# Daily News Analysis

**The Hindu Important News Articles & Editorial For UPSC CSE**

**Tuesday, 16 Sep, 2025**

## Edition: InternationalTable of Contents

## Page 01&05:GS 2 : Indian Polity / Prelims

The Supreme Court (SC) recently delivered an important verdict on the Waqf (Amendment) Act, 2025, balancing religious rights, property rights, and the State's interest in preventing misuse of Waqf provisions. While the court upheld the Act's broad validity, it stayed certain provisions it found prima facie arbitrary—notably those that gave unchecked powers to the executive and undermined judicial determination of property titles. This case highlights the constitutional principles of separation of powers, protection of minority rights, and accountability in religious endowments.

**Key Highlights of the Judgment**

1. **Presumption of Constitutionality** – SC reiterated that a Parliamentary law is presumed valid unless clearly unconstitutional.
2. **Stayed provisions**:
   - 5-year proof of practising Islam: SC held the idea valid but stayed it since no clear mechanism exists.
   - Section 3C proviso: Declaring a Waqf as government property upon mere doubt was held "totally unconstitutional."
   Only judiciary can decide ownership, not executive officers.
   - Revenue record changes: Executive cannot unilaterally alter Waqf Board and revenue records.
3. **Waqf Councils & Boards**:
   - Central Waqf Council → max 4 non-Muslims out of 22.
   - State Waqf Boards → max 3 non-Muslims out of 11.
   - CEO of State Waqf Boards → preferably a Muslim.
4. **Mandatory Registration**:
   - Long-standing requirement (since 1923, continued under 1995 Act).

### SC backs move to rid 'waqf by user' of statutory recognition

Top court did not *prima facie* find any substance in the argument that centuries-old lands, graveyards, dargahs and mosques, recognised as Waqfs through long and consistent usage over the years, will be 'grabbed' by the government

Krishnadas Rajagopal
NEW DELHI

The Supreme Court said legislative action to rid 'Waqf by user' of statutory recognition and make registration of Waqfs mandatory cannot be termed "arbitrary", considering the "menace" of encroachment on "huge government properties" over the years.

"We are of the view that if the legislature in 2025 finds that on account of the concept of 'Waqf by user', huge government properties have been encroached upon, and to stop the menace, it takes steps for deletion of the provision, the amendment, *prima facie*, cannot be said to be arbitrary," Chief Justice of India B.R. Gavai, heading a Division Bench, observed in a judgment refusing to stay the entirety of the Waqf (Amendment) Act, 2025.

The SC verdict referred to how the Andhra Pradesh Waqf Board had notified thousands of acres of land belonging to the government as Waqf property.

The Andhra Pradesh government had failed to get the land back in the High Court, and had to finally appeal to the Supreme

*We are of the view that if the legislature in 2025 finds that on account of the concept of 'waqf by user', huge government properties have been encroached upon, and to stop the menace, it takes steps for deletion of the provision, the amendment, prima facie, cannot be said to be arbitrary*

B.R. GAVAI
Chief Justice of India

Court, which set aside the notification and had held that the lands were vested with the State.

"After noticing such instances of misuse, if the legislature finds that the concept of 'waqf by user' has to be abolished and that too prospectively, in our view, the same cannot *prima facie* be said to be arbitrary," the court reiterated.

Clause (i) of Section 3(r) of the Waqf Act of 1995 had recognised "Waqf by user", which meant a property used for religious or charitable purposes but without any formal written declaration or deed stating its character.

**Formal deed must**
The 2025 Amendment Act omitted the concept of "waqf by user" and insisted on a formal Waqf deed.

The court noted that mandatory registration of Waqfs was not a new concept. It had been part of the 1995 Waqf law.

"We are, therefore, of the view that if for 30 long years, the Mutawallis [managers of Waqfs] had chosen not to make an application for registration, they cannot be heard to say that the provision which now requires the application to be accompanied by a copy of the Waqf deed is arbitrary," the Chief Justice, who authored the judgment, observed.

The apex court did not *prima facie* find any substance in the petitioners' argument that centuries' old lands, graveyards, dargahs and mosques, which have been recognised as Waqfs through long and consistent usage over the years, would be "grabbed" by the government.

In this regard, the court recorded the assurance given by Solicitor General Tushar Mehta, who appeared for the Centre, that the deletion of clause (i) of Section 3(r) of the original 1995 Waqf Act would only come into effect prospectively, when the 2025 amendments came into effect.

The Amendment Act was notified on April 8, 2025.

**'Misuse of provisions'**
The Union government, also represented by advocate Kanu Agrawal, had earlier informed the apex court that "shocking" misuse of Waqf provisions had led to "rampant encroachments" on private and government properties.

The Centre had submitted that encroachments had led to a 116% rise in Waqf lands from 2013 to 2024, a phenomenal high unmatched even in the Mughal period.

"It is submitted that right before even Mughal era, pre-Independence and post-independence eras, the total of Waqfs created was 18,29,163.896 acres of land in India.

Shockingly after 2013, in just 11 years, the addition of Waqf land is 20,92,072.536 acres... The figure of 20 lakh acres is additional and not the total figure. The total comes to 39,21,236.459 acres of land," the Minority Affairs Ministry affidavit had submitted in the court in April.

**Centre's take**
The government had argued that removing the concept of 'waqf by user' in the 2025 amendments did not deprive a Muslim his right to create a Waqf.

"Under the proviso to Section 3(1)(r), no trust, deed or any documentary proof has been insisted upon in the amendment or even prior thereto. The only mandatory requirement for being protected under the proviso is that such 'waqf by user' must be registered as on April 8, 2025, as registration has always been mandatory as per the statute governing waqfs since last 100 years," the Centre had said.

Only those who evaded registration to avoid being accountable under a statutory regime or reveal transactions of land dealings would be in trouble, the government had maintained in court.

o SC upheld requirement of Waqf deed in 2025 amendments.

5. **Abolition of "Waqf by user"**:
   o Court upheld the amendment deleting recognition of "Waqf by user" (properties used as Waqf without a deed).
   o Government justified it citing large-scale encroachments on state land, esp. Andhra Pradesh case.
   o SC agreed it cannot be called arbitrary if applied prospectively.

