

## Prelim Bits 18-05-2024 | UPSC Daily Current Affairs

### Recognition and De-recognition of Political Parties

The Election Commission of India (ECI) in its report on enforcement of Model Code of Conduct (MCC) has stated that it expects star campaigners to lead by example and not vitiate the fabric of society.

- **Political parties** - They are voluntary associations of individuals sharing similar political views and seeking power through constitutional means to advance national interests.

#### Registered Political Parties

- **Legality** - Parties are registered with the ECI under Section 29A of the *Representation of the People Act, 1951* (RP Act).

- **Requirements** - To submit a copy of its constitution and shall bear true faith and allegiance to the Constitution of India.

- To show allegiance to the principles of socialism, secularism, democracy, & uphold the sovereignty, unity and integrity of India.

- **Legal benefits**

- *Tax exemption* for donations received

- *Common symbol* for contesting general elections

- *20 'star campaigners'* are allowed

- A registered party is referred to as a Registered Unrecognised Political Party (RUPP).
- **Recognition of parties** - As a '**national**' or '**State**' party.
- **Rules** - Under the *Election Symbols (Reservation and Allotment) Order, 1968* (Symbols Order) by the ECI.
- **Criteria** - To win a requisite number of seats and/or obtaining required % of votes in an election to Lok Sabha or State Assembly.
- **Benefits** - A *reserved symbol* during elections and *40 'star campaigners'*.

As per the ECI, there are 2,790 active registered political parties in India. At present, there are **6 'national' parties**, and **61 'State' parties** that have been recognised.

- **Concerns** - The RUPPs that don't contest elections raise concerns over the possible misuse of income tax exemption.
- Recognised political parties are guilty of violating the Model code of conduct on various occasions.

The MCC prohibits using caste and communal feelings to secure votes, and

*bribing or intimidation of voters.*

- **De-registering a political party** – ECI can de-register a party only if
  - Its registration being obtained by fraud or
  - It is ceasing to have allegiance to the Constitution or
  - It is declared unlawful by the Government
- Under Symbols order, ECI has the power to *suspend or withdraw recognition* for its failure to observe MCC.
- Under RP Act, ECI does *not have confer explicit powers* to de-register any political party for failing to contest elections, conduct inner-party elections or lodge requisite returns.

***In Indian National Congress versus Institute of Social Welfare & Ors (2002)***, the Supreme Court had held that the ECI does not have power to de-register any political party under the RP Act.

## Reference

[The Hindu | Recognition & De-recognition of Political Parties](#)

## Baobabs

*A new study has uncovered the origins of baobabs, the tall deciduous trees which are famously spotted on the island of Madagascar.*

- They are known as “***mother of the forest***”.
- They are also called ‘*upside down*’ trees because of their tops resembling an uprooted plant turned upside down.
- **Taxonomy** – It belong to *genus Adansonia*, with *8 distinct species*.
  - Adansonia digitata found in continental Africa
  - Adansonia gregorii in Northwestern Australia
  - 6 other species endemic to Madagascar, home of the world’s rarest baobab, Adansonia perrieri.
- **Nativity** – It is *endemic to Madagascar, Africa and Australia*.

*According to DNA studies, the iconic trees 1<sup>st</sup> arose in Madagascar 21 million years ago. Their seeds were later carried on ocean currents to Australia and also to mainland Africa, evolving into distinct species.*

- **Uniqueness** – Wide trunks and spindly branches.
- **Characteristics** – Some trees extends *up to 50 metres high*, and have exceptionally long lifespans going *upto 2,000 years*.
- One hectare of land can support 8 fully grown baobab trees.

- **Uses** - The fruits and seeds being edible, the seed oil used for cooking and the bark fibre for clothing.



- **A keystone species** - They provide essential resources like food or shelter to animals whose absence can have destabilising effects on entire ecosystems, given their centrality to them.
  - For example, it helps in the conservation of ecosystems having lemurs, sunbirds and hawk moths.
- **Threats**
  - **Deforestation** - Driven by slash-and-burn agriculture.
  - **Species extinction** - Giant lemurs or giant tortoises involves in the spreading the seeds of baobab trees.
  - **Climate change** - Increased dryness and irregular weather patterns negatively affect the growth and survival.
  - **Higher inbreeding** - It can also lead to reduced resilience to ecological perturbations and habitat fragmentation.
- **Protection status**
  - **IUCN** - 3 Madagascar species are in '*extinction*' category and other 3 species are in '*Least concern*' category.

*ARO Baobab Project, funded by the PEER USAID programme aimed to restore and conserve baobab forests through a combination of scientific research and community engagement.*

- **In India** - A few trees exist, including one near the Golconda Fort in Andhra Pradesh that is believed to be more than 400 years old.

## References

1. [The Indian Express| Origin of Baobabs](#)
2. [The Hindu| Threats and conservation of Baobabs](#)

## Operation smiling Buddha

On May 18, 1974, India conducted its 1<sup>st</sup> nuclear test in Pokhran, code-named Operation Smiling Buddha.

- The year 2024 marks 50 years of India's 1<sup>st</sup> nuclear test.
- **Operation** - It is an *underground test* with **plutonium device** in 10-15 kiloton range.
- **Location** - Pokhran in Rajasthan, thus known as *Pokhran-I*.
- **Aim** - To develop its own technology for peaceful use of nuclear energy and it had no intention of going in for nuclear weapons.
- **Background** - The groundwork for testing nuclear energy was laid down by Homi J Bhabha and Vikram Sarabhai.
- In 1954, the Department of Atomic Energy was founded, with Bhabha as director.
- **Course of action** - On *11<sup>th</sup> May in 1998*, India conducted a series of nuclear tests in Pokhran, code-named **Operation Shakti**, also known as *Pokhran-II*
- With this test, India declared itself a *full-fledged nuclear state*.

