

### Governor and assent to bills

Governors of using a nonexistent discretion to unreasonably delay the passing of crucial Bills into law

- The process of granting assent
- Article 200 of the Constitution covers the options before the Governor when a Bill passed by both Houses of the Legislature is presented to him.
- The first proviso to the Article says the Governor could either declare his assent to the Bill or withhold the assent if it is not a Money Bill or reserve the law for the consideration of the President if he thinks the Bill derogates from or endangers the power of judicial review of the High Court.
- In case the Governor chooses to withhold assent, he should return the Bill “as soon as possible” with a message requesting the Legislative Assembly to reconsider the proposed law or any specified provisions or suggest amendments.
- The Assembly would reconsider and pass the Bill, and this time, the

Governor should not withhold his assent.

- In short, the constitutional head of the State would bow to the considered decision of the elected representatives of the people

### Do Governors have discretion?

- Governors did have a discretion to return Bills before the first proviso in the draft Article 175 (now Article 200).
- This was amended by the Constituent Assembly in 1949.
- Though it was thought that the Governor’s exercise of discretion would act as a “potential check on disruptive legislative tendencies” by States, Dr. B. R. Ambedkar, while introducing the amended proviso, said “in a responsible government there can be no room for the Governor acting on discretion”.
- T. T. Krishnamachari, a Constituent Assembly member from Madras and later Finance Minister, approved of the amendment, saying “the Governor cannot act on his own, he can only act on the advice of the

Ministry... When a Governor sends a Bill back for further consideration, he does so expressly on the advice of his Council of Ministers”.

- Mr. Krishnamachari explained that if the Bill passed by the Legislative Assembly needs modification or has garnered adverse public opinion, the government uses the Governor to return the Bill to the Lower House as quickly as possible for re-legislation.
- The first proviso to Article 200 is thus a “saving clause” and retains the discretion over the fate of the Bill solely in the hands of the State Cabinet. Article 163 makes it clear the Governor is not expected to act independently.
- The top court in the Shamsheer Singh case verdict has held that as a formal head of the State a “Governor exercises all his powers and functions conferred on him by or under the Constitution on the aid and advice of his Council of Ministers save in spheres where the Governor is required by or under the Constitution to exercise his functions in his discretion.”

- The assent or return of the Bill does not involve the discretion of individuals occupying the Governor’s post.

### By when should Bills be returned?

- The first proviso of Article 200 says it should be “as soon as possible”. The Constitution is silent on what exactly this phrase means.
- The Supreme Court has interpreted “as soon as possible” in the proviso to mean “as early as practicable without avoidable delay” in its 1972 judgment in Durga Pada Ghosh versus State of West Bengal.
- Justice (now retired) Rohinton F. Nariman, in his 2020 judgment in the Keisham Megha Chandra Singh case, said a ‘reasonable time’ would mean three months.
- The States have urged the court to interpret the phrase in the proviso and fix a time limit by which Governors should assent or return a Bill.
- The 1988 Sarkaria Commission report on Centre State relations had suggested consultation with the

Governor while drafting the Bill and fixing a deadline for its disposal.

- Kerala has asked the Supreme Court to form a seven judge Bench to review a five judge Bench judgment in the 1962 Purushothaman Nambudiri versus State of Kerala case which held the view that Article 200 did not provide “for a time limit within which the Governor should come to a decision on the Bill referred to him for his assent”.

The Hindu

### India and Bhutan

- Apart from a decision to go ahead with the final survey for the 58km cross border rail link between Gelephu and Kokrajhar in Assam to be built by India, the two sides agreed to explore a second rail link for about 18 km between Samtse in Bhutan and Banarhat in West Bengal tea gardens area.
- India also agreed to allow Bhutanese trade items to be carried further on from Haldibari in West Bengal to Chilahati in Bangladesh.
- The rail connectivity could in the future assist air connectivity for Indians in the northeast as well, as Bhutan plans to build an international airport at Gelephu as part of the larger Sarpang district Special Economic Zone
- India and Bhutan agreed to designate the Darranga Samdrup Jongkhar border crossing between Assam and Bhutan’s less developed South Eastern district as an immigration check post, so as to allow third country nationals to enter and exit as well “for enhancing connectivity, and promoting tourism”
- The two sides agreed to strengthen trade infrastructure with the upgrade of an existing land customs station at Dadgiri (Assam) to a modernised “Integrated Check Post” (ICP) along with “development of facilities on the Bhutanese side at Gelephu”.
- Easing travel between the two countries, and allowing further exchanges to Bangladesh is expected to help raise Bhutanese opportunities for trade and travel, and bring in much needed tourism

revenues for the neighbouring country.

