

**16-01-2023**

## **Supreme Court verdict on personal statement of any minister including MLAs and MPs**

### **Why in Newspapers?**

Recently, the Supreme Court (SC) ruled that despite the principle of collective responsibility, **personal statements of ministers, including MLAs and MPs, cannot be held to be statements of the government.**

### **Quick Issue?**

- The above mentioned judgment of the Supreme Court has come in the case of **Kaushal Kishore Vs State of Uttar Pradesh**, which is related to the **2016 Bulandshahr rape incident**.
- **Azam Khan**, the then Uttar Pradesh, state minister and leader of the Samajwadi Party, termed the incident as '**nothing but a political conspiracy**'.
- The aggrieved people filed a petition before the apex court demanding action against Khan.



### **Historical Background?**

- A **five-judge Constitution bench** headed by Justice SA Nazeer and comprising Justices BR Gavai, AS Bopanna, V Ramasubramaniam and Justice BV Nagaratna pronounced the verdict.
- The apex court said that **no additional restrictions can be imposed against the freedom of expression except those mentioned under Article 19(2) of the Constitution.**
- The top court said that **citizens have the right to file a petition in the court for violation of Article 19 (freedom of expression) and Article 21 (right to life)**, but any statement made by the minister may be inconsistent with the rights of the citizens. becomes completely inoperable
- However, **the court also said that if the statement of a public officer leads to some kind of incident or commission, then remedies can be sought against it.**
- The **Supreme Court said that the Prime Minister or the Chief Minister does not have disciplinary control over the members of the Council of Ministers** and in a country like ours, where **there is a multi-party system and where coalition governments are often formed**, the Prime Minister / Chief Minister, when a statement is made by a member of the Council of Ministers It is not possible to take whip (action) all the time.



- However, Justice Nagaratna, the only judge dissenting from the majority in the five-judge bench, held that the **statement of a minister, if the defence of any state or government could be linked, would hold the government responsible by invoking the principle of collective responsibility** can be held, provided that "**such statements also represent the view of the Government**".
- Like other citizens, **Ministers are also guaranteed the right to freedom of expression under Article 19(1)(A)**, which is governed by the reasonable restrictions prescribed in Article 19(2), and they are sufficient.
- The majority's decision also made a **valid distinction on the indirect responsibility of the government for wrong decisions or hateful remarks made by its ministers.**
  - In collective responsibility, the **flow of current is from the Council of Ministers to the individual ministers.**
  - The flow is not in the reverse direction, i.e. from individual ministers to the Council of Ministers.
- **The idea of collective responsibility cannot be made applicable to "every speech made orally by a minister outside the Lok Sabha or the Legislative Assembly".**
- The Court also examined the issue **whether the speech of any minister infringing the fundamental rights of a citizen can be considered a Constitutional Tort.**
- Constitutional Tort is a **legal device** in which the **State is held vicariously responsible for the actions of its agents.**
- Even if a minister makes a comment that **violates one's fundamental rights, legal action cannot be taken in this regard unless it actually causes injury or harm to someone.**

### Other Key Facts?

#### Article 19

- Article 19 of the Constitution of India **guarantees the right to freedom of speech and expression and is generally enforced against the State.**
- **Article 19(1)** of the Constitution of India
  - (a) Freedom of speech and expression.
  - (b) to assemble peacefully and without arms.
  - (c) Formation of association or committee.
  - (d) To move freely throughout the territory of India.
  - (e) to reside and settle in any part of the territory of India.
  - (f) Omitted
  - (g) undertaking any profession or business.

#### Article 19(2) in Indian Constitution 1949

- **The freedom conferred in sub-clause (a) of clause (1) shall not affect the operation of any existing law, or prevent the State from making any law, unless such law is in the interests of the sovereignty and integrity of India imposes reasonable restrictions on the exercise of the right conferred by it in relation to the security of the State, friendly relations with foreign States, public order, morality or contempt of court, defamation or incitement to an offence.**

## Human Rights Watch Report 2023

### Why in Newspapers?

Human Rights Watch has published its annual **"World Report 2023"**. It criticized the Government of India and the Bharatiya Janata Party (BJP) for deliberately enacting laws and policies that are discriminatory against religious minorities, especially Muslims. The **Human Rights Watch Report 2023** compared India to China in the suppression of dissent and free expression and **"systematic discrimination against religious minorities"**.

