Topic 1: Indian Polity & Constitutional Law — Supreme Court on Detention and Article 22(2)

1. Context and the Supreme Court Ruling

A Supreme Court Bench headed by **Justice Ujjal Bhuyan** ruled that the constitutional **24-hour limit** for producing an arrested individual before a Judicial Magistrate begins from the **moment of detention** (physical restraint of liberty), rather than from the subsequent administrative entry of formal arrest.

The Court struck down any police **"buffer zone"** of unrecorded pre-arrest detention as unconstitutional and held that the Constitution does not recognize detention outside arrest.

Even physical touching with an intent to detain amounts to arrest.

The ruling overturned a Tripura High Court order that had denied bail in a narcotics case where four individuals were held for 18 hours before their formal arrest was recorded.

2. Constitutional & Statutory Provisions

Article 22(2): Mandates that every person arrested and detained in custody must be produced before the nearest magistrate within **24 hours** of such arrest, excluding the time necessary for the journey from the place of arrest to the court. It acts as a constitutional check against executive excess.

Article 21: Personal liberty cannot be curtailed lightly, even under special statutes.

Statutory Gap: The term **"arrest"** is not statutorily defined in the Indian Penal Code, the Code of Criminal Procedure, or the **Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)**.

3. Directions for Judicial Magistrates

Magistrates must record the **actual date and time of detention** (not merely the police arrest memo timestamp).

If detention exceeds 24 hours (excluding journey time), the Magistrate must order **immediate release**.

Magistrates have the power to release an individual if custody has been unreasonably prolonged, even if the 24-hour mark has not yet elapsed.

4. Police Custody vs. Judicial Custody (Under BNSS)

Police Custody: The accused remains under police control and is lodged in a police station lock-up.

Judicial Custody: The accused is under the custody of the Magistrate and lodged in a jail.

Maximum Period: Under the BNSS, a Magistrate can authorize police custody for a maximum of **15 days, which may be granted in parts**; beyond this period, only judicial custody is permissible.

Topic 2: Criminal Law Reforms — Zero FIR & Registration under BNSS, 2023

1. Concept and Legal Basis of Zero FIR

Section 173 of BNSS, 2023: Permits an individual to lodge an FIR at **any police station**, irrespective of whether the territorial jurisdiction over the place of the offence lies with that station.

Origin: First recommended by the **Justice Verma Committee (2013)** in the aftermath of the December 2012 gang rape case to eliminate jurisdictional barriers in sexual offences.

Mechanism: The receiving station assigns the FIR the serial number **"0" (Zero)** and transfers the case papers to the police station with territorial jurisdiction, which then re-registers it and initiates the substantive investigation.

2. General Principles of FIR Registration under BNSS

Cognizable Offences Only: An FIR (including a Zero FIR) can only be registered for cognizable offences; non-cognizable complaints receive only a **General Diary (GD) entry**.

Preliminary Enquiry Provision: For offences punishable with **imprisonment of 3 years or more but less than 7 years**, the officer-in-charge may conduct a preliminary enquiry prior to FIR registration, subject to obtaining permission from a **Deputy Superintendent of Police (DSP)**.

Electronic FIR (e-FIR): Giving information electronically is an **optional mechanism**, not a mandatory requirement.

Safeguards for Women Victims: For offences against women, especially rape, statements must be recorded by a **woman police officer** at the victim's residence or another convenient location.

3. Structural & Post-Transfer Challenges

Jurisdictional Burden: The protection of a Zero FIR terminates at registration; all subsequent procedures (spot panchnama, Section 164 statement, medical examination, Child Welfare Committee hearings) revert strictly to the jurisdictional district, forcing victims to travel at their own expense.

Delayed Relief: Scheme-based interim victim compensation (such as Maharashtra's statutory 7-day compensation mandate) frequently suffers from severe implementation delays.

Topic 3: Governance & Road Safety — Underage Driving & Section 199A, Motor Vehicles Act

1. Statutory Mechanism: Section 199A (Motor Vehicles Act, 1988)

Vicarious / Deemed Liability: Imposes direct criminal liability on the **guardian or vehicle owner** if an offence under the Act is committed by a juvenile.

Legal Presumption: The section presumes the vehicle was driven with the consent of the adult guardian/owner.

Penalties: Up to **three years' imprisonment** and a fine, in addition to penalties for the underlying traffic violation.

2. Judicial Interpretation & Structural Loopholes

The "Ignorance" Defence: Adults can avoid liability simply by pleading lack of knowledge/consent, even without proving that they took reasonable precautions (e.g., securing keys).

