

LAW & POLICY❖ **SC verdict on control over services in Delhi**

❖ **CONTEXT:** Drawing the curtains on an eight-year-long legal battle between the Aam Aadmi Party-led Delhi government and the Centre, the Supreme Court Thursday ruled that the Delhi government has legislative and executive powers over administrative services in the national capital.

- The unanimous ruling by a five-judge Constitution Bench, headed by Chief Justice of India DY Chandrachud, said the decision would further “the basic structure of federalism”.
- Earlier, it was the Lieutenant-Governor, Chief Secretary and the Secretary of the Services Department who took a call on these issues. However, there are some limitations. The decision on which IAS officer gets posted to the national capital and for how long will continue to be the Centre’s prerogative.

➤ **What was the issue before the Court?**

- In 2015, a Union Home Ministry notification said that the Lieutenant Governor of Delhi shall exercise control over “services”. The Delhi government challenged this before the Delhi High Court, which in 2017 upheld the notification. On appeal, a two-judge Bench of the Supreme Court referred the issue to a larger constitution Bench.
- In 2018, a five-judge Constitution Bench, headed by then CJI Dipak Misra, in a unanimous verdict laid down the law that governs the relationship between Delhi and the Centre. The ruling was in favour of the Delhi government.
- While the Constitution bench decided the larger questions, the specific issues were to be decided by a two-judge Bench. In 2019, two judges, (who were also part of the larger 5-judge Bench in 2018), Justices Ashok Bhushan and AK Sikri, delivered a split verdict on the specific issue of “services.” The split verdict then went to a three-judge Bench and eventually a five-judge Constitution Bench, which has now delivered its verdict.

➤ **What was the bone of contention?**

- “The limited issue for the consideration of this Constitution Bench only relates to the scope of legislative and executive powers of the Centre and NCTD with respect to the term services,” the court noted. Simply put, the court had to decide if it was the Delhi government or the Union government that had legislative and executive control over the capital’s bureaucracy.
- The court had to interpret clause (3)(a) of Article 239AA (Special provisions with respect to Delhi) of the Constitution. It reads: “Subject to the provisions of this Constitution, the legislative assembly shall have power to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State list or in the Concurrent list in so far as any such matter is applicable to union territories except matters with respect to....”

➤ **What was the Centre’s argument?**

- The Centre’s argument was that in the 2018 ruling, the court did not analyse two crucial phrases in Article 239AA(3)(a). First was “in so far as any such matter is applicable to union territories” and the second was “subject to the provisions of this Constitution.”
- The Centre argued that since no Union Territory has power over services, Delhi too could not exercise such power. Essentially, Delhi could only legislate on issues that other Union Territories are explicitly allowed to legislate upon.
- “The legislative power of Delhi will extend to an entry only when that entry is clearly and unequivocally applicable to union territories as a class. Consequently, the list II (state list) has to be read contextually and certain entries can be excluded from the domain of GNCTD,” the Centre argued.

➤ **What did the court decide?**

- First, the court concluded that Delhi under the constitutional scheme is a Sui Generis (or unique) model, and is not similar to any other Union Territory. It said Delhi presents a special constitutional status under article 239AA.
- It quoted from the 2018 judgement, where Justice Chandrachud had said that “having regard to the history in background, it would be fundamentally inappropriate to assign to the NCT status similar to other union territories.”
- Then the court went on to analyse how the phrase had been interpreted in the previous rounds of litigation.
- In the five-judge Constitution Bench ruling in 2018, the majority opinion was written by then CJI Mishra for himself and two other judges. Justices Chandrachud and Bhushan wrote separate but concurring opinions, in which they expressly vested the power to regulate services with the Delhi government.
- In his separate opinion, Justice Bhushan had said that the phrase “in so far as any such matter is applicable to union territory” is “inconsequential” since various entries in the state list and concurrent list mention the word state, but not “union territory”.
- Further, Justice Bhushan also said that when the Constitution was enacted, there was no concept of Union Territories. “Therefore the phrase in question was used to facilitate the automatic conferment of powers to

make laws for Delhi on all matters, including those in the state and concurrent list except when an entry indicates that its applicability is expressly barred for a union territory,” he had said.

