



Current Affairs for UPSC IAS Exam – 24 July 2021

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1. Monsoon revival sees rise in extreme rainfall events
2. Essential Defence Services Bill, 2021
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4. SC says secrecy of vote a must in any election

[Monsoon revival sees rise in extreme rainfall events](#)

Context:

Rainfall amid the monsoon's revival since mid-July 2021 has seen significant variation across the country.

Relevance:

GS-I: Geography (Climatology, Important geophysical phenomena), GS-III: Environment and Ecology (Climate Change and its Impact)

Dimensions of the Article:

1. Monsoon in India

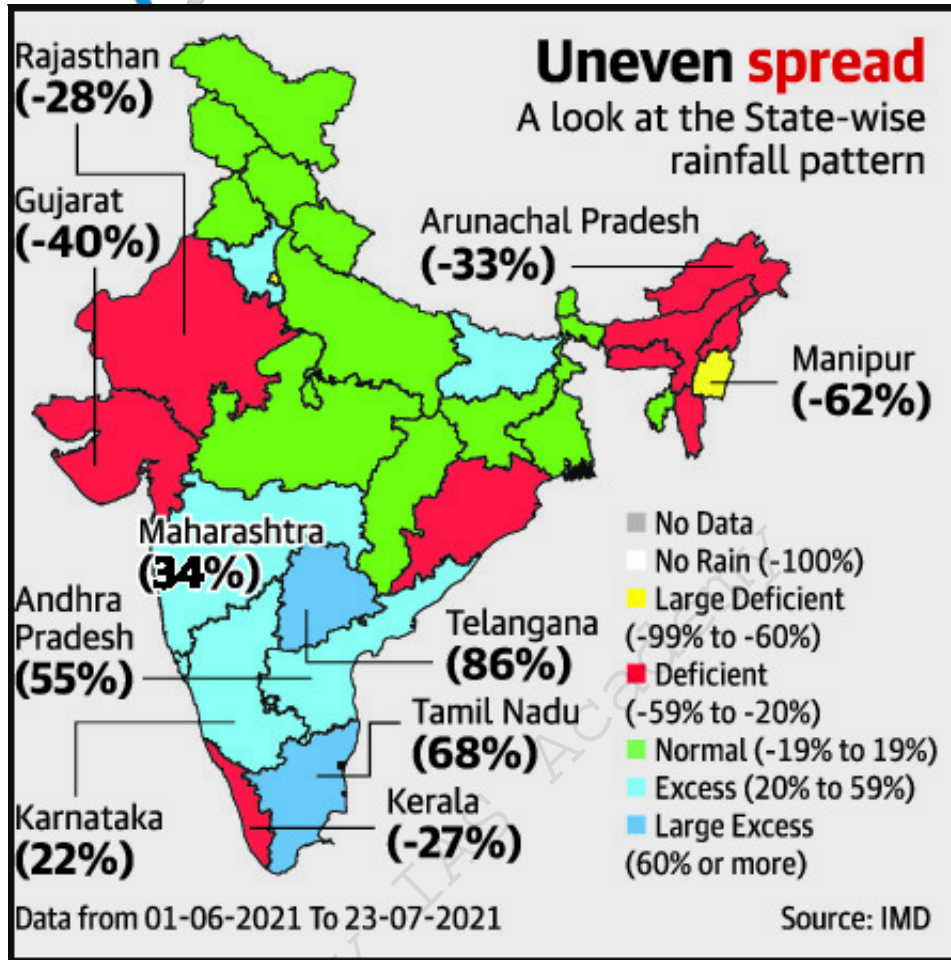


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2. Recent extreme rainfall events
 3. Cause of Extreme Rainfall Events

[Click Here to read about Monsoon in India, Prediction of monsoon in India and more](#)

Recent extreme rainfall events

- Several parts of the western Konkan coast and the southern peninsula were seeing instances of extreme rainfall with the 'Southern Peninsula' region seeing almost 30% more rain than normal during the June-July period.
- Recently, Mahabaleshwar in western Maharashtra reported over 60cm of rainfall in just one day which "exceeded its all-time record" according to the IMD.
- Rainfall, the IMD said the torrential rains over the Konkan coast was likely to continue for the rest of the week due to the position of the monsoon trough.
- July and August are the most important monsoon months contributing over two-third of the seasonal rainfall and central India as well as the south Peninsula are expected to see most of the rainfall during this interim.
- However, climate scientists have warned that monsoon patterns, overall have been changing.



Cause of Extreme Rainfall Events

- The frequency and strength of cyclones over the Arabian Sea has increased in the last two decades.
- There is a 52% increase in the frequency of cyclones over Arabian Sea from 2001-2019 and 8% decrease over Bay of Bengal compared to 1982-2002, when historically most cyclones have been in Bay of Bengal, according to a study
- Even the duration of these cyclones has increased by 80%. More cyclones were bringing in more moisture from the Arabian Sea and contributing to extreme rainfall events.

