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**Category: POLITY AND GOVERNANCE**

**1. Understanding the Olga Tellis judgment**

*Syllabus: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.*

*Prelims: Olga Tellis judgment*

### *Mains: Olga Tellis judgment and its implications*

**Context:** This article examines the grounds of Olga Tellis judgment and its significance in the Jahangirpuri demolition case.

#### **What is the Olga Tellis judgment?**

- The 1985 judgment Olga Tellis vs Bombay Municipal Corporation agreed that pavement dwellers do occupy public spaces without permission.
- The court insisted, however, that they be given a chance to be heard and a reasonable opportunity to leave “before force is used to expel them.”
- The Supreme Court reasoned that evictions based on unreasonable force without a chance to explain themselves are unconstitutional.

#### **Background of the judgment:**

- The State of Maharashtra and the Bombay Municipal Corporation decided in 1981 that pavement and slum dwellers should be evicted and deported to their places of origin or places outside of Bombay.
- Pavement dwellers, residents of slums across the city, NGOs, and journalists filed the case in the Bombay High Court.
- They admitted that they did not have “any fundamental right to erect huts on pavements or public roads,” but the case was brought before the Supreme Court on larger legal issues.

#### **Questions discussed before the Supreme Court:**

- **Right of livelihood:** One of the main questions was whether eviction of a pavement dweller would amount to depriving him/her of their livelihood guaranteed under Article 21 of the Constitution. The Article mandates that “no person shall be deprived of his life or personal liberty except according to procedure established by law.”
- **Reasonability of the Encroachment removal process:** The Constitution Bench was also asked to determine if provisions in the Bombay Municipal Corporation Act, 1888, allowing the removal of encroachments without prior notice, were arbitrary and unreasonable.
- **Characterize pavement dwellers as trespassers:** The Supreme Court also decided to examine the question whether it was constitutionally impermissible to characterize pavement dwellers as trespassers.

#### **What was the State government’s defense?**

- The State government and the corporation countered that pavement dwellers should be **estopped** from contending that the demolition is against their right to livelihood.
  - estoppel is a judicial device whereby a court may prevent or “estop” a person from making assertions.
- They cannot claim any fundamental right to encroach and put up huts on pavements or public roads over which the public has a ‘right of way.’

#### **What was the Supreme Court Judgment?**

- **Right to Livelihood:** The court held that the right to livelihood was an “integral component” of the right to life. The Bench threw out the government’s argument of estoppel, saying “there can be no estoppel against the Constitution.”

- **Right to be Heard:**
  - The court held that eviction procedure should favor procedural safeguards that follow natural justice principles such as giving the other side a chance to be heard.
  - The right to be heard allows affected people to participate in the decision-making process while also allowing them to express themselves with dignity.
- **Pavement Dwellers not Trespassers:** The court emphatically objected to authorities treating pavement dwellers as mere trespassers. The encroachment committed by these persons are involuntary acts in the sense that those acts are compelled by inevitable circumstances and are not guided by choice.

## Nut Graf

*Olga Tellis judgment of the Supreme Court is a game-changer in the Jahangirpuri case as it had held that pavement dwellers are different from trespassers. Pavement dwellers, too, have a right to life and dignity which in turn includes the right to livelihood. They earn a meagre livelihood by living and working on the footpaths. A welfare state and its authorities should not use its powers of eviction as a means to deprive pavement dwellers of their livelihood.*

## 2. Towards a resolution of the Arunachal-Assam border dispute

*Syllabus: Dispute Redressal Mechanisms and Institutions.*

*Prelims: Boundaries of Arunachal Pradesh and Assam*

*Mains: Boundary Dispute Arunachal Pradesh and Assam*

**Context:** Recently, the Chief Ministers of Arunachal Pradesh and Assam decided to form district-level committees for settling their inter-state boundary disputes.

### **Boundary Dispute Arunachal Pradesh and Assam:**

- Arunachal Pradesh, which was previously a part of Assam, shares an 800-kilometer border with the state.
- The conflict dates back to colonial times, when the British announced the “inner line” regulation in 1873, which drew an imaginary line between the plains and the frontier hills. In 1915, it was renamed the North Eastern Frontier Tracts.
- In 1951, a sub-committee led by then-Assam chief minister Gopinath Bordoloi submitted a report with recommendations for the administration of NEFA .
- The “plain” area of Balipara and Sadiya foothills was transferred from Arunachal Pradesh (then NEFA) to Assam’s Darrang and Lakhimpur districts based on the Bordoloi committee report.
- This is still a point of contention between the two states, as Arunachal Pradesh refuses to recognise this notification as a basis for demarcation.
- According to Arunachal Pradesh, the transfer was made without consulting the tribes who had customary rights to the lands. According to their Assamese counterparts, the 1951 demarcation is constitutional and legal.