## Static Context

- **What is Waqf?** A permanent dedication of movable/immovable property by a Muslim for religious, pious, or charitable purposes.
- **Waqf Act, 1995**:
  o Established Waqf Boards for state-level management.
  o Recognised Waqf by user.
  o Made registration compulsory but did not require deed.
- **Problems**:
  o Encroachments on government/private lands.
  o Lack of accountability in registration & management.
  o Reports: over 8 lakh Waqf properties in India, ~6 lakh unregistered (as per Sachar Committee, 2006).
- **Separation of Powers Principle**:
  o Ownership disputes fall under judiciary, not executive.

## Current Context (Why Relevant Now?)

- **Massive Rise in Waqf Land**: Govt affidavit →Waqf lands increased 116% between 2013–2024 (from ~18.3 lakh acres to ~39.2 lakh acres).
- **Misuse Allegations**: Govt argued that many claims were fraudulent, creating encroachments.
- **Political & Minority Sensitivity**:
  o Opposition sees amendments as targeting Muslim institutions.
  o Govt defends as property reform, not religious interference.
- **SC's Role**: Acting as a constitutional balance-keeper → safeguarding both minority rights and public property interests.

## Conclusion

The SC's verdict on the Waqf (Amendment) Act, 2025 is a classic example of judicial balancing—upholding Parliament's intent to reform Waqf governance while striking down arbitrary provisions that breached constitutional principles. Going forward, the judgment may reshape how religious endowments are regulated in India, ensuring that minority rights are preserved without compromising public property and rule of law.

## UPSC Prelims Practice Question

**Ques:Which of the following constitutional provisions are most directly relevant to Waqf regulation in India?**

1. Article 25 – Right to freedom of religion

2. Article 26 – Right to manage religious affairs

3. Article 29 – Protection of cultural rights of minorities

4. Article 300A – Right to property

**Select the correct answer:**

a) 1, 2 and 3 only

b) 1, 3 and 4 only

c) 1, 2, 3 and 4

d) 2 and 4 only

**Ans: (c)**

## UPSC Mains Practice Question

**Ques:** The abolition of "Waqf by user" has been justified by the government citing rampant encroachments of public land. Do you agree that such a step ensures accountability in religious endowments? Substantiate your answer.**(250 Words)**

## Page 08:Essay&GS 1, 2 & 3 : Social issues, Indian Polity & Indian Economy / Prelims

**Essay Quotes :"Women's empowerment is not just a social justice goal but an economic necessity for India@2047."**

India's aspiration of becoming a $30 trillion economy by 2047 hinges on inclusive growth. However, with women contributing only 18% to GDP and nearly 196 million employable women outside the workforce, the gender gap in participation remains a significant barrier. The recent launch of the Women's Economic Empowerment (WEE) Index in Uttar Pradesh offers an innovative step in addressing this challenge by embedding a gender lens in governance and data systems.

# India's economic ambitions need better gender data

Women contribute just 18% to India's GDP today, but continuing with business-as-usual means that trillions of dollars will be left on the table. India's aspiration to become a $30 trillion economy by 2047 rests on a simple truth: inclusive growth cannot happen if half its population remains invisible in the data that drive policy and investment. Nearly 196 million employable women are outside the workforce. While the Female Labour Force Participation Rate has improved to 41.7%, only 18% of these women are in formal employment. The question is not just how India creates opportunities for women, but how it ensures that these opportunities are visible, measurable, and acted on across every department of governance.

**A district-level tool**
The launch of the Women's Economic Empowerment (WEE) Index by the Government of Uttar Pradesh – the first in India – offers a glimpse of what is possible. This district-level tool tracks women's participation across five economic levers: employment; education and skilling; entrepreneurship; livelihood and mobility, and safety and inclusive infrastructure. Its significance lies beyond the index. It signals a shift toward embedding a gender lens in every dataset, every department, and every decision.

India produces multiple indices on health, economic well-being and infrastructure. Very few disaggregate this data by gender. Without this lens, gaps remain hidden. Without visibility, reforms stall. And without reforms, exclusion becomes entrenched.

**Pooja Sharma Goyal**
is the Founding CEO of The Udaiti Foundation

**Vivek Kumar**
is Program Lead, The Udaiti Foundation

The Government of Uttar Pradesh's Women's Economic Empowerment Index is a model that can be replicated across the country

When inequities become visible, action follows. In Uttar Pradesh's transport sector for instance, data analysis of bus drivers and conductors in the State and the low percentage of women in this segment prompted the department to redesign recruitment strategies and address foundational infrastructure gaps such as women's restrooms in bus terminals. These changes, while modest, are catalytic, and are unlikely to have occurred without gender-specific insights.

The WEE Index shows how such insights can be systematised. By mapping where women drop off – from school to skilling, skilling to work, or entrepreneurship to credit – it moves the conversation beyond participation rates to structural barriers. Consider this striking pattern: while women dominate (more than 50%) enrolment in Uttar Pradesh's skilling programmes, they represent a fraction of registered entrepreneurs, with their access to credit being even more limited. This highlights not only participation gaps but also the systemic barriers to finance and enterprise support – data that can directly inform policy reform.

**The need for data from every system**
If India is serious about closing its gender gap at scale, gender-disaggregated data must become universal and normative. This requires integrating gender breakdowns into every departmental management information system – from micro, small and medium enterprises to transport to housing – and building the capacity of local governments to collect and use this data effectively to create effective gender action plans.

It also calls for moving beyond surface-level counts to track retention, leadership, re-entry, and quality of employment, particularly at stages after Class 12 in school and post-graduation, where female dropout rates surge.

Equally important is the need for a rethink on gender budgeting. Too often, gender budgeting is confined to finance departments or specific women's welfare schemes. True gender budgeting applies a gender lens to every rupee spent – across education, energy, infrastructure, and more. It is simple – you cannot budget for what you do not measure.

**Help for States moving ahead**
What Uttar Pradesh has piloted is a foundation that can be replicated and scaled. States such as Andhra Pradesh, Maharashtra, Odisha and Telangana have already set trillion-dollar economic goals. To achieve them, they must leverage their gender dividend. A robust framework such as the WEE Index can help States translate intent into implementation – turning data into district-wise gender action plans that guide budget allocations, infrastructure priorities and programmatic reforms.

