

# 06 Aug 2019: UPSC Exam Comprehensive News Analysis

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## A. GS1 Related

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## B. GS2 Related

### Category: POLITY

#### 1. SC issues notice to T.N., Karnataka on EWS Quota

##### Context:

The Supreme Court asked the Tamil Nadu and Karnataka governments to reply to a petition seeking that they implement the 10% quota for economically weaker sections (EWS), in addition to the existing reservation.

##### Background:

- The 103<sup>rd</sup> Constitutional Amendment Act, 2019, granted 10% reservation to the EWS category in

government jobs and educational institutions.

- Except for Tamil Nadu and Karnataka, all other State governments have implemented the reservation.
- Tamil Nadu has already granted 69% quota to Scheduled Castes, Scheduled Tribes, Backward Classes and the Most Backward Classes.

#### Details:

- The EWS reservation is presumably to be implemented without disturbing the already existing quota benefits to the population belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes and the Most Backward Classes.
- Some of the regional parties in Tamil Nadu are opposing the 10% EWS quota for EWS.
- The ceiling of 50% vertical reservation for SC, ST and BC was a judicial determination and not prescribed or mandated in the Constitution.

## 2. Lok Sabha passes Surrogacy (Regulation) Bill

#### Context:

The Lok Sabha on Monday passed the Surrogacy (Regulation) Bill, 2019 by a voice vote.

#### Details:

- The Bill regulates altruistic surrogacy and prohibits commercial surrogacy.
- It defines surrogacy as a practice where a woman gives birth to a child for an eligible couple and agrees to hand over the child to them after birth.
- **Altruistic surrogacy:** It involves a surrogacy arrangement where the monetary reward only involves medical expenses and insurance coverage for the surrogate mother.
- **Commercial surrogacy:** This type of surrogacy includes a monetary benefit or reward (in cash or kind) that exceeds basic medical expenses and insurance for the surrogate mother.

#### Other Provisions in the Bill:

- There is also a provision for constituting a National Surrogacy Board, State Surrogacy Boards, and the appointment of appropriate authorities for the regulation of the practice and process of surrogacy.
- The Bill is aimed at ending the exploitation of women who are lending their womb for surrogacy and protecting the rights of children born through this.
- The Bill also ensure the couples that opt for surrogacy that there are laws protecting them against exploitation by clinics.
- The bill adds that the couple intending to commission a surrogacy arrangement must be a close relative of the surrogate mother.
- In addition, the couple has to be Indian citizens who have been married for at least five years and are in the age group of 23-50 years (female partner) and 26-55 years (male partner).
- It also requires the couple to secure a medical certificate stating that either or both partners are infertile.
- The couple also should not have any surviving child (whether biological, adopted or surrogate), except if the surviving child is mentally or physically challenged or suffers from a fatal illness, among other provisions.
- The surrogate mother, apart from proving that she is a close relative of the couple intending the surrogacy, has to be married with a child of her own, in the age bracket of 25 to 35 years old, and should not have been a surrogate mother before.
- The Bill also states that any child born out of a surrogacy procedure shall be the biological child of the intending couple and will be entitled to all rights and privileges that are available to a natural

**Problems related to Commercial Surrogacy:**

- There are very few countries in the world which allow commercial surrogacy.
- Commercial surrogacy is widely perceived as exploitation and abuse of human dignity.
- Women in our country are being exploited without even understanding it.

**Category: INTERNATIONAL RELATIONS****1. U.K. joins U.S. to ensure the safety of vessels in Gulf****Context:**

- Britain joined the U.S. in a maritime security mission in the Gulf to protect merchant vessels travelling through the Strait of Hormuz after Iran seized a British vessel.

**Background:**

- Tensions have risen between Iran and the West since last year when the U.S. pulled out of an international agreement which curbed the Islamic Republic's nuclear programme in return for an easing of economic sanctions on Iran.
- Iran has retaliated by resuming uranium enrichment seen in the West as a potential conduit to developing an atom bomb.
- But it faces severe economic damage under intensified U.S. sanctions designed to strangle its vital oil trade.
- In July, British forces seized an Iranian oil tanker near Gibraltar, accused it of violating sanctions on Syria.
- Then Iran seized a British tanker in the Strait of Hormuz for alleged marine violations.
- It allowed a second one to proceed after issuing a warning.
- Britain said on July 25 that it had started sending a warship to accompany all British-flagged vessels through the Strait of Hormuz.
- Describing the seizure of the Stena Impero in the Strait of Hormuz as illegal, Britain has rejected the idea that it could release the Iranian tanker in exchange for the British-flagged vessel seized by the Revolutionary Guards.

