

## **FRONT PAGE**

1. **TRF - TOTAL RESISTANCE FRONT** : New terrorist organisation based out of Kashmir which according to the Indian Army is the front for Let and supported by Pakistan.
2. **3875 new COVID cases and 194 deaths reported on a single day.**
3. **TN reports more than 500 new cases of which 279 were reported in Chennai.**

## **SECOND PAGE**

1. **Shifting of Koyambedu market begins and the whole sale market will remain shut till May 10.**
2. **Pro symptomatic mild cases will have the option of home quarantine henceforth. This is an accordance with the guidelines of ICMR provided the house has all the necessary facilities.**

## **THIRD PAGE - NIL**

## **FOURTH PAGE - NIL**

## **FIFTH PAGE -**

1. **Kerala HC refuses to stay the ordinance issued by the Kerala government to defer payment of salary stating that it cannot question the wisdom of the government and it is within the governments legislative powers to issue such an ordinance.**
2. **Andhra Pradesh government has hiked liquor prices by a total of 75% to discourage alcohol consumption**

## **EDITORIAL**

### **Kerala Model**

1. **The state has a case fatality rate of 0.6% against a national average of 3.3%.**
2. **Was proactive in shutting down malls and educational institutions even before COVID was declared a pandemic by WHO.**
3. **Strong institutions, high literacy rate and good quality medical infrastructure starting from primary health centres, lessons learnt from nipah are the contributing factors towards the much lauded " KERALA MODEL "**

## **REDEFINING A POST COVID WORLD**

1. **Focussing less on GDP led growth**
2. **Bringing back government**
3. **Lesser competition**
4. **Citizen welfare rather than Consumer welfare**
5. **Intellectual property rights belong to the people.**

## **OPED**

The Constitution of India came into force 70 years ago, on January 26, 1950. Its enactment was an ambitious political experiment as it sought to implement universal adult franchise, federalism in a region consisting of over 550 princely states, and social revolution in a society that was divided on the lines of caste, religion, etc.

However, it was equally a unique achievement in terms of constitutional design which has been under the guardianship of Indian Judiciary. Evolution of Judiciary and how it interpreted the Constitution can be understood in the following phases:

#### Phase One: Textualist Approach

In its early years, the Supreme Court adopted a textualist approach. It focused on the literal meaning of the words as mentioned in the Constitution.

For example, in *A.K. Gopalan v. State of Madras (1950)* case, the Supreme Court interpreted the Fundamental Rights under Part III.

In this case, the leaders of the Communist Party of India claimed that preventive detention legislation was inconsistent with Articles 19 (the right to freedom), 21 (the right to life) and 22 (the protection against arbitrary arrest and detention).

The Supreme Court upheld the validity of preventive detention and decided that each of those articles covered entirely different subject matter, and were to be read as separate codes rather than being read together.

At that time, the most controversial questions pertaining to Indian Constitution had been whether there are any limitations on Parliament's power to amend the Constitution, especially Fundamental Rights.

However, the Court in its early years read the Constitution literally, concluding that there were no such limitations.

#### Phase Two: The Structuralist Approach

The Supreme Court began exploring other methods of interpretation. Appeals to the text of the Constitution were gradually overtaken by appeals to the Constitution's overall structure and coherence.

In the leading case of *Kesavananda Bharati v. State of Kerala (1973)*, the Supreme Court concluded that Parliament's power to amend the Constitution did not extend to altering its Basic Structure.

The Supreme Court in *Maneka Gandhi v. Union of India (1978)* case reversed its earlier stand that it took in *A K Gopalan* case.

In this case, the Court conceived of the Fundamental Rights as a cohesive bill of rights rather than a miscellaneous grouping of constitutional guarantees.

The Right to Life was incrementally interpreted to include a wide range of rights such as clean air, speedy trial, and free legal aid. This paved the way for the Supreme Court to play an unprecedented role in the governance of the nation.

In order to implement this, the Supreme Court of India, pioneered the Public Interest Litigation (PIL) thereby throwing upon the portals of Courts to the common man.

PIL has today acquired unprecedented legitimacy and binding power and is acknowledged as a powerful weapon to combat governmental lawlessness and social oppression.

### Phase Three: Challenge of Heterogeneity

The Supreme Court's interpretive philosophy turned far more result-oriented but it lacked thorough reasoning of the issues. Reasons for this:

The Supreme Court which at its inception began with eight judges grew to a sanctioned strength of 34 judges.

However, with the increasing burden of cases, it began to sit in panels of two or three judges, effectively transforming it into a "polyvocal" group.