India's gender gap is not new, but India's response to it must evolve. The solution would involve a fundamental change in how India sees, measures and responds to gender across every level of governance.

The WEE Index is not the finish line but the starting block. It makes visible what has long been invisible and offers a road map to move women from the margins to the mainstream of India's growth story.

---

## Key Issues Highlighted

1. **Low Female Labour Force Participation (FLFP)**
   - Current rate: 41.7%, but only 18% in formal employment.
   - Major dropouts occur after Class 12 and higher education.
2. **Invisible Gender Gaps in Data**
   - Most national indices (health, infrastructure, economy) lack gender-disaggregated data.
   - Without gender breakdowns → gaps remain hidden → reforms stall.
3. **Systemic Barriers to Women's Economic Empowerment**
   - Women dominate skilling enrolments (>50%) but form a tiny share of registered entrepreneurs.
   - Limited access to credit and enterprise support further restricts mobility.
4. **Pilot: WEE Index in Uttar Pradesh**
   - Tracks women's participation across 5 levers: employment, education/skilling, entrepreneurship, livelihood & mobility, and safety/infrastructure.
   - Example: Transport sector reforms (recruitment strategies, restrooms for women) emerged from gender data insights.

**Broader Context**

- **Static:**
  - Constitutional provisions: Art. 14 (equality), Art. 15 (non-discrimination), Art. 39(a) (equal right to livelihood).
  - Gender Budgeting (2005) introduced but remains narrowly applied.
  - Global Indices: India ranks low on Global Gender Gap Index 2024 (129/146).
- **Current**:
  - States like Maharashtra, Odisha, AP, Telangana have $1 trillion economy targets→ gender inclusion is key.
  - NITI Aayog's Women Entrepreneurship Platform (WEP) and Gati Shakti scheme can integrate gender-disaggregated data.
  - International best practices: OECD countries embed gender analysis in national budgets.

**Policy Implications**

1. **Mainstream Gender Data**
   - Integrate gender-disaggregated indicators in every departmental MIS (transport, MSMEs, housing, health).
   - Focus not just on counts, but retention, leadership, re-entry, and quality of jobs.
2. **Rethink Gender Budgeting**
   - Move beyond "women's schemes" → apply gender lens to every rupee spent.
   - Example: Infrastructure → women's safety, mobility, digital access.
3. **Localisation of Gender Action Plans**
   - Use WEE Index insights for district-wise action plans→ guide budgets, infrastructure, and reforms.
   - Build local government capacity in gender-sensitive data collection.
4. **Catalysing Economic Growth**
   - McKinsey estimates that equal participation of women could add $770 billion to India's GDP by 2025.
   - With 196 million employable women outside the workforce, India holds the largest untapped labour reserve in the world.

**Conclusion**

India's growth ambitions cannot be realised without closing its gender gap. The WEE Index shows how data visibility drives action—turning invisible inequities into targeted reforms. Scaling such tools nationwide and embedding gender-disaggregated data into every policy decision will be crucial. True gender budgeting means measuring, planning, and investing with women at the centre of India's growth strategy.

<div style="background:red; color:white; text-align:center; font-weight:bold">UPSC Prelims Practice Question</div>

**Ques: Consider the following:**

1. Global Gender Gap Index

2. NITI Aayog's Women Entrepreneurship Platform

3. WEE Index

4. Gender Budgeting introduced in India

**Which of the above are India-specific initiatives?**

a) 1, 2 and 3 only

b) 2, 3 and 4 only

c) 1 and 4 only

d) 2 and 4 only

**Ans: (b)**

## UPSC Essay Paper Practice Question

**1.**"You cannot budget for what you do not measure."**(1200 Words)**

**2.**"Half the population, half the growth story."**(1200 Words)**

## UPSC Essay Paper Practice Question

**Ques :**Women remain at the margins of India's growth story due to invisibility in data systems." Discuss with reference to recent initiatives like the WEE Index. **(150 Words)**

## Page 09 :GS 2 : Social Justice / Prelims

**Essay Quotes :** "The judgment bridges law, victimology, and social justice, making mental health central to India's constitutional promise of dignity."

In July 2025, the Supreme Court in SukdebSaha vs State of Andhra Pradesh declared mental health as an integral part of the Right to Life under Article 21, marking a constitutional landmark. Triggered by the tragic suicide of a 17-year-old NEET aspirant, the case expanded beyond an individual grievance into a systemic recognition of student suicides, institutional neglect, and state responsibility. The verdict aligns legal, criminological, and victimological perspectives.

**Key Aspects of the Verdict**

1. **Constitutional Recognition**
   - Mental health → not just a statutory right under Mental Healthcare Act, 2017 but a fundamental right under Article 21.
   - Elevated normative benchmark: citizens can demand enforcement.
2. **The "Saha Guidelines"(binding interim orders)**
   - Schools, colleges, hostels, and coaching centres → must set up support systems.
   - States/UTs → frame rules within 2 months.
   - District-level monitoring committees for

## Court's nod to mental health as right

In July 2025, the Supreme Court of India pronounced a verdict which has been called a constitutional landmark. The case, *Sukdeb Saha vs The State Of Andhra Pradesh*, was anchored in the anguish of a father who had lost his 17-year-old daughter, a NEET candidate, in a Visakhapatnam hostel. Dissatisfied with what he believed was the failure of the local police to make a full investigation of the cause, he demanded a Central Bureau of Investigation (CBI) inquiry. His petitions were rejected by the Andhra Pradesh High Court, which saw him approach the Supreme Court. The result was not only an order shifting the investigation to the CBI but also a much-needed acknowledgment of mental health being an integral part of the right to life, under Article 21 of the Constitution.

The top court's argument transcended the specific case and revolved around a crucial social issue: India's runaway epidemic of student suicides. From a criminological perspective, the case highlights what can be termed structural victimisation. Student suicides are rarely framed in these terms. Yet, systemic neglect of mental health combined with the exploitative culture of coaching centres and the indifference of schools and universities, produce an environment where young people become vulnerable to harm. By failing to provide safeguards, the state and institutions become complicit. When institutions create or ignore conditions that drive individuals to the brink, the line between personal tragedy and institutional culpability becomes blurred.

