

# DAILY PT POINTERS

18<sup>th</sup> October, 2024



## The Hindu-Governance(GSII)-Page 1

# SC upholds Section 6A of Citizenship Act as valid law

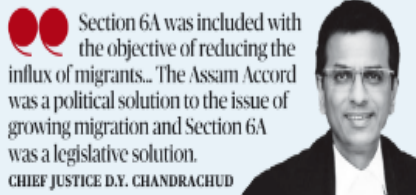
Constitution Bench gives the ruling in a 4:1 majority judgment; the Section says people from Bangladesh who arrived in Assam prior to January 1, 1966, would be deemed to be Indian citizens

Krishnadas Rajagopal  
NEW DELHI

A Constitution Bench of the Supreme Court, in a 4:1 majority judgment on Thursday, upheld the constitutionality of Section 6A of the Citizenship Act, 1955, which permits immigrants from Bangladesh residing in Assam to secure Indian citizenship. The court held it as a valid piece of legislation aligned to the preambular value of fraternity.

The principle of fraternity cannot be selectively applied to one section living in Assam while another lot are labelled “illegal immigrants”, Justice Surya Kant, who authored the lead opinion for the five-judge Bench, observed.

“Our reading of the Constitution and precedents is



Section 6A was included with the objective of reducing the influx of migrants... The Assam Accord was a political solution to the issue of growing migration and Section 6A was a legislative solution.

CHIEF JUSTICE D.Y. CHANDRACHUD



A nation can accommodate immigrants and refugees, while simultaneously prioritising sustainable development and equitable allocation of resources.

JUSTICE SURYA KANT

that fraternity requires people of different backgrounds and social circumstances to ‘live and let live’... When faced with the dilemma of disenfranchising millions or safeguarding a community’s endogenous way of life, this court would certainly be compelled by the principles of fraternity to prioritize the

former,” he observed.

Section 6A, which traces its roots to the political solution of Assam Accord of 1985, mandates that immigrants who entered Assam from Bangladesh prior to January 1, 1966, would be deemed to be Indian citizens. Those who entered the State between January 1, 1966, and March 25, 1971,

would be conferred citizenship based on the fulfilment of specific procedures and conditions. The Section, however barred citizenship to those who entered Assam after March 25, 1971.

### ‘Migration a burden’

Justice Kant, in his opinion shared with Justices M.M. Sundresh and Manoj Misra, however said incessant migration from Bangladesh was indeed a burden on Assam.

But the blame for it could not be attributed to Section 6A alone. A large part of the fault lay with the government’s failure to timely detect and deport the post-1971 immigrants from Bangladesh, he said.

CONTINUED ON  
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- Section 6A, which traces its roots to the political solution of Assam Accord of 1985, mandates that immigrants who entered Assam from Bangladesh prior to January 1, 1966, would be deemed to be Indian citizens. Those who entered the State between January 1, 1966, and March 25, 1971, would be conferred citizenship based on the fulfilment of specific procedures and conditions. The Section, however barred citizenship to those who entered Assam after March 25, 1971.

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### On the exception to marital rape

What is the legal provision under challenge? What rights does it infringe upon and what are the contentions advanced by stakeholders? What is the doctrine of 'coverture' in English common law? What was the split verdict issued by the Delhi High Court in 2022 on the issue?

**EXPLANER**

**Here's the background**

**The story so far**

A three-judge bench headed by Chief Justice of India (CJI) D.Y. Chandrachud has begun hearing a batch of petitions challenging the constitutional validity of Exception 2 to Section 375 of the Indian Penal Code, 1860 (IPC). The challenge also extends, by implication, to Exception 2 of Section 63 of the Bharatiya Nyaya Sanhita (BNS), 2023, which supersedes the former provision. These provisions grant legal immunity to Indian husbands in raping their wives, provided she is not under 18 years of age. As per the constitution, it is the duty of the state to protect the rights of its citizens.

**What do statistics say?**

While data on marital rape remains limited due to legal barriers, available statistics are deeply concerning, often from the National Family Health Survey (NFHS) conducted between 2007 and 2016, indicating that nearly one-third of married women 18-49 years in India have experienced physical or sexual violence in the hands of their husbands. Additionally, global statistics reveal that approximately three-quarters of all sexual violence crimes within domestic settings, often perpetrated by someone familiar to the victim.

**What is the gender of the exception?**

The idea of a gendered law, originating from the "doctrine of coverture" in English common law, which severely curtailed a married woman's legal autonomy, is eschewed by the Supreme Court in India. One reason cited is that the doctrine assumed that the husband and wife became a single unit or legal entity after marriage. That is, the very living or legal existence of the woman is suspended during the marriage, or at least is so suspended that she cannot claim any rights of her husband.

One of the earliest instances of codification of the MRE can be traced back to British colonial India, when, in 1860, the British introduced the Indian Penal Code (IPC) in 1860, which criminalised a man to "violate" his wife's body without her consent. The IPC was based on the British common law, which separated and separated women from the protection of law. The provisions have remained largely unchanged since then, with the exception of the addition of a clause in 2013, which provided for the protection of women from the age of 18 years. This, according to the petitioners, also affords the principle of "substantive equality" by failing to allow women husbands to ensure that all women regardless of their marital status receive equal protection against sexual violence. The IPC retains the right to sue the husband under Article 320.