**Details:**

- Earlier, Britain was calling for a European-led naval mission to solve the problems in the Gulf.
- Now, it has joined a U.S.-led "International Maritime Security Mission".
- No other nations are yet involved.
- Joining the U.S. is the most significant non-Brexit foreign policy move by the new Prime Minister.
- However, the British officials stressed that there was no change to London's policy on Iran.

**2. U.S., South Korea defy North's warnings, begin joint drills****Context:**

Seoul and Washington began their annual joint military exercises on Monday, defying warnings from Pyongyang that the war games would jeopardise nuclear negotiations between the U.S. and North Korea.

**Details:**

- The drills come after North Korea tested a series of short range projectiles in recent days.
- North Korea even called one of the tests as a “solemn warning” to Seoul against pursuing the mainly computer simulated drills with Washington.
- South Korea is keen to maintain its readiness posture against any military action by North Korea.
- Under the U.S. South Korea security treaty, an American general will take command of their combined forces in the event of armed conflict.
- However, South Korea has long sought to reverse the position.

### 3. Donald Trump slams white supremacy and bigotry

**Context:**

The recent mass shootings have prompted U.S President to slam the hate crimes associated with the attacks.

**Background:**

- On Saturday, a gunman killed 20 people at a Walmart store in El Paso, Texas, and several Mexican citizens were among those killed.
- Just 13 hours later, another gunman in downtown Dayton, Ohio, killed nine people. Dozens were also wounded in the attacks.
- The man arrested for the Texas attack reportedly had racist motives.

**Details:**

- Trump said that Americans must condemn racism, bigotry, sinister ideologies and white supremacy.
- He also called for monitoring of the Internet, mental health reforms and wider use of the death penalty in response to mass slayings.
- However, he continued to back off on a strong gun control law, apparently due to a reluctance over getting into a fight with the National Rifle Association.
- Trump added that he will direct the Department of Justice to investigate domestic terrorism and propose legislation to ensure that those who commit hate crimes and mass murders face the death penalty.
- Trump had earlier called for strong background checks on gun buyers.
- He also accused video games and a culture of celebrating violence as reasons behind the attacks.

## C. GS3 Related

**Category: ECONOMY**

### 1. Government unveils draft e-com norms

**Context:**

The Department of Consumer Affairs has released the draft ‘e-commerce guidelines for consumer protection, 2019’.

**Details:**

- The draft is open for stakeholder comments for 45 days or till September 16, 2019.
- The guidelines apply to business-to-consumer e-commerce, including goods and services.

- The guiding principles are expected to prevent fraud, unfair trade practices and to protect the legitimate rights and interests of consumers.
- It emphasizes on protecting the interest of online shoppers by stating that an e-commerce entity cannot directly or indirectly influence the price of the goods or services.
- It added that e-commerce firms need to ensure that personally identifiable information of customers is protected.
- It requires every e-commerce entity to publish the name and contact details of the grievance officer on their website along with the mechanism by which users can lodge their complaints.
- As per the draft, an e-commerce firm cannot falsely represent themselves as consumers or post reviews about goods and services in their name.
- Besides, it proposes to make it mandatory for firms to display terms of contract with the seller relating to return, refund, exchange, warranty/guarantee, delivery/shipment, mode of payments and grievance redressal mechanism to enable consumers to make informed decisions.
- The draft also proposes that once an e-commerce firm comes to know about any counterfeit product, and if the seller is unable to provide any evidence that the product is genuine, the firm needs to take down the listing and notify the consumers of the same.

## 2. Central banks ‘fall guys’ for populist mistakes, says former RBI Chief

### Context:

- Former Reserve Bank of India (RBI) Governor Raghuram Rajan said that Central banks became fall guys for the populist mistakes made by governments.