The gaze of victimology, which has long examined the dynamics between victims and perpetrators, can be extended to state institutions as de facto perpetrators. Students are not just "victims" of internal psychological battles. They are the victims of an education system that treats them shabbily. It is also about social

**Shabin O.S.**
is Assistant Professor, Rashtriya Raksha University, Puducherry campus

**Nabeela Siddiqui**
is Assistant Professor, Vinayaka Mission's Law School, Vinayaka Missions Research Foundation – Deemed to be University, Chennai

The Supreme Court's judgment in 'Sukdeb Saha vs The State Of Andhra Pradesh', acknowledges mental health to be an integral part of the right to life

values that link self-esteem to hierarchy and of a governance collapse that subordinates mental health as a secondary concern. By recognising mental health as an inherent right, the Court was recognising the structural aspect of victimisation. It recast the problem not as a personal bereavement but as a public injustice.

Legally, the verdict fills a vital gap. The Mental Healthcare Act 2017 already enshrines the right to receive mental health care. But it has not been implemented consistently, and enforcement mechanisms are still poor. By entrenching mental health in the Constitution, the Court has established an elevated normative benchmark. Citizens can insist on safeguarding their psychic health as a fundamental right, not just a statutory right. To ensure that this did not become mere rhetoric, the Court ordered a package of binding interim orders – now referred to as the "Saha Guidelines". Here, schools, colleges, hostels and coaching institutes are required to proactively develop support systems to address the issue of mental health. They instruct States and Union Territories to bring the rules into force in two months and obligate the setting up of district-level monitoring committees. Until Parliament passes a full code, these guidelines will have legislative force.

The ruling also poses significant criminological questions regarding state responsibility. If suicides among students are partially an outcome of institutional neglect, can this form of neglect be regarded as structural violence? Johan Galtung's theory of structural violence posits that societal structures causing systematic harm to individuals by depriving them of basic needs are equally blameworthy as direct violence. By not creating a safe environment, the state and educational institutions indirectly perpetuate harmful circumstances. This perspective

changes student suicides from being viewed as "individual failures" to a result of systemic injustice. As a victimology case, it is a point where hidden victims become visible. Students, frequently silenced by stigma or system competitiveness, are seldom heard as rights holders when it comes to mental health. Placing psychological integrity in Article 21 means that the Court has opened up room for these victims to be heard and safeguarded. It leaves the door ajar for restorative measures – counselling, reform in institutions, mechanisms of accountability that go beyond retribution to prevention.

The way the judgment has been received by mental health activists and professionals highlights its revolutionary potential. But along with optimism there must be caution. Powerful judicial pronouncements cannot, by themselves, uproot established cultural and institutional norms. The challenge is whether schools, universities, and State governments will meaningfully apply the guidelines, invest in resources, and train personnel to deliver real mental health care.

Ultimately, *Sukdeb Saha* represents a convergence of law, criminology and victimology. It recognises that harm can be produced not just by individuals but also by institutions and systems. It acknowledges that students, often treated as passive subjects of education, are rights holders whose mental well-being deserves constitutional protection. And, it challenges society to confront an uncomfortable truth – that neglect, indifference and structural pressures can be as deadly as acts of direct violence. In affirming that the right to life must include a healthy mind, the Court has given voice to a generation of students who have too often been silenced by despair. Whether this voice translates into meaningful change will determine whether the judgment remains a beacon of hope or a missed opportunity.

compliance.
  o Guidelines to have legislative force until Parliament enacts a comprehensive code.
3. **Victimology & Structural Violence**
   o Student suicides framed as structural victimisation rather than personal failure.
   o State and institutions seen as de facto perpetrators due to neglect.
   o Application of Johan Galtung's "structural violence" theory→ systemic harm equals direct violence.
4. **Accountability & Prevention**
   o Moves discourse from retribution to restorative justice→ counselling, institutional reforms, preventive measures.
   o Recognises students as rights holders, not passive subjects.

**Broader Context**

- **Statutory Framework:**
  o Mental Healthcare Act, 2017 – right to affordable, accessible mental health care; decriminalised suicide (Section 115).
  o National Education Policy (NEP) 2020 – focus on well-being and counselling, but limited implementation.
- **Current Crisis**:
  o India has one of the highest student suicide rates globally. NCRB data: >13,000 student suicides annually.
  o Kota, Hyderabad, and other coaching hubs witness recurring tragedies.
  o WHO estimates: 1 in 7 Indians suffer mental health issues, but only 1 psychiatrist per 1.3 lakh people (huge treatment gap).
- **Constitutional Angle**:
  o Expansion of Article 21: from right to livelihood (Olga Tellis, 1985) to privacy (Puttaswamy, 2017), now to mental health.
  o Reinforces Directive Principles (Art. 41 – public health) and international commitments (UNCRPD, SDG-3 on mental health).

**Conclusion**

The SukdebSaha judgment represents a transformative shift in India's rights jurisprudence—acknowledging that mental well-being is inseparable from the right to life. It reframes student suicides as a public injustice born out of systemic neglect, not just private tragedies. Yet, its success will depend on implementation of the Saha Guidelines, resource allocation, and cultural change in education systems. If effectively enforced, this ruling could mark the beginning of a paradigm shift from stigma and silence to accountability and care, ensuring India's youth thrive not just academically, but mentally.

## UPSC Prelims Practice Question

**Ques: Recently, the "Saha Guidelines" have been in news. They are related to:**

a) Digital Data Protection

b) Mental Health Safeguarding

c) Women's Reservation

d) Climate Change Adaptation

**Ans :b)**

## UPSC Mains Practice Question : Paper 4

**Ques:** Neglect and institutional indifference can be as deadly as direct violence." In the light of Supreme Court's verdict on mental health, critically examine this statement with reference to structural violence and student suicides.**(150 Words)**

## Page : 10: GS 2 : Indian Polity/ Prelims

**Essay Quotes :The rule of law must stand firmly on the side of the oppressed, not the oppressor.**

On September 1, 2025, the Supreme Court in Kiran vs RajkumarJivaraj Jain cancelled anticipatory bail granted by the Bombay High Court to an accused in a caste atrocity case. The Bench led by CJI B.R. Gavai upheld the bar on anticipatory bail under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, reinforcing that the Act serves as a substantive protection for Dalits and tribals against systemic caste-based violence, intimidation, and discrimination.

