

Corrigendum Test 2

No changes in Today's paper

In Q.5 a student raised doubt- Whether right to life are available against the arbitrary action of private individuals as well.

It is a correct statement.

Explanation: Right to life includes within its ambit the right to live with human dignity and all those aspects of life which go to make a man's life meaningful, complete, and worth living. The traditional understanding is the rights are only against the state. However, this understanding has evolved with the entry of private players in state activities through Public- Private Partnerships. Therefore, the Supreme court has come up **with horizontal application of the fundamental right** in some of the cases. Eg. the issue involving of right to privacy. The right to privacy can also be claimed against private entities.

In Q.8 a student raised doubt- Uniform Civil code is an obligation on the state for the formulation of one law for India, which would be applicable to all religious communities in certain matters.

It is a correct statement.

Explanation: By Obligation, we mean to do something because it is promised or duty. The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India is promised under Directive principles of State policy. The fundamental rights are considered as legal obligations of the state and the DPSP are moral obligations. Therefore, the use of the word obligation is applicable.

In Q.20 a student raised a doubt- The Wildlife (Protection) Act, 1972 has been formulated to implement the Directive Principles of State Policy under Part IV of the constitution.

It is a correct statement.

Explanation: Directive Principles of State Policy are the ideals that the government keeps in mind while formulating the policies and enacting laws. Though explicit provisions with respect to protecting and improving the environment and to safeguard forests and wildlife (Article 48A) came through 44th amendment Act of 1978 but it was always implicit under directive principles of state policy. Also, the question is not asking for the chronology of the law against the principles mentioned in the DPSP.

In Q.29 a student raised a doubt- Habeas Corpus can be sought by any interested party and not necessarily by aggrieved person.

It is an incorrect statement.

Explanation: The locus standi in case of habeas corpus has been relaxed, therefore, the aggrieved person can also include close relative, friends and related individuals. In legal terms, "any interested party" include any person. The statement says it could be filed by any interested

party which would include strangers (interested in the case but not related to the aggrieved person) as well.

In Q.30 a student raised a doubt- IN-SPACE, functions under the administrative control of the Department of Space.

It is a correct statement.

Explanation: Department of Space is the administrative body with respect to space activities in India. IN- SPACE which has been created under Department of Space as an independent nodal agency has the powers to take its own decision. However, since it has been created under the department of space. The department will have the power to administratively control and give directions to IN-SPACE.

In Q.47 a student raised a doubt- A state has to collect quantifiable data showing backwardness of the class to provide reservation in promotions to the SC/ST communities.

It is an incorrect statement.

The student was not satisfied with the chronology of events leading to the reservations in promotion.

Explanation: Reservations in promotions was introduced by the 77th Constitutional amendment under Article 16(4)a in 1995. The constitutionality of this amendment was challenged in the supreme court in the Nagaraj Case (2006). The supreme court laid down conditions to be satisfied by the state before enabling the reservations in promotions. If a State wants to provide reservation to the SC/ST communities in promotions:

- It has to collect quantifiable data showing backwardness of the class.
- Show inadequacy of representation of that class in public employment.
- Ensure the compliance of Article 335(reservations should not hamper the administrative efficiency).

Subsequently, in the Jarnail Singh vs LN Gupta case (2018), the Supreme court stated that states **were not required to collect quantifiable data to show the backwardness of the SC/ST community**. In effect, the first requirement of the Nagaraj Case was removed. Thus, now states do not need to collect quantifiable data to show backwardness of SC/ST communities. Since, their backwardness is implied as per Article 16.

The Supreme Court has recently ruled that the states are not bound to provide reservation in appointments and promotions, and that there is no fundamental right to reservation in promotions.

Q.48 a student raised doubt- Article 30 only includes provision for minorities to establish and administer educational institutions of their choice.

It is a correct statement, however, the statement could have been framed better. The intent here was to question the understanding of the student with respect to the cultural and educational

rights of minorities is applicable only for the minorities or any section of the society. It would have been better framed as: Article 30 includes provision to establish and administer educational institutions only for the minorities.