### Quick Issue?

- Human Rights Watch is a **US-based non-governmental organization (NGO)** that **investigates and reports on human rights** abuses in all parts of the world.
- It **generally represents the western way of looking at things**.
- It publishes a **"World Report"** every year to **highlight human rights violations around the world**.

#### Human Rights Watch

- NGO
- Started in 1978 as **Helsinki Watch**
- All the "Watch" committees were united in 1988 to form HRW
- Up-to-the-minute information
- More than 230 paid staff
- A budget of over US\$30 million a year

### Historical Background?

- The report said that the central government is promoting Hindu majoritarian ideology and inciting officials and supporters to discriminate against religious minorities and sometimes to take violent action.
- It has **exposed the government's discriminatory attitude towards minority communities** in cases of violence against women (release of Bilkis Bano rape convicts).
- Even after 3 years of abrogation of Article 370** and subsequent creation of two Union Territories (Jammu-Kashmir and Ladakh), "the government continues to restrict free expression and peaceful assembly in both the Union Territories".
- Authorities also used the **Jammu and Kashmir Public Safety Act** and the **Unlawful Activities Prevention Act (UAPA), 1967** to "arbitrarily" detain journalists and activists.
- It also referred to **suspected terrorist attacks on the minority Hindu and Sikh communities in the Kashmir Valley**.
- Appreciated the quick liberal steps taken by the Supreme Court of India, such as the **decision to stop all use of the colonial-era sedition law**.
- It also referred to the **Supreme Court's decision to give abortion rights to all women regardless of marital status** and to broaden the definition of **family to include same-sex couples, single parents and other families**.
- The Supreme Court has **not reached a decision on the right of Muslim girl students to wear hijab in educational institutions**.



- **Human Rights Watch Report 2023** states that **human rights groups, social activists and non-governmental organizations** have been subjected to tax raids by authorities across the country, use of the **Foreign Contribution Regulation Act (FCRA)** and other allegations of financial irregularities.
- **With reference to Sri Lanka :-** With reference to Sri Lanka, it said that the change of presidents in 2022 has not led to any improvement in the country's human rights record.
  - The largely peaceful protests were cracked down heavily by the new president, Ranil Wickremesinghe, imprisoning activists and disregarding justice for past violations.
- **In the context of Pakistan:** Pakistani authorities have clamped down on the media, civil society groups and opposition activists in 2022, failing to protect the rights of minorities and other at-risk groups.
- **In the context of Nepal:-** The Nepali government had yet to pursue justice for conflict-era rights abuses.
- **In the context of Bangladesh:** continued abuses by security forces amid increasing attacks against members of the political opposition raise concerns about violence and repression ahead of Bangladesh's 2023 parliamentary elections.
- **In Afghanistan:** In Afghanistan, HRW said that since taking power in August 2021, the Taliban authorities have implemented widespread rules and policies that deprive women and girls of their basic rights and Crushes peaceful dissent.

### Other Key Facts?

#### What is Human Rights Watch?

- US based **Non-Government Organization (NGO) Human Rights Watch** has recently published its annual report "**World Report 2023**".
- Human Rights Watch has published its reports on the human rights situation in **more than 100 countries and territories**.
- In its annual World Report, Human Rights Watch said that authoritarianism around the world is leading to a "**sea of human suffering**".
- The **712-page report highlighted civil liberties for women and girls in Afghanistan** as well as declining human rights in **war-torn Ukraine**, and called on governments around the world to do more to preserve civil liberties.