Sui Generis Offence: The **Kerala High Court (2024)** ruled that Section 199A creates a distinct, stand-alone adult liability separate from the juvenile's proceedings.

Procedural Hitch via JJ Act, 2015: An adult's prosecution lapses if the **Juvenile Justice Board (JJB)** fails to conclude its inquiry into a petty offence within the statutory deadline (**4 months, extendable by 2 months**) under the Juvenile Justice (Care and Protection of Children) Act, 2015.

Topic 4: Citizenship & Foreigners Law — MHA Exemption Order, 2026 & CAA, 2019

1. Immigration and Foreigners (Exemption) (Amendment) Order, 2026

Shift to "Appropriate Visa": Issued by the Ministry of Home Affairs (MHA) under the **Immigration and Foreigners Act, 2025**.

Target Beneficiaries: Pertains to **six non-Muslim minority communities** (Hindus, Sikhs, Buddhists, Jains, Parsis, Christians) from **Afghanistan, Bangladesh, and Pakistan** who entered India due to religious persecution on or before **December 31, 2024**.

Key Change: Eliminates the earlier blanket exemption from passport/visa rules; these individuals may enter without papers, but continued stay requires securing an **"appropriate visa"**.

2. Contrast with the Citizenship (Amendment) Act (CAA), 2019

Cut-Off Date: CAA 2019 fast-tracks citizenship by naturalization only for eligible migrants who entered India on or before **December 31, 2014**.

Legal Status: Post-2014 arrivals (entering up to Dec 31, 2024) are eligible for visa-regulated stay under the 2026 Order, but remain **excluded from the CAA's fast-track citizenship**.

3. Other Protected Categories Under Foreigners Orders

Sri Lankan Tamil Refugees: Registered refugees sheltered in India up to **January 9, 2015** remain exempt from penal provisions for lack of valid documentation.

Tibetan Refugees: Exempt if they entered via designated Indo-Nepal border posts on an Entry Permit / Special Entry Permit and hold a valid **Certificate of Registration**.

Visa Manual: Formally defined as instructions issued by the Central Government governing visas and border movement, including identity documents required for Indian/Nepali/Bhutanese citizens traversing the Nepal and Bhutan borders.

Topic 5: Environment & Air Pollution — Stubble Burning & CAQM Framework

1. Dynamics of Stubble Burning

Farmers burn paddy residue to rapidly clear fields during the compressed seasonal window between the paddy harvest and wheat sowing.

Penal fines range from **₹5,000 to ₹30,000**.

Satellite Detection Gap: Studies by ISRO, CEEW, and iFOREST show that farm fires have shifted towards late afternoon and evening, evading polar/fixed-orbit satellite passes.

Root Agronomic Cause: Subsidized or **free electricity** for groundwater irrigation artificially lowers paddy production costs, keeping acreage high in water-stressed areas.

2. Commission for Air Quality Management (CAQM)

Statutory Body: Established under the CAQM Act in **2021** for the National Capital Region (NCR) and adjoining areas, replacing the ad-hoc **Environment Pollution (Prevention and Control) Authority (EPCA)**.

Graded Response Action Plan (GRAP): First notified by the Environment Ministry in **January 2017** on Supreme Court directions; enforced in **four stages** calibrated to the Air Quality Index (AQI).

Topic 6: International Law & Armed Conflict — The PERAC Principles & Gaza's Ecological Fallout

1. PERAC Principles

Formulation: 27 draft principles on the **Protection of the Environment in Relation to Armed Conflicts (PERAC)** drafted by the **International Law Commission (ILC)** and formally noted by the UN General Assembly on **December 7, 2022**.

Temporal Scope (Principle 1): Applies before, during, and after armed conflicts, including during foreign military **occupation**.

Duty of Trusteeship: An occupying power must safeguard the environment and manage natural resources for the benefit of the protected population, respecting their **permanent sovereignty over natural resources** (reaffirmed by the ICJ Advisory Opinion of July 19, 2024).

State Responsibility (Principle 9): A state committing an internationally wrongful act in armed conflict must provide **full reparation**, including for ecological harm.

2. Environmental Impact in War Zones (UNEP Assessment)

Gaza Strip Baseline: UNEP recorded catastrophic ecological damage: destruction of **97% of tree crops**, **95% of shrubland**, and **82% of annual crops**.

Aquifer & Soil Degradation: Sewage pipeline destruction has contaminated coastal waters and the primary coastal aquifer; military soil compaction inhibits groundwater recharge and heightens flooding risks.

Observance Day: November 6 is the UN **International Day for Preventing the Exploitation of the Environment in War and Armed Conflict** (designated by UNGA in 2001).

