

GS II

SYLLABUS: ISSUES AND CHALLENGES PERTAINING TO THE FEDERAL STRUCTURE.

PRESIDENTS RULE

THE HINDU, PG.NO: 1.

**News:** "Strife-hit Manipur put under President's Rule."

**Current situation in Manipur:**

- In Manipur, the unprecedented and **horrific violence** that erupted in May 2023, continues unabated.
- **Ordinary people are forced to resort to violence** for self-protection.
- Between May 11 and November 11, 2024, **over 250 people were killed**, and more than a **lakh were displaced** due to ethnic violence.
- Recent **centre's AFSPA intervention in Manipur** has limited impact.
- **Supreme Court's intervention** was **slow and ineffective**. despite there having been 27 hearings.
- State of Manipur reflects a **classic case of the failure of the Constitutional machinery**.
- Situation **demands the immediate intervention of the President**.

**Emergency Provision's under Part XVIII:**

- **Art.355:**
  - Duty of **Centre to protect every State** from external aggression and internal disturbance's.
  - Centre to ensure that every **State govt. operate according to provisions of the Constitution**.
- **Art.356:**
  - Imposition of President's rule, if President **is satisfied**, that State govt. is not functioning according to provisions of Constitution or **"Governor report" or "otherwise"**.
- **Art.365:**
  - Imposition of President's rule, **if State govt. does not comply with directions of Centre**.
- **Note:** Art. 355 was incorporated to check any arbitrary or unauthorised use of Art. 356—**Dr. B.R. Ambedkar**.

**Important cases on president rule:**

- **S.R.Bommai vs Union of India 1994: to restrict misuse.**
  - President rule is subjected to **Judicial Review**.
  - Satisfaction of President must be based on relevant material & **Centre must justify President rule**.
  - If President rule is unconstitutional, **State Legislature can be revived by court**.
  - State Legislature can be dissolved only after parliamentary approval, till then can **only be suspended**.
  - **If State follows anti-secular policy**, Art.356 can be applied.
  - **Floor test of confidence is mandatory** before dismissal of State executive.
  - Art.356 is only a measure of **last resort**.

**Proper Application President Rule :**

- **Hung Assembly situation:** no single party or pre-existing coalition achieves a clear majority.
- If **State goes against Constitutional direction** of Central govt.
- **Internal subversion** Eg. Govt deliberately acting against Constitution or law.
- **Physical breakdown of govt.** law and order i.e, State endangering its security.

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**Misuse of Art.356:**

- Dr. B.R. Ambedkar **wished that Art. 355 & 356 should remain as 'dead letters'** but they were misused on several occasions:
  - Removing elected govts.
  - Loss in Lok Sabha elections.
  - Deterioration of law and order in States.

**Impacts of President Rule**

**On State Executive:**

- President can **suspend** Constitutional provisions of any body of State.
- President can **dismiss Council of Ministers** headed by Chief Minister.
- Can vest State govt. executive powers with Governor or any other authority.

**On State Legislature:**

- **Parliament exercises State Legislature powers.**
- **State budgets & bills passed by Parliament.**
- President can promulgate **ordinances** for State.
- **Laws** made by Parliament or President **continued to operate even after President rule**. Such laws can be repealed or altered by State Legislature.
- **Parliament can dissolve State assembly only after** Parliamentary approval, till then (only suspended)—**S.R. Bommai case**.

- **On Judiciary:** No Impact.

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## MAPPING

PRE-CONTEXT

### MEDOG DAM

THE HINDU, Pg.NO: 10.

**News:** "China's dam project opens the floodgates of concern."

#### About Medog Dam on Yarlung Tsang-po:

- **Yarlung Tsang-po (Tibetan name of Brahmaputra)**, it flows through Arunachal Pradesh and Assam.
- Announced **mega dam project is in the deep gorges of the eastern Himalayas** that fall under Chinese control.
- The mega dam is designed to be the **largest infrastructure project in the world**. Once constructed, the gigantic dam would dwarf even the **Three Gorges Dam (on River Yangtze)**.
- The site of Medog dam being built by China, **seen one of the greatest earthquakes of modern times**, the **1950 Medog Earthquake, or the Assam-Tibet Earthquake** its disastrous effects still continues with unending cycle of annual catastrophic floods.

