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1. Food versus Fuel: What's happening with Centre's ethanol blending scheme

Banning Sugar Exports

The Centre has implemented measures to enhance domestic availability by restricting the use of sugarcane juice/syrup for ethanol production. This move follows the ban on sugar exports.

Ethanol Blended Petrol (EBP) Program

The EBP program, a significant accomplishment of the Narendra Modi government, involves blending 99.9% pure ethanol with petrol. The average ethanol blending with petrol has increased from 1.6% in 2013-14 to 11.8% in 2022-23.

Feedstock Diversification

The key to the success of the EBP program lies in diversifying feedstocks. Ethanol production has increased, especially after 2017-18, with mills using alternative substrates such as surplus rice, broken/damaged foodgrains, and maize.

Recent Setback

On December 7, the Ministry of Consumer Affairs directed mills not to use sugarcane juice/syrup for ethanol production, impacting companies relying on this method, such as Balrampur Chini Mills, Shree Renuka Sugars, Ugar Sugar Works, and Nirani Sugars.

Supply and Price Concerns

The Oil Marketing Companies have floated a tender for the supply of ethanol for 2023-24, but the recent directive may affect supplies from sugarcane juice/syrup. The Centre is yet to announce prices for ethanol from various feedstocks for 2023-24.

Sugar Supply Issues

The decision to restrict ethanol production is linked to concerns over sugar supply. The 2022-23 sugar year ended with low stocks, and uncertainties surround the production forecast for 2023-24, with Maharashtra and Karnataka expected to experience declines due to subpar rains.

Impact on Sugar Market

The December 7 order is anticipated to contribute approximately 15 lakh tonnes of additional sugar to the market, affecting the ethanol production through the cane

juice/syrup route. This move prioritizes domestic supply over exports, consumers over producers, and food over fuel.

Relevance: GS Prelims & Mains Paper III; Economics

Source: The Indian Express and The Hindu

2. What was the Bommai judgment, which the SC relied on in its Article 370 ruling?

Introduction

In upholding the abrogation of Article 370, the Supreme Court on Monday relied heavily on its landmark 1994 judgement in SR Bommai v Union of India.

What is this case, and how does it relate to the J&K challenge?

The case

In Bommai, a nine-judge bench of the Supreme Court interpreted Article 356 of the Constitution to define the contours of proclamation of President's rule. Article 356 contains provisions "in case of failure of constitutional machinery in States", including that for the imposition of President's rule.

While all nine judges unanimously upheld the provision, the Court ruled that the President's decision would be subject to judicial review. Bommai is still the settled law on when and how President's rule can be imposed, and was invoked in recent cases challenging President's rule in Uttarakhand (2016) and Arunachal Pradesh (2016), both of which were overturned by the Supreme Court.



Figure 1 Former Karnataka CM Bommai

The background

In 1989, the Congress government at the Centre dismissed the Janata Dal-led Karnataka government by imposing President's rule.

After allegedly receiving 19 letters from MLAs withdrawing their support to Chief Minister SR Bommai's government, then Karnataka Governor P Venkatasubbaiah recommended to the President that he take over the state's administration.

He cited two reasons. First, that Bommai did not command a majority and, hence, "it was inappropriate under the Constitution," for him to continue. Second, that no other political party was in a position to form the government.

Controversial move

This move, however, was extremely controversial. The SC ruling would later note that "the Governor did not ascertain the view of Shri Bommai" before making his report to the President. In fact 7 out of the 19 legislators who allegedly withdrew support to Bommai's government would soon make a U-turn, complaining that their signatures on the aforementioned letters were obtained by misrepresentation.

Thus, the dismissed chief minister moved the Karnataka High Court, which dismissed his challenge against the Centre. Then, on appeal to the apex court, a nine-judge bench was constituted.

The verdict

The SC unanimously held that the President's proclamation can be subject to judicial review on grounds of illegality, malafide, extraneous considerations, abuse of power, or fraud. While the President's subjective appraisal of the issue cannot be examined, the Court said that the material relied on for making the decision can be reviewed.

The verdict also made Parliamentary approval necessary for imposing President's rule. Only after the proclamation is approved by both Houses of Parliament can the President exercise the power. Till then, the President can only suspend the state legislature. If the Parliament does not approve the proclamation within two months, then the government that was dismissed would automatically stand revived.

