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DTE Jan 16

PAKKE PAGA HORNBILL FESTIVAL

(Syllabus: GS Paper 3 – Env and Eco)

Arunachal Pradesh's Pakke Paga Hornbill Festival gears up for its 9th Edition

Context: The 9th edition of the Pakke Paga Hornbill Festival (PPHF) will take place at Seijosa in the Pakke Kessang district from January 18-20, 2024.



Pakke Paga Hornbill Festival (PPHF)

- **About**: It is a state festival of Arunachal Pradesh.
- **First PPHF**: It was held on January 16-18, 2015
- **Aim**: Recognising the efforts of the Nyishi hunters-turned-conservationists of hornbills.
- **Focus**: Four species of the birds — Wreathed, Great Indian, Oriental Pied and the endangered Rufous-necked — are found in the Pakke Tiger Reserve (PTR) of Arunachal Pradesh.
    - The area is also home to the Nyishi, the largest tribal group in Arunachal Pradesh.
- **Other Activities**: Bird-watching, butterfly walks, bear walks, hornbill roost site visits, literary competitions, MTB cycling, short film screenings, panel discussions, cultural programs, food stalls, plays, sightseeing tours, river and village walks, as well as displays of local tribal sports and dances.

Great Hornbill:

- Hornbills are **large, fruit-eating birds** found along certain fleshy fruit trees.
    - **Ecological role:** They are responsible for dispersing undamaged seeds in large patches away from mother plant, thereby creating fruit orchards.
- Great Indian Hornbill is the **state bird** of **Kerala** and **Arunachal Pradesh**.
- **Distribution:** The hornbills are found in **tropical and subtropical Africa and Asia.**
- **Conservation Status of Great Indian Hornbill: IUCN:** Vulnerable; **Wildlife (Protection) Act 1972**: Schedule I; Convention on International Trade in Endangered Species (CITES): **Appendix I**.

THE HINDU

Page 1

On Thiruvalluvar Day, T.N. Governor revives 'saffron' row





Colour controversy: Governor R.N. Ravi paying tributes to a portrait of Thiruvalluvar in saffron robes; and, right, the 'official' portrait of the poet-saint shared by Chief Minister M.K. Stalin.

The Hindu Bureau
CHENNAI

On the occasion of Thiruvalluvar Day, Tamil Nadu Governor R.N. Ravi revived a controversy by paying floral tributes to a portrait of Tamil poet-saint Thiruvalluvar in saffron robes and describing him as a saint of the 'Bharatiya Sanatan' tradition.

"I pay my humble tributes to the revered poet, great philosopher and brightest saint of Bharatiya Sanatan tradition, Thiruvalluvar, born on the spiritual land of our Tamil Nadu," the Raj Bhavan quoted the Governor as saying in a social media post. The portrait showed the poet-saint in saffron robes and with religious markings.

The Governor's move triggered reactions from various quarters, with one section of people opposing the attempt to "saffronise" Thiruvalluvar and another backing Mr. Ravi.

Chief Minister M.K. Stalin indirectly responded to the Governor's action by sharing the "official" portrait of Thiruvalluvar in white robes and without any religious markings. He went on to quote the *Kural* couplet 972 to underline that Thiruvalluvar emphasised the ideals of social justice and hard work. "No one could stain Valluvar in Tamil Nadu," he said.

In 2019, the BJP and its fraternal outfits stirred a controversy by associating saffron with Thiruvalluvar. Indu Makkal Katchi founder Arjun Sampath was detained by the police after he caused a flutter by adorning Thiruvalluvar's statue at Pillayarpatti in Thanjavur district with a saffron shawl and a *rudraksh mala*.

THIRUVALLUVAR

Syllabus GS Paper 1 – History)

Context: On the occasion of Thiruvalluvar Day, Tamil Nadu Governor R.N. Ravi revived a controversy by paying floral tributes to a portrait of Tamil poet-saint Thiruvalluvar in saffron robes.

