework

- **Noise as an Air Pollutant:** Defined under **Air (Prevention and Control of Pollution) Act, 1981**.
 - **Permissible limits:** Residential areas: 55 decibels (day), 45 decibels (night).
- **Legal Precedents:** Courts have consistently ruled that public interest and environmental concerns take precedence over religious sound practices.

Gaps in Implementation of SC Welfare Schemes and Atrocity Laws: Panel Report 2024

Parliamentary panel flags States' lapses in tackling atrocities against Scheduled Castes

Published - December 18, 2024 05:57 pm IST - New Delhi

WHY IN NEWS?

A Parliamentary Standing Committee on Social Justice and Empowerment tabled a report in the Lok Sabha on December 18, 2024, raising concerns over the failure of several States in effectively addressing atrocities against Scheduled Castes (SCs) and implementing related welfare schemes.

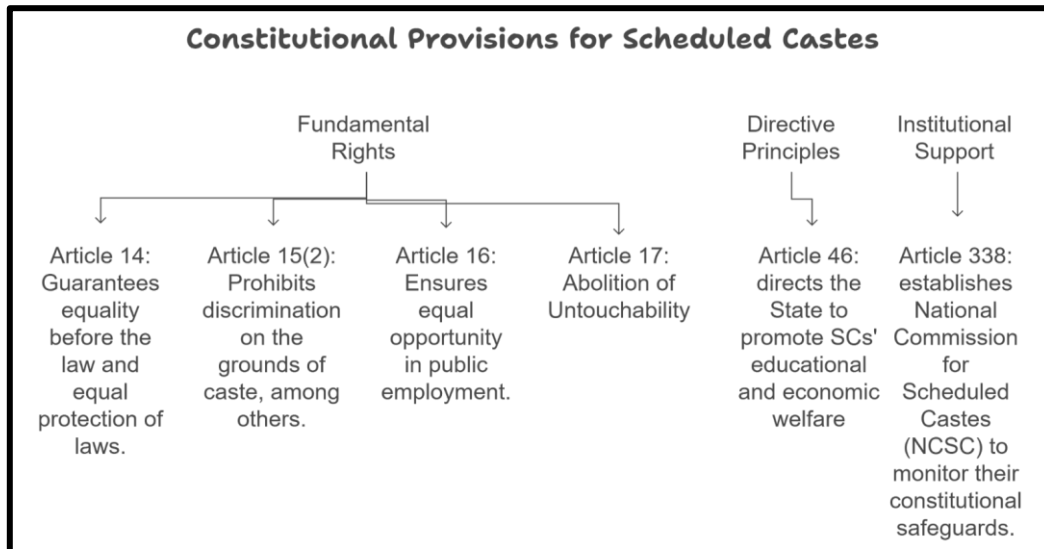
Who are Scheduled Castes?

- Scheduled Castes (SCs) refer to historically disadvantaged communities who faced systemic discrimination and untouchability in the caste hierarchy.
- The term was first **officially introduced in the Government of India Act, 1935**.
- The Indian Constitution recognizes SCs under Article 366, while Article 341 empowers the President to identify SCs for each state or UT in consultation with the Governor.
- The list so notified can be modified only by the Parliament through legislation.

Legislative and Legal Measures Against Caste Discrimination

- **Protection of Civil Rights Act, 1955** (originally the Untouchability (Offences) Act):
 - Aimed to penalize practices of untouchability. It criminalized denial of access to public spaces and services on caste grounds.
- **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:**
 - A comprehensive law to curb caste-based violence and social exclusion. It defines various forms of atrocities committed against SCs and STs. Also, it ensures speedy justice through **Special Courts** and mandates state responsibility in rehabilitation of victims.
- **The 2015 Amendment:** Expanded the list of punishable offences, particularly focusing on **violence and sexual abuse against SC/ST women**. Further, it prevents anticipatory bail for accused in atrocities cases and promotes victim-centric justice.

- **The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013:** it prohibits the inhuman practice of manual scavenging. It also provides for the identification, liberation, and rehabilitation of manual scavengers through livelihood and education support.



Uniform Civil Code (UCC)

WHY IN NEWS?

There has been on-going debate regarding the implementation of UCC, its constitutional implications, and the need for consensus-based reform.

Uniform Civil Code (UCC)

- The UCC is a proposal for a common civil law that governs personal matters like marriage, divorce, inheritance, and adoption across all communities in India, thereby replacing religion-specific personal laws. It aims to ensure uniformity in civil rights and legal processes, in line with secular and constitutional values.

