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Syllabus heading

Executive and Judiciary

UPSC Civil Services (Main) Examination • GS II • General Studies Paper II

Structure, organization and functioning of the Executive and the Judiciary - Ministries and Departments of the Government; pressure groups and formal/informal associations and their role in the Polity.

Facts & figures for this syllabus heading.

Numbers move. Confirm the latest Budget, Economic Survey or census round. This sheet is for revision, not a substitute for the model answer.

<https://wrapexams.com/upsc/mains-answers/gs-2/executive-judiciary/>

Key data and facts

About 5.56 crore cases are pending across all courts in 2026.; Supreme Court: About 94,000 cases pending.; High Courts: Account for about 11.6% of total pending cases.; Lower Courts: Account for about 88.3% of total pending cases.; High Courts: Sanctioned strength: 1,122 judges and vacancies: 316 (~28%).; Large judge vacancies remain in several High Courts, including Allahabad, Calcutta, Punjab & Haryana, Madras...

Government Schemes And Initiatives All India

Proposal to fill judge vacancies.; Pro Bono Legal Services - Legal help for the poor.; Nyaya Mitra - Supports citizens with pending cases.; Judicial Service Centre - For court-related services.; Inter-operable Criminal Justice System (ICJS) - Digital link among courts, police, and prisons.; Tele-Law - Remote legal advice to citizens.

degrees Celsius (C) less than normal for two

KEY SUPREME COURT JUDGEMENTS

Judgement

Justice Nagarathna: Found approval invalid due to procedural gaps, stressed precautionary principle.; Justice Karol: Allowed trials with safeguards, called for independent studies.; Both called for a national policy involving states and stakeholders.

Gene Campaign v. Union of India (2024) - GM Mustard

Key Supreme Court Judgements 1

Balram Singh v. Union of India (2024)

Validity of 'Secular' and 'Socialist' in the Preamble Background: The case challenged the insertion of 'secular' and 'socialist' into the Preamble via the 42nd **Amendment (1976)**, alleging it distorted foundational principles without public mandate. Judgement: Upheld inclusion of 'secular' and 'socialist'.; Stated secularism is implicit in the Constitution and a basic feature.; Socialism = social justice and not...

Association for Democratic Reforms (ADR) v. Union

Striking Down Electoral Bonds: Transparency in Political Funding Background: ADR challenged the **Electoral Bonds Scheme (2017)** for enabling anonymous donations, risking corporate and foreign influence. The Supreme Court declared the scheme unconstitutional in 2024.

Judgement

Struck down Electoral Bonds Scheme as unconstitutional.

Association for Democratic Reforms (ADR) v. Union

Key Supreme Court Judgements 2

Anoop Baranwal v. Union of India (2023)

Reforming the Appointment Process for **Election Commissioners** Background: In the absence of a law under **Article 324(2)** governing appointments of CEC and ECs, the upreme Court intervened to prevent executive monopoly and protect institutional independence.

Judgement

Directed that CEC and ECs be appointed by a 3-member panel: 1. Prime Minister 2. Leader of Opposition 3. Chief Justice of India; This will be followed until Parliament enacts a law.; Ensures functional and structural independence of the **Election Commission**.

Anoop Baranwal v. Union of India (2023) - Reforming

Supports analysis of separation of powers and judicial innovation.; Relevant to discussions on transparency, neutrality, and institutional design.; Use in essays on deepening democracy and reviving public trust in institutions.

Supriyo v. Union of India (2023)

Same-Sex Marriage and Personal Liberty Background: A five-judge Constitution Bench heard petitions demanding legal recognition of same-sex marriages, especially under the **Special Marriage Act, 1954**. The Union government opposed legal recognition but suggested administrative reforms to protect civil rights of same-sex couples.

Judgement

Distinguished between the right to choose a partner (protected) and right to marry (not fundamental).; Did not grant legal recognition to same-sex marriages.; Directed the government to ensure civil protections for; queer unions through an administrative framework.; Reaffirmed freedom of partner choice as a part of personal liberty.

Supriyo v. Union of India (2023) - Same-Sex

Key Supreme Court Judgements 4

S.G. Vombatkere v. Union of India (2022)

Sedition Law on Hold: Balancing Civil Liberties and National Security Background: A challenge was raised against **Section 124A** of the IPC, which criminalises sedition, arguing its frequent misuse to suppress dissent. The Supreme Court took cognisance and suspended its operation pending constitutional review.