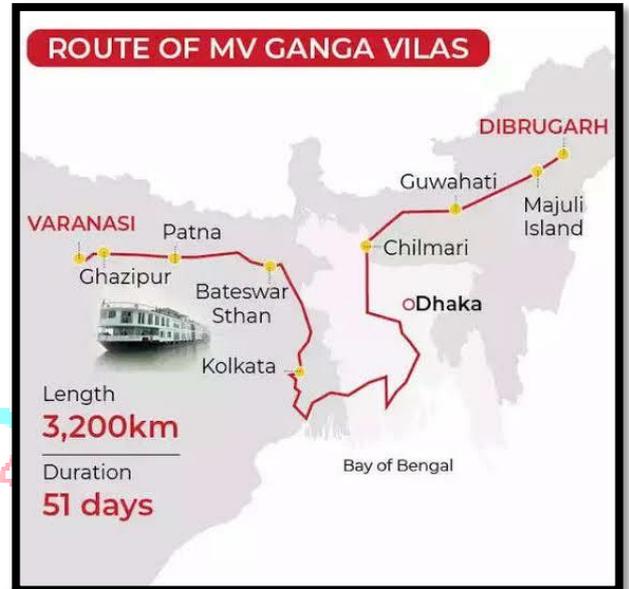
## MV Ganga Vilas, world's highest river cruise

### Why in Newspapers?

Recently the world's longest river cruise, MV Ganga Vilas was flagged off in Varanasi by the Prime Minister of India.

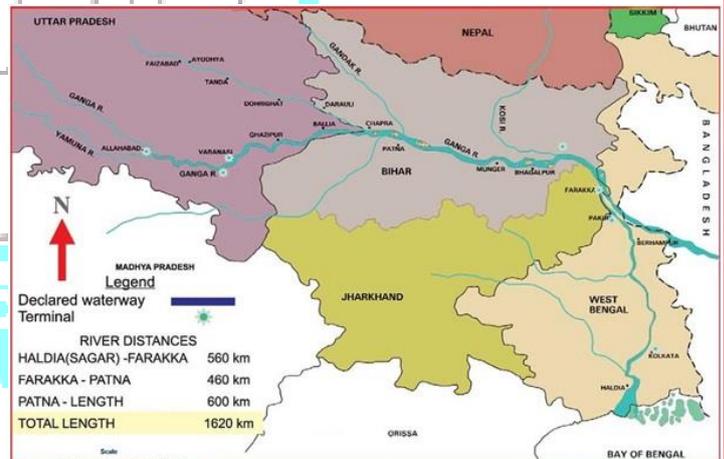
### Quick Issue?

- The journey of Ganga Vilas River Cruise has started from Kolkata.
- The cruise left from Kolkata last month, which reached Ramnagar Port in Varanasi, Uttar Pradesh on January 13.
- From here it will travel to Dibrugarh in Assam via Bangladesh.
- The cruise can reach its destination by March 1, 2023.



### Important Features!

- It will cover a distance of 3,200 km in about 51 days to reach Dibrugarh in Assam via Bangladesh.
- Built with unique design and futuristic vision, this cruise will pass through various prominent places ranging from Hooghly River in Kolkata to Ganga in Varanasi.
- The cruise will cover various famous tourist destinations including world heritage sites and national parks like Kashi, Purab Sahib, Bodh Gaya, Vikramshila, Dhaka and Sunderbans.
- This pipeline will pass through major cities like Bihar, Sahibganj in Jharkhand, Kolkata in West Bengal, Dhaka in Bangladesh and Assam.
- This cruise will cross around 27 rivers and will connect National Waterway 1 (NW1) and National Waterway 2 (NW2).
- The project will be managed by private investment and supported by the Inland Waterways Authority of India (IWAI).

