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Supreme Court's Judgment on Private Property: Analyzing the Constitutional Provisions

Context: The Supreme Court of India recently delivered a landmark judgment affirming that the state does not have an unrestricted right to acquire private property for public use. This ruling, made by a nine-judge Constitution Bench led by Chief Justice D.Y. Chandrachud, marks a significant shift in the interpretation of property rights and India's economic policies.

- Historically, the state had broad powers to acquire private property for the "common good," but this decision departs from those doctrines, reflecting India's transition from a socialist economic model to a more liberalized, market-driven economy.
- The judgment draws heavily on the interplay between Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy) of the Constitution, which outline the relationship between individual rights and state power.

Not all private properties are 'material resources of community' under Art. 39(b) for state to equally distribute; Supreme Court rules in landmark 7:2 verdict

Article 300A – Right to Property

- Article 31, which once guaranteed the fundamental right to property, was repealed by the 44th Amendment (1978). The replacement, Article 300A, ensures that property is a legal right, not a fundamental right.
- The Court's judgment emphasizes that the state can only acquire property through lawful procedures, ensuring fair compensation and due process. This prevents arbitrary confiscation of property.

Article 19(1)(f) – Right to Property (Before 1978)

- Before 1978, Article 19(1)(f) protected the fundamental right to acquire, hold, and dispose of property. Though this provision was repealed by the 44th Amendment, the Court acknowledged its historical significance, reinforcing that the state must respect property rights within constitutional limits.

Doctrine of "Public Purpose" and Eminent Domain:

- The state has the power to acquire property under the Eminent Domain Doctrine for public purposes, but the Court has narrowed the definition of "public purpose." It rejected broad interpretations that allowed arbitrary state acquisitions, stressing that such acquisitions must serve direct public welfare, economic growth, or national interest.

Directive Principles of State Policy (Part IV):

- While DPSPs guide government policy, they are not legally enforceable. The Court highlighted Article 39(b), which directs the state to distribute resources for the common good. It emphasized that the evolving economic context requires a balance between private property rights and public welfare.
- In rejecting the broad interpretation of property acquisition for "public good," the Court emphasized fair compensation, due process, and a clear public purpose, marking a significant move toward protecting individual property rights in India's market economy.

Supreme Court Upholds Constitutional Validity of UP Madarsa Act

Context: The Supreme Court of India upheld the constitutional validity of the Uttar Pradesh Board of Madarsa Education Act, 2004 (Madarsa Act), except for its provisions allowing the Board to award higher degrees like Fazil and Kamil.

- The Allahabad High Court had struck down the Act in March 2024, citing violations of secularism and the basic structure of the Constitution.
- The Uttar Pradesh Board of Madarsa Education Act, 2004 (commonly referred to as the Madarsa Act) provides a legal framework for the regulation of madrasas in the state of Uttar Pradesh, India. Madrasas, which are primarily

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Islamic schools, provide religious education alongside general secular education. The Act aims to ensure that madrasas follow a standardized curriculum and adhere to certain educational norms.

Key Findings:

Upheld Constitutional Validity:

- The Supreme Court of India upheld the constitutional validity of the Madarsa Act, affirming that it was within the legislative competence of the state to regulate the education system in madrasas, especially regarding the secular education components.
- The Court clarified that the Act's primary objective is to ensure that madrasas provide a minimum standard of education, which enables students to participate effectively in society and the economy.

Regulation of Higher Education:

- The Court, however, struck down the provision that allowed the Madarsa Board to confer degrees such as Fazil and Kamil. This was because such regulation was in conflict with the University Grants Commission (UGC) Act, 1956, which governs higher education in India.
- The Court ruled that regulating higher education falls under the domain of the UGC, and the state could not interfere with this aspect of education.

Religious Instruction and Secular Education:

- The Court acknowledged that madrasas can provide religious education but emphasized that the state has the right to regulate secular education in these institutions to ensure quality and competence.
- The Court stated that minority institutions (including madrasas) have the right to administer their education, including religious education, but they must comply with state education regulations for secular subjects.

State's Interest in Education:

- The Court highlighted the state's positive obligation to ensure that students in madrasas attain a level of competency in secular subjects. This is necessary for their social and economic participation.
- It stressed that while madrasas serve as religious institutions, their primary aim is education, and they should not be exempt from adhering to the state's educational standards for secular subjects.

