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S.NO.	TOPIC
1.	GOVERNORS MUST ACT ON BILLS; DON'T BRING GOVTS TO SC, SAYS CJI
2.	A TELCO DOUBLE DIP ATTEMPT THAT THREATENS NET NEUTRALITY
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GOVERNORS MUST ACT ON BILLS; DON'T BRING GOVTS TO SC, SAYS CJI

SOURCE: [THE ECONOMICS TIMES](#)

WHY IN NEWS?

- The Supreme Court has **made a significant statement, stressing that Governors of Indian states should promptly act on Bills** passed by their respective state assemblies. This development comes in response to the delay in Governors granting assent to Bills, which has led to legal challenges by state governments.

CONSTITUTIONALITY OF GOVERNOR'S ACTIONS:

- **Constitutional position of Governor:**
 - ✓ **Article 154** of the Indian constitution **grants executive powers** to the Governor.
 - ✓ **Article 153** specifies that each state **should have a Governor appointed by the President**, following the procedures outlined in Article 155.
 - ✓ The Governor's role **includes safeguarding the constitution and law**, as well as ensuring the efficient functioning of the state.
 - ✓ The Governor **primarily exercises nominal powers and typically acts on the advice of the Chief Minister**.
 - ✓ The Governor appoints key **state officials as part of their executive powers**.

The Process of Granting Assent:

- **Article 200 of the Constitution:**
 - ✓ Options available to the **Governor when a Bill is presented**.
 - ✓ **Governor can declare assent, withhold assent (if not a Money Bill), or reserve the law for the President's consideration.**
- **Withholding Assent:**
 - ✓ If **Governor withholds assent**, the **Bill should be returned to the Legislative Assembly** for reconsideration.
 - ✓ The Assembly will **reconsider and pass the Bill**.
 - ✓ The Governor is **expected to bow to the decision of elected representatives**.

Roles and Responsibilities of the Governor:

- **Constitutional Head:**
 - ✓ **Appoints the Chief Minister** and other officials of the **state under Article 164**.
 - ✓ Exercises **executive, legislative, financial, and judicial powers**.
- **Governor's Limited Discretion:**
 - ✓ **Cannot exercise powers at sole discretion**.

Supreme Court Observations

- **Shamsher Singh & Anr vs State of Punjab (7 Judges):**
 - ✓ Governor and President are like **the Constitutional heads of England**.
 - ✓ **Custodians** of executive, legislative, judicial, and financial powers.
 - ✓ Shall **strictly act upon the advice of their Ministers, except under extraordinary circumstances**.
- **U.N.R. RAO vs Indira Gandhi:**



- ✓ The position of President or Governor is a **formal title without pure authority.**
- ✓ **Real power vests in the council of ministers.**

CONSTITUTIONAL POWER OF THE GOVERNOR:

- **Executive Powers of the Governor:**
 - ✓ Powers exercised on **advice of the council of ministers.**
 - ✓ Board of Ministers is the true executive, **acts in the name of Governor under Article 166.**
 - ✓ Governor appoints various **state officials on the advice of the Chief Minister.**
- **Legislative Powers of the Governor:**
 - ✓ **Article 200:** Governor's **role when a bill is passed by the legislative assembly.**
 - ✓ **Governor can assent, withhold assent, or reserve the bill for the President's consideration.**
 - ✓ **"As soon as possible"** in Article 200 is a mandate, and Governor's role is mostly formal.
 - ✓ Governor has **no veto powers.**
- **Financial Powers of the Governor:**
 - ✓ **Article 202:** Governor lays **annual financial statement** before the state legislature.
 - ✓ Money bills require **Governor's recommendation under Article 207.**
 - ✓ Governor appoints a Finance Commission **every 5 years under Article 243I.**
 - ✓ Governor can withhold assent on a money bill with the lack of confidence.
- **Judicial Powers of the Governor:**
 - ✓ **Article 217:** President appoints **High Court Judges after consulting with the Governor.**
 - ✓ Governor plays a **role in judicial appointments.**
 - ✓ Immunity from court **proceedings under Article 361**, except if the grounds are **malafide or ultravires.** (**Rameshwar Prasad case**)
- **Discretionary Power:**
 - ✓ Reservation of a bill for **the consideration of the President (Article 200).**
 - ✓ Recommendation for the **imposition of President's Rule (Article 356) in the state.**
 - ✓ Exercising functions as the **administrator of an adjoining union territory** (in case of additional charge).
 - ✓ Determining **royalty payable by Assam, Meghalaya, Tripura, and Mizoram governments** to a Tribal District Council from **mineral exploration licenses.**
 - ✓ Seeking information from the chief minister regarding state administrative and legislative matters.
- **Situational Discretion:**
 - ✓ Appointment of a chief minister **when no party has a clear majority in the state legislative assembly** or when the **incumbent chief minister dies suddenly** without an obvious successor.
 - ✓ Dismissal of the council of ministers when it **loses the confidence of the state legislative assembly.**
 - ✓ Dissolution of the state legislative assembly if the **council of ministers no longer holds the majority.**

