

CURRENT AFFAIRS

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1. Centre's view on Kashmir situation has no bearing on Article 370 case: SC: The Hindu – Page 1,10

Why is it in news?	A Constitution Bench of the Supreme Court said a fresh affidavit submitted by the Union government saying Jammu and Kashmir is witnessing an “unprecedented era of peace, progress and prosperity” after its special status under Article 370 was abrogated on August 4, 2019, has “no bearing on the constitutional challenge” to the repeal of the provision.
UPSC SYLLABUS RELEVANCE for prelims and Mains	Prelims: Indian Polity and Governance-Constitution Mains: General Studies II - Indian Constitution- historical underpinnings, evolution, features, amendments, significant provisions and basic structure.
Important concepts	Article 370
<p style="text-align: center;">Today's prelims practice question:</p> <p>Q. Consider the following statements about Article 370:</p> <ol style="list-style-type: none"> 1. This article was incorporated in Part XXI of the Constitution. 2. Alladi Krishnaswamy Ayyar drafted the Article 370, which granted local autonomy to the state of Jammu and Kashmir. <p>Which among the statements mentioned above is/are correct?</p> <ol style="list-style-type: none"> A. 1 only B. 2 only C. Both 1 and 2 D. Neither 1 nor 2 <p>Correct answer: A</p> <p>Explanation: N. Gopalaswami Ayyangar added Article 370 of the Indian Constitution as Article 306 A to the draft constitution, which gave autonomy to Jammu and Kashmir. The provision was incorporated in Part XXI of the Constitution: Temporary, Transitional and Special Provisions.</p>	
Mains PYQ exercise:	To what extent in Article 370 of the Indian Constitution bearing marginal note ‘temporary provision with respect to the state of Jammu and

	Kashmir' temporary? Discuss the future prospects of this provision in the context of Indian polity. (2016)
Today's mains practice question:	Discuss the evolution of Article 370. Analyse why is it being challenged.
DETAILED EXPLANATION OF IMPORTANT CONCEPTS	
<p>Article 370:</p> <p>Introduction:</p> <ul style="list-style-type: none"> Article 370 is a constitutional provision that gave Jammu and Kashmir its special status. The provision was incorporated in Part XXI of the Constitution: Temporary, Transitional and Special Provisions. As evident from the title of the Part, it was supposed to be a temporary provision and its applicability was projected to last till the formulation and adoption of the State's constitution. It restricted the Parliament's legislative powers with respect to the state of J&K. <p>Content of the Article:</p> <ul style="list-style-type: none"> Article 370 consists of temporary provisions with respect to the State of Jammu and Kashmir <p>(1) Notwithstanding anything in this Constitution,</p> <ol style="list-style-type: none"> the provisions of Article 238 shall not apply in relation to the State of Jammu and Kashmir; the power of Parliament to make laws for the said State shall be limited to <ol style="list-style-type: none"> those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify <p>Explanation For the purposes of this article,</p>	

the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharajas Proclamation dated the fifth day of March, 1948 ;

c) the provisions of Article 1 and of this article shall apply in relation to that State.

Draft of Article 370:

- N Gopalaswami Ayyangar added this as Article 306 A to the draft constitution, which gave autonomy to Jammu and Kashmir.
- He was on the Constitutional Drafting Committee, led the Rajya Sabha, and served as a cabinet minister in the Indian government – first as a minister without portfolio who oversaw Kashmir Affairs and then as the railway minister.

1950 Presidential Order:

- The Constitution (Application to Jammu and Kashmir) Order was signed by President on 26 January 26, 1950, on the same day as the Indian Constitution.
- Article 370 Clause b (i) identified the subjects and articles of the Indian Constitution.
- Subsequently, the authority of the Union legislature and the State with respect to matters of the Union list was specified.
- But later on, this order was superseded by the Presidential order of 1954.

2019 – Presidential Order:

- The Indian Union's relationship with the state of Jammu and Kashmir has been drastically affected as a result of this action by the Indian government.
- The State of Jammu and Kashmir is and shall be an integral component of the Union of India, according to the Preamble and Article 3 of the former Constitution of Jammu and Kashmir.
- As per Article 5 of the Indian Constitution, the State's legislative and executive powers apply to all topics, with the exception of those where Parliament is empowered to pass laws on the State's behalf.