Importance of Judgement

The Bommai ruling, one of the first by the SC to scrutinise the conduct of the Governor's office, came at a time when President's rule was frequently imposed to dismiss state governments run by opposition parties.

The imposition of President's rule drastically decreased after the Bommai verdict. Between January 1950 and March 1994, President's Rule was imposed 100 times or an

average of 2.5 times a year. Between 1995 and 2021, it has been imposed only 29 times or a little more than once a year.

The Kashmir reference

A key question in the Kashmir case was whether Article 370 could have been abrogated when the state was under President's rule. The erstwhile state had been under President's rule since 2018, and the question before the court was whether the President could give consent to the revocation of J&K's special status.

Here, the Supreme Court relied on the Bommai ruling to hold that the actions of the President are constitutionally valid. The Court said that the Bommai ruling held that the actions taken by the President after issuing a Proclamation are subject to judicial review, but the judges had adopted varying standards to test the validity of the executive (President's) orders.

The Court cited two standards — one by Justice PB Sawant, and another by Justice Reddy. Justice Sawant had set the standard of whether the exercise of power was mala fide or palpably irrational, while Justice Reddy observed that the advisability and necessity of the action must be borne in mind by the President.

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Indian Express

3. ECI members to have same status as SC judges: Why Govt has chosen to make U-turn on proposed Bill

Why in news?

The Centre is expected to walk back a key change that it has proposed in the service conditions of members of the Election Commission of India (ECI).

A Bill that is now before Rajya Sabha has been criticised for "downgrading" the status of members of the ECI from that of a judge of the Supreme Court to that of the Cabinet Secretary.

The Bill was introduced in Parliament on August 10, but was not taken up for discussion in the Monsoon Session. It has now been listed for consideration and passing on Tuesday (December 12), along with key amendments that would 'restore' the status of the members of the ECI.

What is this Bill, and what did it propose?

On March 2 this year, a five-judge Constitution Bench of the Supreme Court had ruled that the Chief Election Commissioner (CEC) and Election Commissioners (ECs) should

be appointed by a committee comprising the Prime Minister, Leader of Opposition in Lok Sabha, and the Chief Justice of India (CJI).

The Constitution lays down no specific legislative process for the appointment of the CEC and ECs. As a result, the central government has a free hand in appointing these officials. The President makes the appointments on the advice of the Union Council of Ministers headed by the Prime Minister.

The Supreme Court, however, made it clear that its order would be “subject to any law to be made by Parliament”. Consequently, the government brought The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill, 2023, which proposed a committee comprising the PM, Leader of Opposition and, instead of the CJI, a Cabinet Minister nominated by the PM.

This Bill also proposed giving the CEC and ECs the same salary, perks, and allowances as that of the Cabinet Secretary. The Bill would replace The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991, under which the CEC and ECs have the same salary as that of a Supreme Court judge.

So why was the Bill criticised?

Some Opposition leaders criticised the Bill for replacing the CJI in the selection committee with a Cabinet Minister — which effectively means the government will at all times have the majority to ram through its choice of candidate.

But the main issue flagged by current and former ECI officials was the apparent downgrading of the status of the ECI.

While the salaries of a Supreme Court judge and the Cabinet Secretary are the same, there are differences in the allowances and perks. However, a group of former CECs wrote to the government objecting to the downgrade not on account of the change in perks, but because of the change of status.

They argued that the ECI currently has the status of a Supreme Court judge and can summon senior officials and even Ministers; if this status is changed to that of a government official, it would affect their ability to do so.

What happens now?

Since no vacancy has emerged in the ECI since the Supreme Court order of March, no appointments have been made through the mechanism laid down by the court. The next vacancy is expected to arise in February 2024, when EC Anup Chandra Pandey will retire.

Meanwhile, the amendments that are set to be moved by Law Minister Arjun Ram Meghwal are expected to restore the equivalence with a Supreme Court judge.

According to the amendments proposed by the Minister, the status of the EC would be kept the same as that of a Supreme Court judge, with the same salary, dearness allowance and leave encashment rules.

Relevance: GS Prelims & Mains Paper II; Governance

Source: Indian Express & The Hindu