

EVA STALIN IAS ACADEMY – BEST IAS COACHING IN CHENNAI

12/24, Muthurangan Muthali St, West Tambaram, Chennai - 600045

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DAILY CURRENT AFFAIRS ANALYSIS

27 JUNE 2022

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. No.	Topic Name	Prelims/Mains
1.	Deputy Speaker Powers	Prelims & Mains
2.	POCSO Act	Prelims & Mains
3.	National Emergency	Prelims & Mains
4.	Abortion Rights for Women in India	Prelims & Mains

1 - Deputy Speaker Powers:

GS II

Topic → Parliament related issues

- **Context:**

- The Maharashtra rebels encamped in Assam, which is governed by the BJP, have taken their fight to the Supreme Court. Eknath Shinde, the leader of the Shiv Sena rebel group, and 15 of his fellow MLAs will both present petitions to the court for consideration on Monday.
- The petitions contest the disqualification notifications issued to Shinde and the 15 MLAs, as well as the decision by Deputy Speaker Narhari Zirwal to recognise Ajay Choudhary as the SSLP's leader in place of Shinde.

- **Provisions of the Constitution:**

- The election of the Speaker and Deputy Speaker is outlined in Article 93 of the Indian Constitution.
- The vacation, resignation, and removal from the positions of Speaker and Deputy Speaker are all addressed under Article 94.
- Article 95 gives the Deputy Speaker or another person the authority to carry out the responsibilities of the Speaker's office or to act in the Speaker's place.
- According to Article 96, the Speaker or Deputy Speaker is not permitted to preside while a resolution to remove him from office is being considered.
- The wages and benefits of the Speaker and Deputy Speaker, as well as the Chairman and Deputy Chairman, are covered under Article 97.

- **How is the Deputy Speaker chosen:**

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- The Lok Sabha itself chooses the Deputy Speaker from among its members.
- The deputy speaker is chosen concurrently with the speaker.
- The Deputy Speaker election will take place on the date that the Speaker fixes, according to the Rules of Procedure and Conduct of Business in the Lok Sabha.
- The opposition party in India is traditionally awarded the role of deputy speaker.
- **Office Term and Removal:**
 - The Deputy Speaker holds the position for the whole five-year term of the Lok Sabha.
 - The following three situations The Deputy Speaker has the option to leave earlier:
 - Upon his resignation from the Lok Sabha
 - If he notifies the Speaker of his resignation in writing
 - If a resolution to remove him from office was approved by a majority of the Lok Sabha's members at the time.
 - The deputy speaker should be notified 14 days in advance of the introduction of such a resolution.
- **Power & Purpose:**
 - Deputy Speaker of the Lok Sabha's authority and duties
 - When the Speaker's position is unoccupied, the Deputy Speaker takes over.
 - All of the Speaker's authority is transferred to the Deputy Speaker.
 - When the speaker is not present, he or she also acts as the speaker of a joint session of both chambers of parliament.
 - In the event of a tie, the Deputy Speaker, like the Speaker, may cast a ballot.
 - The deputy speaker enjoys a distinct privilege in that he always assumes the chairmanship of any committee he is nominated to serve on in the parliament.

Source → The Indian Express

2 - POCSO Act:

GS II

Topic → Government Policies and Interventions

- **Context:**

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- For allegedly sexually abusing a little child in Rohini, Delhi, a 53-year-old man has been detained.
- **POSCO Act details:**
 - In order to specifically safeguard minors under the age of 18 against sexual assault, sexual abuse, sexual harassment, and pornography, the POCSO act was passed in 2012
 - According to the act, the investigation in each case must be finished in two months (starting from the date the FIR was filed) and the trial must be held within six months.
 - According to the Act, a kid is someone who is younger than the age of eighteen.
 - According to POCSO, a sexual assault is to be deemed more serious if: the victim is a child; the perpetrator is a member of the security forces; or the victim is a mentally ill youngster.
 - a government worker
 - a member of the child's family, a police officer, a teacher, a doctor, or a member of the management or staff of a hospital, public or private, in a position of trust or authority.
 - As a penalty for aggravated penetrative sexual assault, it calls for strict imprisonment for a time that must not be less than 10 years but may go as far as life in prison as well as a fine.
 - It also includes procedures to prevent the youngster from becoming a victim of the legal system again.
 - Additionally, reporting such cases is required by the Act.
 - A person who is aware of the offence has a legal obligation to report the sexual abuse.
 - In the event that he does not, he may be sentenced to six months in prison or a fine.
 - Additionally, it imposes penalties on those who traffic youngsters for sex.
 - The Act also outlines penalties for making false complaints or spreading incorrect information.
 - In 2019, the law was modified.
 - The Protection of Children from Sexual Offences (POCSO) Act, 2012's definition of aggravated penetrative sexual assault is equal to that of aggravated rape.
 - In certain aggravating circumstances, such as when the rape takes place in a relationship of trust or authority or when it results in pregnancy, a person may be charged with this offence.
 - Regardless of the form and circumstances of the sexual interaction or the characteristics of the person with whom it occurs, POCSO does not consider a minor's consent to be necessary. Therefore, any sexual activity with a minor constitutes rape.
- **Important elements of the Act and the amendment:**
 - In order to support the child's healthy physical, emotional, intellectual, and social development, the Act is gender neutral and places a high priority on the best interests and welfare of the child at every stage.