**Facts of the Case**

- **FIR (Nov 26, 2024):** Complainant (SC community) alleged assault, caste abuse, molestation of women family members, looting, and threats linked to voting choice in Assembly elections.
- **Sessions Court:** Denied anticipatory bail, citing casteist intent & corroboration.
- **Bombay High Court (Aurangabad Bench):** Reversed decision, called case "politically motivated," granted bail.
- **Supreme Court:** Overturned HC order, held anticipatory bail barred under SC/ST Act.



**SC on anticipatory bail in caste crime**

Supreme Court cancels anticipatory bail granted to a caste crime accused, upholding Section 18 of the SC/ST Act; the ruling reinforces protection for Dalit victims, bars pre-trial relief, and warns courts against conducting a 'mini-trial' at the bail stage

**LETTER & SPIRIT**

Vikram Karuna

**The story so far:**

On September 1, the Supreme Court quashed a Bombay High Court order that had granted anticipatory bail to an accused of caste crimes. In the case of Kiran vs Rajkumar Jivaraj Jain, a bench led by Chief Justice of India B. R. Gavai held that Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, creates a specific bar against anticipatory bail for crimes made out prima facie. This case involves caste-based assault, abuse, and intimidation linked to an electoral dispute.

**Facts of the case**

In this case, on November 26, 2024, a First Information Report (FIR) was filed by Kiran, a member of the Scheduled caste community, alleging that Rajkumar Jain and others had attacked him and his family after they refused to cast a vote as directed in the Assembly elections. According to the complaint, the accused attacked him with iron rods, abused him with his caste name, molested his mother and aunt, looted the mangalsutra, and threatened to burn their home with petrol bottles. The incident was witnessed by independent witnesses. The Additional Sessions judge at Paranda rejected anticipatory bail, noting clear casteist intent and corroboration. However, the Bombay High Court (Aurangabad Bench) reversed this decision, terming the case politically motivated, exaggerated, and inconsistent, and granted bail. This prompted an appeal before the Supreme Court.

**Why is anticipatory bail barred under the SC/ST Act?**

The Supreme Court underlined that Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, categorically excludes the application of Section 438 of the Criminal Procedure Code (CrPC) (Section 482 of BNSS), which allows anticipatory bail. The Parliament has inserted this bar to protect victims from intimidation and to ensure effective prosecution.

Drawing upon precedents such as State of M.P. vs Ram Krishna Balothia (1995), Vilas Pandurang Pawar vs State of Maharashtra (2012), and Prathvi Raj Chauhan vs Union of India (2020), the court reiterated that offences under the Act form a distinct class tied to systemic untouchability and caste discrimination. The bar is constitutionally valid and does not violate Article 14 or 21 of the Constitution. Courts, the Bench clarified, cannot conduct a "mini-trial" at the bail stage and are only required to examine whether a prima facie case exists.

In this case, the use of caste slurs, the public nature of the assault, and the electoral motive made the offence squarely fall within the ambit of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, thereby ruling out anticipatory bail.

**Key observations**

The Bench clarified that insults and assaults that occur outside the complainant's house, in a manner visible to others, count as acts "within public view," a statutory requirement under Section 3(1)(r). It further noted that the attack was triggered by the complainant's voting choice, which attracted Section 3(1)(o) of the Act that criminalises coercion or retaliation in voting against SC/ST members. Independent witness accounts, recovery of weapons, and medical evidence strengthened the prosecution's case, making the High Court's dismissal of the FIR untenable. The court also cautioned High Courts against overstepping into evidence appreciation at the pre-arrest bail stage. Ultimately, the Supreme Court cancelled the anticipatory bail, calling the High Court's order a "manifest error and jurisdictional illegality."

**The way forward**

The ruling reinforces that the SC/ST Act is not a procedural formality but a substantive shield to safeguard the dignity and security of vulnerable communities. The bar on anticipatory bail, although strict, is constitutionally sound because it addresses the very real threat of intimidation and retaliation against Dalit and tribal complainants.

Going forward, courts must respect the legislative intent of Section 18 and avoid diluting its force by treating allegations as exaggerated without trial, and apply the "prima facie test" strictly on the face of the FIR, without slipping into evidentiary analysis. The judgment also recognises that electoral retaliation against SC/ST voters carries broader implications for democratic participation and social justice.

The judgment strengthens accountability under the SC/ST Act and underscores that the rule of law must stand firmly on the side of protecting the most marginalised.

Vikram Karuna is an Assistant Professor at the School of Law, Justice & Governance, Gautam Buddha University, Greater Noida.

**THE GIST**

- The court cancels anticipatory bail in Kiran vs Rajkumar Jivaraj Jain, reaffirming that Section 18 of the SC/ST (Prevention of Atrocities) Act, 1989 bars anticipatory bail for offences like caste-based assault, abuse, intimidation, and electoral retaliation.

- The judgment emphasises that courts must respect the bar on anticipatory bail, avoid mini-trials at the pre-arrest stage, and apply the prima facie test, reinforcing protection of vulnerable SC/ST communities and accountability for caste crimes.

**Why Anticipatory Bail is Barred under SC/ST Act?**

- Section 18 of the Act: Explicitly excludes Section 438 CrPC (anticipatory bail).
- Parliament's intent: Prevent intimidation of victims and protect effective prosecution.
- Precedents upheld by SC:
  - State of M.P. vs Ram Krishna Balothia (1995) – Section 18 valid, not violative of Art. 14/21.
  - Vilas PandurangPawar vs State of Maharashtra (2012) – anticipatory bail not permissible.
  - Prathvi Raj Chauhan vs Union of India (2020) – reaffirmed bar on anticipatory bail.

**Key Principle**: Court should only check for prima facie case; no "mini-trial" at bail stage.

**Key Observations of SC**

1. **"Public View" Requirement** – Caste-based insults/assaults outside victim's house, visible to others, qualify under Section 3(1)(r).
2. **Electoral Retaliation** – Offence falls under Section 3(1)(o) (coercion/retaliation in voting).
3. **Evidentiary Threshold** – Independent witnesses, recovery of weapons, and medical evidence → sufficient prima facie case.
4. **HC's Error** – Treating allegations as exaggerated amounted to "jurisdictional illegality."
5. **Protection of Democratic Rights** – Electoral violence against SC/ST voters undermines democracy and social justice.