REASONS FOR GOVERNOR'S AUTHORITY:

- **Ensuring Checks and Balances:**
 - ✓ Governor's power **allows for a thorough review of bills and orders**, ensuring their alignment with the constitution and the state's best interests.
 - ✓ This **reinforces the system of checks and balances.**
- **Preventing Hasty Decision-Making:**
 - ✓ Governor's authority **prevents the passage of rushed or poorly considered legislation**, mitigating the potential for unintended adverse consequences.
- **Safeguarding Minority Rights:**
 - ✓ The **Governor serves as a safeguard against potentially oppressive decisions** made by the majority, protecting the rights and interests of minority groups.



- **Supporting Parliamentary Democracy:**
 - ✓ The **delay in decision-making provides time for public discourse**, expert insights, and consultations with stakeholders, essential components of parliamentary democracy.
- **Facilitating Conflict Resolution:**
 - ✓ In **cases of disputes between the state government and the central authority or among various state institutions**, the Governor's role can help in conflict resolution.

RECENT CASES AND RECOMMENDATIONS:

Key Supreme Court Decision and Commission Recommendations

- **Nabam Rebia and Bamang Felix vs Dy.Speaker (2016):**
 - ✓ The Supreme Court **clarified that a Governor's discretion under Article 200 is limited** to deciding whether a bill should be reserved for the President's consideration.
 - ✓ The Court **emphasized that the Governor's actions or inactions concerning bill approval are subject to judicial review.**
- **Punchhi Commission (2010):**
 - ✓ The Punchhi Commission recommended **setting a time limit for Governors** to decide on granting assent or reserving a bill for the President's consideration.
- **National Commission to Review the Working of the Constitution (NCRWC):**
 - ✓ The NCRWC **proposed a four-month time limit for Governors** to decide a bill's fate.
 - ✓ It also **suggested the removal of the Governor's authority to withhold assent**, except in cases explicitly mentioned in the Constitution.

WAY FORWARD:

*The role of a state governor is **multifaceted, encompassing constitutional and executive duties** that significantly influence the state's administration. While many of the governor's powers are **largely symbolic, some discretionary powers, like assent withholding and election-related timelines**, have a meaningful impact. It is essential to consider the **following aspects for the future:***

- **Governor's Neutrality and Responsibilities:**
 - ✓ Chief Justice Chandrachud emphasized that **Governors should not delay or obstruct state government bills for political reasons** and should act in a neutral and responsible manner.
 - ✓ This raises questions about the neutrality of Governors and **their adherence to their constitutional responsibilities.**
- **Constitutional Compliance:**
 - ✓ The Supreme Court is **determined to ensure that constitutional compliance** is upheld in the interaction between Governors and Chief Ministers.
 - ✓ The delays in **Bill approvals and the mechanism for addressing such issues are subjects of judicial scrutiny.**
- **Role Clarification:**
 - ✓ The precise role of the **governor should be clearly defined in the context of India's evolving political landscape to eliminate ambiguities.**
- **Review of Discretionary Powers:**
 - ✓ A comprehensive **review of the governor's discretionary powers** should be conducted to ensure that they align **with the principles of democracy and justice.**
- **Timely Decisions:**
 - ✓ Setting reasonable timeframes for the governor to decide on bills and other critical matters would promote efficient governance.



- **Governor Selection:**
 - ✓ A re-evaluation of the **governor selection process, emphasizing impartiality and suitability**, can enhance the effectiveness of the position.
- **Constitutional Amendments:**
 - ✓ Consideration of constitutional amendments to **redefine the scope of the governor's powers** and promote greater harmonization between the center and the states.

Prelims specific

PYQs

Q. Which of the following are the discretionary powers given to the Governor of a State? (2014)

1. Sending a report to the President of India for imposing the President's rule
2. Appointing the Ministers
3. Reserving certain bills passed by the State Legislature for consideration of the President of India
4. Making the rules to conduct the business of the State Government

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 1 and 3 only
- (c) 2, 3 and 4 only
- (d) 1, 2, 3 and 4

Ans: (b)

Mains

Q. Whether the Supreme Court Judgment can settle the political tussle between the Lt. Governor and elected government of Delhi? Examine. (2018)

Q. Discuss the essential conditions for exercise of the legislative powers by the Governor. Discuss the legality of re-promulgation of ordinances by the Governor without placing them before the Legislature. (2022)



A TELCO DOUBLE DIP ATTEMPT THAT THREATENS NET NEUTRALITY

SOURCE: [THE HINDU](#)

WHY IN NEWS?