- The constitution was ratified on November 17, 1956, and it became operative on January 26, 1957.
- The Constitution (Application to Jammu and Kashmir) Order, 2019 (C.O. 272), issued by the president of India on August 5, 2019, declared the Jammu and Kashmir Constitution inoperative.

2. GST Council to impose 28% tax on online gaming firms: The Hindu – Page 1,10

Why is it in news?	The Goods and Services Tax (GST) Council, at its 50th meeting, reduced or clarified the tax rate on some items ranging from uncooked or unfried snack pellets to special utility vehicles (SUVs), exempted imported drugs to treat cancer and rare diseases, and brought an end to a years--long debate on tax treatment of online gaming, casinos and horse racing.
UPSC SYLLABUS RELEVANCE for prelims and Mains	<p>Prelims: Indian Economy – Taxation</p> <p>Mains: General Studies III: Indian Economy and issues relating to planning, mobilization, of resources, growth, development and employment.</p>
Important concepts	GST Council
<p align="center">Prelims PYQ Exercise-Find answer:</p> <p>Q. What is/are the most likely advantages of implementing Goods and Services Tax (GST)? 2017</p> <ol style="list-style-type: none"> 1. It will replace multiple taxes collected by multiple authorities and will thus create a single market in India. 2. It will drastically reduce the Current Account Deficit of India and will enable it to increase its foreign exchange reserves 3. It will enormously increase the growth and size of economy of India and will enable it to overtake China in the near future. <p>Select the correct answer using the code given below</p> <p>(a) 1 only</p>	

(b) 2 and 3 only

(c) 1 and 3 only

(d) 1, 2 and 3

Today's prelims practice question:

Q. Consider the following statements about the Goods and Services Tax (GST):

1. The 122nd Constitution Amendment Bill was introduced in the Parliament to implement GST.
2. Article 279A of the Indian Constitution deals with the Goods and Services Tax Council.

Which among the statements mentioned above is/are correct?

- A. 1 only
- B. 2 only
- C. Both 1 and 2
- D. Neither 1 nor 2

Correct answer: C

Explanation: In order to implement GST, 122nd Constitution Amendment Bill was introduced in the Parliament and passed by Rajya Sabha on 03rd August, 2016 and Lok Sabha on 08th August, 2016. The Constitution Amendment Bill was passed by more than 15 states and thereafter Hon'ble President gave assent to "The Constitution One Hundred And First Amendment Act, 2016" on 8th of September, 2016. Article 279A of the Indian Constitution deals with the Goods and Services Tax Council. It says that the President shall, within sixty days from the date of commencement of the Constitution (One Hundred and First Amendment) Act, 2016, by order, constitute a Council to be called the Goods and Services Tax Council.

Mains PYQ exercise:

Explain the rationale behind the Goods and Services Tax (Compensation to States) Act of 2017. How has COVID-19 impacted the GST compensation fund and created new federal tensions? (Answer in 250 words) 15 (2020)

Today's mains practice question:

Discuss the significance of Goods and Service Tax (GST). What are the issues associated with GST?

DETAILED EXPLANATION OF IMPORTANT CONCEPTS

GST Council:

Introduction of the Bill:

- In order to implement GST, 122nd Constitution Amendment Bill was introduced in the Parliament and passed by Rajya Sabha on 03rd August, 2016 and Lok Sabha on 08th August, 2016.
- The Constitution Amendment Bill was passed by more than 15 states and thereafter Hon'ble President gave assent to "The Constitution One Hundred And First Amendment Act, 2016" on 8th of September, 2016.
- Since then, the GST council and been notified bringing into existence the Constitutional body to decide issues relating to GST.
- On September 16, 2016, Government of India issued notifications bringing into effect all the sections of the Constitution Amendment Bill setting firmly into motion the rolling out of GST.
- This notification sets out an outer limit of time of one year, that is till 15-9-2017 for bringing into effect GST.