**Broader Context**

- **SC/ST Act, 1989**: Landmark legislation to prevent atrocities against Dalits&tribals.
- **Amendments (2018)**: Restored strong protections after Prathvi Raj Chauhan controversy; clarified anticipatory bail bar.
- **Constitutional Safeguards**:
  - Art. 17 → Abolition of untouchability.
  - Art. 15(2), 15(4), 16(4) → Protective discrimination.
- **Current Issues**: NCRB data shows steady rise in atrocities against Dalits and tribals; misuse arguments often raised but SC reaffirms Act's necessity.

**Conclusion**

The SC judgment reaffirms that the SC/ST Act is a substantive shield, not a procedural formality. The strict bar on anticipatory bail under Section 18 is constitutionally valid and essential to prevent intimidation of Dalit and tribal victims. Courts must respect legislative intent, avoid conducting mini-trials at the bail stage, and ensure that dignity, equality, and democratic rights of the most marginalised remain protected.

**UPSC Prelims Practice Question**

**Ques :In which of the following cases has the Supreme Court upheld the constitutional validity of Section 18 of the SC/ST Act barring anticipatory bail?**

a) State of M.P. vs Ram Krishna Balothia (1995)

b) Maneka Gandhi vs Union of India (1978)

c) KesavanandaBharati vs State of Kerala (1973)

d) Navtej Singh Johar vs Union of India (2018)

**Ans: a**

**UPSC Mains Practice Question**

**Ques:** Courts must avoid conducting a 'mini-trial' while deciding anticipatory bail under special statutes. Discuss with reference to the Supreme Court's recent ruling in Kiran vs RajkumarJivaraj Jain (2024). **(150 Words)**

## Page 12 :GS 3 : Indian Economy / Prelims

India aspires to achieve sustained 8% GDP growth in the coming decades to realise its $30 trillion economy target by 2047. A recent NITI Aayog report (2025) highlighted the transformative role of Artificial Intelligence (AI) in bridging 30–35% of the gap between current growth rates and this target. With sectors like pharmaceuticals, manufacturing, automobiles, and financial services already showing significant potential, AI adoption is projected as a key driver of productivity, innovation, and global competitiveness.

**Key Highlights from the Report**

1. **AI as a Growth Driver**
   o AI efficiencies could contribute significantly to achieving 8% annual GDP growth.
   o Expected to improve productivity across multiple industries.
2. **Sectoral Impact**
   o **Pharmaceuticals**:
      ▪ AI reduces drug discovery cost by 10x.
      ▪ Cuts time-to-market from ~10 years to ~5 years.
      ▪ Opens pathways for India to become a global drug innovation hub.
   o Manufacturing & Automobiles: Predictive maintenance, quality control, and smart supply chains.

### 'AI-led efficiencies can contribute to 8% GDP growth target'

**Aroon Deep**
NEW DELHI

Artificial Intelligence-led efficiencies in industries could be key in contributing to an annual Gross Domestic Product (GDP) growth rate of 8% in the coming years, NITI Aayog said in a report on Monday.

"Accelerating AI adoption across industries to improve productivity and efficiency could bridge 30-35% of the gap between the current rate of growth and the 8% target," the public policy think tank said in the report.

Individual industries must leverage AI to introduce efficiencies; candidates that are primed for this include pharmaceuticals, manufacturing, automobiles and financial services, it said.

"AI has reduced the cost of producing the next molecule [for the pharmaceutical industry] by approximately 10 times and crashed the time that it takes – roughly 10 years – by roughly 50%," Koshir Daka, a senior partner at

**Skilling workers whose roles are threatened by AI is key, NITI Aayog said in the report**

McKinsey said at the report unveiling, adding that this could give India an opening to invent a clutch of drugs at a global stage in the near future.

The unveiling is among a series of events building up to February 2026's AI Impact Summit, to be hosted by India.

"The impact that AI can have, not just on India's economy but the global economy, is so profound and so significant that we need to take the leadership position in this area," IT Secretary S. Krishnan said.

Skilling workers whose roles are threatened by AI is key, the report said, recommending "mapping job shifts annually, embedding lifelong learning into career pathways, scaling MSME digital upskilling, and protecting gig and platform workers."

15

o Financial Services: Risk management, fraud detection, and personalised services.
3. **AI & Jobs**
   o Risk of displacement in certain roles.
   o Report recommends:
      ▪ Annual mapping of job shifts.
      ▪ Embedding lifelong learning in career pathways.
      ▪ Scaling MSME digital upskilling.
      ▪ Protection for gig and platform workers.
4. **India's Global Positioning**
   o AI Impact Summit scheduled for Feb 2026, showcasing India's intent to take leadership in global AI governance and innovation.
   o IT Secretary S. Krishnan: AI's impact will be "profound and significant" globally, and India should position itself at the forefront.

## Static & Current Context

- **Static**:
   o AI = Simulation of human intelligence processes by machines (learning, reasoning, self-correction).
   o Relevant to GS-3 (Science & Tech, Economy), GS-2 (Governance, Digital India).
   o NITI Aayog's earlier initiatives: National Strategy for Artificial Intelligence (2018) – "AI for All".
- **Current**:
   o India's AI ecosystem: Start-ups, Digital India stack (Aadhaar, UPI, ONDC), and government push for AI governance framework.
   o Global race: U.S. and China dominate; EU focuses on AI regulation. India seeks a balanced model.
   o Employment challenge: ILO reports automation could impact ~69% of jobs in India's formal sector.

## Challenges in AI Adoption

- Data quality & accessibility.
- High cost of AI infrastructure (compute power, chips, cloud).
- Skill gap – shortage of AI researchers and practitioners.
- Ethical concerns – privacy, bias, accountability.
- Unequal access – MSMEs and rural areas lag in adoption.

## Implications for India

1. Economic: Boost to productivity, cost efficiency, and global competitiveness.
2. Social: Risk of job displacement; need for skilling and safety nets.
3. Strategic: Leadership in AI governance strengthens India's global influence.
4. Inclusive Growth: MSME digital adoption, gig worker protection, and regional inclusion essential.

