

## Anti-defection law

- Instances of floor-crossing have long gone unchecked and unpunished. In part, this can be attributed to the exemption given to mergers between political parties which facilitate bulk defections.
- In 2019, MLAs in the Goa Legislative Assembly from the Indian National Congress (INC) and the Maharashtrawadi Gomantak Party (MGP), crossed over to the Bharatiya Janata Party (BJP).
- The Speaker of the Assembly, as well as the Goa Bench of the Bombay High Court, dismissed the pleas seeking disqualification of these MLAs.
- The second paragraph of the Tenth Schedule allows for disqualification of an elected member of a House if such member belonging to any political party has voluntarily given up membership of their party, or if they vote in the House against such party's whip.
- Paragraph 4 creates an exception for mergers between political parties by introducing three crucial concepts of the "original political party", the "legislature party", and the "deemed merger".
- A "legislature party" means the group consisting of all elected members of a House for the time being belonging to one political party, whereas an "original political party" means the political party to which a member belongs (this can refer to the party generally, outside of the House).
- Interestingly, Paragraph 4 does not clarify whether the original political party refers to the party at the national level or the regional level, despite the fact that that is how the Election Commission of India recognizes political parties
- A merger of two-thirds of members of a legislature party can be deemed to be a merger of political parties, even if there is no actual merger of the original political party with another party.
- The merger exception was created to save instances of the principled coming together of political groups from disqualification under the anti-defection law and to strike a compromise between the right of dissent and party discipline
- Defection gets easier in smaller legislative assemblies, where even a sole member can account for two-thirds of the legislature party's strength to cross the floor without attracting disqualification.
- In a situation where either reading of Paragraph 4 in its current form yields undesirable results, its deletion from the Tenth Schedule is a possible way forward.

- This thought is hardly novel, for the Law Commission in 1999 and the National Commission to Review the Working of the Constitution ((NCRWC) in 2002 made similar recommendations.

## **THE HINDU**

---

### **Constitutional conscience**

- Language and ideals of the Constitution require judges to decide in good faith, exercising what is called the constitutional virtues: candor, intellectual honesty, humility about the limits of constitutional adjudication, and willingness to admit that they do not have all the answers.
- Constitutional Conscience concludes that the need for these qualities in judges as well as lawyers and citizens is implicit in our constitutional practices and that without them judicial review would forfeit both its own integrity and the credibility of the courts themselves.

## **THE HINDU**

---

### **Payment for ecosystem service**

- Incentives for biodiversity protection and sustainable use include biodiversity-relevant taxes, fees, levies, tradeable permits, and

Payments for Ecosystem Services (PES)

- Mobilization of biodiversity finance through pesticide levies, admission fees to natural parks, hunting and fishing permit fees, and the trade-in energy-saving certificates has gained governmental support and political will.
- Incentives for biodiversity protection and sustainable use include biodiversity-relevant taxes, fees, levies, tradeable permits, and Payments for Ecosystem Services (PES)
- Mobilization of biodiversity finance through pesticide levies, admission fees to natural parks, hunting and fishing permit fees, and the trade-in energy-saving certificates has gained governmental support and political will
- Kitengela, Kenya's Wildlife Conservation Lease Programme, maintains open areas for wildlife and grazing on personal grounds.
- In terms of raising money, PES programs such as Costa Rica's Pago Por Servicios and Ecuador's Socio Bosque were among the few to mobilize significant finances.
- A local monitoring mechanism is to successfully implement a PES program.
- A study (Sardana 2019) conducted in the Kodagu district of Karnataka to restore native trees that grow in the

understory of coffee plantations shows a successfully designed local institutional mechanism for PES implementation.

## **TERMS**

### **Ecosystem services**

- Ecosystems provide many of the basic services that make life possible for people. Plants clean air and filter water, bacteria decompose wastes, bees pollinate flowers, and tree roots hold soil in place to prevent erosion.