- However, in the 2019 split verdict, Justice Bhushan took a contrary position. He said that since the three majority judges had not taken a specific view on the issue of services, it cannot be said that Delhi has control over the issue. In the present verdict, the court disagreed with Justice Bhushan’s 2019 view and said that it can be inferred that the majority view was also similar to that of Justice Chandrachud and Bhushan.
- On the second phrase, “subject to the provisions of this Constitution,” the court said that it is not unique to Article 239AA and cannot be a limitation on Delhi government.

➤ **What is the extent of Delhi's powers now?**

- Article 239AA specifically excludes land, police and public order from the purview of the legislative powers of the Delhi government. The court acknowledged that these three issues can also have some overlap with “services”.
- “The legislative and executive power of Delhi over Entry 41 (services) shall not extend over to services related to public order, police and land. However, legislative and executive power over such services such as Indian administrative services, or joint card of services, which are relevant for the implementation of policies and vision of NCT of Delhi in terms of day to day administration of the region, shall live with Delhi,” the court said.

SCIENCE & TECHNOLOGY

- ❖ **11th May 2023 marks the 25th anniversary of Pokhran-II: India's journey to become a nuclear power**
- ❖ **CONTEXT:** On May 11, 1998, India conducted three nuclear bomb test explosions at the Indian Army's Pokhran Test Range. Two days later, on May 13, two more bombs were tested and the then Prime Minister officially declared India as a Nuclear Powered State.

- On May 11 every year, we recall the post-independence achievements of India's science and technology sector. This year is special, marking 25 years since we started celebrating the **National Technology Day**.
- On the **iconic day of May 11**, 1998, three very special technological advances were showcased by India's scientists and engineers — **Operation Shakti**, also known widely as Pokhran-II nuclear tests; the successful **test firing of Trishul missile**; and the **first test flight of the indigenously developed aircraft Hansa**.
- The euphoria of demonstrations of these technologies was such that the then Prime Minister Atal Bihari Vajpayee added '**Jai Vigyan** (**Hail Science**) to Lal Bahadur Shastri's popular slogan of **Jai Jawan, Jai Kisan**' (**Hail the soldier and the farmer**).

➤ **Homi J Bhabha lays the foundations**

- India's nuclear programme can be traced to the work of physicist Homi J Bhaba. In 1945, after Bhaba's successful lobbying of India's biggest industrial family, the Tata Institute of Fundamental Research was opened in Bombay. TIFR was India's first research institution dedicated to the study of nuclear physics.
- Post independence, Bhaba repeatedly met and convinced Prime Minister Jawaharlal Nehru about the importance of nuclear energy and the need for India to allocate resources for its development. Thus, in 1954, the Department of Atomic Energy (DAE) was founded, with Bhabha as director.
- While Nehru publicly opposed nuclear weapons, privately, he had given Bhaba a free hand to lay foundations for both civilian and military uses of nuclear technology. Under him, the DAE operated with autonomy and away from significant public scrutiny.

➤ **The threat of China and Pakistan**

- A pivotal moment in India's nuclear journey came after it suffered a crushing defeat in the 1962 Sino-Indian War and China's subsequent nuclear bomb test at Lop Nor in 1964. Concerned about India's sovereignty and the looming might of an unfriendly China, the mood in the political establishment towards nuclear weapons was slowly shifting.
- While new Prime Minister Lal Bahadur Shastri first tried to attain nuclear guarantees from established nuclear weapons states, when such guarantees did not emerge, a different route had to be taken.
- Things were further accelerated, when in 1965, India went to war with Pakistan once again, with China openly supporting Pakistan this time. Effectively, India was surrounded by two unfriendly nations, and needed to take steps towards building self-sufficiency.
- However, the path towards obtaining nuclear weapons would not be easy.

