

**CONSTITUTION AND POLITY****Anti-Defection Law**

Cases of defection have been reportedly rising from various states like Goa, Karnataka, Telangana etc.

**Anti-defection law in India**

- For a long time, the Indian political scene was clouded by political defections by members of the legislature. This situation brought about greater instability in the political system.
- The infamous “Aaya Ram, Gaya Ram” slogan was coined against the background of continuous defections by the legislators.
- Legislators used to change parties frequently, bringing about chaos in the legislatures as governments fell.
- In sum, they often brought about political instability. This caused serious concerns to the right thinking political leaders of the country.
- The ‘anti-defection law’ was passed through an Act of Parliament in 1985 by the government under Rajiv Gandhi.
- Passed as the 52nd Amendment Act, it added the law as the 10th Schedule of the Constitution.

**What all does the Law cover?**

- It states that members who do the following will lose their membership any House (which could be at the Centre or in a State) if they:
  1. Voluntary resign from their political party from which they have been elected
  2. Vote against the direction of their political party (in legislature)
  3. Does not vote/abstain from voting (in legislature) despite having a direction to vote from their party. However if the member has prior permission from his/her party or the party condones the member’s action within 15 days of the voting.
- Members independent of any political party will lose their membership if they join one after their election to legislature.
- Nominated members will lose their membership if they join a party within 6 months of their nomination to legislature.

**Certain Exceptions to the Law**

- The law provides exceptions from being disqualified as a member of legislature on the following grounds:
  - When political parties merge with each other entirely
  - When a political party splits into other parties, subject to not less than a third of the members splitting
  - When two-thirds (or more) of members belonging to a party join another party without both their parties explicitly merging
- The Speaker or the Chairman of the concerned Houses (as applicable) makes decisions on defection matters.
- If the Chairman or the Speaker defects, the decisions shall be made by a member elected by the House.

**Has the law changed since inception, and if so, how?**

- Yes, the law was amended in 2003.
- When it was enacted first, there was a provision under which if there occurs a split in the original political party and as a result of which one-third of the legislators of that party forms a separate group, they shall not be disqualified.
- This provision resulted in large scale defections and the lawmakers were convinced that the provision of a split in the party was being misused. Therefore, they decided to delete this provision.
- Now, the only provision which can be invoked for protection from disqualification is the provision relating to the merger, which is provided in Paragraph 4 of the 10th Schedule.

**GOVERNANCE- WELFARE SCHEMES, E-GOVERNANCE, SERVICES ETC.****LaQshya Initiative**

The Minister of State (Health and Family Welfare) informed about LaQshya Initiative in the Lok Sabha.

**LaQshya Initiative**

Government of India has launched “LaQshya” (Labour room Quality improvement Initiative) to improve quality of care in labour room and maternity operation theatres in public health facilities.

Aim: To reduce preventable maternal and newborn mortality, morbidity and stillbirths associated with the care around delivery in Labour room and Maternity Operation Theatre and ensure respectful maternity care.

**Objectives**

- To reduce maternal and newborn mortality & morbidity due to hemorrhage, retained placenta, preterm, preeclampsia and eclampsia, obstructed labour, puerperal sepsis, newborn asphyxia, and newborn sepsis, etc.
- To improve Quality of care during the delivery and immediate post-partum care, stabilization of complications and ensure timely referrals, and enable an effective two-way follow-up system.
- To enhance satisfaction of beneficiaries visiting the health facilities and provide Respectful Maternity Care (RMC) to all pregnant women attending the public health facilities.
- Following types of healthcare facilities have been identified for implementation of LaQshya program:
  - Government medical college hospitals.
  - District Hospitals & equivalent health facilities.
  - Designated FRUs and high case load CHCs with over 100 deliveries/month ( 60 in hills and desert areas)

**INTERNATIONAL AFFAIRS- BILATERAL, GROUPINGS, ORGANISATIONS****Gafa tax**

It is a legislation — dubbed the GAFA tax — an acronym for Google, Apple, Facebook and Amazon — passed recently by France Parliament.

- With this, France has become the first major economy to impose a tax on digital giants.
- The new law aims at plugging a taxation gap that has seen some internet heavyweights paying next to nothing in countries where they make huge profits.
- The law will levy a 3 per cent tax on total annual revenues of the largest tech firms providing services to French consumers.

**INDIAN ECONOMY****Merchant Discount Rate**

The recent budget proposal seeks to incentivise digital transactions by reducing Merchant Discount Rate (MDR) for customers as well as merchants.

