



News Analysis (02 Apr, 2021)

 drishtiias.com/current-affairs-news-analysis-editorials/news-analysis/02-04-2021/print

Article 244(A) of the Constitution

Why in News

The **demand for an autonomous state within Assam** has been raised by some of the sections of the society in Assam under the provisions of **Article 244A of the Constitution**.

Key Points

- **Background:**

- In the **1950s, a demand for a separate hill state** arose around certain sections of the **tribal population of undivided Assam**.
- After prolonged agitations, **Meghalaya gained statehood in 1972**.
- The leaders of the **Karbi Anglong and North Cachar Hills** were also part of this movement. They were given the **option to stay in Assam or join Meghalaya**.
- They **stayed back** as the centre promised them more powers, including **Article 244 (A)**.
- In the 1980s, the demand for more power/autonomy took the form of a movement with a number of Karbi groups resorting to violence.
 - It soon became **an armed separatist insurgency** demanding full statehood.

- **Article 244A:**
 - **Article 244(A) allows for creation of an ‘autonomous state’** within Assam in certain tribal areas.
 - It also envisages **creation of a local legislature or Council of Ministers or both** to carry out local administration.
 - It was Inserted into the Constitution by the **Twenty-second Constitution Amendment Act, 1969.**
 - **Article 244(A) accounts for more autonomous powers to tribal areas than the Sixth Schedule.** Among these the most important power is the control over law and order.
 - In Autonomous Councils under the Sixth Schedule, they do not have jurisdiction of law and order.

Sixth Schedule

- The Sixth Schedule of the Constitution provides for the **administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram** to safeguard the rights of the tribal population in these states.
 - This special provision is provided under **Article 244 (2) and Article 275 (1) of the Constitution.**
- In **Assam**, the hill districts of **Dima Hasao, Karbi Anglong and West Karbi and the Bodo Territorial Region are under this provision.**
- The **Governor is empowered to increase or decrease the areas** or change the names of the autonomous districts. While **executive powers of the Union extend in Scheduled areas** with respect to their administration in **fifth schedule**, the **sixth schedule areas remain within executive authority of the state.**
 - The **Fifth Schedule** of the Constitution deals with the **administration and control of scheduled areas and scheduled tribes** in any state **except the four states** of Assam, Meghalaya, Tripura and Mizoram.
 - The whole of the normal administrative machinery operating in a state do not extend to the scheduled areas.
 - At present, **10 States** namely Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana have Fifth Schedule Area.
 - Tribal habitations in the states of Kerala, Tamil Nadu, Karnataka, West Bengal, Uttar Pradesh and Jammu & Kashmir have not been brought under the Fifth or Sixth Schedule.
- The **acts of Parliament or the state legislature do not apply** to autonomous districts and autonomous regions or apply with specified modifications and exceptions.
- The Councils have also been endowed with wide **civil and criminal judicial powers**, for example establishing village courts etc. However, the jurisdiction of these councils is subject to the jurisdiction of the concerned High Court.

Source:IE

Star Campaigners and Model Code of Conduct

Why in News

Recently, the **Election Commission of India (ECI)** delisted Ex-Telecom Minister A. Raja from the list of **star campaigners**.

He has also been reprimanded for violation of the **Model Code of Conduct (MCC)** for making certain remarks during election times.

Key Points

- **Star Campaigners:**

- A star campaigner is a **celebrity vote seeker in an election** for a party. This person can be anyone, a politician or even a film star.
 - There is **no law governing who can or cannot be made a star campaigner.**
 - They are **nominated by the concerned political parties** specifying their constituencies and duration of the status.
 - The **ECI issues guidelines under the Model Code of Conduct regulating poll campaigns.**
- **Numbers of Star Campaigners:**
 - A **'recognised' National or State party** declared as such by the ECI can nominate a **maximum of 40 star campaigners.**
 - An **unrecognised political party** can nominate a maximum of **20 star campaigners.**
- **Need For Star Campaigners:**
 - The **ECI keeps a tab on expenditure incurred by individual candidates** during campaign - Rs. 70 lakh for most states in one constituency by each candidate.
 - **Expenditure incurred on electioneering by the star campaigner is not added to a candidate's poll expenditure** giving him/her more scope for expenditure.

