

DAILY PT POINTERS

4 December, 2024



The Hindu-Governance(GSII)-Page10

The salience of the Places of Worship Act

Why was there communal violence in Sambhal, Uttar Pradesh? What were Justice Chandrachud's remarks in the Gyanvapi case in 2022 and why did it spark political controversies? What does the Places of Worship (Special Provisions) Act, 1991 stipulate?

EXPLAINER

Aaratrika Bhaumik

The story so far:

A suit filed against the Shahi Jama Masjid in Sambhal district, Uttar Pradesh, in which the trial court issued an ex-parte order permitting a survey of the mosque, triggered violence on November 24, resulting in the death of four persons. The petitioners have alleged that the 16th-century mosque was built at the site of an ancient Hari Har Mandir which was purportedly demolished by Mughal ruler Babur in 1529. The incident is part of a pernicious trend of local courts in States like Rajasthan and Uttar Pradesh entertaining civil suits contesting the origins of mosques across the country. Experts have however flagged that such suits constitute a violation of the Places of Worship (Special Provisions) Act, 1991.

What does the 1991 Act stipulate?

The 1991 Act was introduced by the Congress government under Prime Minister P.V. Narasimha Rao amid the communal turmoil that followed the demolition of the Babri Masjid in Ayodhya in 1992. Then Home Minister S.B. Chavan stated that the "enactment of this Bill will go a long way in helping restore communal amity and goodwill."



Tense times: The main gate of the mosque at Sambhal in Uttar Pradesh on November 27. S.V. MOORTHY

law was designed to protect the nation's secular fabric and imposes a positive obligation on the State to preserve the religious character of all places of worship as they stood on the day India attained independence. Although the disputed site

"invaded" by Muslim rulers and British colonialists. They further point out that destroyed temples retain their original character under Hindu personal laws and cannot be considered valid mosques under Islamic law without the

constitutionality of parliamentary laws. Similarly, the court must expedite the hearing of the challenge with a presumption in favour of the Act's constitutionality. A heavy burden lies on the petitioners to prove its unconstitutionality," he said.

Why did Justice Chandrachud's remarks stir political row now?

In August 2021, five women associated with the Vishwa Vedic Sanatan Sangh filed a petition in a Varanasi civil court seeking year-round access to pray at a shrine located behind the western wall of the Gyanvapi mosque complex. They claimed the mosque housed several Hindu deities. On April 8, 2022, a Varanasi civil judge appointed an Advocate Commissioner to conduct a videographic survey to ascertain the alleged existence of these idols. The mosque committee challenged the order citing the 1991 Act. However, the High Court and later the Supreme Court refused to halt the survey.

In May 2022, during a hearing on the maintainability of the suit, Justice D.Y. Chandrachud remarked that the 1991 Act does not preclude inquiries into the status of a place of worship as of August 15, 1947, provided there is no intent to alter or convert its character. This interpretation marked a stark departure from the stance taken in the Ayodhya verdict, also purportedly authored by the former C.J. It also broadened the scope for district

THE GIST

▼ The 1991 Act preserves the character of a place of worship as it existed on August 15, 1947, and prohibits courts from examining whether any place of worship has been altered since that date.

▼ A slew of petitions have been filed in the apex court challenging the constitutionality of the law. The petitioners argue that by freezing the status of religious sites as they stood in 1947, the law effectively prevents Hindus from "reclaiming" their places of worship that were allegedly "invaded" by Muslim rulers and British colonialists.

▼ The Supreme Court is yet to decide the preliminary issue raised in several of these suits — whether the 1991 Act bars even the filing of pleas questioning the "original" status of a religious site or just the final alteration of its nature of worship.

- A civil suit filed against the Shahi Jama Masjid in Sambhal, Uttar Pradesh, claimed the mosque was built on the site of a demolished Hindu temple, leading to violence and the deaths of four people. This case is part of a growing trend of lawsuits challenging the origins of mosques, which experts argue violate the Places of Worship (Special Provisions) Act, 1991. The Act, introduced after the Babri Masjid demolition, preserves the religious character of places of worship as they existed on August 15, 1947, and prohibits conversion or alteration of their status
- Despite the Act's clear intent, petitions challenging its constitutionality claim it prevents Hindus from reclaiming worship sites allegedly altered by Muslim rulers or colonialists. The Supreme Court has delayed addressing these challenges, emboldening lower courts to disregard the law. Additionally, remarks by Justice D.Y. Chandrachud in 2022, suggesting that the Act does not prevent inquiries into a site's status as of 1947, have stirred controversy, as they may open the door to more lawsuits, contradicting the intent of the 1991 Act.