Judgement

Sedition law kept in abeyance-no new FIRs to be filed.; All ongoing investigations, trials, and appeals stayed.; Affected persons may approach courts for individual relief.; Court acknowledged the need for a modern legal test balancing liberty with sovereignty. Impact.; Judicial recognition of misuse of colonial- era laws.; Put the burden on the State to justify sedition's necessity.; Set the stage for legislative...

S.G. Vombatkere v. Union of India (2022) - Sedition

Contemporary Relevance and Analytical Angle for UPSC; Use in GS2 answers on civil liberties, colonial laws, and freedom of expression.; Vital for debates on BNS 2023 and the today's national security framework.; Helps analyse judicial restraint vs. proactive rights protection.; Strong example for Essay on free speech in a democracy and abuse of legal provisions.

Vidhya Devi v. State of Himachal Pradesh (2020)

Right to Property as a Human and Constitutional Right Background: The Himachal Pradesh government took possession of an elderly widow's land without due process or compensation, and claimed it via adverse possession. She challenged the act under **Article 300A**.

Judgement

Held that Right to Property is a constitutional and human right.; Forcible dispossession without compensation is illegal and violates dignity.

Vidhya Devi v. State of Himachal Pradesh (2020) -

Key Supreme Court Judgements 5

Judgement

Declared Internet access a fundamental right under **Articles 19 and 21**.; Internet is essential for free speech, education and trade.; Imposed proportionality, time-limit, and judicial review on shutdowns.; Mandated publication of shutdown orders for transparency.

Anuradha Bhasin v. Union of India (2020) - Right to

Key Supreme Court Judgements 6

Karnataka Hijab Issue - Religious Expression vs.

Students were denied entry into a government college for wearing hijab, citing uniform rules. The case challenged whether this ban violated **Articles 14, 19, 21**, and 25. Judgement:; Declared hijab is not an essential religious practice in Islam.; Held that uniform rules do not infringe **Articles 19** or 25.; Supported state's authority to enforce discipline under education laws.; **Upheld Karnataka Education Act, 1983.**

Impact

Sparked national debates on religious freedom, gender, and uniformity.; Viewed by some as limiting access to education for minority women.; Prompted Supreme Court split verdict (2022)-pending larger bench review. secular public institutions.; Illustrates challenges in balancing individual expression and institutional discipline.; Relevant for debates on uniform civil code, women's rights, and inclusive education....

Supreme Court of India v. Subhash Chandra Agarwal

Judiciary under RTI: Balancing Transparency and Independence Background: RTI activist Subhash Agarwal filed applications seeking information about judges' appointments and asset disclosures. The question was whether the CJI's office falls under the RTI Act, 2005, reaching a Constitution Bench. Judgement:; Held that the CJI is a public authority under RTI Act.; Judges are not above the law and their accountability is...

Impact

Promoted judicial transparency and accountability.

Supreme Court of India v. Subhash Chandra Agarwal

Key Supreme Court Judgements 7

Supreme Court of India v. Subhash Chandra Agarwal

Reinforced public trust in the judiciary, especially in appointments.; Connected RTI with post-Puttaswamy privacy safeguards.; Supports debates on Collegium transparency and ethical disclosure.; Illustrates calibrated openness-where transparency supports (and not undermines) independence.; Can be cited in calls for greater public oversight of constitutional bodies.

Navtej Singh Johar v. Union of India (2018)-

Affirming LGBTQ Rights Background: **Section 377** IPC criminalised same- sex relations. Five LGBTQ+ citizens challenged it post the Suresh Kaushal verdict (2013) which had reinstated the ban, reversing **Naz Foundation (2009)**. Judgement:; Struck down **Section 377** for consensual adult acts.; Recognised sexual orientation as identity protected by **Articles 14, 15, 19**, and 21.; Dismissed majoritarian morality and affirmed...

Judgement

Struck down Rule 3(b) as unconstitutional and discriminatory.; Held that devotion cannot justify gender discrimination.; Ruled the practice violated; equality and dignity, and was not an ERP.