#### About Tibetan River Systems:

- **Tibet's river systems are important to the Earth's cryosphere**, comprising **permafrost and glaciers, and major climate systems directing climate and precipitation pathways** such as the monsoon.
  - **Glacial Lake Outburst Floods (GLOFs)** have increased in the Himalayas with climate change events, exemplified by the **Chungthang Dam collapse in Sikkim** (October 2023).

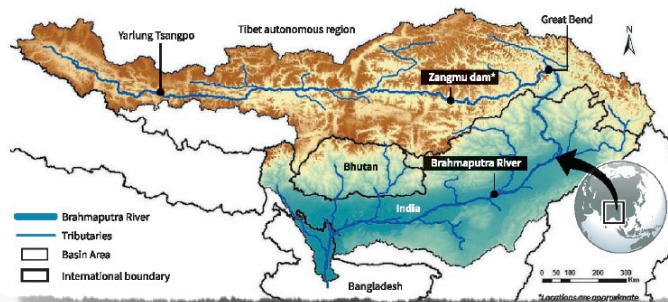
#### About Brahmaputra:

- Brahmaputra is a **transboundary Himalayan river basin** spanning four riparian countries (China, Bhutan, India, Bangladesh).
- Brahmaputra **originates from the Kailash ranges** of the Himalayas in southern Tibet and **confluence with river Ganga** before it **drains into Bay of Bengal**.
- **A classic example of a braided river**, with many channels that split and rejoin.
- The **Brahmaputra River makes a U-turn** in its course as it crosses India due to the **syntaxial bending of the Himalayas**.
- The Brahmaputra splits into two channels in Assam, which rejoin to form **Majuli Island**, the **world's largest river island**.
  - The **syntaxial bends are deep knee-bend flexures** that occur at the eastern and western extremities of the Himalayas. These **bends are caused by the southward turn of the mountain chain**.
- **Developments countries on Brahmaputra:**
  - **China:** Zangmu dam, Medog dam (recently announced).
  - **India:** announced its largest dam project **at upper Siang**.
  - **Bhutan:** had been planning to building several medium, to small dams.
- **None of the riparian countries of the Brahmaputra river basin have signed the United Nations Convention on the Law of the Non-navigational Uses of International Watercourses** of 2014, and hence first user-rights on river systems are non-enforceable.

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## Taming the 'rogue' river

The Brahmaputra is a transboundary Himalayan river basin spanning four riparian countries. This map shows its flow from the Tibetan Autonomous Region in China through Bhutan and India into Bangladesh.



## POLITY

PRE-CONTEXT

### JUDICIAL APPOINTMENTS, REMOVAL.

THE HINDU, Pg.NO: 11, 14.

**News:** "Is appointing ad-hoc judges a viable means to reduce backlog?"

**News:** "Only Parliament can constitutionally remove HC judge: RS Chairman"

#### Appointment of Ad hoc (temporary) Judges:

##### • At Supreme Court:

- **Art. 127:** A **High Court Judge** can be appointed as ad-hoc judge in the supreme court by the **CJ** (with the previous consent of the **President** and after consultation with the **Chief Justice of the High Court concerned**).
- The High Court judge **must be qualified for appointment as a judge of the Supreme Court**.
- Ad hoc judges are appointed if there is a lack in quorum (minimum number) of the Permanent judges in Supreme court.

##### • At High Court:

- **Art. 224A** of the Constitution provides for the appointment of **retired High Court judges** as Ad hoc judges.
- Such appointments made by **Chief justice of High Court require the consent of both the retired judge and the President of India**.
  - Ad-hoc judges can **only hear criminal appeals**.
  - Ad hoc judges can be appointed to State High Courts **only if their judicial vacancies crossed 20%** of the sanctioned strength.
  - **Number of ad hoc judges must not exceed 10%** of the sanctioned judicial strength of a High Court.

#### Qualifications for Judge of the Supreme Court:

##### • According to Constitution of India:

- A person must be a **citizen of India**.
- Have been a **High Court judge** for at least five years.
- Have been a **High Court advocate** for at least 10 years.
- Be considered a **distinguished jurist** by the President.

