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1. JMM bribes for votes ruling: How Supreme Court interpreted privilege for lawmakers

Why in News?

A seven-judge Constitution Bench of the Supreme Court, headed by Chief Justice of India DY Chandrachud, ruled that lawmakers facing bribery charges in connection with their speech and votes in the House cannot be immune from criminal prosecution. In doing so, the Court held that claims to parliamentary privilege by lawmakers can be subject to judicial review, and only Parliament cannot have the last word on the issue.

Taking away privilege

A look at the observations made by the seven-judge Bench of the Supreme Court in its unanimous verdict:

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- The JMM bribery case judgment of 1998, granting lawmakers immunity from prosecution for bribery, had wide ramifications on public interest, probity in public life and parliamentary democracy
 - A claim of immunity should fulfil the twofold test that it is tethered to the collective functioning of the House and that it is necessary for the discharge of the essential duties of a legislator
 - The offence of bribery is complete at the point when the legislator accepts the bribe

What the law says, what court had to decide

Article 105(2) of the Constitution states: "No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a House of Parliament of any report, paper, votes or proceedings."

Article 194(2) provides identical protections to members of state Assemblies.

Before the seven-judge Bench was essentially the interpretation of this provision. This provision was previously interpreted in the 1998 JMM Bribery ruling, so the correctness of that ruling had to be tested.

Interpreting the law on privileges

Tracing the history of parliamentary privileges in India, the SC said that unlike the House of Commons in the UK, India does not have 'ancient and undoubted' rights vested after a struggle between Parliament and the King. These rights in India, even during colonial times, have flown from a statute, which after independence transitioned to a constitutional privilege. This the court cited as reason to interpret privilege in a way that fits with the larger ideals of the Constitution.

There are two components of parliamentary privilege. One is what the House exercises collectively — which would include the power to punish for its contempt, the power to conduct its own affairs, among others. The second is for individual rights — say exercise of free speech by each member. This, the court said, has to pass a test.

The ruling cited the "necessity test", which means that for a member to exercise a privilege, the privilege must be such that without it "they could not discharge their functions." Naturally, accepting bribes cannot be said to be necessary to discharge one's functions as a lawmaker, unlike, for example, having the right to free speech.

The court also said that the Constitution envisions probity in public life. "Corruption and bribery of members of the legislature erode the foundation of Indian Parliamentary democracy. It is destructive of the aspirational and deliberative ideals of the Constitution and creates a polity which deprives citizens of a responsible, responsive and representative democracy," the ruling stated.

Graft-vote or vote of conscience

The court also had to decide if a lawmaker gets immunity if he accepts a bribe but votes as per his conscience or party line and not as per the request of the bribe-giver. Essentially, without a quid pro quo, can accepting money still be equated to graft?

The Court analysed Section 7 of the Prevention of Corruption Act, which deals with 'offence relating to public servant being bribed'.

"The mere "obtaining", "accepting" or "attempting" to obtain an undue advantage with the intention to act or forbear from acting in a certain way is sufficient to complete the offence. It is not necessary that the act for which the bribe is given be actually performed," the court said. This means that accepting a bribe is an offence as is, and it does not depend on whether the public servant acted differently.

The Court also said that it would be a violation of the right to equality under Article 14 of the Constitution to create "an illegitimate class of public servants which is afforded extraordinary protection." Such a classification, the court said, would be manifestly arbitrary.

Court's power

Since Parliament also has the power to punish its members for contempt — the punishment here could be suspension from the House and even sentencing to jail term — the SC had to decide whether this meant courts had no role to play.

The SC held that both the court and Parliament can exercise jurisdiction on the actions of lawmakers in parallel. This is because the purpose of punishment by the House is different from the purpose of a criminal trial.

“The issue of bribery is not one of exclusivity of jurisdiction by the House over its bribe-taking members. The purpose of a House acting against a contempt by a member for receiving a bribe serves a purpose distinct from a criminal prosecution,” the court said.

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Indian Express

2. Why is the core-loading event of the Prototype Fast Breeder Reactor being hailed as a milestone? What does the reactor do? Why has the event taken so long to materialise?

Why in news?

On March 4, Prime Minister Narendra Modi witnessed the start of the process of core-loading the indigenous Prototype Fast Breeder Reactor (PFBR) at the Madras Atomic Power Station in Kalpakkam, Tamil Nadu. A statement from his office called the occasion “a historic milestone in India’s nuclear power programme”.