• The Hindu

New chief information commissioner

• Information Commissioner Heeralal Samariya was on Monday sworn in as the Chief Information Commissioner (CIC)

• The chief and information commissioners in CIC are appointed by the President on the recommendations of a committee which has the PM as its chairperson, a Union cabinet minister nominated by the PM and the leader of opposition or the largest opposition party in Lok Sabha.

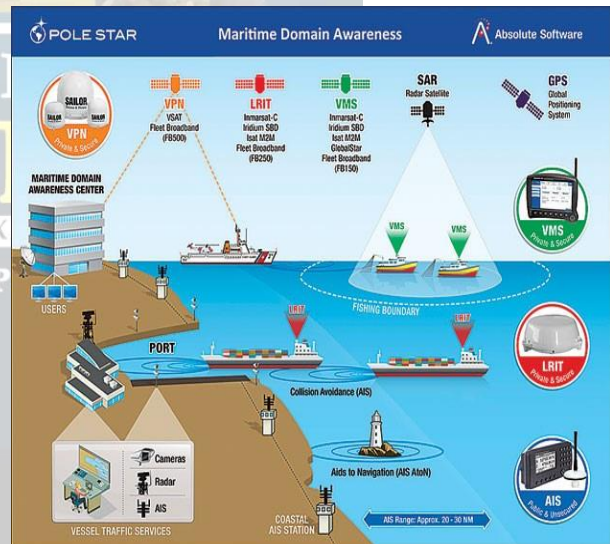
The Hindu

The Indo Pacific Maritime Domain Awareness (IPMDA)



• The Indo Pacific Maritime Domain Awareness (IPMDA) initiative, announced by the Quad grouping, is a testament to the commitment to a free, open, inclusive and rules based IndoPacific.

• “This initiative [IPMDA] seeks to establish a comprehensive system for monitoring and securing maritime activities in the IndoPacific, ensuring the safety of critical sea lines of communication, and promoting cooperation among like minded nations in the region,”



• The IPMDA was announced by the Quad grouping, comprising India, Australia, Japan and U.S., at the Tokyo summit in early 2022 to track “dark shipping” and build a “faster,

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wider, and more accurate maritime picture of nearrealtime activities in partners' waters", integrating three critical regions in the Indo Pacific the Pacific Islands, Southeast Asia, and the IOR.

Indian Navy's Information Fusion Centre for Indian Ocean Region (IFC- IOR)

Indian Navy's Information Fusion Centre for Indian Ocean Region (IFC- IOR).

The Hindu

lateral moraine (a mass of debris and rocks) on the lake's left bank.

- The lake is one of the largest and fastest growing glacial lakes in Sikkim, and has been a potential hazard for several years now.
- "While the lake level was lowered due to the flood, it did not drain completely.
- A lot of water still remains in the lake, making it a potential hazard

### What caused the GLOF?

### Sikkim floods

- The South Lhonak lake in the Himalayan state of Sikkim breached on the night of October 3, resulting in a glacial lake outburst flood (GLOF).
- The South Lhonak lake is located in North Sikkim, at an altitude of 5,200 m.
- According to scientists, the current interpretation of the flood which relies heavily on satellite data suggests that on October 3 night, a slope failure occurred along the lateral moraine (a mass of debris and rocks) on the lake's left bank.
- The Sikkim government has been claiming that the GLOF was triggered by a cloudburst.
- In fact, Sikkim State Disaster Management Authority's daily reports on deaths and damages continue to call the flood "cloudburst induced"
- While the reservoir's gross storage capacity was 5.08 million cubic metres, the volume of water stored in it at the time of the disaster is currently not known.
- Further downstream of the Teesta III dam, two more hydropower projects

were damaged: the 510MW TeestaV and the 500MW TeestaVI that is under construction

### What is the role of climate change?

- In the South Lhonak glacier, the signs of climate change emerged decades ago and became stronger as the rate at which the glacier melted increased, resulting in a rapidly growing lake that was bound to breach – as several research studies stated.
- GLOFs are natural, but the rapid increase in the lake's size as a result of the glacier's accelerated melting tied closely to anthropogenic climate warming.

