

## Governor in legislation

### What does the Constitution say?

- **Article 200 of the Constitution** lays down that when a Bill, passed by a State Legislature, is presented to the Governor for their assent, they have four alternatives
- may **give assent** to the Bill;
- may **withhold assent** to the Bill, that is, reject the Bill in which case the Bill fails to become law;
- **may return** the Bill (if it is not a Money Bill) for reconsideration of the State Legislature;
- or may **reserve the Bill** for the consideration of the President.
- As held by the Supreme Court in various cases including the **Shamsher Singh case (1974)**, the **Governor does not exercise their discretionary powers** while withholding assent or returning a Bill to the State Legislature.
- They are required to **act as per the advice of the Council of Ministers**.
- The situation of **'withholding assent'** may arise in case of a **Private Members' Bill** (any Member of State Legislature other than a Minister) passed by the State Legislature, which the council of ministers do not want to be enacted into a law.
- In such an instance, they would advise the Governor to 'withhold assent'.
- However, this is an unlikely scenario as the council of ministers who enjoy a majority in the Legislative Assembly would not allow the passage of such a Bill.
- Secondly, if the incumbent government whose Bill has been passed by the legislature falls or resigns before it is assented to by the Governor, the **new council may advise the Governor to 'withhold assent'**.
- The **return of any Bill** to State Legislature for reconsideration is also to be done based on ministerial advice
- The Governor must **reserve certain Bills**, like those which **reduce the powers of the High Court**, for the consideration of the President.
- They may also **reserve Bills on concurrent list** that are repugnant to a Union law based on ministerial advice.
- It is only under rare circumstances that the Governor **may exercise their discretion**,

- where they feel that the provisions of the Bill will contravene the provisions of the Constitution and therefore, should be reserved for the consideration of the President.
- It must however be noted that the Constitution does not lay down any time limit within which the Governor is required to make a decision.

### What were the recommendations?

- The Sarkaria Commission (1987) has submitted that it is only the reservation of Bills for consideration of the President, that too under rare cases of unconstitutionality, that can be implied as a discretionary power of the Governor.
- Save in such exceptional cases, the Governor must discharge his functions under Article 200 as per the advice of ministers.
- It further recommended that the President should dispose of such Bills within a maximum period of six months.
- In the event of the President 'withholding assent', the reasons should be communicated to the State Government wherever possible.
- The Punchhi Commission (2010), had recommended that the Governor should take a decision with respect to

a Bill presented for their assent within a period of six months.

- However, these recommendations have not been implemented till date.
- As per our Constitutional scheme, there is a need for a nominal head of the State executive just like the President for the Union executive.
- Further, the Governor acts as an appointee of the Centre who may be required for maintaining the unity and integrity of the nation in critical times.
- However, federalism is a basic feature of our Constitution and the Governor's office should not undermine the powers of elected governments at the States.
- As the Supreme Court observed, it is necessary for the Governors and Chief Ministers to do 'a little bit of soul searching'.
- The Constitution may be amended to provide that the Chief Ministers shall be consulted before appointment of the Governors.
- The recommendation of the Punchhi Commission that Governors may be removed through an impeachment by the State Legislature can also be considered.

### Indira Gandhi peace prize

- The Indira Gandhi Prize for Peace, Disarmament and Development, 2022, jointly awarded to the Indian Medical Association and the Trained Nurses Association of India as representatives of the COVID19 warriors in the country.

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### Draft broadcasting bill

- The draft Bill provides for a consolidated framework to regulate the broadcasting services in the country and seeks to replace the existing Cable Television Networks (Regulation) Act, 1995 and other Policy Guidelines currently governing the broadcasting sector in the country.
- The Bill streamlines regulatory processes, extends its purview to cover the Over-the-Top(OTT) content and digital news, and introduces contemporary definitions and provisions for emerging technologies.
- It seeks to provide for Content Evaluation Committees and a Broadcast Advisory Council for self-regulation, different program and advertisement code for different Broadcasting Network Operators, Accessibility measures for persons

with disabilities, and statutory penalties, etc.

The Bill comprises of Six Chapters, 48 Sections and three Schedules.

Key Highlights:

#### 1. Consolidation and Modernization:

It addresses a long standing need of consolidating and updating the regulatory provisions for various broadcasting services under a single legislative framework. This move streamlines the regulatory process, making it more efficient and contemporary.

It extends its regulatory purview to encompass broadcasting over-the-top (OTT) content and digital news and current affairs currently regulated through IT Act, 2000 and regulations made there under.

#### 2. Contemporary Definitions and Future-Ready Provisions:

To keep pace with the evolving technologies and services, the bill introduces comprehensive definitions for contemporary broadcasting terms and incorporates provisions for emerging broadcasting technologies.

#### 3. Strengthens the Self-Regulation Regime:

It enhances self-regulation with the introduction of 'Content evaluation committees' and evolves

the existing Inter-Departmental Committee into a more participative and broader 'Broadcast Advisory Council'.

