



## Navigating the storm

**News:** The Fifteenth Finance Commission's report for the period 2021-22 to 2025-26 seeks to maintain an equitable approach at a time when the Centre and States are facing unprecedented revenue stress and fiscal demands.

### Highlights:

1. The Centre has accepted much of the Commission's broad recommendations, including giving States a 41% share of the divisible pool of taxes and revenue deficit grants of nearly ₹2.95-lakh crore for 17 States over the next five years.
2. It has also acceded to the Commission's suggestion to make grants towards urban and rural local bodies conditional upon States setting up their own finance commissions and publishing online the accounts of local bodies.
3. And 60% of these grants will be further linked to these bodies' providing sanitation and water services.
4. There is an 'in-principle nod to the panel's suggestion to set up a non-lapsable dedicated fund to support defence and internal security modernisation.

### Frayed Fiscal Federalism:

1. It is up to the Centre now to ensure that States do not feel short-changed from the new fiscal framework, given their frayed ties over GST compensation dues.
2. States have also been steadily losing out, given the Centre's penchant to raise more cesses and surcharges that do not have to be shared. This Budget has seen an encore with the agriculture infrastructure development cess.
3. As N.T. Rama Rao said India lives in the States. If the Centre takes them along, it might help the country onto a double-digit growth trajectory from the current nadir.

## Time and perseverance

**News:** The possibility of life on Mars has excited the imagination. Among the scientific community, the current thinking is that life may have existed on the earth's ruddy planetary neighbour a long time ago. Understanding this will enrich our studies of the evolution and nurture of life outside the earth.



## Perseverance rover and Life on Mars

1. The recent NASA mission, Mars 2020 landed on the Jezero Crater in Mars. Of special magnificence was the entry, descent and landing of the mission's Perseverance rover, described as the shortest and most intense part.
2. NASA's exploration of Mars has focused on finding traces and trails of water that may have existed, and relate it to finding evidence of ancient life.
3. It's earlier Mars expedition which carried the Curiosity rover landed on August 5, 2012. It identified regions that could have hosted life.
4. Expected to last at least the duration of one Mars year or about 687 earth days, the science goals this time are to look for signs of ancient life and collect rock and soil samples.

## Jezero Crater

5. Perseverance will take the inquiry made by Curiosity to the next level and search for signs of past life by studying the Jezero Crater.
6. The crater was chosen for study as based on an earlier aerial survey, it was found to be home to an ancient delta. Clay minerals and carbonates were seen, making the crater a good place to search for life's existence.
7. Further, the rover will study geology here and store samples in a place that can be accessed by a future mission that would return them to the earth. The rover will test out technologies that could help sustain the presence of humans there in the future. This includes an instrument to extract oxygen from atmospheric carbon dioxide.
8. The rover also carries a helicopter named Ingenuity that is specially designed to fly in Mars's thin atmosphere; its sole purpose would be to demonstrate flight on Mars.
9. Finally, to the question of whether little green microbes did inhabit Mars in the distant past — only time and Perseverance can answer that.

## The fight for dignity in the feminist struggle

**Bottom Line:** Beyond legal solutions, there is a need to cultivate a robust system that defends victims' claims. It is important to build networks that enable women to stand up for their rights and defend their claim to justice.

### Sexual harassment, Defamation and right to dignity

It is heartening to note that journalist Priya Ramani, against whom a defamation charge was filed by former journalist and Bharatiya Janata Party leader M.J.



Akbar, has been acquitted by a Delhi court and her right to dignity has been upheld. Dignity is a simple word, but it bears the imprint of resistance and struggle. Dignity is claimed by a range of persons who endure such hurt on a daily basis: Dalits, the queer community and transpersons, and minorities.

### **Orthodox ideas**

1. In an everyday sense, when women complain about predatory men, they are told not to be over-fussy, and that it's a man's world, after all.
2. In this context, the verdict for Ms Ramani allows us to relish a moment of quiet satisfaction that in some contexts, at least the victim's speech may be granted the legitimacy that is often denied.

### **Speaking for One's Dignity:**

1. However, it might be useful to ponder over a few related matters. First, one may face the trauma of repression and speaking out long after they have experienced harassment or violence.
2. Second, sexual harassment exists as part of a wide spectrum of acts, which may range from casual demeaning speech to sexual threats and actual acts of assault.
3. What needs to be addressed forthrightly is the heterosexual male's sexual prerogative and the culture of impunity that supports and protects it.
4. Law can do only so much in these matters — we need a robust culture of open speech and the right to defend our claims to dignity and justice in public, without being threatened with defamation or more.
5. Third, the vulnerability of being sexually exploitable appears to be part of the working conditions that bind women in all sectors, and more so in so-called informal work: in brick kilns, quarries, garment factories, and in various service situations.
6. To date, neither the Vishaka judgment nor the Act for sexual harassment at workplaces has been helpful in any of these contexts.

### **Standing for the Human right:**

Here, one is reminded of B.R. Ambedkar's words regarding the trade-offs involved for a worker: "How many have to relinquish their constitutional rights in order to gain their living? ... The fear of starvation, the fear of losing a house, the fear of losing savings, if any, the fear of being compelled to take children away from school, the fear of having to be a burden on public charity, the fear of having to be burned or buried at public cost are factors too strong to permit a man to stand out for his Fundamental Rights..."



