

Constitutionality of President and Governor Address

- Article 87 of the Indian Constitution requires the President to make a special address to both Houses of Parliament assembled on the commencement of the first session of each year.
- The President has to inform Parliament of the causes of its summons.
- Similarly, Article 176 requires the Governor to make a special address at the first session of each year of every State Legislative Assembly and to both Houses wherever the State also has a Legislative Council.
- “If the President’s address has anything wrong in it or objectionable in it, it is the government to blame not the President, and it is open to hon.
- Members to criticize or condemn government because there is some such statement in it which they disapprove of”.
- The Calcutta High Court, while interpreting this article in Syed Abdul Mansur Habibullah v.
- The Speaker of, the West Bengal Legislative Assembly (1966), held that the special address is not an idle or ceremonial formality.
- It keeps the members informed about the executive policies and legislative programs of the State government.
- The High Court further observed that the non-delivery of the special address hampers legislative debates and budgetary criticisms.
- Thus, both in the U.K. and in India, it is a time- honored constitutional convention that the King or the President or the Governor must read out the exact text of the speech or special address which informs the nation or the State of the policies that an elected government intends to pursue.
- It is interesting that during the Constituent Assembly debates, Professor K.T. Shah proposed an amendment to Article 87 giving discretion to the President to also make an address on “other particular issues of policy he deems suitable for such address”.
- This amendment was rejected as B.R. Ambedkar pointed out that the President, under Article 86, had the right to address either House or both Houses of Parliament together and Parliament had to assemble for this purpose.
- Similar power was given to the Governor under Article 175.

- Thus, when there is an independent power provided under Article 175, it is a serious impropriety for any Governor (or even the President) to omit several paragraphs from the speech prepared by the incumbent government.
- The Supreme Court has held that constitutional conventions are as much a part of the Constitution as its written text.
- And it is well-settled that constitutional morality consists of not only adherence to the written text of the Constitution but also to constitutional conventions.
- These conventions fill the interstices of a written Constitution and enable effective coordination between the legislature, executive, and judiciary.
- Article 361 of the Constitution gives the Governor complete immunity from any legal action because our founding fathers hoped that Governors would maintain the highest standards of rectitude and propriety.
- It is disturbing that serious breaches of constitutional conventions continue to be made by Governors in States ruled by Opposition parties.
- The role of the Governor
- The special address of the Governor is an important constitutional duty, which is performed with the aid and advice of the Council of Ministers with the Chief Minister at the head.
- The constitutional role of the Governor is that of an elder statesman who brings a sense of gravitas to this high office, and by his oath, must preserve, protect and defend the Constitution and the law.
- The residents of Raj Bhavans are expected to be above party politics and should not hamper the functioning of a duly elected State government.
- Basic structure doctrine vs Parliamentary sovereignty.
- Parliamentary legislation is subject to two limitations under the Constitution of India.
- One is by judicial review, or the power of constitutional courts to review legislation for possible violation of any fundamental right.
- Another is that no amendment to the Constitution should have the effect of destroying any of its basic features.
- While the first limitation is set out in Article 13, under which laws inconsistent with or in derogation of fundamental rights are void, the second limitation is based on the

'basic structure doctrine evolved by the Supreme Court.

- Vice-president Jagdeep Dhankhar's remarks questioning the basic structure doctrine propounded in the landmark Kesavananda Bharati case (1973) do not reflect the correct position of law.
- In his view, the basic structure doctrine has usurped parliamentary sovereignty and goes against the democratic imperative that the elected legislature should reign supreme.
- His particular concern seems justified: that the Supreme Court prevented the National Judicial Appointments Commission, a body to appoint judges to the superior courts in the country, from coming into existence by striking down the relevant amendment to the Constitution and a parliamentary law to give effect to it.
- The idea that the basic structure doctrine undermines parliamentary sovereignty is simply wrong.
- Parliament is sovereign in its domain, but it is still bound by the limitations imposed by the Constitution.
- The main purpose of the doctrine is to ensure that some fundamental features of the Constitution are not legislated out of existence.

