

● POLITY

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POLITY AND GOVERNANCE

DIFFICULT TO PRESS FOR
WOMEN'S QUOTA BEFORE
LS POLL: SC

CONTEXT: The petition filed by Jaya Thakur in Supreme Court, represented by senior advocate Vikas Singh and advocate Varinder Kumar Sharma, questioned a clause in the law which said the reservation should be implemented only after the next census followed by a delimitation exercise.

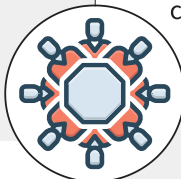
Not there yet

The Constitution (One Hundred and Sixth Amendment) Act, popularly called the women's reservation Bill, stipulates 33% reservation for women in the Lok Sabha and State Assemblies.

However it won't take effect immediately

■ A clause in the law says the reservation will be implemented after the next census followed by delimitation

■ The government has assured Parliament that the



census and delimitation will be carried out soon after the general election in 2024

■ The petition argues in SC that reservation should be implemented before the LS election

BACKGROUND: The Supreme Court of India is considering a petition challenging a clause in the Constitution (One Hundred and Sixth Amendment) Act of 2023, which reserves one-third of seats in Parliament, State legislatures, and the Delhi Legislative Assembly for women. The petition argues that the clause, which defers the implementation of the reservation till after the next census followed by a delimitation exercise, is "void ab-initio" and should be implemented immediately.

THE STORY SO FAR: The petition was filed by Jaya Thakur, who is represented by senior advocate Vikas Singh and advocate Varinder Kumar Sharma. Mr. Singh argued that a constitutional amendment passed by the Parliament unanimously during a Special Session should not be made to wait indefinitely. He also argued that it was settled law that a constitutional amendment cannot be held back unless it was found to be ultra-vires the Constitution.

The petition referred to the 73rd and 74th constitutional amendments of 1993 which gave women one-third representation in local body elections. It also drew the court's attention to the 77th Constitutional Amendment extending reservations for promotions in jobs for the Scheduled Castes and Scheduled Tribes. Finally, the petition highlighted the

recent implementation of the 10% EWS reservation for poor Forward Caste sections of the society in educational institutions and public employment. It said all these amendments were given effect without calling for Census data.

CONCLUSION: The Supreme Court has not yet decided whether or not to intervene to ensure the implementation of the women's reservation law before the 2024 general election. The court has listed the case for further hearing on November 22.

ECOLOGY AND ENVIRONMENT

DELHI'S AIR QUALITY PLUMMETS

CONTEXT: Delhi's air quality slipped into the worst — 'severe plus' — category for the first time this season on Friday.

The city's air quality index (AQI) rose from 351 at 10 a.m. on Thursday to 471 at 9 a.m. on Friday and came down to 468 by 4 p.m. The L-G appealed to people to remain indoors as much as possible, avoid unnecessary travel, and, if necessary, use public transport.

NATIONAL AIR QUALITY INDEX (NAQI)

The NAQI is calculated and published by the Central Pollution Control Board (CPCB) of India. The CPCB has a network of monitoring stations across the country that measure the levels of air pollutants. The National Air Quality Index (NAQI) is a number that measures the level of air pollution in a particular location. It is calculated using concentrations of five major air pollutants: ozone, particulate matter (PM), carbon monoxide, Sulfur dioxide, and nitrogen dioxide. The AQI is divided into six categories, each with a different colour code:

- **GOOD (0-50):** Air quality is considered satisfactory, and air pollution poses little or no risk.
- **MODERATE (51-100):** Air quality is acceptable; however, there may be a risk for some people, particularly those who are unusually sensitive to air pollution.
- **UNHEALTHY FOR SENSITIVE GROUPS (101-150):** Members of sensitive groups may experience health effects. The general public is not likely to be affected. Sensitive groups include people with heart or lung disease, older adults, children, and pregnant women.
- **UNHEALTHY (151-200):** Everyone may experience health effects; members of sensitive groups may experience more serious health effects.
- **VERY UNHEALTHY (201-300):** Health warnings of emergency conditions. The general public is likely to experience health effects; members of sensitive groups

may experience more serious health effects.