[Click Here to read about Extreme Weather Events and Climate Change](#)

-Source: The Hindu



[Essential Defence Services Bill, 2021](#)

Context:

Recently, the Minister of State for Defence introduced the Essential Defence Services Bill in the Lok Sabha.

Relevance:

GS-III: Internal Security Challenges, GS-II: Polity and Governance (Government Policies and Interventions)

Dimensions of the Article:

1. What is the Essential Defence Services Bill?
2. Understanding Strikes and the punishments in this context:
3. Industrial Disputes Act 1947

What is the Essential Defence Services Bill?

- Essentially, the Essential Defence Services Bill is aimed at preventing the staff of the government-owned ordnance factories from going on a strike.
- It will amend the Industrial Disputes Act, 1947 to include essential defence services under public utility services.
- The Bill introduced recently, mentioned that that it is meant to “provide for the maintenance of essential defence services so as to secure the security of nation and the life and property of public at large”.
- The Government said that since it is “essential that an uninterrupted supply of ordnance



items to the armed forces be maintained for the defence preparedness of the country and the ordnance factories continue to function without any disruptions, it was felt necessary that the Government should have power to meet the emergency created by such attempts and ensure the maintenance of essential defence services **in public interest or interest of the sovereignty and integrity of India or security of any State or decency or morality**".

These are the lines along which reasonable restrictions can be imposed by law (imposed only by authority of law and NOT by executive action alone), on the Fundamental Rights Guaranteed under Article 19.

- a. On Freedom of Speech and Expression:
 - Sovereignty and integrity of India,
 - The security of the State,
 - Friendly relations with foreign States,
 - Public order,
 - Decency or morality or
 - In relation to Contempt of Court,
 - Defamation or
 - Incitement to an offence.
- b. On Freedom to Assemble Peaceably and Without Arms:
 - Sovereignty and integrity of India or
 - Public order
- c. On Freedom to Form Associations or Unions:
 - Sovereignty and integrity of India
 - Public order or
 - Morality
- d. On Freedom to Move Freely throughout the Territory of India:
 - Interests of the General Public
 - Protection of the Interests of any Scheduled Tribe
- e. On Freedom to Reside and Settle in any part of the territory of India:
 - Interests of the General Public
 - Protection of the Interests of any Scheduled Tribe
- f. On Freedom to Practice any Profession, or to Carry on any Occupation, Trade or Business:
 - Interests of the general public

What does the new bill allow the government to do?



- The Government can declare any service as an essential defence service if its cessation would affect the:
 - Production of defence equipment or goods.
 - Operation or maintenance of industrial establishments or units engaged in such production.
 - Repair or maintenance of products connected with defence.
 - Government may prohibit strikes, lock-outs, and lay-offs in units engaged in essential defence services.
- It may issue such an order, if necessary, in the interest of sovereignty and integrity of India, security of any state, public order, public, decency and morality.

Understanding Strikes and the punishments in this context:

- Strikes are defined as a cessation of work by a body of persons acting together and they may include: Mass leaves, coordinated refusals of any number of persons to work, Refusal to work overtime where it is absolutely necessary for essential services to continue, or any other such activity that disrupts work in essential services (in this case, defence).
- Employers violating the prohibition order through illegal lock-outs or lay-offs will be punished with up to one year imprisonment or Rs 10,000 fine, or both.
- Persons commencing or participating in illegal strikes - Up to one year imprisonment or Rs 10,000 fine, or both.
- Persons instigating, inciting, or taking actions to continue illegal strikes, or knowingly supplying money for such purposes- Up to two years imprisonment or Rs 15,000 fine, or both.

Do we have a Fundamental Right to Strike in India?

- **Right to strike is not expressly recognized in the Constitution of India.**
- **The Supreme Court settled the case of Kameshwar Prasad v. The State of Bihar 1958 by stating that strike is not a fundamental right. Government employees have no legal or moral rights to go on strikes.**
- **India recognized strike as a statutory right under the Industrial Disputes Act, 1947.**

Industrial Disputes Act 1947



- The Industrial Disputes Act, 1947 (came into effect in April 1947 – before Independence) extends to the whole of India and regulates Indian labour law so far as those that concern trade unions as well as Individual workman employed in any Industry within the territory of Indian mainland.
- The Industrial Disputes Act 1947 defines public utility service and strike and puts certain prohibitions on the right to strike.
- The laws apply only to the organised sector and Every person employed in an establishment for hire or reward including contract labour, apprentices and part-time employees to do any manual, clerical, skilled, unskilled, technical, operational or supervisory work, is covered by the Act.
- It provides that no person employed in public utility service shall go on strike in breach of contract:
 - Without giving the employer notice of strike within six weeks before striking.
 - Within fourteen days of giving such notice.
 - Before the expiry of the date of strike specified in any such notice as aforesaid.
 - During the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.
- It is to be noted that these provisions do not prohibit the workmen from going on strike but require them to fulfill the condition before going on strike. Further these provisions apply to a public utility service only.
- This Act though does not apply to persons mainly in managerial or administrative capacity, persons engaged in a supervisory capacity and drawing > 10,000 p.m or executing managerial functions and persons subject to Army Act, Air Force and Navy Act or those in police service or officer or employee of a prison.

