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Topic: State Executive

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SC orders release of all life convicts in Rajiv case

Governor bound by the advice of Cabinet in such cases, says Bench, refers to remission granted to co-convict Perarivalan, who was freed by top court in May by exercising its 'extraordinary powers'

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Friday ordered the immediate release of six life convicts who have been in prison for over three decades in the Rajiv Gandhi assassination case. The six convicts are: Nalini, Ravichandran, Jayakumar, Suthenthiraraja (Santhan), Murugan and Robert Payas.

A Bench of Justices B. R. Gavai and B. V. Nagarathna noted that the Tamil Nadu Cabinet had recommended their premature release to the Governor in September 2018. The Governor, instead of taking a call, had passed on their files to the Centre. The Governor was bound by the advice of the Cabinet in cases of murder as their convictions under the now-lapsed Terrorism

Getting freedom

A brief profile of six convicts who are serving life sentence for more than three decades in the Rajiv Gandhi assassination case



S. NALINI: A college graduate, she was photographed along with the assassins at the site



SANTHAN: A Sri Lankan citizen. Fled the country along with Sivaras-an. Played a direct role in the plot



MURUGAN: A Sri Lankan citizen, who had fled to India with an aspiration to go abroad



ROBERT PAYAS: A Sri Lankan citizen. He claims to have suffered losses at the hands of IPKF



JAYAKUMAR: A Sri Lankan citizen. He is Payas' brother-in-law



R.P. RAVICHANDRAN: An Indian citizen who is said to have close links with the LTTE. He is reported to have donated his prison earnings to public causes

and Disruptive Activities (Prevention) Act was set aside by the top court.

The Bench referred to the case of their former co-convict A.G. Perarivalan, who was granted prema-

ture release by the top court on May 18.

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Unacceptable, says Congress

NEW DELHI

The Congress has termed the decision "totally unacceptable and erroneous". "It is most unfortunate that the Supreme Court has not acted in consonance with the spirit of India on this issue," a release by party leader Jairam Ramesh said. » **PAGE 10**

Tamil Nadu CM welcomes verdict

CHENNAI

Welcoming the verdict, Tamil Nadu Chief Minister M.K. Stalin said it underlined the fact that Governors nominated to their posts should not sit on resolutions passed by governments elected by the people. » **PAGE 10**

Topic: Governor Pardoning Power

3

Article 161:

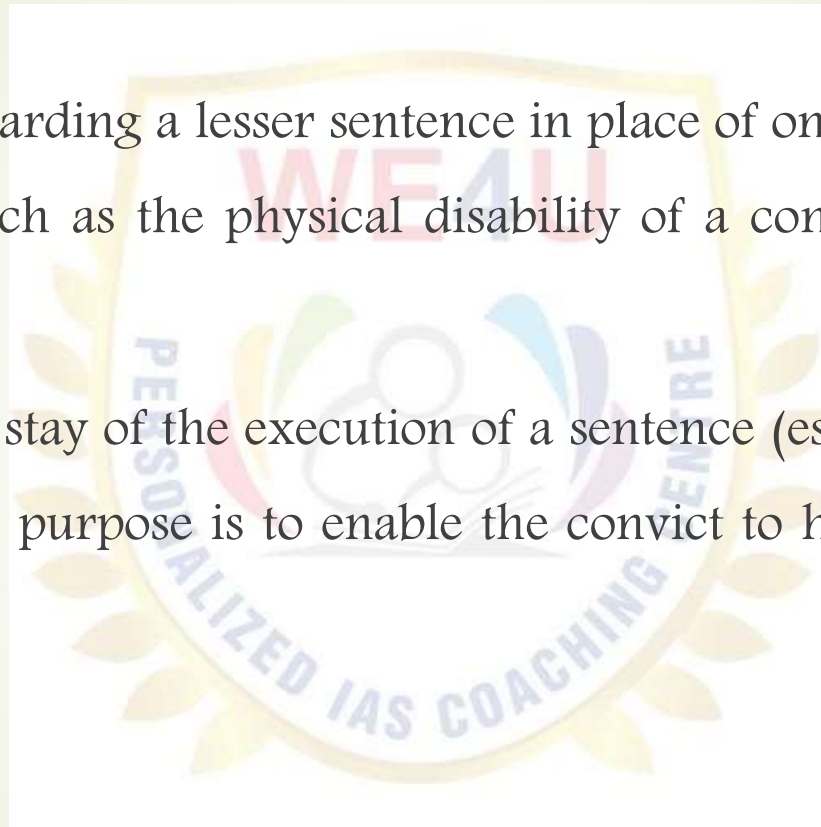
- ▶ The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.