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- According to the Act, a child is any individual who is younger than the age of eighteen. The best interests and welfare of the child are regarded as being of the utmost importance at every stage, in order to ensure the child's healthy physical, emotional, intellectual, and social development.
- It outlines various types of sexual abuse, such as penetrative and non-penetrative assault, as well as sexual harassment and pornography. It also defines when a sexual assault is "aggravated," such as when the victim is a child and is mentally ill or when the abuse is carried out by someone in a position of authority over the child, such as a family member, police officer, teacher, or doctor.
- People who traffic children for sex are also subject to punishment under the Act's provisions for abetment. The Act imposes severe penalties that are graded according to the seriousness of the offence, with a maximum term of harsh life imprisonment and a fine.
- It defines "child pornography" as any visual representation of child sexual activity that is represented by a photograph, video, digital, or computer-generated image that is indistinguishable from a real child, or by an image that was manufactured, altered, or modified yet appears to depict a child.

Source → *The Hindu*

3 - National Emergency:

GS II

Topic → Constitutional Provisions

- **Context:**
- Prime Minister Narendra Modi said on Sunday that although democracy was trampled and stifled 47 years ago, the people of India responded to it in a democratic manner. He called emergency rule in 1975 a "black blot" on the colourful history of India's democracy.
- **National Emergency:**
- War, external attack, or armed revolt are all grounds for declaring a national emergency. In the Constitution, a situation of this nature is referred to as a "proclamation of emergency."

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- **Declaratory grounds:**

- When war, external aggression, or armed rebellion threaten the security of India or a portion of it, the president is authorised by Article 352 to proclaim a national emergency.
- The President can declare a national emergency even before the actual occurrence of war or armed rebellion or external aggression
- The term "External Emergency" refers to a national emergency that is declared due to "war" or "external attack." On the other hand, it is referred to as a "internal emergency" when it is declared due to a "armed insurrection".
- The 44th Amendment introduces the phrase "armed revolt." Internal disturbance was the previous name for it.

- **Example:**

- If India and Pakistan publicly declare their intent to use force against one another, it is just war.
- Armed force employed against a nation without a formal proclamation is considered external aggression.
- And if an emergency is declared an external emergency for one of these two reasons.

- **Facts:**

- The declaration of a national emergency is not subject to judicial review thanks to the 38th Amendment Act of 1975. However, the 44th Amendment Act of 1978 later repealed this clause.
- The Supreme Court ruled in the Minerva Mills case (1980) that a national emergency proclamation might be contested in court on the grounds of malfeasance or that it was founded on entirely unrelated and extraneous factors.

- **Parliamentary endorsement and time frame:**

- Within one month after the date of its issuance, the declaration of emergency must be approved by both houses of parliament.
- However, if the declaration of an emergency is made while the Lok Sabha is dissolving or during the dissolution period of one month without the proclamation receiving approval, the declaration will remain in effect until 30 days after the first meeting of the newly reconstituted Lok Sabha, provided the Rajya Sabha has approved it in the interim.
- The Emergency remains in effect for 6 months if both houses approve it, and it may be extended indefinitely with Parliament approval every 6 months.
- Either House of Parliament must pass any resolution approving the declaration of an emergency or its continuation with a special majority.

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- **Proclamation revocation:**

- The President has the right to cancel an Emergency Proclamation at any moment with a new proclamation. Such a declaration doesn't need to be approved by parliament.
- If the Lok Sabha adopts a resolution by a simple majority rejecting the continuation of the emergency, the emergency must be revoked.