In July this year, India's Telecom Regulatory Authority (TRAI) initiated a comprehensive consultation on regulating Over-The-Top (OTT) services at the government's request. This move has stirred controversy. For over a decade, telecom companies have faced declining revenues from traditional services like voice calls and SMS due to the popularity of free OTT services.

ABOUT OVER-THE-TOP (OTT) PLATFORMS:

➤ OTT platforms:

- ✓ These are online audio and video hosting and streaming services that have evolved from content hosting platforms into producers of short movies, feature films, documentaries, and web-series.

➤ Content Recommendation:

- ✓ These platforms use artificial intelligence to recommend content to users based on their past viewing habits.

➤ Service Model:

- ✓ Many OTT platforms provide some free content while charging a monthly subscription fee for premium content not available elsewhere.

➤ Content Production:

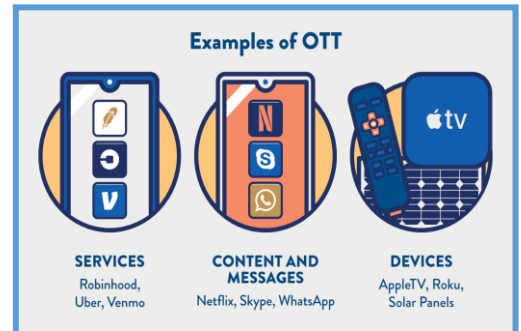
- ✓ Premium content is typically created and promoted by the OTT platform itself, often in collaboration with established production companies that traditionally produced feature films.

➤ Examples of OTT Platforms:

- ✓ Well-known OTT platforms include Netflix, Disney+, Hulu, Amazon Prime Video, Peacock, Curiosity Stream, Pluto TV, and many more.

➤ Regulation:

- ✓ In 2022, the Indian Central Government introduced the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 to regulate OTT platforms.
- ✓ These rules establish guidelines and codes of ethics for digital content and intermediaries.



What are the recent issues:

The issue of regulating Over-The-Top (OTT) services has arisen for several reasons:

➤ Revenue Challenges for Telecom Companies:

- ✓ Traditional telecom revenues reduced due to popular free OTT services.
- ✓ Heavy infrastructure investments with little revenue increase.

➤ Uneven Playing Field Complaints:

- ✓ Telecoms claim OTT platforms use their infrastructure without taxation.
- ✓ Complain that this creates an uneven playing field.

➤ Content Providers' Cost-Sharing Demands:



- ✓ Telecom companies are calling for content providers such as Netflix, Amazon Prime, and Disney+ Hotstar to share the costs of the bandwidth they utilize.
- ✓ They claim that streaming platforms are essentially "free riders."
- **Impact on Net Neutrality:**
 - ✓ Telecom companies' demands challenge the principles of net neutrality, which is the idea that Internet service providers should treat all internet traffic equally and without discrimination.

Telecom Regulatory Authority of India (TRAI):

Establishment and Legal Basis:

- ❖ TRAI was **founded on February 20, 1997**, under the **Telecom Regulatory Authority of India Act, 1997**.

Mission and Objectives:

- ❖ TRAI's mission is to foster the **growth of telecommunications in India**.
- ❖ It regulates **telecom services, including tariff fixation and revision, a function previously held by the Central Government**.
- ❖ It strives to create a fair and transparent policy environment, promoting fair competition and a level playing field.

Headquarters:

- ❖ TRAI's central office is **situated in New Delhi**.

NET NEUTRALITY:

- **Definition:**
 - ✓ Net neutrality is the **principle that all internet traffic should be treated equally, without discrimination or preference given to any particular website, service, or application**.
- **Equal Access:**
 - ✓ Net neutrality ensures that **everyone has equal access to information and services on the internet**, regardless of their **financial resources or the size and power of the websites** they use.
- **Level Playing Field:**
 - ✓ It is an important principle that **helps to ensure a level playing field on the internet and to protect the free flow of information and ideas**.
- **Protection:**
 - ✓ Without net neutrality, **Internet Service Providers could potentially use their market power to steer users towards certain websites and services, or to limit access to others**.