### What are his apprehensions?

- Easing monetary policy may encourage riskier play by govt.
- A central bank’s mandate requires it to ease monetary policy when growth is flagging, even when the government’s own policies are the problem.
- Though the central bank is still autonomous, it effectively becomes a dependent follower of the government.
- Such actions by the central banks could even encourage the government to implement riskier policies.
- Populist leaders may mistakenly believe the central bank can do more to rescue the economy from their policy mistakes than it actually can deliver.
- Central bankers “are not immune to public attack” since they know that they are being set up to take the fall in case the economy falters.
- In the past, the cost would have been higher inflation over the medium term; today, it is more likely that the cost will be more future financial instability.
- This possibility will tend to depress market interest rates further rather than elevating them.

### What is the Solution?

- Rajan recommends that the central bankers have to explain to the public what their role is and why it is more than “simply moving interest rates up or down on a whim”.

## D. GS4 Related

*Nothing here for today!!!*

## E. Editorials

### 1. 370. Temporary provisions with respect to the State of Jammu and Kashmir

#### (1) Notwithstanding anything in this Constitution,

- (a) The provisions of Article 238 shall not apply in relation to the State of Jammu and Kashmir;
- (b) The power of Parliament to make laws for the said State shall be limited to
1. **those matters in the Union List and the Concurrent List** which, in **consultation with the Government of the State**, are declared by the President to correspond to matters **specified in the Instrument of Accession** governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and
  2. such other matters in the said Lists as, with the **concurrence of the Government of the State**, the President may by order specify
- Explanation For the purposes of this article, the **Government of the State means the person for the time being recognized by the President as the Maharaja of Jammu and Kashmir** acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948 ;
- (c) The provisions of Article 1 and of this article shall apply in relation to that State;
- (d) such of the **other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President** may by order specify: Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub clause (b) shall be issued except in consultation with the Government of the State: Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub clause (b) of clause (1) or in the second proviso to sub clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify: Provided that the **recommendation of the Constituent Assembly of the State referred to in clause (2)** shall be necessary before the President issues such a notification

#### What is Article 370?

- Included in the Constitution on October 17, 1949, Article 370 exempts J&K from the Indian Constitution (except Article 1 and Article 370 itself) and permits the state to draft its own Constitution.
- It restricts Parliament's legislative powers in respect of J&K.
- The provision was incorporated **in Part XXI** of the Constitution: Temporary, Transitional and Special Provisions.
- As evident from the title of the Part, it was supposed to be a temporary provision and its applicability was projected to last till the formulation and adoption of the State's constitution.

### Application of 370

- However, the **State's constituent assembly dissolved itself on 25 January 1957** without recommending either abrogation or amendment of the Article 370, leaving the status of the provision on a cliffhanger.
- The provision was **later held to have acquired permanent status by way of rulings of the Supreme Court of India** and the High Court of Jammu and Kashmir.
- This implied that to **apply a central law to the state on subjects included in the Instrument of Accession, mere "consultation"** with the state government is required.
- However, to apply a central legislation to matters other than defence, foreign affairs and communications, **'concurrence'** of the state government was mandatory.

### Jammu and Kashmir Constitution

- **Article 3-> Relationship of the State with the Union of India:-**The State of Jammu and Kashmir is and shall be an integral part of the Union of India.
- In the **Preamble** to the Constitution, not only is there no claim to sovereignty, but there is categorical acknowledgement about the object of the J&K Constitution being "to further define the existing relationship of the state with the Union of India as its integral part thereof.

