



News Analysis (27 Apr, 2020)

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Basic Structure of Constitution

Why in News

The concept of '**basic structure**' came into existence in the landmark judgment in **Kesavananda Bharati vs State of Kerala case (1973)** 47 years ago.

Background

- Since the adoption of Indian Constitution, debates have started regarding the **power of the Parliament to amend key provisions of the Constitution**.
- In the early years of Independence, the **Supreme Court conceded absolute power to Parliament in amending the Constitution**, as was seen in the verdicts in **Shankari Prasad case (1951)** and **Sajjan Singh case (1965)**.
 - In both **the cases** the court had ruled that the term "**law**" in **Article 13** must be taken to mean **rules or regulations made in exercise of ordinary legislative power** and **not amendments to the Constitution** made in exercise of constituent power under **Article 368**.
 - This means Parliament had the power to amend any part of the constitution including Fundamental rights.
 - Article 13(2) reads, "The State shall not **make any law** which takes away or abridges the right conferred by this Part (Part-III) and any law made in contravention of this clause shall, to the extent of contravention, be void."
- However, in the **Golaknath case (1967)**, the Supreme Court held that **Parliament could not amend Fundamental Rights**, and this power would be only with a Constituent Assembly.

The Court held that an **amendment under Article 368 is "law" within the meaning of Article 13** of the Constitution and therefore, if an amendment "takes away or abridges" a Fundamental Right conferred by Part III, it is void.

- To get over the judgments of the Supreme Court in **the Golaknath case (1967), RC Cooper case (1970), and Madhavrao Scindia case (1970)**, the then government headed by Prime Minister Indira Gandhi had enacted major **amendments to the Constitution (the 24th, 25th, 26th and 29th)**.
- All the four amendments brought by the government were challenged in the Kesavananda Bharati case.

Kesavananda Bharati case

- In Kesavananda Bharati case, a relief was sought against the Kerala government vis-à-vis **two state land reform laws**, which imposed restrictions on the management of religious property.
 - The **case was challenged under Article 26**, concerning the right to manage religiously owned property without government interference.
 - **Question underlying the case:** Was the power of Parliament to amend the Constitution unlimited? In other words, could Parliament alter, amend, abrogate any part of the Constitution even to the extent of taking away all fundamental rights?
- The Constitutional Bench in Kesavananda Bharati case ruled by a 7-6 verdict that **Parliament could amend any part of the Constitution so long as it did not alter or amend the basic structure or essential features of the Constitution**.
- However, the court **did not define the term 'basic structure'**, and only listed a few principles — **federalism, secularism, democracy** — as being its part.
- The 'basic structure' doctrine has since been interpreted to include
 - the supremacy of the Constitution,
 - the rule of law,
 - Independence of the judiciary,
 - doctrine of separation of powers,
 - sovereign democratic republic,
 - the parliamentary system of government,
 - the principle of free and fair elections,
 - welfare state, etc.
- An **example** of application of basic structure is the **SR Bommai case (1994)**.
In this case the Supreme Court upheld the dismissal of BJP governments by the President following the demolition of the Babri Masjid, invoking a threat to secularism by these governments.
- **Arguments related to Basic structure**
Critics of the doctrine have called it undemocratic, since unelected judges can strike down a constitutional amendment. At the same time, its proponents have hailed the concept as a safety valve against majoritarianism and authoritarianism.

- **Origin:** The basic structure theory **was first introduced by Justice Mudholkar** in the Sajjan Singh case (1965) by referring to a 1963 decision of the Supreme Court of Pakistan.

Chief Justice Cornelius of Pakistan had held that the President of Pakistan could not alter the “fundamental features” of their Constitution.

Source: IE

Merger Of Two Black Holes with Unequal Masses Detected

Why in News

The gravitational wave observatories at **Laser Interferometer Gravitational-Wave Observatory (LIGO)** have detected a merger of **two unequal-mass black holes for the first time.**

Key Points

- The event, dubbed **GW190412**, was observed on 12th April, 2019. The event came almost **five years after the first ever detection of gravitational wave signals** by LIGO detectors.
 - On 14th September, 2015 the LIGO Observatories detected a signal from GW150914.
- **GW190412:** It involved the merger of two black holes weighing approximately **8 and 30 Solar masses**, respectively. The merger took place at a distance of **2.5 billion light years away.**
 - A solar mass is the mass of the sun equal to **approximately 2×10^{30} kg.**
 - It is a **standard unit of mass in astronomy.**
- The new unequal mass system is a **unique discovery** since all binaries observed previously by the LIGO and Virgo (Italy) detectors consisted of two roughly similar masses. This will make it possible to infer many more things such as:
 - a more **accurate determination of the distance** from the event.
 - the **spin or angular momentum** of the black hole with more mass.
 - the **orientation of the whole event** with respect to viewers on Earth.