**What was the Budget announcement?**

- The business establishments with annual turnover more than 50 crore shall offer such low cost digital modes of payment to their customers and no charges or MDR shall be imposed on customers as well as merchants.
- In other words, the government has mandated that neither the customers nor the merchants will have to pay the so-called Merchant Discount Rate (or MDR) while transacting digital payments.
- It is good news for both customers and merchants because their costs of digital payments come down.

**Merchant Discount Rate**

- Merchant Discount Rate (alternatively referred to as the Transaction Discount Rate or TDR) is the sum total of all the charges and taxes that a digital payment entails.

- Simply put, it is a charge to a merchant by a bank for accepting payment from their customers in credit and debit cards every time a card gets swiped in their stores.
- Similarly, MDR also includes the processing charges that a payments aggregator has to pay to online or mobile wallets or indeed to banks for their service.

#### Who will bear the MDR costs?

- If customers don't pay and merchants don't pay, some entity has to pay for the MDR costs.
- In her speech, the FM has said that RBI and Banks will absorb these costs from the savings that will accrue to them on account of handling less cash as people move to these digital modes of payment.
- Necessary amendments are being made in the Income Tax Act and the Payments and Settlement Systems Act, 2007 to give effect to these provisions.

#### Issues surrounding

- Contrary to public perception, the MDR has not been made zero.
- The FM's decision has just shifted its incidence on to the RBI and banks.
- However, if banks pay for the MDR it will adversely affect their likelihood to adopt the digital payments architecture.
- Moreover, many payments providers apprehend that the banks will find a way of passing on the costs to them.
- In turn, this will negatively impact the health of a sector that needs nurturing.

### **ENVIRONMENT- CONSERVATION, BIO-DIVERSITY AND ISSUES**

#### Picking out plastic: on recycling and waste management:

Central Pollution Control Board (CPCB) has put 52 producers, brand owners and importers on notice, for failing to take responsibility for their plastic waste.

#### What's the issue?

- It is eight years since the concept of Extended Producer Responsibility (EPR) was incorporated into the Plastic Waste Management Rules, but municipal and pollution control authorities have failed to persuade commercial giants to put in place a system to collect and process the waste.
- Tighter rules in 2016 and some amendments two years later put the onus on producers and brand owners to come up with an action plan for the retrieval of waste within six months to a year, but that too failed to take off.

Concerns: Mountains of garbage with a heavy plastic load have been growing in suburban landfills, out of sight of city dwellers. Without determined steps, the crisis is certain to worsen.

Given the role played by packaging, the waste management problem is likely to become alarming.

#### Need of the hour:

- The two prongs of the solution are packaging innovation that reduces its use by using alternatives, and upscaling waste segregation, collection and transmission.
- Recovering materials from garbage should be a high priority, considering that India is the third highest consumer of materials after China and the U.S.; the Economic Survey 2019 estimates that India's demand for total material will double by 2030 at current rates of growth.
- Plastics may be less expensive than other inputs in manufacturing, but recycling them into new products extends their life and provides a substitute for virgin material.
- Keeping them out of the environment reduces clean-up and pollution costs. Companies can form waste cooperatives in India, employing informal waste-pickers.
- Making municipal and pollution control authorities accountable is also equally important.

### **EDITORIAL**

#### Game of chicken that can end in disaster

On July 7, Iran announced that it would begin enriching uranium above a concentration of 3.67% permitted under the nuclear deal, known as the Joint Comprehensive Plan of Action (JCPOA),

reached by Iran and the P5+1 (China, France, Germany, Russia, the United Kingdom, and the United States) on July 14, 2015.

#### Increasing tensions between USA and Iran

- These steps come in the wake of increasing tensions between the U.S. and Iran following the shooting down of an unmanned U.S. drone over the Strait of Hormuz in June.
- However, it led to the U.S. President, Donald Trump, first ordering a retaliatory strike on Iran and then rescinding it at the last minute.

#### Effects on regional peace

- The mayhem could have spread to the entire West Asian region with Iran attacking strategic American, Saudi and Emirati targets around the Gulf and attempting to block the Strait of Hormuz in an effort to choke off the supply of Gulf oil to the international market.
- Further, Iranian allies in Lebanon, Iraq and Syria might have launched attacks against American troop concentrations as well as against U.S. ally Israel, thus inviting further American and Israeli counter-retaliation and dragging the U.S. into its third major war in the region.

#### US's withdrawal from the deal and sanctions

- The downward spiral in U.S.-Iran relations started with Mr. Trump's decision (announced in May 2018) to withdraw from the JCPOA against the advice of the U.S.'s European allies France, Germany, and the U.K. that are parties to the deal.
- The Trump administration followed it up with the re-imposition of stringent economic sanctions against Iran that were being gradually dismantled following the 2015 nuclear deal.
- These included sanctions against foreign companies doing business with Iran and against countries buying Iranian oil.