What is the PFBR?

The PFBR is a machine that produces more nuclear fuel than it consumes. Its core-loading event is being hailed as a “milestone” because operationalisation of the PFBR will mark the start of stage II of India’s three-stage nuclear power programme.

In the first, India used Pressurised Heavy Water Reactors (PHWRs) and natural uranium-238 (U-238), which contains minuscule amounts of U-235, as the fissile material.

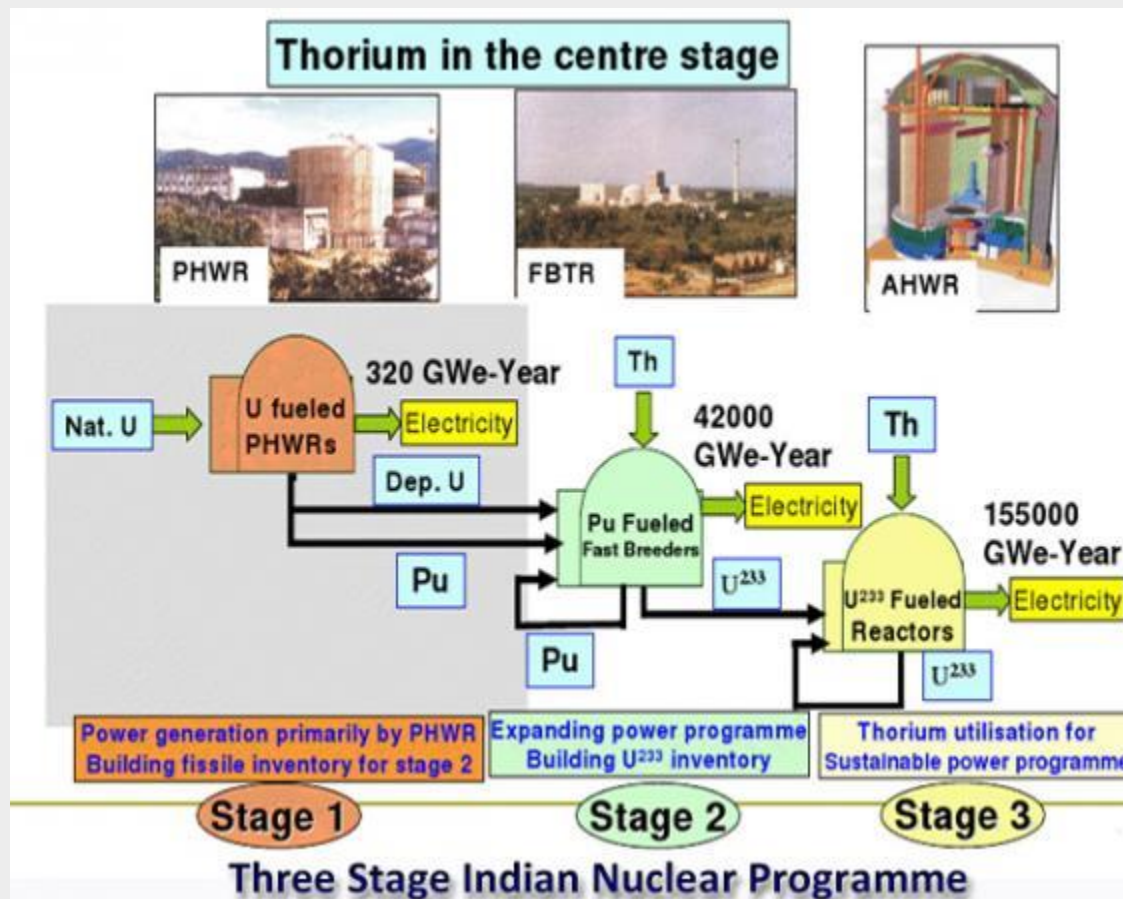
Only U-235, not U-238, can sustain a chain reaction but it is consumed fully in stage I. In stage II, India will use Pu-239 together with U-238 in the PFBR to produce energy, U-233, and more Pu-239. The Department of Atomic Energy (DAE) set up a special-purpose vehicle in 2003 called Bharatiya Nabhikiya Vidyut Nigam, Ltd. (BHAVINI) to implement stage II.