IMPORTANCE OF NET NEUTRALITY:

- **Basis of TRAI Regulation:**
 - ✓ TRAI established the **foundation for regulating net neutrality through the "Prohibition of Discriminatory Tariffs for Data Services"** regulation on February 8, 2016.
 - ✓ This regulation led to the **withdrawal of Facebook's Free Basics platform** and other similar offerings in India.
 - ✓ On November 28, 2017, TRAI released comprehensive recommendations that have significantly shaped the adoption of net neutrality principles in India.
- **Global Impact:**
 - ✓ TRAI's actions in promoting **net neutrality were acknowledged worldwide**.
 - ✓ The **Body of European Regulators for Electronic Communications (BEREC)** and TRAI collaborated on a **Joint Statement for an Open Internet**, initially in 2018 and reaffirmed in 2020.



- ✓ This memorandum of understanding **established cooperation in developing technological** and policy initiatives for net neutrality.
- ✓ Numerous other countries have **subsequently embraced net neutrality**.
- **Importance of Upholding Net Neutrality:**
 - ✓ Stakeholders, including **policymakers, must recognize the long-term consequences** of yielding to the short-sighted demands of telecom companies.
 - ✓ Upholding **net neutrality is not only about preserving an open internet** but also integral to cultivating an environment that fosters innovation, competition, and consumer welfare.
 - ✓ This significance is **particularly pronounced in countries like India**, where the internet serves as the **backbone for all aspects of Digital Public Infrastructure (DPI)**.

NET NEUTRALITY CONCERNS:

- **Net Neutrality Concerns:**
 - ✓ Telecom companies' **demands challenge the principle of net neutrality**, which advocates equal treatment of all internet traffic.
- **Consumer Impact:**
 - ✓ Compliance with **telecom demands may increase subscription fees or reduce service quality** for OTT platforms, **affecting consumers who rely on these services for entertainment and education**.
- **Impact on Telcos:**
 - ✓ **VoIP applications have reduced traditional voice-based traffic**, causing financial pressure on telecommunications companies (telcos).
- **Differential Pricing Justification:**
 - ✓ Advocates argue that **differential pricing aligns with economic principles**, allowing users to pay differently for various levels of service and experience.
- **Infrastructure Investment Recovery:**
 - ✓ **Internet Service Providers (ISPs) contend that differentiating prices** based on service levels helps them recoup substantial infrastructure investments.
- **Investment in Telecom:**
 - ✓ **Critics claim that enforcing net neutrality may discourage future investments** in telecom infrastructure, potentially affecting the quality of user experience.
- **Digital India Initiative:**
 - ✓ **Net neutrality regulations could have implications for the government's ambitious Digital India** initiative.

WAY FORWARD FOR REGULATING NET NEUTRALITY IN INDIA:

- **Strengthen Implementation of TRAI Regulations:**
 - ✓ Enhance the **effectiveness of TRAI's existing regulations and ensure strict adherence** to net neutrality principles.
- **Public Awareness and Education:**
 - ✓ Conduct awareness **campaigns to educate the public about the importance of net neutrality** and its impact on their internet experience.
- **Regular Monitoring and Reporting:**
 - ✓ Establish a framework for **continuous monitoring and reporting of net neutrality violations**.
 - ✓ Encourage users **to report any discriminatory practices**.
- **Transparency in Service Plans:**
 - ✓ Require Internet Service Providers (ISPs) to be **transparent about their service plans, data caps, and traffic management policies**.
- **Promote Healthy Competition:**



- ✓ Encourage competition among ISPs to provide better services, thereby **benefiting consumers and reducing the risk of net neutrality violations.**
- **Oversight and Accountability:**
 - ✓ Strengthen regulatory **oversight over ISPs to hold them accountable for any violations** of net neutrality principles.
- **Regular Review and Updates:**
 - ✓ Periodically **review and update regulations to keep pace** with technological advancements and emerging challenges.
- **Global Collaboration:**
 - ✓ Collaborate **with international regulatory bodies to share best practices** and harmonize net neutrality standards.
- **Consumer Empowerment:**
 - ✓ **Empower consumers to make informed choices by providing clear information** about net neutrality compliance when selecting ISPs and service plans.
- **Government Support:**
 - ✓ Seek support from the **government and relevant authorities to uphold net neutrality** as a fundamental principle in India's digital landscape.