#### Collegium System:

- For **appointment and transfer of judges** in the higher judiciary in India.
- **For Supreme Court (SC) appointments:** collegium consists of **CJ plus 4 senior-most Supreme Court judges**.
- **For High Court appointments:** collegium consists of CJ plus 2 senior-most Supreme Court judges.
- CJ after consultation with collegium **recommends to President** for an appointment.

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- Supreme Court Judges retire upon attaining the **age of 65 years**.
- The **strength of the Supreme Court of India** is **determined by the Parliament of India**.
  - **Current strength is 33.**

### Evolution of Collegium:

- **The Constitution provides that:**
  - **Judges to the Supreme Court** are to be appointed by the **President of India in consultation with the CJI** and such other judges that he or she deems fit.
  - **Judges to the High Courts** are to be appointed by the **President in consultation with the CJI, the Governor of the State and the Chief Justice of that court.**
  - **In the case of transfers**, the President may move a judge from one High Court to another, but **only after consulting the CJI.**
- **1st judges case (1982):** the word '**consultation**' only implies exchange of views.
- **2nd judges case (1993):**
  - Word '**consultation**' = **concurrence**, advice by CJI (plus 2 judges) is binding on President.
  - If collegium reiterates, judicial appointments must be cleared (a healthy convention).
- **3rd Judges case: Collegium** (4 Judges + CJI).
- **99th CAA 2015: NJAC** (3 judicial members & 2 executive appointees): Declared Unconstitutional by SC.

### Removal of Judges:

- **According to Judges Inquiry Act, 1968:**
  - A **removal motion** signed by 100 members (in case of Lok Sabha) or 50 members (in case of Rajya Sabha) is to be given to the Speaker/Chairman.
    - If the motion is admitted, then a **three-member committee** to investigate into the charges is constituted.
    - If the committee **finds the judge to be guilty of the charges (misbehaviour or incapacity)**, the House in which the motion was introduced, can take up the consideration of the motion.
  - **Special majority:** Majority of total membership of the House & majority of not less than two thirds members present and voting.
  - Once, the House in which **removal motion was introduced passes it with special majority, it goes to the second House which also has to pass it with a special majority.**
    - After the motion is passed, an address is presented to the President for removal of the judge.
    - The **President** then passes an order removing the judge.

### Note:

- Till now, **only two judges so far have been found guilty** for their "misbehaviour" by the three-member committee.
- **No judge has been impeached** in India till date.

### Other country Practices:

- **Canada:** power resides with the Federal Govt.
- **Germany:** Elected by Executive and Legislature.
- **USA:** Nominated by President & confirmed by Senate.
- **UK:** Selection Commission of 15 members of different backgrounds.

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**News:** "Challenges of malaria vaccination, as elimination becomes achievable."

### About Malaria:

- **Caused by:**
  - **Parasites:** **Plasmodium falciparum**, P. vivax, P. ovale, P. malaria.
    - The above malaria parasites greatest strength is antigenic variation, where it frequently changes its surface proteins, making it difficult for immune cells to recognise it and respond.
  - **Vector:** parasite infected **female Anopheles mosquitoes**.
    - These mosquitoes typically breed in clean, stagnant water bodies.
- **Common Symptoms:** High fever with chills, headache, sweating, nausea, and vomiting.
- **Epidemiology:**
  - Sub-sharan Africa, South and South East Asia.
  - **India:** parts of the **North-East, Central, and Eastern regions** of the country.
- **India's Initiatives:**
  - National Vector Borne Disease Control Programme.
  - National Framework for Malaria Elimination 2016–2030.
  - National Strategic Plan (NSP) for Malaria Elimination 2017–2022.

### Malaria related developments:

- **RTS,S (Mosquirix) vaccine** has been piloted in certain African countries.
- **Genetic modification of mosquitoes** that slow the growth of malaria-causing parasites in the gut thereby preventing transmission of malaria to humans.
- **Genetic modification of parasites** causing malaria.

### Other notes:

- **Typhoid:** caused by **Salmonella typhi bacteria**, transmitted through contaminated food and water.
- **Dengue:** Caused by the **Dengue virus** (a flavivirus), transmitted through the bite of infected Aedes aegypti and Aedes albopictus mosquitoes.