#### List of demands

- No waivers – Finally, the U.S. announced in April this year that it would not extend waivers granted earlier to eight countries (China, India, Japan, South Korea, Taiwan, Turkey, Italy and Greece) which had been the largest importers of Iranian oil.
- Iran's nuclear programme – Further curbs on Iran's nuclear programme including total stoppage of uranium enrichment even at low levels permitted by the JCPOA and monitored by the International Atomic Energy Agency.
- Support to terrorist groups – Further, USA demanded that Iran stop all support to Hezbollah and Hamas which the U.S. considers to be "terrorist" groups, permit the disarming of Shia militias in Iraq, and stop aiding Houthis in Yemen fighting Saudi and Emirati forces in that country.
- End building of ballistic missiles – Above all, Mr. Pompeo demanded that Iran end building of ballistic missiles and halt further launching or development of nuclear-capable missile systems.

Rejection by Iran: However, persisting and escalating moves by the U.S. during the past year now seem to have made it impossible for Tehran to simultaneously maintain the contradictory position of resisting American demands while continuing to comply with restrictions imposed on its nuclear programme by the JCPOA.

#### Retaliatory measures

- The Iranian government, in order to maintain its standing with the populace, has been left with no option but to undertake tit-for-tat measures, further heightening the political temperature in the Persian Gulf.
- This has turned the U.S.-Iran standoff into a game of chicken in which either one of the parties to the game blinks and concedes victory to the other or a "crash" becomes inevitable.

#### Conclusion

- The American-Iranian confrontation seems to be inexorably heading towards the latter outcome.
- If taken to its logical conclusion this scenario can turn out to be catastrophic for the entire West Asian region as well as for the international economy.

- Oil supplies from the Persian Gulf are likely to be greatly reduced if not totally eliminated sending oil prices sky-rocketing, especially threatening the vulnerable economies of the global South.

### **ODISHA DEVELOPMENT**

#### **Land problem delaying Odisha rail projects**

Land acquisition is the main reason for the slow progress of ongoing railway projects in Odisha, The East Coast zone has some important ongoing projects but land acquisition is the main hindrance in their facilitation

#### **Govt Response:**

- The Railways and the state government are working together to sort these issues soon.
- Last year, the allocated fund for the projects of the state has not been fully utilised due to the land acquisition problem. But this year, more funds than previous year have been allocated expecting land acquisition problems will be sorted out
- There will be no fund constraint for any project as additional fund can be provided through Extra Budgetary Resources (EBR) for the economically viable projects.
- The Union Budget 2019-20 has allocated Rs 5993 crore for the railway sector of Odisha.
- WiFi will be provided in all the important stations by September this year while CCTVs will be installed at all the important stations and important Mail/Express trains by the end of this financial year.
- Bhubaneswar station's main entrance will be redeveloped with the help of state government.

#### **Odisha may be India's Hebei**

Odisha can help India become a \$10 trillion economy, by becoming a manufacturing hub of metal and allied sectors, a report by JSW Group and PwC India said. For this, the state must leverage its vast mineral resources. Globally, the growth of regional economies are fuelled by the presence of mineral resources, skilled man power, connectivity and trade infrastructure, said the Vision Report titled, "Economic possibilities for Odisha — towards a one trillion dollar economy".

#### **Hebei, A Chinese example**

- Drawing the example of mineral-rich Hebei province of China, the report said that the province constituted about 1.96 per cent of China, but it contributed about 4.35 per cent of the country's GDP. It possess 12 per cent of China's iron ore, but produces 23 per cent of China's crude steel production. Hebei's economy has been driven by heavy industries manufacturing and processing ferrous metals. It contributes 22 per cent of sales output value and has been developed as China's ferrous metal hub.
- "Odisha, not only has 35 per cent of India's iron ore reserves, but also 92 per cent of nickel, 53 per cent of bauxite, 96 per cent of chromite and 45 per cent of manganese. The state has the potential to produce 200 million tonne (mt) of steel, 15 mt of aluminium, 400 mt of iron ore and 250 mt of coal," the report said.
- The basic GVA (gross value add) in steel, iron and non-ferrous has the potential to contribute over \$250 billion to the targeted state GDP of \$1 trillion, it said

#### **Growth driver**

- Naveen Patnaik, Chief Minister, Odisha said the state will take a central role in driving the national growth as a manufacturing hub with investment-friendly policies, infrastructure connectivity and skilled manpower.
- "The state has the potential to add 80 mt of steel production, taking its overall output to 100 mt by FY31 with right policy and regulatory support and account for 40 per cent of the country's steel production," the report said.