Minority Rights:

- The Court reaffirmed that religious minorities have the constitutional right to establish and administer educational institutions under Article 30 of the Indian Constitution.
- However, it also pointed out that this right is not absolute. The state can impose reasonable regulations to ensure that minority educational institutions meet prescribed educational standards, such as the quality of teaching and student welfare.

Secularism and the Right to Education:

- The judgment clarified that the Right to Education (RTE) Act applies to all educational institutions, but minority institutions can be exempted from its application as per the provisions of the Constitution. The Madrasa Act does not violate Article 21A (Right to Education), as it ensures the provision of education to all students while respecting their right to religious education.

Director General of Police, Uttar Pradesh Selection and Appointment Rules, 2024

Context: The Uttar Pradesh government has introduced the Director General of Police, Uttar Pradesh Selection and Appointment Rules, 2024 to overhaul the process of appointing the state's top police officer.

Key features of the new rules:

- **Selection Committee Composition:**
  - » **Chairperson:** A retired High Court judge will chair the committee responsible for selecting the DGP.
  - » **Members:** The committee will also consist of:
    - Chief Secretary of Uttar Pradesh.

- A nominee from the UPSC (Union Public Service Commission).
- Chairperson or nominee from the Uttar Pradesh Public Service Commission (UPPSC).
- Additional Chief Secretary/Principal Secretary of the Home Department.
- A retired Director General of Police (DGP).

- **Change from Previous Process:**
  - » Previously, the Uttar Pradesh government would send a list of potential candidates for the DGP post to the UPSC, which would then make the selection.
  - » The new rules replace this system with a state-level committee-based process aimed at improving independence and transparency.

Purpose and Objective:

- The aim of these rules is to ensure that the DGP appointment process is free from political interference and is conducted in a transparent and independent manner.
- This move is in response to the Supreme Court's 2006 directive, which stressed that police appointments should be insulated from political pressures and that police reforms should be implemented to safeguard citizens' rights and uphold the rule of law.

Eligibility Criteria:

- Officers seeking the DGP position must have at least six months of service remaining before retirement from the date of the DGP vacancy.
- This ensures that only officers who have substantial tenure left can be considered for the post.

Minimum Tenure for DGP:

- Once appointed, the DGP will serve a minimum tenure of two years.
- This is aimed at ensuring stability in the leadership of the Uttar Pradesh Police and continuity in its functioning.

Conditions for Removal:

- The DGP may be removed before completing the two-year tenure if:
  - » A criminal case or corruption case is filed against them.
  - » They fail to discharge their duties and responsibilities properly.
  - » These conditions align with the Supreme Court's guidelines on the removal of the DGP to ensure that the officeholder is held accountable.

Key Implications:

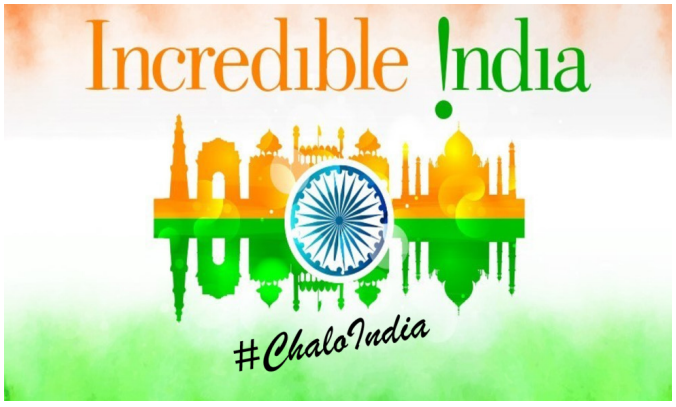
- The new rules are designed to enhance the professionalism and accountability of the Uttar Pradesh Police.
- They aim to align the state police force with the larger objective of ensuring that the police function effectively, impartially, and free from political pressures.
- By providing a more transparent and merit-based selection process, the rules seek to strengthen public trust in the state's policing system.

'Chalo India Campaign'

Context: The Ministry of Tourism is launching the 'Chalo India' campaign to attract more foreign tourists to India. The initiative offers free e-visas to foreign nationals nominated by Overseas Citizens of India (OCI) cardholders. This campaign is part of India's efforts to promote tourism and build a strong brand identity for the country.

Key Features:

- **Free E-Visas:** Each OCI cardholder can nominate up to five foreign nationals for free e-visas, with a total of one lakh e-visas being offered.
- **Special Portal for Registration:** OCI cardholders will register their nominations on a dedicated portal. After verification, they will receive a unique code, which can be used by the nominated friends to apply for the visa.
- **Targeted Markets:** The UK, which has one of the largest Indian diaspora populations, is a key focus of this initiative.



