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1. Art 142, why SC quashed Chandigarh mayor's election, and why it matters

Why in news?

The Supreme Court has quashed the result of the January 30 election for the Mayor of Chandigarh after finding that presiding officer had deliberately invalidated eight ballots cast in favour of the Aam Aadmi Party (AAP)-Congress candidate Kuldeep Kumar 'Tita'.

The Bench, comprising Chief Justice of India (CJI) D Y Chandrachud, while setting aside the result as "contrary to law" and declaring Kuldeep Kumar as the "validly elected candidate", refused to quash the election process itself.

On what grounds did the court strike down the result?

The court used its power under Article 142 of the Constitution to do "complete justice" and protect the sanctity of electoral democracy.

The Bench said it was evident that "while the petitioner is reflected to have polled 12 votes, the eight votes which are treated as invalid were wrongly treated to be so", and "each of those...invalid votes were in fact validly cast...in favour of the petitioner".

It follows that Kuldeep had in fact received 20 votes, while Manoj Sonkar, the BJP candidate, had won 16. "We accordingly order and direct that the result of the election as declared by the presiding officer shall stand quashed and set aside," the court said.

Why was this mayoral election important?

The powers of the Mayor of Chandigarh Municipal Corporation are limited to calling meetings and deciding the agenda. Although the corporation has a five-year term, the Mayor is elected for only one year. The post is reserved for a woman candidate in the first and fourth year of each corporation. The last election to the corporation was held in 2021.

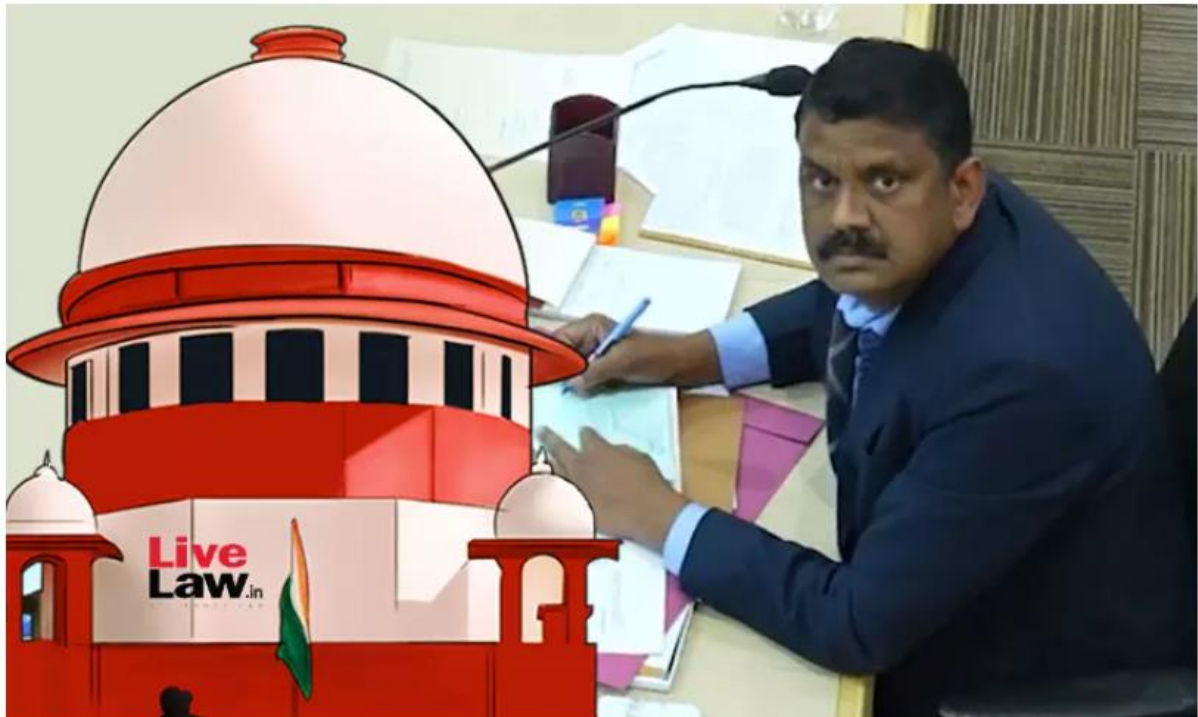
This year's election was politically significant because it saw an alliance, for the first time, between the AAP and Congress against the BJP, setting the stage for potential alliances for the Lok Sabha elections. The parties are together in the opposition INDIA bloc, and have been in talks for a seat-sharing deal in Delhi, even though they have decided to contest separately in Punjab.

