

CURRENT AFFAIRS : NOVEMBER 2023

ROLE OF GOVERNOR

Recently, Kerala, Tamil Nadu and Punjab moved the Supreme Court against their respective Governors over the pending bills.

- The Kerala government has claimed inaction on the part of Governor in relation to eight Bills passed by the Assembly.

Of these, some bills have been pending with the Governor for more than two years.

- In Punjab, three money bills were withheld by Punjab Governor.
- Tamil Nadu petition mentions 12 bills as pending with the Governor, apart from delay in approving the transfer of investigation to the CBI in various cases.

Governor's Options	Status of Bill
Give assent to the bill	Bill becomes a law
Withhold the assent	Bill fails to become a law
Return the bill for reconsideration of the legislature as soon as possible	<ul style="list-style-type: none"> • If the State Legislature passes the bill in its original shape or in a modified form, the Governor has to give the assent to re-enacted bill • The Constitution does not lay down any time limit within which the Governor is required to return the bill for reconsideration. It only insist on 'as soon as possible'.
Reserve the bill for the consideration of the President	<ul style="list-style-type: none"> • President can either give his/her assent or withhold the assent. • President may direct the Governor to return the bill to state legislature with his/her message. Such bill, if re-enacted by the state legislature with or without amendment, is presented again to the President.

• **Reserving bill for President:** In one case such reservation is obligatory, that is, where the bill passed by the state legislature endangers the position of the state high court.

o In addition, the governor can also reserve the bill if it is of the following nature:

- ✓ Ultra-vires, that is, against the provisions of the Constitution.
- ✓ Opposed to the Directive Principles of State Policy.
- ✓ Against the larger interest of the country.
- ✓ Of grave national importance.
- ✓ Dealing with compulsory acquisition of property.

• **Discretionary powers: Article 163** states that except when required to exercise his/her functions in his/her discretion, the Governor is bound by the aid and advice of the Council of Ministers.

o If any question arises whether Governor is required to act in his/her discretion, the decision of the Governor in that regard is final.

o However, Supreme Court in Nabam Rebia case (2016) held that if a governor exercised his discretion beyond his jurisdiction or power, it would fall under the subject matter of judicial review.

SPECIAL AND LOCAL LAWS (SLL)

About Special and Local Laws (SLL)

• A “special law” is a law applicable to a particular subject covering specific issues.

o Example: Unlawful Activities (Prevention) Act, 1967 (UAPA).

• A “local law” is a law applicable only to a particular part of India.

o Example: Maharashtra Control of Organised Crime Act (MCOCA), 1999

• Cognizable crimes are broadly categorized as those falling either under the ‘Indian Penal Code (IPC)’ or under the ‘Special and Local Laws (SLL)’

o Cognizable offence is defined as the one which an officer in charge of a police station may investigate without the order of a magistrate and effect arrest without warrant.

RIGHT TO INFORMATION (RTI)

Recently, the Supreme Court directed the Centre and State governments to fill the vacancies in the Central Information Commission (CIC) and State Information Commission (SIC).

- SC stated that non-fulfilment of these vacancies will make the Right to Information (RTI) Act 2005 a "dead letter".
- Despite the 2019 judgment of the Supreme Court in Anjali Bhardwaj and Ors v. Union of India, the vacancies in the Central Information Commission and State Information Commissions had not been filled.
 - o This has led to a large number of pending cases and long delays in the disposal of appeals/complaints.

About the Right to Information (RTI)

- RTI means that any Indian citizen can request any information (which is supposed to be public knowledge) from offices and departments of state or central governments.
- In 1986, the Supreme Court through its judgement in Mr. Kulwal v/s Jaipur Municipal Corporation case directed that freedom of speech and expression provided under Article 19 of the Constitution implies RTI, as without information freedom of speech and expression cannot be fully used by citizens.
 - o It replaced Freedom of Information Act, 2002.
 - o Nodal agency responsible for the implementation of the RTI Act is the Department of Personnel and Training (DoPT) under the Ministry of Personnel, Public Grievances and Pensions.

