

DAILY CURRENT AFFAIRS ANALYSIS



LAKSHYA ACADEMY®

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1 - Applicability of Article 31C:

GS II

Constitution related issues

- **What does Article 31C entail?**
- **The following legislation are protected by Article 31C:**
 - According to Article 39B, the "material resources of the community" are allocated for the benefit of all.
 - According to Article 39C, wealth and the means of production are not "concentrated" to the "common detriment."
- **Article 31C Overview:**
 - It was mainly added to the Indian Constitution in 1971 as a result of the 25th Constitutional Amendment, which was passed in reaction to the ruling in the R.C. Union of India v. Cooper (Bank Nationalisation Case, 1959).
 - The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969 was declared unlawful by the court in this case because of problems with the compensation that was provided.
- **What Article 31C Is For:**
 - Article 31C forbids the right to equality (Article 14) or rights under Article 19 (freedom of speech, right to peaceful assembly, etc.) from undermining directive principles (Articles 39B and 39C).
- **What Constitutional and Legal Issues Are Raised by Article 31C?**
- **Case of Kesavananda Bharati (1973):**
 - The "basic structure doctrine," which states that some essential components of the Constitution cannot be changed by Parliament, was created by the Supreme Court.
 - A section of Article 31C, which states that laws purporting to be based on a particular government policy cannot be challenged in court for not accomplishing the policy's objectives, was declared unlawful by the court.
 - This made it possible for the court to review legislation passed in order to advance Articles 39(b) and 39(c) and assess if their goals genuinely aligned with the values stated in these sections.

- **The 1976 Constitutional Amendment Act (CAA) and the Minerva Mills Case (1980):**

- Article 31C's protective scope was expanded by CAA, 1976 to include all of the directive principles of state policy included in Articles 36–51 of the Constitution.
- The CAA, 1976's clause (4) stripped the courts of their authority to challenge any constitutional amendment.
- Furthermore, the CAA, 1976 attempted to do away with any restrictions on the modifying power in Clause (5).
- It sought to give the application of directive principles precedence over a few basic rights, especially when pursuing socioeconomic reforms.
- The Supreme Court invalidated Articles 4 and 5 of the Constitution (the Forty-second Amendment Act, 1976) in the Minerva Mills Case (1980).
- This court ruling highlighted the constraints on Parliament's ability to make significant changes to the Constitution.
- As a result of the Minerva Mills case, doubts were raised about the ongoing legitimacy and applicability of Article 31C.

- **What are the Points of Argumentation for Article 31C?**

- **Reasons Opposed to Automatic Revival:**

- An enlarged version of Article 31C was entirely "substituted" by the 42nd Amendment. As a result, the original could not simply come back when the new version was overturned in the Minerva Mills case.
- The legal precept that an original provision expires when it is substituted unless it is specifically revived serves as the foundation for this argument.

- **Justification for the Theory of Revival:**

- According to the doctrine of revival, Article 31C should be automatically revived.
- This opinion is reinforced by past decisions such as the National Judicial Appointments Commission case, which reinstated earlier sections after revisions were overturned. This suggests that in the event that the later amendments are declared illegal, the original Article 31C should be reinstated.

- **Disagreements Between DPSP and Fundamental Rights:**

- **The 1951 case of Champakam Dorairajan v. State of Madras:**

- In this instance, the Supreme Court decided that the Directive Principles would take precedence over the Fundamental Rights in the event of a dispute.
- It said that the Fundamental Rights must come first and be the primary concern for the Directive Principles.

- It further maintained that the Parliament could change the Fundamental Rights by the adoption of measures amending the Constitution.
- **1967's Golaknath v. State of Punjab:**
 - In this instance, the Supreme Court ruled that the Parliament may not alter Fundamental Rights, not even to carry out Directive Principles.
 - It was in conflict with the ruling in the "Shankari Parsad case" itself.
- **State of Kerala v. Kesavananda Bharati, 1973:**
 - The Supreme Court reversed its decision in the Golak Nath case in this instance. It declared that Parliament has the authority to restrict or eliminate any of the Fundamental Rights and confirmed the legality of the 24th Amendment Act.
 - It also established a new theory regarding the "basic structure" or "basic features" of the Constitution.
 - It decided that Parliament cannot change the "basic structure" of the Constitution using its constituent power under Article 368.
- **Union of India v. Minerva Mills, 1980:**
 - The Indian Constitution is based on the fundamental principle of striking a balance between the Fundamental Rights and the Directive Principles, the Supreme Court said in this particular case.
 - As long as the modification doesn't undermine or alter the fundamental framework of the Constitution, the Parliament may modify the Fundamental Rights in order to achieve the Directive Principles.