In stage III, Pu-239 will be combined with thorium-232 (Th-232) in reactors to produce energy and U-233. Homi J. Bhabha designed the three-stage programme because India hosts roughly a quarter of the world’s thorium. The three stages are expected to make the country completely self-sufficient in nuclear energy.

Why was the PFBR delayed?

The PFBR saga in India has been associated with numerous delays, cost overruns, and broken promises, and has accrued many critics.

The fast breeder test reactor (FBTR) at Kalpakkam is a testing ground for PFBR technologies. It was built by 1977 but sanctions against India's 'Smiling Buddha' nuclear test forced the use of a mixed carbide fuel over enriched uranium (which France was to deliver). The former lowered the power output and changed operating conditions. By the time the Indian government green-lit the PFBR in 2003, most people who worked on the FBTR were also nearing or had completed retirement.



The Indira Gandhi Centre for Atomic Research (IGCAR), Kalpakkam, designed the PFBR. Its original cost was ₹3,492 crore and the original deadline, 2010. Six years later, the DAE sought more funds and an extended deadline, which the government granted in 2012 — ₹5,677 crore and commercial operations by March 2015. The nuclear power establishment further pushed the deadline to the next year, then the year after that, and so on until by March 2020, the new deadline to commercialise was October 2022. Even by 2019, its cost had ballooned to ₹6,800 crore. In a 2014 audit, the Comptroller and Auditor General found BHAVINI had fumbled the procurement of some PFBR components by becoming inordinately dependent on the Nuclear Power Corporation of India, Ltd. The result: the placement of a hundred purchase orders had a "median delay" of 158 days per order. Other causes of delay included technical difficulties with the reactor coolant.

What are the challenges of stage II?

On the flip side, bigger challenges await. FBRs are harder to handle than other reactor designs, whereas the DAE has acquired an unfavourable public reputation over its often heavy-handed response to safety concerns.

Further, the civilian nuclear programme's nodal regulatory body, the AERB, was set up by executive order and reports ultimately to the DAE secretary. In 2015, the International Atomic Energy Agency urged India to set up an independent statutory atomic regulator instead.

The DAE had responded to similar concerns with the Nuclear Safety Regulatory Authority (NSRA) Bill in 2011. It sought to replace the AERB with the NSRA. But it was criticised for allowing the Union government too much control over the NSRA's composition.

Finally, among other products, the thorium fuel cycle produces caesium-137, actinium-227, radium-224, radium-228, and thorium-230 — all isotopes radioactive in ways that complicate their handling and storage.

Relevance: GS Prelims & Mains Paper III; Science & Technology

Source: Indian Express

3. INS Jatayu, India's new naval base in Lakshadweep

Why in News?

Naval Detachment Minicoy will be commissioned as INS Jatayu, an upgraded naval base, marking an important milestone in the Indian Navy's resolve to incrementally augment security infrastructure at the strategic Lakshadweep Islands.

While India has had a naval detachment in Minicoy, the southernmost atoll of the Lakshadweep archipelago, since the 1980s, INS Jatayu will effectively be the country's second naval base in Lakshadweep. The Navy's first base on the islands, INS Dweepprakash in Kavaratti, was commissioned in 2012.