Key Provisions of RTI Act, 2005:

o Section 2(h): Public authority means any authority or body or institution of self-government established or constituted-

- ✓ by or under the Constitution;
- ✓ by any other law made by Parliament/State Legislature.
- ✓ by notification issued or order made by the appropriate Government

o Section 4(1)(b): Lays down information which should be disclosed by Public Authorities on a suo motu or proactive basis.

o Section 6 (1): A person, who desires to obtain any information, shall make a request in writing or through electronic means to the Central Public Information Officer (PIO) or State PIO.

o Section 7: Fixes the time limit for providing information(s) by PIOs.

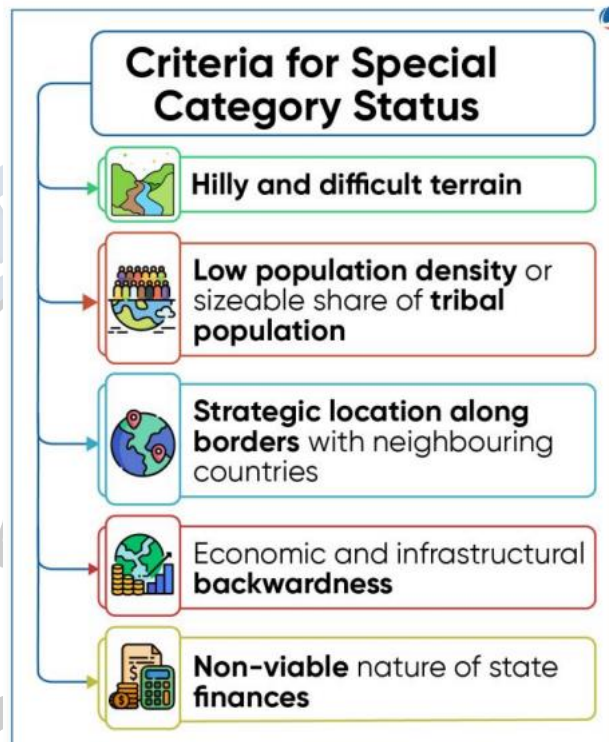
o Section 8: Exemption from disclosure of information.

REPORT ON BILLS FOR CRIMINAL LAWS

- Parliamentary Standing Committee (PSC) on Home Affairs submitted reports on the three bills aimed at reforming criminal laws
- The three bills include:
 - o Bharatiya Nyaya Sanhita 2023 replacing the Indian Penal Code (IPC), 1860.
 - o Bharatiya Nagarik Suraksha Sanhita 2023 replacing the Code of Criminal Procedure (CrPC), 1973.
 - o Bharatiya Sakshya Bill 2023 replacing the Indian Evidence Act, 1872.
- These bills were subsequently referred for further examination to the PSC.
- These bills aim to address large pendency in courts, timely justice delivery, erasing colonial legacy, increasing conviction rates etc.

SPECIAL CATEGORY STATUS (SCS)

Recently, the Bihar Cabinet passed a resolution requesting the Centre to grant Special Category Status (SCS) to Bihar.



About Special Category Status (SCS)

- SCS was a classification granted by the Centre to assist the development of States that faced geographical or socioeconomic disadvantages.
 - o SCS was introduced in 1969 on the recommendation of the 5th Finance Commission (FC) to benefit certain disadvantaged states with preferential treatment like establishing special development boards, reservation in local government jobs, educational institutions, etc.
 - o The SCS States used to receive grants based on the Gadgil-Mukherjee formula.
 - o In the past, SCS had been granted by the Union government to States having certain characteristics (refer image) based on recommendations of the National Development Council.

- In 1969, three States — Jammu & Kashmir (first), Assam and Nagaland — were granted the SCS.
 - o Subsequently, eight more States were given SCS including Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Tripura, Himachal Pradesh, and Uttarakhand.
- Constitution does not include any provision for categorisation of any State in India as an SCS state.
 - o However, a wide range of special provisions are available to as many states that have been listed under Articles 371, 371-A to 371-H, and 371-J.
- Following the recommendations of 14th FC, SCS have ceased to exist and thus no SCS has been granted to any State.