**Conclusion**

AI adoption is not just a technological imperative but an economic strategy for India. With potential to accelerate GDP growth, enhance innovation, and position India as a global AI hub, the challenge lies in managing job transitions, ethical AI, and inclusive adoption. If harnessed well, AI could be a key pillar of India@2047 growth story, turning disruption into opportunity.

| UPSC Prelims Practice Question |
|---|

**Ques: "Responsible AI for All" initiative in India is primarily associated with:**

a) Ministry of Electronics and Information Technology (MeitY)

b) NITI Aayog

c) Reserve Bank of India

d) Ministry of Science and Technology

**Ans: b)**

| UPSC Mains Practice Question |
|---|

**Ques:** Artificial Intelligence is projected to be a key driver of India's target of achieving 8% GDP growth in the coming years. Discuss the opportunities and challenges of AI adoption across sectors, and suggest policy measures to ensure inclusive and responsible AI-driven growth. **(150 Words)**

**Page : 08 Editorial Analysis**

# Unlocking innovation with India's procurement reforms

Procurement policies, often designed with transparency and cost-efficiency in mind, have long had unintended consequences for research and development. While preventing fraud, these frameworks frequently kill innovation, one process at a time, by prioritising procedural compliance over scientific needs. India's recent reforms to its General Financial Rules (GFR) – particularly exemptions from the Government e-Marketplace (GeM) portal and enhanced financial thresholds for research and development (R&D) procurement – are a welcome change.

**Arindam Goswami**

is a Research Analyst in the High-Tech Geopolitics Programme at The Takshashila Institution, Bengaluru

**Procurement as innovation catalyst**

The tug-of-war between procurement policies and innovation is not new. Studies have shown that public procurement, when done properly, can give a push to private-sector R&D by creating stable demand for advanced technologies. Moreover, it has been found that targeted procurement spending is associated with increased patent filings and private R&D investment, forming a virtuous cycle of innovation. However, as the Brazilian case study in EconStor's 2023 report notes, generic procurement rules rarely achieve this unless explicitly designed to spur innovation. India's pre-reform framework fell into this trap: mandating GeM purchases for all sub-₹200 crore equipment, regardless of their specialisation, forced scientists into a time-consuming exemption process for globally benchmarked tools. Vendors on GeM often supplied materials of poor quality, compromising research.

The Government of India's policy changes in June 2025 directly address these issues. By allowing institutional heads to bypass GeM for specialised equipment and raising direct purchase limits from ₹1 lakh to ₹2 lakh, the reforms acknowledge that cookie-cutter procurement is incompatible with R&D's bespoke needs. Delegating approval for global tenders up to ₹200 crore to vice-chancellors and directors eliminates bureaucratic lag – a chronic grievance highlighted by the Prime Minister's Economic Advisory Council. These adjustments align with theories of "catalytic procurement", where flexibility enables public institutions to act as early adopters of advanced technologies, stimulating private-sector innovation.

Yet, the reforms stop short of a full paradigm shift. While empowering institutional leaders, they retain safeguards such as departmental purchase committees for higher-value acquisitions. This could be argued as a necessary balance. However, even the revised ₹2 lakh direct purchase limit could remain inadequate for high-cost fields such as quantum computing or biotechnology. Additionally, the focus on global tenders, while ensuring quality, could marginalise domestic suppliers unless local R&D systems are empowered and left free to collaborate globally, and compete at that level.

The policy's success will depend to a large extent on implementation. Trusting institutional heads with procurement discretion assumes high ethical standards, which is something that will have to be built up, slowly, in a system that has been historically plagued by inefficiency. As the policy rolls out, monitoring mechanisms will be vital to prevent misuse while preserving agility.

> Research and development can be transformed by blending these changes with global best practices in market-shaping, cognitive tools and hybrid governance

How has procurement evolved globally? Globally, nations leading in R&D outcomes have already reimagined procurement as something that acts as a catalyst for innovation – not just a cost-control mechanism. India can learn from their experiences. Procurement processes have evolved from ancient record-keeping to Artificial Intelligence (AI)-driven strategies. India would do well to learn from these.

Germany's approach is a good example of balancing procurement checks and R&D ambitions. Through its High-Tech Strategy, the federal government mandates that public procurement be used to promote innovative solutions, supported by KOINNO, which is a dedicated agency advising procurers, curating supplier databases, and hosting cross-sector innovation forums. This institutionalises what economist Mariana Mazzucato terms "mission-oriented procurement", where state-purchasing power deliberately shapes technological markets. Similarly, the 'Small Business Innovation Research (SBIR) program' of the United States reserves 3% of federal R&D funds for startups, using phased procurement contracts to derisk early-stage technologies while maintaining competitive tension among vendors. These models recognise that procuring innovation is not about buying predefined products but in fostering ecosystems where suppliers compete on breakthroughs.

India's GeM reforms partially embrace this philosophy by exempting specialised research equipment from mandatory portal use – a nod to the fact that Indian labs often face delays extending to a few months when dealing with niche instruments. However, the policy lacks Germany's proactive market-shaping elements or the SBIR's staged funding structure. For instance, India's ₹200 crore global tender limit for institutional heads still prioritises cost benchmarks over technical ambition, unlike South Korea's "pre-commercial procurement" system that pays premium prices for prototypes meeting moonshot criteria.

**Procurement's evolutionary arc**

Procurement's 5,000-year journey, from Egyptian scribes tracking pyramid materials to AI predicting supply chain details, reflects an evolution from control to creativity. The Industrial Revolution looked at procurement as a cost-centric function, but the two World Wars exposed its strategic role in securing scarce resources.

Post-1945, this duality deepened: corporations adopted Just-In-Time inventory systems while governments used procurement to spur sectors such as semiconductors (via National Aeronautics and Space Administration contracts) and renewables (through the European Union's green mandates).

Today's frontier is "cognitive procurement", where tools such as generative AI analyse supplier ecosystems, simulate scarcity scenarios, and automate compliance – freeing researchers to focus on creative sourcing. Consider Pfizer's COVID-19 vaccine effort, where AI-optimised procurement identified multiple critical suppliers within a few hours, compressing a months-long process into weeks.

