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# BROADCAST REGULATION 3.0, COMMISSIONS AND OMISSIONS

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

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'There are numerous apprehensions that arise from the Broadcasting Bill's manifest scope as well as its noteworthy silences' | Photo Credit: Getty Images

The [Broadcasting Services \(Regulation\) Bill released in November](#) by the Ministry of Information and Broadcasting (MIB) is part of an arc of endeavours to regulate broadcasting in an integrated manner. The last initiative to take on this ambitious task was back in 2007, in the form of the Broadcasting Services Regulation Bill. Ten years before that, when cable and satellite broadcasting was in its infancy, the Broadcasting Bill of 1997 scripted the first effort to visualise an integrated regulatory framework for this sector. The recent third rendition of a Broadcasting Bill comes on the heels of a pre-consultation paper on 'National Broadcasting Policy' by the Telecom Regulatory Authority of India (TRAI), a document initiated following a reference from the MIB.

There appear to be three positive propositions in the current Bill, albeit each requiring crucial refinements. First, it obliges broadcasting network operators and broadcasters to maintain records of subscriber data, and subject this to periodic external audits, as is the international norm. Second, the Bill seeks to stipulate a methodology for audience measurement, and the sale of ratings data. Both mechanisms will bring the much-needed transparency in the opaque value chain of the cable and satellite television business in our country. That said, the Bill completely lacks any guardrails to shield the privacy of subscribers and audiences in such practices of data collection. Third, the provision to permit private actors in terrestrial broadcasting will encourage competition to Doordarshan, the state broadcaster, as is in many G-20 countries. Back in 2016, TRAI had initiated consultations on this. At that time, there was an opinion about terrestrial broadcasting proving viable only for large players, including those already in cable and satellite broadcasting; consequently, such a move, it could be argued, is likely to diminish the diversity of suppliers in broadcasting as a whole. This anxiety can be pacified if the Bill allows terrestrial broadcasting to those not involved in other forms of broadcasting.

Apart from these potentially positive provisions, there are numerous apprehensions that arise from the Broadcasting Bill's manifest scope as well as its noteworthy silences.

A major concern is the Bill including Over-the-Top (OTT) content suppliers in the definition of

broadcasting services — as also proposed in TRAI's 'National Broadcasting Policy'.

Intriguingly, both moves come amidst intense discussions catalysed by the Ministry of Electronics and Information Technology (MEITY) (hitherto mandated to deal with the online media) on licensing OTT players. Now, the MIB appears to poach on MEITY's jurisdiction — a territorial slugfest typical in countries with a fragmented regulatory architecture. For the news media and their audience, there is a different concern. The Bill's expanded definition of broadcasting constricts the conditions in which journalists and news outlets that are not a part of large, multi-lingual television networks can continue their professional pursuits.

While it is fruitful for a news outlet to have an oversight body, warranting a 'Content Evaluation Committee' takes the Bill in a questionable direction: mandating an internal body to self-certify news programming. The issue is not only of feasibility and costs but also of desirability. Since the role of an internal oversight mechanism is to maintain the accuracy of news and quality of journalism, its design is best left to individual news outlets. They could decide whether to design this along the lines of an ombudsperson, as some newspapers attempted in the past, or akin to a 'Readers' Editor', as practised by few online news outlets.

Now, the two crucial silences in the Bill. Like the TRAI paper, the Bill is mum on issues of ownership. While the Bill is keen to stipulate a methodology for audience measurement, there is no desire to measure the extent of cross-media and vertical ownership. Both these forms of media power thwart the diversity of suppliers, and perhaps, consequently, that of viewpoints, in the marketplace of news. In fact, just last year, TRAI itself had drawn attention to extensive cross-media ownership between newspapers and news broadcasters through indirectly owned affiliates, and the need to evolve a system to capture this.

Amusingly, one such news outlet with cross-media interests was apprehensive about inroads by telecom companies into broadcasting. They rightly feel such inroads add another dimension to vertical integration, since some cable and DTH distributors also own, in a roundabout manner, news broadcasters. Both renditions of vertical integration risk the ability of the audience to access, avail, and/or afford news from a diverse range of suppliers.