Constitutional Provisions and Historical Background

- **Article 44** of the Constitution, part of the Directive Principles of State Policy (DPSP), urges the State to strive for a UCC for all citizens.
- The idea originated during the British era, but due to communal sensitivities, a uniform law was not enforced then.
 - **Lex Loci Report (1840):** In matters of contract, evidence, and criminal law, a uniform law should be implemented throughout British India, but personal laws of Hindus and Muslims should be kept intact
 - **B.N. Rau Committee (1941):** Called for codification of Hindu laws related to marriage, succession, guardianship, etc. It formed the basis for the Hindu Code Bills enacted post-independence in 1955-56
- The framers of the Constitution, including Dr. B.R. Ambedkar, supported the UCC, but it was made non-enforceable to ensure flexibility.

Evolution Post-Independence

- In 1955-56, the **Hindu Code Bills** codified Hindu personal laws.
- The **Shah Bano case (1985)** brought the debate into the spotlight, as the Supreme Court called for UCC to uphold gender justice.
- Later cases like **Sarla Mudgal (1995)** and **Shayara Bano (2017)** reaffirmed the judiciary's emphasis on UCC to ensure equality and prevent misuse of personal laws.

Current Legal Scenario

- India currently follows multiple personal laws based on religion:
 - **Hindus, Sikhs, Jains, Buddhists:** Governed by codified laws such as the Hindu Marriage Act, 1955, and Hindu Succession Act, 1956.
 - **Muslims:** Governed by uncoded laws based on the Shariat and some codified laws like the Muslim Personal Law (Shariat) Application Act, 1937.
 - **Christians:** Governed by the Indian Christian Marriage Act, 1872.
 - Secular options like the Special Marriage Act, 1954 allow inter-faith marriages.
 - **Goa and Uttarakhand** are the only states with a functioning UCC as of now.

Places of Worship Act, 1991

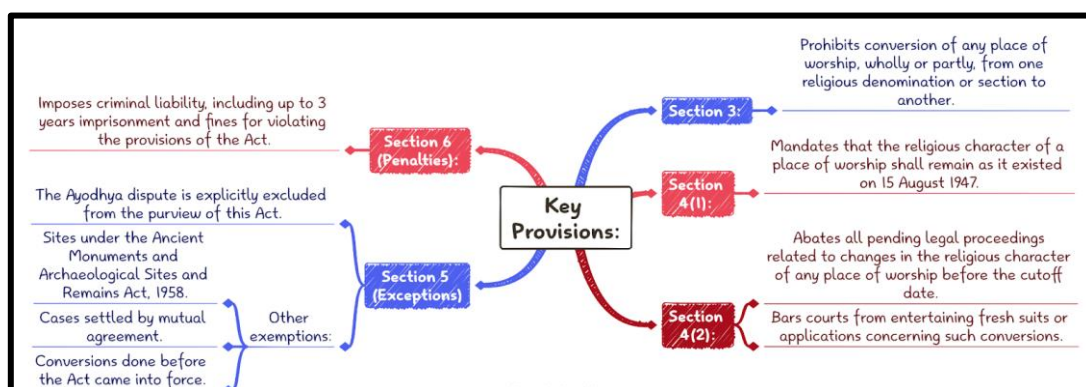
SC refuses to hear plea against 'Places of Worship Act' regarding the preservation of religious places

WHY IN NEWS?

The Gyanvapi and Shahi Idgah disputes have gained fresh legal traction with recent court rulings allowing the continuation of suits despite the Places of Worship Act, 1991. The Archaeological Survey of India (ASI) report claimed the existence of a Hindu temple beneath the Gyanvapi mosque. The Allahabad High Court has recently clubbed and assumed jurisdiction over all suits relating to the Mathura Shahi Idgah dispute.

Places of Worship Act, 1991

- The law was introduced in the backdrop of the Ram Janmabhoomi-Babri Masjid dispute to prevent further communal tensions and religious claims on historical monuments or structures.
- **Objectives:**
 - To prohibit conversion of any place of worship.
 - To maintain the religious character of a place of worship as it existed on August 15, 1947.



Temple Management and Regulation in India

WHY IN NEWS?

Recent reports of adulterated ghee in the Tirupati Laddu offering at the Tirumala Venkateswara Temple have reignited the debate over state control of Hindu temples. It led to fresh demands to free temples from state interference.

Constitutional Provisions

- **Article 25(1):** Guarantees freedom of conscience and the right to profess, practise, and propagate religion, subject to public order, morality, and health.
- **Article 25(2):** Allows the State to regulate secular aspects of religion and enact reforms for social welfare and temple access for all Hindus.
- **Article 26:** Grants religious denominations the right to manage their religious affairs, subject to public order, morality, and health.
- **Entry 28, List III (Concurrent List):** Enables both Centre and States to legislate on religious institutions and charitable endowments.