- **Difference between binary blackholes of equal masses and unequal masses:**
 - Dominant emission of gravitational waves happens at **twice the orbital frequency** of the binary blackholes of **equal masses** and is negligible.
 - In binary blackholes with unequal masses, the emission happens at a **frequency that is three times the orbital frequency**.
 - Orbital frequency is a scalar **measure of rotation rate**.
 - Also, in the merger of unequal black holes, the **spin of the more massive black hole** can be determined from the **extra features in the signal waveform**.
 - The spin of the heavier black hole plays a more prominent role in the dynamics of the binary.
- **Verification with the prediction of General Relativity:**

This observation once again confirms Einstein's theory of general relativity, which predicts the existence of higher harmonics, i.e. gravitational waves at two or three times the fundamental frequency.

 - General relativity, also known as the general theory of relativity, is the geometric theory of gravitation **published by Albert Einstein in 1915**.
 - **The key predictions of Einstein's theory:** the first direct **detection of gravitational waves** and the first **observation of the collision and merger of a pair of black holes**.

Black hole

- A black hole is a place in space where **gravity pulls so much that even light can not get out**. The gravity is so strong because **matter has been squeezed into a tiny space**.
- Gravitational waves are created when two black holes orbit each other and merge.

Laser Interferometer Gravitational Wave Observatory:

- LIGO is the **world's largest gravitational wave observatory**.
- LIGO consists of two widely separated interferometers within the United States - one in Hanford, Washington and the other in Livingston, Louisiana - operated in unison to detect gravitational waves.
- Though its mission is to detect gravitational waves from some of the most violent and energetic processes in the Universe, the data LIGO collects may have effects on many areas of physics including **gravitation, relativity, astrophysics, cosmology, particle physics, and nuclear physics**.

Source : TH

Creches Opened Using DMF Funds

Why in News

A report by **non-profit Centre for Science and Environment (CSE)** has found that two key **mining districts, Keonjhar in Odisha and Anuppur in Madhya Pradesh (MP)**, have opened creches for the children of their inhabitants by using the **District Mineral Foundation (DMF) funds**.

Key Points

- Keonjhar, the biggest producer of iron ore, has the **highest DMF accrual across the country**.
- Both the mining districts through the creches are attempting to target malnutrition among pre-**Anganwadi** children **through local engagement**.
- Creches are being **executed through an expert local non-profit** that looks at community participation, particularly recruiting local women as creche workers.
- The focus is on meeting the **dietary requirement of children between 0-3 years**.
- Both districts are also working on **monitoring the nutritional gains made by the children** in creches as evidence for the intervention.

District Mineral Foundation

- DMF is a trust set up as a non-profit body under the Ministry of Mines through **the Mines and Minerals (Development & Regulation) Amendment Act, (MMDRA) 2015**.
- The objective is to work for the **interest and benefit of persons and areas affected by mining related operations** in those districts affected by the mining works.
- Under the Act, mining lease holders are required to make contributions to DMF funds.
- **Utilisation of the fund:**
 - **60% of the fund** is utilised for **high priority areas** such as drinking water supply, health care, sanitation, education, skill development, women and child care, welfare of aged and disabled people and environment conservation.
 - **40% of the fund** is utilised for **physical infrastructure, irrigation, energy and watershed development**.
- The DMFs manner of operation comes under the **jurisdiction of the relevant State Government**.
- Further, using the funds generated by this contribution, **the DMFs are expected to implement the Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY), launched on 17 September 2015 for the welfare of mining areas and affected population**.

Source : DTE

Basava Jayanthi

Why in News

The Prime Minister greeted the people on Global Basava Jayanthi – 2020 held digitally on April 26, 2020, connecting followers in India and abroad.

Basava Jayanthi is an annual event celebrated in the honour of the **birth of Vishwaguru Basaveshwara, the 12th century philosopher and social reformer** who gave a unique spiritual path to mankind.