The Bill is equally silent on creating an independent broadcast regulator, as hinted in TRAI's paper. This was first mooted in the 'airwaves' judgment of 1995, subsequently in the 1997 Broadcasting Bill, and reiterated in the 2007 iteration of the Bill. Instead, this Bill plans a 'Broadcast Advisory Council' to examine viewers' grievances and violations of the Programme Code and Advertisement Code. This raises two concerns: first, the capacity of such a Council to track and address grievances, genuine or motivated, raised by over 800 million TV viewers; and second, the lack of autonomy accorded to this body, since the Bill empowers the Central government to ultimately decide on the Council's advice.

In addition, the Bill empowers the government to inspect broadcasters without intimating them in advance, and to impound their equipment, presumably including those issued to their employees.

**Also read | [Centre advises TV channels against giving platform to persons facing charges of serious crimes such as terrorism](#)**

Furthermore, violations of the Programme Code and Advertisement Code attract deleting or modifying content, in addition to existing measures such as ceasing transmissions for particular durations. Finally, the Bill grants tremendous leeway to government to curtail broadcasting and its distribution in "public interest", a term that is distressingly left undefined. All these intrusive mechanisms augment the vulnerabilities of professional news suppliers to external pressure

groups. This should worry those who will deliberate over legislating the Bill, irrespective of which benches they occupy in Parliament.

As the latest extension of the arc of endeavours to devise an integrated regulatory framework for broadcasting, this Bill must not lose the opportunity to protect press freedom and diversity. To do so, it has to will its way to incorporate some startling omissions, review its intrusive commissions, and fine-tune potentially positive provisions.

***Vibodh Parthasarathi teaches media policy at the Centre for Culture, Media and Governance, Jamia Millia Islamia, New Delhi***

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# THE JAMMU AND KASHMIR RESERVATION (AMENDMENT) BILL, 2023

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

- The Jammu and Kashmir Reservation (Amendment) Bill, 2023, was introduced in Lok Sabha on July 26, 2023. It amends the Jammu and Kashmir Reservation Act, 2004. The Act provides for reservation in jobs and admission in professional institutions to members of Scheduled Castes, Scheduled Tribes, and other socially and educationally backward classes. Key features of the Bill include:
- **Socially and educationally backward classes: Under the Act, socially and educationally backward classes include: (i) people residing in villages declared as socially and educationally backward by the Union Territory (UT) of Jammu and Kashmir, (ii) people residing in areas adjoining the Actual Line of Control and International Border, and (iii) weak and under-privileged classes (social castes), as notified. The government may make inclusions or exclusions from category of weak and under-privileged classes, on the recommendations of a Commission. The Bill substitutes weak and under-privileged classes with other backward classes as declared by the UT of Jammu and Kashmir. The definition of weak and under-privileged classes is deleted from the Act.**

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# NAMAMI GANGE PROGRAMME

Relevant for: null | Topic: Important Schemes & Programmes of the Government

Namami Gange Programme was launched in June 2014 for a period up to 31<sup>st</sup> March, 2021 to rejuvenate River Ganga and its tributaries. The programme was subsequently extended up to 31<sup>st</sup> March, 2026. A total sum of Rs. 16,011.65 crore were released by the Government of India to the National Mission for Clean Ganga (NMCG), from Financial Year 2014-15 till 31st October 2023. NMCG have released/disbursed Rs. 15,015.26 crore to various agencies during the said period, for implementation of projects under the Programme. The year-wise details are as under:-

## Financial Year

### Releases by Government of India (Rs. in crore)

### Disbursement/release by NMCG (Rs. in crore)

2014-15

326.00

170.99

2015-16

1,632.00

602.29

2016-17

1,675.00

1,057.87

2017-18

1,423.12

1,579.81

2018-19

2,307.50

2,589.74

2019-20

1,553.40

2,297.11

2020-21

1,300.00

1,339.97

2021-22

1,892.70

1,881.76

2022-23

2,220.00

2,215.85

2023-24\*

1,681.93

1,279.87

**Total****16,011.65****15,015.26**(\* Till 31<sup>st</sup> October 2023)

The state-wise details of sanctioned projects, their cost allocation and completed projects is enclosed at **Annexure-I**.

Central Pollution Control Board (CPCB) has estimated sewage generation of 3558 MLD from the 110 Ganga front towns in 5 Ganga main stem states (Uttarakhand, Uttar Pradesh, Bihar, Jharkhand and West Bengal). With the interventions taken up under Namami Gange programme, at present the total treatment capacity along the towns located along main stem of river Ganga increased to 2589 MLD. In addition, approximately 910 MLD sewage is treated through East Kolkata Wetland. Apart from the above, projects for developing 1104 MLD STP capacity in the towns along river Ganga main stem have been taken up which are at different stages of implementation.