➤ **The “discriminatory” NPT**

- By the 1960s, discourse around nuclear disarmament and non-proliferation had shifted to the mainstream as the Cold War arms pushed the US and the USSR to great extremes. After China successfully tested its own bomb, there was increasing international consensus among the big powers regarding the need for a non-proliferation treaty.
- In 1968, the Non-Proliferation Treaty (NPT) came into existence. The treaty defines nuclear-weapon states as those that have built and tested a nuclear explosive device before January 1, 1967 – the US, Russia

(formerly USSR), the UK, France and China – and effectively disallows any other state from acquiring nuclear weapons. While the treaty has been signed by almost every country in the world, India is one of the few non-signatories.

➤ **Pokhran-I and its aftermath**

- By the 1970s, India was capable of conducting a nuclear bomb test. Bhaba's successor at the DAE, Vikram Sarabhai, had worked to significantly broaden India's nuclear technology and now the question was more of political will, especially in context of a global order extremely wary of nuclear proliferation.
- On May 18, 1974, with support from Indira Gandhi, India carried out its first nuclear test at the Pokhran test site. Pokhran-I, codenamed Operation Smiling Buddha, would be billed as a "peaceful nuclear explosion", with "few military implications".
- However, the world was not willing to buy India's version of the story. There was near-universal condemnation and countries like the US and Canada imposed significant international sanctions on India. These sanctions would be a major setback for India's nuclear journey, and majorly decelerate its progress.

➤ **The period between the two tests**

- Beyond international sanctions, India's nuclear journey was also hobbled by domestic political instability. The Emergency of 1975 and Prime Minister Morarji Desai's opposition to nuclear weapons brought the programme to a grinding halt. However, clamour for developing nuclear weapons picked up once again in the 1980s, as reports on Pakistan's rapidly progressing nuclear capabilities emerged.
- In 1983, the Defence Research and Development Organisation's (DRDO) funding was increased and Dr APJ Abdul Kalam was put in charge of India's missile programme. That year, India also developed capabilities to reprocess plutonium to weapons grade. Furthermore, throughout the decade, India exponentially increased its plutonium stockpiles.
- Early 1990s brought with them increased pressure to quickly develop nuclear weapons. With the fall of the USSR in 1991, India lost one of its biggest military allies, since the time Indira Gandhi had signed a 20-year security pact with it in 1971. Furthermore, the US continued to provide military aid to Pakistan despite its own misgivings with its nuclear weapons programme. Finally, discussions regarding a Comprehensive Test Ban Treaty (CTBT) were also underway in the UN (it would be finalised in 1996, India did not sign it).
- For India, it felt like its window of opportunity was fast closing. Thus, in 1995, then Prime Minister PV Narasimha Rao permitted the preparations for carrying out a nuclear test in December 1995. However, logistical and political reasons pushed back the tests further.

➤ **Pokhran-II: projecting India's strength**

- After a few years of domestic turmoil when the political will to conduct nuclear testing was wanting, in 1998, the National Democratic Alliance (NDA) led by the BJP came to power under the leadership of Atal Bihari Vajpayee. One of the key promises in its manifesto was to "induct nuclear weapons" into India's arsenal.
- In March 1998, Pakistan launched the Ghauri missile – built with assistance from China. Two months later, India responded with Operation Shakti. While the 1974 tests were ostensibly done for peaceful purposes, the 1998 tests were the culmination of India's nuclear weaponisation process. Consequently, the Indian Government declared itself as a state possessing nuclear weapons following Pokhran-II.

GLOBAL AFFAIRS

❖ **What are state visits?**

❖ **CONTEXT: Prime Minister Narendra Modi will travel to the US for an official state visit from June 21 to 24, where he will be hosted by US President Joe Biden at the White House.**

- This will be Narendra Modi's first state visit to the US during his nine-year long reign as prime minister. The last state visit to the US by an Indian was by then Prime Minister Manmohan Singh from November 23 to 25, 2009.