-Source: *The Hindu*

[SC upholds NGT ban on firecrackers](#)

Context:

The Supreme Court dismissed a challenge to a National Green Tribunal (NGT) ban on the sale and use of firecrackers during the COVID-19 pandemic in the National Capital Region (NCR) and all cities and towns where the ambient air quality is in the poor or above categories.



Relevance:

GS-III: Environment and Ecology (Environmental Pollution, Environmental Degradation, Government Policies and Interventions), GS-II: Polity and Governance (Statutory Bodies and Quasi-Judicial Bodies)

Dimensions of the Article:

1. About the NGT order banning firecrackers
2. Why was the ban on firecrackers needed in 2020?
3. Supreme Court's recent judgement on ban of firecrackers
4. SC on Firecrackers in the past
5. About the National Green Tribunal (NGT)
6. Powers of NGT
7. Structure of National Green Tribunal

About the NGT order banning firecrackers

- The NGT had noted in its December 2020 order that only green crackers would be permitted for Christmas and New Year – between 11:55 pm and 12:30 am – in areas where the ambient air quality was in the moderate or below categories.
- District magistrates were directed to ensure that firecrackers were not sold and violators would have to pay compensation.
- The Tribunal had reasoned that the “right to business is not absolute. There is no right to violate air quality and noise level norms”.
- The NGT order of 2020 provided concessions to cities and towns that have moderate air quality, by allowing them to burst green crackers at specified hours.
- The NGT noted that Odisha, Rajasthan, Sikkim, Chandigarh, the Delhi Pollution Control Committee and the Calcutta High Court had already banned firecrackers this year.
- The NGT's reasoning gave primacy to the precautionary principle in sustainable development over employment and revenue losses.

Why was the ban on firecrackers needed in 2020?



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- There were fears of a COVID-19 case surge during the winter, so it was incumbent on the Centre to work with States and prevent the burning of farm stubble ahead of Deepavali.
 - This annual phenomenon unfailingly pollutes the air across northern and eastern India, and imposes heavy health and productivity costs.
 - In the absence of pollution from agricultural residue, there might have been some room for a limited quantity of firecrackers.
 - But, climatic conditions of low temperature and atmospheric circulation at this time of year would still leave many in distress.
 - Only damage control is possible now, including steps to address the concerns of the fireworks industry.

Supreme Court's recent judgement on ban of firecrackers

- The Supreme Court said that it did not require a report by the Indian Institute of Technology to know that firecrackers were bad for the lungs while hearing a petition from mostly firecracker manufacturers who said the ban was an impediment to their livelihoods.
- The court agreed with the 2020 Tribunal order and said no further clarification was required on the issue.

SC on Firecrackers in the past

- In 2017, the SC had banned the use and sale of toxic crackers on the basis of a petition filed by two infants who pleaded for their right to life.
- The court had said the sale of green and improved crackers would be only through licensed traders. It dismissed arguments that bursting crackers was a fundamental right and an essential practice during religious festivals like Diwali.
- The Court's endeavour was to strive at balancing of two rights, namely, right of the petitioners under Article 21 and right of the manufacturers and traders under Article 19(1)(g) of the Constitution
- The SC said it felt that Article 25 [right to religion] is subject to Article 21 [right to life].
- If a particular religious practice is threatening the health and lives of people, such practice is not entitled to protection under Article 25.

About the National Green Tribunal (NGT)



- The NGT was established on 2010 under the National Green Tribunal Act 2010, passed by the Central Government.
- National Green Tribunal Act, 2010 is an Act of the Parliament of India which enables creation of a special tribunal to handle the expeditious disposal of the cases pertaining to environmental issues.
- NGT Act draws inspiration from the India's constitutional provision of (Constitution of India/Part III) Article 21 Protection of life and personal liberty, which assures the citizens of India the right to a healthy environment.
- The stated objective of the Central Government was to provide a specialized forum for effective and speedy disposal of cases pertaining to environment protection, conservation of forests and for seeking compensation for damages caused to people or property due to violation of environmental laws or conditions specified while granting permissions.