Indian Young Lawyers Association v. State of Kerala

Key Supreme Court Judgements 8

Judgement

Restored Hadiya's marriage, holding that her choice of religion and partner was autonomous and constitutionally protected.; Stated that an adult's right to choose a life partner is a facet of individual liberty under **Article 21**.; Held that the High Court cannot annul a valid marriage based on personal perception of welfare.

Hadiya v. Union of India (2018)- Freedom of

Key Supreme Court Judgements 9

Justice K.S. Puttaswamy v. Union of India (2017)

Right to Privacy as a Fundamental Right Background: Justice Puttaswamy challenged mandatory Aadhaar linking, citing surveillance and data misuse concerns under **Article 21**. Judgement;; Declared Right to Privacy as fundamental under **Articles 14, 19, and 21**.; Applied Doctrine of Proportionality to Aadhaar.; Upheld Aadhaar for welfare schemes but struck down use by private entities.; Invalidated Sections enabling...

Shreya Singal v. Union of India (2015)- Freedom of

Key Supreme Court Judgements 10

Judgement

Struck down **Section 66A** as unconstitutional.; Held that vague terms led to arbitrary arrests and chilling effect.; Reiterated that liberty of thought and expression is central to democracy.

Impact

Strengthened online speech protection and civil liberty discourse.; Provided legal clarity on content moderation and platform liability.; Cited in debates on **IT Rules (2021)**, online surveillance and social media takedowns.; Illustrates the judiciary's role in upholding free speech in the digital age.; Relevant for questions on liberty vs. cyber regulation and safe harbour provisions

T.S.R. Subramanian v. Union of India (2013)

Shielding Bureaucracy from Political Interference Background: Filed by retired bureaucrats seeking insulation of the civil service from arbitrary political control, especially against frequent transfers and oral instructions. The case invoked administrative reform ideas such as those from the **Hota Committee**. Judgement;; Oral instructions are not binding unless recorded in writing.; Mandated creation of Civil...

Judgement

Passive euthanasia allowed, with strict guidelines and High Court approval.; Right to life includes dignified death, distinct from suicide (which is not a right).

Aruna Shanbaug v. Union of India (2011) - Passive

Key Supreme Court Judgements 11

Vishaka & Ors v. State of Rajasthan & Ors (1997)

Sexual Harassment at Workplace Background: The petition was filed for the enforcement of fundamental rights of working women under [Articles 14, 19](#), and 21 of the Constitution due to the increasing incidents of sexual harassment at workplaces, especially in light of a brutal gang rape incident in Rajasthan. The petition aimed to establish judicial guidelines for preventing such violations in the absence of...

Vishaka & Ors v. State of Rajasthan & Ors (1997) -

1.21 [Mohini Jain v. State of Karnataka \(1992\)](#)- Right to Education as a Fundamental Right
Background: Mohini Jain challenged capitation fees in private colleges, arguing it violated her fundamental rights, especially equality ([Article 14](#)) and right to life ([Article 21](#)). Judgement:; Declared Right to Education is part of [Article 21](#).; Capitation fee is unconstitutional and exploitative.; Education is not a commercial...

Vishaka & Ors v. State of Rajasthan & Ors (1997) -

Key Supreme Court Judgements 12

Judgement

Upheld 27% OBC reservation and excluded creamy layer.; Fixed 50% reservation cap, with rare exceptions.; Denied reservation in promotions under [Article 16\(4\)](#).; Recommended a permanent OBC classification body.

D.C. Wadhwa v. State of Bihar(1986)- Misuse of

Unconstitutional Background: Bihar government had re-promulgated 256 ordinances between 1967-1981 without legislative approval. D.C. Wadhwa challenged this misuse of executive law-making powers. Judgement:; Re-promulgation without legislative scrutiny is unconstitutional.; Ordinances are temporary emergency measures only.; Misuse violates democratic accountability and rule of law.

Impact

Reinforced legislative supremacy in law-making.; Prevented abuse of ordinance power.; Helps analyse ordinance misuse in land/farm laws or state-level governance.; Illustrates how courts uphold constitutional morality and legislative integrity.; Key case to support calls for transparency in governance.

