

SC's scepticism over Maharashtra Chief Minister's route to power

Krishnadas Rajagopal

NEW DELHI

A series of observations made by the Supreme Court over the Uddhav Thackeray-Eknath Shinde tussle over the "real" Shiv Sena signalled the judges' scepticism about the Maharashtra Chief Minister's route to power.

For one, Chief Justice of India D.Y. Chandrachud, heading the Bench, had observed how the 39 rebel Shiv Sena legislators who made up the Shinde camp would have been disqualified under the Tenth Schedule (anti-defection law) of the Constitution had the Supreme Court not stayed the hand of then Deputy Speaker Narhari Zirwal in an interim order on June 27, 2022.

The Bench had wondered whether its 2016 judgment in the Nabam Rebia case was more of "a caution than an absolute principle".

The Rebia judgment had held that a Speaker who was himself under a cloud



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D.Y. CHANDRACHUD
Chief Justice of India



should not hear and decide disqualification petitions of legislators under the anti-defection law until his own name was cleared.

"It is a caution to the Speaker and ultimately it is for the Speaker to take a call whether there is frontal assault on his continuance or whether he would like to go ahead with the hearing of the disqualification petition," Chief Justice Chandrachud had observed.

Second, the Constitution Bench had wondered whether MLAs facing disqualification for causing a 'split' in the party, and unsettling the ruling government, could be allowed to

benefit from a subsequent floor test.

Allowing an MP or an MLA who is facing disqualification under the anti-defection law to participate in a floor test caused by his own doings will defeat the very purpose of the Tenth Schedule, Chief Justice Chandrachud had observed.

"Allowing such MLAs to attend a trust vote would amount to legitimising a constitutional sin... One the one hand, you have the Tenth Schedule, which is to prevent the constitutional sin of defection. On the other, you say somebody who defects, causes a split within the party, is liable to

be disqualified... At the same time, you say that even if that person is liable to be disqualified, in the meantime, he can participate in the trust vote in the House..." Chief Justice Chandrachud had asked senior advocate Neeraj Kishan Kaul, who appeared for the Shinde group.

Finally, the Bench had referred to then Governor Bhagat Singh Koshyari's call for a trust vote on the floor of the House, which had eventually led to the fall of the Uddhav Thackeray government.

"A Governor must be aware of the fact that his very calling for a trust vote may precipitate the loss of majority for a government. Calling for a trust vote may itself lead to the toppling of a government... Governors must not lend their offices for effectuating a particular result... The Governor cannot enter into any area by which his action would precipitate the fall of a government," he had observed.

Governors can't play a role in intra-party disputes, says court

The Hindu Bureau
NEW DELHI

The Supreme Court on Thursday said former Maharashtra Governor Bhagat Singh Koshyari had mistaken a section of Shiv Sena MLAs' expression of "discontent" with the Maha Vikas Aghadi (MVA) government for their withdrawal of support, and called for a floor test in just two days' time in June 2022.

The Governor's call for the floor test on June 28 led to the resignation of Uddhav Thackeray as Chief Minister the next day. "Communication expressing discontent on the part of some MLAs is not sufficient for the Governor to call for a floor test," a Constitution Bench held.

Dissent and disagreement within a political party must be resolved in accordance with the remedies prescribed under the party constitution, the court said.

"Floor test cannot be used as a medium to resolve internal party disputes or intra-party disputes... There is a marked difference between a party not supporting a government, and individuals within a party expressing their discontent with their party leadership," Chief Justice D.Y. Chandrachud pointed out.

Neither the Constitution nor laws enacted by Parliament provide for a mechanism by which disputes amongst members of a particular political party can be settled. "They certainly do not empower the Governor to enter the political arena and play a role (however minute) either in inter-party disputes or in intra-party disputes," the Chief Justice wrote.

The Governor could not have acted upon an inference that a section of the Shiv Sena wished to withdraw their support to the government.

10th Schedule – Provisions under Anti-Defection Law

The Tenth Schedule includes the following provisions with regard to the disqualification of MPs and MLAs on the grounds of defection:

Grounds for disqualification:

- If an elected member gives up his membership of a political party voluntarily.
- If he votes or abstains from voting in the House, contrary to any direction issued by his political party.
- If any member who is independently elected joins any party.
- If any nominated member joins any political party after the end of 6 months.

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- The decision on disqualification questions on the ground of defection is referred to the [Speaker](#) or the Chairman of the House, and his/her decision is final.
- All proceedings in relation to disqualification under this Schedule are considered to be proceedings in Parliament or the Legislature of a state as is the case.