As informed by CPCB, under the Namami Gange programme, during December 2021-April 2022, 2706 Grossly Polluting Industries (GPIs) having potential to discharge into river Ganga & its tributaries in seven states Uttar Pradesh, Uttarakhand, Bihar, Jharkhand, West Bengal, Delhi



and Haryana were inspected. It was estimated that these GPIs discharge about 411.25 million litres per day wastewater having pollution load of 27.71 tonnes per day in terms of BOD.

Actions taken by the Government for pollution abatement, including sewage and industrial pollution Management for river Ganga are as follows:

Directions are issued by CPCB for proper management of sewage and industries pollution time to time. National Mission for Clean Ganga (NMCG) is also engaged in monitoring of Wastewater treatment plants located on the bank of river Ganga and its tributaries and appropriate directions are issued regarding the compliance and functioning of Wastewater Treatment Plants.

This information was given by the Minister of State for Jal Shakti, **Shri Bishweswar Tudu** in a written reply in **Rajya Sabha** today.

\*\*\*\*

**AS**

### **ANNEXURE-I**

#### **State-wise details of sanctioned projects, their cost allocation and completed projects**

**S.No.**

**Type of Project**

**No. of Projects Sanctioned**

**Total Sanctioned Cost**

**(Rs. in Cr.)**

**No. of Projects Completed**

1

Sewerage Projects

Uttarakhand

41

1,581.59

36

Uttar Pradesh

69

14,097.18

37

Bihar

37

6,160.15

13

Jharkhand

5

1,310.30

2

West Bengal

27

4,742.02

11

Haryana

2

217.87

2

Delhi

9

1951.03

7

Himachal Pradesh

1

11.57

1

Rajasthan

1

258.48

0

Madhya Pradesh

2

603.94

0

Modular STP Decentralized

1

410.00

0

**Total**

**195**

**31,344.13**

**109**

2

Entry Level Activities

104

1733.88

79

3

Solid-Waste Management

12

295.26

9

4

Institutional Development (Non -Infrastructure)

29

1764.30

9

5

Project Implementation Support/Research & Study Projects/Public Relations and Public Outreach

37

260.29

12

6

Biodiversity

14

238.93

8

7

Afforestation

37

525.18

32

8

Composite Ecological Task Force & Ganga Mitra

6

200.18

5

9

Bioremediation

15

238.96

7

10

Construction of IHHL across Gram Panchayats near Ganga River

1

1421.26

0

**Grand Total****450****38022.37****270**

\*\*\*\*\*

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Delhi



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1951.03

7

Himachal Pradesh

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11.57

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Rajasthan

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12

6

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8

7

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5

9

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238.96

7

10

Construction of IHHL across Gram Panchayats near Ganga River

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1421.26

0

**Grand Total****450****38022.37****270**

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# EFFICIENT GROUND WATER MANAGEMENT AND REGULATION

Relevant for: null | Topic: Important Schemes & Programmes of the Government

Ground Water Management and Regulation (GWMR) Scheme is a Central Sector Scheme, which is being implemented since 2007-08 by the Central Ground Water Board (CGWB) in the country. Major activities being taken up under the scheme include aquifer mapping for the entire country and other routine activities of CGWB such as ground water level and quality monitoring on regular basis, assessment of dynamic ground water resources as per laid down periodicity in collaboration with States/UTs, regulation and control of ground water withdrawal in certain States/UTs, taking up few demonstrative recharge projects in selected water stressed areas, strengthening of scientific infrastructure for technological upgradation etc.

One of the main activity under the scheme is National Aquifer Mapping and Management Programme (NAQUIM) which is being implemented with the objectives to delineate and characterize the aquifers geometry and develop plans for sustainable ground water management. Aquifer mapping and management program has been completed by 31.03.2023 and has covered about 25 lakh sq.km area of the country. Further, aquifer maps and management plans are being shared with the State for suitable demand side and supply side interventions The State-wise & area wise coverage is presented in **Annexure**.

Further, under the Scheme, CGWB has also carried out high resolution aquifer mapping using heli-borne geophysical survey in around 1 lakh km<sup>2</sup> of arid/semi-arid areas which have been completed.