**What are the petitioners' contentions?**

The petitioners contend that the MRE is unconstitutional as it violates, at least, a woman's bodily autonomy and dignity. They also contend that the MRE is discriminatory on the basis of sex and gender. They argue that the MRE is a violation of the right to equality under Article 14 of the Constitution. They also argue that the MRE is a violation of the right to life and personal liberty under Article 21 of the Constitution. They argue that the MRE is a violation of the right to privacy under Article 17 of the Constitution. They argue that the MRE is a violation of the right to dignity under Article 18 of the Constitution. They argue that the MRE is a violation of the right to equality under Article 14 of the Constitution. They argue that the MRE is a violation of the right to life and personal liberty under Article 21 of the Constitution. They argue that the MRE is a violation of the right to privacy under Article 17 of the Constitution. They argue that the MRE is a violation of the right to dignity under Article 18 of the Constitution.

**THE GIST**

The Delhi High Court in *Hrishikesh Sahoo versus State of Karnataka and Others* ruled that a married man can be prosecuted for raping his wife. The judgment relied on a 2013 report authored by the Justice J.S. Verma Committee, which recommended the abolition of the MRE. Justice M. Hegde stated that the MRE is unconstitutional as it violates a woman's bodily autonomy and dignity. He also stated that the MRE is discriminatory on the basis of sex and gender. He argued that the MRE is a violation of the right to equality under Article 14 of the Constitution. He also argued that the MRE is a violation of the right to life and personal liberty under Article 21 of the Constitution. He argued that the MRE is a violation of the right to privacy under Article 17 of the Constitution. He argued that the MRE is a violation of the right to dignity under Article 18 of the Constitution.

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- The Marital Rape Exception (MRE) is a colonial relic, originating from the “doctrine of coverture” in English common law, which severely curtailed a married woman’s legal autonomy.
- In March 2022, the Karnataka High Court in *Hrishikesh Sahoo versus State of Karnataka and Others* ruled that a married man can be prosecuted for raping his wife. The judgment relied on a 2013 report authored by the Justice J.S. Verma Committee, which recommended the abolition of the MRE.

# HEADLINES OF THE DAY

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## Chief Justice Chandrachud recommends Justice Sanjiv Khanna as successor

The Hindu Bureau  
NEW DELHI

Chief Justice of India D.Y. Chandrachud has recommended Justice Sanjiv Khanna for appointment as the 51st Chief Justice of India. Chief Justice Chandrachud will retire on November 10.

Under the Memorandum of Procedure for the appointment of the Chief Justice of India and Supreme Court judges, the Law Ministry seeks the recommendation of the outgoing Chief Justice about the next appointment. The letter from the government kick-starts the appointment process for the next Chief Justice of India.

Justice Khanna is the next in line in accordance with the seniority norm. He enrolled as an advocate with the Bar Council of Delhi in 1983.

He initially practised in the district courts and later in the High Court of Delhi in various fields of law, including constitutional law, direct taxation, arbitra-



**Judicial handover:** Chief Justice of India D.Y. Chandrachud with Justice Sanjiv Khanna. SPECIAL ARRANGEMENT

rior standing counsel for the Income Tax Department. He had functioned as a standing counsel for the National Capital Territory of Delhi and appeared as an Additional Public Prosecutor and *amicus curiae* in the High Court.

He was elevated as an Additional Judge of the Delhi High Court in 2005 and made a Permanent Judge in 2006. He was appointed a judge of the Supreme

sis. However, the then Supreme Court Collegium headed by Chief Justice Ranjan Gogoi had recommended him over others on grounds of merit and integrity.

Justice Khanna had led the Supreme Court which gave interim bail to former Delhi Chief Minister Arvind Kejriwal to campaign in the 2024 Lok Sabha election. He was also a member of the Constitution Bench

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Indian Express –GS 3(Economy)-Page 15

## PERSONAL I-T COLLECTIONS HIGHER THAN CORPORATE TAX FOR 2ND YEAR

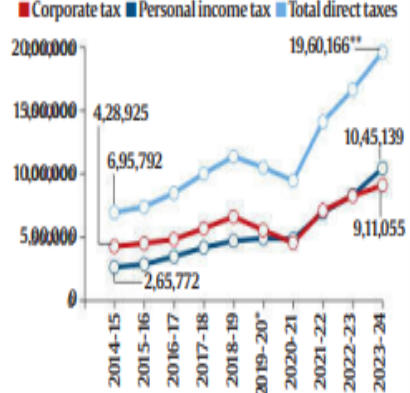
# Direct tax share up at 57 per cent of total tax revenue, highest in 14 years

AANCHAL MAGAZINE  
NEW DELHI, OCTOBER 17

THE CONTRIBUTION OF direct taxes to total tax revenue climbed to 56.72 per cent in 2023-24, the highest in 14 years. The surge was even more stark in the direct tax-to-GDP ratio – the share of direct taxes in the overall economic output in the country – which jumped to over a two-decade high of 6.64 per cent, time-series data released by the Central Board of Direct Taxes (CBDT) under the Ministry of Finance showed Thursday.