### Bacteria and Virus

#### Cellular structure:

- **Bacteria:** **Prokaryotic**, unicellular organisms with cell walls (peptidoglycan), cell membrane, and cytoplasm, **No nucleus**.
- **Virus:** Acellular particles.

#### Genetic Material:

- **Bacteria:** contain both DNA and RNA in **nucleoid**.
- **Virus:** either DNA or RNA enclosed in a protein coat (capsid).

#### Living status:

- **Bacteria:** reproduce, metabolise independently.
- **Viruses:** require **host** machinery to replicate.

#### Reproduction:

- **Bacteria:** **Asexual** reproduction (binary fission).
- **Viruses:** Replicate by hijacking host cells.

#### Diseases:

- **Bacterial:** **Tuberculosis** (Mycobacterium), **Cholera** (Vibrio), **Typhoid** (Salmonella).
- **Viral:** COVID-19 (SARS-CoV-2), HIV/AIDS, Influenza, Rabies, **Dengue**.

#### Treatment:

- **Bacteria:** Treated with **antibiotics** (e.g., penicillin targets cell walls).
- **Viruses:** **Antivirals** (e.g., oseltamivir for flu) or vaccines; antibiotics are ineffective.

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MAPPING

PRE-CONTEXT

DEMOCRATIC REPUBLIC OF CONGO

THE HINDU, PG.NO: 12.

**News:** "What is happening in the DRC?"

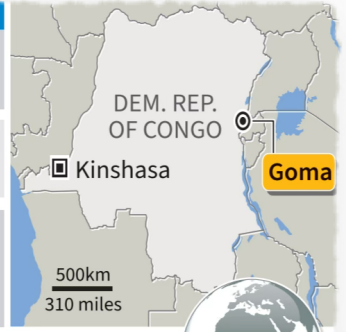
**Situation in Democratic Republic of Congo (DRC):**

- Crisis in the (DRC) is back in the spotlight after the **M23 militia**, backed by eastern neighbour **Rwanda**, **captured the mineral rich city of Goma**, which lies on the border of DRC.
- UN estimates suggest that the fighting, which began in January, has taken the lives of more than 2,900 people, displaced close to 7,00,000. .
- **Root cause of the crisis** is generally attributed to the 1994 **Rwandan genocide**, the region has been beset with conflict between the **Hutus and Tutsis** since colonial times.
- Hutus and Tutsis are two distinct ethnic groups primarily found in Rwanda.

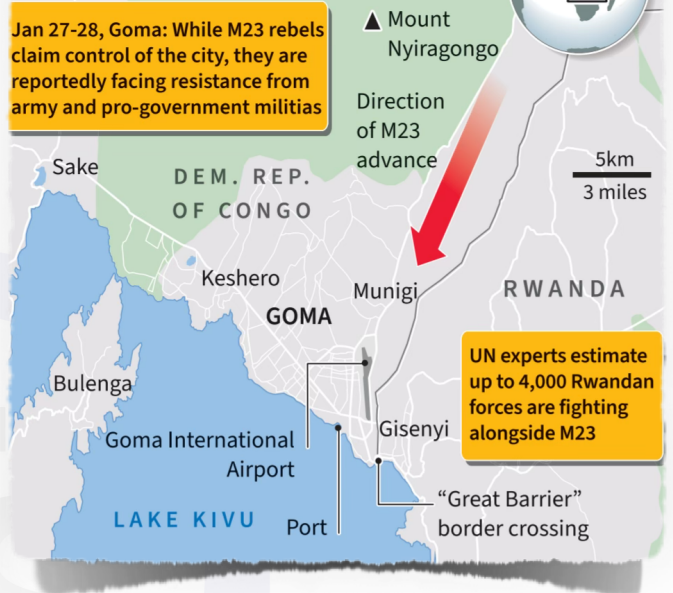
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THE M23 MILITIA

- One of about 100 armed factions vying for a foothold in mineral-rich eastern DRC
- Rwandan-backed group which consists primarily of Tutsis who failed to integrate into the Congolese army
- Led major insurgency against the DRC government in 2012, took up arms again in 2022. The group is estimated to have 6,500 fighters



Jan 27-28, Goma: While M23 rebels claim control of the city, they are reportedly facing resistance from army and pro-government militias



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**Thank you!**