

“Today is YOURS to shape.”

NATIONAL**SUPREME COURT STRUCK DOWN SECTION 497 OF IPC**

The Supreme Court has declared Section 497 of the Indian Penal Code as unconstitutional saying that the penal provision on adultery was manifestly arbitrary and dents the individuality of women.

Important observations made by the Supreme Court:

Adultery might not cause of an unhappy marriage, but it could be result of an unhappy marriage.

In case of adultery, criminal law expects people to be loyal which is a command which gets into the realm of privacy.

Adultery can be ground for civil issues including dissolution of marriage but it cannot be a criminal offence.

Any provision treating woman with inequality is not Constitutional.

Mere adultery can't be a crime, unless it attracts the scope of Section 306 (abatement to suicide) of the IPC.

Section 497 perpetuates subordinate status of women, denies dignity, sexual autonomy, and is based on gender stereotypes. Section 497 based on women as chattel, seeks to control sexuality of woman, hits the autonomy and dignity of woman. Besides, Section 497 perpetrates subordinate nature of woman in a marriage.

Therefore, it should be struck down for violation of Articles 14, 21.

Here are the problems with Section 497 which the petitioners wanted to be addressed:

The petitioners want the adultery law to be made gender neutral. This is because the law calls for the man to be punished in case of adultery, but no action is suggested for the woman.

As per Section 497, a woman whose husband has had sexual intercourse with another

woman cannot file a complaint because the law makes no such provision for her.

Moreover, the adultery law in IPC reduces women to an object because no consent of the married woman is required for a man to have sexual intercourse with her. As per Section 497, if the woman's husband agrees, the act is not a crime. This is the reason many have called this law an anti-women law.

Section 497:

Section 497 of the 158-year-old IPC says, "Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor."

Way forward:

It is only in a progressive legal landscape that individual rights flourish.

However, it is a matter of concern that refreshing the statute books is being left to the judiciary, without any proactive role of Parliament in amending regressive laws.

Parliament has failed in its legislative responsibility to address the old age laws and should now act to rid India of various Victorian-era laws that are no longer acceptable.

SC VERDICT ON THE RESERVATION IN PROMOTIONS

The issue for debate before a bench of five judges of the Supreme Court in *Jarnail Singh v. Lachhmi Narain Gupta* was whether *M. Nagaraj v. Union of India (Nagaraj)* required reconsideration.

Nagaraj verdict had held that before the Scheduled Caste and Scheduled Tribe candidates can be promoted, the states had

to prove by “quantifiable data” that they were indeed “backward”.

There was no definition of the expression “backward” and whether it is social backwardness, educational backwardness, economic backwardness or untouchability of which “quantifiable data” was to be collected.

As a result, all promotions made post-Nagraj were struck down on the ground that there was no quantifiable data.

The expression, “Scheduled Castes” simply refers to castes added to a Schedule in the Constitution.

The expression “backward class” in Article 16(4) of the Constitution refers to these “untouchable castes” known under British rule as “depressed classes”, and those we have come to be known as “other backward classes”.

Flaws in Nagaraj verdict

Article 16 (4-A) of the Constitution allows reservation in promotion for the untouchable castes and tribes only and not for “other backward classes”.

The marker of the identity of Scheduled Castes is the historic disadvantage of the untouchable.

Therefore the question of proving backwardness by quantifiable data does not arise.

At the heart of the problem is the inability of the Supreme Court to understand the very meaning of “equality” and the purpose of reservations.

Need for reservations:

There should be an equitable distribution of job opportunities among different sections of the society.

Everyone should have a stake in democratic governance, whether they determine their identities by gender or by caste or by a historic disadvantage.

A balance needs to be struck between the allotment of posts in the public sector between the claims of the upper castes and those of the untouchable castes and tribes.

This balance can be achieved by reserving the appropriate number of posts for the Scheduled Castes and Scheduled Tribes and the rest of the candidates.

Reservations are intended to achieve equality in the matter of representation in public employment and, consequentially, in state power.

Exclusion of creamy layer also questionable:

Creamy layer is an expression not found in the Constitution.

Given that the identification of beneficiaries is not based on economic criteria, but on caste markers, how can there be such an exclusion.

If indeed economic cut off is to be put ostensibly to advance the cause of the surely backward, then why should reservation not be given to the people of below poverty line (BPL) of all castes, including the upper castes.