- It has been invoked to strike down amendments only in a few cases, but many others have survived basic structure challenges.
- Parliamentary majority is transient, but essential features of the Constitution such as the rule of law, parliamentary form of government, separation of powers, the idea of equality, and free and fair elections ought to be perennially protected from legislative excess.
- It may be open to a new Constituent Assembly to come up with another constitution that changes these fundamental concepts, but a legislature formed under the current Constitution cannot be allowed to change its core identity.

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Deepfake regulation

- The lack of proper regulations creates avenues for individuals, firms, and even non-state actors to misuse AI.
- . Policy vacuums on deepfakes are a perfect archetype of this situation.
- Deepfakes "leverage powerful techniques from machine learning (ML) and artificial intelligence (AI) to manipulate or generate visual and audio content with a high potential to deceive"

- First, since they are compelling, deep fake videos can be used to spread misinformation and propaganda.
- Second, there has been a history of using deepfakes to depict someone in a compromising and embarrassing situation.
- There are three areas where deepfakes end up being a lethal tool in the hands of India's non-friendly neighbors and non-state actors to create tensions in the country.
- Deepfakes can be used to influence elections.
- Recently, Taiwan's cabinet approved amendments to election laws to punish the sharing of deepfake videos or images.
- Taiwan is becoming increasingly concerned that China is spreading false information to influence public opinion and manipulate election outcomes, and this concern has led to these amendments.
- Deepfakes can also be used to carry out espionage activities. Doctored videos can be used to blackmail government and defense officials into divulging state secrets.
- In India, deep fakes could be used to produce inflammatory material, such as videos purporting to show the armed forces or the police committing 'crimes' in areas with conflict.
- These deep fakes could be used to radicalize populations, recruit terrorists, or incite violence.

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Need for Legislation

- Currently, very few provisions under the Indian Penal Code (IPC) and the Information Technology Act, of 2000 can be potentially invoked to deal with the malicious use of deep fakes.
- Section 500 of the IPC provides punishment for defamation.
- Sections 67 and 67A of the Information Technology Act punish sexually explicit material in explicit form.
- The Representation of the People Act, of 1951, includes provisions prohibiting the creation or distribution of false or misleading information about candidates or political parties during an election period. But these are not enough.
- The Election Commission of India has set rules that require registered political parties and candidates to get pre-approved for all political advertisements on electronic media, including TV and social media sites, to help ensure their accuracy and fairness.

- However, these rules do not address the potential dangers posed by deep fake content.
- There is often a lag between new technologies and the enactment of laws to address the issues and challenges they create.

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MV Ganga Vilas

- Prime Minister flagged off the world's longest river cruise MV Ganga Vilas and inaugurated the tent city at Varanasi
- The longest river cruise from Kashi to Dibrugarh is starting today, putting Indian tourism destinations.
- MV Ganga Vilas is the first indigenously made cruise vessel in India.
- It has three decks, 18 suites on board with a capacity of 36 tourists, with all the modern amenities.
- It will cover a distance of 3,200 km in roughly 51 days reaching Assam's Dibrugarh through Bangladesh.
- Built with a unique design and a futuristic vision, the MV Ganga Vilas will meander across various prominent destinations that lie along the Ganga and Hooghly.
- The cruise will pass through 25 different river streams.

Soledar



Source: Institute for the Study of War (21:00 GMT, 9 January) **BBC**

- Soledar formerly known as Karlo-Libnekhtovsk is a town in the Bakhmut Raion, which is located in what is internationally recognized as the Donetsk Oblast of Ukraine.
- Due to the ongoing Battle of Soledar, the economy of Soledar, along with the settlement itself. There is not believed to be any functioning economy in the town, as of January 2023.

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