In addition to the above, under GWM&R Scheme, Ground water level and quality are being monitored by the CGWB at regular intervals in the whole country. Further, Ground Water Resource assessment is being carried out throughout the country which since 2022 is being taken up on an annual basis.

To ensure continuity of the activities, the scheme has been approved for implementation till 31<sup>st</sup> March 2026 and includes activities like monitoring, assessment and regulation of groundwater resources and strengthening of infrastructure for technological upgradation.

This information was given by the Minister of State for Jal Shakti, **Shri Bishweswar Tudu** in a written reply in **Rajya Sabha** today.

\*\*\*\*

## **ANNEXURE**

### **State-wise Coverage under NAQUIM**

**Sl. No.**

**State/UT****Total Area (Sq.km)****Area targeted for coverage (sq. km)****Coverage till March 2023 (sq. km)**

1

Andaman &amp; Nicobar UT

8,249

1,774

1,774

2

Andhra Pradesh

1,63,900

1,41,784

1,41,784

3

Arunachal Pradesh

83,743

4,703

4,703

4

Assam

78,438

61,826

61,826

5

Bihar

94,163

90,567

90,567

6

Chandigarh UT

115

115

115

7

Chhattisgarh

1,36,034

96,000

96,000

8

Dadra &amp; Nagar Haveli,

602

602

602

9

Daman &amp; Diu UT

1,483

1,483

1,483

10

Goa

3,702

3,702

3,702

11

Gujarat

1,96,024

1,60,978

1,60,978

12

Haryana

44,212

44,179

44,179

13

Himachal Pradesh

55,673

8,020

8,020

14

Jammu &amp; Kashmir UT

1,67,396

9,506

9,506

15

Jharkhand

79,714

76,705

76,705

16

Karnataka

1,91,808

1,91,719

1,91,719

17

Kerala

38,863

28,088

28,088

18

Lakshadweep UT

32

32

32

19

Ladakh UT

54,840

963

963

20

Madhya Pradesh

3,08,000

2,69,349

2,69,349

21

Maharashtra

3,07,713

2,59,914



2,59,914

22

Manipur

22,327

2,559

2,559

23

Meghalaya

22,429

10,645

10,645

24

Mizoram

21,081

700

700

25

Nagaland

16,579

910

910

26

Odisha

1,55,707

1,19,636

1,19,636

27

## Puducherry UT

479

454

454

28

## Punjab

50,368

50,368

50,368

29

## Rajasthan

3,42,239

3,34,152

3,34,152

30

## Sikkim

7,096

1,496

1,496

31

## Tamil Nadu

1,30,058

1,05,829

1,05,829

32

## Telangana

1,11,940

1,04,824

1,04,824

33

Tripura

10,492

6,757

6,757

34

Uttar Pradesh

2,46,387

2,40,649

2,40,649

35

Uttarakhand

53,484

11,430

11,430

36

West Bengal

88,752

71,947

71,947

**Total****3294105****2514437****2514437**

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**AS**

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Ladakh UT

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Madhya Pradesh

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Maharashtra

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22

Manipur

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2,559

2,559

23

Meghalaya

22,429

10,645

10,645

24

Mizoram

21,081

700

700

25

Nagaland

16,579

910

910

26

Odisha

1,55,707

1,19,636

1,19,636

27

## Puducherry UT

479

454

454

28

## Punjab

50,368

50,368

50,368

29

## Rajasthan

3,42,239

3,34,152

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30

## Sikkim

7,096

1,496

1,496

31

## Tamil Nadu

1,30,058

1,05,829

1,05,829

32

## Telangana

1,11,940

1,04,824

1,04,824

33

Tripura

10,492

6,757

6,757

34

Uttar Pradesh

2,46,387

2,40,649

2,40,649

35

Uttarakhand

53,484

11,430

11,430

36

West Bengal

88,752

71,947

71,947

**Total****3294105****2514437****2514437**

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# STATUS OF PRADHAN MANTRI KRISHI SINCHAYEE YOJANA

Relevant for: null | Topic: Important Schemes & Programmes of the Government

Ministry of Jal Shakti provided technical support, and partial financial assistance under its ongoing schemes to the identified water resources projects to the State Governments. Further, techno-economic appraisal of major and medium irrigation projects on inter-state river systems is to be undertaken by Central Water Commission under this Ministry. However, planning, implementation and operation & maintenance of water resources projects lies in the domain of the State Government concerned.