### Constitution (Application to Jammu and Kashmir) Order, 2019

1. (1) This Order may be called the Constitution (Application to Jammu and Kashmir) Order, 2019.  
(2) It shall come into force at once, and shall thereupon **supersede the Constitution (Application to Jammu and Kashmir) Order, 1954** as amended from time to time.
2. All the provisions of the Constitution, as amended from time to time, shall apply in relation to the State of Jammu and Kashmir and the exceptions and modifications subject to which they shall so apply shall be as follows:-

### To article 367, there shall be added the following clause, namely:-

"(4) For the purposes of this Constitution as it applies in relation to the State of Jammu and Kashmir-

- (a) References to this Constitution or to the provisions thereof shall be construed as references to the Constitution or the provisions thereof as applied in relation to the said State;
- (b) references to the **person for the time being** recognized by the President on the recommendation of the Legislative Assembly of the State as the **Sadar-i-Riyasat of Jammu and Kashmir**, acting on the advice of the Council of Ministers of the State for the time being in office, **shall be construed as references to the Governor of Jammu and Kashmir**;
- (c) references to the **Government of the said State shall be construed as including references to the Governor of Jammu and Kashmir** acting on the advice of his Council of Ministers; and
- (d) in proviso to clause (3) of article 370 of this Constitution, the expression "**Constituent Assembly of the State referred to in clause (2)**" shall read "**Legislative Assembly of the State**".

### Has Article 370 been scrapped?

- The Presidential order signed by the President of India **has not scrapped Article 370**.
- But invoking this very article special status of Jammu & Kashmir has been withdrawn.

- Thus Article 370 is very much on the statute book.
- In other words, the latest move by the government gives full applicability of the Indian Constitution in Jammu and Kashmir. Earlier, only a set of limited provisions such as foreign relations, communication and defence had jurisdiction over Jammu and Kashmir.

### What is the status of Article 35-A?

- Since Presidential Order of August 5 has **extended all the provisions of the Constitution to Kashmir**, Fundamental rights chapter has now been extended and therefore discriminatory provisions of Article 35-A have now become unconstitutional.
- President also may withdraw Article 35-A.

### Background

- Article 35A of the Indian Constitution is an article that empowers the Jammu and Kashmir state's legislature to define "permanent residents"
- The provision mandates that no act of the State legislature coming under the ambit of Article 35A can be challenged for violating the Indian Constitution or any other law of the land.

### Who Are Permanent Residents?

- The rights are given in the state Constitution of Jammu and Kashmir.
  - as a person who was a state subject on May 14, 1954
  - who had been a resident of the state for 10 years
  - Has lawfully acquired immovable property in the state
- The state legislature can alter the definition of a permanent resident **by passing a law with a two-third majority**.
- Permanent residents are given a **Permanent Resident Certificate** which forms the basis of their rights in the state.
- It also has a provision to recognize as permanent residents, people who had migrated to Pakistan and returned, though subject to certain conditions.

### Rights and Privileges

- Special Rights and privileges are given in the following four categories:
  - Employment under the state government/ State public sector jobs
  - Acquisition of immovable property in the state
  - Settlement in the state
  - Right to scholarships and such other forms of aid as the state government may provide



BEFORE	NOW
● Special powers exercised by J&K	● No special powers now
● Dual citizenship	● Single citizenship
● Separate flag for Jammu & Kashmir	● Tricolour will be the only flag
● Article 360 (Financial Emergency) not applicable	● Article 360 will be applicable
● No reservation for minorities such as Hindus and Sikhs	● Minorities will be eligible for 16% reservation
● Indian citizens from other states cannot buy land or property in J&K	● People from other states will now be able to purchase land or property in J&K
● RTI not applicable	● RTI will be applicable
● Duration of Legislative Assembly for 6 years	● Assembly duration in Union Territory of J&K will be for 5 years
● If a woman from J&K marries out of state, she would lose the citizenship of the state	● If a woman marries out of state or country, she will still retain all her rights and Indian citizenship
● Panchayats did not have any rights	● Panchayats will have the same rights as in other states
● Right to Education (RTE) was not applicable	● Children in the state will benefit from RTE

### Criticisms

#### Due process

- The process of revocation of Article 370, which ties the state with India, needed the approval of J&K's Constituent Assembly. In the absence of such an assembly, it can be removed with the concurrence of the state legislative assembly. But the assembly does not exist at the moment either, and the notification suggests that **it was the Governor's concurrence that was obtained to render the provisions irrelevant**. This is clearly not sufficient.
- The process has been pushed through **without consultations with Kashmir's political leaders**, who have been under detention.
- Further, the **reorganisation of states requires the consent of the state assembly concerned**.
- In this case, J&K has been bifurcated, and statehood diluted to UT status, without any deliberations

in the assembly.