Terms

Pardon: It removes both the sentence and the conviction and completely absolves the convict from all sentences, punishments and disqualifications.

- **Commutation:** It denotes the substitution of one form of punishment for a lighter form. For example, a death sentence may be commuted to rigorous imprisonment, which in turn may be commuted to a simple imprisonment.
- **Remission:** It implies reducing the period of sentence without changing its character. For example, a sentence of rigorous imprisonment for two years may be remitted to rigorous imprisonment for one year.

- **Respite:** It denotes awarding a lesser sentence in place of one originally awarded due to some special fact, such as the physical disability of a convict or the pregnancy of a woman offender.
- **Reprieve:** It implies a stay of the execution of a sentence (especially that of death) for a temporary period. Its purpose is to enable the convict to have time to seek pardon or commutation.



Topic: Judiciary

6

Centre's silence on judicial postings condemnable: SC


Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Friday lambasted the Centre for withholding names recommended or reiterated by the collegium for judicial appointments, even saying that the government is using silence and inaction as "some sort of a device" to force worthy candidates and prominent lawyers to withdraw their consent.

"The government neither appoints the persons nor communicates its reservation, if any, on the names... Keeping the names pending is something not acceptable," a Bench led by justice Sanjay Kishan Kaul observed.

The court issued notice to the Justice Secretary and Additional Secretary (Administration and Appointment) and listed the case for November 28.

The scathing five-page

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SUPREME COURT BENCH



order comes even as the past few days have seen Law Minister Kiren Rijju launch a relentless attack on the collegium system for lack of transparency.

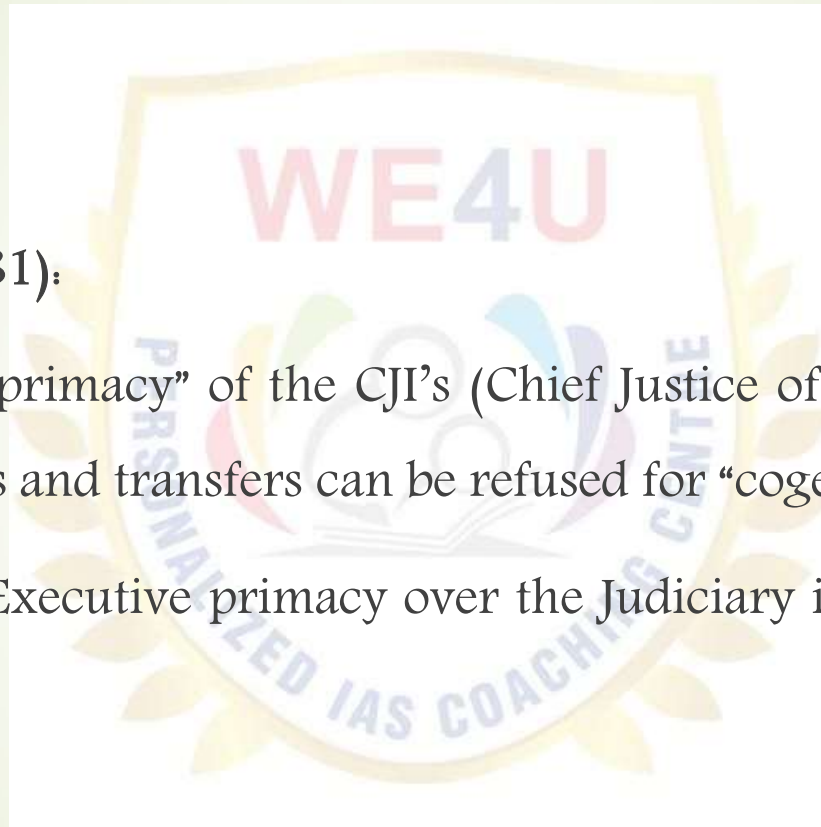
But, in its order, the Bench said there were enough "checks and balances" in the current collegium system of judicial appointments.

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Topic: Collegium System for the Appointment of Judges

7

- ▶ First Judges Case (1981):
- ▶ It declared that the “primacy” of the CJI’s (Chief Justice of India) recommendation on judicial appointments and transfers can be refused for “cogent reasons.”
- ▶ The ruling gave the Executive primacy over the Judiciary in judicial appointments for the next 12 years.