Exceptions under the Anti Defection Law

- In the situation where two-thirds of the legislators of a political party decide to merge into another party, neither the members who decide to join nor the ones who stay with the original party will face disqualification.
- Any person elected as chairman or speaker can resign from his party, and rejoin the party if he demits that post.
- Earlier, the law allowed parties to be split, but at present, this has been outlawed.

Deciding Authority

- Any question regarding disqualification arising out of defection is to be decided by the presiding officer of the House.

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SC rejects Centre's argument that national interests take priority over local quibbles

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Thursday dismissed the Centre's claim of superiority over the elected government of Delhi on the ground that the national capital is the seat of the Union government and "national interests take precedence over and beyond the quibbles of local interests."

The Centre backed its argument on a narrow interpretation of a phrase – "in so far as any such matter is applicable to Union Territories" – in Article 239AA (3)(a) of the Constitution.

The Article, introduced through the Constitution (Sixty-Ninth Amendment) Act, 1991, declared the National Capital Territory of Delhi and its "special provisions". One of its clauses said the Legislative Assembly of Delhi "shall have power to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State List or in the Concur-



Favourable result: AAP leaders and supporters celebrating the Supreme Court's ruling in New Delhi on Thursday. PTI

rent List in so far as any such matter is applicable to Union Territories".

The Centre said the phrase meant that the legislative and executive powers of Delhi were limited to that of any Union Territory. But the court said "Union Territories were not a homogenous class". They differed according to the local aspirations of various regions.

"Article 239AA establishes a Legislative Assembly for NCTD. The seats in the Assembly are filled by a direct election from the constituencies of NCTD... Article 239AA must be interpreted to

further the principle of representative democracy," a Constitution Bench said.

Addressing the Centre's apprehensions about "national interests", the court said "Article 239AA(3) balances between the interest of NCTD and the Union of India". There are multiple safeguards in place to protect the Centre's interests in the national capital.

For one, the Delhi Assembly cannot make laws on public order, police, and land. Second, the Article gives Parliament a "plenary power" to legislate on "any subject in any of the three Lists of the Seventh Schedule for NCTD".

What is Article 239AA of the Constitution?

- Article 239 AA was inserted in the Constitution by The Constitution (69th Amendment) Act, 1991 to give Special Status to Delhi following the recommendations of the S Balakrishnan Committee that was set up to look into demands for statehood for Delhi.
 - It says that the NCT of Delhi will have an Administrator and a Legislative Assembly.
 - Subject to the provisions of the Constitution, the Legislative Assembly "shall have power to make laws for the whole or any part of the NCT with

respect to any of the matters in the State List or Concurrent List in so far as any such matter is applicable to Union territories” except on the subject of police, public order, and land.

- Further, the Article 239AA also notes that L-G has to either act on the aid and advice of the Council of Ministers, or he is bound to implement the decision taken by the President on a reference being made by him.
- Also, Article 239AA, empowers the L-G to refer a difference of opinion on ‘any matter’ with the Council of Ministers to the President.
- Thus, this dual control between L-G and the elected government leads to a power tussle.

ISRO successfully tests semi-cryogenic engine at new facility in Mahendragiri

The Hindu Bureau
BENGALURU

Indian Space Research Organisation (ISRO) carried out the first integrated test on an intermediate configuration of its 2000 kN semi-cryogenic engine at the newly commissioned Semi-cryogenic Integrated Engine & Stage Test facility at the ISRO Propulsion Complex (IPRC) in Mahendragiri at Tirunelveli district of Tamil Nadu. The test was carried out on Wednesday.

According to the space agency, the intermediate configuration, designated as Power Head Test Article (PHTA), comprises all the engine systems, except the thrust chamber. The test is



The first integrated test was conducted on an intermediate configuration of the 2000 kN semi cryogenic engine in Mahendragiri.

the first in a series of tests planned to validate the design of the propellant feed system, including the low-pressure and high-pressure turbo-pumps, the gas generator, and control components.

The Liquid Propulsion Systems Centre (LPSC) of ISRO has undertaken the

design & development of a semi-cryogenic engine with 2000 kN thrust with Indian industry participation, and will power the booster stages of future launch vehicles, and works on Liquid Oxygen (LOX) Kerosene propellant combination.

The test on Wednesday

was a major milestone before integrating the complete engine, and its qualification. The test demonstrated the complex chill down operation, spanning about 15 hours, that was conducted successfully, meeting all the required conditions for engine start. After the chill down of the LOX circuit, the feed circuit of kerosene was filled, and LOX was admitted into the gas generator by opening the injection valve.