However, for an individual candidate to get relief from campaign expenditure, the star campaigner has to limit oneself to general campaigning for the party.
 - According to the **Representation of People's Act**, these **expenses will be borne by the political parties.**
- **Prime Minister as Star Campaigner:**
 - The MCC guidelines say when a prime minister or a former prime minister is star campaigner, the **expenditure incurred on security** including on the bullet-proof vehicles will be **borne by the government** and will not be added to the election expenses of the party or the individual candidate.
 - However, **if another campaigner travels with the prime minister**, the individual candidate will have to bear 50% of the expenditure incurred on the security arrangements.

- **Challenge of Delisting from Star Campaigner List:**
 - **Section 77 of the Representation of the People Act, 1951**, which relates to a **candidate’s election expenditure**, leaves it to the political party itself to decide who its “leaders” are and allows every party to submit a list of such ‘star campaigners’ to the election authorities.
 - As the expenditure on the star campaigners is not included in the expenditure of the candidate concerned, an order of the ECI revoking the star status is actually a **withdrawal of the right to campaign** without incurring electoral expenditure on the candidates’ account.
- **Model Code of Conduct (MCC):**
 - The MCC is a **set of guidelines** issued by the ECI to **regulate political parties and candidates** prior to elections.
 - It helps ECI in keeping with the mandate it has been given under **Article 324** of the Constitution, which gives it the **power to supervise and conduct free and fair elections** to the Parliament and State Legislatures.
 - **Duration of Enforcement:**

The MCC is **operational from the date on which the election schedule** is announced **until the date of result** announcement.
 - **Legal Status:** MCC is **not statutory** but Political Parties, Candidates and Polling Agents are expected to observe the norms, on matters ranging from the content of election manifestos, speeches and processions, to general conduct etc.
 - Certain provisions of the MCC may be enforced through invoking corresponding provisions in other statutes such as the **Indian Penal Code 1860**, **Code of Criminal Procedure 1973**, and **Representation of the People Act 1951**.
 - **Recommendations Related to MCC:**
 - In 2013, the **Standing Committee on Personnel, Public Grievances, Law and Justice**, recommended making the **MCC legally binding**, i.e. MCC shall be made a part of the RPA 1951.
 - In 2015, **Law Commission of India (LCI) Report 255** observed that since the MCC comes into operation only from the date on which the ECI announces elections, the government can release advertisements prior to the announcement of elections.
 - The report recommended that a restriction should be imposed on government-sponsored advertisements for up to **six months prior to the date of expiry** of the House/Assembly.

Source:TH

Criminalization of Politics

Why in News

According to the **National Election Watch (NEW)** and **Association of Democratic Reforms (ADR)**, in the Assembly elections in Assam, Kerala, Puducherry, Tamil Nadu and West Bengal, at least 1,157 out of 6,318 candidates have criminal cases against them.

- **NEW** is a nationwide campaign since 2002 comprising more than 1200 **Non-governmental Organizations (NGOs)** and other citizen led organizations working together on electoral reforms, improving democracy and governance in India.
- **ADR** is an Indian NGO **established in 1999** situated in New Delhi.

Key Points

- **About:**
- The criminalization of politics means **the participation of criminals in politics which includes that criminals can contest in the elections and get elected as members of the Parliament** and the State legislature. It takes place **primarily due to the nexus between politicians and criminals.**

Legal Aspect of Disqualification of Criminal Candidates

- In this regard, Indian Constitution does not specify as to what disqualifies a person from contesting elections for the Parliament, Legislative assembly or any other legislature.
- **The Representation of Peoples Act 1951** mentions the **criteria for disqualifying a person for contesting an election** of the legislature.
 - **Section 8 of the act**, i.e. disqualification on conviction for certain offences, according to which an individual punished with a jail term of more than two years cannot stand in an election for six years after the jail term has ended.
 - **The law does not bar individuals who have criminal cases pending against them** from contesting elections therefore the disqualification of candidates with criminal cases depends on their conviction in these cases.