The Hindu-Governance(GSII)-Page10

What are the controversies around pardoning power?

What is the history of the pardoning power in the U.S.? What is the current controversy?

Rangarajan. R

The story so far:

U.S. President Joe Biden has granted an unconditional pardon to his son Hunter Biden who faced sentencing for federal tax and gun convictions.

Can the President pardon anyone?

The 'royal prerogative of mercy' is a historic prerogative of the British monarch to grant pardons to convicted persons. This was originally used by the monarch to withdraw or provide alternatives to death sentences. At present it is used to grant clemency for any sentence or penalty based on ministerial advice. According to the U.S. Constitution, the President can grant pardon except in cases of impeachment. The U.S. President has absolute power of pardon for federal criminal offences. Such

of a legal case as well as prior to or after a conviction for a crime.

Once accepted, the pardon grants relief from punishment and associated disqualifications but does not erase the conviction record.

What is the current controversy?

Right from the pardon to the leaders of the 'whiskey rebellion', who protested against a federal tax, granted by the first President George Washington in 1795 to President Bill Clinton's pardon of his half-brother Roger on the last day of his office in 2001, pardoning power has been mired in controversies. Donald Trump had pardoned his son-in-law's father in 2020. In the instant case, President Joe Biden has granted pardon to his son for tax and gun offences for which he has been convicted, and for any potential federal crimes that Hunter Biden may have committed between 2014 and 2024.

that Joe Biden had made earlier that he would not pardon his son. The reason stated by the President was that Hunter Biden was selectively and unfairly prosecuted, and was singled out only because he is his son. Hunter Biden was convicted by a jury of illegally buying and possessing a gun as a drug user. He then pleaded guilty in a tax evasion case.

What is the Indian system?

Article 72 and 161 of the Constitution provide powers to the President and Governor respectively to grant pardon, commutation, remission, respite or reprieve to a convict. These are sovereign powers which are to be exercised on the advice of the council of ministers. A pardon in the Indian context absolves the offender from conviction, punishment and all associated disqualifications. There have been various instances in India where the acceptance, rejection or delay

governments have been entangled in political controversies. The Supreme Court in the *Epuru Sudhakar* case (2006) has held that the exercise of pardoning power is subject to judicial review on the grounds of arbitrariness, mala fides or extraneous considerations.

What can be the way forward?

The pardoning power is a practice that has its origins during the time of absolute monarchy when there was no separation of powers between the executive and the judiciary.

Critics have argued that the pardoning power in modern times have been more often used for political considerations than to correct judicial errors.

In the U.K., the Criminal Cases Review Commission has been constituted to investigate alleged miscarriages of justice. It has diminished the use of the royal prerogative of mercy. This is a transparent and judicious manner of correcting judicial errors in a modern democracy, governed by the rule of law. However, till such time the pardoning power continues in the statute books, it must be exercised in a manner that does not reek of nepotism or arbitrariness. It is essential for retaining the trust of people, who are the source of all power in a democracy, in high constitutional offices.

Rangarajan R is a former IAS officer and author of 'Polity Simplified'. Views

THE GIST

▼ The 'royal prerogative of mercy' is a historic prerogative of the British monarch to grant pardons to convicted persons.

▼ According to the U.S. Constitution, the President can grant pardon except in the cases of impeachment. The U.S. President has absolute power of pardon for federal criminal offences.

▼ Article 72 and 161 of the Indian Constitution provide powers to the President and Governor respectively to grant pardon, commutation, remission, respite or reprieve to a convict.