May 11 is celebrated as **National Technology Day** in India.

- **Nuclear-weapon States** - They are defined under the Nuclear Non-proliferation Treaty (NPT) as those that manufactured and exploded a nuclear weapon or other nuclear explosive devices before January 1, 1967, effectively meaning the P-5 countries.
- After India's nuclear test in 1974, it became the first nation to conduct a nuclear test apart from the P-5 countries.

## References

1. [The Hindu| 50 years of Operation Smiling Buddha](#)
2. [The Indian Express| India's nuclear test](#)

## Lawyers' Service

Supreme Court ruled that a lawyer cannot be sued for providing faulty 'service'.

- **Case law** - Bar of Indian Lawyers v. DK Gandhi PS National Institute of Communicable Diseases and Anr
- **Issue** - In 2007, National Consumer Disputes Redressal Commission (NCDRC) held that lawyers' services fall under Section 2(o) of the Consumer Protection Act, 1986 (CPA).
- **Supreme Court's ruling** - It *overruled the NCDRC's decision* and held that **lawyer**

**services cannot be challenged under the CPA.**

- The purpose of the CPA was to protect consumers from “unfair trade practices and unethical business practices only” and never “intended to include the Professions/ Professionals within it”.
- A lawyer’s services must be treated differently from any other business or trade.

Business or Trade	Profession
<ul style="list-style-type: none"><li>• There is a <i>commercial</i> interest.</li><li>• Success depends on person’s capacity or talent or strategy.</li><li>• It fall <u>under Consumer Protection Act</u> (CPA).</li></ul>	<ul style="list-style-type: none"><li>• It is <i>not commercial</i> in nature.</li><li>• Success depend on factors <u>beyond a man’s control</u>.</li><li>• It does <u>not fall under CPA</u>.</li></ul>

*There are existing remedies for professional misconduct in the Advocates Act, 1961. The Bar Councils (both at the state and national level) are given disciplinary powers by the Advocates Act in such cases.*

- The advocate and client enter into a contract of personal service, which cannot be a source of challenge under the CPA.
- It also stated to revisit the SC’s decision by a larger bench in Indian Medical Association v V.P. Shantha (1995) where the court held that services by medical practitioners would fall under the CPA.

***In Indian Medical Association vs V P Shantha (1995), the SC acknowledged that professional occupations are often “skilled” work that require “mental rather than manual” effort, and differ from other occupations as success often depends on factors “beyond the professional man’s control”.***

Services under Consumer Protection Act
<ul style="list-style-type: none"><li>• The definition of service in the CPA (both the 1986 and 2019 iterations) is expansive.</li><li>• <b>Excludes 2 types of services</b><ul style="list-style-type: none"><li>- Services, which are free of charge</li><li>- Services, which are under a “contract of personal service”</li></ul></li><li>• <b>In medical profession</b> - The court in 1995 carved out 3 types of services</li><li>• Services given free of charge to everybody - <u>Excluded</u> from CPA</li><li>• Services where everybody pays - <u>Included</u> in CPA</li><li>• Services which exempt certain categories of people, who cannot afford them, from paying - <u>Excluded</u> from CPA</li></ul>

**References**

1. [The Indian Express| SC ruling on Lawyers’ Services](#)
2. [The Indian Express| Services of a Medical Profession](#)

## Right to Property

Supreme Court ruled that the State cannot acquire property without proper procedure.

- **SC Rulings** - [Compulsory acquisition](#) will still be *unconstitutional if proper procedure is not established* and followed before depriving a person of his/her right to property.
- It *upheld a Calcutta High Court* order rejecting an appeal filed by the Kolkata Municipal Corporation defending its acquisition of a private land and ordered the corporation to pay ₹5 lakh as costs within 60 days.
- Right to Property is protected as a *constitutional right* and has even been interpreted to be a human right.

The **44th Constitutional Amendment** omitted the right to property as a fundamental right (Art 19 (1) (f)), and inserted Article 300A that provided that “no person shall be deprived of his property, save by authority of law”.

- **Interpretation of Article 300A** - The requirement of a ‘law’ in does not end with the mere presence of a legislation which empowers the state to deprive a person of his property.
- **Procedure is an integral part** of the ‘authority of law’ and the phrase ‘authority of law’ should not be understood as merely the power of eminent domain vested in the state.
- **Process of acquisition** - The court also notes that if possession is not taken, acquisition is not complete
  - The culmination of an acquisition process is not in the payment of compensation.
- It *laid down 7 basic procedural rights* of private citizens that constitute the “real content of the right to property under Article 300A”.

## 7 basic procedural rights regarding Right to Property

- Right to notice or the duty of the state *to inform the person* that it intends to acquire his property.
- Right of the citizen to be heard or the duty of the state *to hear the objections* to the acquisition.
- Right of the citizen *to a reasoned decision* or the duty of the state to inform the person of its decision to acquire property.
- The duty of the state to demonstrate that the acquisition is *exclusively for public purpose*
- Right to *fair compensation* of the citizen.
- The duty of the state to conduct the process of acquisition efficiently and *within prescribed timelines*.
- The conclusion of the proceedings leading to vesting or the *right of conclusion*

**Bhoomi Rashi Portal** is a single point platform for online processing of land acquisition notifications to accelerate highway infrastructure development projects in India.

## Reference

[The Hindu| SC's ruling on land acquisition procedures](#)