Topic 7: Electoral Reforms & Representation of the People Act (RPA)

Key Institutional Microthemes:

Simultaneous Elections: The "One Nation, One Election" framework, exploring trade-offs between reduced election expenditure and potential dilution of local/state executive accountability.

Electoral Integrity: Addressing challenges surrounding Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trails (VVPATs) to preserve public trust.

ECI 2016 Reform Package: Measures concerning decriminalization of politics, candidate disclosures, and curbing opaque election financing.

Topic 8: High-Yield Environmental Frameworks & Conventions

Gothenburg Protocol (1999): Multi-pollutant protocol under the UNECE Convention on Long-Range Transboundary Air Pollution aimed at abating acidification, eutrophication, and ground-level ozone.

WHO Air Quality Guidelines (AQGs): Tightened guidelines (updated from 2005) setting significantly stricter exposure thresholds for PM2.5, PM10, NO2, SO2, and CO, prompting policy re-evaluations under India's National Clean Air Programme (NCAP).

Ramsar Convention: Concept of **"Wise Use"** of wetlands (sustainable utilization for human benefit compatible with conserving natural ecological properties).

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15 UPSC-Style Practice MCQs

Q1. With reference to Article 22 of the Constitution of India and criminal jurisprudence, consider the following statements:

The 24-hour limit within which an arrested person must be produced before a Magistrate commences from the moment of actual physical detention.

The term "arrest" is comprehensively defined under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

Under the BNSS, a Judicial Magistrate can authorize police custody for a maximum period of 15 days, which must be availed in a single continuous stretch.

Which of the statements given above is/are correct?

(a) 1 only
(b) 1 and 2 only
(c) 2 and 3 only
(d) 1, 2 and 3

Q2. With reference to the registration of a Zero First Information Report (Zero FIR) in India, consider the following statements:

A Zero FIR can be lodged at any police station regardless of whether the offence occurred within its territorial jurisdiction.

Under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, lodging an FIR electronically (e-FIR) has been made mandatory for cognizable offences.

The provision of Zero FIR was first recommended by the Justice Verma Committee (2013).

Which of the statements given above are correct?

(a) 1 and 2 only
(b) 2 and 3 only
(c) 1 and 3 only
(d) 1, 2 and 3

Q3. Under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, an Officer-in-Charge of a police station may conduct a preliminary enquiry prior to the registration of an FIR under which of the following conditions?

(a) Only in non-cognizable offences with the permission of the Judicial Magistrate
(b) In offences punishable with imprisonment of 3 years or more but less than 7 years, with prior permission of a Deputy Superintendent of Police
(c) In all offences against women and children with permission from the Superintendent of Police
(d) In economic offences punishable with imprisonment exceeding 10 years

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Q4. Consider the following statements regarding Section 199A of the Motor Vehicles Act, 1988:

It holds the guardian of a juvenile or the vehicle owner criminally liable if an offence is committed by the juvenile driver.

The statute incorporates an irrebuttable presumption of guilt, disallowing any defence of lack of knowledge by the guardian.

According to judicial rulings, Section 199A constitutes a sui generis offence where prosecution of the adult can commence independently of the Juvenile Justice Board's final determination.

Which of the statements given above is/are correct?

(a) 1 only
(b) 1 and 3 only
(c) 2 and 3 only
(d) 1, 2 and 3

Q5. Under the Juvenile Justice (Care and Protection of Children) Act, 2015, what is the ordinary statutory timeframe within which an inquiry by the Juvenile Justice Board regarding a petty offence must be completed?

(a) 30 days, extendable by 15 days
(b) 60 days, extendable by 30 days
(c) 4 months, extendable by 2 months
(d) 1 year, with no further extension

Q6. With reference to the Immigration and Foreigners (Exemption) (Amendment) Order, 2026, consider the following statements:

It mandates that designated non-Muslim migrants from Afghanistan, Bangladesh, and Pakistan who entered on or before December 31, 2024, must obtain an appropriate visa for their continued stay in India.

All migrants eligible for stay under the 2026 Order are automatically eligible for fast-track citizenship under the Citizenship (Amendment) Act, 2019.

The Order provides exemptions from penal provisions to registered Sri Lankan Tamil refugees who took shelter in India up to January 9, 2015.

Which of the statements given above is/are correct?

(a) 1 and 2 only
(b) 1 and 3 only
(c) 3 only
(d) 1, 2 and 3

Q7. With reference to the Citizenship (Amendment) Act (CAA), 2019, what is the statutory cut-off date of entry into India for non-Muslim minority migrants to avail fast-track Indian citizenship?

