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### **1. Case before Supreme Court: Can Govt redistribute privately owned property?**

#### **Why in News?**

As wealth distribution dominates news headlines in India, the Supreme Court (SC) began hearing an unrelated case about whether the government can acquire and redistribute privately owned properties if they are deemed as "material resources of the community" — as mentioned in Article 39(b) of the Constitution.



#### **Important minority opinion**

Falling under Part IV of the Constitution titled "Directive Principles of State Policy" (DPSP), Article 39(b) places an obligation on the state to create policy towards securing "the ownership and control of the material resources of the community are so distributed as best to subserve the common good". DPSP are meant to be guiding

principles for the enactment of laws, but are not directly enforceable in any court of law.

Since 1977, the apex court has weighed in on the interpretation of Article 39(b) on multiple occasions — most notably, in *State of Karnataka v Shri Ranganatha Reddy* (1977). This case saw a seven-judge Bench, by a 4:3 majority, holding that privately owned resources did not fall within the ambit of "material resources of the community".

However, it was Justice Krishna Iyer's minority opinion which would become influential in years to come. Justice Iyer had held that privately owned resources must also be considered material resources of the community. "Every thing of value or use in the material world is material resource and the individual being a member of the community his resources are part of those of the community. To exclude ownership of private resources from the coils of Article 39(b) is to cipherise (make hidden) its very purpose of redistribution the socialist way," he said.

#### **SC affirms Justice Iyer's opinion**

This interpretation of Article 39(b) was later affirmed by a five-judge Bench in *Sanjeev Coke Manufacturing Company v Bharat Coking Coal* (1983), where the court upheld central legislation that nationalised coal mines and their respective coke oven plants relying on what Justice Iyer had ruled. It held that the provision "takes within its stride the transformation of wealth from private-ownership into public ownership and is not confined to that which is already public-owned".

This judgment did not mention that Justice Iyer's opinion was in the minority. Nor did it mention that the majority specifically distanced themselves from it.

### **Cessed properties dispute**

The case currently before the SC arose out of a challenge to the 1986 amendment to the Maharashtra Housing and Area Development Act, 1976 (MHADA) by owners of 'cessed' properties in Mumbai.

MHADA was enacted in 1976 to address a major problem in the city — old, dilapidated buildings housing (poor) tenants despite becoming increasingly unsafe. MHADA imposed a cess on the buildings' occupants, which would be paid to the Mumbai Building Repair and Reconstruction Board (MBRRB) to oversee repair and restoration projects.

In 1986, invoking Article 39(b), Section 1A was inserted to MHADA to execute plans for acquiring lands and buildings, in order to transfer them to "needy persons" and the "occupiers of such lands or buildings". The amendment also inserted Chapter VIII-A to the legislation, which contains provisions allowing the state government to acquire cessed buildings (and the land they are built on) if 70% of the occupants make such a request.

### **Over three decades with SC**

The Property Owners' Association in Mumbai challenged Chapter VIII-A of the MHADA at the Bombay High Court claiming that the provisions violate the property owners' Right to Equality under Article 14 of the Constitution. The court, however, held that laws enacted in furtherance of DPSP could not be challenged on the grounds that they violated the right to equality, as per Article 31C of the Constitution ("Saving of laws giving effect to certain directive principles"). The Association appealed the decision in the SC in December 1992. In the apex court, the central question became whether "material resources of the community" as per Article 39(b) includes privately owned resources — which would include cessed buildings. In March 2001, a five-judge Bench heard the case and referred it to a larger Bench.

In February 2002, a seven-judge Bench took note of Justice Iyer's interpretation, and stated "we have some difficulty in sharing the broad view that material resources of the community under Article 39(b) covers what is privately owned," and referred the challenge to Chapter VIII-A of the MHADA to a nine-judge Bench — which is now hearing the matter.

Relevance: GS Prelims & Mains Paper II; Governance

Source: Indian express

## **2. Why does the Centre want to modify the 2G spectrum verdict?**

### **Why in News?**

More than a decade after the Supreme Court cancelled 122 telecom licenses in the landmark 2G spectrum scam judgment, the Union government has moved an application to allocate spectrum administratively, bypassing auctions. An administrative allocation would give the government control over the selection of operators. Recently, Attorney General R. Venkataramani, appearing for the Centre made a plea for urgent listing of the application before Chief Justice of India D.Y. Chandrachud. The development comes a month after the

Delhi High Court admitted the CBI's appeal against the acquittal of former Union Telecom Minister A. Raja and other high-profile politicians in the scam.