Source → The Hindu

2 - Situational Assessment Report on Indian Space:

GS III

Space related issues

- **What Are the Key Findings of the ISSAR 2023 Report?**
- **Population of Space Objects:**
 - Increase Worldwide: In 2023, 212 launches and on-orbit breakup events contributed 3,143 new objects worldwide.
 - Indian Additions: By the end of December 2023, India will have launched 127 satellites, making a contribution to this.
 - All seven of ISRO's launches in 2023—SLSV-D2/EOS7, LVM3-M3/ONEWEB 2, PSLV-C55/TeLEOS-2, LVM3-M4/Chandrayaan-3, and PSLV-C57/Aditya L-1—were accomplished with success.
 - In all, eight rocket bodies (including POEM-2) and forty-six foreign satellites as well as five Indian spacecraft were deployed into their designated orbits.
 - Indian Space Resources:
 - Operational Satellites: India had 29 operational satellites in geostationary orbit (GEO) and 22 operational spacecraft in low Earth orbit (LEO) as of December 31, 2023.
 - Deep Space Missions: Chandrayaan-2 Orbiter, Aditya-L1, and Chandrayaan-3 Propulsion Module are the three ongoing Indian deep space missions.
- **Activities for Situational Awareness in Space:**
 - ISRO constantly conducts assessments to forecast other space objects' near approaches to Indian space assets.
 - To protect its operating spacecraft, ISRO performs Collision Avoidance Manoeuvres (CAMs) during critical near approaches.
 - USSPACECOM (US Space Command) got almost one lakh close approach alerts, and ISRO satellites were found to have over 3,000 close approach alerts identified within a one-kilometer radius.
 - No close approaches with other space objects were detected for the Chandrayaan-3 mission throughout its mission phases, and also for Aditya-L1 during its Earth-bound phase.
- **Collision Avoidance Maneuvers (CAMs):**
 - The report highlights a significant increase in the number of CAMs conducted by ISRO in 2023.
 - ISRO conducts Collision Avoidance Analysis (COLA) to assess and prevent potential collisions.

- A total of 23 Collision Avoidance Maneuvers (CAMs) were carried out during 2023 to protect Indian space assets, compared to 21 in 2022 and 19 in 2021.
- **Satellites Re-entry:**
 - The report details the successful re-entry of 8 Indian satellites in 2023. This includes the controlled de-orbiting of Megha-Tropiques-1, showcasing ISRO's commitment to responsible space debris management.
- **International Cooperation on Space Sustainability:**
 - In numerous international forums, including the UN-Committee on the Peaceful Uses of Outer Space (COPUOS), the International Academy of Astronautics (IAA) space debris working group, the International Astronautical Federation (IAF) space traffic management working group, the International Organisation for Standardisation (ISO) space debris working group, and the Inter-Agency Debris Coordination Committee (IADC) with thirteen space agencies, ISRO actively participates. These discussions and guidelines address space debris and the long-term sustainability of space activities.
 - ISRO, as the chair of IADC for 2023-24, hosted the 42nd annual IADC meeting in April 2024.
 - ISRO participated in the IADC annual re-entry campaign and contributed to the revision of IADC space debris mitigation guidelines and other space sustainability aspects.
 - **Challenge of Space Debris:**
 - The report also acknowledges the ongoing challenge of space debris. It notes that 82 rocket bodies from Indian launches remain in orbit, with fragments from a 2001 PSLV-C3 mishap still contributing to the total.
- **Way Forward:**
 - Establish a global framework for Space Traffic Management (STM) to standardise procedures for collision avoidance and inter-operator coordination.
 - Promote responsible space practices, including debris mitigation measures and sustainable satellite deployment.
 - Encourage innovation in active debris removal and on-orbit servicing technologies.
 - Facilitate international collaboration to share resources, expertise, and data for space situational awareness.
 - Review and update space regulations to accommodate the evolving needs of the space sector and raise awareness about space sustainability.

Source → The Hindu

3 - India Sugarcane Subsidy under WTO Scrutiny:

GS III

Agriculture related issues

- **What is the WTO's Agreement on Agriculture (AoA)?**
- **About:**
 - The Agreement on Agriculture (AoA) is an international treaty established by the World Trade Organization (WTO).
 - It was negotiated during the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) and entered into force with the establishment of the WTO on 1st January 1995.
 - Objective:
 - AoA is aimed to remove trade barriers and to promote transparent market access and integration of global markets.
 - The AoA aims to establish a fair and market-oriented agricultural trading system.
 - It sets out rules applicable to all WTO members to provide for substantial progressive reductions in agricultural support and protection in their country.
- **3 Pillars of AoA:**
 - Domestic Support: It calls for reduction in domestic subsidies that distorts free trade and fair price.
 - Under this provision, the Aggregate Measurement of Support (AMS) is to be reduced by 20% over a period of 6 years by developed countries and 13% over a period of 10 years by developing countries.
 - Under this, subsidies are categorised into: Blue Box, Green Box and Amber Box subsidies.
 - Market Access: Market access for goods in the WTO means the conditions, tariff and non-tariff measures, agreed by members for the entry of specific goods into their markets.
 - Market access requires that tariffs fixed (like custom duties) by individual countries be cut progressively to allow free trade. It also required countries to remove non-tariff barriers and convert them to Tariff duties.
 - Export Subsidy: Subsidy on inputs of agriculture, making export cheaper or other incentives for exports such as import duty remission etc are included under export subsidies.
 - These can result in dumping of highly subsidised (and cheap) products in other countries and damage the domestic agriculture sector of other countries.