### Article 3 of the Constitution

- It says that before parliament can consider a Bill that diminishes the area of a state or changes its name, the Bill must be “referred by the President to the Legislature of that State for expressing its views thereon”.
- This is an essential safeguard of India’s federal system and has clearly not been followed in this case.
- In parliament, Shah invoked that since the J&K assembly was dissolved and the state is under Central rule, **it is parliament which gets to exercise the prerogatives of the assembly.**
- This move will strain India’s social fabric not only in its impact on Jammu and Kashmir but also in the portents it holds for federalism, parliamentary democracy and diversity.
- The Centre’s abrupt move disenfranchised people on a matter that directly affects their life and sentiments.

### Kashmiris seek greater democracy.

- Like all Indian citizens, Kashmiris seek greater democracy.
- Elements keen to destabilize India would seek to **build a narrative that Delhi is taking away powers from the local level.**
- It is important that the process of turning the state into a UT does not lead to alienation.

### Instrument of Accession

- In Kashmir’s Instrument of Accession in **Clause 5**, Raja Hari Singh, ruler of J&K, explicitly mentioned that the terms of “my Instrument of Accession cannot be varied by any amendment of the Act or of Indian Independence Act unless such amendment is accepted by me by an Instrument supplementary to this Instrument”.
- **Clause 7** said “nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution”.
- Originally it was India’s stated policy that wherever there was a **dispute on accession, it should be settled in accordance with the wishes of people rather than a unilateral decision of the ruler of the princely state.**
  - In India’s acceptance of the IoA, Lord Mountbatten stated that “it is my Government’s wish that as soon as law and order have been restored in Kashmir and her soil is cleared of the invader, the question of the State’s accession be settled by a reference to the people”.

### Elections in Jammu and Kashmir were delayed

- The three independent observers appointed by the Election Commission — to assess the readiness for assembly elections in Jammu & Kashmir — are learnt to have conveyed to the poll panel that the situation is conducive for elections immediately after Lok Sabha polls.

### Why Jammu and Kashmir is special?

- **Former MP Karan Singh, son of Maharaja Hari Singh, wrote in An Examined Life:** “The right wing seems to resent that J&K carries a special status. That has always surprised me. We are a great country, we should be large-hearted. J&K came to India under complex and difficult circumstances. Now after all these years to ask why it holds a special position is baffling. It will always be special because it was born out of a special historical event and subsequent political developments. In England they have all sorts of governing systems...,we should feel so lucky that J&K, a Muslim-majority state became a part of India despite the religion-led Partition. Cherish that; relish that;

honour that.”

- In November 1963, in a debate in Parliament, when Hari Vishnu Kamath argued that Kashmir was “not fully” integrated, **Nehru asserted** that it was, indeed, “fully integrated” with India. He said: “The House will remember that we have some **such restrictions with respect to NEFA and other places; outsiders cannot buy land. This is also in some other districts, the hill districts of Assam.** This is to protect them.”

Looking at these arguments from the past, the people, the local political parties in Jammu and Kashmir and the political parties in India should have been taken into confidence for bringing about an end to a legislation that was indeed the bridge between India and state of Jammu and Kashmir.

### Challenges

- The first and most obvious result could be a **worsening of the law and order situation** in the Kashmir Valley.
  - The recent pre-emptive deployment of additional forces into Jammu and Kashmir enables the state government to deal appropriately with any situation.
  - If large-scale protests do erupt, how they are handled will be extremely important.
- Pakistan will undoubtedly step up its **support to terror activities in Kashmir.**
  - Pakistan can be expected to fish actively in the troubled waters of Kashmir. Buoyed by the recent statements of United States President Donald Trump on mediation, Pakistan will attempt to internationalize the issue of Kashmir.
  - However, there are limits to Pakistan’s response. Hobbled by international pressure and a dire financial situation, Pakistan needs to keep its actions calibrated to ensure that the situation does not escalate to a conventional conflict.
  - The Indian Army’s deployment along the Line of Control in Jammu and Kashmir is extremely robust, and will not allow large-scale infiltration.
- It is also essential to not look at tackling the situation purely through a security approach. If the government’s action aims to find a **resolution to the Kashmir conflict, it has to take the local population into confidence.**
  - This is perhaps the most difficult task as past activities of the government have only increased suspicion and alienation among the Kashmiris.
  - As long as this alienation is not addressed, long-term solutions will not be forthcoming.
- It must also be understood that **narratives are more than verbal messages**; they also need visible actions to show the sincerity of the political leadership in finding a just solution.
  - The decision of the government must not be painted in terms of victory or defeat, but as a win-win for everyone.
  - The **advisory to various state governments to ensure the safety and security of the residents of Jammu and Kashmir** is a step in the right direction.