- 4. **Differentiated Programme Code and Advertisement Code:** It allows for a differentiated approach to Programme and Advertisement Codes across various services and require self-classification by broadcasters and robust access control measures for restricted content.
- 5. **Accessibility for Persons with Disabilities:** The bill addresses the specific needs of persons with disabilities by providing for enabling provisions for issue of comprehensive accessibility guidelines.
- 6. **Statutory Penalties and Fines:** The draft Bill introduces statutory penalties such as: advisory, warning, censure, or monetary penalties, for operators and broadcasters. Provision for imprisonment and/or fines remains, but only for very serious offenses, ensuring a balanced approach to regulation.
- 7. **Equitable Penalties:** Monetary penalties and fines are linked to the financial capacity of the entity, taking into account their investment and turnover to ensure fairness and equity.

- 8. **Infrastructure Sharing, Platform Services and Right of Way:** The bill also includes provisions for infrastructure sharing among broadcasting network operators and carriage of platform services. Further, it streamlines the Right of Way section to address relocation and alterations more efficiently, and establishes a structured dispute resolution mechanism.
- The right of way is the total land area acquired for the construction of the roadway.
- Its width should be enough to accommodate all the elements of the roadway cross section, any future widening of the road and any public utility facilities that will be installed along the roadway.

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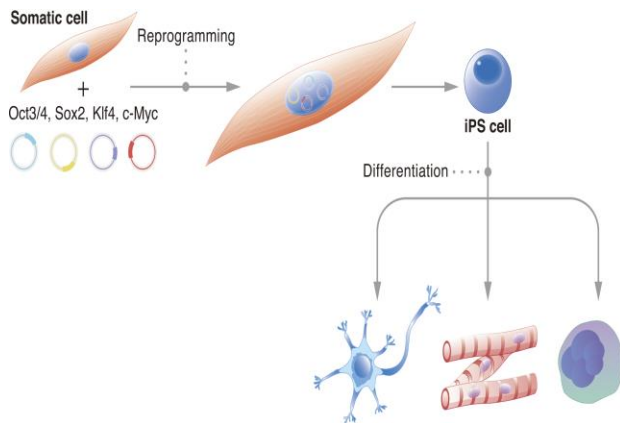
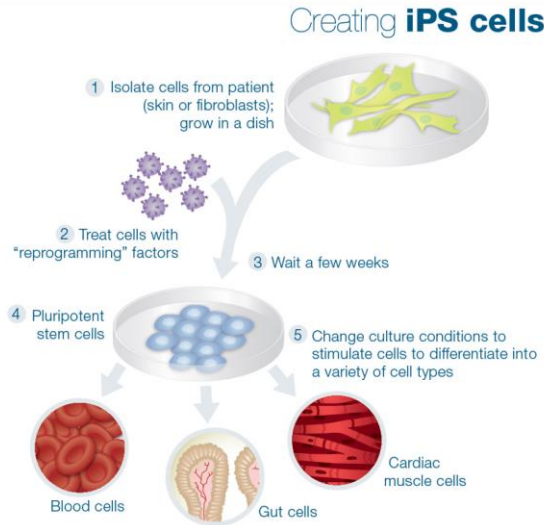
### Chimaeras

- A genetic chimaera is a single organism composed of **cells of more than one distinct genotype** (or genetic makeup).
- The animal kingdom has several examples of varying degrees of chimerism.
- **The halvesider budgerigar**, a type of **common parakeet** widely adopted as pets, has different colours on either side of its body due to chimerism.

- The **anglerfish displays** an extreme degree of symbiotic chimerism in which the male fish fuses with and is eventually absorbed into the female fish, mixing their genetic makeups into a single animal.
- Marine sponges are known to have up to four distinct genotypes in a single organism.
- **The fusion of two fertilised zygotes** early in the embryonic stage can also lead to a condition in which two genetic makeups coexist in a single individual.
- Chimerism can also result from **twin or multiple pregnancies** evolving into a single foetus or a twin foetus being absorbed into a singleton.
- Researchers have also documented individuals living with two blood types. In fact, blood group chimerism during multiple births is relatively common
- During bone marrow transplants patients have their marrow replaced.
- The donor's marrow contains stem cells which will produce blood cells that will repopulate the recipient's blood cell repertoire.
- **The recipient will develop blood cells that resemble the donor's and will differ from the genetic makeup of the recipient's** other tissues resulting in a chimeric individual
- In a study published in Cell, scientists reported successful generation of a live chimaera in nonhuman primates species evolutionarily close to humans.
- This is the first time scientists have succeeded in producing a live infant chimeric monkey
- **What is induced pluripotent stem cells (iPSCs) technology??**
- iPSC are derived from skin or blood cells that have been reprogrammed back into an embryonic-like pluripotent state that enables the development of an unlimited source of any type of human cell needed for therapeutic purposes
- **A pluripotent cell is able to develop into several different types of cell:**
- ***Embryonic stem cells are said to be more pluripotent than adult stem cells.***

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- Genetically, freemartins is attributed to the sharing of cells carrying the Y chromosome from the male twin with the female twin.
  - This chromosome triggers the development of male reproductive organs in the male foetus, while the female foetus, affected by the presence of male hormones, experiences incomplete development of its reproductive system.
  - The end result is that the freemartin has an underdeveloped or non-functional reproductive tract
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- Induced pluripotent stem cells (iPSCs) technology
  - **Freemartins are sterile female cattle at result from the twinning of a male and a female within the same uterus.**
  - This phenomenon occurs in approximately 90% of such twin pregnancies in cattle.
  - The key reason is the exchange of blood between the male and the female foetuses during gestation.