Second Judges Case (1993):

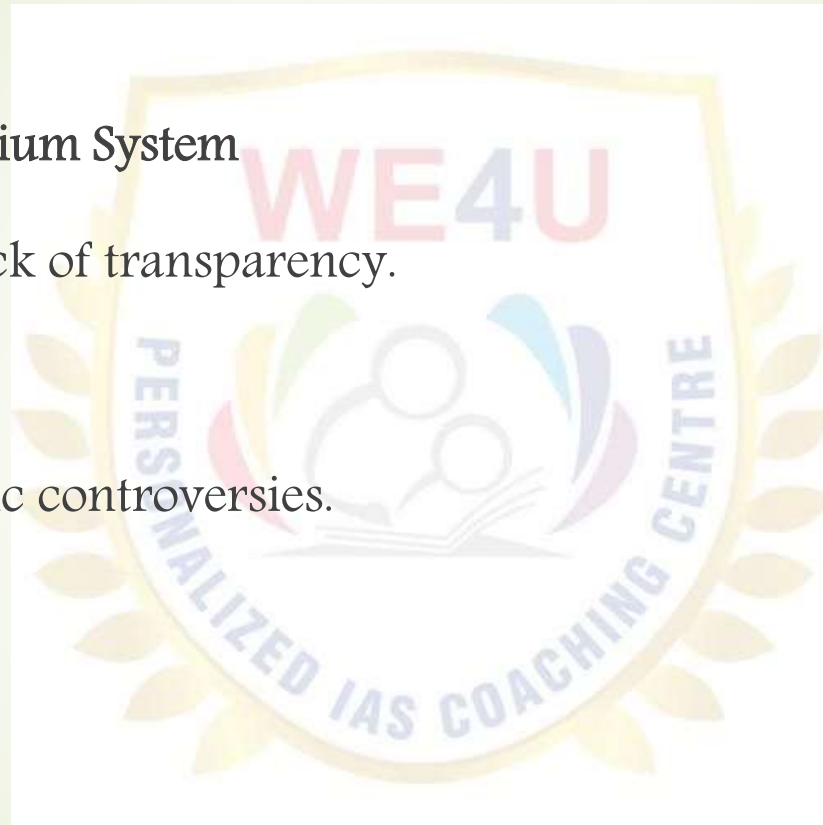
- ▶ SC introduced the Collegium system, holding that “consultation” really meant “concurrence”.
- ▶ It added that it was not the CJI’s individual opinion, but an institutional opinion formed in consultation with the two senior-most judges in the SC.

Third Judges Case (1998):

- ▶ SC on the President's reference (Article 143) expanded the Collegium to a five-member body, comprising the CJI and four of his senior-most colleagues.

Critical about the Collegium System

- ▶ Opaqueness and a lack of transparency.
- ▶ Scope for nepotism.
- ▶ Embroilment in public controversies.



Topic: Centre State Relations

10

Put education back on State list: CM to PM

The Hindu Bureau
DINDIGUL

"Education is the only asset that can never be snatched away by anyone under any situation. It is the duty of a State government to impart the wealth of education," Chief Minister M.K. Stalin said.

"Hence, I appeal to the Union government to support and encourage the State governments by bringing education back to the State list. When the Constitution was framed and came into force, education was originally placed under the State list. It was moved to the Concurrent list only during the period of Emergency [in 1976]. I request that the Union attempt to move education back to the State list," he said.

He was addressing the

36th convocation of the Gandhigram Rural Institute in the presence of Prime Minister Narendra Modi.

Mr. Stalin said there were 22 universities functioning effectively under the State's control in various departments including arts, science, medicine, agriculture and law, among others. "To further strengthen the sector in the State, which is one of the best-performing in higher education, the State was formulating various schemes benefiting the student community, including Pudhumai Penn scheme - to promote higher education of women; providing 7.5% reservation in higher education to government school students; Naan Mudhalvan scheme; and Illam Thedi Kalvi, among others," he said.

Topic: Disaster Management

11

NDRF deploys teams in 4 districts after IMD alert

National Disaster Relief Force.

- ▶ After a series of natural calamities including, the Orissa Super Cyclone (1999), Gujarat Earthquake (2001) and Indian Ocean Tsunami (2004), among many others, the concerned authorities took necessary steps towards designing a systematic disaster management plan.
- ▶ This led to the enactment of the Disaster Management Act on December 26, 2005.

- ▶ The Disaster Management Act has statutory provisions for the constitution of the National Disaster Response Force (NDRF) for the purpose of specialized response to natural and man-made disasters.
- ▶ The practice of “proactive availability” of this Force to the States and that of “pre-positioning”, in a threatening disaster situations have immensely helped minimise damage, caused due to natural calamities in the country.