It must now be followed up by a genuine outreach to the people of the state.

### Union Territory Status

- There were seven union territories (UTs) specified under **Part II of the First Schedule to the Constitution of India**, viz. Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Lakshadweep, National Capital Territory of Delhi and Puducherry.
- Except for the National Capital Territory of Delhi and Puducherry, UTs did not have their own legislature until now.
- Now, the **state of Jammu and Kashmir has also been added along with Delhi and Puducherry to be a UT with a legislature.**

### Article 240 of the Indian Constitution

- According to Article 240, the president of India has the power to make regulations for UTs not having their own legislature.

### Is it right to give a state Union territory status? Yes

- A delegation headed by **Chewang Rigzin, President, Ladakh Buddhist Association** approached the then Prime Minister of India Pandit Jawahar Lal Nehru and submitted a memorandum in New Delhi on 4th May, 1949 which concludes as under:- “Ladakh is not prepared to go to Pakistan whatever the result of the plebiscite may be”.
  - **Frederic Drew, who served as Governor of Ladakh in the 19th Century** had rightly observed that “the territories of J&K have no other bond of cohesion than the fact of Maharaja’s rule, no simple name for it exists”.
  - Ladakhis since then have consistently been demanding separate region from Jammu and Kashmir State and asking for the status of Union Territory for the area
- Jammu and Kashmir is strategically important for India.
  - With the United States seeking a quick exit from, and willing to let the Inter-Services Intelligence-sponsored Taliban to control Afghanistan (and China deeply embedded in the power play), the **heartland of central Asia has rarely been as adverse to Indian interests since 1989**, when the Soviet Union withdrew from Afghanistan. Kashmir could, in these circumstances, become even more vulnerable to external elements than it was in the 1990s.
  - The situation emerging in the western neighbourhood and the possible re-ascendance of the Taliban in Afghanistan call for greater attention and care to be taken in what will remain as J&K after bifurcation. Making it a Union Territory with a legislature makes a lot of strategic sense.
  - In the interest of security this is a good move. Once all the security measures are met and we can give statehood as it happened with Goa and Arunachal Pradesh in the past
- It will insulate Ladakh from the happenings in the other two regions and provide for greater development of the region.
- ‘My Frozen Turbulence in Kashmir’ (1986)
  - It is a book penned by Ex-Governor of J&K Jagmohan during 1984-1990
  - “Article 370 is nothing but a breeding ground for the parasites at the heart of the paradise. It skins the poor. It deceives them with its mirage. It lines the pockets of the ‘power elites’”.

### Conclusion

- Geographically and metaphorically, Jammu and Kashmir is the crown of secular India — a Muslim majority region in a Hindu majority country. Its people and leaders had chosen secular India over Islamic Pakistan, a fact that Islamists never reconciled with.
- The new doctrine will have to persuade the majority of the people of Jammu and Kashmir that greater integration with India will provide them with more opportunities, provide more freedom and space, and strengthen their rights much more than the alternatives proposed by other mainstream parties or separatists.
- Going forward India should take people into confidence to build development inclusive of all sections of society and restore statehood as per its initial promise.

### Jammu and Kashmir Reorganisation Bill

- J&K Reorganisation Bill passed in Rajya Sabha 125-61.
- The State will be **bifurcated into two union territories** — Jammu & Kashmir and Ladakh.
- The Union Territory of Jammu and Kashmir will have a legislative assembly, whereas the Union Territory of Ladakh will not have a legislative assembly and will be administered by the Lieutenant

Governor alone.