Pradhan Mantri Krishi Sinchayee Yojana (PMKSY) was launched during the year 2015-16, with an aim to enhance physical access of water on farm and expand cultivable area under assured irrigation, improve on-farm water use efficiency, introduce sustainable water conservation practices, etc. It is an umbrella scheme, consisting of two major components being implemented by the Ministry of Jal Shakti, namely, Accelerated Irrigation Benefit Programme (AIBP), and Har Khet Ko Pani (HKKP). HKKP, in turn, consists of four sub-components: (i) Command Area Development & Water Management (CAD&WM); (ii) Surface Minor Irrigation (SMI); (iii) Repair, Renovation and Restoration (RRR) of Water Bodies; and (iv) Ground Water (GW) Development. In addition, PMKSY has Watershed Development (WD) component which is being implemented by Department of Land Resources. Further, during the period 2015-22, Per Drop More Crop (PDMC) component was also being implemented by Department of Agriculture and Farmers Welfare (DoA&FW) under PMKSY.

Further, in December, 2021, implementation of PMKSY for the period 2021-22 to 2025-26 has been approved by Government of India. However, Ground Water component under PMKSY-HKKP has provisionally been accorded for 2021-22, which was extended subsequently till completion of ongoing works and liabilities. Also, Per Drop More Crop component, which was earlier a component of PMKSY, is now being implemented separately by DoA&FW.

Apart from PMKSY, financial assistance is also being provided by this Ministry for creation/stabilization of irrigation potential for the identified water resources projects under National project scheme, and also as special projects. These include Lakhwar multipurpose project, Shahpur Kandi dam project, Polavaram (National) irrigation project, Relining of identified stretches of Rajasthan Feeder and Sirhind Feeder of Punjab, North Koel reservoir project and Ken-Betwa river interlinking project.

In addition, in July, 2018, Government of India has approved a special package for Maharashtra whereby financial assistance is being provided to 83 surface minor irrigation (SMI) projects and 8 major / medium irrigation projects in drought prone districts in Vidarbha and Marathwada and rest of Maharashtra.

The quantum of central grants released to the States under different components of PMKSY since 2016-17 is tabulated below.

## Component of PMKSY

### Central assistance (CA) released during 2016-23 (Rs. in crore)

Accelerated Irrigation Benefit Programme with pari passu implementation of Command Area Development & Water Management

18,727.78

Har Khet Ko Pani – Surface Minor Irrigation and Repair, Renovation and Restoration of water bodies

4,010.32

Har Khet Ko Pani – Ground Water Development

764.89

Per Drop More Crop

16,688.71

Watershed Development

9,559.07

**Total**

**49,750.77**

Number of targeted beneficiaries under different components of PMKSY is estimated to be about 2.68 crore. However, so far no project has been proposed by Government of Puducherry for inclusion under any component of PMKSY.

National Mission for Clean Ganga (NMCG) under this Ministry has in partnership with Indo-European Water Partnership, developed a National Framework for reuse of treated water. The framework has been made available in public domain through the NMCG website. It is meant to develop suitable market and business models for reuse of treated water.

Further, the framework identifies agriculture as a potential area where reuse of treated water can be explored. It envisages and promotes adoption of safer irrigation practices towards use of treated water by farmers in peri-urban and rural areas.

However, so far no project involving reuse of treated water is being provided financial assistance by this Ministry under PMKSY.

This information was given by the Minister of State for Jal Shakti, **Shri** Bishweswar Tudu in a written reply in **Rajya Sabha** today.

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**AS**

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This information was given by the Minister of State for Jal Shakti, **Shri** Bishweswar Tudu in a written reply in **Rajya Sabha** today.

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## YOUTH FOR UNNATI AND VIKAS WITH AI (YUVAI) TO FEATURE IN GPAI SUMMIT 2023

Relevant for: null | Topic: Important Schemes & Programmes of the Government

YUVAi-Youth for Unnati and Vikas with AI'- a collaborative initiative of National e-Governance Division (NeGD), Ministry of Electronics & Information Technology (MeitY), Government of India and Intel India, is set to be prominently featured at the upcoming Global Partnership on Artificial Intelligence (GPAI) Summit. This programme, designed to equip the youth with essential AI skills, has garnered attention for its innovative approach and commitment to enabling a future-ready workforce.