D.C. Wadhwa v. State of Bihar(1986)- Misuse of

Key Supreme Court Judgements 13

Judgement

Introduced Absolute Liability-no exceptions, stricter than English law .; Hazardous industries fully liable, even without fault.; Recognised right to a clean environment under **Article 21**.; **Article 32** empowers Court to award remedies for environmental harm. Impact.; Ffirst industrial accident case penalising a private firm.; Judicially established green jurisprudence.; Sparked rise of environmental PILs and...

1.25Olga Tellis v. Bombay Municipal Corporation

Right to Livelihood and Eviction of Pavement Dwellers Background: Maharashtra sought to evict pavement dwellers, claiming they should be deported, raising the issue of their right to livelihood under **Article 21**. Judgement;; Right to Life: Eviction without due process violates the right to livelihood, a part of the right to life under **Article 21**.; Eviction Process: Eviction must follow natural justice, giving...

M.C. Mehta v. Union of India (1986) - Birth of

Key Supreme Court Judgements 14

Mohd. Ahmed Khan v. Shah Bano Begum (1985)

Maintenance Rights & the Uniform Civil Code Debate Background: Shah Bano, a divorced Muslim woman, sought maintenance under **Section 125 CrPC**-a secular law-sparking national debate on personal laws vs. constitutional rights. Judgement;; Maintenance applies to all, irrespective of religion.; Cited Quranic principles to justify support for divorced wives.; Stressed the need for UCC to promote gender justice. Impact...

Background

Maneka **Gandhi**'s passport was impounded without a hearing. She challenged the move citing violation of **Article 21** and natural justice. Judgement;; Recognised right to travel as part of personal liberty.

Maneka Gandhi v. Union of India (1978) - Redefining

Key Supreme Court Judgements 15

Maneka Gandhi v. Union of India (1978) - Redefining

Procedure must be just, fair, and reasonable not arbitrary.; Formed the Golden Triangle of **Articles 14, 19, and 21**. Impact;; Shifted from procedural to substantive due process.; Triggered new interpretations of Right to Life.; Influenced jurisprudence on legal aid, privacy, and environment.; Forms basis for PILs and rights-based governance models.; Helps frame arguments in environmental, reproductive and privacy...

Romesh Thapar v. State of Madras (1950)

Landmark in Freedom of Speech Jurisprudence Background: Romesh Thapar's journal Cross Roads was banned under the **Madras Maintenance of Public Order Act, 1949**, prompting a challenge under **Article 19(1)(a)** for violation of the freedom of speech and expression. Judgement;; It recognised freedom of circulation as part of **Article 19(1)(a)**.; Declared that press freedom is implicit in free speech.; Held that "public order"...

Romesh Thapar v. State of Madras (1950) - Landmark

Key Supreme Court Judgements 18

Right to Equality (Article 14-18)

The Court upheld the 27% reservation for Backward Classes under Article 16(4) and rejected an additional 10% reservation Indira Sawhney Case for the poorer sections of upper castes. (Famously known as; Caste can be used to identify backward classes for reservations. Mandal Case) (1992); Reinforced the constitutional validity of reservations for Backward Classes and limited reservation based purely on economic...

Right to Equality (Article 14-18)

Key Supreme Court Judgements 20

Right to Equality (Article 14-18)

The Court ruled that there is no fundamental right to reservations Mukesh Kumar V. The in promotions and states are not obligated to provide them. State of Uttarakhand; Articles 16(4) and 16(4 A) are enabling provisions and not (2020): mandatory and that states are not required to implement them.; The case involved the validity of the 103rd constitutional amendment regarding the Economic Weaker Sections (EWS) Janhit...

Right to Freedom (Article 19-22)

Freedom of Speech and Expression; The Court emphasized that freedom of speech and expression includes the freedom to propagate ideas and the freedom of Romesh Thapar V. State circulation. of Madras (1950); Press freedom is an essential part of Article 19(1)(a) and the freedom to circulate ideas.; The case held that freedom of speech and expression includes the Association for right to receive and impart...

Right to Freedom (Article 19-22)

Key Supreme Court Judgements 21

Right to Freedom (Article 19-22)

Right to Life and Personal Liberty; The Court expanded the scope of personal liberty under Article 21, linking it with Articles 19 and 14.; Any law affecting personal liberty must adhere to "due Maneka Gandhi V. Union Of process," which includes the requirements of Article 19 and India (1978): 14.; It broadened the interpretation of fundamental rights under Articles 19 and 21.; The Court introduced the "rarest of..."