Thiruvalluvar

- **About**: Thiruvalluvar, also known as Valluvar, remains a figure of debate regarding his existence and religious identity.
- **Time Period**: The period of his existence is uncertain, with conflicting theories placing him between the 3rd-4th or 8th-9th century.
- **Linked to**: Jainism, there are claims from Hindus asserting his association with Hinduism.
- **Diverse Recognition as a Saint**: Dravidian groups recognize Thiruvalluvar as a saint due to his outspoken dismissal of the caste system.
- The varied religious affiliations attributed to him reflect the cultural diversity surrounding his legacy.
- **Tirukkural**: Thiruvalluvar's **significant contribution to Sangam literature is the Tirukkural** or 'Kural.'

Sangam Literature

- **Origin**: The term 'Sangam' in Tamil finds its roots in the Sanskrit word 'Sangha,' denoting a group or association.
    - The Tamil Sangam refers to an academy of poets that thrived in distinct periods and locations, under the patronage of Pandyan kings.
- **Historical Timeline**: The Tamil Sangam's historical timeline spans from the 3rd century BC to the 3rd century CE.
    - Poetic compositions within the Sangam literature are richly themed around subjects such as love and war.

INDIAN EXPRESS Page 7

PRIOR APPROVAL UNDER PCA

(Syllabus: GS Paper 2 – Polity)

EXPLAINED LAW

WHAT IS 'PRIOR APPROVAL', WHY IS IT NEEDED TO PROBE PUBLIC OFFICIALS

AJOY SINHA KARPURAM
NEW DELHI, JANUARY 16

THE SUPREME Court Tuesday delivered a split verdict in former Andhra Pradesh Chief Minister Chandrababu Naidu's plea to quash an FIR in the alleged skill development scam case. Justices Aniruddha Bose and Bela M Trivedi disagreed on whether the AP CID was required to seek 'previous approval' from the state government before conducting an inquiry into the allegations against Naidu.

Justice Bose held that prior approval was necessary, which the CID did not have when it opened the inquiry. Justice Trivedi held it was necessary to seek approval only to investigate offences committed after 2018, the year this requirement was introduced.

Prior approval requirement

In 2003, the Delhi Special Police Establishment Act, 1946, which governs agencies like the CBI, was amended. Under Section 6A, it was required to seek approval from the central government before investigating alleged offences under the Prevention of Corruption Act (PCA), 1988, if the employee in question held a rank higher than joint secretary.

The Supreme Court struck down this requirement in 2014. Four years later, the PCA was amended and a similar provision was introduced as Section 17A. Under this section, if a public servant commits an offence under the Act while discharging their official duties, investigators must receive approval from the central/ state government, or a competent authority to open an inquiry or investigation.

Challenge to provision

In 2018, the NGO Centre for Public Interest Litigation (CPIL) challenged the constitutionality of the previous approval requirement. It argued that it would be "extremely difficult" to determine if an offence was committed by a public official while they were discharging their duties if no investigation could be conducted in the first place. Placing this burden on police officers and investigating agencies would in effect protect corrupt officials, and the levels of corruption would rise.



The SC gave a split verdict in a plea by former Andhra CM Naidu. *PTI*

The CPIL also pointed to the 2014 case in which the Supreme Court had struck down a similar requirement. In July 2023, the case was listed before a Bench of Justices B V Nagarathna and Sanjay Karol.

'Previous approval' in SC

The case involving Chandrababu Naidu is not the first time that the SC has decided whether the 'previous approval' requirement should apply retrospectively. Last September, a Constitution Bench held that officials cannot claim immunity under Section 6A, even if the offence was committed before this provision was struck down. (*CBI v R R Kishore*)

In 2018, when former Delhi Police Commissioner Rakesh Asthana was being investigated for allegedly accepting bribes, then Additional Solicitor General P S Narasimha had opined that there was no need for prior approval to lodge an FIR.

The case against Asthana reached the Supreme Court in 2021 but was adjourned repeatedly without being heard, and was declared infructuous after Asthana retired in 2022.

Context: Recently, the Supreme Court rendered a split verdict on former Andhra Pradesh Chief Minister's petition seeking to dismiss an FIR related to the alleged skill development scam case.