## Support circles

1. The challenge is to not lose sight of this stark truth that holds good even after years. It is important to build feminist jurisprudence on the subject and think about local support systems that can enable women to stand up for their rights.
2. Women's groups, civil rights groups and trade unions, all have roles to play in this enabling.

## Voice vote as a constitutional subterfuge

**Bottom Line:** Even laws that are unquestionably desirable and necessary cannot be enacted using dubious legislative mechanisms

### New legislative template

The Karnataka Assembly saw a repetition of what happened in Rajya sabha during Fram laws. Instead of having a division vote based on actual voting as is usual and as the Opposition members had demanded, the presiding officer just declared the Bill passed by voice vote without any division.

These two sets of laws passed with a voice vote seem like a new template for bypassing the constitutionally envisaged legislative process. Indeed, both were first passed as ordinances; such was the urgency felt for enacting them. And once they were tabled in the legislature, the governments insisted on the Bills not being referred to the legislative committees in either case, even though the Opposition repeatedly raised the demand.

### The Money Bill ruse

1. The voice vote subterfuge supplements the other technique repeatedly deployed over the last few years to bypass the Upper House of Parliament — the Money Bill route, utilised increasingly in instances even where the laws concerned would not easily fit within that definition.
2. Most notoriously, the Aadhaar Bill was passed in this manner. But other controversial laws such as those pertaining to electoral bonds, retrospective validation of foreign political contributions and the overhaul of the legal regime relating to tribunals have also been carried out through the Money Bill ruse.
3. A majority of the Supreme Court in the Aadhaar case upheld such use, though the dissenting judge called such use of the Money Bill as nothing less than “a fraud on the constitution”.
4. A later constitutional Bench of the Court has since noted the problem with the majority position and has referred the issue of interpreting the Money Bill provision to a larger Bench.



## The Rajya Sabha's role

1. The increasing use of the Money Bill route was defended by the then Leader of the Rajya Sabha when he deplored the repeated questioning by the indirectly elected Rajya Sabha of the wisdom of the directly elected Lok Sabha. Underlying this common sentiment is a tendency to devalue bicameralism itself.
2. The Lok Sabha is seen as directly representing the will of the people and the Rajya Sabha as standing in its way. And since democracy itself is seen purely in terms of the parliamentary majority in the Lower House, the countervailing function of the Upper House is rarely seen as legitimate.
3. The Rajya Sabha has historically stopped the ruling party from carrying out even more significant legal changes. The notorious Emergency-era 42nd Constitutional Amendment could not be repealed in toto by the post-Emergency Janata regime because Congress continued to have a strong presence in the Rajya Sabha.
4. The Rajiv Gandhi government's proposed 64th Constitutional Amendment Bill on Panchayati Raj was narrowly defeated in the Rajya Sabha, even though it enjoyed the highest ever majority in Lok Sabha. But neither of these governments resorted to constitutional subterfuge or attacked the Rajya Sabha's raison d'être.
5. Indeed, the Rajya Sabha is undoubtedly imperfect, partly because of constitutional design. And partly because obviously undesirable practices, such as members representing States they have no affiliation to, have been allowed to flourish.
6. But forms of constitutional fraud that reduce it to a cipher cannot be condoned, and it is important to understand the crucial constitutional role that such a body plays.

## The value of bicameralism

1. Legal philosopher Jeremy Waldron has explained the virtues of bicameralism, especially when the two Houses are chosen by different processes of representation and elected on a different schedule.
2. The very questioning of the monopoly of the Lower House to represent the 'people' makes bicameralism desirable, he argues.
3. In India, the fact that the Rajya Sabha membership is determined by-elections to State Assemblies leads to a different principle of representation, often allowing different factors to prevail than those in the Lok Sabha elections.



4. John Stuart Mill had warned in his classic treatise on representative democracy that a majority in a single assembly, when it has assumed a permanent character, easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred by another constituted authority.
5. Now that judicial review is hardly practised in India, the second chamber's performance of such a role becomes particularly important as it offers the opportunity for second legislative scrutiny.
6. The other merit of bicameralism for Waldron is especially significant in a Westminster system like India, where the Lower House is dominated by the executive.
7. The Rajya Sabha holds the potential of a somewhat different legislative relation to the executive, making a robust separation of powers possible.

### **Taking legislature seriously**

1. Arguably though, the malaise that allows such legislative humiliation to be tolerated in India runs even deeper, evident in the contempt for the legislature that has been shown by the executive in this country since the mid-1970s. Never though has it been more apparent than during the pandemic.
2. While the British Prime Minister was being taken to task on 'Prime Minister's Questions' every Wednesday in the House of Commons even during the pandemic, Parliament in India was not even convened until it became necessary, and that too after suspending Question Hour.
3. The legislature's role here is seen as only to pass legislation — the faster the better. But in a country where the judicial procedure is perceived as an obstacle to justice by judges themselves, it should not surprise us that legislators view the legislative procedure as dispensable so that laws can be enacted by hook or by crook.