YUVAi is aimed to foster a deeper understanding of AI, to enable school students from class 8 to 12 across the nation with AI skills and empower them to become human-centric designers and users of AI. The GPAI Summit, a global platform bringing together leaders, policymakers and experts in the field of AI, is scheduled here from December 12-14, 2023. It will provide an ideal stage for YUVAi to showcase its impact and significance. As the world witnesses the transformative power of AI, YUVAi stands as an encouraging light, guiding the next generation towards responsibly using AI to solve myriad social challenges.

Key Updates and Features of YUVAi Programme:

YUVAi will be represented at the GPAI Summit with its Top 10 finalists showcasing their AI-based social impact projects. As the GPAI Summit unfolds, YUVAi aims to inspire policymakers, educators, and industry leaders to collaborate in creating a future where AI is not just a tool but a force for positive change.

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### DK/DK/SMP

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**DK/DK/SMP**

**END**

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# OMINOUSLY ANTI-FEDERAL: ON THE SUPREME COURT'S JUDGMENT ON ARTICLE 370 AND J&K'S SPECIAL STATUS

Relevant for: Indian Polity | Topic: Provisions related to UPSC, State PSCs and Civil Services in India, and their Role in Democracy

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December 11, 2023 10:09 pm | Updated December 12, 2023 09:48 am IST

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The [Supreme Court of India's verdict upholding the abrogation of Jammu and Kashmir's special status](#) under Article 370 of the Constitution represents not merely judicial deference, but a retreat from the Court's known positions on federalism, democratic norms and the sanctity of legal processes. It is undoubtedly a political boost to the ruling BJP and an endorsement of its audacious move in August 2019 to strip [Kashmir of its special status and bring it on a par with other States](#). However, it is also a verdict that legitimises the [subversion of federal principles](#), fails to appreciate historical context and undermines constitutional procedure. The most potent attack on federal principles is the Court's unconscionable conclusion that Parliament, while a State is under President's Rule, can do any act, legislative or otherwise, and even one with irreversible consequences, on behalf of the State legislature. This alarming interpretation comes close to undermining a basic feature of the Constitution as enunciated by the Court itself and may have grave implications for the rights of States, permitting a range of hostile and irrevocable actions in the absence of an elected body. The [government and its supporters have much to cheer about as the Constitution Bench](#) has endorsed its stand and rejected strong arguments from the petitioners, especially the point that the government had acted in a mala fide manner by imposing President's Rule preparatory to the intended abrogation of special status without the need to involve any elected representative from J&K.

The government had adopted a complicated process to give effect to the ruling BJP's long-cherished ambition of removing the State's special status. It had gone on to divide and downgrade it into two Union Territories (UT). [It began with a Constitutional Order on August 5, 2019](#) applying the whole of the Constitution to J&K and changing some definitions so that the State's Legislative Assembly could recommend the abrogation instead of its now-dissolved Constituent Assembly, as originally envisaged in Article 370(3). Ultimately, the [Court ruled that parts of the August 5 order](#) were unconstitutional as they, in effect, amounted to amending Article 370 itself, which was impermissible; but, in a peculiar twist, it held the consequential notification on August 6 declaring Article 370 as valid and that the President was empowered to do so even without the legal underpinnings of the previous day's notification that sought to bolster the validity of the action. The President could remove the State's special status without any recommendation.

The Court has reasoned that the Constitution of India has been applied incrementally from time

to time even after the Constituent Assembly was dissolved in 1957 and that the removal of special status is nothing but the culmination of the process of its integration. Even if this line of argument is seen as unobjectionable, the idea that in the absence the Constituent Assembly and in view of the subordination of J&K to the sovereignty of India, there is no fetter on the government's intention to hollow out its residual autonomy is opposed to all canons of federalism and democracy. There is no doubt that J&K is not vested with any sovereignty. The [Court says Article 370 represents](#) no more than a form of asymmetric federalism and that additional features — such as having a separate Constitution, residuary power of legislation and requirement of its consent to some legislative subjects before Parliament can make law on them — will not clothe it with sovereignty. All of this is true. But, how this can mean that historical obligations owed to it and promises made by constitutional functionaries can be blown away at the ruling dispensation's whim is beyond comprehension. Forgotten is the fact that the process of integration itself was by and large built on a constant dialogue between Kashmir's leaders and the Union government, the context and conditions in which it acceded to India, the terms of the Instrument of Accession and the progressive extension of constitutional provisions with the consent of the State government over the years.