Campaign's Objectives:

- **Boost Tourism:** The campaign seeks to increase foreign tourist arrivals, especially in the wake of the pandemic, which severely impacted tourism numbers.
- **Promote Brand India:** By leveraging the global Indian diaspora, the campaign aims to position India as a vibrant, diverse travel destination.
- **Increase Inbound Tourism from the UK:** The UK is India's third-largest source market for foreign tourists, with nearly 1.9 million UK nationals visiting in recent years.

Overview of the Overseas Citizen of India (OCI) Scheme:

- The Overseas Citizen of India (OCI) scheme, introduced in August 2005, provides a special registration status for Persons of Indian Origin (PIOs) who were citizens of India on January 26, 1950, or thereafter, or were eligible to become Indian citizens on that date. The scheme allows such individuals to retain their connection to India while holding a foreign passport.

Eligibility Criteria:

- Citizens of Pakistan or Bangladesh: Individuals whose parents or grandparents have ever been citizens of these countries are not eligible.
- Foreign Military Personnel: Both serving and retired foreign military personnel are ineligible. However, the spouse of foreign origin of an Indian citizen or OCI holder, whose marriage has been registered and subsisted for at least two years, is eligible to apply.

Advantages of Holding an OCI Card:

- **Life-long Visa:** A multiple-entry, multi-purpose visa for visiting India without the need for frequent renewals.
- **Exemption from Registration:** No requirement for registration with local police for any duration of stay in India.

Limitations for OCI Holders:

- **No Voting Rights:** They cannot vote in Indian elections or be a member of the Indian Legislative Assembly, Legislative Council, or Parliament.
- **Ineligible for Constitutional Posts:** OCI holders cannot hold key constitutional positions such as the President, Vice President, or Judges of the Supreme Court or High Courts.
- **Employment Restrictions:** They cannot hold government employment in India.

Power Packed News

VINBAX 2024

- The Vietnam-India Bilateral Army Exercise, VINBAX 2024, has begun in Ambala, Haryana, from November 4-23. This fifth edition aims to enhance joint military capabilities and promote interoperability between India and Vietnam. For the first time, personnel from both the Indian Army and Air Force are participating.
- The exercise reflects the growing defense cooperation between the two nations, which established a Comprehensive Strategic Partnership in 2016.
- VINBAX fosters collaboration through joint military exercises, defense dialogues, capacity building, and maritime cooperation, strengthening India-Vietnam ties and addressing regional security concerns in the Indo-Pacific.

International Allied Health Conference (IAHC 2024)

- The Global Allied Health Network (GAHN) was launched at the International Allied Health Conference (IAHC 2024) held on November 1, 2024, alongside the third Singapore Allied Health Conference.
- The event saw the participation of 1,100 Allied Health Professionals (AHPs) and students from over 18 countries. Organized by the National University Health System (NUHS) in partnership with SingHealth and the National Healthcare Group (NHG), the conference aimed to foster collaboration and innovation in the healthcare sector.

- The theme, "Advancing Allied Health: Diverse in Calling, United in Purpose", highlighted the collective mission of healthcare professionals across various specialties.

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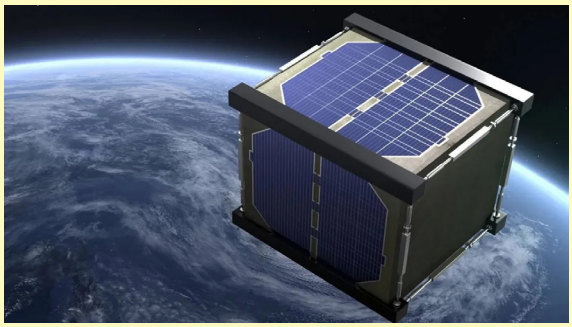

- Japan is set to test the world's first wooden satellite, LignoSat, developed by scientists from Kyoto University in collaboration with the homebuilder Sumitomo Forestry.
- The satellite, named after the Latin word for wood, will be launched to the International Space Station (ISS) aboard a SpaceX rocket. It will orbit for six months to test how well Japanese Honoki wood, sourced from magnolia trees, can withstand space's extreme conditions.
- This innovative material is environmentally friendly, as it will burn up harmlessly upon re-entry, unlike traditional satellites that release polluting metal particles when they disintegrate.