Source: MapsofIndia.com

Earlier Efforts for settling the boundary dispute:

- Between 1971 and 1974, several attempts were made to demarcate the border between Assam and NEFA/Arunachal Pradesh.
- In April 1979, a high-powered tripartite committee of the Centre and the two States was formed to demarcate the boundary using Survey of India maps.
- By 1984, the inter-state boundary had been demarcated for about 489 kilometres north of the Brahmaputra River, but Arunachal Pradesh refused to accept the recommendations and claimed much of the land transferred in 1951.
- In 1989, Assam filed a complaint with the Supreme Court, accusing Arunachal Pradesh of “encroachment.” In 2006, the Supreme Court established a local boundary commission, which was chaired by one of its retired judges.
- The commission recommended in its September 2014 report that Arunachal Pradesh be given back some of the areas transferred in 1951, as well as advising both states to find a middle ground through discussions.

**Conclusion:**

- Assam and Arunachal Pradesh have agreed to form district-level committees based on the model used to resolve the dispute with Meghalaya.
- The committees will be in charge of conducting joint surveys in the disputed sectors in order to come up with concrete solutions to the long-standing problem.
- The solutions will be based on historical context, ethnicity, proximity, the will of the people, and the administrative convenience of both states.
- The two states have agreed to form 12 such committees, with representatives from the districts that share the border.

**Nut Graf**

*The Assam-Meghalaya boundary agreement has raised hopes of the Assam-Arunachal boundary dispute being resolved, especially with the Center egging the north-eastern States to end their territorial issues before 75th Independence day.*

**C. GS 3 Related**

*Nothing here for today!!!*

**D. GS 4 Related**

*Nothing here for today!!!*

**E. Editorials****Category: HEALTH****1. Floundering polio eradication**

*Syllabus: Issues Relating to Development and Management of Social Sector/Services relating to Health.*

*Prelims: Polio; Difference between OPV and IPVs.*

*Mains: Recommendations for India's Pulse Polio Immunization Programme*

**Context:**

- **Wild poliovirus type 1 (WPV1) has been detected in Malawi.** Analysis has shown that the WPV1 isolate of Malawi is genetically linked to a Pakistan sequence detected in 2020 in Sindh province.
  - Africa was declared free of indigenous wild polio in August 2020 after eliminating all forms of wild polio from the region, and in Malawi, the last clinically confirmed WPV case was reported in 1992.
- Recently, the World Health Organization had notified the **detection of circulating vaccine-derived poliovirus type 3 (cVDPV3)** in an unvaccinated child from Jerusalem city. Since then there have been 7 reported cases in Israel. Investigations are ongoing to determine the origin and the scope of circulation.
  - In some rare occasions, oral polio vaccine (OPV) itself may cause **vaccine-associated paralytic polio (VAPP)** in vaccinated children (vaccinated VAPP) and unvaccinated child-contacts (contact VAPP). In such scenarios, the virus in oral polio vaccine (OPV) de-attenuates by mutations, acquiring transmission efficiency and neuro-virulence and it is called cVDPV.
- The recent cases are a sign of floundering **global polio eradication**.
  - In 1988, the World Health Organization had set a Polio eradication target of 2000. Though the three regions- Americas, Europe and Western Pacific- have been able to eradicate polio in their territories by or before 2000, the other three WHO regions – Africa, Eastern Mediterranean and South East Asia have failed. Since then the target is being revised every 4-5 years. Now the **current target is 2026**.
  - **Two of the three types of wild poliovirus have been eradicated (WPV2 and WPV3), with ongoing global efforts to eradicate WPV1.** Currently, wild poliovirus is endemic in two countries: Pakistan and Afghanistan. The detection of WPV1 outside the two countries where the disease is endemic demonstrates the continuous risk of international spread of the disease until every corner of the world is free of WPV1.

## Polio:

- **Polio, or poliomyelitis**, is a disabling and life-threatening disease caused by the poliovirus.
- It is a **highly infectious disease**, caused by a virus that invades the nervous system and can cause permanent paralysis (approximately one in 200 infections) or death (approximately 2-10% of paralyzed cases). The virus is transmitted by person-to-person, mainly through the faecal-oral route or, less frequently, by a common vehicle (for example, contaminated water or food).

## India's polio drive:

- India conducts **one annual national and two sub-national pulse immunisation campaigns with bivalent (type 1 and 3) OPV (bOPV) for all children below five years**. Through this drive, India aims to maintain population immunity against wild poliovirus and to sustain its polio free status.
- To provide additional protection, the Government of India has introduced the **injectable Inactivated Polio Vaccine into its routine immunization programme**.