Prior Approval

- **Amendment to Delhi Special Police Establishment Act**: In 2003, an amendment was made to the DSPE Act, 1946, governing agencies like the CBI.
    - The amendment introduced Section 6A, which mandated seeking approval from the central government before investigating alleged offences under the Prevention of Corruption Act (PCA), 1988, if the involved employee held a rank higher than joint secretary.
- **Supreme Court's 2014**: In 2014, the Supreme Court struck down the requirement outlined in Section 6A, **rendering it unnecessary to seek approval from the central government** before investigating corruption allegations against employees holding ranks higher than joint secretary.
- **Introduction of Section 17A**: This section mandated **obtaining approval from the central/state government or a competent authority** to initiate an inquiry or investigation if a public servant committed an offence under the Act while discharging official duties.
- **NGO Challenge**: In 2018, the NGO Centre for Public Interest Litigation (CPIL) challenged the constitutionality of the approval requirement.
    - The CPIL argued that placing the burden on investigators to obtain approval before conducting an inquiry would protect corrupt officials, leading to an increase in corruption levels.
- **Supreme Court's Review of 'Previous Approval'**: In July 2023, a Bench of Justices B V Nagarathna and Sanjay Karol reviewed the case involving the challenge to the 'previous approval' requirement in Section 17A of the PCA.

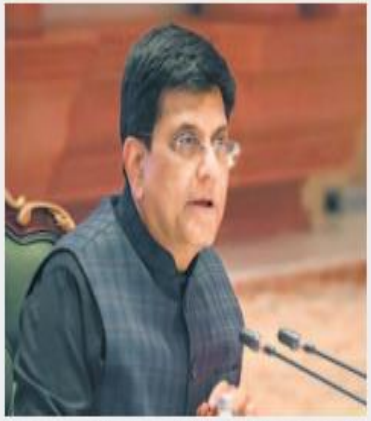
LIVEMINT

Page 11

TRADE CONNECT E-PLATFORM

(Syllabus: GS Paper 3 – Economy)

Govt to launch trade connect portal



Union minister Piyush Goyal chairs second meeting of the reconstituted BOT. PTI

Union commerce minister Piyush Goyal on Tuesday announced plans to launch a Trade Connect ePlatform to increase the participation of micro, small and medium enterprises (MSME) and startups in exports, a move aimed at promoting exports with the involvement of small and medium traders.

The platform will be available for traders in the next three to four months, the minister said. According to a senior official, Trade Connect ePlatform is an intermediary platform providing the facility to connect Indian exporters and entrepreneurs with various stakeholders in international trade.

The portal will help new exporters access key information and opportunities for MSME traders, which is not easily accessible for small traders due to restricted knowledge about the mechanism, the official added.

Trade Connect ePlatform will be designed in a such a way that anyone can get all the information for export promotion activities, including contact details of all resource persons, the official cited above said. The announcement was made by the minister during the second meeting of the reconstituted Board of Trade (BOT) held at the Bharat Mandapam on Tuesday.

DHIRENDRA KUMAR

Context: Union commerce minister Piyush Goyal announced the launch of the Trade Connect ePlatform.

Trade Connect ePlatform

- **About**: It serves as an intermediary connecting Indian exporters and entrepreneurs with international trade stakeholders.
- **Objective**: To increase the participation of Micro, Small and Medium Enterprises (MSME), and startups in exports, a move aimed at promoting exports with the involvement of small and medium traders.
- **Empowering New Exporters**: The portal aims to assist novice exporters in accessing crucial information and opportunities, particularly benefiting MSME traders who often face limitations due to a lack of knowledge about the trade mechanism.
- **Inclusive Information Access**: Designed with inclusivity in mind, the platform ensures that all users can easily obtain comprehensive information for export promotion activities, including vital contact details.
- **Sector-Specific Events**: The platform will offer access to sector-specific events, providing users with the opportunity to stay updated on industry developments and network with relevant stakeholders.

THE PRINT Jan 16

FARSI LANGUAGE

(Syllabus: GS Paper 1 – Art and Culture)

Farsi to be one of India's nine classical languages: Jaishankar

Context: External Affairs Minister of India announced that the Government of India has decided to include Farsi (Persian) as one of the nine classical languages in India under the New Education Policy.