Further, Judicial Activism helped Indian Judiciary to become one of the most powerful judiciaries in the world. However, the Indian Judiciary has been alleged of Judicial Overreach (interfering in the domain of executive and legislature), nepotism and protecting itself of any reform under the guise of independence of the Judiciary.

This can be reflected in cases like rendering the National Judicial Appointment Commission (99th Constitutional Amendment) as ultra vires or Master of the Roster controversy.

### Phase Four: Social Revolution and Transformation

Recently, the Supreme Court has passed many judgments recognising the individual's rights and thereby ushering an era of social transformation. For example:

**Lifting the ban on entry of women (aged 10-50) inside Sabarimala Temple:** The Supreme Court held that "Devotion cannot be subjected to gender discrimination" and removed a ban that prevented women between 10 and 50 years of age from entering Kerala's Sabarimala temple.

**Decriminalisation of Homosexuality:** Supreme Court in 2018 decriminalized homosexuality stated under Section 377 of the Indian Penal Code.

**Adultery Not A Crime:** The Supreme Court unanimously struck down a 150-year-old law that considered adultery to be an offence committed against a married woman by another man. Defined under Section 497 of the IPC, adultery law came under sharp criticism for treating women as possessions rather than human beings.

The Supreme Court declared Section 497 as unconstitutional. Adultery is no longer a crime but if it leads to someone committing suicide, the act will be treated as a crime - abetment to suicide.

Apart from these, Indian Judiciary has also taken reforms that sought to instil transparency in Indian judicial system like live streaming of Supreme Court and bringing of CJI under RTI. However, Indian Judiciary should strive to strike a balance between transparency & accountability and maintaining the independence of the Judiciary.

## NEWS

1. "DARBAAR MOVE" - Shifting of capitals between Jammu and Srinagar. The 148 year old practice places a huge burden on the exchequer .
2. Long March 5B - Chinese rocket.

**Kerala Model of Development'** is a term used to describe the economic policy underpinning the State's recent growth and development history.

**Positives of this model:**

It is characterized by achievements in social indicators such as education, healthcare, high life expectancy, low infant mortality and low birth rate, by the creation of productive social infrastructure rather than materialistic infrastructure. Kerala has achieved material conditions of living, reflected in indicators of social development comparable to those of developed countries, even though the state's per capita income is moderate. These achievements along with the factors responsible for such achievements have been considered characteristic results of the Kerala model.

**More precisely, the Kerala model has been defined as:**

A set of high material quality-of-life indicators coinciding with moderate per-capita incomes, both distributed across nearly the entire population of Kerala.

A set of wealth and resource redistribution programmes that have largely brought about the high material quality-of-life indicators.

High levels of political participation and activism among ordinary people along with substantial numbers of dedicated leaders at all levels. Kerala's mass activism and committed cadre were able to function within a largely democratic structure, which their activism has served to reinforce.

**Concerns:**

In 2018 Kerala was overwhelmed by an unprecedented natural event. Flooding combined with landslides caused many deaths. Floods were not new to Kerala, which receives high rainfall. What was new compared to the times of equally high rainfall in the early part of the last century was the flooding due to inept dam management and the vulnerability of the terrain induced by the pattern of land use. In 2019 we have seen some of this repeated. This year it is the landslides that have caused most deaths. They are a relatively recent phenomenon, pointing to the role of uncontrolled economic expansion.

**Failures of the development model:**

**Criticism of the Kerala Model of Development has been based on its several failures:**

The foremost is the inability to meet the employment aspirations of the people, pushing them to live under authoritarian regimes overseas.

Second, the laudable public provision of health and education has been financed by borrowing. Kerala has the highest per capita public debt among States, implying that we are passing on the bill for our own maintenance to future generations.

Finally, Kerala has not done so well when viewed through the lens of gender justice. High levels of female education have not led to an equally high participation of women in the labour force or in governance, even though they participate equally in elections.

Two consecutive years of a natural calamity exacerbated by human action are a revelation that the Kerala Model has run its course. The extraordinary events that we have witnessed this year range from fountains sprouting out of the earth due to the hitherto unknown 'water piping' to constructed structures shifting, physical phenomena not yet widely understood.

There has been overbuilding in Kerala, with absentee owners having invested in luxury houses they do not always occupy. As a result poorer households are crowded out of safe locations on the plains to precarious ones on the hills.

Public policy has failed miserably to regulate land use including rampant quarrying, which destabilises the earth's surface.

The rice paddies had both produced food and served as gargantuan sinks for rainwater.

### **Way Forward**

**To come out of this morass the people of Kerala would have to rely on themselves. They need to acknowledge that their consumption pattern must change as it has adversely impacted the natural environment, the consequences of which have begun to hurt them. In this task they are unlikely to be guided by the State's politicians and intellectuals who led them into this cul-de-sac in the first place.**