

CONSTITUTION AND POLITY**Karnataka conundrum**

The Supreme Court's decision to ask the parties to the political crisis in Karnataka to maintain the status quo until it examines the questions of law involved, is pragmatic and expedient.

Details Of Order

- The Speaker has been asked not to decide the issue of MLAs' resignation or disqualification.
- An order has been passed when one of the questions to be decided is whether the court can give such a direction to the Speaker.
- It now transpires that legislators can be prevented from resigning by claiming that they have incurred disqualification.

Order of events

- It was argued in court that "the rebel MLAs are trying to avoid disqualification by tendering resignations."
- This is astounding, as the penalty for defection is loss of legislative office.
- Quitting the current post before joining another party is a legal and moral obligation.
- Defection is condemnable, especially if it is to bring down one regime and form another.
- But politicians cannot be tied down to parties against their will by not letting them leave even their legislative positions.
- Even if it can be argued that two MLAs had pending disqualification proceedings against them, what about the rest?
- They say they tried to meet the Speaker, but could not.
- They may have been wrong to rush to the court without getting an appointment with the Speaker, but in the few intervening days, their parties issued a whip to all MLAs to be present in the House and vote for the government.

Issues related to the incident

- Converting resignation into a disqualification matter is an attempt to deny a member's right to quit his seat in the legislature before joining another party, even if the crossing-over is a politically expedient measure.
- The logic seems to be that a disqualified member cannot become a Minister without getting elected again, whereas one who resigns can be inducted into an alternative Cabinet without being a member.
- Accepting a resignation is a simple function of being satisfied if it is voluntary, while disqualification is decided on evidence and inquiry.
- The two should not be mixed up.

Constitutional Issue

- The ongoing proceedings represent an increasingly common trend in litigation on constitutional issues: the propensity of the political class to twist and stretch the law in their favour and leave it to the court to set things right.
- The Speaker already enjoys extraordinary powers under the Constitution.
- In addition to immunity from judicial scrutiny for legislative matters, such as whether a Bill is a money bill, presiding officers get to decide whether a member has incurred disqualification under the anti-defection law.
- Though the decision is subject to judicial review, many Speakers have evaded judicial scrutiny by merely not acting on disqualification matters.

Conclusion

- The question whether the Speaker's inaction can be challenged in court is pending before another Constitution Bench. Telangana, Andhra Pradesh and Tamil Nadu have instances of Speakers not acting on disqualification questions for years.
- The current crisis in Karnataka has exposed a new dimension to such partisan action.

Law Commission

With the country left without a Law Commission since September 2018, the Law Ministry has initiated the process of setting up the body which gives advice to the government on complex legal issues. The three-year term of the 21st Law Commission ended on August 31 last year. On at least one occasion, the Ministry had moved the proposal to reconstitute the panel.

Law Commission of India

It is an executive body established by an order of the Government of India. First law commission of independent India was established post the Independence in 1955.

- The Cabinet approves reconstitution of the law panel for a period of three years. It is usually headed by a former Supreme Court judge or a former Chief Justice of a High Court.
- Composition: Chairman, 1 Permanent Member, 1 Member Secretary, 2 Part-time Members, 2 ex-officio members. (21st Law Commission Chairman: Justice BN Chauhan)
- Tenure: 3 Years
- Function: Advisory body to the Ministry of Law and Justice for “Legal Reforms in India”
- Recommendations: NOT binding
- First Law Commission was established during the British Raj in 1834 by the Charter Act of 1833 under Macaulay.
- It recommended for the Codifications of the IPC, CrPC etc.

GOVERNANCE- WELFARE SCHEMES, E-GOVERNANCE, SERVICES ETC.

Jalyukta Shivar Scheme

PM in his latest Mann ki Baat emphasized on the need for dedicated efforts towards water conservation and ‘Jal Shakti, Jan Shakti’ initiative which is inspired from Jalyukta Shivar scheme of Maharashtra.

Such regional schemes can be a benchmark for their replication at pan India level.