- **HAZARDOUS** (301 and above): Health alert: everyone may experience serious health effects.

The Graded Response Action Plan (GRAP) is a set of emergency measures that are implemented in the Delhi-NCR region when air quality deteriorates to certain levels. The plan was developed by the Central Pollution Control Board (CPCB) in consultation with state governments and other stakeholders. It was approved by the Supreme Court of India in 2016 and notified in 2017. GRAP is a four-stage plan, with each stage corresponding to a different level of air quality severity. The four stages are:

- **Stage 1:** Moderate air quality (AQI 101-150): Measures include banning construction activities, restricting diesel vehicles, and watering roads to reduce dust.
- **Stage 2:** Poor air quality (AQI 151-200): Measures include banning brick kilns and stone crushers, closing schools and colleges, and working from home for government employees.
- **Stage 3:** Very poor air quality (AQI 201-300): Measures include odd-even vehicle rationing, banning all diesel vehicles except for essential services, and closing all industries except for those involved in essential services.
- **Stage 4:** Severe air quality (AQI 301 and above): Measures include emergency measures such as closure of all schools, colleges, and government offices, and a complete ban on all vehicles except for essential services.

The decision of which stage of GRAP to implement is taken by the Commission for Air Quality Management (CAQM), which is the apex body responsible for air quality management in the Delhi-NCR region. The CAQM monitors air quality levels in the region and takes decisions based on the data collected.

The Central government's Commission for Air Quality Management (CAQM) had on Thursday announced the implementation of Stage 3 of GRAP, which resulted in a ban on construction and demolition activities and plying of BS-III petrol and BS-IV diesel light motor vehicles in Delhi and a few districts in the neighbouring States. All government and private primary schools in Delhi were closed till Saturday.

POLITY AND GOVERNANCE

CAUVERY AUTHORITY RATIFIES CWRC'S DECISION ON RELEASE OF WATER TO TAMIL NADU

CONTEXT: The Cauvery Water Management Authority (CWMA) approved the decision of the Cauvery Water Regulation Committee (CWRC) to ask Karnataka to release 2,600 cubic feet per second (cusecs) to Tamil Nadu till November 23.

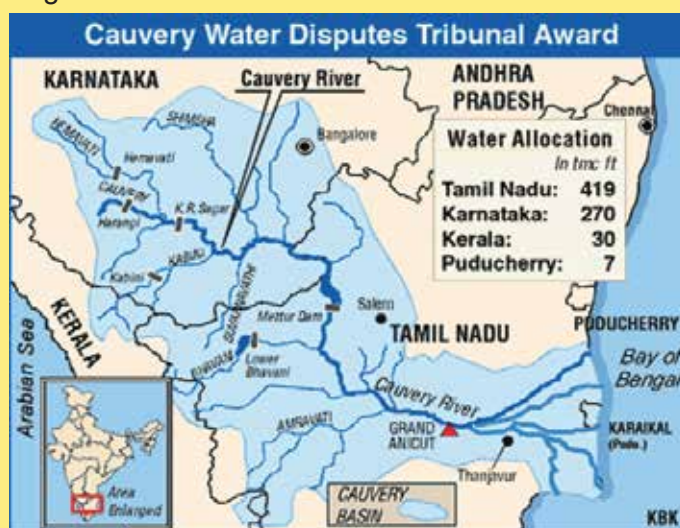
Tamil Nadu had sought the release of 13,000 cusecs, factoring in the backlog. The ratification meant that the upper riparian State would have to release 5.17 thousand million cubic feet (tmc ft) in the next three weeks.

