

**DAILY
CURRENT
AFFAIRS
ANALYSIS**

LAKSHYA ACADEMY[®]

04 OCTOBER 2023

1 – About the Mercy petitions:

GS II

Government Policies and Interventions

- **Context:**

- The Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, which is designed to replace the Criminal Procedure Code (CrPC), features a new provision on mercy pleas in cases where a death sentence has been delivered.

- **About:**

- An accused individual has the right to petition the President for mercy, requesting that the death penalty be replaced with a sentence of life in prison.
- Within seven days on the day on which his appeal or special leave petition was rejected by the Supreme Court, a prisoner who has received the death penalty may ask for mercy.
- Under the Constitution, it is the accused's only remaining choice.

- **India's Petition for Mercy:**

- Article 72 of the Indian Constitution grants India the right to pardon.
- In any circumstance when the punishment has been determined by a court-martial or if the punishment is the death penalty, the president has the power to grant a pardon, to extend, suspend, or cancel the punishment, or to remit or commute the sentence.
- The Supreme Court ruled in Maru Ram v. Union of India in 1981 that the President must abide by the advice of the council of ministers while deciding mercy petitions brought under Article 72.
- According to existing legislation, the President is constrained by the Cabinet's advice and is only permitted to return the request for reconsideration once, in accordance with Article 74 (1).
- After that, if the Council of Ministers rejects the adjustments, the President will be forced to adopt them.
- The Governor is not given this power in the case of a death sentence.

- **BNSS-governed new regulation:**

- When a death sentence is being discussed, there is no language in the proposed BNSS mandating the President to heed the council of ministers' recommendations.

- The President of India under Article 72 or the Governor of the State under Article 161 of the Constitution may receive a petition for mercy within 30 days from a person serving a death sentence, his legal heir, or any other relative.
- The petition will be delivered to the President within 60 days following the Governor's decision, even though the Governor may first receive compassion requests; if he rejects or dismisses them.
- The President's decree made in accordance with Article 72 of the Constitution is final and not subject to judicial review. No court shall review the methodology used by the President in reaching his decision.
- This section basically tries to make the President's decision on mercy requests final by forbidding appeals.
- Additionally, it implies that the president won't be able to defend in court his commuted death sentences or pardons.
- **How does this provision conflict with earlier case law?**
- The authority granted to the President or Governor under Articles 72 and 161 is subject to judicial scrutiny, the Supreme Court declared in *Epuru Sudhakar v. Andhra Pradesh and Others* in October 2006.
- **Such a decision may be challenged on the grounds that:**
- It was passed without any consideration.
- It is dishonest.
- On the grounds of irrelevant or completely immaterial issues, it was rejected.
- Relevant materials weren't taken into consideration.
- Arbitrariness prevents it from working.
- However, the BNSS makes quite explicit that the President's decision about the mercy plea shall be final and that any inquiries into how the President came to that conclusion shall not be brought before any Court.
- Under the BNSS, the President's decision-making process on requests for mercy is not time-limited.
- **Source → *The Hindu***

2 – Details of the Stem Cell Therapy:

GS III

Biotechnology related issues

- **Context:**

- The Delhi High Court authorised the use of stem cell therapy to treat two youngsters with autism spectrum disorder (ASD).

- **How are stem cells functional?**

- Stem cells give rise to all other cells, each of which has a special set of talents.
- The human body occasionally divides stem cells to create new stem cells or cells with specific functions, like blood, brain, bone, and muscle cells.
- Often referred to as cells that can turn into any form of adult cell, pluripotent stem cells are
- Because adult stem cells are tissue- or organ-specific, they can regenerate into cells specific to a tissue or organ.
- Pluripotent stem cells are only present in embryos naturally.
- Nevertheless, in 2006, researchers identified conditions that might reprogramme some adult human cells into an embryonic stem cell-like state.

- **Applications of stem cells in medicine:**

- Since stem cells may regenerate, regenerative medicine refers to the use of stem cells in treating disease.
- Hematopoietic stem cell transplants have been used to treat individuals with leukaemia and lymphoma.

- **Limitations:**

- Adult stem cells typically exist in extremely limited numbers in each tissue, and once they are expelled from the body, their capacity to proliferate is severely constrained.
- This is currently the biggest problem with stem cell therapy.
- As a result, scientists have focused on modifying adult stem cells to exhibit pluripotent stem cell characteristics.
- Simply said, the evidence is insufficient, especially given the inherent risks of the treatment, which include adverse reactions and unpleasant, perhaps paralysing side effects.