Farsi Language

- **About**: Farsi, also known as the Persian language, holds the status of being the most widely spoken member of the Iranian branch within the Indo-Iranian languages, a subfamily of Indo-European languages.
- **Official Language Status:** It serves as the official language of Iran, while two variations of Persian, namely Dari and Tajik, are recognized as official languages in Afghanistan and Tajikistan, respectively.
- **Global Presence of Farsi**: Beyond its official status, substantial Farsi-speaking populations can be found in various Persian Gulf countries such as Bahrain, Iraq, Oman, Yemen, and the United Arab Emirates. Additionally, large Farsi-speaking communities exist in the United States.
- **Speaker Statistics**: Farsi boasts approximately 62 million native speakers, positioning it among the top 20 most widely spoken first languages globally.
- **Persian Script and History**: The Farsi script in Iran is a variant of the Arabic script known as Perso-Arabic, developed to accommodate Persian phonological nuances. This script emerged in Persia after the seventh-century Islamic conquest.
- **Linguistic Relations**: Farsi is linguistically related to the languages of northern India and, more distantly, to major European languages, including English.

Classical Languages in India

- **Criteria**: The Government of India has established specific criteria for declaring a language as classical, including a high antiquity of early texts, a valuable literary heritage, originality, and distinctiveness from modern forms.
- **Currently Classical Languages**: As of now, six languages hold the prestigious 'Classical' status in India: Tamil (2004), Sanskrit (2005), Kannada (2008), Telugu (2008), Malayalam (2013), and Odia (2014).

LIVEMINT

Page 11

LARGEST FOOD GRAIN STORAGE
(Syllabus: GS Paper 3 – Economy)

Govt, cooperatives move to set up world's largest granary

It is aimed at ensuring storage facilities for food grains and other agricultural goods

Puja Das
Puja.das@livemint.com
NEW DELHI

The ministry of cooperation plans to sign agreements with the key stakeholders involved in attempts to set up what the government calls the world's largest grain storage.

The pacts are planned to be signed with the Department of Consumer Affairs (DoCA), National Bank for Agriculture and Rural Development (Nabard), National Cooperative Development Corporation (NCDC) and National Cooperative Consumers' Federation of India Ltd (NCCF), a senior official told *Mint*.

The move aims to integrate godowns built at the Primary Agricultural Credit Society (PACS) level with the national food grain supply chain, providing essential market linkages for PACS.

DoCA will permit NCCF to utilize its warehouses for storing various commodities like pulses, oilseeds, onions, and grains under various government schemes like the Price Support Scheme and Price Stabilisation Fund.

The move is aimed at ensuring adequate storage facilities for food grains and other agricultural commodities, the official said.

However, specifics regarding the amount of storage or the number of warehouses to be used remain unclear.

> Every year, the country loses 74 million tonnes of food grains, or 22% of its grain output, due to inadequate storage

This initiative is part of the government's strategy to address the shortage of food grain storage capacity in the country. Launched in May last year as a pilot project in various states and union territories, this plan is touted as the largest in the world in the cooperative sector.

At present, India has a grain storage capacity of about 145 million tonnes, with annual food grain output over 300 million tonnes. Every year, the country loses 74 million tonnes of food grains, or 22% of its grain output, due to inadequate storage.

Over the next five years, India is expected to expand storage capacity to 215 million tonnes.

Queries sent to the cooperation ministry, DoCA, NABARD, NCDC and NCCF remained unanswered.

To oversee this extensive plan, a National Level Coordination Committee comprising members from relevant ministries, departments and central government agencies has been established. The NLCC will guide the overall implementation and periodically review the progress.

- **Food Grain Management in India:** The Food Corporation of India (FCI) and state agencies manage food grain procurement, storage, and distribution.
- **India's Food Security Success:** India has successfully averted famines since the Green Revolution of the early 1970s.
- **Ensuring Food Availability:** The government's well-designed **food security system** guarantees food grain availability nationwide, even in adverse conditions.
- **Current Status**: India has a grain storage capacity of about 145 million tonnes, with annual food grain output over 300 million tonnes. Every year, the country losses of tonnes of food grains due to inadequate storage.