### **QUOTE OF THE DAY**

## **Failure is Success-in-Progress**

## DAILY ANSWER WRITING PRACTICE

**Qns: The anti-defection law works best as an insurance against violation of the people's mandate for a party, but it cannot be made a tool to stifle all dissent. Discuss.**

Answer :

10th schedule more commonly known as the anti-defection law was inserted in the Constitution in 1985 through 52nd constitutional amendment act. It lays down the process by which legislators may be disqualified on grounds of defection by the Presiding Officer of the legislature. A legislator is deemed to have defected if he either voluntarily gives up the membership of his party or disobeys the directives of the party leadership on a vote.

Need for Anti-defection law

- **Corruption:** Law seeks to prevent political defections which may be caused by the lure of office or other similar considerations thus deterrent to reduce political corruption and bribery.
- **Political Stability:** Due to the increasing phenomenon of coalition government, the defection of a few individual legislators can cause a collapse of the government. This can give rise to political instability for personal benefits.
- **Party discipline:** Political parties are important institutions in representative democracies. An individual who contests on a party ticket is bound by its electoral manifesto and broad political ideology. When these candidates get elected, political propriety demands that they continue to support the party and its policies, promoting party discipline.

Criticism of Anti-defection law

- **Against freedom of speech and expression of legislators:** It interferes with the freedom of speech and expression of a legislator. A legislator is guaranteed this freedom under various provisions of the Constitution. The anti-defection law curbs this right by mandating that all members must vote strictly on party lines, and in complete obedience to party whips. By doing this, it takes away the ability of a legislator to vote according to his conscience.
- **Prohibit dissents:** It further prohibits voicing dissent against his party's positions and policies, except through intra-party debate. Prohibition against dissent may undermine the role of Parliament as an effective check on the executive. Once a whip is issued by the ruling party in such a House, there can be no dissent or disapproval voiced by any of the members of the party having a majority. This may have a deleterious impact on government accountability.
- **No accountability of legislators to people:** The anti-defection law breaks this accountability link between the elected representative and the voter. Legislators can now claim that they voted in a particular manner because their party required them to do so. Their justification can be that they exercise no control over their vote and therefore ought not to be held accountable for it.
- **Role of Mp's diminished in Parliament:** The anti-defection law also considerably diminishes the role of an MP in Parliament to that of a person who only follows orders of the party whip.

Conclusion

- In the case of *Kihoto Hollohan vs Zachillhu*, it was argued that the anti-defection law is against freedom of speech, the right to dissent and the freedom of conscience. Supreme Court ruled that the law is targeted at addressing unprincipled defections, which cannot be protected under freedom of conscience or the right to dissent or intellectual freedom.
- Thus this law has certain dysfunctional consequences however it is necessary in the present era when dealing with political corruption is an important area of electoral reforms.

**DAILY CURRENT AFFAIRS BASED MCQS**

1. Consider the following statements w.r.t the exemptions given under Anti-Defection Law.

1. Disqualification on ground of defection does not apply in case of merger of political parties in some conditions.
2. A party may merge with another or the two may form a new party, if 2/3rd of the members of the legislature party decide to merge with another party.

Which of the above statements is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2**
- (d) Neither 1 nor 2

2. Consider the following statements w.r.t Anti-Defection Law.

1. In 1992, the Supreme Court, in its majority judgment in Kihoto Hollohan vs. Zachiliha and others, upheld the validity of the Tenth schedule but declared paragraph 7 as invalid, which excluded judicial review.
2. In the same verdict, the apex court ruled that the Speaker/Chairman acted as a 'tribunal' while adjudicating on the issue of disqualification for defection.

Which of the above statements is/are correct?

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2**
- (d) Neither 1 nor 2

3. Which of the following statements is correct about the LaQshya Initiative?

- (a) Improve quality of Higher Education

- (b) Improve quality of hygienic Sanitary Napkins

- (c) **Improve quality of Maternity Operation Theaters**

- (d) Improve quality of Old Age Homes

4. GAFA (Google, Apple, Facebook and Amazon) Tax, an initiative to impose taxes on Tech-Giants has been introduced by which of the following country?

- (a) France**
- (b) Britain
- (c) China
- (d) Russia

5. Which of the following is/are correct about Merchant Discount Rate?

1. It is a charge by a merchant to a bank for carrying out digital transactions.
2. It also includes the processing charges that a payments aggregator has to pay to online or mobile wallets

Select the correct answer from the codes given below

- (a) 1 only
- (b) 2 only**
- (c) Both 1 and 2
- (d) Neither 1 nor 2

6. Which of the following statements w.r.t the Iran Nuclear Deal with P5+1 is/are correct?

1. Should keep its level of uranium enrichment at 3.67%
2. Should allow the international community to inspect its nuclear facilities

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2**
- (d) Neither 1 nor 2