

INTEGRATED LEARNING PROGRAMME (ILP) 2023

Your Road to Mussoorie...

PRELIMSPEDIA SAMPLE

ASIAN DEVELOPMENT BANK (ADB)

News: ADB cautioned that the surge in COVID-19 cases may put India's economic recovery at risk.

About

- It is a regional development bank established in 1966, which is headquartered in **Manila, Philippines**.
- The company maintains 31 field offices around the world to promote **social and economic development in Asia**.
- The bank admits the members of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) & and non-regional developed countries.
- It has 68 members – **India**, China, USA, Japan, Pakistan etc.
- The ADB was **modeled closely on the World Bank**, and has a similar weighted voting system where votes are distributed in proportion with members' capital subscriptions.
- ADB is an official **United Nations Observer**.
- ADB provides **direct financial assistance**, in the form of debt, equity and mezzanine finance to private sector companies, for projects that have clear social benefits beyond the financial rate of return.
- The ADB offers **“hard” loans on commercial terms** primarily to middle income countries in Asia and “soft” loans with lower interest rates to poorer countries in the region.
- ADB obtains its funding by issuing bonds on the world's capital markets. It also relies on the contributions of member countries, retained earnings from lending operations, and the repayment of loans.
- India is the largest borrower of Asian Development Bank and the fourth largest shareholder of ADB.
- One-third of funding by AIIB has gone to India.

Do You Know?

- **‘Developing Asia’** refers to a group of 45 countries that are members of the ADB.

THINK!

- New Development Bank (NDB)
- Asian Infrastructure Investment Bank (AIIB)

INDIRA SAWHNEY JUDGEMENT

About

- Indra Sawhney & Others v. Union of India (also known as the Mandal verdict) was an Indian public interest litigation case.
- 1992 Indra Sawhney & Others v. Union of India judgment laid down the limits of the state's powers: it upheld the **ceiling of 50 per cent quotas**, emphasized the **concept of "social backwardness"**, and prescribed 11 indicators to ascertain backwardness.
- The nine-Judge Bench judgement also established the concept of **qualitative exclusion, such as "creamy layer"**.
- The creamy layer is only applicable in the case of Other Backward Castes and not applicable on other group like SC or ST.
- Backward class of citizen in **Article 16(4)** can be identified on the basis of the caste system & not only on economic basis.
- Article 16(4) is not an exception of Article 16(1). It is an instance of the classification. **Reservation can be made under article 16(1).**
- Backward classes in Article 16(4) were not similar to as socially & educationally backward in article 15(4).
- Creamy layer must be excluded from the backward classes.
- Article 16(4) permits classification of backward classes into backward & more backward classes.
- A backward class of citizens cannot be identified only & exclusively with reference to economic criteria.
- Reservation shall not exceed 50%.
- **Reservation can be made by the 'EXECUTIVE ORDER'.**

Mandal Commission

- The Second Backward Classes Commission, famously known as the Mandal Commission, was set up in 1979 to determine the criteria for defining socially and educationally backward classes.
- The Mandal report identified 52 percent of the population at that time as 'Socially and Economically Backward Classes' (SEBCs) and recommended 27 per cent reservation for SEBCs in addition to the previously existing 22.5 per cent reservation for SC/STs.

Do You Know?

- The **102nd Amendment inserted Article 342A** to the Constitution giving powers to the Centre to notify any class or community as socially and educationally backward with respect to any state or Union Territory.
- **Centre alone is empowered to identify socially and educationally backward classes (SEBC)** and include them in the Central List for claiming reservation benefits. The States can only make suggestions.

MUKURTHI NATIONAL PARK

About

- It is a protected area located in the western corner of the **Nilgiris Plateau** west of Ootacamund hill station in the northwest corner of **Tamil Nadu** in the Western Ghats Mountain range.
- The Park is a part of **Nilgiri Biosphere Reserve**, India's first International Biosphere Reserve.
- Its main mammal attraction is the Nilgiri tahr. The Park was previously known as **Nilgiri Tahr National Park**.



Nilgiri tahr

- It is an ungulate that is **endemic to the Nilgiri Hills** and the southern portion of the Western and Eastern Ghats in the states of Tamil Nadu and Kerala.
- It is the state animal of Tamil Nadu.
- Despite its local name, it is more closely related to the sheep of the genus Ovis than the ibex and wild goats of the genus Capra.
- The Nilgiri tahr can be found only in India. It inhabits the open montane grassland habitat of the South Western Ghats montane rain forests ecoregion.

THINK!

- Mudumalai Tiger Reserve

COLLEGIUM SYSTEM

About

- The collegium system is headed by the Chief Justice of India (CJI) and four senior-most judges of the Supreme Court.
- India's Constitution originally stipulated that the judges of the Supreme Court and high courts would be appointed by the President based on a process of "consultation" with senior judges.
- The present collegium system emerged later based on three key rulings. In 1981, the "First Judges Case" ruled that the process of consultation with the CJI and other judges did not require a consensus about recommendations.
- Essentially, the ruling gave the central government "primacy in judicial appointments."
- In 1993, the "Second Judges Case" overturned this decision and introduced the collegium system, arguing that "consultation" required "concurrence."
- Specifically, the ruling said that the process of appointing judges would be based on "an institutional opinion formed in consultation with the two senior-most judges in the Supreme Court" and the CJI.
- In 1998, the "Third Judges Case" ruled that the collegium would be a five-member body, establishing the system that is most similar to the one currently being followed.

Limitations of the Collegium System

- When Judges appoint Judges, the essence of democracy is endangered.
- Had the Constitution makers found the merits in this system, they would have expressed it in the Constitution. But the collegium is a concept that has evolved from the judiciary for the judiciary itself.
- Law Commission's Report iterates that the Collegium System is an organisation afflicted with rampant nepotism and personal patronage. That a favour is done in exchange of a favour and inevitably, a judge's son ends up becoming a judge.

Addressing Concerns and Conclusion

- CJI's office has been declared a public authority under the RTI act. The CJI's office has also been said to be the same as the office of the Supreme Court.
- However, This is a sigh of relief only in terms of transparency, and the effectiveness and the overhauling independence still remain a concern.
- Whether the situation improves after the RTI - CJI judgment remains to be seen, but it is evident that there is no accountability in the appointment of judges. The people who run the appointments are bereft of proper responsibility and accountability. The judiciary has not only failed in the implementation of the collegium system but aren't even culpable for it.

THINK!

- Articles 124, 217 and 222 and NJAC – 99th CAA