Topic:Disease

13

**New laboratory
gives Tamil Nadu
a leg-up to fight
leptospirosis cases**

- ▶ It is a bacterial disease that affects humans and animals.
- ▶ It is caused by bacteria of the genus *Leptospira*.
- ▶ In humans, it can cause a wide range of symptoms, some of which may be mistaken for other diseases.
- ▶ Some infected persons, however, may have no symptoms at all.

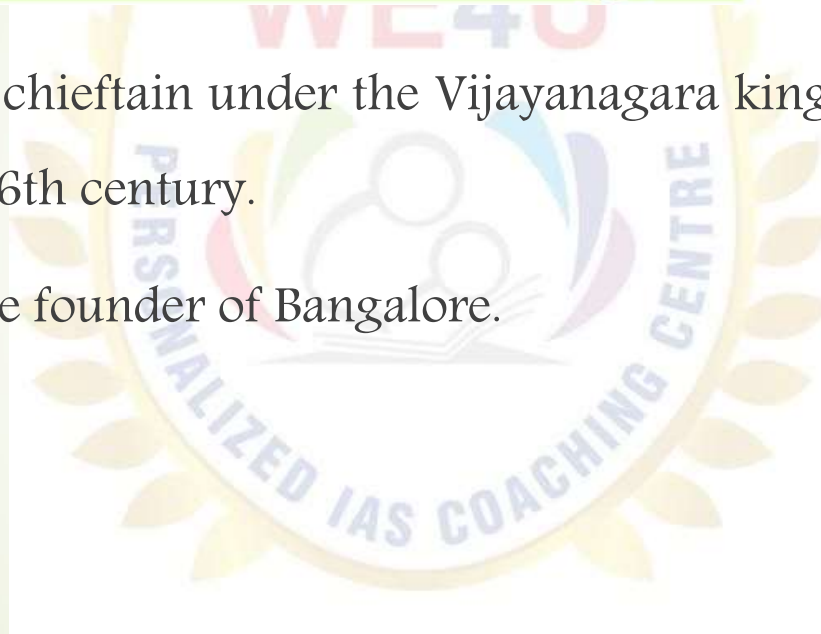
- Some infected persons, however, may have no symptoms at all.
- Without treatment, Leptospirosis can lead to kidney damage, meningitis (inflammation of the membrane around the brain and spinal cord), liver failure, respiratory distress, and even death.
- A single dose of doxycycline 200 mg tablet is effective as a preventive medicine against leptospirosis, a bacterial infection, if given to the flood-affected within a week of the natural calamity.

Topic:History

15

Modi says Bengaluru city will be developed the way Kempe Gowda envisaged

- Kempe Gowda was a chieftain under the Vijayanagara kings and ruled over most parts of Karnataka in the 16th century.
- widely accepted as the founder of Bangalore.



Topic: Vulnerable Section

16

Govt. starts drafting Bill to add Hattees to ST list in Himachal

Abhinay Lakshman
NEW DELHI

The Centre is now pushing to deliver as soon as possible on the promise to add the Hattee community of Himachal Pradesh to the Scheduled Tribes (ST) list along with three other communities in Tamil Nadu and Chhattisgarh, as approved by the Union Cabinet in September this year.

The Ministry of Tribal Affairs (MoTA) has now initiated the process to draft the Bill to amend the Constitution (Scheduled Tribes) Order, 1950, accordingly for this, sources told *The Hindu* on Friday, adding that the Ministry is aiming to introduce the Bill in Parliament as soon as possible.

Tribal Affairs Minister Arjun Munda had on September 14 announced that the Cabinet had cleared a proposal to add the Hattee community in the Trans-Giri region of the Sirmaur to the ST list. This announcement had come a month before the dates for the Assembly elections in the State were announced by the Election

The Centre plans to bring Bill to amend the Constitution (Scheduled Tribes) Order, said sources

Commission of India.

Besides the Hattees, the Bill being drafted by the MoTA will also include the addition of the Narikoran and Kurivikkaran hill tribes to the ST list of Tamil Nadu and the Binjha community to the ST list of Chhattisgarh.

The Bill will also include the addition of synonyms for 11 tribes in Chhattisgarh and one tribe in Karnataka so that variations in their spellings and pronunciations do not result in people being left out of beneficiary schemes – as announced by Mr. Munda in September. The move has drawn flak from Scheduled Caste communities of Sirmaur district (which has two Assembly seats reserved for SCs) and the Gujjar community, who are currently the only ST community in the district, as reported by *The Hindu* on October 29.



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