DISPOSAL OF CASES AGAINST MPS/MLAS

- Supreme Court (SC) issues Guidelines to High Courts (HC) to monitor the early disposal of cases against MPs/MLAs
 - o Guidelines were issued by SC while hearing a case challenging Section 8(3) of the Representation of People Act, 1951.
 - o Section 8(3) of the Representation of People Act, 1951 states that a person convicted of any offence other than the offences and sentenced to imprisonment for not less than two years shall be disqualified from the date of such conviction.
 - ✓ He/she shall continue to be disqualified for a period of six years since his release.

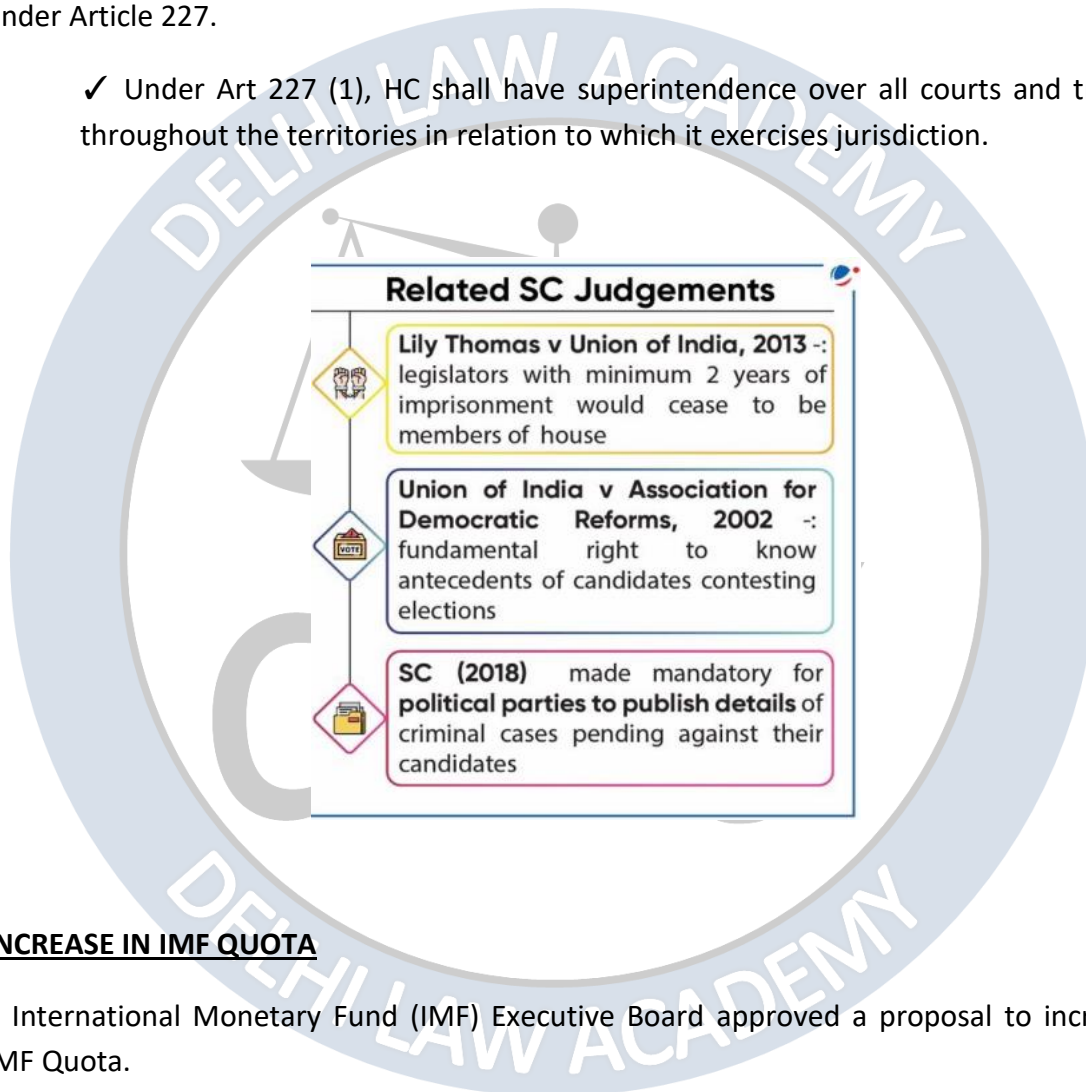
SC has issued the following guidelines:

- o Registration of suo motu cases titled 'In Re Designated courts for MPs and MLAs' by chief justices of HCs to monitor such cases.
- o Such cases can be heard by a Chief Justice-led special bench.
- o Designated court shall give priority –
 - ✓ to criminal cases against MPs/MLAs punishable with death or life imprisonment,

- ✓ cases punishable with imprisonment for 5 years or more,
- ✓ Other cases
- ✓ The trial court shall not adjourn the cases except for rare and compelling reasons.

o HCs should evolve measures for effective monitoring of such cases by invoking its powers under Article 227.

- ✓ Under Art 227 (1), HC shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.



INCREASE IN IMF QUOTA

- International Monetary Fund (IMF) Executive Board approved a proposal to increase in IMF Quota.
- The board proposes a 50 % quota increase allocated to members in proportion to their current quotas.

o Now, the proposal will be considered and voted on by the Board of Governors, after which it will be made effective.

Significance of the rise in Quota

- o Help safeguard global financial stability by enhancing the IMF's permanent resources.
- o Reducing reliance on borrowed resources.
 - ✓ Currently, the Fund relies on bilateral borrowing arrangements and pledges to a crisis lending fund called the New Arrangements to Borrow for nearly 60% of its lending resources.

About IMF Quota

- o Quotas are the building blocks of the IMF's financial and governance structure.
- ✓ Quotas are denominated in Special Drawing Rights (SDRs), the IMF's unit of account.
- o Use of Quotas is to determine
 - ✓ Resource contribution of a member
 - ✓ Voting power in IMF decisions.
 - Members get one vote per SDR100,000 of quota plus basic votes, which are the same for all members.
 - ✓ Amount of loans a member can obtain from the IMF.
 - ✓ General allocation of SDRs.
- o India currently has Quota of 2.75 % with voting rights of 2.63%.

SPACE WARFARE

China has reportedly established the world's first 'near-space command,' equipped with powerful hypersonic weapons.

- The new command will act as China's 5th force, apart from the 4 current branches—Army, Navy, Air Force and Rocket Force.

- Near Space: It refers to the area in Earth's atmosphere, approximately 20 to 100 kilometers from the Earth's surface.
 - In this region, the air is very thin, preventing military aircraft from flying, and satellites can't be placed due to strong gravity, creating a No-Man's land region.
- The near-space command will be equipped with Modern hypersonic missiles to target critical military assets of enemies;
 - ✓ Hypersonic missiles are projectiles that can move at a speed of at least Mach 5 (5 times the speed of sound).
 - ✓ Such missiles can operate in near space due to the rarefied atmosphere, enabling them to fly at hypersonic speeds for long ranges.
 - ✓ They are far more difficult to be detected by radar systems and to be destroyed by defence shields.
 - Spy balloons, solar-powered drones and other supporting equipment to carry out High-altitude surveillance around the globe.
- The command highlights the emergence of space as the 4th dimension of warfare.

REFERENCE FUELS

- Indian Oil Corporation Limited (IOCL) launched India's first gasoline and diesel Reference Fuel (RF).
 - Currently, reference fuels are being imported by India.
- RFs are premium high-value products, used for calibration and testing of vehicles by Auto Original Equipment Manufacturers and organizations involved in testing and certification in automotive field.

MILITARY EXERCISES IN NEWS

- **KAZIND-2023**: It is an annual India-Kazakhstan Joint Military Exercise.
- **Mitra Sakti-2023**: It is a joint military exercise between India and Sri Lanka.