Right to Freedom (Article 19-22)

Key Supreme Court Judgements 22

Background

The Court recognized transgender people as National Legal Services the "third gender" and affirmed their rights to equality and Authority V. Union of India protection. (2014); Transgender people can self-identify their gender and receive reservations in education and employment.; The Court ruled on firecracker sales during Diwali in Delhi, Ban on Diwali Firecrackers balancing public health with industry interests....

Right to Freedom (Article 19-22)

Discuss cases like Maneka **Gandhi** and Justice K.S. Puttaswamy to show how personal liberty and privacy are fundamental and shape governance practices and policies.; Use National Legal Services Authority to highlight how the Court protects marginalized groups, ensures gender equality and rights for transgender individuals.; Refer to Mazdoor Kisan Shakti Sangathan to discuss the boundaries of the right to protest in...

Freedom of Religion (Article 25-28)

Shafin Jahan V. Asokan K.M. (2018) (Case of Hadiya); The Supreme Court held that the right to choose one's religion and marry is an intrinsic part of meaningful existence. The Court stated that neither the state nor patriarchal supremacy can interfere in a person's decision to choose a spouse and religion.; Judgment emphasized that while the Indian Constitution guarantees the right to freedom of religion but it...

Freedom of Religion (Article 25-28)

Key Supreme Court Judgements 23

Triple Talaq Shayara Bano Case (2017)

This case dealt with the constitutionality of Instant Triple Talaq (Talaq-e-bid'at). The Court examined the conflict between gender equality and freedom of religion.; It declared Instant Triple Talaq unconstitutional, ruling that it was not an essential part of Islam and violated the right to equality under **Article 14**. The practice was found to be arbitrary and unconstitutional. **Shah Bano Case (1985)**; Shah Bano, a...

Sedition Law Kedar Nath Singh V. State of Bihar

The case examined the constitutionality of **Section 124A** of the IPC (sedition law) in the context of free speech.; The Court upheld **Section 124A**, affirming sedition laws are valid when speech incites violence or threatens public order. **Shreya Singhal V. Union of India (2015)**; The case addressed the constitutionality of **Section 66A** of the **Information Technology Act**, which criminalized online speech.; The Supreme...

Sedition Law

Key Supreme Court Judgements 27

Judiciary First Judges Case (1981) / S P Gupta

The SC held that "consultation" regarding the appointment of judges does not mean "concurrence," but simply an exchange of views.; Judgment established that the executive has a dominant role in judicial appointments.

Judiciary

Second Judges Case (1993) / Supreme Court Advocates-on-Record Association V. Union of India Case.; This case revisited the interpretation of "consultation" in judicial appointments.; The Court reversed its previous ruling, stating that consultation means "concurrence," making the CJI's advice binding on the President in the appointment of judges.; It strengthened the Collegium system, giving primacy to the CJI's...

Third Judges Case (1998)

This case further clarified the consultation process in judicial appointments.; The Court stated that the CJI must consult a Collegium of the four senior-most judges of the SC and that the CJI's advice alone is not sufficient.; It highlighted the need for a Collegium of judges to ensure transparency and fairness in judicial appointments.

Supreme Court Advocates-On-Record vs. Union Of

The case addressed the constitutionality of the **National Judicial Appointments Commission** (NJAC).; The SC struck down the NJAC under the 99th **Constitutional Amendment Act**, restoring the Collegium system for judicial appointments.; It reinforced the independence of the judiciary and the primacy of the Collegium system in judicial appointments.

National Court of Appeal V. Vasantha Kumar Case

A PIL was filed for the establishment of a National Court of Appeal.; The SC directed the government to reconsider its rejection of the proposal for the establishment of courts in Chennai, Mumbai, and Kolkata.; Highlighted the need for accessibility to justice through regional courts.

Rupa Ashok Hurra V. Ashok Hurra & Another Case

This case involved the concept of the Curative Petition, seeking relief after a review petition had been dismissed.; The SC first evolved the Curative Petition to avoid miscarriage of justice and prevent abuse of the process.; It strengthened the judicial process, ensuring the protection of justice and fairness under **Article 137**.

National Federation of Societies for Fast Justice

The case dealt with the establishment of Gram Nyayalayas.; The SC directed all states to establish Gram Nyayalayas and expedite consultations with state governments.; Judgement promoted access to justice at the grassroots level by establishing village-level courts.