Powers of NGT

- The NGT has the power to hear all civil cases relating to environmental issues and questions that are linked to the implementation of laws listed in Schedule I of the NGT Act. These include the following:
 - a. The Water (Prevention and Control of Pollution) Act, 1974;
 - b. The Water (Prevention and Control of Pollution) Cess Act, 1977;
 - c. The Forest (Conservation) Act, 1980;
 - d. The Air (Prevention and Control of Pollution) Act, 1981;
 - e. The Environment (Protection) Act, 1986;
 - f. The Public Liability Insurance Act, 1991;
 - g. The Biological Diversity Act, 2002.
- This means that any violations pertaining ONLY to these laws, or any order / decision taken by the Government under these laws can be challenged before the NGT.
- Importantly, the NGT has NOT been vested with powers to hear any matter relating to the Wildlife (Protection) Act, 1972, the Indian Forest Act, 1927 and various laws enacted by States relating to forests, tree preservation etc.

Structure of National Green Tribunal

- Following the enactment of the said law, the Principal Bench of the NGT has been established in the National Capital – New Delhi, with regional benches in Pune (Western Zone Bench), Bhopal (Central Zone Bench), Chennai (Southern Bench) and Kolkata (Eastern Bench). Each Bench has a specified geographical jurisdiction covering several States in a region.
- The Chairperson of the NGT is a retired Judge of the Supreme Court, Head Quartered



in Delhi.

- Other Judicial members are retired Judges of High Courts. Each bench of the NGT will comprise of at least one Judicial Member and one Expert Member.
- Expert members should have a professional qualification and a minimum of 15 years' experience in the field of environment/forest conservation and related subjects.

-Source: *The Hindu, Hindustan Times*

[SC says secrecy of vote a must in any election](#)

Context:

The Supreme Court held that in any election, be it to Parliament or State legislature, the maintenance of secrecy of voting is “a must”.

Relevance:

GS-II: Polity and Governance (Constitutional Provisions, Representation of People's Act)

Dimensions of the Article:

1. Recent Supreme Court Judgement on Secret Ballot
2. About Right to Vote in India and the Privilege of Secrecy

Recent Supreme Court Judgement on Secret Ballot



- The Supreme Court held the secrecy is a part of the fundamental right of freedom of expression and the confidentiality of choice strengthens democracy.
- Democracy and free elections are a part of the Basic Structure of the Constitution and an important postulate of constitutional democracy.
- The bench noted that since an election is a mechanism which ultimately represents the will of the people, the essence of the electoral system should be to ensure freedom of voters to exercise their free choice.
- The SC also said that Booth capturing and/or bogus voting should be dealt with iron hands, because it ultimately affects the rule of law and democracy. Nobody can be permitted to dilute the right to free and fair election.
- Even a remote or distinct possibility that a voter can be forced to disclose for whom she has voted would act as a positive constraint and a check on the freedom to exercise of franchise.
- The secret ballot helps protect voters from fear of intimidation or coercion.

About Right to Vote in India and the Privilege of Secrecy

- In India, the right to vote is provided by the Constitution and the Representation of People's Act, 1951, subject to certain disqualifications.
- Article 326 of the Constitution guarantees the right to vote to every citizen above the age of 18.
- Further, Section 62 of the Representation of Peoples Act (RoPA), 1951 states that every person who is in the electoral roll of that constituency will be entitled to vote.
- Section 94 of the Representation of People Act upholds the privilege of the voter to maintain confidentiality about their choice of vote.

Waiving off secrecy

- However, a voter can also voluntarily waive the privilege of non-disclosure and the privilege of confidentiality ends when the voter decides to waive the privilege and instead volunteers to disclose as to whom they had voted.
- No one can prevent a voter from disclosing nor can a complaint be entertained from anybody as to why they disclosed for whom they voted.

NOT all elections in India employ Secret Ballot system



- **Votes are given by open ballot for elections in the Rajya Sabha (Council of States).** The representatives of each State and of the two Union territories in the Rajya Sabha are elected by the elected members of the Legislative Assembly of the State and by the members of the electoral college for that territory, as the case may be, in accordance with the system of proportional representation by means of the single transferable vote which are given by Open Ballot. [Source.](#)
- Rule 39AA of the Conduct of Election Rules of 1961 provides for open ballot system of voting for elections in the Rajya Sabha.
- A voter may show his/her marked ballot paper **ONLY** to the authorised representative of his/her political party (**Party Whip**) (and not to be shown to anyone else except the whip, or else that vote will be declared invalid) before dropping it into the ballot box.
- In case of independent MLAs, they do not have to show their votes to “anyone at all”.
- The party high command can issue a whip for a Rajya Sabha candidate, but **anti-defection law provisions do not apply**, and a defiant MLA is not disqualified from membership of the House.
- The Supreme Court has in the past held that open ballot votes in Rajya Sabha elections against the whip will not lead to disqualification as the Tenth Schedule, pertaining to anti-defection provisions, has a different purpose.

-Source: *The Hindu*