

2020



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CURRENT AFFAIRS

POLITY AND NATION

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BusinessLine



1. Legislative Council

Why in News?

The Andhra Pradesh Assembly recently passed a resolution to abolish the state's Legislative Council.

Legislative Council in Andhra Pradesh

- The Legislative Council of united Andhra Pradesh was created on July 1, 1958, and dissolved on May 31, 1985.
- It was resurrected after 22 years, on March 30, 2007.

Legislative Council

- Under Article 168, states can have either one or two Houses of legislature.
 - Under Article 169, Parliament may by law create or abolish the second chamber in a state if the Legislative Assembly of that state passes a resolution to that effect by a special majority.
- **Composition:**
 - Under Article 171, a Council cannot have more than a third of the number of MLAs in the state but not less than 40 members.
- **Election:**
 - 1/3rd of the MLCs are elected by MLAs.
 - 1/3rd by a special electorate comprising sitting members of local government bodies such as municipalities and district boards.
 - 1/12th by an electorate of teachers.
 - 1/12th by registered graduates.
 - The remaining members are appointed by the Governor for distinguished services in various fields.
- **Arguments in favour of Legislative Council:**
 - A second House can help check hasty actions by the directly elected House
 - It can also enable non-elected persons to contribute to the legislative process.
- **Arguments against the Legislative Council:**
 - Some of the poorer states could not afford the cost of operating two Houses.
 - Councils can be used to delay important legislation.
 - It can be used to park leaders who have not been able to win an election.
- **Councils in other states:**
 - Besides Andhra Pradesh, five other states have Vidhan Parishads:
 - a) Bihar (58 members)
 - b) Karnataka (75 members)
 - c) Maharashtra (78 members)

- d) Telangana (40 members)
- e) UP (100 members)
- Jammu and Kashmir had a Council until the state was bifurcated into the Union Territories of Jammu & Kashmir and Ladakh.

2. Supreme Court Judgement on Anticipatory Bail

Why in News?

The Supreme Court (SC) has recently ruled that the protection of anticipatory or pre-arrest bail cannot be limited to any time frame or “fixed period”.

Anticipatory Bail

- Section 438 of the Code of Criminal Procedure (CrPC) deals with the anticipatory bail.
- **Importance:**
 - Anticipatory bail protects people from the ignominy of detention in jail for days on end and disgrace to their reputation.
 - SC in recent judgement held that denial of bail amounts to deprivation of the fundamental right to personal liberty in a free and democratic country.

Bail

- It is the provisional release of an accused in a criminal matter in which the court is yet to announce a judgment.
- **Other types of bail:**
 - Regular Bail: A regular bail can be granted to a person who has already been arrested and kept in police custody.
 - Interim Bail: Interim bail is granted to an accused before the hearing for the grant of regular bail or anticipatory bail.

Highlights of the Judgement

- **Time limit on anticipatory bail:**
 - The life of an anticipatory bail order does not normally end at the time and stage when the accused is summoned by the court, or when charges are framed, but can continue till the end of the trial.
 - Nothing in Section 438 CrPC compels or obliges courts to impose conditions limiting relief in terms of time.
 - The court held that protection against arrest should inure in favour of the accused.
 - a) Restricting the protection would prove unfavourable for the accused.
- **Application of anticipatory bail:**
 - An application for anticipatory bail should be based on concrete facts relating to the offence and why the applicant reasonably apprehends arrest.
 - A plea for anticipatory bail can be filed even before the registration of FIR.

- **Conditions on anticipatory bail:**
 - It is open for a court to impose appropriate conditions for grant of anticipatory bail.
 - Courts have to consider:
 - a) Nature of the offence,
 - b) Role of the person,
 - c) Likelihood of his influencing the course of investigation.
 - Restrictions/conditions can be imposed only on a case-to-case basis.
- **Grant of anticipatory bail:**
 - Issuance of notice to the prosecutor can be done simultaneously while granting protection from arrest to the accused.
 - It is open for the police to move court for arrest of the accused if there is any violation of bail conditions.

3. **Rashtriya Uchchar Shiksha Abhiyan**

Why in News?

The Human Resource Development Ministry has approached the Prime Minister's Office (PMO) to flag alleged corruption in the implementation of the Rashtriya Uchchar Shiksha Abhiyan (RUSA).

Rashtriya Uchchar Shiksha Abhiyan (RUSA)

- RUSA is a Centrally Sponsored Scheme (CSS), launched in 2013.
- It aims at providing strategic funding to eligible state higher educational institutions to achieve:
 - Equity
 - Access
 - Excellence
- **Objectives:**
 - Improve the overall quality of state institutions by ensuring conformity to prescribed norms and standards.
 - Usher transformative reforms in the state higher education system.
 - Ensure reforms in the affiliation, academic and examination systems.
 - Ensure adequate availability of quality faculty in all higher educational institutions and ensure capacity building at all levels of employment.
 - Create an enabling atmosphere for research and innovations.
 - Expand the institutional base by creating additional capacity in existing institutions and establishing new institutions.
 - Correct regional imbalances in access to higher education by setting up institutions in unserved & underserved areas.