- **Reasons for Criminalization:**

- **Lack of Political Will:**

- In spite of taking appropriate measures to amend the RPA Act, there has been an **unsaid understanding among the political parties which deters Parliament to make strong law curbing criminalisation of politics.**

- **Lack of Enforcement:**

- Several laws and court judgments have not helped much, due to the lack of enforcement of laws and judgments.

- **Narrow Self-interests:**

- Publishing of the entire criminal history of candidates fielded by political parties may not be very effective, as a **major chunk of voters tend to vote through a narrow prism of community interests** like caste or religion.

- **Use of Muscle and Money Power:**

- Candidates with serious records seem to do well despite their public image, largely due to their ability to finance their own elections and bring substantive resources to their respective parties.
 - Also, sometimes voters are left with **no options**, as **all competing candidates have criminal records.**

- **Effects:**

- **Against the Principle of Free and Fair Election:**

- It limits the choice of voters to elect a suitable candidate.
 - It is **against the ethos of free and fair election** which is the bedrock of a democracy.

- **Affecting Good Governance:**

- The major problem is that the **law-breakers become law-makers**, this affects the efficacy of the democratic process in delivering good governance.
 - These unhealthy tendencies in the democratic system reflect a poor image of the nature of India's state institutions and the quality of its elected representatives.

- **Affecting Integrity of Public Servants:**

- It also **leads to increased circulation of black money during and after elections**, which in turn **increases corruption** in society and affects the working of public servants.

- **Causes Social Disharmony:**

- It introduces a **culture of violence** in society and sets a bad precedent for the youth to follow and **reduces people's faith in democracy** as a system of governance.

- **Recent Steps by the Supreme Court to Curb Criminalization of Politics:**
 - In **February 2020 Supreme Court (SC)** ordered the political parties to publish the entire criminal history of their candidates for Assembly and Lok Sabha elections along with the reasons that forced them to field suspected criminals.
 - The SC in ***Public Interest Foundation vs Union Of India, 2018*** had also directed political parties to publish online the pending criminal cases of their candidates.

SC LEADS FIGHT TO CLEAN UP POLLS

CASES THAT LED TO THE RULINGS

<p>2002 SC directs all candidates to file affidavit detailing their criminal antecedents, educational qualification and details of their assets. Upholds voters' right to know about a candidate's antecedents to make an informed choice (Association of Democratic Reforms)</p>	<p>(People's Union for Civil Liberties)</p> <p>Mar 2014 SC orders trial courts to hold day-to-day trial in criminal cases pending against sitting MPs and MLAs and complete it within one year from framing of charges</p>
<p>July 2013 SC quashes provision in Representation of the People Act that allowed MPs and MLAs to continue their membership in a House by merely filing appeal against their conviction and sentence of more than two years in a higher court. This meant MPs and MLAs would be disqualified immediately on conviction and sentence of more than 2 years. (Lily Thomas and Lok Prahari case)</p>	<p>Aug SC recommends to PM/CMs not to include persons, against whom charges have been framed in serious offences, in their council of ministers (Manoj Narula)</p>
<p>Sept SC asks EC to provide 'none of the above' choice to voters to exercise their right to express no confidence against all candidates in fray</p>	<p>Mar 2016 SC refers to 5-judge Constitution bench whether framing of charge in heinous crimes (which entails imprisonment of five years or more) against an MP or MLA would disqualify him. This also meant—whether a person against whom charges framed in serious offences be debarred from contesting elections (Public Interest Foundation)</p>

Way Forward

- Various **committees** (Dinesh Goswami, Inderjeet Committee) on the electoral reforms have recommended for **state funding of elections** which will curb use of black money to a large extent and thereby will have a significant impact on limiting criminalization of politics.
- Regulating the affairs of a political party is essential for a cleaner electoral process. Therefore, it is **imperative to strengthen the election commission.**
- Voters also **need to be vigilant** about misuse of money, gifts and other inducements during elections.