Context: To set up the world's largest food grain storage, the ministry of cooperation plans to sign agreements with the Department of Consumer Affairs (DoCA), Nabard, (NCDC, and NCCF.

World's Largest Grain Storage Plan

- **About**: The plan centers on establishing storage facilities and agricultural infrastructure at the Primary Agricultural Credit Societies (PACS) level. This aims to bolster food security and minimize wastage.
- **Part of**: This initiative is part of the government's strategy to address the shortage of food grain storage capacity in the country.
- **Nodal Ministry**: The **Ministry of Cooperation (MIC)** will spearhead a pilot initiative across a minimum of 10 diverse districts in different States.
- **Agencies**: Department of Consumer Affairs (DoCA), National Bank for Agriculture and Rural Development (Nabard), National Cooperative Development Corporation (NCDC), and National Cooperative Consumers' Federation of India Ltd (NCCF)
- The **MIC intends to execute** a pilot project in a **minimum of 10 chosen districts** spanning various States and Union Territories across the nation.

PIB Jan 15

EXERCISE AYUTTHAYA
(Syllabus: GS Paper 2 – IR)

MAIDEN INDIAN NAVY – ROYAL THAI NAVY BILATERAL EXERCISE AND 36TH EDITION OF INDO-THAI COORDINATED PATROL

Context: Recently, the maiden Bilateral Maritime Exercise -Ayutthaya' between the Indian Navy (IN) and Royal Thai Navy (RTN) was conducted.

Exercise Ayutthaya

- **About**: The India-Thailand Bilateral Exercise, 'Ex-Ayutthaya,' is named to signify invincibility, translating to 'The Invincible One' or 'Undefeatable.'
- **Historical and Cultural Symbolism**: The exercise symbolizes the historic legacies, rich cultural ties, and shared historical narratives between the two nations, represented by the ancient cities of Ayodhya in India and Ayutthaya in Thailand.
- **Participation**: Indigenously built Indian Naval ships Kulish and IN LCU 56 actively participated in the inaugural edition of the exercise.
- **Strengthening Operational Synergy**: The institution of this Bilateral Exercise marks a significant step towards strengthening operational synergy between the Indian and Thai navies, progressively increasing the complexity of joint exercises.
- **Maiden Exercise Activities**: During the maiden edition, participating units from both navies engaged in surface and anti-air exercises, encompassing activities such as weapon firing, seamanship evolutions, and tactical maneuvers.
- **India-Thailand Coordinated Patrol**: The 36th edition of India-Thailand Coordinated Patrol (Indo-Thai CORPAT) was conducted concurrently with the maiden bilateral exercise.
- **Involvement of Maritime Patrol Aircraft**: Maritime Patrol Aircraft from both navies actively participated in the Sea Phase of the exercise.
- **SAGAR Initiative Contribution**: The participation aligns with the Government of India's vision of SAGAR (Security And Growth for All in the Region), emphasizing proactive engagement for enhancing regional maritime security.
- **Close and Friendly Relations**: The Indian Navy and Royal Thai Navy have maintained a close and friendly relationship, which has strengthened over the years.

INDIAN EXPRESS

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PM KISAN SCHEME

(Syllabus: GS Paper 2 – Govt Scheme)

Every fourth PM-Kisan beneficiary added in past 2 months is a woman

HARIKISHAN SHARMA
NEW DELHI, JANUARY 16

EVERY FOURTH beneficiary added under the Pradhan Mantri Kisan Samman Nidhi (PM-Kisan) scheme over the past two months is a woman, according to the data available with the Ministry of Agriculture and Farmers' Welfare.

CONTINUED ON PAGE 4

NEW WOMEN BENEFICIARIES

Top 10 states with most women added under PM-Kisan

State	Beneficiaries *	State	Beneficiaries *
Uttar Pradesh	1,69,744	Gujarat	48,952
Rajasthan	1,56,289	Odisha	47,333
Manipur	1,05,905	Bihar	47,240
Jharkhand	90,949	Maharashtra	44,680
Kerala	66,887	Madhya Pradesh	44,102

** From Nov 15, 2023, to January 14, 2024, Source: Agriculture Ministry*

Context: Every fourth beneficiary added under the Pradhan Mantri Kisan Samman Nidhi (PM-Kisan) scheme over the past two months is a woman, according to the data available with the Ministry of Agriculture and Farmers' Welfare.