GST Council:

- As per Article 279A (1) of the amended Constitution, the GST Council has to be constituted by the President within 60 days of the commencement of Article 279A.
- The notification for bringing into force Article 279A with effect from 12th September, 2016 was issued on 10th September, 2016.

Composition:

- As per Article 279A of the amended Constitution, the GST Council which will be a joint forum of the Centre and the States, shall consist of the following members:
 - a. Union Finance Minister - Chairperson
 - b. The Union Minister of State, in-charge of Revenue of finance - Member

c. The Minister In-charge of finance or taxation or any other Minister nominated by each State Government - Members

- As per Article 279A (4), the Council will make recommendations to the Union and the States on important issues related to GST, like the goods and services that may be subjected or exempted from GST, model GST Laws, principles that govern Place of Supply, threshold limits, GST rates including the floor rates with bands, special rates for raising additional resources during natural calamities/disasters, special provisions for certain States, etc.

3. Centre told to clarify stand on Places of Worship Act by Oct. 31: The Hindu – Page 10

Why is it in news?	The Supreme Court gave the Centre “sufficient time” till October 31 to clarify its stand on the validity of the Places of Worship Act, which protects the identity and character of religious places as they were on Independence Day.
UPSC SYLLABUS RELEVANCE for prelims and Mains	Prelims: Indian Polity and Governance Mains: General Studies II - Government policies and interventions for development in various sectors and issues arising out of their design and implementation.
Important concepts	Places of Worship (Special Provisions) Act of 1991
<p align="center">Today's prelims practice question:</p> <p>Q. Consider the following statements about the Places of Worship (Special Provisions) Act of 1991:</p> <ol style="list-style-type: none"> This act was passed by the Atal Bihari Vajpayee led Government. Section 3 of the Act bars the conversion of a place of worship of any religious denomination into a place of worship of a different religious denomination. <p>Which among the statements mentioned above is/are correct?</p> <p>A. 1 only B. 2 only</p>	

- C. Both 1 and 2
D. Neither 1 nor 2

Correct answer: B

Explanation: The Places of Worship (Special Provisions) Act of 1991 underlines the need to protect the liberty of faith and worship. It was passed in 1991 by the P.V. Narasimha Rao-led Congress government. Section 3 of the Act bars the conversion, in full or part, of a place of worship of any religious denomination into a place of worship of a different religious denomination or even a different segment of the same religious denomination.

Mains PYQ exercise:

Are tolerance, assimilation, and pluralism the key elements in the making of an Indian form of secularism? Justify your answer. (2022)

Today's mains practice question:

Discuss the provisions of the Places of Worship (Special Provisions) Act of 1991. What are the arguments against the Act?

DETAILED EXPLANATION OF IMPORTANT CONCEPTS

Places of Worship (Special Provisions) Act of 1991:

Enactment of the Act:

- The act was passed by the Parliament and enacted into law in 1991 during the peak of the Ram Janmabhoomi movement.
- The Act was brought by Prime Minister P.V. Narasimha Rao at a time when the Babri Masjid was still standing.

About the Act:

- It is an Act to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as it existed on the 15th day of August 1947, and for matters connected therewith or incidental thereto.
- "Place of worship" means a temple, mosque, gurudwara, church, monastery or any other place of public religious worship of any religious denomination or any section thereof, by whatever name called.

Key provisions of the Act:

- Section 3: This bars the conversion, in full or part, of a place of worship of any religious denomination into a place of worship of a different religious denomination or even a different segment of the same religious denomination.
- Section 4(1): It declares that the religious character of a place of worship “shall continue to be the same as it existed” on 15th August 1947.
- Section 4(2): It says any suit or legal proceeding with respect to the conversion of the religious character of any place of worship existing on 15th August, 1947, pending before any court, shall abate and no fresh suit or legal proceedings shall be instituted.
- The proviso to this sub-section saves suits, appeals, and legal proceedings that are pending on the date of commencement of the Act if they pertain to the conversion of the religious character of a place of worship after the cut-off date.
- Section 5: It stipulates that the Act shall not apply to the Ram janmabhoomi-Babri Masjid case, and to any suit, appeal, or proceeding relating to it.
- Section 6: It prescribes a punishment of a maximum of three-years imprisonment along with a fine for contravening the provisions of the Act.