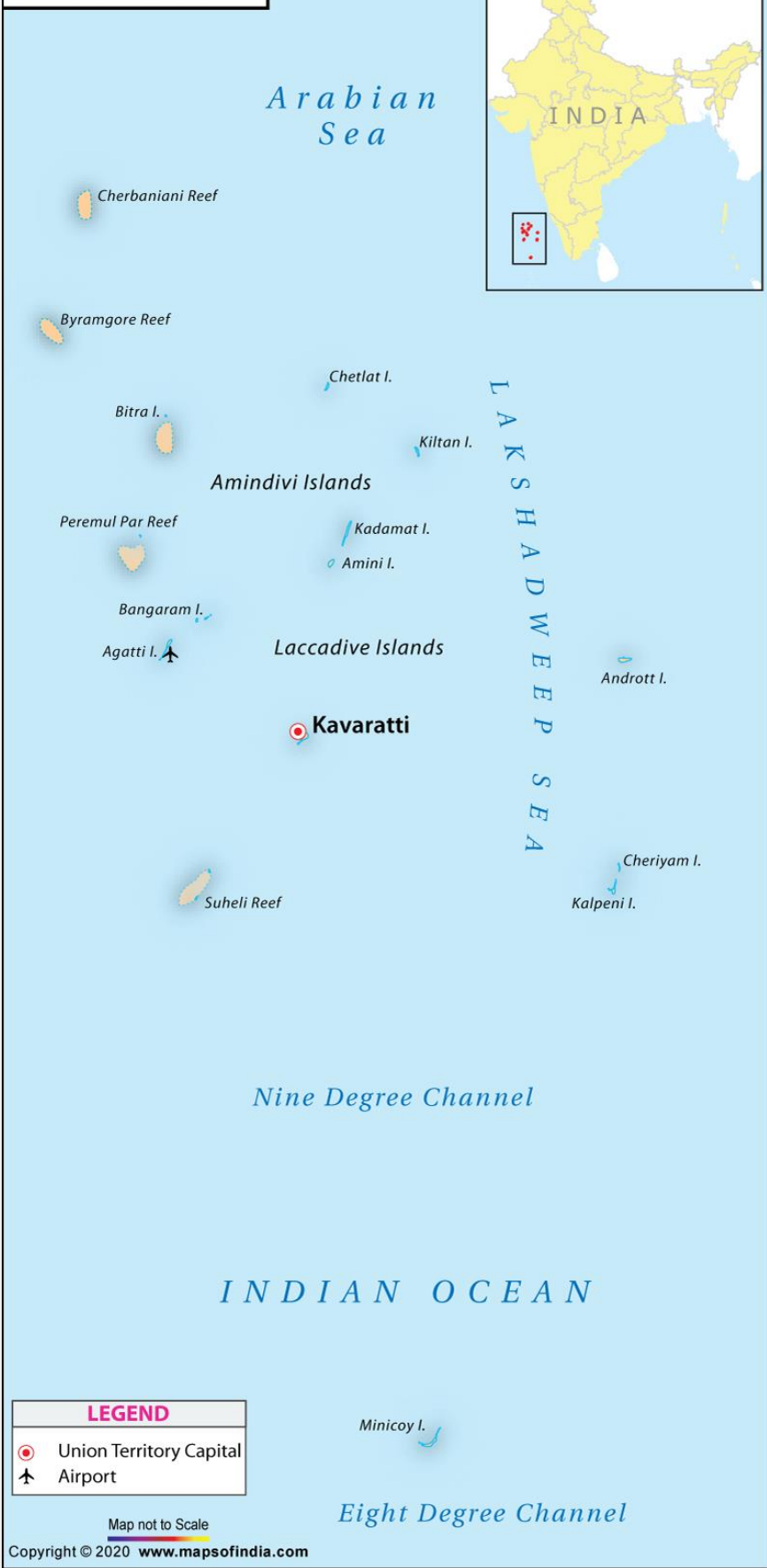
It is to be noted that Names of ships, bases, and detachments of the Indian Navy carry the prefix INS.

The Lakshadweep Islands

Lakshadweep, 'a hundred thousand islands' in Sanskrit and Malayalam, is an archipelago of 36 islands located between 220 km and 440 km from Kochi. The islands, only 11 of which are inhabited, have a total area of only 32 sq km.

The Lakshadweep are part of a chain of coralline islands in the Indian Ocean that includes Maldives to the south, and the Chagos archipelago farther beyond, to the south of the equator. Given their location in the Indian Ocean, the Lakshadweep are of huge strategic importance to India.

LAKSHADWEEP



LEGEND	
	Union Territory Capital
	Airport

Map not to Scale
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Minicoy straddles vital Sea Lines of Communications (SLOCs) — the world's main maritime highways — including the Eight Degree Channel (between Minicoy and Maldives) and the Nine Degree Channel (between Minicoy and the main cluster of Lakshadweep islands). In consequence, the Lakshadweep Islands are also vulnerable to marine pollution.

INS Jatayu naval base

The existing Naval Detachment Minicoy, which is under the operational command of the Naval Officer-in-Charge (Lakshadweep), will be commissioned as INS Jatayu.

A naval detachment has administrative, logistics, and medical facilities. INS Jatayu will be upgraded to a naval base with additional infrastructure such as an airfield, housing, and personnel, after obtaining the requisite environmental and other clearances.

Relevance: GS Prelims & Mains Paper III; Internal Security

Source: The Indian Express