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Fundamental Rights in India

- Fundamental rights are the basic human rights enshrined in the Constitution of India which are guaranteed to all citizens.
- They are applied without discrimination on the basis of race, religion, gender, etc.
- Significantly, fundamental rights are enforceable by the courts, subject to certain conditions.
- Articles 12-35 of Indian Constitution deal with Fundamental Rights, six fundamental rights are as follows
    1. Right to Equality (Article 14-18)
    2. Right to Freedom (Article 19-22)
    3. Right against Exploitation (Article 23-24)
    4. Right to Freedom of Religion (Article 25-28)
    5. Cultural and Educational Rights (Article 29-30)
    6. Right to Constitutional Remedies (Article 32)
- Fundamental rights are not absolute rights, They have reasonable restrictions which means they are subject to the conditions of state security, public morality and decency and friendly relations with foreign countries.
- Fundamental rights can be amended by the Parliament by a constitutional amendment but only if the amendment does not alter the basic structure of the Constitution.
- Fundamental rights can be suspended during a national emergency, However the rights guaranteed under Articles 20 and 21 cannot be suspended.
- The application of fundamental rights can be restricted in an area, which has been placed under martial law, or military rule.

Famous Cases on Fundamental rights

- In 1965 - Sajjan Singh case, the Supreme Court held that the Parliament can amend any part of the Constitution including fundamental rights.
- In 1967, the verdict of the Golaknath case said that the fundamental

rights cannot be amended.

- In 1973, in the Kesavananda Bharati case, SC held that although no part of the Constitution, including Fundamental Rights, was beyond the Parliament's amending power, the "basic structure of the Constitution could not be abrogated even by a constitutional amendment - Judiciary can strike down any amendment passed by Parliament that is in conflict with the basic structure of the Constitution.
- In 1981, the Supreme Court reiterated the Basic Structure doctrine - It also drew a line of demarcation as April 24th, 1973 i.e., the date of the Kesavananda Bharati judgement, and held that it should not be applied retrospectively to reopen the validity of any amendment to the Constitution which took place prior to that date.
- In 2020, SC has ruled that reservation in the matter of promotions in public posts is not a fundamental right and a state cannot be compelled to offer the quota, if it chooses not to (Articles 16(4) and 16(4A) of the Constitution give states the power to make such reservations) and No mandamus can be issued by the court directing state governments to provide reservations.

Doctrine of Severability

- It is a doctrine that protects the fundamental rights enshrined in the Constitution.
- It is mentioned in Article 13, according to which all laws that were enforced in India before the commencement of the Constitution, inconsistent with the provisions of fundamental rights shall to the extent of that inconsistency be void.
- This implies that only the parts of the statute that is inconsistent shall be deemed void and not the whole statue.
- Only those provisions, which are inconsistent with fundamental rights, shall be void.

Doctrine of Eclipse

- This doctrine states that any law that violates fundamental rights is not null or void ab initio, but is only non-enforceable, i.e., it is not dead but inactive.
- This implies that whenever that fundamental right (which was violated by the law) is struck down, the law becomes active again (is revived).
- Another point to note is that the doctrine of eclipse applies only to pre-constitutional laws (laws that were enacted before the Constitution came

into force) and not to post-constitutional laws.
- This means that any post-constitutional law which is violative of a fundamental right is void ab initio.

Mandamus

- Mandamus is among the "prerogative writs", that means extraordinary writs or orders granted by the sovereign when ordinary legal remedies are inadequate.
- These are habeas corpus, mandamus, prohibition, certiorari, and quo warranto.
- In India, the Supreme Court can issue prerogative writs under Article 32 of the Constitution, and the High Courts under Article 226.
- Mandamus literally means 'we command'. When issued to a person or body, the writ of mandamus demands some activity on their part.
- It orders the person or body to perform a public or quasi-public duty, which they have refused to perform, and where no other adequate legal remedy exists to enforce the performance of that duty.
- The writ cannot be issued unless the legal duty is of public nature, and to whose performance the applicant of the writ has a legal right.
- The remedy is of a discretionary nature — a court can refuse to grant it when an alternative remedy exists.
- However, for enforcing fundamental rights, the alternative remedy argument does not hold as much weight, since it is the duty of the Supreme Court and the High Courts to enforce fundamental rights.
- The writ can also be issued against inferior courts or other judicial bodies when they have refused to exercise their jurisdiction and perform their duty.
- Under Article 361, mandamus cannot be granted against the President or Governor of a State, "for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties".
- The writ also cannot be issued against a private individual or body, except where the State is in collusion with the private party for contravening a provision of the Constitution or a statute.