➤ **What are state visits?**

- State visits are visits to foreign countries led by a head of state/government, acting in their sovereign capacity. They are, therefore, officially described as a "visit of [name of state]" rather than "visit of [name of leader]". State visits to the US only occur on the invitation of the president of the United States, acting in their capacity as the head of state.
- State visits are typically a few days long and comprise a number of elaborate ceremonies, subject to the schedule of the visiting head of state. In the US, these ceremonies include, a flight line ceremony (where the visiting head of state is greeted at the tarmac after landing), a 21-gun salute White House arrival ceremony, a White House dinner, exchange of diplomatic gifts, an invitation to stay at the Blair House (the US President's guesthouse across the Pennsylvania Avenue) and flag streetlining.
- Narendra Modi's visit will include a state dinner on June 22.

➤ **Is every visit by a foreign leader a state visit?**

- No. State visits are the highest-ranked category of foreign visits with great ceremonial importance and are considered to be the highest expression of friendly bilateral relations. However, these are relatively rare, primarily to maintain their prestige and symbolic status. For instance, according to US's diplomatic policy, the president can host no more than one leader from any nation once every four years.
 - Less important visits are classified (in descending order of magnitude, according to US diplomatic policy) as official visits, official working visits, working visits, guest-of-government visits, and private visits. Each of these visits have different protocols to be followed.
 - The major difference between these visits and a state visit is that state visits are made in sovereign capacity with only the head of state (head of government in case of parliamentary democracies due to the ceremonial nature of their heads of state) allowed to make the visits. Other visits can be made by a number of other important leaders including crown princes, vice-presidents, ceremonial heads of state, etc.
 - State visits also include many more, highly elaborate ceremonies. While invitations are required for any visit (with exception of private visits), these invitations are sent out more freely than the ones for state visits.
 - PM Modi's previous visits were classified as a working visit (2014), working lunch (2016) and official working visit (2017). His 2019 visit is described by the US Department of State website as "Participated in a rally in Houston, Texas".
- Are state visits more important?
- Yes and no. While officially and ceremonially, state visits are the most prestigious, for actual diplomatic work, the classification of the visit makes little difference. Working visits can accomplish just as much in fostering a healthy relationship with another country as state visits. In fact, given the rarity of state visits and the ceremonial functions they bring with them, most work actually gets done in other visits.

PRELIMS**1. Anganwadi scheme-'Poshan Bhi, Padhai Bhi'**

- ❖ **IN NEWS:** Union Minister for Women and Child Development Smriti Irani on Wednesday launched the Centre's flagship programme 'Poshan Bhi, Padhai Bhi', which will focus on Early Childhood Care and Education (ECCE) at anganwadis across the country.
- The ministry has allocated Rs 600 crore for the training of anganwadi workers to implement the ECCE.
- The National Institute of Public Cooperation and Child Development (NIPCCD) has been roped in for the training of Anganwadi workers.
- The aim is not only to make anganwadi centres nutrition hubs but also education-imparting centres. The ECCE will focus on education in the mother tongue, as per the New Education Policy.

2. Harit Sagar Guidelines

- ❖ **IN NEWS:** Ministry of Ports, Shipping & Waterways has launched 'Harit Sagar' the Green Port Guidelines.
- Harit Sagar Guidelines - 2023 envisages ecosystem dynamics in port development, operation and maintenance while aligning with 'Working with Nature' concept and minimizing impact on biotic components of harbor ecosystem.
- It lays emphasis on:
 - ✓ use of Clean / Green energy in Port operation,
 - ✓ developing Port capabilities for storage, handling and bunkering Greener Fuels viz. Green Hydrogen, Green Ammonia, Green Methanol / Ethanol etc.
- These Guidelines provides a framework for the Major Ports for drawing out a comprehensive action plan for achieving targeted outcomes in terms of quantified reduction in carbon emission over defined timelines.
- The objective of guidelines is to minimize waste through Reduce, Reuse, Repurpose and Recycle to attain zero waste discharge from port operations.
- This also covers aspects of National Green Hydrogen Mission.