- Given the reluctance by the political parties to curb criminalisation of politics and its growing detrimental effects on Indian democracy, **Indian courts must now seriously consider banning people accused with serious criminal charges** from contesting elections.

Source:TH

NGT Orders Pollution Control Boards to Increase Capacity

Why in News

Recently, the **National Green Tribunal (NGT)** directed the Haryana State Pollution Control Board (HSPCB) to strengthen its capacity and the **Central Pollution Control Board (CPCB)** to form a uniform recruitment criteria.

- The order was to **ensure better monitoring for improved compliance of environmental norms.**
- Earlier in January 2021, the **Supreme Court (SC)** had taken suo motu cognizance of pollution of water bodies by **untreated sewage in Haryana.**

Key Points

- **Background:**

- **The Plea:**

- In 2018, a case was filed with NGT's principal bench for revising existing monitoring mechanism by State Pollution Control Boards (SPCBs).

- This included an interval of mandatory inspections of **highly polluting** industries and policy for auto renewal of **Consent to Operate (CTO)** certificate under **Water (Prevention and Control of Pollution) Act, 1974** as well as the **Air (Prevention and Control of Pollution) Act, 1981**.

- The plea pointed out that an earlier report of the **Central Ground Water Board (CGWB)** had established **deterioration of the ground water quality in Haryana**.

- The **Comptroller and Auditor General (CAG)** of India's 2016 report also recorded operation of several projects without valid consent to establish or CTO certificates, showing ineffectiveness of monitoring mechanism.

- **NGTs Action:**

- The NGT passed an order for the Haryana government to revisit its inspection policy and make it adequate to ensure effective enforcement of law.

- **Haryana's Proposal:**

- The Haryana government, in compliance to the NGT order, proposed a revised policy with increased frequency of inspection, installation of online monitoring devices to capture real-time data and pre-verification of documents before issuing renewal.

- **Current Order:**

- Inspection at **higher frequencies**.

- **Capacity enhancement** of SPCBs/**Pollution Control Committees (PCCs)** with **consent funds**.

- Capacity enhancement of CPCB utilising **environment compensation funds**.

- **Annual performance audit** of state PCBs/PCCs.

- **CPCB to prepare a format** containing qualifications, minimum eligibility criteria and required experience for key positions.

- **Significance:**
 - In the name of ‘ease of doing business’, powers and authorities of SPCB have been compromised. The latest judgement of NGT is a **fresh start to the long-delayed initiative of strengthening CPCB/SPCBs/PCCs.**
 - The judgment of NGT could be termed as landmark. The **NGT has tried to erase the bottlenecks, which were being used to halt the strengthening of environmental regulation.**
 - The important part of the judgement is asking **CPCB to come out with standard recruitment rules** which can be followed by all states. The existing SPCBs recruitment rules have not been updated for decades.

Note

- **CPCB:**
 - CPCB is a **statutory organisation** which was constituted in September, 1974 under the **Water (Prevention and Control of Pollution) Act, 1974.**
 - It was entrusted with the powers and functions under the **Air (Prevention and Control of Pollution) Act, 1981.**
 - It serves as a field formation and also provides technical services to the Ministry of Environment and Forests and Climate Change of the provisions of the **Environment (Protection) Act, 1986.**
- **SPCB:**

They supplement the CPCB as they are a statutory organization entrusted to implement Environmental Laws and rules within the jurisdiction of a state.
- **Environment Compensation:**

Environmental compensation is a policy instrument for the protection of the environment which works on the ‘**Polluter Pays Principle**’.
- **Environment Compensation Fund:**

It is a **specialised type of fund** collected by **charging the environmental violations.**

Example: Illegal discharge in water bodies.

Source:DTE

Unique Land Parcel Identification Number

Why in News

The Centre plans to issue a **14-digit identification number** to every plot of land in the country within a year’s time.

The **Unique Land Parcel Identification Number (ULPIN) scheme** has been launched in 10 States in the year 2021 and will be rolled out across the country by March 2022.