Way Forward:

The Court has been myopic in suggesting that the more backward among the backward must only get promotion in a country in which people die while manual scavenging and all the public sector positions of sweepers are occupied by Scheduled Castes.

An obsessive concern of the Supreme Court while denying reservation in different forms has been “efficiency in administration”.

If a department is underperforming, how does one say that it is on account of the Scheduled Caste and Scheduled Tribe community.

The judgment in Jarnail Singh must be welcomed as paving the way for promotions for Scheduled Castes and Scheduled Tribes in public employment thereby furthering and deepening the Constitution’s equality.

RAILWAYS TO ROLL OUT SMART COACHES

The Indian Railways are set to launch their ‘Make in India’ smart coaches with new features like black box and artificial intelligence (AI)-powered CCTVs, matching international standards.

Named 'Smart Trains', the coaches have been equipped with sensors that can detect defects on bearings, wheels, and the railway track, giving constant inputs to those in the control room to avoid accidents, carry out maintenance, and to improve efficiency of operations.

The black box is being introduced for the first time by Indian Railways, has a powerful multi-dimensional communication interface.

It will provide information on passengers and coach condition on real-time basis.

The black box will act as a coach control unit with communication interfaces for passenger announcements, GPS-based announcement triggers.

It will also handle emergency intercom for commuters, digital destination boards, train reservation display modules, and CCTVs with remote monitoring.

For wheel, coach and track monitoring, Railways have come up with Internet of Things-based system.

The vibrating-energy-based sensors will monitor the wheels, bearing and hard spots on the track, and will provide data through GPS/GPRS to the remote server for diagnosis and remedial measures.

The Passenger Information and Coach Computing Unit (PICCU), an industrial grade computer, will monitor the coach maintenance and passenger interface.

Commuters will also be able to communicate with Railways officials.

AI-powered CCTVs will help those in the control room to keep a tab on untoward incidents and on the behaviour of on-board staff.

Six cameras installed in the coach will provide live recording.

The footage can be accessed from the control room, which will be advantageous for law enforcers.

An emergency talk-back system will enable communication between passengers and the guard during a crisis. A Wi-Fi hotspot

information system is another innovative feature.

Smart coaches are also laden with water-level indicator technology to know whether the water in the coach is sufficient and when it needs to be filled.

An SMS will be sent to the next watering station when the water level falls below half the coach capacity.

In the version 2.0 of these coaches, the Railways are planning to introduce a host of new features.

They will include video analytics with face detection feature; unusual occurrence feature; fire-and-smoke detection unit; and an energy-metering module to measure the energy consumption of the coach.

CENTRE OF EXCELLENCE FOR DATA ANALYTICS (CEDA)

National Informatics Centre (NIC) and NIC Services Incorporated (NICSI) have jointly set up a Centre of Excellence for data analytics.

This is aimed to support Government departments to unlock the hidden potential of the data that they are generating as part of the governance processes and use it to improve the overall governance.

CEDA is envisaged to kick-start and fast track the adoption of advanced analytics and machine learning capabilities.

It shall provide quality data analytic services to government departments at all levels by identifying appropriate tools and technologies and deploying people with right expertise.

As part of its service offerings, it will help the departments

- I. Understand their business requirements and define their analytic needs
- II. Identify the data sets that are required to meet the analytic needs
- III. Determine access to the relevant data sources (both within as well as outside the government)
- IV. Build the required data analytic solutions

- V. In integrating departmental data silos and deliver an integrated whole-of government analytics for an integrated policy formulation.

CABINET APPROVES 100% GOVT STAKE IN GST NETWORK

The Union Cabinet approved increasing the government's ownership in the Goods and Services Tax Network (GSTN) to 100% from the existing 49%.

The Union Cabinet also approved acquisition of the entire 51% equity held by the non-government institutions in GSTN equally by the Centre and the State governments.

Currently, the Centre and states together hold 49 per cent stake in the GST Network, the company that provides IT backbone to the new indirect tax regime.

The remaining 51 per cent is held by five private financial institutions — HDFC Ltd, HDFC Bank Ltd, ICICI Bank Ltd, NSE Strategic Investment Co and LIC Housing Finance Ltd.

The proposal to convert GSTN into 100 per cent government-owned company was earlier approved by the GST Council.

The GSTN was incorporated as a private limited company on March 28, 2013 under the UPA Government.

It is a Section 8 company under the new Companies Act and hence is a not-for-profit entity.
