

## House rule and expunction

- Article 105 of the Constitution confers on members, freedom of speech in the House, and immunity from interference by the court for anything said in the House.
- Thus, freedom of speech in the House is the most important privilege of a Member of Parliament which is subject only to the other provisions of the Constitution relating to the running of the House and the House Rules.
- Rule 380 of the Rules of procedure of the Lok Sabha and Rule 261 of the Rules of the Rajya Sabha give the power to the presiding officers of these Houses to expunge any words used in the debate which are defamatory, unparliamentary, undignified or indecent.
- Once expunged they do not remain on record and if anyone publishes them thereafter, they will be liable for breach of privilege of the House.
- There are also occasions when an MP may, during his speech, make an allegation against a fellow MP or an outsider.
- Rule 353 of the Lok Sabha regulates the procedure in that regard.
- Under this Rule, the MP is required to give “adequate advance notice” to the Speaker as well as the Minister concerned.
- It may be noted here that the Rule does not prohibit the making of any allegation.
- The only requirement is advance notice, on receipt of which the Minister concerned will conduct an inquiry into the allegation and come up with the facts when the MP makes the allegation in the House
- A Member of Parliament needs to follow a certain procedure while making an allegation against a Minister.
- Such a procedure has been laid down by Speakers in the past.
- Making an allegation against a Minister or the Prime Minister is considered to be a serious matter; therefore, the presiding officers have carefully laid down a stipulation that the MP who makes an imputation against a Minister of the government should be sure about the factual basis of the allegation, and that he must take responsibility for it.
- If the MP complies with this stipulation, then the allegation will be allowed to remain on record.
- Under Section 499 of the Indian Penal Code (Second exception), any statement respecting the conduct of a public servant in the discharge of

his public function or his character (so far as his character appears in that conduct) is not defamation.

- If such a statement is made in the House against a Minister who is a public servant, it does not come within the 'mischief' of Rule 353 or Rule 380.

## **THE HINDU**

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### **Hills and urban planning**

- Land subsidence incidents in hilly urban India are becoming increasingly common an estimated 12.6% of India's land area is prone to landslides, especially in Sikkim, West Bengal, and Uttarakhand
- Construction in such a landscape is often driven by building bye-laws that ignore local geological and environmental factors.
- Consequently, land use planning in India's Himalayan towns and the Western Ghats is often ill-conceived, adding to slope instability.
- Areas with high landslide risk should not be allowed to expand large infrastructure; there must be a push to reduce human interventions and adhere to carrying capacity.
- Aizawl, Mizoram, is in 'Seismic Zone V', and built on very steep slopes. An earthquake with a magnitude greater than 7 on the Richter scale

would easily trigger over 1,000 landslides and cause large-scale damage to buildings.

- But the city has developed a landslide action plan (with a push to reach 1:500 scale), with updated regulations to guide construction activities in hazardous zones any site development in hazardous zones needs assessment by a geologist (with respect to soil suitability and slope stability) and an evaluation of its potential impact on buildings that are nearby.
- It may need corrective measures (retention walls), with steps to prohibit construction in hazardous areas.
- In Gangtok, Sikkim, and the Amrita Vishwa Vidyapeetham have helped set up a real-time landslide monitoring and early warning system, with sensors assessing the impact of rainfall infiltration, water movement, and slope instability.

## **THE HINDU**

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### **Rising flood risk**

- Flood proofing India's cities will require multiple measures: urban planners will have to step back from filling up water bodies, canals, and drains and focus, instead, on

enhancing sewerage and storm water drain networks.

- Existing sewerage networks need to be reworked and expanded to enable wastewater drainage in low-lying urban geographies.
- Rivers that overflow needs to be desilted regularly along with a push for coastal walls in areas at risk from sea rise.
- Greater spending on flood -resilient architecture (river embankments, flood shelters in coastal areas and flood warning systems) is necessary.
- Protecting “blue infra” areas, i.e., places that act as natural sponges for absorbing surface runoff, allowing groundwater to be recharged, is a must.
- As rainfall patterns and intensity change, urban authorities will need to invest in simulation capacity to determine flooding hotspots and flood risk maps.

## **THE HINDU**

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### **Constitutional oath**

- Article 164(1) of the Constitution does not prescribe any disqualification for the appointment of a Chief Minister.
- Article 173, however, disqualifies a person with prior conviction from being a member of the Legislature.
- The court was confronted with the question of whether it could import a disqualification for a person being appointed as a Chief Minister when none was prescribed.