The Court's failure to give its ruling on whether the Constitution permits the reorganisation of J&K into two UTs is an astounding example of judicial evasion. It is shocking that the Court chose not to adjudicate a question that arose directly from the use of Article 3 of the Constitution for the first time to downgrade a State. The only reason given is that the Solicitor-General gave an assurance that the Statehood of J&K would be restored. It is questionable whether a mere assurance of a remedial measure can impart validity to any action. At the same time, the Court upheld the carving out of Ladakh as a separate UT. On this point, the verdict is an invitation to the Union to consider creation of new UTs out of parts of any State. The Court's position that there is no limit on the President's power or Parliament's competence to act on behalf of the State government and its legislature is equally fraught with danger. In particular, the reference to "non-legislative" powers of the State Assemblies poses a significant threat to the powers devolved to the States. A future regime at the Centre could impose President's rule to carry out extraordinary actions through its own parliamentary majority that an elected government in a State may never do. Some examples could be ratification of Constitution amendments, abrogation of inter-State agreements, withdrawal of crucial litigation and bringing about major policy changes. The view that some of these may be restored by a subsequently elected government or House is of little consolation if actions taken under the cover of President's Rule cause great damage to the State's interests. This is a verdict that weakens institutional limitations on power, and, while rightly upholding Indian sovereignty over J&K, it undermines federalism and democratic processes to a frightening degree.

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# STEPS TAKEN BY THE GOVERNMENT TO PROMOTE SKILL DEVELOPMENT & ENTREPRENEURSHIP ACROSS THE COUNTRY

Relevant for: null | Topic: Important Schemes & Programmes of the Government

Under the Govt of India's Skill India Mission (SIM), the Ministry of Skill Development and Entrepreneurship (MSDE) delivers skill, re-skill and up-skill training through an extensive network of skill development centres/colleges/institutes etc. under various schemes, viz. Pradhan Mantri Kaushal Vikas Yojana (PMKVY), Jan Shikshan Sansthan (JSS), National Apprenticeship Promotion Scheme (NAPS) and Craftsman Training Scheme (CTS) through Industrial Training Institutes (ITIs), to all the sections of the society across the country. The SIM aims at enabling youth of India to get future ready & industry ready skills. In addition, the training is also provided through the National Institute for Entrepreneurship and Small Business Development (NIESBUD), the Indian Institute of Entrepreneurship (IIE), National Skill Training Institutes (NSTIs), and Training Centers registered on the Skill India Digital (SID) platform. The brief of these schemes are as under:

**Pradhan Mantri Kaushal Vikas Yojana (PMKVY):** PMKVY Scheme is for imparting skill development training through Short-Term Training (STT) and Up-skilling and Re-skilling through Recognition of Prior Learning (RPL) to youth across the country including rural areas.

**Jan Shikshan Sansthan (JSS) Scheme:** The main target of the JSS is to impart vocational skills to the non-literates, neo-literates and the persons having rudimentary level of education and school dropouts upto 12th standard in the age group of 15-45 years, with due age relaxation in case of "Divyangjan" and other deserving cases. Priority is given to Women, SC, ST, OBC and Minorities in the rural areas and urban low-income areas.

**National Apprenticeship Promotion Scheme (NAPS):** This Scheme is for promoting apprenticeship training and increasing the engagement of apprentices by providing financial support to industrial establishments undertaking apprenticeship programme under the Apprentices Act, 1961. Training consists of Basic Training and On-the-Job Training / Practical Training at workplace in the industry. A total of 42453 establishments engaged the apprentices across the country.

**Craftsmen Training Scheme (CTS):** This scheme provides long-term training through Industrial Training Institutes (ITIs) across the country. The ITIs offer a range of vocational/skill training courses covering a large number of economic sectors with an objective to provide skilled workforce to the industry as well as self-employment of youth.

The details of the skilling network across the country as follows:-

**Name of Scheme**

**Name of the Training Center**

**Total No.**

**PMKVY**

Training centres including PMKK's

2640

## **JSS**

JSS centers

288

## **NAPS**

Establishments

49927 (\*42453)

## **CTS**

ITI

15016

*\*out of 49927, 42453 unique establishments engaged apprentices*

Apart from MSDE, more than 20 Central Ministries are implementing Skilling/ Upskilling training programmes through various schemes, such as Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDU-GKY), the Rural Self Employment Training Institutes (RSETI) under Ministry of Rural Development, Deen Dayal Antyodaya Yojana – National Urban Livelihood Mission (NULM) under Ministry of Housing and Urban Affairs etc.

