



RACE IAS

Daily current affairs

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Centre-Delhi row heads to Constitution Bench:

Context:

The 3 - Judge Supreme Court bench has referred to a Constitution Bench the battle between the Centre and Arvind Kejriwal-led Delhi government for control over bureaucrats in the Capital.

What's the issue?

The tussle between the Union and Delhi governments is over the limited question concerning 'services' or bureaucracy.

Delhi Government's arguments:

The National Capital Territory government had compared its predicament without power over the 'services' like that of a king without a kingdom.

- For example, the government had to get the approval of the Lieutenant Governor to appoint a Health Secretary or a Commerce Secretary. This makes administration really difficult and undemocratic.

The government argues that without the power to control the transfers and postings of the officers, the Principle of "Collective Responsibility" will not be upheld.

What the Centre says?

The Centre had argued that Delhi, the nation's capital and a sprawling metropolis, should be under its control.

- It says, Delhi could not be left to the "small mercies and smaller resources" of a State legislature.

Supreme Court judgements so far:

2018 judgment:

- The Constitution Bench had unanimously held that the Lieutenant Governor of Delhi was bound by the “aid and advice” of the government and both had to work harmoniously with each other.
- There was no room for anarchy or absolutism in a democracy.
- The 2018 judgment had not specifically dealt with the issue of ‘services’.

Unresolved Areas in the Judgement:

Overlapping Areas: Though the court has settled that LG is bound to act on the aid and advice except in respect of ‘Land’, ‘Public Order’ and the ‘Police’. However, Public Order is a very wide connotation, which subsequently leads to overlapping executive powers.

Still No Clarity on Article 239AA (4): The court did not very clearly delineate the issues in respect of which the LG can refer a decision taken by the Council of Ministers to the President in the event of a difference of opinion between the LG and the State government.

Open-Ended Terminologies: In the event of referring any matter to the President, the Court enunciated that LG must adhere to the constitutional principles of collaborative federalism, constitutional balance and the concept of constitutional governance. However, these terms are very wide and open-ended. They are subject to different interpretations.

February 2019 Judgment:

The Supreme Court gave a split opinion on the question of control over ‘services’ in the Capital.

- Justice Bhushan had held that the Delhi government had no power over ‘services’.
- Justice Sikri: Took the middle path; he concluded that files on the transfers and postings of officers in the rank of secretary, head of department and joint secretary could be directly submitted to the Lieutenant Governor.
 - As far as DANICS (Delhi Andamans Nicobar Islands Civil Service) cadre was concerned, the files could be processed through the Council of Ministers led by the Chief Minister to the Lieutenant Governor.

- Again, in case of a difference of opinion, the Lieutenant Governor prevailed.

What are the latest demands by the Delhi Government now?

The Delhi government has also separately sought the quashing of amendments to the 'Government of National Capital Territory of Delhi (GNCTD) Act' and 13 Rules of the 'Transaction of Business of the Government of National Capital Territory of Delhi Rules, 1993'.

- It has contended that the amendments violate the doctrine of basic structure of the Constitution and that the Centre, through these changes, has given more power to the Lieutenant Governor than the elected government of the people of Delhi.

(Note: Do you wish to know more about the Government of National Capital Territory (GNCTD) Amendment Act, 2021? Then, read this. It's a pretty interesting article).

How is Delhi administered?

Delhi is a Union Territory with a legislature and it came into being in 1991 under Article 239AA of the Constitution inserted by 'the Constitution (Sixty-ninth Amendment) Act, 1991.

- As per the parent Act, the legislative assembly of Delhi has power to make laws in all matters except public order, police and land.

'IT'S ELECTED GOVT THAT'S ANSWERABLE TO PEOPLE'

Vindication For AAP

1 SC says LG is bound by 'aid and advice' of the council of ministers, **doesn't have 'independent decision-making powers'**



2 "Ministers' decisions must be communicated to LG but **this does not mean LG's concurrence is required**"

3 "LG must remember that it is the elected government that is answerable to the people"

4 LG can't be obstructionist. "The proviso (that) forms the bone of contention... envisages a situation where LG has a 'difference of opinion'... 'on any matter'. The words 'any matter' ... cannot be inferred to mean 'every matter'"