3. 'YUVA PRATIBHA – Culinary Talent Hunt'

- ❖ **IN NEWS:** MyGov, in collaboration with IHM (Institute Of Hotel management), Pusa launches 'YUVA PRATIBHA – Culinary Talent Hunt'
- The purpose of this competition is to bring out the lost recipes and promote the culinary talents of young and aspiring chefs and home cooks. The fusion of millets in this competition provides a unique opportunity for participants to showcase their creativity and innovation in cooking with healthy and sustainable ingredients, promoting awareness about their versatility.
- Aim & Objective:
 - ✓ To promote culinary talent of Indian youth.
 - ✓ To create awareness of the contribution of nutri-cereals (millets) for food security and nutrition.
 - ✓ To promote national outreach of millets.
 - ✓ To incorporate millets in food preparation.

- With an aim to create awareness and increase the production and consumption of millet, the year 2023 has been declared as the ‘International Year of the Millets’ by the United Nations, following a proposal by India, to position itself as a global hub for millet.

ANSWER WRITTING

Q. Examine the opportunities and challenges associated with the government’s push for the Indigenisation of defence production. What are the measures taken by the government to promote indigenous manufacturing of defence equipment?

Indigenisation refers to developing the capability of producing defence equipment’s within the country for the purpose of achieving self-reliance and reducing the burden of imports. According to a report by Stockholm International Peace Research Institute (SIPRI) despite an 11 percent drop in its arms import between 2013-17 and 2018-22, India remained the world’s largest arms importer from 2018 to 2022. Hence, an Indigenous defence industry is key for achieving self-reliance and strategic objectives.

Opportunities associated with Indigenisation of defence production:

- Enhancing India’s strategic independence: Self-reliance in the defence industry will enhance India’s strategic independence and promote development in the country’s domestic defence and aerospace industry.
- Employment generation: Development of the defence industry will need support from various other industries (for e.g., Iron and Steel) and will lead to generation of employment opportunities.
- Increase in exports and economic growth: Indigenous defence production can help India to boost exports and achieve its 2025 export target of Rs. 36,500 crores. This can further help in making India a \$5 trillion economy.
- Reduction in fiscal deficit: As India is the largest importer of arms in the world, a greater import dependency leads to an increase in fiscal deficit. Indigenisation can help in reducing import dependency and thus reducing fiscal deficit.
- Security against porous borders and hostile neighbours: Given the threats emanating from the Pakistan and China on the western and eastern border respectively, achieving indigenous defence production is key to countering these threats.

Challenges associated with Indigenisation of defence production:

- The economics of the defence industry does not follow the normal rules; it is difficult to manufacture armaments in large enough numbers to benefit from economies of scale. Also, the costs per unit in the defence industry are very high.
- Highly dispersed defence production: Government policies are not adequately designed for 21st century defence production processes. This implies assembly at a single site and the centralisation of raw materials, technology, and component manufacturing. The reality is that defence production is becoming increasingly dispersed across regions and even countries.
- Policy Unpredictability: The primary element limiting India’s bid for an indigenous defence industry today is policy unpredictability with respect to long-term requirements for future security scenarios.
- Procedural Complexities: Agencies involved in indigenisation continue to follow their own procedures and norms.
- Low spending on R&D: Indigenisation depends heavily on defence research and development (R&D), on which the public spending in India has consistently been quite low.

Government Initiatives in place for promoting defence indigenisation:

- According priority to procurement of capital items of the Buy Indian (Indigenously Designed, Developed and Manufactured) category from domestic sources under Defence Acquisition Procedure (DAP)-2020.
- Notification of four ‘Positive Indigenisation Lists’ of total 411 items of Services and three ‘Positive Indigenisation Lists’ of total 3,738 items of Defence Public Sector Undertakings (DPSUs).
- Simplification of make procedure and also simplification of Industrial licensing process with a longer validity period.
- Launch of Innovations for Defence Excellence(iDEX) scheme to foster innovation and technology development in Defence and Aerospace by engaging industries including MSMEs, Start-ups, Individual Innovators, R&D institutes and Academia.
- Liberalisation of Foreign Direct Investment (FDI) policy allowing 74% FDI under automatic route.
- Launch of an indigenisation portal, namely SRIJAN a one stop online portal that provides access to the vendors to take up items that can be taken up for indigenisation.
- Establishment of two Defence Industrial Corridors, one each in Uttar Pradesh and Tamil Nadu to attract investments in Aerospace & Defence sector and established a comprehensive defence manufacturing ecosystem in the country.