### **What is the 2G spectrum scam?**

The alleged 2G spectrum allocation scam is said to have originated in 2008 when the then Congress-led United Progressive Alliance (UPA) government sold 122 2G licences on a first-come-first-serve (FCFS) basis to specific telecom operators. In its charge sheet filed in April 2011, the CBI alleged that there was a loss of ₹ 30,984 crore to the exchequer as a result of discrepancies in the allocation process.

In the meantime, the Centre for Public Interest Litigation and Subramanian Swamy filed petitions in the top Court alleging a ₹70,000 crore scam in the grant of telecom licenses in 2008. In February 2012, a division Bench of the Supreme Court cancelled the licenses while cautioning that an FCFS basis for the allocation of scarce natural resources can be prone to misuse.

Advocating for competitive auctions instead, the Court said, "In our view, a duly publicised auction conducted fairly and impartially is perhaps the best method for discharging this burden and the methods like first-come-first-served when used for alienation of natural resources/public property are likely to be misused by unscrupulous people who are only interested in garnering maximum financial benefit and have no respect for the constitutional ethos and values." It emphasised that the burden lies on the State to ensure that the "non-discriminatory method" of the auction is adopted "by giving wide publicity so that all eligible persons can participate in the process".

### **What is the Centre's plea?**

In its plea, the Centre has pointed out that the assignment of spectrum is required to discharge sovereign and public interest functions such as security, safety, and disaster preparedness. The Centre elaborated that administrative allocation is required when demand is lower than supply or for space communication. In such cases, it would be "more optimal and efficient for spectrum to be shared by multiple players, rather than being broken up into smaller blocks for the sole purpose of exclusive assignment", it said.

The Court was apprised that following its 2012 ruling, the administrative assignment of non-commercial spectrum has been on a purely interim basis, subject to the government's final decision on pricing and policy. However, it was now time to "firm up a spectrum assignment framework in suitable cases to best subserve the common good", the government said.

### **What is the significance of the new telecom law?**

The Telecommunications Act, 2023, passed by the Parliament last year empowers the government to assign spectrum for telecommunication through administrative processes other than auction for entities listed in the First Schedule. These include entities engaged in national security, defence, and law enforcement as well as Global Mobile Personal Communication by Satellites such as Space X, and Bharti Airtel-backed OneWeb. The government can also assign part of a spectrum that has already been assigned to one or more additional entities, known as secondary assignees, and even terminate assignments where a spectrum or a part of it has remained underutilised for insufficient reasons.

Relevance: GS Prelims & Mains Paper II; Governance  
Source: The Hindu

### 3. How ISRO used satellite remote-sensing to analyse glacial lakes in Himalayas

#### Why in News?

Earlier this week, the Indian Space Research Organisation (ISRO) released satellite-data-based analysis on expansion of glacial lakes in the catchments of Indian Himalayan river basins. This is the latest among a clutch of studies on glacial lakes that have highlighted the risks of glacial lake outburst floods (GLOFs), and their impact on infrastructure and settlements downstream of such lakes.

#### What did ISRO's analysis reveal?

ISRO's analysis looked at satellite data archives spanning the past four decades to assess changes in the glaciated environment. Long-term satellite imagery covering the catchments of Indian Himalayan river basins — spread over India, Nepal, Tibet, and Bhutan — is available from 1984 onwards, till 2023. ISRO's data has indicated significant expansion in the size of glacial lakes.

Of the 2,431 lakes larger than 10 hectares (identified during 2016-17), 676 glacial lakes had expanded significantly since 1984. Of these 676 lakes, 601 lakes had more than doubled in size, 10 lakes had grown between 1.5 to 2 times, and 65 lakes had grown 1.5 times.

ISRO said that 130 of the 676 lakes are situated in India, in the Indus (65), Ganga (7), and Brahmaputra (58) river basins. These lakes have expanded as glaciers are retreating at an ever faster rate due to global warming.

#### How are glacial lakes formed?

The movement of glaciers causes erosion and creates depressions in the surrounding topography. When they retreat, meltwater starts to accumulate in such depressions, giving birth to glacier lakes.



**How can the risks posed by glacial lakes be mitigated?**

In 2023, a study published in the Journal of Geophysical Research examined the risks posed by Ghepan Gath lake — located at an elevation of 4,068 m in Himachal Pradesh — to Sissu in Lahaul valley, and modelled the impacts of lowering the water levels in the lake.

It found that lowering of the lake levels by 10 to 30 m significantly reduces the impacts on Sissu town, though not completely eliminating the risks posed by a GLOM event.

One way to syphon off lake water is by using long High Density Polyethylene (HDPE) pipes. In 2016, members of the Sikkim State Disaster Management Authority and Sikkim's Department of Science and Technology and Climate Change, among others, used this method to reduce water levels in Sikkim's South Lhonak Lake.

Relevance: GS Prelims & Mains Paper III; Disaster Management

Source: Indian Express