

Use of article 142

- The Supreme Court invoked its extraordinary powers to do complete justice under Article 142 of the Constitution and ordered the release of A.G. Perarivalan in former Prime Minister Rajiv Gandhi assassination case.
- A Bench led by Justice L. Nageswara Rao, in its judgment, took into consideration Perarivalan's long incarceration for over 30 years to order his release. Perarivalan is currently on bail.
- The apex court had commuted his death penalty to life sentence for murder in 2014.
- The court held that the Tamil Nadu Council of Ministers' advice on September 9, 2018 to pardon Perarivalan was binding on the Governor under Article 161 (Governor's power of clemency) of the Constitution.
- The Governor had no business forwarding the pardon plea to the President after sitting on it for years together.
- It said the Governor's delay to decide Perarivalan's pardon for more than two years has compelled the court to employ its constitutional powers under Article 142 to do justice to Perarivalan.
- After all, the court said, a Governor's non-exercise of power under Article 161 of the Constitution was not immune from judicial review.
- "Taking into account Perarivalan's prolonged period of incarceration, his satisfactory conduct in jail as well as during parole, chronic ailments from his medical records, his educational qualifications acquired during incarceration and the pendency of his petition under Article 161 for two-and-a-half years after the recommendation of the State Cabinet, we do not consider it fit to remand the matter for the Governor's consideration.
- The Court dismissed the Centre's argument that the President exclusively, and not the Governor, had the power to grant pardon in a case under Section 302 (murder) of the Indian Penal Code.
- The court had said that such a contention would render Article 161 a "deadletter" and create an extraordinary situation whereby pardons granted by Governors in murder cases for the past 70 years would be rendered invalid.
- Nothing has been said on what should be done when the absence of any time-frame for the President or the Governor is cynically exploited to indefinitely delay executive decisions. It is impractical for every matter to be escalated to the point that the Supreme Court needs to

invoke its extraordinary powers under Article 142.

THE HINDU

NRC

- The National Register of Citizens (NRC) is a register containing names of all genuine Indian citizens. At present, only Assam has such a register.
- The exercise may be extended to other states as well. Nagaland is already creating a similar database known as the Register of Indigenous Inhabitants. The Centre is planning to create a National Population Register (NPR), which will contain demographic and biometric details of citizens.

What is NRC in Assam?

- The NRC in Assam is basically a list of Indian citizens living in the state. The citizens' register sets out to identify foreign nationals in the state that borders Bangladesh.
- The process to update the register began following a Supreme Court order in 2013, with the state's nearly 33 million people having to prove that they were Indian nationals prior to March 24, 1971.
- The updated final NRC was released on August 31, with over 1.9 million applicants failing to make it to the list.

How does one prove citizenship?

- In Assam, one of the basic criteria was that the names of applicant's family members should either be in the first NRC prepared in 1951 or in the electoral rolls up to March 24, 1971.
- Other than that, applicants also had the option to present documents such as refugee registration certificate, birth certificate, LIC policy, land and tenancy records, citizenship certificate, passport, government issued licence or certificate, bank/post office accounts, permanent residential certificate, government employment certificate, educational certificate and court records.

What happens with the excluded individuals?

- "Non-inclusion of a person's name in the NRC does not by itself amount to him/her being declared a foreigner," govt has said. Such individuals will have the option to present their case before foreigners' tribunals.
- If one loses the case in the tribunal, the person can move the high court and, then, the Supreme Court.
- In the case of Assam, the state government has clarified it will not detain any individual until he/she is declared a foreigner by the foreigners' tribunal.

- The complete NRC draft was published on August 31, 2019.
- This draft excluded 19.06-lakh out of the 3.3 crore people who had applied for inclusion. In 2021, Mr. Sarma submitted an affidavit at the Guwahati High Court, referring to the August 2019 NRC as a “supplementary list” and not the “final NRC” and sought a re-verification.
- An FT member, choosing to be anonymous, insisted that the NRC published in accordance with relevant clauses of the Citizenship Rules of 2003, was final.

THE HINDU

Drought in number report

The story so far:

- A United Nations report has revealed that many parts of India fall under the list of regions that are vulnerable to drought globally.
- The report also stated that India’s Gross Domestic Product (GDP) reduced by 2 to 5% between 1998 and 2017 due to severe droughts in the country.
- Globally, droughts in the same period caused economic losses of approximately \$124 billion.
- These and other global findings centred on drought were collated in the Drought in Numbers, 2022

report presented by the United Nations Convention to Combat Desertification (UNCCD).

What is the Drought in Numbers report?

- The Drought in Numbers report is a collection of data on the effects of droughts on our ecosystem and how they can be mitigated through efficient planning for the future.
- The report also helps inform negotiations surrounding key decisions by the UNCCD’s 197 member parties at the 15th Conference of Parties (COP15), currently underway in Abidjan, Côte d’Ivoire.

What is COP15?

- UNCCD’s COP15 focuses on desertification, land degradation, and drought, with the theme for the conference being “Land. Life. Legacy: From scarcity to prosperity.”
- The conference has brought together government representatives, private sector members, and civil society stakeholders to ensure that land continues to benefit present and future generations.