The Vijay Kelkar Committee in 2004 recommended encouraging the involvement of the country’s best firms in defence capability building and exploring synergies in the private sector. Therefore, measures such as

formulation of a National Indigenisation Plan and adopting a collaborative approach involving the public and private sectors can yield rich dividends.

MCQs

1. Consider the following statements and choose the correct statement(s) from the code:
 1. The Speaker is the appropriate authority for disqualification under the Tenth Schedule of the Constitution, which lays down the anti-defection law.
 2. An MLA has the right to participate in proceedings of the House regardless of pendency of any petitions for disqualification.
 3. The freedom of expression of legislators in the House, or intra-party dissent, can fall within the purview of anti-defection laws.

Which of the statements is/are correct?

 - a) 3 only
 - b) 2 and 3 only
 - c) 1 and 2 only
 - d) 1,2 & 3
2. Consider the following statements regarding **Shanti Swarup Bhatanagar award** :
 - 1) The purpose of the award is to recognise outstanding Indian work in science and technology.
 - 2) Any citizen of India engaged in research in any field of science and technology up to the age of 45 years as reckoned on for this award.
 - 3) Sri Kariamanickam Srinivasa Krishnan was the first recipient of Shanti Swarup Bhatanagar award.

Which of the above statements is/are not correct?

 - a) 1 only
 - b) 2 only
 - c) 3 only
 - d) None
3. Recently, The Supreme Court has referred to a larger bench its 2016 ruling in the Nabam Rebia case, which of the following is related with this case:
 - a) The Speaker of a House can't decide a disqualification petition filed under the anti-defection law while a notice under Article 179(c) for the Speaker's removal is pending.
 - b) The governor has to act with aid and advice of cabinet minister.
 - c) The Presidential proclamation regarding dissolving state assembly is subjected to judicial review.
 - d) A Hindu man cannot do a second marriage without divorcing the first wife, even if the man had converted to Islam.
4. Consider the following statements regarding **Bovine Viral Diarrhoea (BVD)**:
 1. It is an infectious disease endemic to cattle and other ruminant populations.
 2. It leads to immunosuppression and can cause respiratory and reproductive issues.

Which of the statements given above is/are correct?
5. Debrigarh Wildlife Sanctuary lies in which state?
 - a) Assam
 - b) Madhya Pradesh
 - c) Odisha
 - d) Uttarakhand
6. Coco Islands', recently seen in the news, lies in which one of the following seas?
 - a) Arabian sea
 - b) Baltic Sea
 - c) South China Sea
 - d) Bay of Bengal
7. Consider the following statements regarding **Harit Sagar Guidelines**, recently seen in the news:
 1. They have been formulated to promote environmentally friendly practices across all Indian Ports.
 2. It lays emphasis on the use of Clean / Green energy in Port operations.

Which of the statements given above is/are correct?

 - a) 1 only
 - b) 2 only
 - c) Both 1 and 2
 - d) neither 1 nor 2
8. Chheligada Irrigation Project, recently seen in the news, is located in which one of the following states?
 - a) Chattisgarh
 - b) Odisha
 - c) Gujarat
 - d) West Bengal
9. With reference to the iDrone initiative, consider the following statements:
 1. The Indian Council of Medical Research (ICMR) has successfully conducted a trial run of delivery of blood bags by drones under its iDrone initiative.
 2. The medical supplies delivered under i-Drone project included COVID-19 vaccines; vaccines used routine immunisation programs, antenatal care medicines, multi-vitamins, syringes and gloves.

Which of the statements given above is/are correct?

 - a) 1 only
 - b) 2 only
 - c) Both 1 and 2
 - d) neither 1 nor 2
10. The Sahel is the ecoclimatic and biogeographic realm of transition in:
 - a) Africa
 - b) Asia
 - c) South America
 - d) Europe