## Concerns:

- Despite the risk of OPVs causing vaccine-associated paralytic polio, **India continues to rely on OPVs** due to the lower costs and logistics associated with OPV administration as compared to administration of inactivated poliovirus vaccine (IPV).
  - For avoiding VAPP, rich countries immunise children with the inactivated polio virus vaccine (IPV), which is completely safe.

**Arguments against continued reliance on OPVs:**

- The continued use of OPVs has led to several **cVDPV2 caused outbreaks**. This had necessitated the switch from tOPV (trivalent oral polio vaccine) to bOPV switch in 2016.
- While the use of OPV made sense based on **benefit-risk balance** when the risk of WPV polio associated death or paralysis was high, with falling rates of death or paralysis associated with polio, OPV usage remains risky.
- Given the risks associated with VAPP caused by OPV, it would not be morally right to expose children to such risks by the usage of OPVs.
- Also considering that the overall cost of administering 10-15 doses of OPV including campaign running costs would be much higher than IPV given through Universal Immunisation Programme (UIP), the move away from OPV towards IPV also makes economic sense.

**Recommendations:**

- While the probability of cVDPV3 outbreak is low in India, but on account of the large population size of India, its impact is likely to be enormous. In this direction India needs to remain vigilant. India needs to carry out a **risk assessment and outbreak response**, including **supplemental immunization**. Surveillance measures need to be activated and expanded.
- Also, India must withdraw type 3 and continue monovalent type 1 OPV, which also must be withdrawn after reaching 85-90% coverage with IPV, three doses per child.

**Nut Graf**

*The recent Polio cases being reported in Malawi and Israel signal challenges to the global polio eradication target. Given the risks associated with cVDPV3 outbreak, India needs to remain vigilant and also seek to move towards IPV based vaccines given the risks associated with OPVs.*

**Category: POLITY AND GOVERNANCE****1. Demolishing the rule of law**

*Syllabus: Indian Constitution—Features, Significant Provisions and Basic Structure.*

*Mains: Right to housing*

**Context:**

- A demolition drive was initiated by the North Delhi Municipal Corporation (NDMC) to **demolish the “illegal constructions” of the rioters** in Jahangirpuri area of northwest Delhi.
  - Communal violence had broken out in the area recently.
- In an urgent hearing, the Supreme Court ordered that “status quo” be maintained until further orders thus halting the demolition drive.
- Similar state-directed demolition of homes of the alleged rioters in Khargone in Madhya Pradesh and Khambhat in Gujarat have also been reported in the recent past.

**Concerns:**

- The article raises serious concerns over the above actions of state and local authorities

**Legal status of settlements:**

- The argument of “Illegal encroachments” does not hold much ground given that the binary of legal and illegal settlements has very little meaning in urban areas like Delhi. According to the Delhi Economic Survey 2008-09, **only about 24% of the city lived in “planned colonies” and the rest lived in informal or unplanned areas** ranging from jhuggi jhopdi clusters to unauthorised colonies.
- This fact has been indirectly acknowledged by the state itself through its many waves of regularisation of “unauthorised colonies” initiated by the state. In 2020, the Union Government had launched the **PM-UDAY (Unauthorised Colonies in Delhi Awas Adhikar Yojana) scheme** which confers property rights to residents of unauthorised colonies.
- The article argues that this **selective action in Jahangirpuri** amounts to targeted action.

#### Legal concerns:

- The actions show a blatant **disregard for the due process of law and established judicial precedents** regarding evictions.
  - Irrespective of the legal status of the settlement, no public authority can demolish permanent buildings without giving the **affected parties a chance to be heard and having served an advance notice** based on the principles of natural justice.
  - The judiciary in the **Ajay Maken vs Union of India (2019)** had upheld the rights of residents against eviction. The Delhi High Court looking into the legality of the demolition of Shakur Basti had held that no authority shall carry out eviction without conducting a survey, **consulting the population** that it seeks to evict and providing **adequate rehabilitation and relocation plans** for those eligible. By protecting the population from forced and unannounced eviction, the Court had upheld the idea of the “Right to the City” and the “Right to Adequate Housing”.
  - The Delhi High Court had earlier in **Sudama Singh vs Government of Delhi (2010) case** had held a similar stand by mandating that the state should comply with fair procedure before undertaking any eviction.

#### Misuse of state powers:

- The state action amounts to use of brute state power for collective punishment of alleged culprits of communal riots based on **vengeful justice and retributive action**
- This presumption of crime and subsequent actions by the executive rather than the judiciary amounts to misuse of power by the state. This also goes against the basic tenets of criminal law.