- U.S. President Joe Biden has granted an unconditional pardon to his son, Hunter Biden, for federal tax and gun convictions, as well as any potential federal crimes he may have committed between 2014 and 2024. The U.S. President has the constitutional power to grant pardons for federal offenses, except in cases of impeachment. This power has been controversial throughout history, with previous presidents, including Bill Clinton and Donald Trump, also issuing pardons that sparked debate.
- In India, the President and Governors have similar powers to grant pardons under Articles 72 and 161 of the Constitution. These powers, exercised on the advice of ministers, can absolve convicts of punishment and disqualifications. The use of pardoning powers in India has also been controversial, with the Supreme Court ruling that the exercise of these powers is subject to judicial review.

The Hindu-Governance(GSII) –Page13

Bank Bill passes LS, allows one account, 4 nominees

Finance Minister says proposed amendments will strengthen governance and enhance customer convenience; Opposition criticises government over inflation being higher than economic growth

The Hindu Bureau
NEW DELHI

The Lok Sabha on Tuesday passed the Banking Laws (Amendment) Bill, 2024, the first Bill of the Winter Session after the week-long logjam ended.

The Bill, piloted by Finance Minister Nirmala Sitharaman, was approved by a voice vote.

The Bill allows bank account holders to have up to four nominees in their accounts and also proposes changes related to redefining “substantial interest” for directorships, which could increase to ₹2 crore instead of the current limit of ₹5 lakh.

It proposes to increase the tenure of directors (excluding the chairman and whole-time director) in cooperative banks from eight years to 10 years, so as to align with the Constitution (Ninety-Seventh Amendment) Act, 2011.

Once passed, the Bill will allow a director of a Central Cooperative Bank



Discussions begin: Union Minister Nirmala Sitharaman speaks in the Lok Sabha during the Winter Session of Parliament. PTI

in deciding the remuneration to be paid to statutory auditors.

It also seeks to redefine the reporting dates for banks for regulatory compliance to the 15th and last day of every month instead of the second and fourth Fridays.

“The proposed amendments will strengthen governance in the banking sector and enhance customer convenience with

eration and passing.

Depositors will have the option of successive or simultaneous nomination facility, while locker holders will have only successive nomination. “The intention is to keep our banks safe, stable, healthy, and after 10 years you are seeing the outcome,” Ms. Sitharaman said.

Participating in the debate earlier, the Opposition parties criticised the Bill.

China at a time when relations between the two countries were strained. He also questioned the government over demonetisation and electoral bonds.

Rani Srikumar of the Dravida Munnetra Kazhagam questioned the fees for basic banking services such as ATM withdrawals and SMS alerts and expressed concern over the vulnerability of senior citizens to cyberfraud.

Nationalist Congress Party (Sharadchandra Pawar) leader Supriya Sule proposed a stricter approach to tackling financial fraud, and suggested that perpetrators compensate victims before serving prison sentences.

Congress MP Karti Chidambaram said the Indian rupee against the US dollar was at ₹84.73, and the growth rate in quarter two of FY25 was 5.4%, the lowest in seven quarters, while the inflation was 6.21%. “Whenever inflation is greater than economic growth, it will lead to stagflation. Against this back-

- The Lok Sabha passed the Banking Laws (Amendment) Bill, 2024, the first Bill of the Winter Session after the week-long logjam ended.
- The Bill allows bank account holders to have up to four nominees in their accounts and also proposes changes related to redefining “substantial interest” for directorships, which could increase to ₹2 crore instead of the current limit of ₹5 lakh.
- It proposes to increase the tenure of directors (excluding the chairman and whole-time director) in cooperative banks from eight years to 10 years, so as to align with the Constitution (Ninety-Seventh Amendment) Act, 2011.
- Once passed, the Bill will allow a director of a Central Cooperative Bank to serve on the Board of a State Cooperative Bank. The Bill also seeks to give greater freedom to banks in deciding the remuneration to be paid to statutory auditors.

The Hindu-Governance(GSII) –Page13

Centre proposes 95% govt. job reservation for locals in Ladakh

Vijaita Singh
NEW DELHI

The Union Ministry of Home Affairs (MHA) has proposed 95% reservation in government jobs for locals in Ladakh, one-third reservation for women in hill councils and has agreed to address concerns regarding land-related matters, according to leaders from the region who attended a high-powered committee (HPC) meeting on Tuesday.