- The long-term consequences are also inadequately understood.
- Its application to treat autism does not follow any set protocols.
- **About the autism spectrum disorder:**
- A neurological and developmental condition known as autism spectrum disorder impacts how people connect with others, communicate, learn, and conduct.
- **Treatment:**
- ASD is currently incurable; treatments and therapies are focused on symptom management and assisting those with ASD in leading happy, fulfilling lives.
- **Traditional treatments include of:**
- social skills instruction
- early behavioural treatment with intensity
- behavioural analysis in practise
- therapy for speech, and
- occupational medicine.
- Transcranial magnetic stimulation and psychotropic medications are also frequently employed.
- **ASD treatment using stem cells:**
- ASD may make a suitable candidate for stem cell therapy since there is evidence that some types of stem cells, administered intravenously, might enhance immune system control in general and neuronal connectivity in the brain.
- Initial clinical trials of stem cell therapy for the treatment of ASD have yielded conflicting outcomes.
- There simply isn't enough data to make firm claims about the treatment at this time because it is still very much in the experimental stage.
- *Source → The Hindu*

3 – About Simultaneous elections:

GS II

Government Policies and Interventions

- **Context:**

- A commission led by former Indian president Ram Nath Kovind has been established by the government to investigate the viability of "one nation, one election."

- **About:**

- The Lok Sabha and state assembly elections are currently held separately.
- It is held when the current administration's five-year tenure comes to a conclusion or when it is dissolved for a variety of reasons.
- Both the Lok Sabha and the state legislatures must abide by this.
- The Legislative Assemblies' and the Lok Sabha's periods might not coincide.
- According to the "One Nation, One Election" concept, all state and Lok Sabha elections would need to take place at the same time.
- This will entail reorganising the Indian election cycle such that elections for the centre and the states coincide.
- This would imply that voters will cast their ballots simultaneously on one day for members of the LS and the state assemblies.

- **Article 83 (2):**

- The Lok Sabha's term cannot be more than five years, but it may be dissolved earlier, according to the law.

- **Article 85(2)(B):**

- A dissolution puts an end to the current House's existence, and after general elections, a new House is elected.

- **Article 172(1):**

- A state assembly has a five-year term, unless earlier dissolved.

- **Article 174(2)(B):**

- On the assistance and recommendation of the cabinet, the governor has the authority to dissolve the assembly.
- When a Chief Minister's majority is in question, the Governor can use his judgement.

- **Article 356:**

- President's Rule being implemented in states.
- Two-thirds of the members of the House must be present to vote for a Constitutional Amendment.
- All political parties and state administrations must come to an agreement.
- Once the Constitutional Amendment Bill has been approved by parliament, it must then be endorsed by resolutions adopted by the legislatures of half the Indian states.

- **What is the history?**

- Up to 1967, simultaneous elections were the norm.
- It was mentioned in the Law Commission's Report from 1999 as well.
- The most recent push occurred before the 2014 Lok Sabha elections.

- **Arguments in support:**

- **Effective in terms of cost:**

- The tremendous costs associated with separate elections will be reduced by simultaneous polls.
- Regular elections put a tremendous strain on resources, both human and financial.
- Government employees and security personnel are essentially placed on election duty for several months out of the year.

- **Increasing democracy:**

- It will uphold the democracy-essential consistency, continuity, and governance.
- The system will assist governing parties in concentrating on governance rather than being perpetually in election mode.
- Voter turnout will increase with simultaneous polling.

- **Eliminating corruption:**

- Additionally, holding concurrent elections can help to reduce corruption and create a more favourable socioeconomic environment.
- While the Election Commission's efforts to stop illegal funding are commendable, elections nevertheless serve as a conduit for corruption and black money.
- Regular electoral cycles interfere with the provision of vital services, which disturbs everyday public life.
- Additionally, they give criminal elements the chance to rip holes in society's social fabric.