Judicial Precedents

Shirur Mutt Case

Religious institutions can manage their affairs; state can regulate secular aspects.



Pannalal Bansilal Pitti Case

Essential religious practices protected; trust administration can be regulated.



Ratilal Panachand Gandhi Case

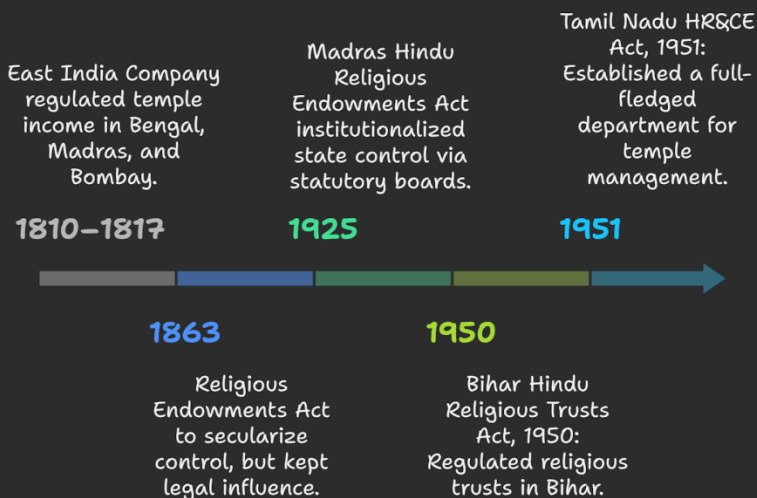
Hereditary temple rights can be abolished; equal treatment of all religions in such laws not necessary.



Stanislaus Case

Right to convert others not protected under Article 25.

Evolution of Temple Management Laws in India



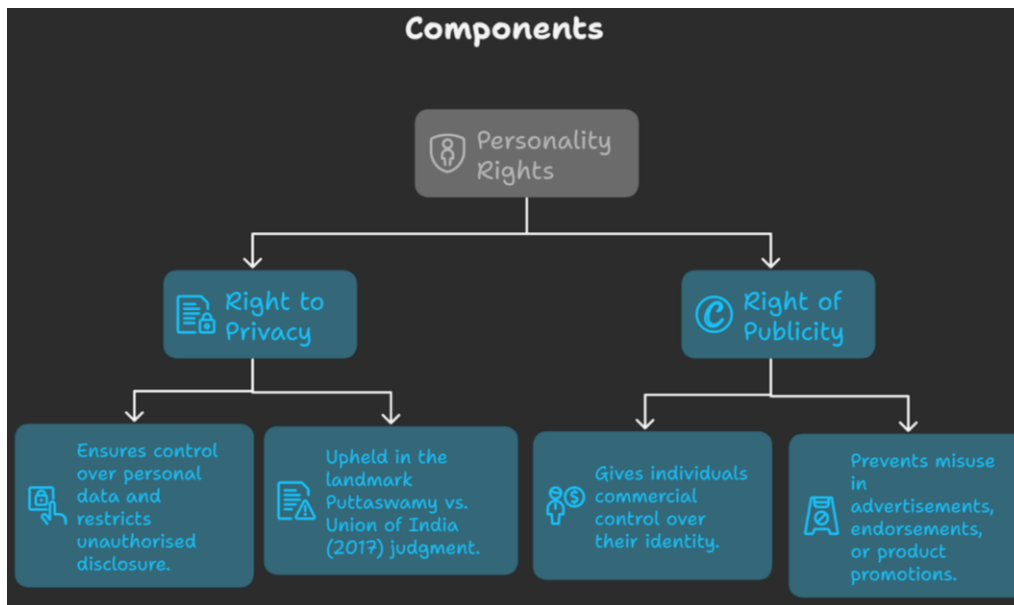
Personality Rights and the Challenge of Artificial Intelligence

WHY IN NEWS?

A Hollywood actress recently accused OpenAI of unauthorised use of her voice, even after rejecting a licensing request. This incident follows the New York Times vs. OpenAI & Microsoft case, alleging copyright infringement via AI training using NYT content. These cases have brought the spotlight on the need to protect personality rights in the evolving context of Artificial Intelligence (AI).