### **TEEB Initiative**

- The Economics of Ecosystems and Biodiversity (TEEB) is a global initiative focused on “making nature’s values visible”.
- Its principal objective is to mainstream the values of biodiversity and ecosystem services into decision-making at all levels.
- It aims to achieve this goal by following a structured approach to valuation that helps decision-makers recognize the wide range of benefits provided by ecosystems and biodiversity, demonstrates their values in economic terms, and, where appropriate, capture captures values in decision-making.
- TEEB advocates a three-analyzing approach to analyzing and structuring the valuation of

biodiversity and ecosystem services, guided by three principles:

- Recognizing the value in ecosystems, landscapes, species and other aspects of biodiversity is a feature of all human societies and communities and is sometimes sufficient to ensure conservation and sustainable use.
- For example, the existence of sacred groves in some cultures has helped to protect natural areas and the biodiversity they contain.
- Demonstrating value in economic terms is often useful for decision-makers to consider the full costs and benefits of nature rather than just those that enter the markets in the form of private goods. An example would include calculating the values of conserving the ecosystem services provided by wetlands in controlling floods, as compared to building flood defenses.
- Capturing value involves the introduction of mechanisms that incorporate the values of biodiversity and ecosystems into decision-making through incentives and price signals. This can include payments for ecosystem services, reforming environmentally harmful subsidies, or introducing tax breaks for conservation.

## **THE HINDU**

## Afghanistan

- Stressing “historical and civilizational relationship ties” with the Afghan people, Delhi announced the arrival of a technical team to “closely monitor and coordinate the efforts of various stakeholders” for the effective delivery of humanitarian assistance
- Prior to this, there were reports that Indian aid was being hoarded and diverted back to Pakistan
- Delhi seems to have asked for aid to flow through the Iranian route, instead of across Pakistan, so that it would reach Afghanistan. Iran is on board,
- The difficulties involved given the broken Afghan banking and financial systems and lack of infrastructure.
- A range of institutions is involved in actual aid delivery, and U.S. instructions are that all aid should be in cash since no banks will do business or accept letters of credit to the Afghan central bank (DAB).
- UN organizations also provide cash, and aid agencies have long had to use reliable local hawala networks for transfers.
- Then there exists the ever-present issue of security, which was apparent from the recent attack on a gurdwara in Kabul, apparently by the Islamic State Khorasan (IS-K)
- India has around 400 projects in all the 34 provinces of Afghanistan.

- With the Taliban offering protection to foreign embassies and acting quickly in the recent gurdwara bombing,, it is possible that the Indian effort will continue unimpeded.

## MOU between Turkey, Sweden, and Finland

### The story so far:

- On June 28, the North Atlantic Treaty Organization (NATO) Secretary-General Jens, Stoltenberg announced the signing of a memorandum of understanding (MoU) between Turkey, Finland, and Sweden in a trilateral meeting held in Madrid, Spain.
- The MoU was signed once the Finland President Niinistö and Sweden Prime Minister Andersson agreed to address the national security concerns of Turkey.

### What does the MoU say?

- The key provisions of the MoU include the following three points: a joint commitment between Turkey, Finland, and Sweden to counter-terrorism; addressing the pending extradition of terror suspects through a bilateral legal framework, and investigating and interdicting “any financing and recruitment activities of the PKK and all other terrorist organizations.”

- Besides the above, Finland and Sweden assured that “their respective national regulatory frameworks for arms exports enable new commitments to Allies”.
- Both countries also promised to stand against disinformation and to fully commit to EU’s CSDP (Common Security and Defence Policy) and Turkey’s participation in the PESCO (Permanent Structured Co-operation) Project on Military Mobility.
- Turkey was initially against Finland and Sweden joining NATO. Though there were no direct issues between Turkey, Sweden, and Finland, the former was against the kilometers-longer position on the Kurdish issue.
- He underlined that there are no territorial disputes between these two countries; hence they should not worry about any security threat from Russia.

#### **What does this mean for NATO?**

#### **What does this mean for Russia?**

- First, strengthening the alliance. Both Finland and Sweden which have followed the non-alignment principle have broken from their natural rule and decided to join NATO.
- This does not only mean a guarantee of security against Russia but it also gives NATO the power to engage Second, NATO will gain strategic ground to counter Russia.
- The addition of more allies means a steady expansion of NATO towards the East, through which it will now be able to exercise its military operations both on land and in the Baltic Sea, where Russia holds a strategic position.
- NATO will now also be able to position its weapon systems further its combat formation and plan its attack techniques to power up deterrence and defense.
- Third, a secured Euro-Atlantic. NATO presence in the region will securitize and safeguard the Baltic States, Estonia, Latvia, and Lithuania, which were earlier at risk due to their close proximity to Russia and Russian attacks.
- Russia shares a 1,340-kilometer-long border with Finland. Sweden, though it does not share a land border, shares the Baltic Sea with Russia.
- The land/sea borders with Russia place both countries under direct threat from the Kremlin. On June 28, Deputy Secretary of the Russian Security Council Dmitry Medvedev cautioned Finland and Sweden on continuing with their decision to join NATO.
- He referred to the relations with these countries as being respectful and mutually friendly.

**THE HINDU**

---

GES  
REPORTER