- **Results of a national emergency:**

- The political system is significantly and broadly affected by a declaration of emergency. These outcomes can be divided into three categories:
- Effects on relations between the center-state: The typical framework of center-state relations changes fundamentally when an emergency declaration is in effect. This can be examined from three angles:
- Executive: The Center now has the power to instruct a state on "any" topic.
- Legislative: If the parliament is not in session, the president may issue state-related ordinances. The parliament is given the authority to pass legislation on any of the topics included in the state list. Six months after the emergency has ended, the laws passed by the parliament on state-related issues become invalid.
- Financial: The president has the authority to change how the federal government and the states are supposed to split their tax income.

- **Impact on the Lok Sabha and State Assembly's existence:**

- The Lok Sabha's lifespan may be prolonged for an additional year at a time while a declaration of a national emergency is in effect. This extension, however, is only valid for a maximum of six months after the emergency has ended.
- Similar to this, during a national emergency, the Parliament may repeatedly extend the normal term of a state Legislative Assembly by one year, up to a maximum of six months after the situation has ended.
- Articles 358 and 359 of the Constitution describe how a national emergency affects fundamental rights.

- **National emergency's impact on FR:**

- Suspension of Article 19's six fundamental rights: According to Article 358, whenever a national emergency is declared, the six rights are automatically suspended. After the emergency has passed, Article 19 is immediately reinstated.

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- Article 19 can only be suspended when the National Emergency is declared due to war or external attack, not in the case of an armed uprising, according to the 44th Amendment Act.
- Other Fundamental Rights Suspension: In accordance with Article 359, the President is permitted to suspend, by executive order, the ability to petition any court to enforce Fundamental Rights during a National Emergency. Therefore, rather than the Fundamental Rights, corrective procedures are suspended.
- Only those Fundamental Rights mentioned in the Presidential Order are subject to the suspension of enforcement.
- The suspension could last for the duration of the emergency operation or for a shorter amount of time.
- Each House of Parliament should get a copy of the Order before voting on it.
- The President cannot suspend the ability to petition the court for the enforcement of Fundamental Rights protected by Articles 20 and 21, according to the 44 Amendment Act.
- **Declarations thus far:**
 - Three times already, in 1962, 1971, and 1975, this kind of emergency has been declared.
 - Due to Chinese assault in the NEFA, the first declaration of a national emergency was made in October 1962 and lasted until January 1968.
 - In response to the attack by Pakistan, the second declaration of a national emergency was proclaimed in December 1971.
 - The third declaration of a national emergency was issued in June 1975, even though the situation was still in effect. In March 1977, the second and third proclamations were also annulled.

Source → The Indian Express

4 - Abortion Rights for Women in India:

GS I

Topic → Women Empowerment

- **Context:**
 - The Medical Termination of Pregnancy (Amendment) Act, Surrogacy Regulation Act, and Prohibition of Child Marriage (Amendment) Bill, 2021, taken together, offer fresh meaning to nari shakti in India as abortion rights are being restricted in the West.

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- **Amendment to the Medical Termination of Pregnancy Act of 2020:**

- The proposed law would just require one qualified medical professional's opinion (instead of two or more) to end a pregnancy up to 20 weeks' gestation (foetal development period from the time of conception until birth).
- It introduces the need that a pregnancy between 20 and 24 weeks gestation be terminated with the consent of two licenced medical professionals.
- The gestational limit has also been raised for women in "special categories," such as rape survivors, incest victims, and other at-risk groups including young girls and women with disabilities.
- Additionally, it stipulates that, with the exception of a person permitted under any currently in effect law, "the identity and other particulars of a woman whose pregnancy has been terminated shall not be published."

- **Benefits:**

- On therapeutic, eugenic, humanitarian, or social grounds, it increases women's access to safe and legal abortion services.
- It is a step in the right direction for women's safety and wellbeing, and many women will gain from it.

- **1971 MTP Act:**

- **Pregnancy termination is simply a result of circumstance and cannot be a decision. The following circumstances are allowed by law (section 3 of the MTP Act of 1971) for the doctor to perform an abortion:**

- If the patient's life would be in danger or if the pregnancy had an impact on her physical or mental condition. The patient's circumstances must be taken into account for the doctor to determine whether the pregnancy will be harmful to the patient's mental health.
- If there is a strong likelihood that the child would experience physical or mental abnormalities that would substantially impair him or her.
- If the failure of contraception led to the pregnancy (but this is only applicable to married women).

