

## Article 200

- When the Constitution was adopted by the Constituent Assembly, the founders left deliberate gaps in it to enable a future Parliament to modify and amend the Constitution that was in accordance with the aspirations and the will of the people.
- One of the silences in the Constitution is in Article 200 which does not prescribe a timeline for the Governor to provide assent to Bills sent by the Legislative Assembly.
- This has been used to advantage by the Governors of various Opposition-ruled States to obfuscate the mandate of democratically elected governments.
- In *Purushothaman Nambudiri vs State of Kerala (1962)*, a Constitution Bench of the Supreme Court clarified that the Constitution does not impose any time limit within which the Governor should provide assent to Bills.
- Interestingly, the question as to whether the Governor can sit on Bills indefinitely did not arise before the Court; the Court too had no occasion to provide an authoritative ruling on it. However, the Court has maintained that the Governor must honor the will of the Legislature and that the President or a Governor can act only in harmony with their Council of Ministers.
- The additional issue of the President not acting swiftly to grant assent to the Bills reserved by the Governor for the consideration of the President cannot be missed.
- The 'National Commission to Review the Working of the Constitution' that was set up by the A.B. Vajpayee government in 2000 recommended that "there should be a time limit say a period of six months within which the Governor should take a decision whether to grant assent or to reserve a Bill for consideration of the President."
- It is also important to understand the real objective behind Article 200 requiring the Governor to grant assent to Bills.
- It was felt that an independent Governor would be necessary to act as a check and balance, to avoid the state-enacted law being repugnant to the Union laws.
- It was suggested by the Sarkari commission that delay from the side of the Governor in granting assent can be avoided by streamlining the existing procedures; by making prior consultation with the Governor at the stage of the drafting of the Bill itself, and by prescribing time limits for its disposal.

- ‘Reasonable time is what is necessary, under the circumstances, to do conveniently what the contract or duty requires should be done in a particular case
- In *Keisham Meghachandra Singh vs The Hon’ble Speaker, Manipur Legislative Assembly (2020)*, a case on anti-defection law, the Supreme Court held that the Speaker must act on disqualification petitions against the defecting MLAs within a ‘reasonable time’.
- It clarified in the same judgment that reasonable time is three months in the case of disqualification petitions
- The Governor’s duty is only to ensure that an elected government is working within the parameters of the Constitution.
- It does not mean that the Governor can sit on the Bills indefinitely, merely because there is no time limit prescribed for the Governor to decide on the bills.
- The Constitution should be read contextually to provide a meaning that the Governor must act on the Bills within a reasonable time, say three months.
- The constitutional silences should not give way for unconstitutional inaction, leaving space for anarchy in the rule of law.
- As Justice V.R. Krishna Iyer put it pithily in *Shamsher Singh and Anr. vs State Of Punjab*, “maybe, our founding fathers were not political prophets who could foresee glaring abuses or perverted developments”.

## **THE HINDU**

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### **Dark pattern**

#### **The story so far:**

- Some Internet-based firms have been tricking users into agreeing to certain conditions or clicking a few links.
- The unsuspecting users would not have accepted to such terms or clicked URLs (uniform resource locator), but for the deceptive tactics deployed by tech firms.
- Such acceptances and clicks are flooding the inboxes of the users with promotional emails they never wanted, making it hard to unsubscribe or request deletion.
- These are examples of “dark patterns,” also known as “deceptive patterns.”

#### **What are dark patterns?**

- Such patterns are unethical user interface designs that deliberately make your Internet experience harder or even exploit you.

- In turn, they benefit the company or platform employing the designs.
- By using dark patterns, digital platforms take away a user's right to full information about the services they are using and their control over their browsing experience.
- The term is credited to UI/UX (user interface/user experience) researcher and designer Harry Brignull, who has been working to catalogue such patterns and the companies using them since around 2010.

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### **XBB Lineage**

#### **What is the XBB lineage?**

- The SARS-CoV-2 virus has the potential to evolve by exchanging large fragments of the genome, called recombination.
- First detected in January 2022, the XBB lineage of SARS-CoV-2 resulted from recombinant between Omicron sublineages BA.2.10.1 and BA.2.75.
- The lineage was largely detected in genomes from Singapore and India, with the largest number of genomes on GISAID belonging to the U.S. and India.
- Lineage BQ.1 is a BA.5 sublineage having the mutations K444T and

N460K in the spike protein of the virus.