INTER-STATE RIVER WATER DISPUTES ACT, 1956:

The Centre constitutes an Inter-State River Water Dispute Tribunal under the ISWD Act, 1956 with all powers of a Civil Court to adjudicate on inter-State water disputes. The ISRWDT consist of Chairman and two other members nominated by Chief Justice of India (CJI) from amongst Judges of Supreme Court or High Court. Further, services of two assessors who are water resources experts having experience in handling sensitive water-related issues will advise Tribunal in its proceedings.

The Tribunals need to submit its report and decision within period of 3 years as per ISRWD Act, 1956 which can be extended further due to unavoidable reasons, not exceeding 2 years. The Centre needs to accept and notify the final verdict in Gazette to make it binding on the States. The States can challenge the rulings of Inter-State River Water Dispute Tribunals in the Supreme Court under Article 136 (Special Leave Petition to the SC).

The ISWD Tribunals follow an informal approach not guided by Codes of Civil Procedures and "evidence based" method, rather via deliberations and evaluating scientific and technical data based on natural justice. The National Water Policy, 2012 recommended for setting up permanent tribunals bundling ISWD Tribunals with other administrative tribunals



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INTERNATIONAL RELATIONS

INDIA WILL WORK WITH SRI LANKA ON ITS DEBT TREATMENT: NIRMALA

CONTEXT: India will continue collaborating with Sri Lanka on debt treatment while the island nation attempts to emerge out of last year's grave economic crisis, Union Finance Minister Nirmala Sitharaman told President Ranil Wickremesinghe.



Sri Lanka is currently facing a severe debt crisis. The country's total debt is estimated to be around \$ 86.5 billion, which is equivalent to 119% of its GDP. Of this, \$36.1 billion is external debt and \$ 46.9 billion is domestic debt.

The debt crisis has been caused by a number of factors, including:

- **Excessive borrowing:** Sri Lanka has been borrowing heavily for many years, both to finance its development and to cover current budget deficits.
- **Mismanagement:** The government has been criticized for mismanaging the economy and for using borrowed money to fund vanity projects rather than productive investments.
- **COVID-19 pandemic:** The pandemic has had a devastating impact on the Sri Lankan economy, leading to a decline in tourism, exports, and remittances.
- **Rising global food and fuel prices:** The global rise in food and fuel prices has put further pressure on the Sri Lankan economy and made it more difficult for the country to repay its debt.

The Sri Lankan government is currently in negotiations with the International Monetary Fund (IMF) for a bailout package. The IMF has agreed to lend Sri Lanka \$3 billion, but only if the country implements a number of reforms, including reducing its budget deficit and privatizing some state-owned enterprises. The Sri Lankan government is also working to restructure its debt. In July 2023, the Sri Lankan parliament approved a plan to restructure the government's domestic debt. The plan involves extending the maturities of government bonds and reducing interest rates.

Sri Lanka must bring its major creditors, including China, India, and Japan, on board for a debt treatment plan agreeable to all, in order to unlock the second tranche of the International Monetary Fund's (IMF) Extended Fund Facility (EFF).

On October 19, Sri Lanka reached a staff-level agreement with the IMF on economic policies to conclude the first review of the 48-month EFF-supported programme of the Fund. Following approval from the IMF Management and Executive Board — which the Fund has said will depend on the “critical step” of Colombo reaching an agreement with its official creditors — Colombo will have access to \$ 330 million.

INTERNATIONAL RELATIONS

PM DISCUSSES WEST ASIA SITUATION WITH UAE PRESIDENT

CONTEXT: Amid the Israel-Hamas war, Prime Minister Narendra Modi on Friday discussed the West Asia situation with Sheikh Mohammed Bin Zayed Al Nahyan, President of the United Arab Emirates.

The phone call took place days after India abstained on a Jordanian resolution at the United Nations General Assembly seeking ceasefire. The resolution was supported by the UAE. India has been in contact with the UAE over the violence which began on October 7, leading to the death of thousands of civilians. UAE has condemned Israel's ground offensive in Gaza.