PM-KISAN Scheme

- **About**: This Scheme is a Central Sector Direct Benefit Transfer (DBT) Scheme.
- **Launch**: February 2019 (made effective from December 2018) to give income support to farmers.
- **Funding**: 100% funding of rupee 6000 in 3 installments.
- **Implemented by**: Ministry of Agriculture and Farmer's Welfare.
- **Purpose**: The scheme is meant to provide income support to all landholding farmer's families across the country and enable them to meet expenses related to agriculture as well as domestic needs.
- **Beneficiaries**: Farmer families rest with the State / UT Governments.

Key Points

- **Gender Distribution**: As per the data, a total of 40,50,375 beneficiaries were added during this period, with 10,61,278 being women, 29,87,884 men, and 1,213 others.
- **Beneficiaries under PM-Kisan**: Uttar Pradesh leads with 1.69 lakh additions, followed by Rajasthan, Manipur, Jharkhand, and Kerala.
- **States Where New Beneficiaries**: Meghalaya, Manipur, Nagaland, and Mizoram show a higher percentage of women beneficiaries. Meghalaya tops with 68.96%, followed by Manipur (56.57%), Nagaland (54.97%), and Mizoram (50.26%).
- **Regional Disparities**: Meghalaya recorded the highest at 70.33%, followed by Nagaland (55.84%), Arunachal Pradesh (52.63%), and Manipur (51.85%). Punjab reported the lowest proportion at 0.26% women beneficiaries.

TIMES OF INDIA Page 11

MEDICAL TERMINATION PREGNANCY ACT

(Syllabus: GS Paper 2 – Social Issues)

Consider right of fetus to life, recall MTP order: Govt to HC

HC Had Earlier Upheld Right Of Widow Not To Procreate

TIMES NEWS NETWORK

New Delhi: The Centre has moved Delhi HC seeking a recall of an order allowing a widow to terminate her 29-week pregnancy, saying the unborn child has a fair chance of survival and the court should consider protecting the right to life of the fetus.

In addition, AIIMS, where the woman is being medically examined, also approached the court, saying the outcome will be much better if the child is delivered at 34 weeks of pregnancy or beyond and it is advisable that the pregnancy be continued for another two-three weeks for the betterment of the health of the mother and the child.

It submitted that "feticide in this case is neither justified nor ethical as the fetus is grossly normal."

On January 4, the court had allowed the widow, suffering from depression, to abort her then 29-week fetus as the continuation of the pregnancy could have affected her mental health, and observed that the right to reproductive choice also includes the right not to procreate. It had noted that there was a change in the marital status of the woman, who lost her husband on October 19, 2023 but came to know about her pregnancy on October 31, 2023. It had said the woman should be permitted to terminate her pregnancy because allowing her to continue with it can impair her mental stability as she was showing suicidal tendencies.

However, relying on the medical opinion given in the case by the doctors, the Union health ministry submitted in its application that "termination of pregnancy cannot happen unless the doctors conduct a feticide, failing which there will be pre-term delivery with huge complications".

HC agreed to examine the recall plea later this week and asked the AIIMS to place its report indicating the physical and mental health of the woman and the fetus.



HC allows minor rape survivor to go for MTP to let her live with dignity

Punjab and Haryana high court has granted permission for the medical termination of pregnancy of a minor rape survivor, observing that the "tough" decision was necessary to allow the girl to live with dignity, reports **Ajay Sura.** The ruling by Justice Vinod S Bhardwaj came on a petition filed by a woman from Mohali, who contended that that her daughter became pregnant after she was abducted and raped, and was not in a situation to raise the child.

"Such decisions are tough. However, life is not just about being able to breathe; rather, it is about being able to live with dignity. Where the denial of dignity, and social as well as family acceptance or approval, is writing on the wall, it compounds the agony of the child and leads to greater injustice," Justice Bhardwaj observed, directing the medical termination of pregnancy to be done at a Mohali-based government hospital.