PYQs

Prelims

Q 1. In India, which of the following review the Independent regulator in sectors like telecommunications, insurance, electricity, etc.? (2019)

1. Ad Hoc Committees set up by the Parliament
2. Parliamentary Department Related Standing Committees
3. Finance Commission
4. Financial Sector Legislative Reforms Commission
5. NITI Aayog

Select the correct answer using the code given below:

- (a) 1 and 2
- (b) 1, 3 and 4
- (c) 3, 4 and 5
- (d) 2 and 5

Ans: (a)

Mains

Q1. The aim of Information Technology Agreements (ITAs) is to lower all taxes and tariffs on information technology products by signatories to zero. What impact would such agreements have on India's interests? (2014)



PRELIMS POINTERS:

Wolbachia

What is Wolbachia?	<ul style="list-style-type: none"> • Common bacteria in 50% of insect species. • Safe for humans and the environment. • Inhibit dengue virus multiplication in mosquitoes. • Maternally transmitted from mother to offspring. • Presence varies and is determined by molecular tests.
How Wolbachia method works?	Compete with viruses in <i>Aedes aegypti</i> mosquitoes. Reduces transmission of dengue, Zika, chikungunya, and yellow fever.
Approaches to use Wolbachia	<ul style="list-style-type: none"> • Release modified male mosquitoes (Singapore, Guangzhou, US). • Release modified mosquitoes of both sexes (Vietnam, Indonesia, etc.). • Gradually replace the native mosquito population.

Helicobacter pylori (H. Pylori)

About H. Pylori	<ul style="list-style-type: none"> • Gram-negative spiral-shaped bacterium. • Found in the stomach, causes inflammation and ulceration. • Major cause of gastritis, peptic ulcer, lymphoma, and gastric carcinoma. • Usually acquired in childhood and persists without treatment.
Transmission and Risk Factors	<ul style="list-style-type: none"> • Transmission via faecal-oral, gastric-oral, oral-oral, or sexual routes. • 10-15% of infections lead to peptic ulcer or stomach cancer. • High prevalence in India (60-70% of the population).

Monkeypox

About Monkeypox	<ul style="list-style-type: none"> • Viral illness caused by monkeypox virus (Orthopoxvirus genus). • Symptoms include rash, enlarged lymph nodes, and fever.
Discovery and Transmission	<ul style="list-style-type: none"> • Discovered in Denmark in 1958. • Can spread person-to-person or from animals to people.
Treatment and Vaccination	<ul style="list-style-type: none"> • Treatment aims to manage rash, pain, and prevent complications. • WHO declared a global outbreak in 2022.

TCAS (Traffic Collision Avoidance Systems) – Kavach

About TCAS – Kavach	<ul style="list-style-type: none"> • Cab signalling train control system with anti-collision features. • Developed by Indian Railways RDSO to prevent signal overshooting.
Components and Functioning	<ul style="list-style-type: none"> • RFID technology in tracks, locomotive equipment, and radio infrastructure. • Components communicate to monitor train movements and transmit signals.
Present Status	<ul style="list-style-type: none"> • Deployment cost: ₹50 lakh per km for Indian Railways. • Coverage in South Central Railway, Delhi-Mumbai, and Delhi-Kolkata under testing.



LOKPAL AND LOKAYUKTA IN INDIA

Background and Genesis

- **Ombudsman concept originated in Sweden in 1809.**
- **In India, Ashok Kumar Sen proposed the concept of a constitutional Ombudsman in the 1960s.**
- **Dr. L. M. Singhvi coined the term Lokpal and Lokayukta in 1963.**
- **The First Administrative Reform Commission recommended their establishment in 1966.**
- **Lokpal bill was passed in Lok Sabha in 1968 but lapsed due to dissolution.**
- **Recommendations from the National Commission for Review of the Working of the Constitution (NCRWC) in 2002 and 2nd Administrative Reform Commission (ARC) in 2005.**
- **Anna Hazare's India Against Corruption (IAC) movement led to the introduction and passing of the Lokpal and Lokayukta Act in 2013.**

Key Provisions of the Lokpal and Lokayukta Act 2013

- **Selection Committee:** includes the Prime Minister as Chairperson, Speaker of Lok Sabha, Leader of Opposition in Lok Sabha, Chief Justice of India or a Judge nominated by him/her and one eminent jurist appointed by President.
- **Jurisdiction** covering Prime Minister, Ministers, MPs, and government employees.
- Composition with a chairperson and up to eight members, half of them being judicial members.
- **Jurisdiction over foreign donations exceeding Rs 10 lakhs per year under FCRA.**
- Requirement for states to establish Lokayukta institutions through state legislation.

Lokpal and Lokayukta (Amendment) Act 2016

- Changes to the Act regarding the selection committee and reporting of assets and liabilities by public officials.
- Leader of the largest opposition party in the absence of a recognized Leader of Opposition can be a member of the selection committee.
- Amendment to section 44 on reporting assets and liabilities by public officials.