ECONOMICS AND DEVELOPMENT

‘SERVICES LOST STEAM IN OCT.’

India's services economy hit a bump in October, with growth decelerating and price pressures flaring up, as per the S&P Global India Services PMI, which dropped to 58.4, from 61 in September, signalling the slowest expansion since March.

SERVICES PMI

New orders rose to its second-fastest rate since June 2010 pushing the S&P Global India Services Purchasing Managers' Index (PMI) from 60.1 in August to 61 in September.



FIGURE: Column chart representation of the monthly S&P Global India Services Purchasing Managers' Index (PMI).

While output levels as well as new business inflows rose strongly in October, the rate of expansion slowed in the face of competitive pressures and inflationary forces, the survey-based PMI shows.

New business grew at the weakest pace since May, with certain types of services seeing subdued demand. New jobs were created during October, but at the slowest pace in three months. The silver lining was that international orders saw the second-fastest upturn since the PMI series started in September 2014, with new orders from Asia, Europe and the U.S.

There were faster increases in input costs and output charges during October, with rates of inflation outpacing their respective long-run averages. At the same time, a pick-up in inflation expectations dampened overall business sentiment.

Firms held higher food, fuel and staff costs responsible for the uptick in input costs, which compelled them to raise prices at a pace that was the strongest in close to six-and-a-half years. The Future Activity Index fell by more than five points in October, signalling some loss of confidence surrounding the outlook for services output, amid rising inflation expectations.

POLITY AND GOVERNANCE

ACTION AND AUTHORITY

CONTEXT: Two States, Tamil Nadu and Kerala have approached the Supreme Court of India against the conduct of their Governors. This once again flags the problem of appointed Governors using their authority to delay the implementation of decisions by elected regimes, if not undermine them.

BACKGROUND: Governors in India are political appointees and some of them have been accused of using their authority to delay or block decisions by elected regimes, especially in states not governed by the ruling party at the center. This has led to calls for a national prohibition on governors being chancellors of universities and for a more transparent process for appointing the chairperson and members of state public service commissions.

ISSUE: The problem of political appointees in Raj Bhavan using their authority to delay or block decisions by elected regimes, especially in states not governed by the ruling party at the center has been one of the vexing issue in centre state relationship in India. This has led to two states, Tamil Nadu and Kerala, approaching the Supreme Court of India against the conduct of their Governors.

- Governors are political appointees, and some of them have been accused of using their authority to undermine elected regimes.
- Governors have been delaying or blocking decisions such as granting assent to Bills passed by the legislature, proposals related to grant of remission to convicts, sanction for prosecution of former Ministers, and appointments to the State Public Service Commissions.

- Some Governors have been hostile to amendments to university laws that seek to leave out Chancellors, invariably the Governors themselves, from the process of appointing vice-chancellors, or establishing new universities in which Governors are not chancellors.
- Governors have been indefinitely holding on to Bills without conveying a decision, despite the Supreme Court's observations that the phrase "as soon as possible" appearing in Article 200 of the Constitution contains significant "constitutional content".

Justice Punchi Commission on centre state relation had recommended for a national prohibition of Governors being the Chancellors of the Universities.

ADDITIONAL INFORMATION

- Governors are appointed by the President of India, on the advice of the Union Council of Ministers.
- The Constitution of India does not specify the term of office for Governors, but it is customary for them to serve for a period of five years.
- Governors have a number of powers and functions, including:
 - Assenting to Bills passed by the state legislature.
 - Promulgating Ordinances when the state legislature is not in session.
 - Appointing the Chief Minister and other members of the Council of Ministers.
 - Summoning and proroguing the state legislature.
 - Granting pardons and reprieves to convicts.

Governors are supposed to act on the advice of the Council of Ministers, but they do have some discretionary powers. For example, they can refuse to grant assent to a Bill if they believe that it is unconstitutional or against the public interest.