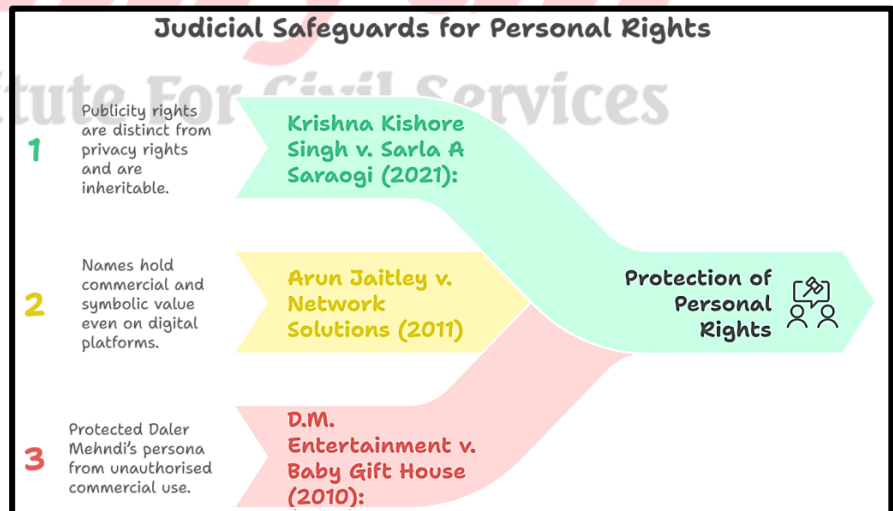
Personality Rights

- Personality rights protect aspects of an individual's **identity** such as their **name, image, voice, signature**, and other **distinguishing characteristics**.
- These rights fall under broader umbrellas of **right to privacy**.
- **Constitutional Protection: Article 21:** The right to life includes the right to privacy, which forms the basis of personality rights in India.



Relevant Laws:

- **Copyright Act, 1957:** Indirectly protects personality rights through provisions related to deception and passing off.
- **Trade Marks Act, 1999 (Section 14):** Restricts the use of personal names and images in commercial contexts without consent.
- **Emblems and Names (Prevention of Improper Use) Act, 1950:** Prohibits the unauthorised use of names and emblems of certain dignitaries and organisations listed in its Schedule.



International Framework on Personality Rights

- **Rome Convention (1961):** Protects performers' rights, rights of phonogram producers, and broadcasting organisations.
- **TRIPS Agreement (1994):** Provides limited protection to live performers, phonogram producers, and their broadcast rights under intellectual property rights.

- **WIPO Performances and Phonograms Treaty (WPPT):** Specifically safeguards performers and phonogram producers in the digital environment, addressing newer challenges like AI-based replication.

Right to Be Forgotten

WHY IN NEWS?

The Supreme Court has agreed to hear a case that could redefine the "Right to Be Forgotten" in India, where no statutory framework currently exists. The outcome could shape the future of digital privacy and data protection jurisprudence in India.

What is the Right to Be Forgotten?

- It allows individuals to request removal of personal data from digital platforms when it is outdated, irrelevant, or harmful to their privacy.
- It originates from the 'right to oblivion' in French jurisprudence.
- **Interpretation in India:** No dedicated law, but judicial recognition exists under broader privacy rights.
- **Justice K.S. Puttaswamy v. Union of India (2017):**
 - Recognized privacy as a fundamental right under Article 21.
 - Right to Be Forgotten was acknowledged but not absolute—may be limited for Public interest, legal claims, research, or archiving.
- **Relevant Laws:**
 - **Digital Personal Data Protection Act, 2023:** Recognizes "erasure" but lacks clarity on public court records. It however, does not explicitly mention Right to Be Forgotten.
 - **IT Rules, 2021:** Mandate takedown of content violating privacy within 24 hours of complaint.
- **International Laws:** Right to Be Forgotten is enshrined in EU's GDPR Article 17 and similar laws exist in Canada, UK, Argentina, Japan, and California (Online Eraser Act, 2015; DELETE Act, 2023).

Right to Property: Bulldozer Justice

WHY IN NEWS?

The Supreme Court (SC) laid down comprehensive pan-India guidelines under **Article 142** to ensure that due process of law is followed during demolitions of private properties. The move comes in light of increasing instances of punitive demolitions, especially in Uttar Pradesh, Madhya Pradesh, and Uttarakhand.

Bulldozer justice refers to the extra legal practice of demolishing properties belonging to individuals accused of crimes, often without following due process.

Key Guidelines Issued by the Supreme Court

- **Notice and Fair Hearing:** 15 days' minimum notice to owner/occupier before demolition. Notice must mention reasons and give a chance for the person to respond.

- **Transparency and Documentation:** Local authorities must inform the District Magistrate via email with auto-reply confirmation. All demolition drives must be video recorded.
- **Post-Demolition Safeguards:** A 15-day cooling period post-final order before demolition begins. Time for filing appeals or removing belongings must be given.
- **Test of Discrimination:** If only selected structures are demolished in violation of municipal laws, it may be construed as targeted punishment, violating Article 14.
- **Exceptions:** Guidelines not applicable to public places like roads, railway areas, or structures with prior court orders for demolition.