“ If Modi govt had not withdrawn the powers of elected govt through illegal orders, precious three years would have been saved. People of Delhi are grateful to the judiciary — CM Arvind Kejriwal

...It has always been so. We ran a government for 15 years and whatever the cabinet decided, LG always agreed

— Sheila Dikshit, former CM

But There Are Some Important Caveats



1 Centre and the lieutenant governor retain exclusive power over **land, police, law and order**

2 No full statehood. "It is clear as noon day that **by no stretch of imagination can NCT of Delhi be accorded the status of a state** under our present constitutional scheme," says CJI, reading the order

3 Under Article 239AA(4), **LG can refer matters** to President under "exceptional circumstances"

Sources: the Hindu.

President's Rule:

Context:

The Union Home Ministry Amit Shah has ruled out the possibility of President's Rule in the state as it would be improper to dismiss an elected government backed by a huge mandate.

What's the issue?

The demand for central rule in the state is rising, alleging collapsing law and order. Activists cited political killings, gang rapes and other forms of violence to substantiate the demand.

What is the President's Rule in the Indian context?

Article 356 of the Constitution of India gives the President of India power to suspend state government and impose President's rule of any state in the country "if he is satisfied that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution".

- It is also known as 'State Emergency' or 'Constitutional Emergency'.

- Upon the imposition of this rule, there would be no Council of Ministers.
- The state will fall under the direct control of the Union government, and the Governor will continue to head the proceedings, representing the President of India.

Parliamentary Approval and Duration:

- A proclamation imposing President's Rule must be approved by both the Houses of Parliament within two months from the date of its issue.
- The approval takes place through simple majority in either House, that is, a majority of the members of the House present and voting.
- Initially valid for six months, the President's Rule can be extended for a maximum period of three years with the approval of the Parliament, every six months.

Report of the Governor:

Under Article 356, President's Rule is imposed if the President, upon receipt of the report from the Governor of the State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of the Constitution.

Revocation:

A proclamation of President's Rule may be revoked by the President at any time by a subsequent proclamation.

Such a proclamation does not require parliamentary approval.

Sources: Times of India.

India's bid for permanent membership in reformed UNSC, NSG

Context:

France has reiterated its commitment to support India's bid for permanent membership in a reformed UN Security Council and New Delhi's entry into the Nuclear Suppliers' Group.

The demand has been supported by:

Four out of the five permanent members of the UN Security Council have bilaterally expressed support for India's candidature.

Why India deserves a permanent seat at the UNSC and NSG?

- India is the founding member of the UN.
- India, till now has been elected for multiple terms for a two-year non-permanent member seat.
- India has almost twice the number of peacekeepers deployed on the ground than by P5 countries.
- India being the largest democracy and second-most populous country (soon to become most populous) in the world, are the primary reasons for it to be granted permanent membership in UNSC.
- India's acquired status of a Nuclear Weapons State (NWS) in May 1998 also makes India a natural claimant as a permanent member similar to the existing permanent members who are all Nuclear Weapon States.
- India is the undisputed leader of the Third world countries, as reflected by its leadership role in the Non-Aligned Movement.

About NSG:

The 48-member NSG is an elite club of countries that deals with the trade-in nuclear technology and fissile materials besides contributing to the non-proliferation of nuclear weapons.

- Brought in 1974- in response to the Indian nuclear test (smiling Buddha).
- It is a Group of nuclear supplier countries that seek to prevent nuclear proliferation by controlling the export of materials, equipment and technology that can be used to manufacture nuclear weapons.
- The NSG first met in November 1975 in London, and is thus popularly referred to as the "London Club".
- Its guidelines are not binding.

Benefits associated with NSG membership- Once admitted, an NSG member state gets:

1. Timely information on nuclear matters.
2. Contributes by way of information.
3. Has confirmed credentials.

4. Can act as an instrument of harmonization and coordination.
5. Is part of a very transparent process.

Opposition of NSG membership bid:

China, one of the five nuclear-weapon states, stridently opposes India's NSG bid primarily on the grounds that New Delhi is not a signatory to the Nuclear Non-Proliferation Treaty (NPT).

- Its opposition has made India's entry into the group difficult as the NSG works on the principle of consensus.