- **Arguments opposing it:**

- Elections held simultaneously are likely to influence voters' judgement because national and state concerns differ.
 - The administration will be less accountable to the people because elections would only be held once every five years.
 - Elections held frequently promote accountability and keep politicians alert.
 - President's rule must be implemented in that state during the transitional period if an election in that state is postponed until the synchronised phase.
 - Federalism and democracy will suffer from this.
 - Simultaneous polls would favour the nationally dominant party at the expense of regional contenders, which adds to the exercise's complexity. There would also be issues if any of the administrations were to fall before their terms were up.
 - However, just 61% of voters would select the same party if elections were conducted six months apart.
 - The EC will require a staggering 30 lakh EVMs in order to conduct simultaneous polls, which is a big amount.
 - We would have to limit the legislature's ability to overthrow a government if the simultaneous election system were to be implemented.
- **Law Commission's draft report, 2018:**
- The Law Commission of India, led by Justice BS Chauhan, declared in 2018 that simultaneous elections are not permitted under the Constitution as it currently stands.
 - At least "five Constitutional recommendations" were made for holding concurrent elections.
 - The commission recommended that the amendments be ratified by at least 50% of the states.
 - The draft listed two significant obstacles to simultaneous elections as no-confidence motions and the early dissolution of the state assembly.
 - The commission recommended substituting a "constructive vote of no-confidence" for a "no-confidence motion" to avoid such a predicament.
- In this scenario, the government can only be overthrown if there is faith in a different administration.
- **Moving ahead:**
- Simultaneous elections would be less expensive than holding them separately.
 - Since it slows down significantly when voting, experts contend that it will boost efficiency in the administrative setup throughout the nation.
 - The policies and programmes of the federal and state governments may benefit from continuity.
 - Currently, anytime elections are scheduled, the Model Code of Conduct is implemented, prohibiting the start of new public welfare projects at that time.

- On the other hand, while the fundamental poll reforms are challenging to implement, they offer long-lasting benefits for the parliamentary democracy and federal system that we have chosen.
- *Source* → *The Hindu*

4 – Details of the Special session of Parliament:

GS II

Parliament related issues

- **Context:**
- A special session of Parliament would be held, according to the Union Minister for Parliamentary Affairs.
- **When does the legislature meet?**
- It was suggested that the Monsoon session start on July 15 and end on September 15 and that the Budget session start on February 1 and last until May 7.
- The committee recommended that the Winter session, which would be the final meeting of the year, start on November 5 (or the fourth day following Diwali, whichever comes later) and end on December 22.
- This calendar was approved by the government, but it was never used.
- **When does Parliament convene?**
- The dates and length of parliamentary sessions are set by the government.
- This choice is made by the Cabinet Committee on Parliamentary Affairs.

- There are presently ten Ministers.
- Special invitees to the Committee include the Minister of Law and the Minister of State for External Affairs.
- The Committee's decision is sent to the President, who subsequently calls a session of Parliament to order.
- **Legislative provisions:**
 - According to the Constitution, there cannot be a gap of six months between two legislative sessions.
 - This clause is a holdover from colonialism.
 - The Government of India Act of 1935 was the source from which the Constitution was derived.
 - It stipulated that there could never be a gap of more than a year between sessions of the central legislature called by the British Governor General.
 - The interval between sessions was shortened by the Constituent Assembly to six months.
- **About Special Session:**
 - The term "special session" is not used in the Constitution.
 - The phrase is sometimes used to describe meetings called by the government to mark special events, such as legislative or national anniversaries.
 - The presiding officers shall preside at the proceedings of the two Houses when they are in session.
 - The presiding officers may also order that their respective Houses' proceedings be condensed and that MPs be denied access to procedural tools like question period throughout the session.
 - However, a "special sitting of the House" is mentioned under Article 352 (Proclamation of Emergency) of the Constitution.
 - Through the Constitution (Forty-fourth Amendment) Act of 1978, Parliament added the section referring to the special session.
 - Its goal was to strengthen the country's ability to declare an emergency by adding additional safeguards.
 - In accordance with its provisions, if a Proclamation of Emergency is made when Parliament is not in session, one-tenth of the Lok Sabha's members may request that the President call a special meeting to reject the Emergency.
- **Source → *The Hindu***

5 – About Mangri Orang:

GS III

Internal Security

- **Context:**

- Mangri Orang, an unsung tea plantation worker, has been rediscovered on stage more than a century after she was shot in Assam's Darrang region for organising a struggle against foreign spirits and opium.

- **About:**

- She was a worker on a tea plantation who later rose to prominence in the tea gardens' anti-opium movement by taking part in the movement against collaboration.
- An unsung hero of India's fight for independence from British control is Mangri Orang.
- She was shot dead in 1921 for spearheading an uprising against the opium and foreign liquor that had been promoted during the colonial era.
- She is regarded as the country of India's freedom movement's first female martyr.

- **Source** → *The Hindu*