Jalyukta Shivar Scheme

- Jalyukta Shivar is the flagship programme of the Maharashtra government launched in December 2014 which aims to make 5,000 villages free of water scarcity.
- The scheme targeted drought-prone areas by improving water conservation measures in order to make them more water sustainable.
- It envisaged to arrest maximum run-off water, especially during the monsoon months, in village areas known to receive less rainfall, annually.

Initiatives under the scheme

- Under the scheme, decentralized water bodies were installed at various locations within villages to enhance the groundwater recharge.
- Besides, it also proposed to strengthen and rejuvenate water storage capacity and percolation of tanks and other sources of storage.
- Dedicated committees were formed to assist in construction of watersheds like farm ponds, cement nullah bunds alongside rejuvenating the existing water bodies in the villages.

Why such scheme?

- About 82 per cent area of Maharashtra falls in rainfed sector while 52 per cent of area is drought prone.
- This, when coupled with natural rainfall variability and long dry spells during the monsoons, severely hampers agriculture activities.
- Since 2014, hundreds of villages in Marathwada, central Maharashtra and Vidarbha have experienced droughts for consecutive years.
- For instance, when the scheme was launched in 2014, a total of 23,811 villages in 26 out of the total 36 districts were declared drought-hit.
- The scheme, thus, aimed at addressing these water issues mainly by building decentralized water bodies at local levels that could aid in better groundwater recharge especially in areas where water scarcity was very high.

INTERNATIONAL AFFAIRS- BILATERAL, GROUPINGS, ORGANISATIONS

HR 1044

The US lawmakers passed a Bill titled Fairness for High-Skilled Immigrants Act (HR 1044).

It is aimed at lifting the current seven per cent country-cap on issuing Green Cards, a development which would benefit thousands of highly-skilled Indian IT professionals.

What the HR 1044 means for India?

- A change in the existing law can mean that immigrants from countries like India and China seeking permanent residency could expect shorter wait times.

- Indian IT professionals, who under the existing law would have to wait up for a long time, can now hope for a fairer system with lesser processing time.
- Apart from removing caps for employment-based Green Cards, caps for family-based categories have also been increased to 15%.

INDIAN ECONOMY

Privatisation of the Railways

Government rules out privatisation of railways.

Recommendations by Bibek Debroy Committee: The Bibek Debroy Committee, which was set up to suggest ways to mobilise resources for the Indian Railways and restructure the Railway Board, has favoured privatisation of rolling stock: wagons and coaches.

Rail Privatisation:

Pros:

- Improved Infrastructure – It will lead to better infrastructure which in turn would lead to improved amenities for travelers.
- Balancing Quality of Service with High Fares – The move would foster competition and hence lead to overall betterment in the quality of services.
- Lesser Accidents – Because private ownership is synonymous with better maintenance, supporters of privatisation feel that it will reduce the number of accidents, thus resulting in safe travel and higher monetary savings in the long run.

Cons:

- Coverage Limited to Lucrative Sectors – An advantage of Indian Railways being government- owned is that it provides nation-wide connectivity irrespective of profit. This would not be possible with privatisation since routes which are less popular will be eliminated, thus having a negative impact on connectivity. It will also render some parts of the country virtually inaccessible and omit them from the process of development.
- Fares – Given that a private enterprise runs on profit, it is but natural to assume that the easiest way of accruing profits in Indian Railways would be to hike fares, thus rendering the service out of reach for lower income groups. This will defeat the entire purpose of the system which is meant to serve the entire population of the country irrespective of the level of income.
- Accountability – Private companies are unpredictable in their dealings and do not share their governance secrets with the world at large. In such a scenario it would be difficult to pin the accountability on a particular entity, should there be a discrepancy.

EDITORIAL

Why is India setting up a mobile phone handsets database?

The National Telecom Policy of 2012 calls for the establishment of a National Mobile Property Registry to address the issue of “security, theft, and other concerns including reprogramming of mobile handsets”. Based on this, the Department of Telecommunications (DoT) under the Ministry of Communications initiated a Central Equipment Identity Register (CEIR) for mobile service providers. The DoT issued a memorandum in July 2017 announcing the CEIR with a pilot project led by Bharat Sanchar Nigam Limited in Maharashtra. In January 2018, this project was handed over to the Centre for Development of Telematics (CDoT). Now, it is all set to roll out.