For more related information on this issue refer to the following article:

[UPSC Exam Comprehensive News Analysis of 20th April 2022](#)

#### Nut Graf

*The increasing number of instances of demolition drives targeting the so claimed “illegal constructions” of the rioters amounts to not only blatant disregard for the due process of law and established judicial precedents regarding forced evictions put also to gross misuse of state power.*

## F. Prelims Facts

*Nothing here for today!!!*

## G. Tidbits



### 1. Tackling Strontium: a cyber-espionage group

- Strontium, also known as Fancy Bear, is a highly active cyber-espionage group.
- The group is said to be connected to the Russian Armed Forces' main military intelligence wing. The group deploys diverse malware and malicious tools to breach networks and track the system.

### 2. How fintech firms are helping parents pay school fees

- Many parents who are turning towards fintech firms focused on the education sector, to pay the school and coaching fees of their children.
- The fintech firms are providing the option of paying school fees through no-cost Easy Monthly Installments (EMIs).
- In recent times, the fintech firms working in the education sector have seen a spurt in growth.

## H. UPSC Prelims Practice Questions

Q1. "Stronium" Recently seen in news is a :

- a. Cyber Espionage Group
- b. Malware
- c. Spyware
- d. Private search engine

**Answer: a**

**Explanation:**

- Strontium, also known as Fancy Bear, is a highly active cyber-espionage group.
- The group is said to be connected to the Russian Armed Forces' main military intelligence wing. The group deploys diverse malware and malicious tools to breach networks and track the system.

Q2. Which of the following pairs are correctly matched?

#### Publications

#### International Organisations

- |                                   |  |
|-----------------------------------|--|
| 1. World Economic Outlook         | World Bank   |
| 2. Global Financial System Report | International Monetary Fund                        |
| 3. World Investment Report        | United Nations Conference on Trade and Development |
| 4. Global Corruption Report       | World Economic Forum                               |

**Options:**

- a. 2 only
- b. 1, 2 and 4 only
- c. 3 and 4 only
- d. 3 only

**Answer: d**

**Explanation:**

- The World Economic Outlook report is released by the **International Monetary Fund (IMF)**.
- **The IMF** recently published the Global Financial Stability Report that details a great deal involving the state of the global economy.
- The **United Nations Conference on Trade and Development** releases World Investment Report.
- The Global Corruption Report is one of **Transparency International's** flagship publications.
- **Hence only pair 3 is correct.**

**Q3. Considered as India's first feminist writer, she actively campaigned for the rights of women. She was among the founding members of the Satyashodak Samaj. She is most known for her passionate pamphlets, the first of which was called "Stri Purush Tulana".**

**The famous personality being talked about in the given passage is:**

- a. Pandita Ramabai
- b. Tarabai Shinde
- c. Sagunabai Kshirsagar
- d. Mukta Salve

**Answer: b**

**Explanation:**

Tarabai Shinde questioned the male-dominated social system and the caste system in India. In 1882, she published a book titled 'Stripurush Tulana', which is considered as the first feminist book in India. **Hence option B is correct.**

**Q4. The Ratle and Kwar Hydroelectric projects are being constructed on:**

- a. River Jhelum
- b. River Chenab
- c. River Sutlej
- d. River Ravi

**Answer: b**

**Explanation:**

Recently, the Prime Minister of India laid the foundation stones for the 850 MW Ratle Hydroelectric Project & 540 MW Kwar Hydroelectric Project to be constructed on the **Chenab river** in Kishtwar District.

**Q5. With reference to 'Agenda 21', sometimes seen in the news, consider the following statements: (2016)**

1. It is a global action plan for sustainable development

2. It originated in the World Summit on Sustainable Development held in Johannesburg in 2002.

Which of the statements given above is/are correct?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

**Answer: a**

**Explanation:**

Agenda 21 is a global, national, and local action plan to be implemented by the United Nations System, governments, and major groups in every area where humans have an impact on the environment. **Hence statement 1 is correct.**

The Earth Summit (United Nations Conference on Environment and Development) in Rio de Janeiro, Brazil, in 1992 resulted in Agenda 21. **Hence statement 2 is not correct.**

It is a UN action plan for sustainable development that is non-binding and implemented on a voluntary basis.

## I. UPSC Mains Practice Questions

1. The Supreme Court has expanded the scope of fundamental rights in a meaningful manner and has simultaneously expanded the scope of its powers to enforce the same. Explain the statement with the help of suitable judgments. (15 Marks, 250 Words)[GS-2, Polity & Governance]
2. What is the history behind the boundary issue between Arunachal Pradesh and Assam? Suggest measures to amicably resolve the dispute. (10 Marks, 150 Words)[GS-2, Polity & Governance]