CONCLUSION: The misuse of powers by Governors has been a source of tension between the Centre and the States. In recent years, there have been several instances of Governors blocking or delaying decisions by elected regimes, especially in states not governed by the ruling party at the center. This has led to accusations of political interference and undermined the federal structure of the Indian polity.

The Supreme Court has also intervened on a number of occasions to uphold the constitutional principles governing the relationship between the Centre and the States. In the recent past, the Court has made it clear that Governors cannot indefinitely hold on to Bills without conveying a decision. The Court has also emphasized that Governors must act on the advice of the Council of Ministers, and their discretionary powers should be exercised sparingly and judiciously.



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POLITY AND GOVERNANCE

RETROGRADE STEP

CONTEXT: Tamil Nadu government had decided to constitute a fact checking unit to deal with "misinformation and disinformation pertaining to the State government" emanating from "all media platforms". This decision follows a similar move by the Karnataka government.

BACKGROUND: The Tamil Nadu and Karnataka governments have set up fact-checking units to deal with misinformation and disinformation. The Editors Guild of India has challenged the legality of these units, arguing that they could be used to censor criticism of the government. The Bombay High Court has raised similar concerns.

THE STORY SO FAR: Misinformation and disinformation have become a major problem in the era of social media. In an attempt to tackle this issue, the Tamil Nadu and Karnataka governments have set up fact-checking units. However, the Editors Guild of India has challenged the legality of these units, arguing that they could be used to censor criticism of the government.

The editorial argues that it is problematic for governments to be the arbiters of truth. When governments have the power to decide what is false, they can use this power to silence their critics. This is a threat to freedom of speech and expression.

The editorial also points out that there are already independent fact-checkers who tackle misinformation on social media. These fact-checkers are not beholden to any government or special interest group, and they can therefore provide more objective and unbiased assessments of information.

If the Tamil Nadu and Karnataka governments are genuinely concerned about misinformation, they should support independent fact-checkers and provide them with resources. They should also make it clear that they will not use their fact-checking units to censor criticism of the government.

OTHER RELEVANT INFORMATION

The Tamil Nadu and Karnataka fact-checking units are the latest in a growing trend of governments around the world establishing their own fact-checking operations. While the stated goal of these units is to combat misinformation and disinformation, there are concerns that they could be used to silence criticism of the government and suppress freedom of speech.

The Editors Guild of India has been one of the most vocal critics of government fact-checking units. The Guild has argued that these units are "inherently susceptible to abuse" and that they "undermine the independence of the media and the right to free speech."

The Bombay High Court, in its hearing on the IT rule enabling the central government's fact-checking unit, also raised concerns about the potential for abuse. The Court noted that the rule was "vague and ambiguous" and that it lacked the necessary safeguards to protect freedom of speech.

Independent fact-checkers have also warned against the dangers of government fact-checking units. They argue that these units are not accountable to the public and that they could be used to promote government propaganda.

In addition to the concerns raised by the Editors Guild of India and independent fact-checkers, there are a number of other potential problems with government fact-checking units:

Lack of transparency: It is often unclear how government fact-checking units will operate and what criteria they will use to determine whether or not information is false. This lack of transparency makes it difficult for the public to hold these units accountable.

Bias: Government fact-checking units may be biased in favour of the government. This could lead to them flagging legitimate criticism of the government as false, while allowing government propaganda to go unchecked.

Chilling effect: The existence of government fact-checking units could have a chilling effect on free speech. People may be afraid to express their views for fear of being censored by the government.

Overall, there are a number of serious concerns about government fact-checking units. It is important to carefully consider these concerns before establishing such units, and to ensure that they are subject to appropriate safeguards to protect freedom of speech.

CONCLUSION: The verdict of the Bombay High Court, which is set to be delivered on December 1, will be keenly watched to see where courts stand on the constitution of government fact-checking units. The outcome of this case will have important implications for freedom of speech and expression in India.

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