With the direct tax to total tax revenue increasing in FY24 from 54.63 per cent the previous year, the share of indirect taxes to total tax revenue is now down to 43.28 per cent. The last time the share of direct taxes had

### DIRECT TAX COLLECTION (₹ cr)



\*Year of corporate tax cut; \*\* Provisional

### TOP 5 STATES IN FY24 (share in total direct taxes)

Maharashtra	₹7.62 lakh cr (38.8%)
Karnataka	₹2.34 lakh cr (11.9%)
Delhi	₹3,01,111 cr (10.4%)

### CONTRIBUTION OF DIRECT TAXES TO TOTAL TAX REVENUE

TOTAL TAX (₹ cr)  
2018-19 20,75,040 | 2023-24\*\* 34,56,019



from the earlier trend of corporate tax collections being higher than income tax collections before the corporate tax rate cut decision by the government in September 2019, when the corporation tax rate for all existing companies (manufacturing and non-manufacturing) was cut to 22 per cent (without surcharge and cess) from 30 per cent and a tax rate of 15 per cent was announced for newly incorporated domestic companies. Tax buoyancy – the growth rate of taxes in relation to the economy's nominal growth rate – grew to 2.12 in 2023-24 from 1.18 in the previous financial year. A level higher than 2 for tax buoyancy was last recorded in 2021-22 (at 2.52) and before that in 2007-08 (at 2.27).

The cost of tax collection – indicating the expenditure on tax collection as a proportion of the

- The contribution of direct taxes to total tax revenue climbed to 56.72 per cent in FY24, the highest in 14 years.
- Mainly there are two types of taxes in India: Direct tax and Indirect tax.
- Direct tax - In simple terms, this is the tax individuals pay directly to the government which cannot be transferred to another entity or another individual. Income tax is a direct tax which is directly paid to the government.
- Indirect tax - This is the type of tax levied on goods and services. This includes Service Tax, Value Added Tax (VAT), Central Excise Duty, Stamp Duty, etc. In India, the Goods and Service tax (GST) was introduced in 2017 by the Finance Ministry to simplify the process of collecting tax from taxpayers.

# HEADLINES OF THE DAY

## PIB –Economy(GSIII)

Ministry of Consumer Affairs, Food & Public Distribution



Fortified Rice: Centre's ambitious initiative to combat micronutrient deficiencies

Scientific evidence supports safety of iron-fortified rice for all individuals

Fortification, a globally recognized practice; India following World Health Organization guidelines

Of 30,000 operational rice mills, more than 21,000 installed blending equipment, with total capacity of 223 LMT of fortified rice per month

Posted On: 17 OCT 2024 5:15PM by PIB Delhi

- With the Union Cabinet approving continuation of initiative to provide Fortified Rice under all schemes of Government including Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY) and Other Welfare Schemes etc. in its present form, from July 2024 and up to December 2028, the Centre is continuing the ambitious initiative as a complementary strategy to combat micronutrient deficiencies in the country.
- Needless to say, scientific evidence supports consumption of Fortified Rice is safe for all including for individuals suffering with haemoglobinopathies such as Thalassemia and Sickle Cell Anaemia.
- Rice fortification is a well-established global practice. According to the Global Fortification Data Exchange, 18 countries actively allow rice fortification, 147 support salt fortification, 105 have adopted wheat flour fortification, 43 endorse oil fortification, and 21 promote fortification of maize flour. Advisory labels for individuals with Thalassemia or Sickle Cell Anaemia are not required in these countries.

# HEADLINES OF THE DAY

## Air –Economy(GSIII)

### India Extends Its First-Ever Rupee-Denominated Line Of Credit Under IDEAS



- India has extended a new Line of Credit for 487.60 crore rupees to the Mauritius government for financing a water pipeline replacement project. This is the first-ever rupee-denominated Line of Credit to have been extended by India for project financing to any country under the Indian Development and Economic Assistance Scheme (IDEAS). The project envisages the replacement of approximately 100 kilometres of obsolete water pipeline in Mauritius.
- The Government of India-supported Line of Credit will be financed by the State Bank of India at concessional terms.

# HEADLINES OF THE DAY

Air –IR(GSII)

## Immense Scope For Enhancing Cooperation Between India And Malawi In Various Fields: President Murmu



- President Droupadi Murmu has said that India and Malawi share cordial and friendly bilateral relations. Addressing the India – Malawi Business Meet in Lilongwe, Malawi this evening, the President highlighted that India was one of the first countries to establish diplomatic relations with Malawi immediately after its Independence in 1964.
- The President said India and Malawi share a very cordial and strong economic relationship. India is currently the fourth largest trading partner of Malawi and India is also one of the largest investors in Malawi.

