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## **1. Expulsion of Mahua Moitra from Lok Sabha**

### **Introduction**

Trinamool Congress member Mahua Moitra was expelled from the Lok Sabha on Friday following allegations of involvement in a cash-for-query scandal. The expulsion led to an Opposition walkout during parliamentary proceedings.

### **Resolution for Expulsion**

Parliamentary Affairs Minister Pralhad Joshi moved a resolution stating that Moitra's continuance as an MP was untenable, citing her conduct as unbecoming of an MP. Allegations involved Moitra receiving bribes from Dubai-based businessman Darshan Hiranandani in exchange for posing questions in Parliament.

### **Ethics Committee's Decision**

The Ethics Committee recommended expulsion, accusing Moitra of unethical conduct for sharing her user ID and password of the Lok Sabha Member's portal with unauthorized persons.

Moitra criticized the committee's decision as a result of a "kangaroo court" process. She asserted that the recommendation of expulsion solely based on sharing login details lacked a foundation in existing rules.

### **Defiant Response Outside Lok Sabha**

Denied permission to speak inside the Lok Sabha, Moitra, alongside Opposition leaders, criticized the findings.

Moitra contended that the committee's conclusions were based on contradictory affidavits and lacked evidence of her receiving cash for posing questions.

### **Opposition Leaders' Support**

Opposition leaders, including Rahul and Sonia Gandhi, and Farooq Abdullah, stood in support of Moitra outside the Parliament.

Moitra accused the Modi government of attempting to silence a woman MP in a Parliament that passed the women's reservation Bill.

## **2. SC upholds Article 370 abrogation: What is Truth and Reconciliation Commission?**

### **Why in news?**

The Supreme Court, today, unanimously upheld the abrogation of Article 370 by the Centre in 2019. The five judge bench delivered three, concurring opinions on the matter, holding that the erstwhile state of Jammu and Kashmir effectively holds no special status in the Indian Union.

Justice Sanjay Kaul, in his opinion, recommended setting up a Truth and Reconciliation Commission to look into alleged violations of human rights by both state and non-state actors in J&K. It should be based on a dialogue and not become a criminal court, he added.

### **So, what is a Truth and Reconciliation Commission?**

A Truth and Reconciliation Commission, also known as a 'truth and justice commission' or simply, a 'truth commission', is an official mechanism to not just acknowledge, but also reveal, wrongdoings by a government (or sometimes non-state actors or combatants) so that conflicts of the past can be addressed and resolved.

### **Which countries have had such commissions in the past?**

The best known and most consequential commissions are considered to be the ones set up in South Africa, Australia, and Canada. In India's neighbourhood, truth commissions have been set up in Sri Lanka and Nepal.

The Canadian Truth and Reconciliation Commission (TRC) provided those directly or indirectly affected by the legacy of the Indian Residential Schools system — in which some 150,000 indigenous children were removed from their families and communities to attend residential schools — with an opportunity to share their stories and experiences.

According to the official TRC website, the commission spent six years travelling to all parts of Canada and heard from more than 6,500 witnesses. Between 2007 and 2015, the Government of Canada provided about \$72 million to support the TRC's work. The TRC created a historical record of the residential schools system; the National Centre for Truth and Reconciliation at the University of Manitoba now houses all of the documents collected by the TRC.

In South Africa, the first post-apartheid government of President Nelson Mandela established a TRC in 1995 with the aim of uncovering the truth of human rights

violations during the decades of apartheid, and to heal the country and bring about reconciliation with its history.

The TRC was focused on putting together information and evidence from both the victims and the perpetrators of violence, rather than on prosecution and punishment for crimes. Five volumes of the commission's report were released in October 1998, and two subsequent volumes in March 2003.



Figure 1 Authorised by Nelson Mandela (right) and chaired by Desmond Tutu, South Africa's Truth and Reconciliation Commission was set up in 1996, after apartheid ended.

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Indian Express

### **3. Article 370 abrogation upheld: How SC answered three key questions in the government's favour**

#### **Introduction**

The Supreme Court in a 5-0 unanimous ruling upheld the Centre's abrogation of Article 370 of the Constitution.

Chief Justice of India (CJI) D Y Chandrachud and Justice Sanjay Kishan Kaul wrote two separate but concurring opinions. Here's what the SC ruled on three key issues in the petitions:

#### **One, on the 'unique' and 'special status' of Jammu and Kashmir.**

The SC held that J&K did not retain any element of sovereignty after its accession to India in 1947.

The court said that although Maharaja Hari Singh, the erstwhile ruler of the princely state, issued a proclamation that he would retain his sovereignty, his successor Karan

Singh issued another proclamation that the Indian Constitution would prevail over all other laws in the state.

This in essence, had the effect of a merger like every other princely state that joined India, the court ruled.

The court emphatically concluded that Jammu and Kashmir has always been an integral part of India. CJI Chandrachud cited Section 3 of the J&K Constitution itself, apart from Article 1 and 370 of the Indian Constitution.

Article 3 of the J&K Constitution reads: "The State of Jammu and Kashmir is and shall be an integral part of the Union of India." The state's Constitution also provided that this provision cannot be amended.

Justice Kaul said that being the only state with its own Constitution also does not define a special status. "The purpose of J&K Constitution was to ensure everyday governance in the state and the purpose of Article 370 was to integrate the state with India," he said.

### **Two, is Article 370 a 'temporary' or a permanent provision of the Constitution?**

The Supreme Court held that Article 370 is a temporary, transitional provision.

CJI Chandrachud took a textual approach and cited evidence of the historical context for the inclusion of Article 370 and the placement of Article 370 in Part XXI of the Constitution dealing with temporary provisions.

He also said that the "temporary" provision served a purpose in the war-like situation prevailing in the state in 1947.

### **Three, the questions relating to the effective abrogation of Article 370.**

The Supreme Court upheld both the presidential proclamations of August 2019.

Apart from the larger federal issues and the debate around the special status of J&K, the key legal challenge was to the two Presidential proclamations in 2019 which in effect abrogated Article 370.

The Court upheld both the proclamations, including the one that gave a new meaning to "constituent assembly of Jammu and Kashmir", as "Legislative Assembly of Jammu and Kashmir."

The central issue was whether these actions could be taken by the Union assuming powers of the state when it is under President's rule. Here, the Supreme Court referred to the landmark 1994 ruling in 'SR Bommai v Union of India' which dealt with the powers and limitations of the Governor under President's rule.

CJI DY Chandrachud said that the Governor (President in J&K's case) can assume "all or any" roles of the state legislature and such action must be tested judicially only in extraordinary cases.

Relying on an interpretation of the Bommai ruling, the SC said that there is "no prima facie case that the President's orders were malafide or extraneous exercise of power."

Relevance: GS Prelims & Mains Paper II; Polity & Governance

Source: Indian Express & The Hindu