Recent issue:

- A slew of petitions has been filed against the Act, contending that the law has barred Hindus, Jains, Buddhists and Sikhs from approaching courts to “reclaim” their places of worship which were “invaded” and “encroached” upon by “fundamentalist barbaric invaders”.

MODEL MAINS ANSWER FOR TODAY’S EXPECTED MAINS QUESTION

Q. Discuss the provisions of the Places of Worship (Special Provisions) Act of 1991. What are the arguments against the Act?

<p>Why this question</p>	<p>The question theme is reflected several times in UPSC (including prelims) and APPSC mains.</p> <p>UPSC PYQs</p>
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	Are tolerance, assimilation, and pluralism the key elements in the making of an Indian form of secularism? Justify your answer. (2022)										
<u>First step is to understand the demand of the question</u>	<p>Question has two parts:</p> <ol style="list-style-type: none"> 1. Provisions of the Act. 2. Arguments against the Act. 										
<u>Introduction</u>	The Places of Worship (Special Provisions) Act of 1991 underlines the need to protect the liberty of faith and worship. It was passed in 1991 by the P.V. Narasimha Rao-led Congress government.										
<u>Body</u>	<p>Provisions of the Act</p> <table> <tr> <th>Dimension</th><th>Content</th></tr> <tr> <td>Section 3</td><td>This bars the conversion, in full or part, of a place of worship of any religious denomination into a place of worship of a different religious denomination or even a different segment of the same religious denomination.</td></tr> <tr> <td>Section 4(1)</td><td>It declares that the religious character of a place of worship “shall continue to be the same as it existed” on 15th August 1947.</td></tr> <tr> <td>Section 4(2)</td><td>It says any suit or legal proceeding with respect to the conversion of the religious character of any place of worship existing on 15th August, 1947, pending before any court, shall abate and no fresh suit or legal proceedings shall be instituted.</td></tr> <tr> <td></td><td>The proviso to this sub-section saves suits, appeals, and legal proceedings that are pending on the date of commencement of the</td></tr> </table>	Dimension	Content	Section 3	This bars the conversion, in full or part, of a place of worship of any religious denomination into a place of worship of a different religious denomination or even a different segment of the same religious denomination.	Section 4(1)	It declares that the religious character of a place of worship “shall continue to be the same as it existed” on 15th August 1947.	Section 4(2)	It says any suit or legal proceeding with respect to the conversion of the religious character of any place of worship existing on 15th August, 1947, pending before any court, shall abate and no fresh suit or legal proceedings shall be instituted.		The proviso to this sub-section saves suits, appeals, and legal proceedings that are pending on the date of commencement of the
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		Act if they pertain to the conversion of the religious character of a place of worship after the cut-off date.
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	Section 6	It prescribes a punishment of a maximum of three-years imprisonment along with a fine for contravening the provisions of the Act.
Arguments against the Act		
	Dimension	Content
	Arguments	The Act has created arbitrary irrational retrospective cutoff dates and has barred the remedies against illegal encroachment on the places of worship and pilgrimages.
		The Act bars the right to seek judicial review of a grievance. But, Article 13(2) prohibits the State from making any law which takes away or abridges fundamental rights conferred under Part-III of the Constitution.
		The Act is unconstitutional and beyond the Parliament’s law-making power.
		It is against the principle of law ‘ubi jus ibi remedium’ (where there is a right, there is a remedy), thus violating the concept of justice and Rule of Law, which is the core of Article 14.

Conclusion:

In the 2019 Ayodhya verdict, the Constitution Bench referred to the law and said it manifests the secular values of the Constitution and prohibits retrogression. Though there are some shortcomings associated with the Act, the importance of Places of Worship Act cannot be ignored. This is a great legislative intervention which preserves non-retrogression as an essential feature of our secular values. The law is hence a legislative instrument designed to protect the secular features of the Indian polity, which is one of the basic features of the Constitution.