- The **Union Territory of Ladakh will include the districts Leh and Kargil** which will, in effect, cease to be part of the existing state of Jammu and Kashmir.
- The remaining territories will remain with Jammu and Kashmir after the bifurcation.
- Representation in the House of People: Out of the six Lok Sabha seats in the state of Jammu and Kashmir, five will remain with the Union Territory of Jammu and Kashmir and one will go to the Union Territory of Ladakh.
- The Election Commission may conduct Lok Sabha elections for both the Union Territories as per the allocation of seats specified in the Delimitation of Parliamentary Constituencies Order, 1976 as amended by this act.

### The Union Territory of Jammu and Kashmir

- The Jammu and Kashmir Legislative Assembly **will have a tenure of five years** unless it's dissolved earlier by the L-G.
- **Provisions contained under Article 239a of the constitution that are applicable to Puducherry** shall be applicable here as well.
  - This allows the Union Territory of Jammu and Kashmir to function as a legislative assembly under an administrator appointed under the said Article. In this case, it will be the LG. “
- The **delimitation of constituencies following the bifurcation may be determined by the Election Commission**.
  - The constituencies will be re-organised through a de-limitation exercise under the 2002 Act of Parliament.
  - For the purpose of delimitation, the 2011 census figures will be taken as benchmark.
- The bill states that the number of seats in the Legislative Assembly of Jammu and Kashmir shall be **increased from 107 to 114**.
  - The state assembly currently has 111 seats, of which 46 are in the Valley, 37 in Jammu and the remaining **four are in the Ladakh division**.
  - Of these, 24 seats would be deemed to be vacant till the time Pakistan-Occupied Kashmir comes under the jurisdiction of the Indian state.
- With this, the **existing legislative council in Jammu and Kashmir stands abolished**. “Every member thereof ceases to be such member and all bills pending in the Legislative Council shall lapse.”
- **Four sitting members of the council of states ( Rajya Sabha)** representing the existing state of Jammu and Kashmir shall be deemed to have been elected to **fill the seats allocated to the Union Territory of Jammu and Kashmir**. Their term of office remaining unaltered.
- The **High court** of the existing state of Jammu and Kashmir will be the common High Court of the two Union Territories
- The new Assembly shall have **reservation** for Scheduled Caste and Tribes as in other parts of the state.

### Legislative powers of the Union Territory of Jammu and Kashmir

- The Legislative Assembly may make laws for the whole or any part of the Union Territory of Jammu and Kashmir with respect to any of the matters enumerated in the state list **except on subjects “public order” and “police”** which will remain in the domain of the Centre vis-a-vis the LG.
- In case of inconsistencies between laws made by Parliament and laws made by the Legislative Assembly, earlier law shall prevail and law made by the Legislative Assembly shall be void.

### Role and powers of the Lieutenant Governor

- The Bill specifies that the Union Territory of Jammu and Kashmir and the Union Territory of Ladakh will have a **common Lieutenant Governor**. Satya Pal Malik, the Governor of existing state of

Jammu and Kashmir, will take over the role of the common L-G “for such period as may be determined by the President of India.”

- Appointment of L-G in Ladakh: The **President shall appoint the L-G under article 239**.
  - The L-G will be assisted by advisors appointed by the Centre since the Union Territory will not have a Legislative Assembly.
- In the case of Union Territory of Jammu and Kashmir, the **L-G shall “act in his discretion” on issues which fall outside the purview of powers conferred on the Legislative Assembly**, in which he is required to exercise any judicial functions, and/or matters related to All India services and the Anti-Corruption Bureau

## F. Tidbits

### 1. RBI penalises 11 banks for violations

- The Reserve Bank of India (RBI) has imposed monetary penalties on 11 banks for non-compliance with certain provisions on fraud classification and reporting norms.
- The fines, ranging from ₹50 lakh to ₹1.5 Cr., were imposed by the central bank on Bank of Baroda, Corporation Bank, Federal Bank, Indian Overseas Bank, Jammu & Kashmir Bank, Oriental Bank of Commerce, Punjab and Sind Bank, Punjab National Bank, State Bank of India, UCO Bank, and United Bank of India.
- Even as the Central Bureau of Investigation (CBI) have initiated criminal proceedings, the banks had delayed/ did not report fraud to RBI resulting in non-compliance with directions.