Key Points



- Basaveshwara was born in **Bagevadi (of undivided Bijapur district in Karnataka) during 1131 AD**. He is the **founding saint of the Lingayat sect**.
- His spiritual discipline was based on the principles of **Arivu (true knowledge), Achara (right conduct), and Anubhava (divine experience)** and it brought social, religious and economical revolution in the 12th century.
- This path advocates a **holistic approach of Lingangayoga (union with the divine). This comprehensive discipline encompasses bhakti (devotion), jnana (knowledge), and kriye (action)** in a well balanced manner.
- In Kalyana, the **Kalchuri king Bijjala (1157-1167, AD)** appointed Basaveshwara as a karanika (Accountant) in the initial stage, in his court and later as the Prime minister.
- Here, Basaveshwara **revolted against all the social evils** of the traditionalistic society and brought a drastic change in various facets.
- His practical approach and act of establishment of **'Kalyana Rajya' (Welfare state)** brought a new status and position for all the citizens of the society, irrespective of **class, caste, creed and sex**.

- **Anubhava Mantapa:**
 - He established the Anubhava Mantapa, which was a common forum for all to discuss the prevailing problems of socio, economic and political strata **including religious and spiritual principles along with personal problems.**
 - Thus, it was the first and foremost Parliament of India, where **Sharanas (citizens of welfare society)** sat together and discussed the **socialistic principles of a Democratic set up.**
 - All those **discussions of Sharanas** were written in the form of **Vachanas.**
Vachanas were an innovative literary form written in **simple Kannada language.**
- Basaveshwara gave two more very **important socio-economic principles.** They are:
 - **Kayaka (Divine work):** According to this, every individual of the society should take up the job of his choice and perform it with all sincerity.
 - **Dasoha (Equal distribution):**
 - There must be an equal income for equal work.
 - The worker (Kayakajeevi) may lead his day-today life by his hard earned income. But he should not preserve the money or property for tomorrow. He must utilise the surplus money for the society and poors.
- On 14th November 2015, the Prime Minister of India inaugurated the statue of Basavanna along the bank of the river Thames at Lambeth in London.

Source : PIB

Reforms in Saudi Arabia

Why in News

Recently, **Saudi Arabia** has **abolished flogging** (whipping or lashing) as a form of punishment and the **death sentence for minors.**

The Islamic kingdom has **no codified system of law.** The individual judges **interpret Islamic law** (Sharia) and come up with their own sentences.

Key Points

- **Abolition of Flogging as Punishment:**
 - Before abolition, flogging was **mandatory as a form of corporal punishment** and could extend to hundreds of lashes.
 - Courts ordered it for **murder, breach of peace, homosexuality, consumption or possession of alcohol, adultery and insulting Islam,** among others.

- **Abolition of Death Sentence for Minors:**
 - It ensures that **no-one who committed crimes as minors** could **receive the death sentence for those crimes**. Instead, the individual will receive a **prison sentence of no longer than 10 years in a juvenile detention facility**.
 - However, there is a **possibility of exception** for people who carry out **terrorism-related crimes as minors**.
 - The practise of capital punishment for crimes committed by people under the age of 18 was in **contradiction** to the United Nations **Convention on the Rights of the Child**.
- However, the country **still practices public executions** and other forms of **corporal punishment** such as amputation for theft. It has been **criticised** for them as well.
 - Human rights organization **Amnesty International** lists Saudi Arabia as **one of the world's most prolific executioners, after Iran and China**. In its latest report, it said the kingdom had executed 184 people in 2019.
 - The country has also been **widely criticized for the continued repression of dissidents** and **political activists**.
 - The **Specialised Criminal Court** (SCC) jurisdiction was expanded from the trials of **alleged violent extremists** to include **political dissidents, religious minorities** and **human rights activists**.
 - SSC was created in 2008 to prosecute detainees held after the 2003 terrorist attack claimed by **al-Qaeda**.
- **Reforms Taken**
 - Saudi Arabia's **Crown Prince Mohammed bin Salman** has overseen a series of **social and economic reforms** known as '**Saudi Vision 2030**'.
 - These are aimed at **modernising the country, reducing its dependence on oil, expanding its economy, developing the public service** sector and bringing it **in line with international human rights norms**.