"It can also not be lost sight of the fact that the pregnancy is an outcome of violation of the minor. It is a testimony to her bruised body and soul," the judge said in his order last week, adding that the baby, if born, will not be a reminder of good memories, but of the trauma and agony the survivor had to undergo.

Context: The Centre has moved Delhi HC seeking a recall of an order allowing a widow to terminate her 29 week pregnancy, saying the unborn child has a fair chance of survival and the court should consider protecting the right to life of the fetus.

Medical Termination of Pregnancy (MTP) Act, 1971

- **About: According to this act,** termination of pregnancy is permissible for a variety of conditions up to 20 weeks of gestation
- **Termination: It is allowed** when the **continuation of pregnancy poses a risk** to the life of the pregnant woman.
- It is permissible when there is a **significant risk that the child**, if born, would face serious physical or mental abnormalities.

Medical Termination of Pregnancy (MTP) Act, 2021

- **About**: The **Act extends the permissible termination** of pregnancy from **20 weeks to 24 weeks**, providing women with a longer gestation period for making this choice.
- **Recommended by: One doctor for pregnancies** up to 20 weeks and by two doctors for specific categories of women within the 20 to 24-week range.
    - If the **gestational period exceeds 24 weeks**, termination is only allowed in cases of substantial foetal **abnormalities determined by a Medical Board** or when the mother's life is at risk.
- **Applicable: Unmarried women can now seek an abortion** in the event of contraceptive failure, with this ground being applicable for pregnancies up to 20 weeks.
- **Medical Board**: It **will be established by all state and union territory** governments, responsible for evaluating whether a pregnancy can be terminated after 24 weeks due to substantial fetal abnormalities.

THE HINDU Page 10

10TH SCHEDULE OF CONSTITUTION

(Syllabus: GS Paper 2 – Polity)

Understanding the Tenth Schedule

On what basis has the Speaker of the Maharashtra Assembly refused to disqualify the MLAs? What is the history behind the anti-defection law? How can anti-defection laws be made stronger and impartial?

EXPLAINER

Rangarajan. R

The story so far:

The Maharashtra Assembly Speaker has refused to disqualify 40 MLAs of the Eknath Shinde faction after recognising it as the real Shiv Sena. He held the appointment of whip by this group as valid. He also did not disqualify 14 MLAs of the Uddhav Balasaheb Thackeray (UBT) group due to technical reasons under the Tenth Schedule.

Why was the Tenth Schedule made?

The defections of legislators during the 1960s and 70s from their parent parties created political instability in many States, bringing down elected governments. Therefore, to ensure the stability of elected governments, the 52nd constitutional amendment introduced the 'anti-defection' law through the Tenth Schedule in 1985. This Schedule provides that a member of a House of Parliament or State legislature who voluntarily gives up the membership of their political party or votes against the instructions of their party in a House are liable for disqualification from said House. This instruction with respect to voting is issued by the 'whip' of a party. A 'whip' is a member of the 'legislature party' in a House who is appointed as such by the respective 'political party'. The 'political party' is the entire organisation of a party including the legislators, while the 'legislature party' is only the members of a political party in a House of Parliament or State legislature.

The Tenth Schedule originally provided for two exceptions that would not render the members liable for disqualification. First, one-third members of the 'legislature party' splitting to form a separate group (para 3). Second, merger of their 'political party' with another party that is approved by two-third members of its 'legislature party' (para 4).



Rebel party: Maharashtra Chief Minister Eknath Shinde with supporters during celebrations of the Shiv Sena MLA disqualification case verdict, in Thane, on January 11. PTI

However, considering the need to strengthen the 'anti-defection' law, para 3 was omitted in 2003.

What are the issues involved?

With the deletion of para 3, there have been instances of two-third members of a legislature party 'practically' defecting but claiming to be the original political party in order to escape disqualification. There have also been instances where more than two-third members of a State 'legislature party' of a national political party merged themselves with another political party to escape disqualification. This happened in September 2019, in Rajasthan, when all six Bahujan Samajwadi Party MLAs merged themselves with the Congress Party and in September 2022, in Goa, when eight out of 11 Congress MLAs merged themselves with the BJP.