What does the report entail?

- According to World Bank estimates, drought conditions can force up to

216 million people to migrate by 2050.

- Other factors at play along with drought could be water scarcity, declining crop productivity, rise in sea levels, and overpopulation.
- Weather, climate and water hazards have accounted for 50% of all disasters and 45% of all reported deaths since 1970, the World Meteorological Organisation data has revealed. Nine in ten of these deaths have occurred in developing countries.
- Between 2020 and 2022, 23 countries have faced drought emergencies.
- These are Afghanistan, Angola, Brazil, Burkina Faso, Chile, Ethiopia, Iraq, Iran, Kazakhstan, Kenya, Lesotho, Mali, Mauritania, Madagascar, Malawi, Mozambique, Niger, Somalia, South Sudan, Syria, Pakistan, the U.S., and Zambia.
- According to the report, climate change alone will cause 129 countries to experience an increase in drought exposure in the next few decades.
- More than a billion people around the world were affected by drought in 2000-19, making it the second-worst disaster after flooding. Africa was the worst hit, with 134 droughts, of which 70 occurred in East Africa.
- The World Health Organization has noted that globally, approximately

55 million people are directly affected by droughts annually, making it the most serious hazard to livestock and crops in almost every part of the world.

- The impact of drought is, however, not uniform across genders. Research shows that women and girls in emerging and developing countries suffer more in terms of education levels, nutrition, health, sanitation, and safety as a result of droughts.
- The burden of water collection also disproportionately falls on women (72%) and girls (9%).
- The report notes that they may spend up to 40% of their caloric intake fetching water.
- In 2022, over 2.3 billion people are facing water stress.
- Almost 160 million children are exposed to severe and prolonged droughts.

What are the environmental aspects?

- According to the report, if predictions are correct and global warming reaches 3°C by 2100, drought losses could be five times higher than today's levels.
- The largest increase in drought losses is projected in the Mediterranean and the Atlantic regions of Europe.

- Australia's mega drought in 2019-2020 contributed to "mega fires" resulting in one of the most extensive losses of habitat for threatened species.
- About three billion animals were killed or displaced in the Australian wildfires.
- On a related note, 84% of all terrestrial ecosystems are threatened by changing and intensifying wildfires.
- According to a 2017 report by the Food and Agriculture Organisation, the percentage of plants affected by drought has more than doubled in the last 40 years. Around 12 million hectares of land are lost each year due to drought and desertification.
- The former IB officer said that the first software for MAC was designed in-house.
- An official said the MAC had the main server in Delhi which is linked to the subsidiary multi-agency centre (SMAC) under the Subsidiary Intelligence Bureau (SIBs) in all States, which further disseminates information to the intelligence branch or wing of the respective State police forces.
- Plans are now afoot to link it to the district office of the Superintendent of Police which has been pending for more than a decade now.
- "Intelligence agencies do not have investigating powers, it can only be done by the local police.

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MAC

- The Union Home Ministry has sanctioned ₹138.48 crore to the Intelligence Bureau (IB) for a "technical upgrade", a senior government official said.
- The funds are meant to upgrade the multiagency centre (MAC), a common counter-terrorism grid under the IB concept the idea behind the MAC was to create an institutional memory on terrorism and act as a platform to analyse the information on terror-related activities.
- If MAC is linked to the district SP's office, relevant information on terror can be fed in the system leading to the expansion of terror database, ptualised in 2001 after the Kargil war.
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- If MAC is linked to the district SP’s office, relevant information on terror can be fed in the system leading to the expansion of terror database,
- MAC collated information from multiple agencies and put it in a common pool for the users to access the relevant information.
- “Not everyone can access the information.
- If an agency has found a suspicious number, it can run a search on the MAC platform and if the number is already stored in the database, the agency will be directed to the official concerned.
- As many as 28 organisations including the Research and Analysis Wing (R&AW), armed forces and State police are part of the platform and various security agencies share real time intelligence inputs on MAC.

- There are around 400 secured sites connected with the MAC headquarters.

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Pollution and NHRC

- The National Human Rights Commission (NHRC) on Wednesday said it had issued an advisory to the Centre and State governments on preventing, minimising and mitigating the impact of environmental pollution and degradation on human rights.
- The NHRC said that despite “having one of the world’s best statutory and policy framework for environment protection”, India was facing a serious problem of pollution and ecological degradation preventing the enjoyment of basic human rights.
- The advisory focuses on the punishment of polluters; prevention and mitigation of vehicular pollution; and transparent processing of approvals and clearances under environmental laws.
- “The Union and State governments should make efforts to ensure effective and expeditious punishment of polluters and violators of environmental laws.
- These efforts should include strengthening of Pollution Control

Boards (PCBs) and other regulatory authorities,”

- The commission said PCBs should create separate investigation and prosecution wings, as well as carry out regular training sessions for staff
- It also recommended that “High Courts should establish Special Environmental Courts and ensure speedy trial of the cases involving violation of environmental laws”

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