Muktoshri Rice

- Researchers from West Bengal's have developed a rice variety called Muktoshri (IET 21845), that is resistant to arsenic.
- The variety yields 5.5 metric tons per hectare in the Boro (Winter) season

and 4.5 to 5 metric tons per hectare in the Kharif season, respectively.
- The rice was long and thin, and aromatic.
- Notification for the commercial use of Muktoshri was made by West Bengal last year.

Arsenic Contamination

- Arsenic is a chemical element occurs in many minerals, usually in combination with sulfur and metals.
- About one third of the arsenic in the atmosphere comes from natural sources, such as volcanoes, and the rest comes from man-made sources.
- Arsenic compounds can be used to make special glass and preserve wood.
- According to the World Health Organization, long-term exposure to arsenic, mainly through drinking water and food, can lead to poisoning.
- Skin lesions and skin cancer are the most characteristic effects.
- Several studies have shown that arsenic from groundwater and the soil can enter the food chain through paddy.
- West Bengal is among the States with the highest concentration of arsenic in groundwater.

Genome Mapping of Basmati Rice

- Gene mapping describes the methods used to identify the locus of a gene and the distances between genes.
- Genome mapping is used to identify and record the location of genes and the distances between genes on a chromosome.
- The essence of all genome mapping is to place a collection of molecular markers onto their respective positions on the genome.
- Molecular markers come in all forms.

- Recently Scientists have mapped the complete genome of two basmati rice varieties, including one that is drought-tolerant and resistant to bacterial disease.
- Basmati 334 from Pakistan, known to be drought tolerant and resistant to rice-killing bacterial blight, and Dom Sufid from Iran, an aromatic long-grain rice that is one of the most expensive on the market are two basmati rice varieties used by scientists.

Midnight Zone

- A team of scientists is preparing to dive deep into the depths of the Indian Ocean into a “Midnight Zone” where light barely reaches but life still

thrives.

- The five-week expedition is targeting seamounts — vast underwater mountains that rise thousands of meters from the sea floor.
- To explore such inhospitable depths scientists will board one of the world's most advanced submersibles, called "Limiting Factor".
- Last August, the "Limiting Factor" completed the Five Deeps Expedition, diving to the deepest point in each of the world's five oceans.
- The deepest was almost 11,000 meters (36,000 feet) down, deeper than Mount Everest is tall.

HK Firodia Memorial awards

- HK Firodia Awards for Excellence in Science & Technology are given to any Indian Scientist who has made original and outstanding contributions in his work in India and done world-class work in any field of Science & Technology.
- The excellence may relate to any field of Scientific endeavor from Agriculture, Engineering, Medical Sciences to Space and Environmental Sciences.
- K Sivan, chairperson of the Indian Space Research Organisation (ISRO) and Shekhar Mande, Director General, Council of Scientific and Industrial Research (CSIR), were bestowed with HK Firodia Memorial awards for their contributions to science.
- Sivan was presented with the Vijnan Ratna award while Mande received the Vijnan Bhushan award.
- As a senior molecular biologist, Mande has worked extensively on tuberculosis.

Ciara Strom

- It is a major storm hit northern Europe, disrupting travel and public events in the region.
- The storm, named 'Ciara' in the UK, is expected to hit Ireland, France, Belgium, the Netherlands, Switzerland, and Germany.
- In Germany, it is being referred to as 'Sabine'.
- The storm has two names because there isn't yet a pan-European system in place for labeling weather systems.

Source: The Hindu, Indian Express



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