- **Exercise Vajra Prahar:** It is a joint exercise conducted between the Indian Army and US Army Special Forces.

SURROGACY IN INDIA

Recently, the Supreme Court in the Arun Muthuvel vs. Union of India case (2023) protected women's right to parenthood and struck down the 2023 amendment to Surrogacy (Regulation) Rules, 2022.

- In March 2023, the government notified amendments which banned the use of donor gametes.
 - o The amendment mandated that both male and female gametes (sperm and egg respectively) must come from intending couples for the process of surrogacy.
- In this case, the woman suffering from Mayer-Rokitansky-Kuster-Hauser (MRKH) syndrome had challenged the 2023 amendment as the petitioner woman has absent ovaries and uterus; hence she cannot donate her eggs for surrogacy.

About Surrogacy and its types

- Surrogacy is a practice whereby one woman bears and gives birth to a child for an intending couple.
- Type of surrogacy
 - o **Altruistic surrogacy:** It involves no monetary compensation to the surrogate mother other than the medical expenses and insurance coverage during the pregnancy.
 - o **Commercial surrogacy:** It includes surrogacy, or its related procedures undertaken for a monetary benefit or reward (in cash or kind) exceeding the basic medical expenses and insurance coverage.
- Government banned surrogacy for foreign nationals in 2015.

Supreme Court observations in Arun Muthuvel V. Union of India Case

- Supreme Court stayed the operation of Rule 7 of the Surrogacy (Regulation) Act, 2021, to allow a woman suffering from MRKH Syndrome to undergo surrogacy using a donor egg.
 - o Rule 7 of the Surrogacy Act banned the use of donor eggs for the procedure.
- Supreme Court said that the 2023 amendment cannot contradict Rule 14(a) of Surrogacy Regulation Rules, 2022, which specifically recognises the absence of a uterus or any allied condition as a medical Indication necessitating gestational surrogacy.
 - o Centre said that the use of donor eggs cannot be done, as the process of surrogacy cannot be availed under the law unless the child was “genetically related” to the intending couple.
 - o In this regard, SC held that the expression ‘genetically related’ to the intending couple has to be read as being related to the husband when Rule 14(a) applies.
- The Court also noted that the law permitting gestational surrogacy was “woman-centric” and the decision to have a surrogate child was entirely based on the woman’s inability to become a mother.
 - o However, the Court was of the view that before deciding the matter, it must obtain appropriate medical opinion and thus directed the concerned District Medical Board to certify whether the woman was in a position to produce eggs or not, due to MRKH syndrome.

Surrogacy Laws in India

- **Surrogacy (Regulation) Act, 2021 (Surrogacy Act 2021)**
 - o **Only altruistic surrogacy is allowed** and penalises commercial surrogacy.
 - o Establish **National Assisted Reproductive Technology and Surrogacy Board (NARTSB)** to review and monitor the implementation of the Act, supervise functioning of State ARTSB (SARTSB), etc.
 - o **Eligibility criteria for surrogate mother:**
 - ✓ a married woman having a **child of her own**, and **25 to 35 years old**;
 - ✓ a **surrogate only once in her lifetime**;
 - ✓ **possess a certificate of medical and psychological fitness** for surrogacy.
 - o **Eligibility criteria for couples:**
 - ✓ if they have been **married for five years**, **wife** is aged between **25-50 years** and **husband** is between **26-55 years**.
 - ✓ Couple must **not have any living child** (biological, adopted or surrogate).
 - ✓ Should have ‘**essential**’ **certificate** if suffering from proven infertility of either partner **certified by a District Medical Board**, and an **order of parentage and custody of the surrogate child**, passed by a **Magistrate’s court**.
 - ✓ **Insurance coverage for 16 months for the surrogate mother**, covering any postpartum complications.

SANT MEERA BAI

The 525th birth anniversary of Sant Meerabai was recently celebrated in Mathura, Uttar Pradesh.