Judiciary

Key Supreme Court Judgements 28

L. Chandra Kumar V. Union of India (1997)

The case examined the role of Tribunals and their relation to the judicial review power of High Courts.; The SC held that Tribunals cannot replace the judicial review power of High Courts but should function as supplementary institutions under their supervision.; It ensured that Tribunals remain accountable to High Courts, maintaining judicial oversight. **Swapnil Tripathi V. SC (2018)**;; BThe SC ordered the...

Prevention of Corruption Act / Prior Sanction for

Vineet Narain V. Union of India (1997) / Jain Hawala Case;; The case involved the requirement of prior sanction for investigating corruption cases involving public servants.; The SC struck down the requirement for sanction to investigate, ruling that government supervision should not control CBI investigations.; It set a time frame of 3 months for granting prosecution sanction and recommended reforms to make the CBI...

Prevention of Corruption Act / Prior Sanction for

Key Supreme Court Judgements 29

Prevention of Corruption Act / Prior Sanction for

Use cases to emphasize the importance of prior sanction in the investigation of corruption cases involving public servants to ensure due process.; Use MK Aiyappa and Narayana Swamy to discuss the impact of requiring prior sanction for investigations, considering its potential to hinder unbiased, efficient investigations.

Uniform Civil Code (Article 44)

Mohd. Ahmad Khan V. Shah Bano Begum and Others (1985):: The SC observed that a common Civil Code would aid national integration by removing conflicting laws and disparate loyalties. **Sarla Mudgal Case (1995)**:: The SC ruled that a Hindu marriage can only be dissolved under the **Hindu Marriage Act**, and a second marriage after converting to Islam is an offence under **Section 494** of the IPC.; Judgement emphasized the need...

Ordinance

D C Wadhwa and others V. State of Bihar and others (1986):: The SC ruled that the Governor cannot assume legislative functions beyond constitutional limits.; Repeated promulgation of ordinances is unconstitutional and must be deemed improper and invalid. Ordinances should only be used to address extraordinary situations. **AK Roy V. Union of India (1982)**:: The SC held that the President's ordinance-making power is not...

Electoral Reforms

Key Supreme Court Judgements 31

Electoral Reforms

The Model Code of Conduct (MCC) comes into force when elections are announced and remains in force until results are declared. It emphasized the importance of MCC in maintaining the integrity of elections. **Union of India V. Association for Democratic Reforms (2002)**:: The SC ruled that electors have a fundamental right to know the antecedents of candidates, including criminal charges. The **Election Commission** was...

Electoral Reforms

Key Supreme Court Judgements 32

Rambabu Singh Thakur V. Sunil Arora (2020)

The SC mandated political parties to disclose the criminal history of their candidates, including case details, charges, and reasons for choosing such candidates.; Promoted accountability of political parties in candidate selection. **Association for Democratic Reforms V. Union of India (2021)**;; The SC directed political parties to disclose the details of electoral bond donations, including donor particulars....

Corruption, Bureaucracy & Politics Nexus

Key Supreme Court Judgements 33

Vijay Madanlal Choudhary V. Union of India (2022)

Judgment: The SC upheld the constitutional validity of the **Prevention of Money Laundering Act (PMLA)**, including provisions on property attachment, search, and seizure. It also supported the reversed burden of proof for bail in money laundering cases.; Affirmed the power of the Enforcement Directorate under PMLA to combat money laundering, strengthening the fight against corruption and financial crimes.

Samatha V. State of Andhra Pradesh (1997)

Judgment: SC nullified mining leases in Scheduled Areas and halted mining operations, emphasizing the right to livelihood under **Article 21**.; Protected tribal land rights against exploitative mining operations.

Environment vs Tribal Rights

Key Supreme Court Judgements 34

Other Important Judgments S. P. Gupta V. Union of

Justice P.N. Bhagwati introduced Public Interest Litigation (PIL), allowing individuals to file petitions in the public interest.; This expanded access to justice through PIL, promoting public accountability.

Safai Karamchari Andolan V. Union of India (2014)

SC ordered the abolition of manual scavenging and mandated the rehabilitation of manual scavengers.; Led to the passage of the **Manual Scavengers and Their Rehabilitation Act, 2013**.