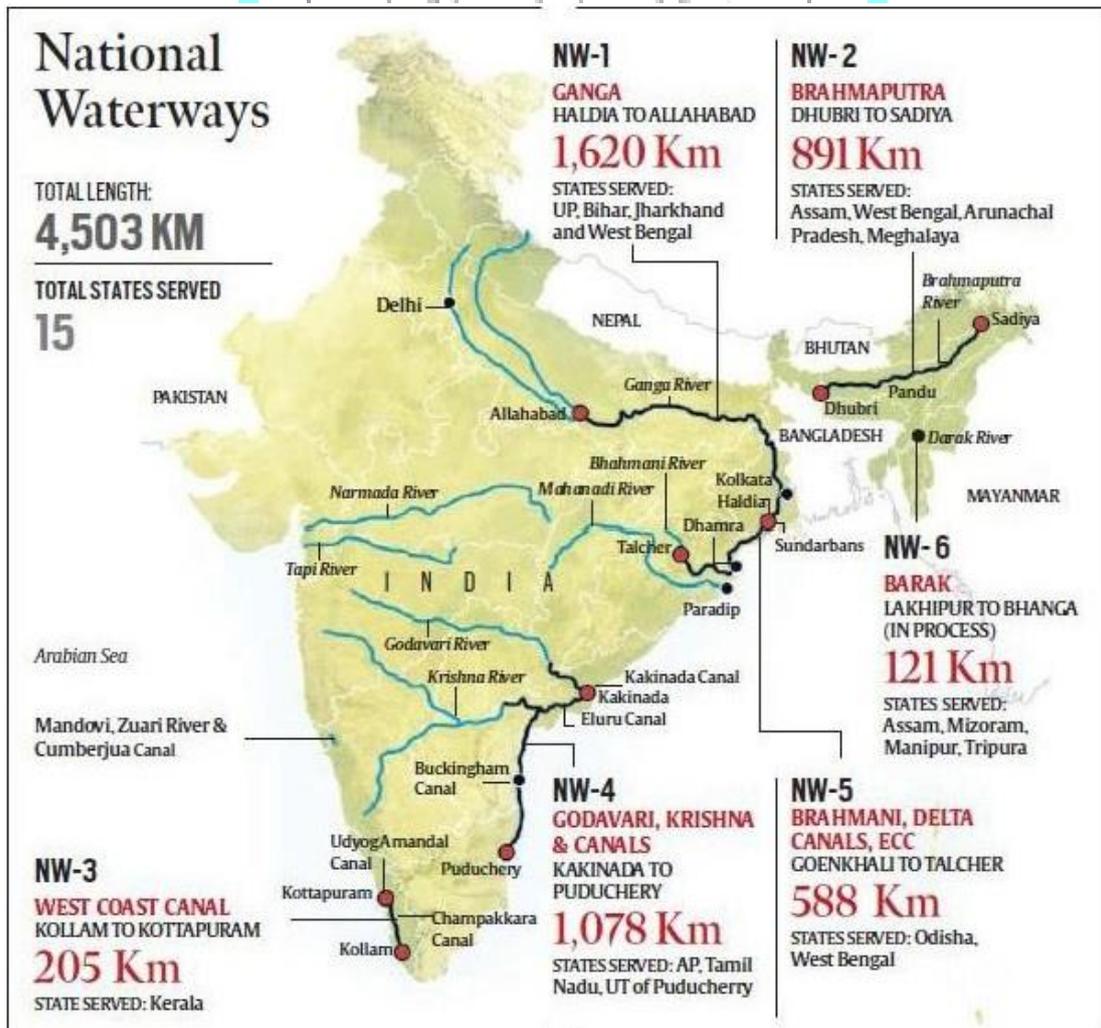


राष्ट्रीय राजमार्ग-1

- Ganga-Hooghly River system between **Haldia** (Sagar) and **Allahabad** (1620 km) was declared as **National Waterway in 1986**.
- Brahmaputra river between Dhubri to Sadiya (about 891 km) has been declared as National Waterway 2.
- **Inland Waterways Authority of India (IWAI):-** Inland Waterways Authority of India was constituted in **1986** for the development and perception of inland waterways for the purpose of navigation and navigation.
- **IWAI, obsessed with National Waterways: Launches pre-development and maintenance campaign** for inland water transport infrastructure.
- The head office of IWAI is located at **Noida**.
- It has regional offices at **Kolkata, Guwahati** and **Kochi**, and sub-offices at Allahabad, Varanasi, Farakka, Sahibganj, Haldia, Swaroopganj, Hemnagar, Dibrugarh, Dhubri, Silchar, Kollam, Bhubaneswar and Vijayawada.



