Prelim Bits 06-08-2019

Article 370

- Article 370 was the basis of Jammu and Kashmir's accession to the Indian union.
- The original draft Article 306A (now 370) was passed in the Constituent Assembly on May 27, 1949.
- It allows the Indian-administered region jurisdiction to make its own laws in all matters except, finance, defence, foreign affairs and communications.
- It exempts J&K from the Indian Constitution (except Article 1 and Article 370 itself) and permits the state to draft its own Constitution.
- The other provisions of the Indian Constitution can apply to J&K, “subject to such exceptions and modifications as the President may by order specify”.
- Such a Presidential order should be with the concurrence of the state government and the endorsement of the J&K Constituent Assembly.
- It enable the state to have a separate flag and denied property rights in the region to the outsiders.
- The residents of the state live under different laws from the rest of the country in matters such as property ownership and citizenship.
- It is the first article of Part XXI of the Constitution. The heading of this part is ‘Temporary, Transitional and Special Provisions’.
- So, Article 370 could be interpreted as temporary in the sense that the J&K Constituent Assembly had a right to modify/delete/retain it; it decided to retain it.
- Article 370(3) permits deletion by a Presidential Order.
- Such an order, however, is to be preceded by the concurrence of J&K’s Constituent Assembly.
- Since the Constituent Assembly was dissolved on January 26, 1957, it can be done only with the concurrence of the State Assembly.
- By the 1954 order, almost the entire Constitution was extended to J&K including most Constitutional amendments.

How Article 370 was negotiated

- In July 1949, Sheikh Abdullah and three others were nominated by the ruler of J&K to the Constituent Assembly.
- They negotiated the special status of J&K, leading to the adoption of Article

370. (It was Article 306A while being debated in the Constituent Assembly.)

- The negotiations were carried out between N Gopalaswami Ayyangar (cabinet minister without portfolio and former Dewan of Kashmir) and Sheikh Abdullah and others.
- Ayyangar, who eventually drafted Article 370, spoke in the Constituent Assembly on October 17, 1949 –
    - The will of the people, through the instrument of the Constituent Assembly, will determine the Constitution of the State.
    - It is one of our commitments to the people and the Government of Kashmir that no such additions should be made except with the consent of the Constituent Assembly which may be called in the state for framing its Constitution.
- Abdullah insisted that the Article should not extend the Fundamental Rights and Directive Principles to J&K,
- To leave it to the state's Constituent Assembly to decide whether or not to adopt them.
- After a great deal of discussion, the parties accepted it.

Article 35A

- It stems from Article 370, introduced through a Presidential Order in 1954.
- It is unique in the sense that it does not appear in the main body of the Constitution.
- It forbids outsiders from permanently settling, buying land, holding local government jobs or education scholarships in the region.
- It empowers the J&K legislature to define the state's permanent residents and their special rights and privileges.
- It bars female residents of J&K from property rights in the event that they marry a person from outside the state.

Auction of Coal Mines

- Ministry of Coal has started the process of auction of coal mines and its allotment to Central PSU & State PSU's.
- This process is being re-initiated after previous attempts elicited poor response from bidders in view of market conditions.
- Private players can also participate in the auctions.
- Of the mines being auctioned, 21 are for the 'End Use Non-Regulated Sector',
    - It allows the bidders to utilise the coal for any industry or project they wish to tie up with before bidding.

- Coal from six mines being auctioned will be used for the iron and steel sector.

- In case of allotment, five coal mines are for power sector, nine for sale of coal to the open market.

Moon, Mercury may contain more water ice

- According to a new analysis of data from NASA spacecraft, Moon, Mercury may contain more water ice than thought.
- The potential ice deposits are found in craters near the poles of both Moon and Mercury.
- It raises the possibility that thick ice-rich deposits also exist on the Moon.
- In the past, telescopic observations and orbiting spacecraft have found glacier-like ice deposits on Mercury.
- The poles of Mercury and the Moon are among the coldest places in our solar system.
- Unlike Earth, the spin axes of Mercury and the Moon are oriented such that, in their polar regions, the Sun never rises high above the horizon.
- So, these permanently shadowed regions are so cold that any ice trapped within them can potentially survive for billions of years.
- Even, "Messenger" spacecraft imaged these ice deposits earlier.
- Mercury's polar deposits to be extensively distributed in both Mercury's north and south polar regions.
- These deposits appear to be much less patchy than those on the Moon, and relatively fresh.
- These craters form when meteoroids or comets impact the surface.
- The study used elevation data obtained by 'Messenger' and 'Lunar Reconnaissance Orbiter' (LRO) to measure simple craters on Mercury and the Moon.
- The pole-facing slopes of these craters are slightly shallower than their equator-facing slopes.
- It is concluded that the most probable explanation for these shallower craters is the accumulation of previously undetected thick ice deposits on both worlds.

Source: PIB, The Indian Express

SHANKAR IAS PARLIAMENT
Information is Empowering