The Centre has also proposed to work on a draft to ensure “constitutional safeguards” to preserve the land and culture of Ladakh and also agreed to declare Urdu and Bhoti the official languages of Ladakh. The

Former BJP MP, Thupstan Chhewang, chairman of the Leh Apex Body (LAB) who attended the talks, said a separate public service commission was not constitutionally possible for Ladakh as the Union Territory did not have a legislature.

Recruitments soon

“The government has assured us that recruitments will start immediately. We said recruitments for gazetted posts should be done through the Jammu and Kashmir Public Service Commission [JKPSC],” Mr. Chhewang said.

“The next meeting is on January 15 where sixth schedule will be discussed,” he said.

- The Union Ministry of Home Affairs (MHA) has proposed 95% reservation in government jobs for locals in Ladakh, one-third reservation for women in hill councils and has agreed to address concerns regarding land-related matters, according to leaders from the region who attended a high-powered committee (HPC) meeting on Tuesday.
- The Centre has also proposed to work on a draft to ensure “constitutional safeguards” to preserve the land and culture of Ladakh and also agreed to declare Urdu and Bhoti the official languages of Ladakh. The Ministry proposed to review 22 pending laws to address local concerns, empowerment and wildlife areas.
- Ladakh has been protesting for the past five years since it lost constitutional safeguards ensured under Article 370 of the Constitution.

The Hindu-Governance(GSII) –Page15

Rajya Sabha passes Bill to delink petro from mining

The Hindu Bureau
NEW DELHI

The Rajya Sabha on Tuesday passed the Oilfields (Regulation and Development) Amendment Bill aimed at delinking petroleum operations from mining operations, broadening the scope of the expression 'mineral oils' and introducing the concept of 'petroleum lease' among other provisions.

- The Rajya Sabha passed the Oilfields (Regulation and Development) Amendment Bill aimed at delinking petroleum operations from mining operations, broadening the scope of the expression 'mineral oils' and introducing the concept of 'petroleum lease' among other provisions.
- Oil Minister Hardeep Singh Puri said the Bill provides for efficacious dispute resolution, decriminalising provisions by introducing penalties, and creating an environment to facilitate energy transition.

HEADLINES OF THE DAY



PIB-Social Justice(GSII)

Prime Minister's Office



Prime Minister marks 9 years of Sugamya Bharat Abhiyan

PM reiterates Government's commitment to further boosting accessibility, equality and opportunity for Divyang sisters and brothers

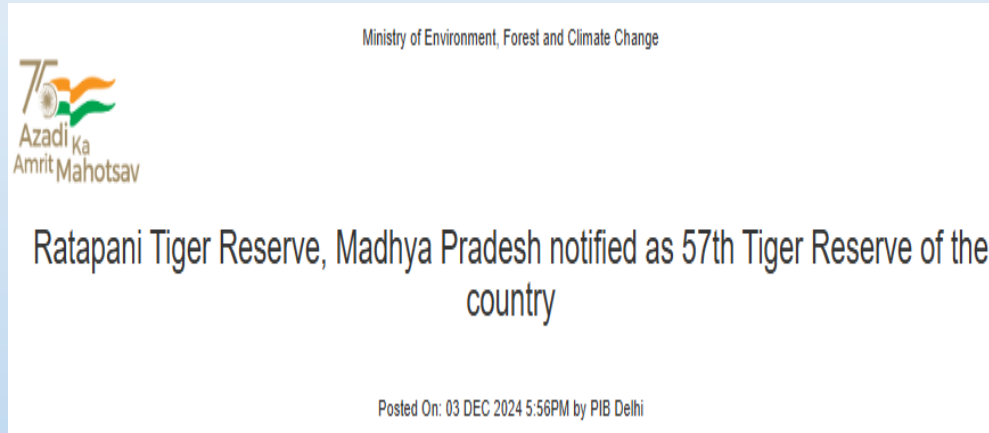
The fortitude and accomplishments of our Divyang sisters and brothers make us proud: PM

Posted On: 03 DEC 2024 4:22PM by PIB Delhi

- Nine years ago, the Sugamya Bharat Abhiyan, also known as the Accessible India Campaign, embarked on a mission to reshape India into a truly inclusive society. Launched on 3rd December 2015 by the Honourable Prime Minister, this flagship initiative was a direct response to the long-overlooked challenges faced by persons with disabilities.
- Rooted in the vision of "*Sabka Sath, Sabka Vikas, Sabka Vishwas*," the campaign aimed to ensure universal accessibility across three vital domains: built infrastructure, transport systems, and the information and communication technology (ICT) ecosystem.