The discussion over procurement policies often leads to calls for privatisation of national labs, as that would probably open up the procurement process. However, it would be wise to consider that the debate over privatising India's national labs hinges on a false binary. As the U.S. experience shows, privatisation is not about abandoning public oversight but redefining it. When the Department of Energy handed over the management and operation of Sandia National Laboratories in 1993 to a private company, it retained mission control through performance-based contracts while unlocking private capital for laser and materials research. The result? A huge increase in patent filings and partnerships with a number of small and medium enterprises within a decade.

India's Council of Scientific and Industrial Research (CSIR) could adopt this hybrid model. Laboratories working in strategic fields such as space tech or quantum computing might benefit from corporate-style agility in procurement and hiring, provided the government maintains some control to safeguard national interests. However, success requires robust accountability frameworks and some alignment with innovation road maps.

**Procurement as a research variable**

India's procurement reforms are necessary but insufficient. Four systemic shifts could anchor deeper change. The first would be outcome-weighted tenders. Following Finland's example, there must be an evaluation of bids not just on cost but also on an index that weighs various qualitative factors such as supplier R&D investment and scalability potential.

The second would be providing sandbox exemptions. Allow institutions such as the Tata Institute of Fundamental Research or the Indian Institutes of Technology to bypass GFR entirely for some percentage of their purchases, provided they meet annual innovation targets audited by third parties.

The third intervention should be AI-augmented sourcing. Deploy the INDIAai ecosystem to create a procurement assistant that scans global catalogues, predicts customs delays, and suggests alternative materials – reducing decision cycles from months to hours.

And finally, go in for co-procurement alliances. Replicate the European Union's Joint Procurement Agreement, enabling multiple Indian labs to aggregate demand for high-cost items such as cryogenic coolers, achieving economies of scale.

Privatisation is not a silver bullet but a tool among many. As this study on U.S. labs warns, merely transferring ownership sans performance-linked funding or competitive pressure risks creating ineffective labs. The goal must be creating a procurement continuum where public and private entities coexist – each accessing shared innovation marketplaces but governed by distinct risk-reward matrices.

India's GeM reforms are a tentative step toward procurement systems that value time-to-lab as much as cost savings. By marrying these changes with global best practices in market-shaping, cognitive tools, and hybrid governance, the nation could transform procurement from a research impediment to its accelerant. The lesson from history is clear: civilisations that procured for monuments left ruins; those that procured for inquiry built futures.

---

**GS. Paper 03 –Science and Technology**

**UPSC Mains Practice Question:** Procurement policies in India have historically prioritised compliance over creativity. Discuss how recent reforms to the General Financial Rules can help transform procurement into a driver of innovation. Suggest additional measures.**(150 Words)**

**Context :**

Procurement is often seen as a cost-control and transparency mechanism, but for research & development (R&D), rigid rules can become bottlenecks. India's recent General Financial Rules (GFR) reforms (June 2025), particularly exemptions from the Government e-Marketplace (GeM) for specialised equipment and increased financial thresholds, mark a shift toward recognising procurement as a potential catalyst for innovation.

## Key Highlights of the Reforms

1. Exemption from GeM for specialised scientific equipment → avoids poor-quality vendors and delays.
2. Raised direct purchase limit from ₹1 lakh → ₹2 lakh.
3. Institutional heads (VCs/Directors) empowered to approve global tenders up to ₹200 crore.
4. Balanced safeguards: still requires departmental purchase committees for higher-value procurements.

## Why Procurement Matters for Innovation

- **Global evidence**:
  - Brazil (2023 EconStor report): Generic procurement failed to spur R&D.
  - Germany's KOINNO: mission-oriented procurement aligns with its High-Tech Strategy.
  - U.S. SBIR program: reserves 3% of federal R&D funds for startups→derisks early innovation.
  - South Korea's pre-commercial procurement: pays premium for prototypes meeting "moonshot" goals.
- India's problem: Earlier rigid GeM rules delayed procurement, discouraged labs, and hampered competitiveness in high-tech areas like biotech, quantum computing, and defence technologies.

## Benefits of the 2025 Reforms

- Flexibility: Scientists no longer bound by one-size-fits-all portal rules.
- Faster procurement: Reduced bureaucratic lag.
- Catalytic procurement: Encourages labs to act as early adopters, stimulating private-sector innovation.
- Global integration: Encourages competitive quality by opening access to global vendors.

## Challenges & Gaps

1. Thresholds still low: ₹2 lakh direct purchase may be inadequate for frontier research tools.
2. Risk of misuse: More discretion to institutional heads requires strong accountability frameworks.
3. Domestic suppliers' concern: Global tenders may sideline Indian vendors unless domestic R&D ecosystems are empowered.
4. No market-shaping element yet: Unlike Germany or SBIR, reforms lack proactive mechanisms to foster innovation ecosystems.

## Way Forward – Suggested Systemic Shifts

1. Outcome-weighted tenders (Finland model): Evaluate bids on innovation potential, not just cost.

2.  Sandbox exemptions: Allow IITs, IISc, CSIR labs limited bypass of GFR rules, subject to innovation targets.
3.  AI-driven procurement: Use INDIAai to predict delays, scan global suppliers, and suggest alternatives.
4.  Co-procurement alliances: Pool demand across labs for costly items (EU Joint Procurement Agreement model).
5.  Hybrid public–private governance: Like U.S. Sandia Labs model → private-style agility + public mission control.

**Conclusion**

India's procurement reforms are a necessary first step in shifting from rigid cost-control to innovation-enabling governance. However, to truly transform procurement into a driver of R&D, India must adopt global best practices in mission-oriented procurement, AI-driven sourcing, and hybrid governance models. Done right, procurement will no longer be a bureaucratic hurdle but a strategic lever to unlock India's innovation economy.

22

# Follow More

- **Phone Number : - 9999154587**

- **Website : -** https://nitinsirclasses.com/

- **Email : -** k.nitinca@gmail.com

- **Youtube : -** https://youtube.com/@nitinsirclasses8314?si=a7Wf6zaTC5Px08Nf

- **Instagram :-** https://www.instagram.com/k.nitinca?igsh=MTVxeXgxNGJyajN3aw==

- **Facebook : -** https://www.facebook.com/share/19JbpGvTgM/?mibextid=qi2Omg

- **Telegram : -** https://t.me/+ebUFssPR83NhNmJl