### 2. Putin wants arms talks with U.S. to avoid 'chaos'

- Russian President Vladimir Putin urged the U.S. to start arms talks following the withdrawal of Intermediate Range Nuclear Forces treaty.
- He said Russia would follow suit if the U.S. develops new missiles.

### 3. Australian cancer patient first to use assisted dying law

- A 61-year-old cancer patient has become the first person in over two decades to die under controversial assisted dying laws in Australia.
- Kerry Robertson died in July, three months after she ceased treatment for metastatic breast cancer.
- She decided to stop receiving treatment in March when the side effects of chemotherapy were no longer manageable and took medication to end her life after a 26-day approval process.
- The State of Victoria passed a law in 2017 to legalise the practice, which went into effect this June.
- Euthanasia had previously been legal in Australia's Northern Territory, but those laws were overturned in a contentious move by the federal government in 1997.

### 4. Kerala journalist death: IAS Officer suspended by the State government

- The State government on Monday suspended IAS officer Sriram Venkitaraman from service.
- The bureaucrat was arrested earlier for having run his car fatally over journalist K. M. Basheer in an allegedly drunken state.
- The police had charged the civil servant with culpable homicide not amounting to murder.
- The officer will face up to ten years of imprisonment and fine if convicted of the charge.
- The police received a lot of public criticism for allegedly according Mr. Venkitaraman leeway to dodge the law by not insisting that doctors take his blood sample to test for alcohol impairment immediately after the collision.
- The high-profile probe was handed over to Additional Director General of Police, Law and Order.

## 5. One Country, Two Systems

- Hong Kong protesters pose challenge to the 'one country, two systems' framework in relation to China.
- The police continued to clash with the pro-Democracy protesters.

## G. Prelims Facts

*Nothing here for today!!!*

## H. Practice Questions for UPSC Prelims Exam

Q1. Consider the statements about the World Trade Organization:

1. It is the only global international organization dealing with the rules of trade between nations.
2. WTO agreements, negotiated and signed by the bulk of the world's trading nations and ratified in their parliaments.
3. The primary purpose of the WTO is to open trade for the benefit of all.

Which of the statements given above is/are correct?

- a) 1 only
- b) 1 and 2 only
- c) 1 and 3 only
- d) 1,2 and 3

**Ans: d**

**Explanation:**

According to the official website of WTO, all three statements are correct.

Q2. Which of the following languages have been recognized as classical languages by the Government of India?

1. Tamil
2. Odiya
3. Braj bhasha

Options:

- a) 1 only
- b) 1 and 2 only
- c) 1,2 and 3
- d) 1 and 3 only

**Ans: b**

**Explanation:** So far Sanskrit, Tamil, Telugu, Kannada, Malayalam and Odiya have been declared as classical languages.

Q3. Which of the following were founded by Raja Ram Mohan Roy?

1. Brahma Samaj
2. Tattwabodhini Sabha
3. Atmiya Sabha

Options:

- a) 1 only
- b) 1 and 2 only
- c) 1, 2 and 3
- d) 1 and 3 only

**Ans: c**

**Explanation:**

The Tattwabodhini Sabha ("Truth Propagating/Searching Society") was a group started in Calcutta in 1839 as a splinter group of the Brahma Samaj. The founding member was Debendranath Tagore.

**Q4. The concept of Tirthankaras is related with which of the following philosophies?**

- a) Buddhism
- b) Jainism
- c) Sikhism
- d) Bhakti Movement

**Ans: b**

**Explanation:**

Jainism traces spiritual ideas and history through a succession of twenty-four victorious saviours and teachers known as Tirthankaras, with the first being Rishabhanatha.

## I. UPSC Mains Practice Questions

1. The performance of Parliament has witnessed a decline in terms of the number of bills passed and the overall time utilized for discussing the bills. Does it mean that democracy is under risk? Critically analyse. (250 words, 15 marks)
2. India's federal character is enriched and not betrayed by the special status provided to some States in the Constitution. Critically analyse. (250 words, 15 marks)