- **What are the Allegations against India Regarding Violating AoA?**

- **Background of the Incident:**

- This allegation follows a previous one from 2019 when Brazil, Australia, and Guatemala initiated a dispute against India at the WTO, alleging that India's sugar subsidies are inconsistent with global trade rules.
- Consequently, a WTO panel in 2021 confirmed the claims, however, India appealed the findings and prevented the panel's report from being adopted by the WTO's Dispute Settlement Body.

- **Complaint Against India:**

- The US and Australia have claimed that India's domestic support measures are inconsistent with various articles of the WTO's Agreement on Agriculture.
- For the Period 2018-2022, India's Market Price Support constituted over 90% of the value of production of sugar every year against the permitted level of 10% as per WTO's AoA.
- The US and Australia also highlighted a crucial absence in India's reporting claiming that India hadn't included sugarcane or its derivatives in any domestic support notifications since the marketing year 1995-96.
- This omission has left the WTO without adequate information to assess India's compliance with global trade regulations.
- Since the WTO's Appellate Body is currently inactive due to the lack of appointed members, no appeals can be decided on until it becomes operational once more.

- **India's Stand:**

- In 2022, India had appealed against a ruling of the WTO's trade dispute settlement panel which ruled that the country's domestic support measures for sugar and sugarcane are inconsistent with global trade norms.
- In its appeal, India argued that the panel had erred in finding that India's FRP and SAP constitute market price support under the AoA.
- India pointed out the error and said that US-Australia analysis uses the entire sugarcane production in India in a given year for calculating the subsidies, regardless of whether or not the sugarcane was actually delivered to sugar mills for crushing under the Sugarcane (Control) Order.
- The Sugarcane (Control) Order, 1966 is a regulatory framework that governs various aspects related to sugarcane production, pricing, and trade in India.

Source → The Hindu

4 - Illegal Mining in Orchha Wildlife Sanctuary:

GS II

Government Policies and Interventions

- **What are the Key Points About the Orchha Wildlife Sanctuary?**
- **About:**
 - It was established in 1994 and is located within a large forest area.
 - It is situated near the Betwa River (a tributary of the Yamuna), in the border region between Madhya Pradesh and Uttar Pradesh, contributing to its unique ecosystem and biodiversity.
- **Fauna Species:**
 - It is home to a diverse range of fauna, including spotted deer, Blue Bull, Peacock, Wild pig, Monkey, Jackal, Nilgai, Sloth Bear, and various bird species.
 - Birdwatching is particularly popular, with around 200 bird species found in the sanctuary's river ecosystem. These include both resident birds and migratory species such as peafowls, peacocks, swans, Jungle Bush Quail, minivet, etc.
- **Forest Types:**
 - It has southern tropical dry deciduous forests. The sanctuary features dense plantations of Dhawa Trees, Kardhai Trees, Teak, Palaash, and Khair, contributing to its rich biodiversity and natural ambiance.
- **What are Eco-Sensitive Zones?**
- **About:**
 - The National Wildlife Action Plan (2002-2016) of the Ministry of Environment, Forest and Climate Change (MoEFCC) stipulated that state governments should declare land falling within 10 km of the boundaries of national parks and wildlife sanctuaries as eco-fragile zones or Eco-Sensitive Zones (ESZs) under the Environmental (Protection) Act, 1986.

- **Activities around ESZs:**

- Prohibited Activities: Commercial mining, establishment of major Hydroelectric Projects (HEP), commercial use of wood.
- Regulated Activities: Establishment of hotels and resorts, commercial use of natural water, drastic change of agriculture system, such as: adoption of heavy technology, pesticides, etc, widening of roads.
- Permitted Activities: Rainwater harvesting, organic farming, use of renewable energy sources.

- **Significance of ESZs:**

- **Protect Core Ecological Areas:**

- Acts as buffer zone reducing impact from activities like construction and pollution.
- Minimises threats to wildlife and ecosystems.
- Promotes in-situ conservation within natural habitats.

Source → The Hindu



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