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- Whether a sexual assault or rape led to the pregnancy.
- **Conditions for Pregnancy Termination:**
- Only one doctor needs to agree that the requirements have been met if the pregnancy is under 12 weeks old.
- Two doctors must agree that the prerequisites have been met if the pregnancy has lasted longer than 12 weeks and is under 20 weeks (24 weeks as of this writing).
- If a doctor decides that an urgent abortion is necessary to save the patient's life, the gestational period makes no difference.
- According to the law, the doctor who decides if an abortion is necessary and actually performs it must be a "registered medical practitioner."
- **Unwanted Abortions:**
- Abortion within the first four to five months of pregnancy: A maximum 3-year prison sentence and/or a fine may be imposed as punishment.
- If the aforementioned criteria are not met, both patients and doctors are seen as having committed a crime.
- Abortion after five months of pregnancy: If the abortion occurs after the foetus is moving, the offender faces up to seven years in prison and a fine, unless it was performed in an effort to save the patient's life.
- Abortion without consent - If someone else induces an abortion or performs one against the pregnant woman's will, they might face up to 10 years in prison and a fine.
- Abortion that results in death: The doctor who performed the procedure may be subject to a fine and up to 10 years in prison if the patient died as a result of a failed or incompetent abortion.
- If the abortion was performed without the patient's consent, a life sentence in prison is the penalty.
- Other sections of the Indian Penal Code, 1860, which carry sentences of up to 10 years, can also be used to prosecute intentional foetal death.

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- **Requirement of Consent:**

- In order to perform an abortion, doctors are required to obtain the pregnant woman's consent.
- Doctors are required to obtain consent from the woman's guardian if she is under the age of 18 (a minor) or has a mental disorder.
- A doctor can receive a fine and a 10-year prison sentence for performing an abortion against a patient's will.

- **Government Initiatives for Safe Abortions:**

- Under the RMNCH+A (Reproductive, Maternal, Newborn, Child and Adolescent Health) initiative of the National Health Mission, the government offers women in health facilities safe and comprehensive abortion care (CAC) services.
- All the States have received guidelines on medical methods of abortion (MMA) and comprehensive abortion care services (CACS).
- Giving money to States and UTs so they can start offering safe abortion services in hospitals.
- Amounts provided to States to help them design and carry out comprehensive "Information Education & Communication/ Behaviour Change Communication (IEC/BCC)" initiatives for maternal health, including the provision of safe abortion services.
- Building the skills of ANMs, ASHAs, and other functionaries to provide private counselling for safe abortion and support post-abortion care. Training Medical Officers in Safe Abortion Techniques.
- ASHAs are given training to provide them the knowledge and abilities to help women in the community become aware of concerns relating to comprehensive abortion care and to make it easier for them to seek services.
- Facilities in the private and nonprofit sectors that provide comprehensive abortion care are certified.
- Sub-centers are given Nischay Pregnancy Detection Kits to use in early pregnancy detection.

- **Current Abortion Laws: Problems:**

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- 10–13% of maternal deaths in India occur as a result of unsafe abortions, according to a 2015 study published in the Indian Journal of Medical Ethics (the third leading cause of maternal death in our country).
- The stigma and views toward women, especially young, unmarried women seeking abortions, as well as the lack of access to safe abortion facilities, particularly public hospitals, all contribute to this.
- Because abortion is illegal beyond 20 weeks of pregnancy, it is difficult to identify abnormal foetuses such those with Down syndrome, congenital deformities, or other conditions and to abort them.
- Non-medical worries about the financial burden of raising a child, the impact on job choices, or any other non-personal issues are not taken into account by the legislation.
- **Way ahead:**
- Access to safe and legal abortions is a public health concern, a fundamental component of sexual and reproductive equality, and must be taken into consideration in current discussions about democracy in order to create a fair society that abhors all forms of prejudice.
- The silence around unsafe abortion results in the deaths of women and conceals significant issues that are related to these issues, like the tremendous obstacles preventing teenage girls from accessing reproductive health treatments, especially abortion services. The right to safe abortion is a crucial aspect of women's equality, right to life, and right to bodily integrity, and it must be preserved.

Source → *The Hindu*

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