Extra Judicial Execution Victim V. Union of India

SC limited immunity under AFSPA, stating security personnel cannot claim absolute immunity from criminal trial.; Strengthened accountability of armed forces in cases of extrajudicial killings.

Verdict on Rohingya Crisis - Md. Salimullah V. Uoi

SC rejected the plea to stop the deportation of seven Rohingya immigrants, deeming them illegal immigrants.; Upheld the government's stance on deporting illegal immigrants.

Rajbala V. State of Haryana (2015)

SC upheld the law barring illiterate individuals from contesting panchayat elections, asserting that the right to contest is a constitutional right that can be regulated.; Affirmed the state's right to regulate qualifications for electoral candidates.

Zahira Sheikh V. State of Gujarat (2006)

SC emphasized the need for witness protection and defined the concept of a fair trial.; Established the need for witness protection in the judicial process.

Subhash Mahajan V. State of Maharashtra (2018)

SC diluted the provisions of the SC/ST (Prevention of Atrocities) Act, 1989, regarding anticipatory bail and arrest procedures.; Balanced protections for accused and victims by ensuring fair procedures in the application of the Atrocities Act.

ADM Jabalpur Case (1976)

SC upheld the government's power to detain individuals without judicial review during the Emergency.; The ruling was later overturned, acknowledging the denial of habeas corpus during the Emergency. Demonetisation Case: **Vivek Narayan Sharma Case (2016)**;; SC upheld the validity of the demonetisation notification, stating it met the proportionality test.; It affirmed the legality of the government's demonetisation...

Other Important Judgments

Key Supreme Court Judgements 35

Principle of Natural Justice Definition

A fundamental legal doctrine that ensures fairness in decision-making, requiring that both parties to a dispute are given a fair hearing. It includes principles like the right to be heard (audi alteram partem) and impartiality (nemo judex in causa sua).

Key Case

Maneka Gandhi v. Union of India (1978): The case elaborated on the procedural safeguards under natural justice, especially in the context of personal liberty. Contemporary Linkage: The principle of natural justice ensures transparency and accountability in administrative and judicial actions. It is especially relevant in the application of public law principles like the Right to Information and fair trial guarantees.

Principle of Natural Justice

Discuss the role of natural justice in safeguarding individual rights, especially in administrative decisions.; Link the Maneka **Gandhi** case to its continued relevance in cases of government decisions that impact personal freedoms.

Due Process of Law Definition

Ensures that laws are not only legally valid but also fair, just and reasonable.; Key Case: **Maneka Gandhi v. Union of India (1978)**: Expanded the interpretation of **Article 21**, requiring that laws must be fair, just, and reasonable.; Contemporary Linkage: The Triple Talaq judgment (2017) applied the due process principle to emphasize gender justice and personal law reforms, ensuring fundamental rights are upheld even...

Due Process of Law

linking t to the modern application in cases like Triple Talaq.

Procedure Established by Law

Key Supreme Court Judgements 37

Doctrine of Res Judicata Definition

The principle that a matter that has been adjudicated by a competent court cannot be re-litigated between the same parties. This ensures finality in judicial decisions and prevents unnecessary litigation. Key Case:; **Satyadhyan Ghosal v. Smt. Deorajin Devi (1960)**: This case clarified the application of Res Judicata in Indian law, ensuring that decisions by a court of competent jurisdiction cannot be challenged...

Doctrine of Res Judicata

Discuss how the principle of Res Judicata contributes to legal certainty in both civil and criminal law.; Use the Satyadhyan Ghosal case to illustrate its application and link it to modern examples of family and commercial dispute resolution.

'Polluter Pays' Principle Definition

Holds that those responsible for environmental harm must bear the costs of pollution. It advocates for accountability in environmental degradation and pollution.; Key Case:; SC on **Stubble Burning (2020)**: Court imposed penalties on states for air pollution due to stubble burning, reinforcing the principle.; Contemporary Linkage: This doctrine has been used to fine organisations involved in environmental damage...

Doctrine of Locus Standi Definition

A party must have sufficient interest to bring a case, preventing frivolous litigation and ensuring only affected parties approach the court.