The Hindu

### Theia

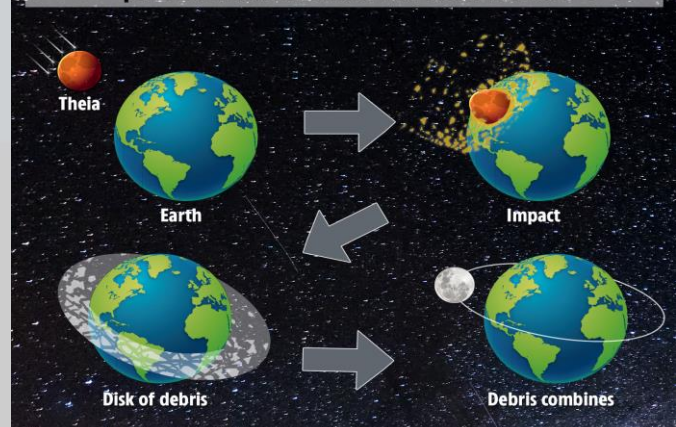
- Seismologists have recognized since the 1970s that two mysterious continent sized blobs reside in the deepest part of the earth's mantle, one under Africa and the other under the South Pacific region.
- These blobs may be relics from a cataclysm early in our planet's

history hypothesized to have spawned the moon the collision between primordial earth and a Mars-sized object called Theia, researchers have said.



### THE THEIA IMPACT

One Moon creation theory is that a large planet crashed into Earth and the resulting debris became the Moon. The impacting planet, called Theia, was thought to have fused with Earth but scientists now think they've found a piece of it buried under the lunar surface



- This impact, which recent research determined occurred more than 4.46

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billion years ago, blasted molten rock into space that orbited the earth and coalesced into the moon.

- But chunks of Theia may have remained inside the earth, sinking to a location just above our planet's superhot core of iron and nickel.

The Hindu

### Telecos vs OTT

Telecom companies have seen revenue from traditional streams such as voice calls and Short Message Service (SMS) come under pressure, as competing OTT services are often free.

- At the same time, they have had to invest heavily in upgrading their infrastructure to handle increased data traffic, without necessarily seeing an equivalent rise in revenue.
- It is also their lament that OTT services are not subject to the same level of taxation and licensing fees, leading to an uneven playing field
- The OTT consultation has renewed the clamour from the telecom companies that content providers

such as Netflix, Amazon Prime, and Disney+ Hot star be asked to share in the costs of bandwidth.

- They argue that streaming platforms are free riders, benefiting from the infrastructure built and maintained by the telecom companies.

- By offering services that consumers desire, OTT platforms generate demand for Internet access.

- They also pay for the content delivery networks (CDNs) to create pathways that substantially augment the capacity of the internet to deliver their content.

- Telecom companies capitalise on this demand (and the availability of OTT content) by providing connectivity to the Internet and charging subscribers for it

- OTT services compete in their own market on the basis of variety and quality of content, the quality of streaming (such as, support for HD or better resolution or 5.1 surround sound), ease in navigation and discovery of content, and its availability on multiple devices.

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- The consumers pay the price for these benefits as compared to the alternatives.
- Similarly, in the marketplace for Internet access, the consumers are free to choose the provider that offers them the highest bandwidth, data volume, and reliability at an affordable price.
- Net neutrality is the principle that Internet access providers must treat all traffic originating from and terminating to the Internet in the same way.
- Net neutrality formed the basis of TRAI's regulation on prohibition of discriminatory tariffs for data services brought out on February 8, 2016.
- The number of Indian students in Canada has sharply risen in recent years.
- Besides paying fees, international students contribute towards the host countries.
- In 2020, international students contributed over 22.3 billion CAD to the Canadian economy and supported more than 2,18,000 jobs.

The Hindu

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Canada

- Canada is home to about 1.3 million Indians who account for 4% of the country's population (Canadian Census, 2021).

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