- Improve equity in higher education by providing adequate opportunities of higher education to the disadvantaged.
- The funding would flow from the Central Ministry through the state governments/union territories to the State Higher Education Councils before reaching the identified institutions.
 - The funding to states would be made on the basis of critical appraisal of State Higher Education Plans.
 - The central funding would be norm based and outcome dependent.
- **Division of central funding:**
 - General category states in the ratio of 60:40
 - Special category states in the ratio of 90:10
 - Union territories - 100% funding by the centre

4. Agrochemical Spraying through Drones Illegal

Why in News?

Recently, the Ministry of Agriculture and Farmers' Welfare has clarified that use of drones for agrochemical spraying is illegal as per the Insecticides Act, 1968.

Key Points

- The Insecticide Act, 1968 does not allow aerial spraying.
- As per its provisions, aerial application of pesticides needs approval from the Central Insecticides Board (CIB).
 - Further, the CIB has not granted any approval or permission in the past for the use of drones to spray pesticides.
- Aerial spraying impacts a larger area while decreasing the efficacy on the target pests.
- Adverse weather and wind conditions can result in drifting of the fine hazardous chemical beyond the range of application.
 - Kasargod in Kerala faced the negative consequences of aerial spraying of Endosulfan (a pesticide) for over 25 years.

Central Insecticides Board

- It was established under Section 4 of the Insecticides Act, 1968 and works under the Ministry of Agriculture and Farmers' Welfare.
- It advises the central government and state governments on technical matters arising out of the administration of the act and to carry out the other functions assigned to it.
- **Advice are given on:**
 - The risks to human beings or animals involved in the use of insecticides/pesticides and the safety measures necessary to prevent such risk.
 - The manufacturing, sale, storage, transport and distribution of

insecticides/pesticides with a view to ensure safety to human beings or animals.

Kasargod Incident

- Over 20 years of aerial spraying on cashew plantations and other crops in Kerala left many people, especially children with mental and physical disorders like deformities and other health complications.
- In 2011, the Supreme Court banned its production and distribution of Endosulfan.

5. Guidelines to Monitor Sand Mining

Why in News?

The Ministry of Environment, Forests and Climate Change (MoEFCC) has released guidelines following the orders of National Green Tribunal (NGT) to monitor and check illegal sand mining in the country.

- This is the first time that guidelines to monitor and check illegal sand mining in the country have been released.
- Until now, the Sustainable Sand Management Guidelines (SSMG), 2016 focused on the management of sand mining.
- The 2020 guidelines are to be enforced simultaneously with the SSMG - 2016, in case of conflict, the new rules will hold legal precedence.

Background:

Mines and Minerals (Development and Regulation) Act, 1957

- The Act regulates the mining sector in India and specifies the requirement for obtaining and granting mining leases for mining operations.
- It empowers state governments to make rules to prevent illegal mining, transportation and storage of minerals.

Enforcement and Monitoring Guidelines for Sand Mining 2020

- The new set of guidelines focuses on the effective monitoring of sand mining from the identification of sand mineral sources to its dispatch and end-use by consumers and the general public and look at a uniform protocol for the whole country.
 - Constantly monitor mining with drones and night surveillance of mining activity through night-vision drones.
- States to carry out river audits, put detailed survey reports of all mining areas in the public domain.
- Online sales and purchase of sand and other riverbed materials (RBM) for transparency in the process.
- States to set up dedicated task forces at district levels.
 - In cases where rivers become district boundaries or state boundaries, the districts or states sharing the boundary shall constitute the combined task force for monitoring of mined

materials, mining activity and participate in the preparation of District Survey Reports (DSR) by providing appropriate inputs.

- Conduct replenishment study for river bed sand in order to nullify the adverse impacts arising due to excessive sand extraction.
 - No riverbed mining will be allowed during the monsoon.

Implication of illegal sand mining:

- Sand is important for groundwater recharge, on a riverbed it acts as a link between the flowing river and the water table and is part of the aquifer.
- Illegal mining causes loss of revenue for the state government.
- Degradation of environment as the micro-organisms that are critical to soil structure and fertility are lost due to excessive mining

Way forward:

- The state governments should develop an online portal for the sale and purchase of sand and river bed material.
- The state governments should implement a controlled price model by the state government.

6. Bodo Accord

Why in News?

Recently, the Central government, the Assam government and the Bodo groups, including all factions of the militant National Democratic Front of Bodoland (NDFB), signed an agreement to redraw and rename the Bodoland Territorial Area District (BTAD) as the, Bodoland Territorial Region (BTR) in Assam.

Bodoland Territorial Area District (BTAD)

- BTAD is spread over four districts of:
 - Kokrajhar
 - Baksa
 - Chirang
 - Udalguri
- The BTAD mentioned under the Sixth Schedule of the Constitution have been exempted from the Citizenship (Amendment) Act (CAA), 2019.