राष्ट्रीय राजमार्ग-2



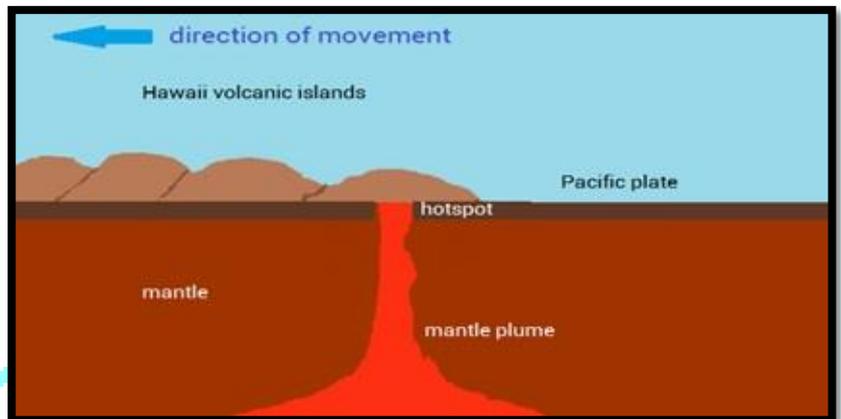
## MANTLE PLUME ON MARS

### Why in Newspapers?

Recently, according to a study published in **Nature Astronomy**, an active mantle plume has been found under the surface of Mars. Also, it has been found that **there is more activity in the interior of this planet towards the east.**

### Quick Issue?

- According to data from **NASA's InSight lander**, the mantle plume on Mars lies beneath a region called '**Elysium Planitia**', which is north of the equator.



### Historical Background?

- The **occurrence of volcanic eruptions** in the region '**Elysium Planitia**' have been recorded, which are derived from a group of fissures called **Cerberus Fossae**.
- The **planet does not have plate tectonics**, as activities seen in rifts such as the Cerebrus Fossa may result in plumes.
- This mantle plume has affected an area **roughly equivalent to the United States of America on Mars**.
- Elysium Planitia**: - In this region of Mars, **many big explosions have happened in the last 200 million years**. The volcano erupted in this area about **53,000 years ago**.
- This region on the surface of Mars is about **1,278 km. (800 miles)**, most of the companies are involved in it.
- The force of the mantle plume in this region has lifted the surface by more than a mile, making it one of the highest regions in the northern hemisphere of Mars.
- Mars is currently considered **essentially dead**, as **most of its geological impact occurred three to four billion years ago**. Due to these activities, the hottest flames of the Solar System were formed on Mars.
- However, **now Marsquakes or volcanic eruptions are very rare on Mars**.

### Other Key Facts?

#### Examples of mantle plume on earth

- The best examples of this geological phenomenon on Earth are the Red Sea, the Gulf of Aden and the African Rift Valley region.
- Additionally, this phenomenon can also be observed in the United States in the region of the Hawaiian Islands (Oceanic Gateway) and Yellowstone National Park (Continental Passage), where magma ejected from plumes exit through cracks to form large volcanic fields. Comes.



- **What is mantle plume (mantle plume) :-** The hot mantle rock emerging from the interior of a planet towards the surface is called **mantle plume**.
- These are **molten rocks** that build up pressure through rifts or mantle layers and get jammed at the base.
- These are **extremely strong**, as they are **induced by rift and rift formation**, leading to events such as **earthquakes and eruptions**.
- The molten rock from the mantle plume erupts in the form of flood basalts which form **huge volcanic fields**.