What happened after the mayoral election?

After videos showed Masih marking ballot papers so they could be declared invalid, Kuldeep moved the High Court and then Supreme Court.

On February 5, CJI Chandrachud observed that it was obvious that Masih has defaced the ballots, and that "this man has to be prosecuted". The court said it was "appalled" at the

"mockery" and "murder" of democracy, and summoned Masih on January 19. Consequently, Supreme Court has initiated criminal proceedings against the presiding officer.



Defection

Meanwhile, three AAP councillors joined the BJP on Sunday. Had the court ordered a fresh election instead of merely quashing the result, the AAP-Congress tally would have fallen to 17 from 20, while the BJP's votes would have risen to 19 (including the SAD councillor's vote), giving the party the majority (along with MP Kher's vote) of the 36 ballots that would be cast. Unlike in elections for Parliament or state Assemblies, there is no anti-defection law in municipal elections.

Relevance: GS Prelims & Mains Paper II; Government

Source: The Hindu

2. SC directs govts to follow 'broad' definition of forests: How they are defined, what law says on conservation

Why in news?

The Supreme Court has directed governments to follow the "broad and all-encompassing" definition of forest as laid down in its 1996 judgment in the T N Godavarman case until a consolidated record of all kinds of forests across the country is prepared.

A three-judge Bench led by Chief Justice of India (CJI) D Y Chandrachud passed the order recently on petitions that challenged the 2023 amendments to the Forest (Conservation) Act, 1980 (FCA) on the ground that the modifications had "substantially diluted" the definition of forest, and had reduced the ambit of the Act.

Verdict on woods

Some of the observations made by the SC over the pleas challenging the 2023 amendments to the Forest (Conservation) Act, 1980



- The “all-encompassing” dictionary meaning will continue to hold field until the States and Union Territories prepare a consolidated record of forest lands

- Environment Ministry should issue a circular in this regard to the States and Union Territories

- Establishment of “zoos or safaris” must have the final approval of the top court

Why was the Forest (Conservation) Act amended in 2023?

In the Statement of Objects and Reasons for the Forest (Conservation) Amendment Bill, 2023, passed by both Houses in July-August last year, the government said that applicability of the FCA had been widened by the judgment of the Supreme Court in T N Godavarman Thirumalpad v. Union of India (December 12, 1996).

“Subsequent to the said Judgment, the provisions of the Act were applied in... recorded forests which had already been put to various type of non-forestry use, thereby restraining the authorities from undertaking any change in the land use and allowing any development or utility related work,” the Statement of Objects and Reasons said.

Environment Minister Bhupender Yadav told Parliament that the amendments were necessary to remove ambiguities created by the judgment, which had made the FCA applicable to all areas that resembled the dictionary meaning of ‘forest’.

As a remedy, the amendment made the FCA applicable only to notified forests and lands that were identified as ‘forest’ in government records.

How exactly did the Supreme Court define ‘forest’ for the purposes of the Act?

The court ruled that the FCA would apply to all land parcels that were either recorded as ‘forest’, or which resembled the dictionary meaning of forest.

The 1996 judgment passed by Justice J S Verma and Justice B N Kirpal said: “The word ‘forest’ must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise... The term ‘forest land’ will not only include ‘forests’ as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership.”

The CJI-led three-judge Bench reaffirmed this principle recently, saying that the dictionary meaning of forests had been adopted by the court to align with Parliament's intent behind legislating the FCA in 1980.

Who challenged the 2023 amendments to the law, and on what grounds?

The challenge (Ashok Kumar Sharma, IFS (Retd) & Ors v. Union of India & Ors) was filed by a group of retired Indian Forest Service officers and NGOs such as Vanashakti and Goa Foundation.

The petitions echoed some of the concerns raised by the dissenting members of the Joint Parliamentary Committee (JPC) that had examined the amendments. The major apprehension was the potential exclusion of 28% of India's forests that lie outside Recorded Forest Areas from the purview of the FC Act.

The Ministry had assured the JPC that the amended FCA would still apply to all unclassified forests, forests that were "proposed to be notified", land recorded as forest by even local bodies, and forest-like areas identified by the expert committees set up in pursuance of the 1996 SC order. It had reiterated this stand before the SC in the present case.