HEADLINES OF THE DAY

PIB-Environment(GSIII)

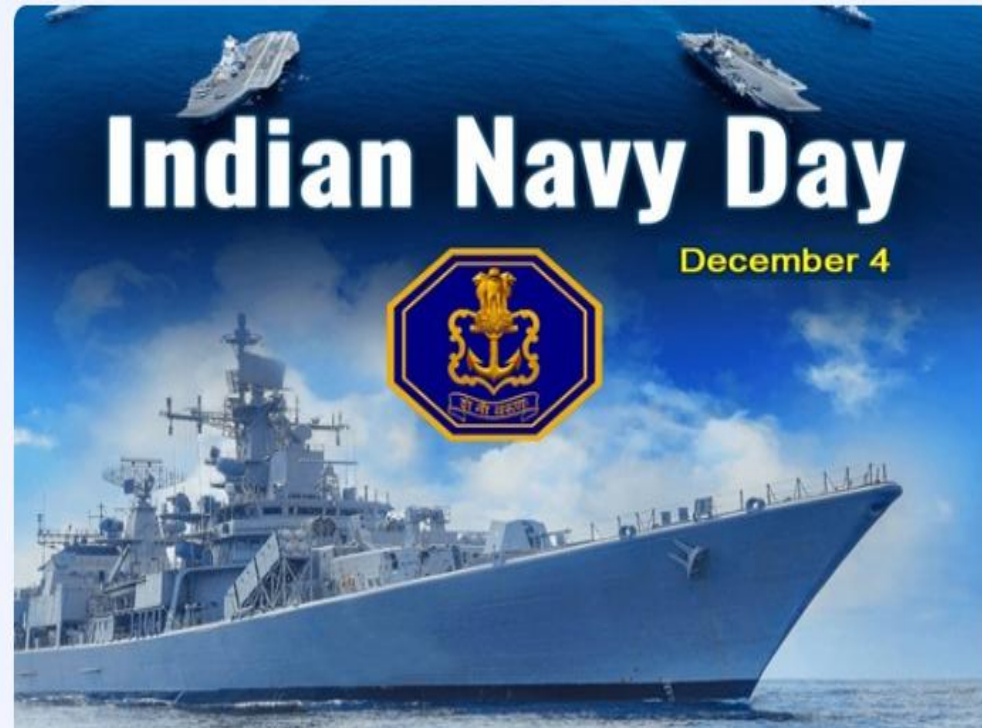


- Union Minister for Environment, Forest and Climate Change, Shri Bhupender Yadav, informed the Nation about the notification of the Ratapani Tiger Reserve, Madhya Pradesh, as the 57th Tiger Reserve of the country. In a post on social media platform 'X', the Minister said, "Caring for conservation! We continue to make great strides in conserving our tigers. India has added 57th tiger reserve to its tally. The latest to join the list is Ratapani Tiger Reserve in Madhya Pradesh. As a country of nature lovers and worshippers, India offers the best habitat for the big cat."

HEADLINES OF THE DAY

Air-Defense(GSIII)

Navy Day 2024: Remembering Indian Navy's Operation Trident & Achievements



- Navy Day is being celebrated today. The day is celebrated on the 4th of December every year to recognize the achievements and role of the Indian Navy.
- It was on this day in 1971, during Operation Trident, the Indian Navy sank four Pakistani vessels including PNS Khaibar, killing hundreds of Pakistani Navy personnel.

HEADLINES OF THE DAY

Air-Space(GSIII)

ISRO To Launch PROBA-3 Mission Satellites From Sriharikota



- The Indian Space Research Organisation (ISRO) will launch the PSLV-C59/Proba 3 mission at 4.08 pm today from the Satish Dhawan Space Centre in Sriharikota. PSLV C59 will launch Proba 3 satellites of the European Space Agency into the highly elliptical orbit.
- The commercial arm of ISRO namely New Space India Limited has got this order from the European Space Agency. Proba 3 satellites will split into two after reaching the orbit. The satellites will study the Sun's Corona, its surrounding atmosphere, space weather and solar wind.