Doctrine of Locus Standi

Key Supreme Court Judgements 38

Key Cases

Navtej Singh Johar v. Union of India (2018): Expanded PIL, allowing broader judicial access, especially for constitutional issues.; **S.P. Gupta v. Union of India (1981)**: Court allowed public-spirited individuals to file petitions on behalf of marginalized groups, widening access to justice.; Contemporary Linkage: Locus Standi limits unnecessary cases, but PIL expands access, aiding marginalized groups. S.P. Gupta...

Doctrine of Locus Standi

Explain how Navtej Singh Johar and S.P. Gupta broaden access to justice through PIL for marginalized groups.

Doctrine of Public Trust Definition

Certain natural resources are held by the government in trust for the public. It ensures that public resources are used responsibly for the common good.; Key Case: **M.C. Mehta v. Kamal Nath (1997)**: State must protect the environment as a public trustee. Contemporary Linkage: This principle is vital in the context of environmental protection debates, especially with regard to air and water pollution.

Doctrine of Public Trust

Use **M.C. Mehta v. Kamal Nath** to explain the state's responsibility as a trustee of natural resources.

Doctrine of Pith and Substance Definition

Determines the core or true nature of a law to categorize it under the correct legislative list.; Key Case:; **State of Bombay v. F.N. Balsara (1951)**: Established the first application of this doctrine to resolve conflicts between legislative subjects.; Contemporary Linkage: This doctrine helps address federal conflicts, particularly in cases where laws affect both central and state subjects.

Doctrine of Pith and Substance

Use **State of Bombay v. F.N. Balsara and Prafulla v. Bank of Commerce** to demonstrate how this doctrine applies in determining the legislative competence of legislatures at different levels.

Doctrine of Severability Definition

When part of a law is unconstitutional, only the invalid part is struck down, leaving the rest intact.; Key Case:; **A.K. Gopalan v. State of Madras (1950)**: This case reaffirmed that only unconstitutional provisions are void.; Contemporary Linkage: This principle has been crucial in maintaining legislative intent, even when parts of a law violate constitutional rights.

Doctrine of Severability

unconstitutional parts while preserving the intent of laws.

Doctrine of Severability

Key Supreme Court Judgements 39

Doctrine of Eclipse Definition

A law violating Fundamental Rights is not void but unenforceable until it is revived.; Key Case:; **Keshavan Madhava Menon v. State of Bombay (1951)**: Court held that laws conflicting with Fundamental Rights are temporarily eclipsed.; Contemporary Linkage: This doctrine has been instrumental in interpreting laws that conflict with evolving interpretations of fundamental rights.

Doctrine of Eclipse

in contemporary constitutional interpretation, particularly with evolving rights like privacy, right to be forgotten, etc.

Doctrine of Colourable Legislation Definition

Implies that a legislature cannot do something indirectly what it cannot do directly.; Key Case;; **R.S. Joshi v. Ajit Mills (1977)**: SC held that laws passed under a subject not within the legislature's competence are "colourable" and hence unconstitutional.; Contemporary Linkage: This doctrine ensures that legislative actions remain within the constitutional framework.

Doctrine of Colourable Legislation

Use **R.S. Joshi v. Ajit Mills** to show how this doctrine checks the overreach of legislative powers.

Doctrine of Harmonious Construction Definition

A method used by courts to resolve conflicts in legal provisions, ensuring all provisions of a statute are read together harmoniously.; Key Case;; **East India Hotels Ltd. v. Union of India (2000)**: SC emphasized that all provisions must be read together to maintain consistency.; Contemporary Linkage: This doctrine is crucial in resolving conflicts between Union, State, and Concurrent List laws, especially in federal...

Doctrine of Harmonious Construction

Use East India Hotels to demonstrate the application of this doctrine in resolving conflicts between constitutional provisions and federal units.

Doctrine of Repugnancy Definition

Resolves conflicts between Central and State laws, giving precedence to the Central law in cases of contradiction.; Key Case;; **M. Karunanidhi v. Union of India (1979)**: SC ruled that if a Central and State law are irreconcilably inconsistent, the Central law prevails.; Contemporary Linkage: Relevant in modern federal governance when state laws conflict with central policies, especially in concurrent matters.

Doctrine of Repugnancy

M. Karunanidhi case can be quoted to explain how the doctrine resolves conflicts between central and state laws.

Doctrine of Repugnancy

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