The petitioners argued that pending finalisation of the consolidated record of forests — required to be completed within one year under the amended 2023 Rules — land parcels that would have been considered forests under the 1996 judgment could now be used for non-forest purposes without requiring any clearance under the FCA.

At this, the SC explicitly asked its 1996 definition to be followed until the consolidated record of forests was finalised.

What happens now?

States and Union Territories have until March 31 to submit comprehensive records of forests identified by the expert committees constituted as per the 1996 judgment. The Ministry will have to publish this data on its website by April 15.

The Supreme Court said that while the expert committees set up under the 2023 Rules should take into account the progress made by the previous expert panels, they are free to expand the protection umbrella to any forest land that is worth protecting. The matter will be heard for final disposal in July.

Relevance: GS Prelims & Mains Paper III; Environment

Source: The Indian Express

3. Tatas, Tower apply to set up chip foundries in India

Why in news?

After initial hopes of finally securing a viable bid to set up a semiconductor fabrication facility in India tapered off owing to numerous challenges, a fresh wave of proposals have rekindled hopes yet again. Minister of State for Electronics and IT Rajeev Chandrasekhar recently

confirmed that the Tata Group and Israeli chip company Tower Semiconductor have applied to set up foundries in the country.

If the proposals are cleared by the government's India Semiconductor Mission (ISM), it could pave the way for the country to finally have a fabrication plant after decades of failed attempts. Aside from boosting domestic job prospects, it will also offer India leverage in the chip wars by increasing its say in the geopolitics of technology that has so far been shaped by China and the United States.

India is competing with some of its key allies – the US and Europe – to attract chipmakers. It is offering a 50% capital expenditure subsidy to successful applicants at the central level under its \$10 billion incentive scheme, with state governments sweetening the deal further at their own end.

What are the proposals currently on the table?

India's chip incentive scheme broadly covers three aspects of the ecosystem – full-blown foundries that can manufacture chips; packaging plants called ATMP facilities; and assembly and testing projects called OSAT plants. So far, US-based Micron Technology has cleared its proposal to set up a \$2.75 billion ATMP plant, with the facility coming up in Gujarat.

In the foundry space, Chandrasekhar said the Tata Group and Tower Semiconductor have sent two separate proposals.

The Tata Group is understood to be partnering with Taiwan based United Microelectronics Corporation (UMC) or the Powerchip Semiconductor Manufacturing Corporation (PSMC).

In the OSAT space, CG Power and Industrial Solutions (Crompton Greaves) has said it has entered into a joint venture (JV) agreement with Renesas Electronics America and Thailand-based Stars Microelectronics to set up a semiconductor assembly and testing plant in India. Kaynes Technology has also sent a proposal to set up an OSAT plant.

The Tata Group is understood to have also applied for an ATMP plant. Apart from that, HCL is learnt to have partnered with Foxconn in its application for setting up a similar plant.

What had happened to the earlier fab proposals?

A joint venture between Foxconn, best known as the manufacturer of iPhones, and Vedanta to set up a \$19.5 billion chip plant came to an abrupt halt last year. Foxconn announced it was pulling out of the joint venture with Vedanta. While government sources maintain the two could apply separately, there has been no movement so far.

Tower had earlier applied to the scheme to set up a \$3 billion plant in Karnataka in partnership with international consortium ISMC. The plan, however, got stuck due to the company's then impending merger with Intel. Last August, Intel cancelled its plan to acquire Tower Semiconductor for \$5.4 billion due to regulatory issues.

The planned merger between Intel and Tower, announced in February 2022, passed an antitrust review in the United States and several other geographies. But it ran into a lengthy

delay in China, where regulators review mergers of companies that earn a certain amount of revenue in the country.

There was a third fab proposal by Singapore-based IGSS Venture, but it was not found up to the mark by the advisory committee of the government.

Why is India focusing on semiconductor manufacturing?

Prime Minister Narendra Modi has made chip manufacturing a top priority for India's economic strategy as he wants to "usher in a new era in electronics manufacturing" by luring global companies.

It is, therefore, clear that building semiconductors domestically is crucial for the government's vision to develop a domestic electronics supply chain and eventually reduce its imports from foreign countries, especially China – which despite its own challenges remains to be the number one destination for such manufacturing.

It is a pressing time for India to venture into electronics manufacturing, with chips being an important part of the puzzle – all electronics items have semiconductor chips in them, and as more companies try to diversify their bases from China, India has an opportunity to emerge as a reliable destination.

Relevance: GS Prelims & Mains Paper III; Economics

Source: The Indian Express