Key Points

- **About:**
 - Being described as “the **Aadhaar for land**”, it is a **number that would uniquely identify every surveyed parcel of land** and prevent land fraud, especially in the hinterlands of rural India, where land records are outdated and often disputed.
 - The identification will be based on the **longitude and latitude coordinates** of the land parcel, and is **dependent on detailed surveys and geo-referenced cadastral maps**.
 - This is the next step in the **Digital India Land Records Modernisation Programme (DILRMP)**, which began in **2008**.
 - Proper land statistics and land accounting through **ULPIN** will help develop land banks and lead towards **Integrated Land Information Management System (ILIMS)**.
- **Benefits:**
 - Benefits are to ensure uniqueness in all transactions and keep the land records always up-to-date.
 - A link of all property transactions will get established.
 - Delivery of citizen services of land records through the single window.
 - Sharing of land records data across departments, financial institutions and all stakeholders.

Digital India Land Records Modernisation Programme

- It is a **Central Sector scheme** that has been **extended up to 2020-21** at a total cost of **Rs. 950 crores**.
- The **Department of Land Resources (Ministry of Rural development)** has **proposed a further extension to 2023-24**, to complete its original targets as well as expand its ambit with a slew of new schemes.
- It attempts to build upon the commonalities that exist in the arena of land records in various States to develop an appropriate **Integrated Land Information Management System (ILIMS)** across the country, on which different States can also add State-specific needs as they may deem relevant and appropriate.
 - **ILIMS:** The system will contain information on parcel ownership, land use, taxation, location boundaries, land value, encumbrances and many more.

- **New initiatives** have been taken under the program like the **National Generic Document Registration System (NGDRS)**, **ULPIN**, **linking of revenue court to land records**, **integration of consent based Aadhar numbers with land records** etc.

NGDRS: It is aimed at providing one Nation one software for **registration of documents & properties** to 'empower citizens'.

- **DILRMP's next phase will include linkage of land record databases with banks.**
- This will **enhance the service deliveries to the citizens** of the country and will also function as inputs to the schemes of the other sectors like **Agriculture, Finance, Disaster Management** etc.

Source:TH

ACT-Accelerator

Why in News

Carl Bildt has been appointed as **WHO Special Envoy** for the **Access to Covid-19 Tools Accelerator (ACT-Accelerator)**.

The ACT-Accelerator is a groundbreaking **global collaboration** to accelerate development, production, and equitable access to **Covid-19 tests, treatments and vaccines**.

Key Points

- **ACT-Accelerator:**

- It was launched in the month of April, 2020 at an event co-hosted by the Director-General of the **World Health Organization (WHO)**, the **President of France**, the **President of the European Commission**, and the **Bill & Melinda Gates Foundation**.
- It brings together **governments, scientists, businesses, civil society, and philanthropists** and **global health organizations**.
 - The participants include the **Bill & Melinda Gates Foundation**, **CEPI**, **Foundation for Innovative New Diagnostics (FINN)**, **Gavi**, **The Global Fund**, **Unitaid**, **Wellcome Trust (London)**, the **WHO** and the **World Bank**.
- It aims to **end the pandemic, restore full societal and economic activity** globally and **facilitate high-level control of Covid-19 disease**.
- The ACT-Accelerator is organized into **four pillars of work**:
 - **Diagnostics, treatment, vaccines and health system strengthening.**
 - Each pillar is vital to the overall effort and involves innovation and collaboration.

- **COVAX:**

- COVAX is one of four pillars of the ACT Accelerator.
- It is an effort to ensure that **people in all corners of the world will get access to Covid-19 vaccines**, regardless of their wealth.
 - The initial aim is to have **2 billion doses available by the end of 2021**, which should be enough to protect high risk and vulnerable people, as well as frontline healthcare workers.
- It is co-led by **Gavi, the Coalition for Epidemic Preparedness Innovations (CEPI) and the World Health Organisation (WHO)**, working in partnership with vaccine manufacturers of developed and developing countries.
- **India's Role:**
 - India has **started shipping Covid-19 vaccines to Africa** under the COVAX facility.
 - Earlier, **Serum Institute of India (SII) had received funds** from Gavi and the Bill and Melinda Gates Foundation **to double its supply of Covid-19 vaccines** (200 million doses) to India and other poorer countries as part of the **Gavi COVAX facility**.