Besides, India's capacity to project its military power beyond the Indian Ocean region is still to be tested. Further, India heavily relies on weaponry imports from US and Russia for its military requirements.

Sources: Business Standard.

Assam Cattle Preservation Act, 2021:

Context:

Assam Cattle Preservation Act, 2021- A cow protection law that Assam enforced less than a year ago has led to an acute beef crisis in Meghalaya.

- The hill State's main cattle market has also been closed due to non-availability of the animal for consumption.

Various pressure groups in Assam groups recently held a rally against the Assam Cattle Preservation Act, 2021, stating that the law was an assault on the farm economy in the name of religion.

- The law is aimed at regulating **slaughter, consumption and transportation of cattle.**

Highlights of the law:

1. Slaughter of cow, calf and heifer is prohibited.
2. Transportation of cattle from or through Assam is prohibited.
3. Sale of beef or beef products is prohibited in areas predominantly inhabited by Hindu, Jains, Sikhs, and other non-beef eating communities.

4. Sale of beef or beef products is prohibited within a 5-km radius of any temple, satra or other Hindu religious institutions.

Punishment under the Assam Cattle Preservation Act, 2021 for violation:

Those found violating the rules shall be punishable with imprisonment for a term not less than three years and up to eight years or a fine that may vary between Rs 3 lakh and Rs 5 lakh or both. If someone convicted is found guilty of the same or a related offence the second time, the punishment will be doubled.

Need for this law:

There is a rise of illegal cattle smuggling along the India-Bangladesh border despite the deployment of adequate security forces.

- According to the Union government, the Border Security Forces seized 476,035 head of cattle between 2016 and 2020 along the Indo-Bangla border.

Controversial provisions/Criticisms surrounding the law:

1. The law completely prohibits Cow slaughter irrespective of any provisions.
2. It prohibits the sale of Beef and beef products within a radius of 5 km from any temple. This seems like a complete restriction on Beef for residents residing within the 5 km radius.
3. It specifies who is empowered to inspect, search and detain. The power has been provided to Veterinary Officer, Police Officer (Sub Inspector or above), and any person authorized by the State Government. This also might lead to political or communal misuse.
4. The punishments and Fines provided are very extreme. These kinds of punishments are given to a very serious offender in the Indian Penal Code, 1860.

Background:

Assam shares 263 km of border with Bangladesh, out of which 143.9 km is land and 119.1 km is riverine.

Challenges ahead:

1. In Assam, there are many exit points along the porous India-Bangladesh border that facilitate the **illicit cattle smuggling**.

2. The smuggling also happens through West Bengal and Meghalaya which also share a border with Bangladesh.
3. A couple of years ago, the BSF had identified 65 cattle corridors along the border and had recommended certain measures to stop cattle smuggling.
4. Local police officials in Assam often claim that the law doesn't allow them to stop someone from transporting cattle to another state. If arrested, the smugglers can claim that these are personal cattle.

Sources: the Hindu.

Global Report on Food Crises 2022:

Context:

Global Report on Food Crises 2022 was recently released by the Global Network Against Food Crises (GNAFC).

- The report is the flagship publication of the GNAFC and is facilitated by the Food Security Information Network (FSIN).

Highlights of the Report:

- Some 40 million more people globally experienced acute food insecurity at crisis or worse levels in 2021 than 2020.
- Over half a million Ethiopians, southern Madagascar, South Sudanese and Yemenese are suffering from acute food insecurity.
- Over 193 million people in 53 countries or territories experienced acute food insecurity at crisis or worse levels in 2021.

Reasons behind the crises:

- Conflict forced 139 million people in 24 countries / territories into acute food insecurity. This is an increase from 99 million in 23 countries / territories in 2020.
- Weather Extremes forced over 23 million people in eight countries / territories into acute food insecurity, up from 15.7 million in 15 countries / territories in 2020.

- Over 30 million people in 21 countries / territories suffered acute food insecurity in 2021 due to economic shocks, down from over 40 million people in 17 countries / territories in 2020.

What needs to be done?

- Have an integrated approach to prevention, anticipation, and better targeting to sustainably address the root causes of food crises.
- Prioritise smallholder agriculture as a frontline humanitarian response, to overcome access constraints and as a solution for reverting negative long-term trends.

What is GNAFC?