What is CEIR?

- Based on a 2008 order from the DoT, every mobile network provider in India has an Equipment Identity Register (EIR), or a a database of the phones connected to its network. These EIRs will now share information with a single central database, the CEIR.
- In essence, it will be a repository of information on all mobile phones connected to networks across India.
- CEIR will have information on the device’s International Mobile Equipment Identity (IMEI) number (every phone or mobile broadband device has this unique 15 digit code that precisely identifies the device), model, version, and “other information”.
- It will also know if the phone is blacklisted, and the reason why it has been blacklisted.

What is the purpose of a CEIR?

- Such centralised databases are meant to identify and block stolen or illegal mobile phones across networks. Currently, when a customer reports a mobile phone as missing or stolen,

mobile service providers have the ability to blacklist the phone's IMEI in their EIRs and block it from accessing their network. But if the SIM is changed to a new network, it can continue to be in use.

- With a CEIR, all network operators will be aware that the phone is blacklisted.
- The CEIR will also access the GSMA's database of IMEI numbers to check whether the phone is authentic. There are cases of phones being in use with duplicate IMEI numbers, or with all zeroes instead of an authentic IMEI number.
- The CEIR will also be able to block services to subscribers. This ability had rested with individual networks till now.
- It also enables "IMEI-based lawful interception", which means allowing legal authorities to use CEIR data.

What are the issues with having a CEIR?

- Telecom Regulatory Authority of India (TRAI) raises a key issue with the CEIR — who should maintain such a high-value database? Should it be the service provider, or a neutral third party?
- Another major issue is cloning, or reprogramming stolen or unauthorised mobile phones to attach existing genuine IMEI numbers. Blocking cloned IMEI numbers could result in the authentic ones also being blocked.

ODISHA DEVELOPMENT

Odisha per capita loan burden Rs 18,228

Odisha's per capita loan burden touched Rs 18,228 as the state incurred a total debt of Rs 82,570.68 crore as of May. The finance minister said the state has been presenting a revenue surplus budget since 2005-06 and the loans incurred by the state was spent on capital expenditure and different developmental schemes. The debt is being repaid after making requisite provisions in the state's annual budgets.

Where the loans came from?

- Though the state used to take loans from Government of India, NSSF (National Small Savings Fund), NABARD and GPF till 2013-14, it has been receiving loans from the open market since 2014-15.
- The total open market borrowing till 2018-19 stands at Rs 29,030.92 crore
- While the state incurred a loan of Rs 3000 crore from open market in 2014-15, it increased to Rs 4472.82 in 2015-16, Rs 7620 crore in 2016-17, Rs 8438.35 in 2017-18 and Rs 5500 crore in 2018-19, the minister said.

Other Concerns:

- According to the finance minister there has been a shortfall of Rs 1,854 crore in central assistance with the Centre stopping eight government schemes.
- Similarly, the state's annual central assistance was also lesser by Rs 610 crore as the government stopped the Normal Central Assistance (NCA).
- Further, the state's share in centrally sponsored schemes (CSS) also increased as the Centre changed the sharing pattern to 60:40 in place of 75:25.

Centre confirms Special Category Status to Odisha not under consideration

In a major blow to Odisha which has been demanding special category state status, Union Minister for State (Finance) Anurag Thakur informed that no such proposal is under the consideration of the Central government. He further stated that the 14th Finance Commission does not make a distinction between special and general category states.

Odisha's Demand

- At the NITI Aayog meeting in June, Odisha CM Naveen Patnaik had demanded inclusion of natural calamities as one of the criteria for granting special category status to states like Odisha.
- Patnaik had sought 'Special Focus State' status for the state in view of its vulnerability to natural calamities.
- As an interim measure, States hit by major natural calamities may be declared as Special Focus States and granted benefits of special category states for a specific period

QUOTE OF THE DAY

Act as if you are already the person you want to become.