- **Significance of ACT-Accelerator:**

- It is a crucial time for ACT-Accelerator when the world is rolling out vaccines against Covid-19, introducing new diagnostics and scaling up life-saving oxygen and **corticosteroids** for severe disease.
- It will help in addressing the uneven distribution of vaccines globally and the emergence of new variants of concern.

Corticosteroids

- Corticosteroids are a class of drug that **lowers inflammation in the body**. They also reduce immune system activity.
- Corticosteroids **ease swelling, itching, redness, and allergic reactions**, thus used in the treatment of diseases like asthma, arthritis, lupus, allergies etc.
- Corticosteroids resemble cortisol, a **hormone naturally produced by the body's adrenal glands**. The body needs cortisol to stay healthy.
Cortisol is a major player in a wide range of processes in the body, including metabolism, immune response, and stress.

Source: DTE

Shivakumara Swamigalu

Why in News

Recently, the Prime Minister paid tribute to **Shivakumara Swamigalu (Swami ji)** on his Jayanti.

Shivakumara Swamiji was **a prominent Lingayat scholar, educator and a spiritual leader**.

Key Points

- **Birth:**
He was born in the village of Veerapura, Ramanagara District, Karnataka on **1st April, 1907**.



- **Early Life:**

- He was his **parent's thirteenth child** and was named **Shivanna** at birth. His interest in religion began in his childhood when he accompanied his parents to religious centers.
- After completing his **elementary education in the village he was born in**, he **moved to Nagavalli** to complete his middle school.
 - Simultaneously, he also became a **resident student at Siddaganga Math** for a brief period.
 - Sree Siddaganga Math is an **ancient ashram** fostering a continuous line of illustrious "Shiva Yogi Siddapurushas". The Math was **established by Sree Gosala Siddeshwara Swamiji in 15th century A.D.**
The Math is situated at a distance of **63 Km from Bangalore (Karnataka)**.
- In 1930, he earned a **bachelor's degree in arts from the Central College in Bangalore**. He was **proficient in English, Kannada, and Sanskrit**.
- **In 1965**, he was awarded an **honorary Doctor of Literature degree** by Karnataka University.

- **About:**

- He was a **Lingayat religious figure** and **head of the Siddaganga Matha** in Karnataka. He was described as the most esteemed **adherent of Lingayatism**. He entered the monk's order or viraktashram at Siddaganga Math on **3rd March, 1930**.
- He was known as "**Nadedaaduva Devaru**" or the "**Walking God**" among his followers.
- He was **considered as the incarnation of Basaveshwara**, the 12th century social reformer, as he accepted all irrespective of their religion or caste.

- **Social Work:**

- He had founded **132 institutions for education and training**.
 - Here, the children are provided free shelter, food, and education.
 - Visitors and pilgrims coming to the Math also receive free food.
- He founded **Sri Siddaganga Education Society**.
- Under the swami's guidance, an **agricultural fair was also held annually** to help the local people.

- **Awards:**
 - **In 2007**, he was awarded the **Karnataka Ratna** (highest civilian award in Karnataka).
 - **In 2015**, he was awarded the **Padma Bhushan** (the third highest civilian award in India).
- **Death:**

He was almost 112 years old when he passed away on **21st January 2019** as a result of multiple infections.

Lingayats

- The term Lingayat denotes a **person who wears a personal linga**, the aniconic form of god Shiva, on the body, which is received during the initiation ceremony.
- Lingayats are the **followers of the 12th-century social reformer-philosopher poet, Basaveshwara**.

Basaveshwara was **against the caste system and Vedic rituals**.
- The Lingayats are **strict monotheists**. They enjoin the **worship of only one God, namely, Linga (Shiva)**.
- The word 'Linga' does not mean Linga established in temples, but **universal consciousness qualified by the universal energy (Shakti)**.
- The **Veerashaivas sect of the community** also worships Shiva idols and practises other Hindu customs.

Source: PIB