- It was Founded by the European Union, FAO and WFP in 2016.
- It is an alliance of humanitarian and development actors working together to prevent, prepare for and respond to food crises and support the Sustainable Development Goal to End Hunger (SDG 2).

What is the Food Security Information Network (FSIN)?

- It is a global initiative co-sponsored by Food and Agriculture Organization (FAO), World Food Programme (WFP) and International Food Policy Research Institute (IFPRI).
- It seeks to strengthen food and nutrition security information systems for producing reliable and accurate data to guide analysis and decision-making.

What is Acute food insecurity?

Acute food insecurity is when a person's inability to consume adequate food puts their lives or livelihoods in immediate danger.

- It is more severe than / not the same as chronic hunger, as reported each year by the UN's annual State of Food Security and Nutrition in the World report.

Chronic hunger is when a person is unable to consume enough food over an extended period to maintain a normal, active lifestyle.

Sources: the Hindu.

Roe v. Wade, which was in News Recently is a?

Answer: Landmark judgment delivered by the US Supreme Court in 1973.

- It legalised abortion in the country.

Why in the News?

According to reports, the US Supreme Court is set to overturn the judgment.

- Since there is no federal law protecting the right to abortion in the US, the overturning of Roe would leave abortion laws entirely up to the states.
- Conservative states could bring back restrictive laws that prohibited abortions before the Supreme Court set the foetal viability standard in 1973.

Pregnancy Termination in India:

India's Medical Termination of Pregnancy Act, 1971 allows abortion until 20 weeks of pregnancy.

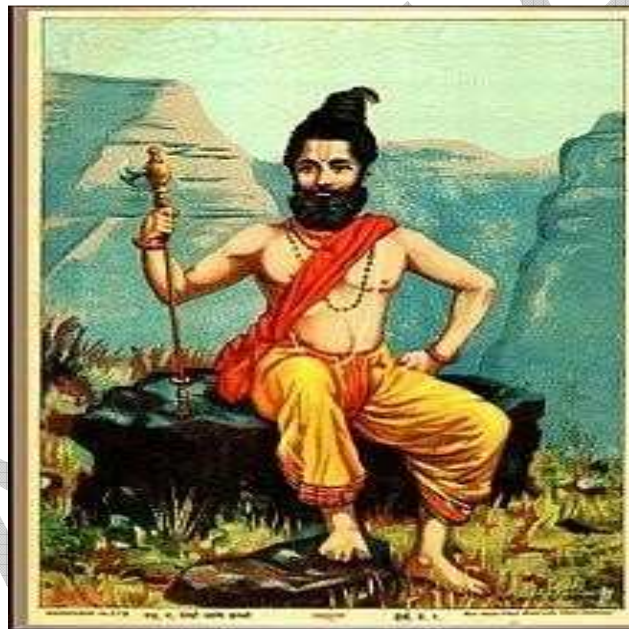
- Through an amendment in 2021, the ceiling for abortions was raised to 24 weeks, but only for special categories of pregnant women such as rape or incest survivors, that too, with the approval of two registered doctors.
- In case of foetal disability, there is no limit to the timeline for abortion, but that is allowed by a medical board of specialist doctors set up by the governments of states and union territories.



Parashurama theme park:

Karnataka Government will release ₹ 1.5 crores to the Parashurama theme park coming up at Karkala.

- Parashurama is the traditional founder of Malabar and is said to have bestowed land there on members of the priestly class whom he brought down from the north in order to expiate his slaughter of the Kshatriyas.
- He is the sixth incarnation among the Dashavatara of the god Vishnu in Hinduism.
- He is believed to be one of the Chiranjeevis (Long-Lived Ones or Immortal Ones), who will appear at the end of the Kali Yuga to be the guru of Vishnu's tenth and last incarnation, Kalki.



Use of loudspeaker from mosque not fundamental right:

The use of a loudspeaker from a mosque is not a fundamental right, the Allahabad High Court has said.

- In May 2020, the high court held that though azaan might be an essential and integral part of Islam, giving the call to prayer through loudspeakers or other sound-amplifying devices could not be said to be an integral part of the religion warranting the fundamental rights protection enshrined in Article 25 of the Constitution, which is even

otherwise subject to public order, morality or health and other provisions of Part III of the Constitution.

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