According to ISRO, successful performance of the test article helps derive the sequence of operations for further tests. This test has demonstrated the successful performance of the test facility.

▪ **Cryogenic Engine:**

- A cryogenic engine/cryogenic stage is the last stage of space launch vehicles which makes use of Cryogenics.
 - Cryogenics is the study of the production and behaviour of materials at extremely low temperatures (below -150 degree Centigrade) to lift and place heavier objects in space.
- A cryogenic engine provides more force with each kilogram of cryogenic propellant it uses compared to other propellants, such as solid and liquid propellant rocket engines and is more efficient.
- It uses Liquid Oxygen (LOX) and Liquid Hydrogen (LH2) as propellants which liquefy at -183 deg C and -253 deg C respectively.

▪ **Semi Cryogenic Engine:**

- Unlike a Cryogenic engine, a Semi Cryogenic engine uses Refined kerosene instead of liquid hydrogen.
- The liquid oxygen is used as a Oxidiser.
 - That's the advantage of using a Semi Cryogenic engine as it requires Refined Kerosene which is lighter than liquid fuel and can be stored in a normal temperature.
- Kerosene combined with liquid oxygen provide a higher thrust to the rocket.
- Refined Kerosene occupies less space, making it possible to carry more propellant in a Semi Cryogenic engines fuel compartment.
- A semi cryogenic engine is more powerful, environment friendly and cost effective as compared to a cryogenic engine.

T.N. clinches ₹20,000 crore investment deal with Hyundai

The Korean automobile major will make the investment in phases over the next 10 years in Tamil Nadu to modernise vehicle platforms and expand its presence in the electric vehicle space

Sangeetha Kandavel
CHENNAI

Korean automobile major Hyundai Motor India Limited has announced that it will invest ₹20,000 crore over the next 10 years in Tamil Nadu to modernise vehicle platforms and expand its presence in the electric vehicle space.

An MoU was exchanged between Unsoo Kim, MD and CEO of Hyundai Motor India Limited, and V. Vishnu, MD and CEO of Guidance Tamil Nadu, in the presence of Chief Minister M.K. Stalin, Minister for Industries, Investment Promotion and Commerce T.R.B. Rajaa, Minister for Finance and Human Resource Management Thangam Thennarasu and senior government officials.

Noting that Hyundai was one of the largest manufacturers and consistent investors in Tamil Nadu, Mr. Kim said, "As part of our long-term vision, we have finalised plans to develop and establish Tamil Nadu as a base for Hyundai's EV manufacturing in India. This will help us to strengthen our portfolio and provide best-in-class features and technologies in our vehicles, which will exceed our customer aspirations."

During the event, the Chief Minister recalled



Chief Minister M.K. Stalin greeting Unsoo Kim, MD and CEO of Hyundai Motor India Limited, during the signing of the MoU in Chennai on Thursday. B. JOTHI RAMALINGAM

that in 1996, his father and the then Chief Minister, M. Karunanidhi, laid the foundation for Hyundai's first unit in the State. The second plant, entailing an investment of ₹4,000 crore, was inaugurated by Karunanidhi in 2008, he noted.

Mr. Thennarasu, who was shifted to the Finance portfolio, said Tamil Nadu had received a lot of investments over the past two years. As a recent example, he cited Cisco's plan to set up a manufacturing plant in the State.

In his first public meeting after taking charge as Industries Minister, Mr. Rajaa said Hyundai was a household name in India as much as it was in Korea.

Hyundai had been a long-time friend of Tamil Nadu, and had now reaffirmed its trust in the State, he said.

"This investment shows the mutual understanding built over the years," he added.

The Tamil Nadu government's focus on skill development will churn out a talented workforce for the future, he said.

Strategic partner

Hyundai aims to be a strategic partner of the Tamil Nadu government in its vision to build a sustainable ecosystem for the State's transition towards electric mobility.

In line with this, Hyundai will set up a state-of-

the-art battery pack assembly unit with an annual capacity to assemble 1,78,000 units of batteries. The company will install 100 EV charging stations at key locations on major highways, over a period of five years. This will include five dual ultra-fast charging stations (DC 150 KW + DC 60 KW), 10 single fast charging stations (DC 150 KW) and 85 single fast charging stations (DC 60 KW).

The company has also announced a plan to increase total production to 8,50,000 units/year and roll out new electric and ICE vehicles from its factory in Sriperumbudur. Currently, the firm makes 7,75,000 units/year.

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