About Sant Meera Bai (1498-1546)

- Meerabai was a great Bhakti saint, Hindu mystic poet and a devotee of the Lord Krishna.
 - o She was born as Princess of Mewar and her childhood name was Yashodha.
 - o In 1516, Meera Bai married to Rana Bhoj Raj the crown prince of Mewar who was the son the Rana Sanga.
- ✓ Rana Sanga is famous for his leadership in the Battle of Khanwa (1527), where he led the Rajput alliance against Mughal Emperor Babur.
 - o After the death of Bhoj Raj in 1521, she left Mewar in search of lord Krishna.

GEOGRAPHICAL INDICATIONS(GI) TAGS

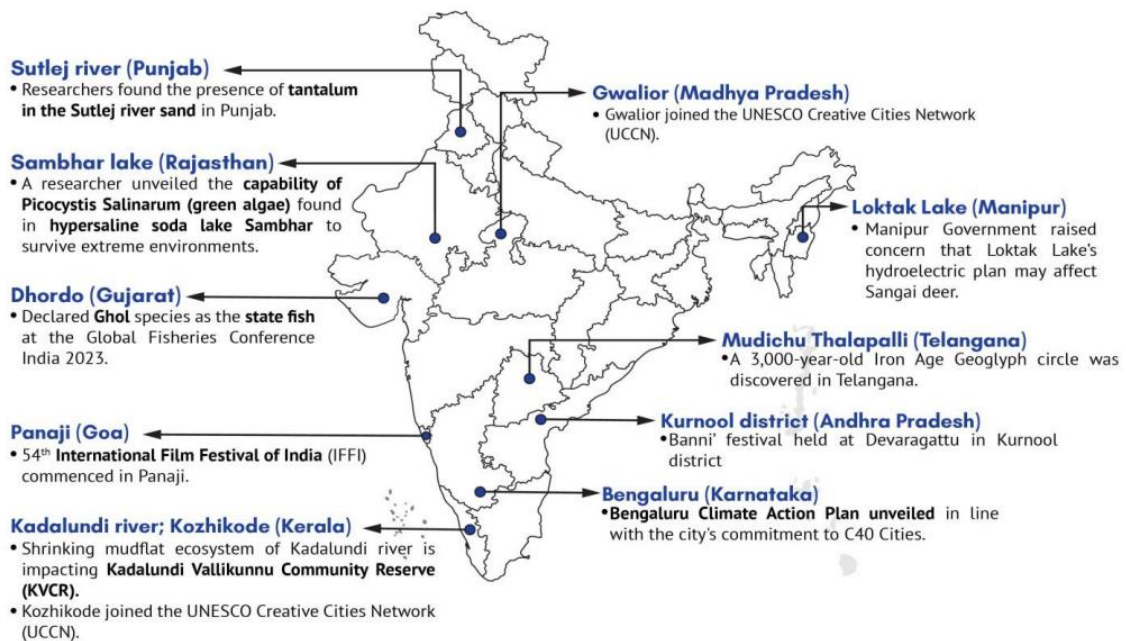
Various products from Uttarakhand have been given the GI tag by the Geographical Indications Registry.

About Geographical Indication (GI) tags

- A GI is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin.
 - o In order to function as a GI, a sign must identify a product as originating in a given place.
- GIs are part of the intellectual property rights that comes under the Paris Convention for the Protection of Industrial Property.
 - o They are also covered under Articles 22 to 24 of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement, which was part of the Agreements concluded in the Uruguay Round of GATT negotiations.
- In India, GI registration is administered by the Geographical Indications of Goods (Registration and Protection) Act of 1999.

- GI can be registered: On agricultural products, foodstuffs, wine and spirit drinks, handicrafts, and industrial products, etc.
- Duration: Once a product has been granted a GI tag, it is valid for a period of ten years.
 - o Renewal is possible for further periods of 10 years each.
- Nodal Ministry: Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry.
- Significance: Confers legal protection against unauthorised use, boosts exports, etc.

Places in News: India



Places in News: World

