

“Be happy with who you are and what you do, and you can do anything you want.”

Steve Maraboli

NATIONAL

RECONSTITUTION OF NATIONAL BAMBOO MISSION

National Bamboo Mission (NBM) started as a Centrally Sponsored Scheme in 2006-07, was mainly emphasizing on propagation and cultivation of bamboo, with limited efforts on processing, product development and value addition.

There was a weak linkage between the producers (farmers) and the industry.

The restructured proposal gives simultaneous emphasis to the propagation of quality plantations of bamboo, product development and value addition including primary processing and treatment; micro, small & medium enterprises as well as high-value products

Objectives of the restructured NBM:

To increase the area under bamboo plantation in non forest Government and private lands to supplement farm income and contribute towards resilience to climate change as well as availability of quality raw material requirement of industries. The bamboo plantations will be promoted predominantly in farmers' fields, homesteads, community lands, arable wastelands, and along irrigation canals, water bodies etc.

To improve post-harvest management through establishment of innovative primary processing units near the source of production, primary treatment and seasoning plants, preservation technologies and market infrastructure.

To promote product development keeping in view market demand, by assisting R&D, entrepreneurship & business models at micro, small and medium levels and feed bigger industry.

To rejuvenate the under developed bamboo industry in India.

To promote skill development, capacity building, awareness generation for

development of bamboo sector from production to market demand.

SC COLLEGIUM STANDS FIRM ON JUSTICE JOSEPH

The Supreme Court collegium has reiterated its recommendation to appoint Uttarakhand High Court Chief Justice K.M. Joseph as a Supreme Court judge.

The collegium also separately recommended Madras High Court Chief Justice Indira Banerjee and Orissa High Court Chief Justice Vineet Saran to the Supreme Court.

The Supreme Court will have a record three serving women judges with the appointment of Justice Banerjee. The court has nine vacancies.

The collegium, led by Chief Justice Dipak Misra, stood firm against objections raised by the government that Justice Joseph was too junior to be appointed a Supreme Court judge and his parent High Court of Kerala too small a one.

The collegium gave careful thought to the objections and found that the Centre did not, in fact, have a single adverse thing to say about Justice Joseph's suitability for appointment as a Supreme Court judge.

“We have carefully considered the observations made by the Law Minister in his letters... The Collegium, on due consideration of all the aspects mentioned in the letters, resolves to reiterate the recommendation, especially since nothing adverse regarding suitability of Justice K.M. Joseph has been pointed out in the letters,” the collegium resolution, signed by the Chief Justice and Justices Ranjan Gogoi, Madan B. Lokur, Kurian Joseph and A.K. Sikri said.

NO-CONFIDENCE MOTION

According to rule 198 of the Rules of Procedure and Conduct of the Lok Sabha, a no-confidence motion (NCM) is “a motion expressing want of confidence in the Council of Ministers.”

This motion can be moved when “the Member asking for leave shall, by 10.00 hours on that day give to the Secretary-General a written notice of the motion which such member proposes to move.”

The Speaker then, once satisfied that the motion is in order, will ask the House if the motion can be adopted.

Article 75 of the Indian Constitution

Article 75(3) states that the Council of Ministers shall be collectively responsible to the House of the People.

This means that if the Ministry loses the confidence of the “Lok Sabha”, all ministers from both the Houses of Parliament has to resign.

This deduces that the government shall stay in power as long as it enjoys the confidence of Majority of Members in Lok Sabha.

This means that ministers fall and stand together. This is called “Rule of Collective Responsibility”.

Those Members that support the motion will have to rise in their seats, and with a minimum of 50 Members’ approval, the motion can be moved. In 1952, the lower limit of a no-confidence was at 30 MPs.

A no-confidence motion needs a majority vote to pass the House. No-Confidence Motion can only be introduced in Loksabha.

If individuals or parties abstain from voting, those numbers will be removed from the overall strength of the House and then the majority will be taken into account.

FAULT LINES IN A ‘LANDMARK’ JUDGMENT

The verdict on the SC/ST Atrocities Act marks the collapse of the constitutional scheme to protect the weaker sections.

The verdict had framed guidelines on how to deal with a person accused under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. No sensible person can question the need to protect those who are innocent from arbitrary arrest.

The demand for “an inbuilt provision” to protect those falsely accused under the Act was first raised by a parliamentary committee in December 2014 and the apex court did so in March 2018.

The judgment is concerned with a limited aspect of the Act — protecting innocent officers and employees in government and private sectors from the misuse of the Act.

One must consider why a fence was put up in the first place before pulling it down. The court appears to have mistaken a large number of acquittals in atrocities cases to be false cases.

Similarly, there is no precise data on the scale and extent to which the Act has been misused by SC/ST employees. The bench obviously saw a broader pattern of misuse of the Act.

The court’s single-minded mission to end “terror in society” rendered it oblivious to the constitutional procedure to be followed in making policies that affect the SC/STs.

Article 338 clause 9 stipulates: The Union and every State Government shall consult the Commission [National Commission for Scheduled Castes] on all major policy matters affecting Scheduled Castes

Article 338A, which created the National Commission for Scheduled Tribes, provides the same procedure (as per Clause 9) in the case of STs

When the court wears the policy-making hat in matters related to SC/STs, it too is constitutionally-bound to consult these commissions

Way Forward

The judgment has ended up conveying a false and dangerous message that the Atrocities Act is “a charter for exploitation or oppression,” and “an instrument of blackmail or to wreak personal vengeance”

The task of balancing the rights of innocent persons facing false accusations and the need to accord legitimacy to the Atrocities Act requires compassion, equanimity, reverence for the Constitution and awareness.