(a) December 31, 2009
(b) December 31, 2014
(c) January 9, 2015
(d) December 31, 2024

Q8. Consider the following statements regarding the Commission for Air Quality Management in National Capital Region and Adjoining Areas (CAQM):

It is an executive body created by a gazette notification of the Ministry of Environment, Forest and Climate Change.

It superseded the Environment Pollution (Prevention and Control) Authority (EPCA).

It is the nodal authority responsible for enforcing the Graded Response Action Plan (GRAP) in the NCR.

Which of the statements given above is/are correct?

(a) 1 and 2 only
(b) 2 and 3 only
(c) 3 only
(d) 1, 2 and 3

Q9. Which of the following is identified as a major technical factor causing satellite monitoring systems to under-report active farm fires in northwestern India?

(a) Use of microwave sensors that fail to detect heat plumes
(b) Cloud seeding operations creating persistent cloud cover over northern plains
(c) Shift in the peak burning time by farmers to late afternoons and evenings, evading fixed satellite passes
(d) Complete absorption of thermal radiation by low-level photochemical smog

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Q10. Consider the following statements regarding the Protection of the Environment in Relation to Armed Conflicts (PERAC) draft principles:

They were formulated by the United Nations Environment Programme (UNEP) and made legally binding by a UN Security Council resolution.

Principle 1 stipulates that the principles apply before, during, and after armed conflicts, including in situations of occupation.

Principle 9 establishes that an occupying power has no obligation of environmental reparation once active hostilities terminate.

Which of the statements given above is/are correct?

(a) 1 and 2 only
(b) 2 only
(c) 2 and 3 only
(d) 1, 2 and 3

Q11. The United Nations General Assembly designated November 6 as which of the following international observances?

(a) International Day for Biological Diversity
(b) World Day to Combat Desertification and Drought
(c) International Day for Preventing the Exploitation of the Environment in War and Armed Conflict
(d) International Day of Clean Air for Blue Skies

Q12. With reference to the International Court of Justice (ICJ), consider the following statements:

It is the principal judicial organ of the United Nations, established in 1945 at The Hague.

It consists of 15 judges elected for nine-year terms by both the UN General Assembly and the UN Security Council.

In its July 2024 Advisory Opinion, the ICJ held that occupying powers do not fall under international environmental obligations regarding natural resources.

Which of the statements given above is/are correct?

(a) 1 and 2 only
(b) 2 only
(c) 1 and 3 only
(d) 1, 2 and 3

Q13. The 1999 Gothenburg Protocol is primarily concerned with which of the following environmental challenges?

(a) Phasing out ozone-depleting hydrofluorocarbons (HFCs)
(b) Abating acidification, eutrophication, and ground-level ozone
(c) Regulating transboundary movements of hazardous chemical wastes
(d) Conserving high-seas marine biodiversity beyond national jurisdiction

Q14. The concept of "Wise Use" is central to which of the following international environmental treaties?

(a) Basel Convention

(b) Ramsar Convention on Wetlands

(c) Convention on Migratory Species (Bonn Convention)

(d) Convention on International Trade in Endangered Species (CITES)

Q15. With reference to simultaneous elections ("One Nation, One Election") in India, which of the following is commonly cited by parliamentary and Law Commission committees as a constitutional and democratic concern?

(a) It violates the provisions of the 73rd and 74th Constitutional Amendments completely.

(b) It leads to an automatic dissolution of the Rajya Sabha.

(c) Frequent state-level elections enhance accountability, whereas simultaneous elections may compromise continuous executive accountability to the electorate.

(d) It deprives the Election Commission of India of its powers under Article 324.

Answer Key & Detailed Explanations

Q1. Correct Answer: (a) 1 only

Statement 1 is correct: The Supreme Court held that the constitutional 24-hour countdown under Article 22(2) starts from the physical moment of detention/curtailment of liberty, rendering any police "buffer zone" unrecorded detention unconstitutional.

Statement 2 is incorrect: The term "arrest" is **not defined** in the Indian Penal Code, CrPC, or the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

Statement 3 is incorrect: Under the BNSS, a Magistrate can authorize police custody for up to 15 days, but this custody **can be granted in parts**, not necessarily in a single continuous stretch.

Q2. Correct Answer: (c) 1 and 3 only

Statement 1 is correct: Section 173 of the BNSS, 2023 allows a Zero FIR to be filed at any police station regardless of territorial jurisdiction.

Statement 2 is incorrect: Lodging information electronically (e-FIR) is **optional**, not mandatory.

Statement 3 is correct: The concept was first recommended by the **Justice Verma Committee** in 2013.