#### **About GISAID**

- Stands for the Global Initiative on Sharing Avian Influenza Data.
- It is a global science initiative and primary source established in 2008 that provides open access to genomic data of influenza viruses and the coronavirus responsible for the COVID-19 pandemic.

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### **World heritage and forest rights**

- Of the 39 areas declared by UNESCO in 2012 as being critical for biodiversity in the Western Ghats, 10 are in Karnataka.
- Before recognizing areas as world heritage sites, UNESCO seeks the opinion of the inhabitants on the implication of the possible declaration on their lives and livelihoods.
- Development activities like road repair have been stopped.
- Farming is not allowed in a normal way, a slight sound is demurred, the use of fertilizers is banned, and even a small knife is not allowed to be carried into the forest.

- The people are prohibited from cutting trees falling on their houses to undertake repair work or move the earth.
- A striking revelation was that these restrictions were in enforcement from the time these areas were declared as protected areas and not necessarily after their declaration as world heritage sites.
- The increasing animal insurgency is causing damage to the crops of the farming forest dwellers.
- Those who don't have recognition over their lands are not given compensation for the loss.
- Monkeys and snakes released from urban settings into the forests enter their houses.
- More importantly, the monkeys do not survive in the wild for long.
- Owning livestock in the villages close to forests is more challenging than in regular revenue villages.
- In the areas where irrigation projects have come up, the affected people reported that grazing lands have been taken over by the government to compensate for the forest land lost to such projects.
- Half the world heritage sites in Karnataka fall under protected areas (National Park: 1; Wildlife Sanctuaries: 4) and the remaining are reserved forests.
- The issue becomes complicated when the people refuse to 're-locate' on grounds of their attachment to the land fearing extinction of their culture and religious roots.

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### **CPCB Report on polluted river**

- The number of polluted stretches in India's rivers has fallen from 351 in 2018 to 311 in 2022, though the number of most polluted stretches is practically unchanged, according to a report from the Central Pollution Control Board (CPCB) in November but made public this week. The CPCB network monitors water quality at 4,484 locations across the country.
- Biochemical oxygen demand (BOD) exceeding 3 milligrams per liter (mg/l) is identified as a polluted location.
- Two or more polluted locations identified on a river in a continuous sequence are considered as a "polluted river stretch."
- A BOD less than 3 mg/l means the river stretch is fit for "outdoor bathing."
- Further, stretches with BOD exceeding 30 mg/l are considered "Priority 1" (P1), meaning, the most

polluted and thus needing the most urgent remediation.

- There are five such categories with “Priority 2” (P2) indicating a BOD of 20- 30 mg/l and “Priority 5” (P5) indicating 3-6 mg/l.
- The success of river -cleaning programs is measured by the number of stretches moving from 1 to 2, 2 to 3 until those in 5 (requiring the least action) to reduce.
- While Gujarat and Uttar Pradesh had the highest number of “Priority 1” river stretches (6), Maharashtra had the most polluted river stretches 55, followed by Madhya Pradesh (19), Bihar (18), Kerala (18), Karnataka (17) and Uttar Pradesh (17).

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### **Bomb cyclone**

- A bomb cyclone is a large, intense midlatitude storm that has low pressure at its center, weather fronts, and an array of associated weather, from blizzards to severe thunderstorms to heavy precipitation.
- It becomes a bomb when its central pressure decreases very quickly by at least 24 millibars in 24 hours.
- Two famed meteorologists, Fred Sanders and John Gyakum gave this pattern its name in a 1980 study.

- When a cyclone “bombs,” or undergoes bombogenesis, this tells us that it has access to the optimal ingredients for strengthening, such as high amounts of heat, moisture, and rising air.
- The U.S. Eastern Seaboard is one of the regions where bombogenesis is most common.
- That’s because storms in the midlatitudes a temperate zone north of the tropics that includes the entire continental U.S. draw their energy from large temperature contrasts.
- Along the U.S. East Coast during winter, there’s a naturally potent thermal contrast between the cool land and the warm Gulf Stream current.
- Over the warmer ocean, heat, and moisture are abundant.
- But as cool continental air moves overhead and creates a large difference in temperature, the lower atmosphere becomes unstable and buoyant.
- Air rises, cools and condenses, forming clouds and precipitation.

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