Background

- Bodos are the single largest community among the notified Scheduled Tribes in Assam.
- They constitute about 5-6% of Assam's population.
- The first organised demand for a Bodo state came in 1966-68.
- Isolation of the region, its complex social character, and its backwardness compared to other parts of the country added fuel to the demand of Bodoland.
- The Assam Accord of 1985, gave rise to Bodo aspirations and in 1987, All Bodo Students Union (ABSU) revived the Bodo statehood demand.

- The first Bodo Accord was signed with the ABSU in 1993. It led to the creation of the Bodoland Autonomous Council (BAC) with some limited political powers.
- In 2003, the second Bodo Accord was signed by the extremist group Bodo Liberation Tiger Force (BLTF), the Centre and the state. This led to the creation of Bodoland Territorial Council (BTC), which is an autonomous body under the Sixth Schedule of the Constitution.

Key Points

- Bodoland Territorial Region would include the villages which are dominated by Bodos but are outside BTAD presently.
 - Villages with a non-Bodo population would be excluded from it.
- Formation of a committee with representatives of ABSU and BTC to decide exclusion and inclusion of new areas in BTR.
- Subsequently, the total number of Assembly seats will go up to 60, from the existing 40.
- Bodo-Kachari Welfare Council will be set up for focused development of Bodo villages outside BTAD.
- Bodos living in the hills would be conferred a Scheduled Hill Tribe status.
- Bodo language with Devanagari script would be the associate official language for the entire Assam.
- However, the agreement has not addressed the issue of “citizenship or work permit” for non-domiciles in the BTAD yet.
- Around 1500 cadres of NDFB will be rehabilitated and assimilated by the Central and the state governments.
 - The criminal cases registered against factions of NDFB members for non-heinous crimes shall be withdrawn and the cases of heinous crimes will be reviewed.

7. Fundamental Rights of OCI

Why in News?

Recently, the Union government has told the Delhi High Court that Overseas Citizen of India (OCI) cardholders do not enjoy fundamental rights guaranteed by the Constitution, including the right to freedom of speech and expression.

- This response was to a plea seeking information under the Right to Information (RTI) Act, 2005.
- The plea also sought exemption for overseas citizens from seeking permission under the Foreign Contribution Regulation Act, 2010 (FCRA) to make donations to religious and charitable institutions.

Key Points

- The Government has stated that no fundamental rights are applicable to the OCIs.
- According to the government, OCI cardholders have merely been granted statutory rights under the Citizenship Act, 1955.
- The Centre held that the right to freedom of speech and expression is a statutory right and not a fundamental or a constitutional right for the OCI cardholders.
- The Central Government grants limited rights through the Citizenship Act (Conferment of rights on overseas citizens of India). Therefore, it depends on the policies of the government what rights are granted to the OCIs.
- Centre's response contradicts earlier Delhi High Court ruling in 2018, where it held that OCI cardholders have the right to enjoy the fundamental rights of equality and freedom of speech and expression like other Indian citizens.
 - In 2018, the Delhi High Court had said that an overseas citizen can exercise fundamental rights guaranteed to "natural persons" under the constitution.
 - The Supreme Court, in multiple cases, has held that the Right to Information is enshrined in Article 19(1)(a), that is granted to citizens and Article 21, which is guaranteed to all natural persons.
- An OCI card allows one to apply for driving license, PAN card or open a bank account in India.

Overseas Citizen of India:

- OCIs are foreigners who are persons of Indian origin.
- They are entitled to multipurpose, multiple entries, a lifelong visa allowing them to visit India at any time, for any length of time and for any purpose.
- OCIs have parity with NRIs in financial and economic matters except in acquisition of agricultural properties.
- OCI card holders are exempted from reporting to the police authorities.
- No person, who or either of whose parents or grandparents or great grandparents is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may specify, shall be eligible for registration as an Overseas Citizen of India Cardholder.

8. Crime and Criminal Tracking Network and Systems (CCTNS)

Why in News?

Recently, the National Crime Record Bureau (NCRB) has launched various police-related citizen-centric services on the Crime and Criminal Tracking Network and Systems (CCTNS) platform.

- These have been launched in order to promote Ease of Living among citizens.
- Such services are being provided through the state-citizen portals so far but have been launched centrally for the first time.

Key Points

- **Missing Person Search**
 - Citizens can search for their missing kin through the photos available on CCTNS from a national database of recovered unidentified found person/dead bodies.
- **Generate Vehicle No Objection Certificate (NOC)**
 - It allows citizens to ascertain the status of a vehicle before its second-hand purchase to know if it is suspicious or clean from police records.
- **CCTNS Hackathon and Cyber Challenge 2020**
 - NCRB and Cyber Peace Foundation have designed it.
 - The Hackathon aims to:
 - a) Train police personnel by adopting smart strategies in tackling evolving threats.
 - b) Adopt smart strategies for effectively addressing the evolving threats.
 - c) Promote coordination with industry and academia.
- **Child Pornography**
 - NCRB and National Centre for Missing and Exploited Children (NCMEC), USA has signed a Memorandum of Understanding (MoU) to receive information on child pornography or such related material originating from India.
- **Cyber Tipline monitoring facility**
 - It is a centralised system for reporting online exploitation of children.

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