Q3. Correct Answer: (b)

Explanation: Under Section 173 of the BNSS, for offences punishable with imprisonment of **3 years or more but less than 7 years**, the officer-in-charge may conduct a preliminary enquiry prior to FIR registration, provided permission is obtained from a **Deputy Superintendent of Police (DSP)**.

Q4. Correct Answer: (b) 1 and 3 only

Statement 1 is correct: Section 199A of the Motor Vehicles Act, 1988 imposes deemed criminal liability on the guardian or owner for offences committed by a juvenile.

Statement 2 is incorrect: The statute allows adults to escape liability if they prove that the offence was committed without their knowledge or consent (the ignorance defence).

Statement 3 is correct: The Kerala High Court (2024) held that Section 199A creates a sui generis (stand-alone) offence that can proceed before the Juvenile Justice Board concludes its enquiry.

Q5. Correct Answer: (c)

Explanation: Under the Juvenile Justice (Care and Protection of Children) Act, 2015, inquiries into petty offences involving juveniles must ordinarily conclude within **four months**, with a further extension of up to **two months** allowed.

Q6. Correct Answer: (b) 1 and 3 only

Statement 1 is correct: The Immigration and Foreigners (Exemption) (Amendment) Order, 2026 mandates that eligible non-Muslim migrants from Afghanistan, Bangladesh, and Pakistan entering on or before Dec 31, 2024, must obtain an "appropriate visa" for continued stay.

Statement 2 is incorrect: The CAA cut-off is **December 31, 2014**; individuals arriving between 2015 and 2024 are permitted to stay on a visa but do not qualify for CAA fast-track citizenship.

Statement 3 is correct: Registered Sri Lankan Tamil refugees who arrived up to **January 9, 2015** remain exempt from penal provisions for lack of valid documents.

Q7. Correct Answer: (b)

Explanation: The Citizenship (Amendment) Act, 2019 stipulates **December 31, 2014** as the cut-off date for non-Muslim minorities from Pakistan, Bangladesh, and Afghanistan to qualify for expedited naturalization.

Q8. Correct Answer: (b) 2 and 3 only

Statement 1 is incorrect: The CAQM is a **statutory body** established under an Act of Parliament in 2021.

Statement 2 is correct: It replaced the non-statutory Environment Pollution (Prevention and Control) Authority (EPCA).

Statement 3 is correct: The CAQM is tasked with enforcing the Graded Response Action Plan (GRAP).

Q9. Correct Answer: (c)

Explanation: Studies by ISRO, CEEW, and iFOREST show that farm fires have shifted towards the late afternoon and evening hours, causing them to go undetected by thermal imaging satellites that fly over at fixed daylight schedules.

Q10. Correct Answer: (b) 2 only

Statement 1 is incorrect: The 27 draft principles were drafted by the **International Law Commission (ILC)** and merely noted by the UN General Assembly in 2022; they are non-binding draft principles, not a binding UNSC treaty.

Statement 2 is correct: Principle 1 explicitly extends the temporal scope of PERAC before, during, and after conflicts, including during occupation.

Statement 3 is incorrect: Principle 9 mandates that states bear international responsibility and must provide **full reparation** for environmental damage resulting from wrongful acts in conflict.

Q11. Correct Answer: (c)

Explanation: In 2001, the UN General Assembly designated **November 6** as the **International Day for Preventing the Exploitation of the Environment in War and Armed Conflict**.

Q12. Correct Answer: (a) 1 and 2 only

Statement 1 is correct: The ICJ was founded in 1945 as the UN's principal judicial organ, headquartered at The Hague.

Statement 2 is correct: The ICJ comprises 15 judges elected concurrently by the UNGA and UNSC for 9-year terms.

Statement 3 is incorrect: In its July 19, 2024 Advisory Opinion, the ICJ recognized that Israel systematically exploited resources from the Occupied Palestinian Territory and affirmed peoples' permanent sovereignty over natural resources.

Q13. Correct Answer: (b)

Explanation: The 1999 Gothenburg Protocol under the UNECE Convention on Long-Range Transboundary Air Pollution seeks to control emissions of sulfur, NOx, VOCs, and ammonia to counter acidification, eutrophication, and ground-level ozone.

Q14. Correct Answer: (b)

Explanation: The Ramsar Convention defines the **"wise use"** of wetlands as the maintenance of their ecological character achieved through the implementation of ecosystem approaches within the context of sustainable development.

Q15. Correct Answer: (c)

Explanation: A major critique in governance discourse is that simultaneous elections reduce the frequency of political tests before the electorate, thereby potentially weakening the day-to-day and periodic accountability of governments to the citizens