Other Earlier Reforms

- In **2018**, Saudi Arabia **lifted the ban on women drivers**.
 - Before the ban was lifted, the law made it **compulsory for every woman to have a male guardian** and **seek their consent** for almost everything.
 - Prior to the change in the law, **Saudi Arabia was the only country in the world** that did not allow women to drive.
- In **2019**, the country **reformed the laws relating to women**.
 - **Women over the age of 21** would be able to **receive passports** and **travel abroad without permission from a male guardian**.
 - Apart from that, women can also be **able to register the marriage, divorce** or the **birth of children** and **obtain family documents**.
 - They can now **also be the legal guardian of their children**, a position hitherto reserved for men.



Source: IE

Comprehensive Nuclear-Test-Ban Treaty

Why in News

Recently, the **United States State Department** has accused **China** and **Russia** of conducting nuclear tests with low yields, in violation of the **Comprehensive Nuclear-Test-Ban Treaty (CTBT)**.

Key Points

- CTBT was negotiated at the **Conference on Disarmament in Geneva** and **adopted by the United Nations General Assembly** in 1996.
- The Treaty intends to **ban all nuclear explosions** - everywhere, by everyone. It was opened for signature in 1996 and since then 182 countries have signed the Treaty, most recently Ghana has **ratified** the treaty in 2011.
 - A comprehensive test ban has been defined as a **“zero yield”** test ban that would prohibit **supercritical hydro-nuclear tests** but not **sub-critical hydrodynamic nuclear tests**.
 - **Hydro-nuclear tests** study nuclear materials under the conditions of explosive shock compression. Their yield ranges from negligible all the way up to a substantial fraction of full weapon.
 - **Subcritical (or cold) tests** are types of tests involving nuclear materials and possibly high-explosives that purposely result in no yield.

- The **Treaty will enter into force after all 44 States listed in Annex 2** to the Treaty **will ratify it**.
 - These States had nuclear facilities at the time the Treaty was negotiated and adopted.
- As of August 2011, **36** of these States have **ratified** the Treaty. Eight States still need to do so: **China, North Korea, Egypt, India, Iran, Israel, Pakistan and the United States**.
 - **India, North Korea and Pakistan have not yet signed the Treaty**.
 - All three have also undertaken tests after 1996; India and Pakistan in May 1998 and North Korea six times between 2006 and 2017.
 - The **CTBT has therefore not entered into force and lacks legal authority**.
- **Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)**:
 - The organization **promotes the Treaty** so that it can enter into force.
 - It establishes a **verification regime** to monitor adherence to the Treaty. The verification system is built around a network of over 325 seismic, radionuclide, infrasound and hydroacoustic (underwater) monitoring stations.
 - The organization was founded in 1996. It is **headquartered in Vienna**. It employs a staff of roughly 260 from the CTBT's Member States.

Source: TH

Strategic Petroleum Reserves

Recently, India has decided to fill its **strategic petroleum reserves** in view of the **slump in crude prices**.

This will help on two fronts: India will get cheap oil for its reserves and it will also help in resolving the storage problem for refiners.

Key Points

- Strategic petroleum reserves are huge **stockpiles of crude oil** to deal with any crude oil-related crisis like the risk of supply disruption from natural disasters, war or other calamities.
- According to the agreement on an **International Energy Programme (I.E.P.)**, each **International Energy Agency (IEA)** country has an obligation to hold **emergency oil stocks** equivalent to at least 90 days of net oil imports.
 - In case of a severe oil supply disruption, IEA members may decide to release these stocks to the market as part of a collective action.
 - **India** became an **associate member of the International Energy Agency** in 2017.

- India's strategic crude oil storages are currently located at **Visakhapatnam (Andhra Pradesh), Mangaluru (Karnataka), and Padur (Karnataka)**.
The government has also given approval for setting up of two additional facilities at **Chandikhol (Odisha) and Padur (Karnataka)**.
- The concept of dedicated strategic reserves was **first mooted in 1973 in the US**, after the **OPEC** oil crisis.
- Underground storage is, by far the most economic method of storing petroleum products because the underground facility rules out the requirement of large swathes of land, ensures less evaporation and, since the caverns are built much below the sea level, it is easy to discharge crude into them from ships.
- The construction of the **Strategic Crude Oil Storage facilities** in India is being managed by **Indian Strategic Petroleum Reserves Limited (ISPRL)**.
ISPRL is a wholly owned subsidiary of **Oil Industry Development Board (OIDB)** under the **Ministry of Petroleum & Natural Gas**.

Source: IE