DAILY ANSWER WRITING PRACTICE

Qns: Distinguish between Special Status and Special Category Status to States. Why some states demand for the Special Category Status(SCS) and what are the challenges in working of the same?

Ans:

Difference Between Special Status And Special Category Status To States

- There is a huge difference between the terms ‘Special Status’ and ‘Special Category Status’
- Special status is guaranteed by the Constitution of India through an Act passed by the two-third majority in both houses of the Parliament, as in the case of Jammu and Kashmir, whereas Special Category Status is granted by the National Development Council (NDC), an administrative body of the government.
- Special Status empowers legislative and political rights while Special Category Status deals only with economic, administrative and financial aspects.
- The concept of a special category state was first introduced in 1969 when the 5th Finance Commission sought to provide certain disadvantaged states with preferential treatment in the form of central assistance and tax breaks.
- Initially three states Assam, Nagaland and Jammu & Kashmir were granted special category status but since then eight more have been included (Arunachal Pradesh, Himachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Tripura and Uttarakhand).

Criteria for the SCS: Low resource base, Hilly and difficult terrain, Low population density, Sizable share of tribal population or Hostile location, sharing international border, non-viable nature of state finance.

Benefits To The State

- Preferential treatment in getting Central funds assistance
- Concession on excise duty, this attracts industries to the state
- Significant 30% of the Centre’s gross budget goes to the Special category states
- These states avail themselves of the benefit of debt swapping and debt relief schemes
- In centrally sponsored schemes and external aid special category states get it in the ratio of 90% grants and 10% loans, while other states get 30% of their funds as grants.

Challenges:

- SCS selection was not transparent and many times political reasons determined the destiny of the states
- Lobbying by some states and regional parties led to opportunist classifications.
- The Selection criteria were in the hands of the central government and states did not have much say.
- As per many reports and data, it is quite evident that even after awarding Special category status not much economic progress has been noticed among states

DAILY CURRENT AFFAIRS BASED MCQS

1. Which of the following is incorrect about the tenure of the Speaker of the Lok Sabha?
 - (a) He is no longer a Speaker if he ceases to be a member of the Lok Sabha due to any reason
 - (b) When the Lok Sabha dissolves, the Speaker vacates his position simultaneously**
 - (c) The Speaker is the head of the Lok Sabha and also its representative
 - (d) When there's a deadlock in vote, the Speaker can cast his casting vote to break the deadlock
 2. Which of the following not a power or function of the Speaker of Lok Sabha?
 - (a) When there's a deadlock in vote, the Speaker can cast his casting vote to break the deadlock
 - (b) The Speaker decides whether a bill is a money bill or not
 - (c) The Speaker of the Lok Sabha must resign from the membership of his party after being elected as a Speaker**
 - (d) The Speaker of Lok Sabha holds a higher rank than all cabinet ministers except Prime Minister and Deputy Prime Minister
 3. Which of the following statements is/are correct about Law Commission?
 1. The first Law Commission of independent India was established in 1955 under chairmanship of M. C. Setalvad.
 2. The Law Commission of India (LCI) is a non-statutory and non-constitutional body.
- Select the correct answer from the codes given below
- (a) 1 only
 - (b) 2 only
 - (c) Both 1 and 2**
 - (d) Neither 1 nor 2
4. The 'Jal Shakti, Jan Shakti' initiative of the Centre is inspired from Jalyukta Shivar Scheme which is scheme of
 - (a) Gujarat
 - (b) Rajasthan
 - (c) Maharastra**
 - (d) Uttar Pradesh
 5. USA's HR-1044, recently in news, is a law that deals with which of the following?
 - (a) Immigration**
 - (b) Migration
 - (c) Trade Sanction
 - (d) VISA
 6. Which of the following are the criteria to attain Special Category Status state provided by the NDC?
 1. Low resource base
 2. Low population density
 3. Non-viable nature of state finances
 4. Frequent Natural Calamities

Select the correct answer from the codes given below

 - (a) 1, 2 and 3**
 - (b) 1, 3 and 4
 - (c) 2 and 4
 - (d) 1, 2, 3 and 4