### **The Supreme Court said yes.**

- It held, “The will of the people as expressed through the majority party prevails only if it is in accord with the Constitution.
- The Governor... is sworn to preserve, protect and defend the Constitution and the laws (Article 159).
- The Governor cannot... do anything that is contrary to the Constitution and the laws.
- The oath to be taken by a judge of a High Court under Schedule III of the Constitution requires a declaration of allegiance to the Constitution and performance of duties “without fear or favour, affection or ill will”.
- The appointee must also declare that she will “uphold” the Constitution and the laws. Such an oath is unique to the judges of the High Court and the Supreme Court since they are the sentinels of the Constitution.
- The oath is a solemn assurance to the people that justice will be rendered without any bias.
- Inability to adhere to the Constitution as per the oath prescribed has been held to be a

disqualification by a full Bench of the Madras High Court in the case of K.S. Haja Shareef (1983), who, after taking oath as a member of the Assembly to “bear true faith and allegiance to the Constitution,” accepted appointment as Honorary Consul General of Turkey at Madras.

- Faced with opacity in judicial appointments/ transfers, the Supreme Court in S.P. Gupta v. Union of India (1981) directed the Government and the Chief Justice of India (CJI) to disclose all the materials.
- The judges held that their constitutional duty demanded such scrutiny through judicial review.
- They also held that if on scrutiny it was found that all the materials were not before the CJI (now collegium), the consultation/ selection process is defective and invalid.

### **THE HINDU**

#### **Postpartum depression**

- Postpartum depression is a real medical illness that can affect any mother regardless of age, income or cultural and/or educational background.
- Women are not to be blamed or faulted for having postpartum depression.

- Women who present with psychiatric symptoms in the postpartum period are at higher risk of being diagnosed with a severe mental illness called bipolar disorder.

- In a 2012 Danish study, around 14% of women with first-time psychiatric symptoms within a month of childbirth were later diagnosed with bipolar disorder in a follow-up time frame of 15 years.

- Psychological interventions have been shown to be effective for mild postpartum depression in clinical trials.

- Given that many people don't wish to take medicines while breastfeeding, peer-support, counseling, cognitive behavioural therapy (CBT), and interpersonal therapy become important interventions.

- In severe depression characterised by suicidal ideas, doctors perform electroconvulsive therapy.

- Postpartum depression is a common but serious disorder that is amenable to bio-psycho-social interventions.

- Right treatment at the right time in fact leads to rapid recovery and a better quality of life.

### **THE HINDU**

## **Saudi Arabia will send its first -ever woman astronaut**

- Saudi Arabia will send its first-ever woman astronaut on a space mission later this year, state media has reported, in the move to revamp the kingdom's ultra-conservative image.
- Rayyana Barnawi will join fellow Saudi male astronaut Ali Al-Qarni on a mission to the International Space Station "during the second quarter of 2023",
- The astronauts "will join the crew of the AX-2 space mission" and the space flight will "launch from the USA", it said.
- The oil- rich country will be following in the footsteps of the neighboring United Arab Emirates which in 2019 became the first Arab country to send one of its citizens into space.

### **THE HINDU**

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## **SC on J &K Delimitation**

- The Supreme Court on Monday dismissed a challenge to the constitution of the Jammu and Kashmir Delimitation Commission to readjust constituencies in the new Union Territory.
- "Articles 2 and 3 of the Constitution enable the Parliament to create new

States and Union territories. Accordingly, the two new Union territories have been created.

- The J&K Reorganisation Act which created the two new Union territories assigns the role of readjustment of constituencies to the Delimitation Commission under the Delimitation Act, 2002... a law made under Article 3 can always provide for readjustment of the Constituencies in the newly constituted States or Union territories through the Delimitation Commission.
- Hence, we hold that there is no illegality associated with the establishment of the Delimitation Commission under the order of March 6, 2020,

## **DELIMITATION COMMISSION**

- Delimitation literally means the act or process of fixing limits or boundaries of territorial constituencies in a country or a province having a legislative body. The job of delimitation is assigned to a high-power body. Such a body is known as Delimitation Commission or a Boundary Commission
- In India, such Delimitation Commissions have been constituted 4 times in 1952 under the Delimitation Commission Act, 1952,

in 1963 under Delimitation Commission Act, 1962, in 1973 under Delimitation Act, 1972, and in 2002 under Delimitation Act, 2002.

- The Delimitation Commission in India is a high-power body whose orders have the force of law and cannot be called into question before any court. These orders come into force on a date to be specified by the President of India on this behalf.
- The copies of its orders are laid before the House of the People and the State Legislative Assembly concerned, but no modifications are permissible therein by them.

**THE HINDU**

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