Details of trained candidates and financial outlay under MSDE's schemes across the country is given as under:

### **Name of Scheme**

### **Number of Trained Candidates**

#### **PMKVY**

(Since inception to October, 2023)

1,40,22,926

#### **JSS**

(Since 2018-19 to October, 2023)

21,74,056

#### **NAPS**

(Since 2018-19 to October, 2023)

25,48,023

**CTS (ITI)**

(2018-19 to 2022-23)

65,10,839

Details of funds released under PMKVY and JSS Schemes of MSDE are as under:

**Name of Scheme****Fund Released (Rs. In Crore)****PMKVY**

(Since inception to October, 2023)

10441.32

**JSS**

(Since 2018-19 to September, 2023)

654.00

**NAPS**

(Since 2018-19 to October, 2023)

1071.85

Day to day administration as well as financial control in respect of ITIs lies with the respective State Government/Union Territory Administration.

This information was given by the Minister of State for Skill Development and Entrepreneurship, Shri Rajeev Chandrasekhar in a written reply in the Lok Sabha today.

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**SS/AK**

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# THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS) SECOND (AMENDMENT) BILL, 2023

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

- The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Bill, 2023 was introduced in Lok Sabha on December 13, 2023. The Bill amends National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011. The Act protects unauthorised development and encroachment by specified persons in the Union Territory of Delhi from punitive action. These include slum dwellers, hawkers, unauthorised colonies, schools, religious and cultural institutions, and agricultural godowns. It requires the central government to take certain measures to address these issues. These include: (i) finalising norms, policy guidelines, and strategies, and (ii) making orderly arrangements for relocation and rehabilitation.
- **Validity of the Act extended until 2026: The Act was initially valid until December 31, 2014, with subsequent amendments extending it until December 31, 2023. The Bill further extends the validity until December 31, 2026.**

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# CARRY ON, DOCTOR: THE HINDU EDITORIAL ON THE AMENDED BHARATIYA NYAYA (SECOND) SANHITA BILL

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

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The proverbial slip between the cup and lip was in evidence when the Union Home Minister's assurance on the floor of the Lok Sabha was at variance with the actual amendment on [punishment for doctors in cases of death due to negligence](#). Amit Shah initially said: "If someone died due to medical negligence by doctors it was treated as culpable homicide not amounting to murder. I am bringing an amendment today. Doctors have been exempted from punishment [under this section]. The Indian Medical Association [IMA] had requested us [for the exemption]." The amended [Bharatiya Nyaya \(Second\) Sanhita Bill, 2023](#), passed since, however did not provide that blanket exemption to doctors. Instead, the amended Section 106(1) specifies that a registered medical practitioner (RMP) shall be punished with imprisonment up to two years and a fine. In effect, the punishment for doctors as specified under Section 304(A) of the Indian Penal Code that the BNSS replaces, has been retained. With the IMA still thanking the government despite the status quo situation, a deft look behind the scenes reveals that a draft Bill submitted to the Parliamentary Standing Committee on the issue, actually suggested a seven-year imprisonment term for death due to negligence in case of an RMP. The IMA then submitted to the Standing Committee that there was no mens rea or criminal intent in the relationship between the patient and the doctor, and thus the increased punishment was not justified. The committee then reduced the imprisonment to five years, which finally rested at two years, as the law was passed.

It is pertinent to look at the index case that defined guidelines relating to medical negligence — *Jacob Mathew vs State of Punjab & Anr. (2005)*. The court held that the negligence should be 'gross', of a significantly high degree, and consequently, criminal liability would come up only if the physician's act can be demonstrated to be negligent or reckless, causing death. Even during prosecution, at various levels, the weight is on the opinion of a similarly qualified expert on whether negligence on the part of the doctor led to death. While it may be argued that doctors thus enjoy adequate protection under the law in the execution of their duties, the reality is that the incidence of violence against medical professionals is indeed increasing. To offer doctors refuge from fear of assault while discharging their duty, and to ensure that any decision made is not clouded or impaired from such fear is important. No one is above the law, but any attempt to demonise doctors for deaths that occur may cause them to hold back from giving patients the best available care. That, under no circumstances, is acceptable.

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