The authority to decide on the disqualification of members is vested in the Speaker of the House. While they are expected to perform this constitutional role in a neutral manner, the past instances have hardly inspired confidence with Speakers favouring the ruling dispensation. The Supreme Court in *K. M. Singh versus Speaker of Manipur* (2020), recommended that Parliament amend the Constitution to vest these powers in an independent tribunal headed by judges.

What happened in Maharashtra?

In June 2022, a faction of the Shiv Sena headed by Eknath Shinde moved with 37 of the 55 MLAs and claimed to be the real Shiv Sena. It appointed Bharat Gogawale as its whip. However, the UBT faction claimed that they were the original political party and that Sunil Prabhu of its faction will continue to be the whip.

The Speaker has now recognised the Eknath Shinde faction as the real Shiv Sena and held the appointment of whip by this group as valid. This was based on the strength of members of the Shinde faction and the party's 1999 constitution. The Speaker based on this ruling refused to disqualify 40 MLAs of the Shinde faction. He also refused to disqualify 14 MLAs of the UBT group as the whip instructions from Bharat Gogawale could not be physically served on them.

What are the reforms needed?

The Supreme Court in *Sadiq Ali versus Election Commission of India* (1971), laid down the three-test formula for determining which faction is to be recognised as the original political party by the Election Commission. These are aims and objects of the party; its affairs as per the party's constitution that reflect inner party democracy; and majority in the legislative and organisation wings.

The first test is subject to competing claims by rival groups. But it is lack of inner party democracy that results in most of these defections. In fact, the Election Commission in February 2023, recognised the Eknath Shinde faction as the real Shiv Sena, solely based on votes polled by legislators supporting Eknath Shinde in the Maharashtra Assembly elections of 2019. An authoritative Supreme Court judgment in these matters and setting up of an independent tribunal to decide on disqualification of members will reduce the ambiguities surrounding the Tenth Schedule. The real reform required is institutionalising internal democracy through regular inner-party elections in our political parties with strict monitoring by the Election Commission.

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THE GIST

- The defections of legislators during the 1960s and 70s from their parent parties created political instability in many States, bringing down elected governments. Therefore, to ensure the stability of elected governments, the 52nd constitutional amendment introduced the 'anti-defection' law through the Tenth Schedule in 1985.
- The authority to decide on the disqualification of members is vested in the Speaker of the House.
- The Supreme Court in *K. M. Singh versus Speaker of Manipur* (2020) recommended that Parliament amend the Constitution to vest these powers in an independent tribunal headed by judges.

- **Disqualification**: The Speaker of the House holds the authority to decide on disqualification. However, concerns about neutrality have arisen, with past instances showing a tendency to favor the ruling dispensation.
- **Constitutional Amendment**: In the K. M. Singh versus Speaker of Manipur (2020) case, the Supreme Court recommended constitutional amendments to transfer the powers of disqualification decisions from the Speaker to an independent tribunal headed by judges.

Context: The Maharashtra Assembly Speaker has refused to disqualify 40 MLAs of the Eknath Shinde faction after recognising it as the real Shiv Sena.

10th Schedule of Constitution

- **About:** The Tenth Schedule was instituted in response to political instability caused by legislators' defections during the 1960s and 70s, leading to the downfall of elected governments.
- **Objective**: The 52nd constitutional amendment in 1985 introduced the Tenth Schedule, aiming to ensure stability in elected governments by implementing an 'anti-defection' law.
- **Provisions:** The Tenth Schedule dictates that members who voluntarily abandon their political party or vote against party instructions in a House face disqualification. Party instructions are issued by the 'whip,' a member of the 'legislature party' appointed by the 'political party.'
- **Distinction Between Political and Legislature Party**: The Tenth Schedule defines a 'political party' as the entire organization, including legislators, while 'legislature party' comprises only party members in a Parliament or State legislature.
- **Original Tenth Schedule**: Originally, there were two exceptions to disqualification: one-third members splitting to form a separate group and the merger of a political party with another approved by two-thirds of its 'legislature party.' However, para 3 was omitted in 2003.

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