



DAILY CURRENT AFFAIRS 16-02-2024

GS-1

1. Atlantic Meridional Overturning Circulation

GS-2

2. SC Questions Amendment of Preamble
3. The 22nd Law Commission of India has submitted its Report No. 286
4. Rights of forest dwellers
5. Nazool land

Atlantic Meridional Overturning Circulation

Syllabus: GS-1: World Physical Geography – Oceanography.

Context:

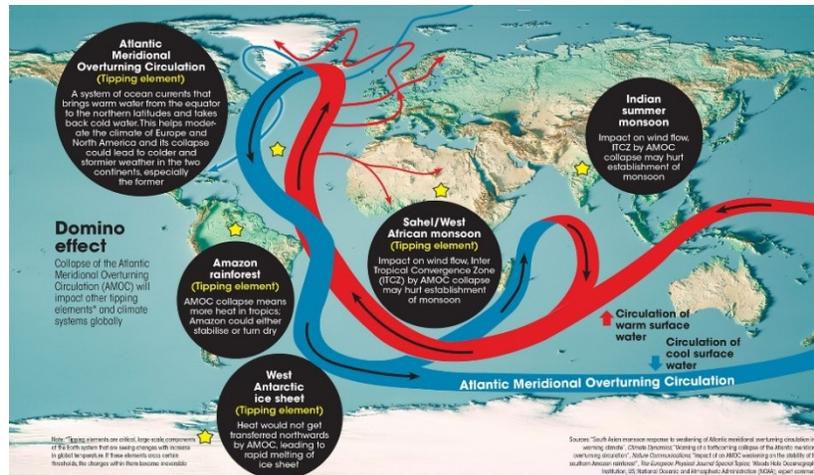
- *A collapse of the Atlantic Meridional Overturning Circulation may put other climate systems at risk.*

What is AMOC?

- *The Atlantic Meridional Overturning Circulation (AMOC) is a **significant oceanic circulation system**.*
- *Its primary function is to transport **warm surface waters from tropical regions towards northern latitudes**.*
- *Conversely, it transports **cold, deep waters from the North Atlantic back towards the equator**.*
- *AMOC's significance lies in its pivotal role in the **global redistribution of heat**.*
- *This circulation system profoundly **influences both regional and global climates**.*
- *Notably, it plays a **crucial role in moderating temperatures in Europe, North America, and regions near the Equator**.*

Mechanism of AMOC:

- **Warm surface currents:** *Warm surface currents, such as the Gulf Stream, carry warm, salty water northward from the tropics.*
- **Deepwater formation:** *As this warm water reaches the North Atlantic, it cools and becomes denser due to the factors mentioned above.*
- *This dense water sinks to the ocean depths, forming what's known as **North Atlantic Deep Water (NADW)**.*
- **Southward flow:** *The NADW then slowly travels southward along the ocean floor, carrying heat and salt towards the equator.*
- **Upwelling:** *Eventually, this deepwater reaches the surface again through a process called upwelling. This upwelling brings nutrients from the depths to the surface, which fertilizes marine life.*



AMOC Threatened by Anthropogenic Emissions:

- *The Atlantic Meridional Overturning Circulation (AMOC), a crucial ocean current system, might collapse between 2025 and 2095 due to human-induced emissions.*
- *Current projections suggest a collapse likely by the 2050s due to increased anthropogenic emissions.*

AMOC's Significance and Impacts:

- *AMOC regulates climate and weather patterns globally, influencing temperatures and precipitation in Europe, North America, and near the Equator.*
- *Its collapse could be the first of 16 critical climate tipping elements to be breached, potentially leading to irreversible climate changes.*

Current Trends:

- *AMOC transports warm water from the tropics to the northern Atlantic, affecting global climate.*
- *Increased freshwater input from melting ice caps is reducing AMOC's salinity and density, slowing down the circulation.*
- *Historical data indicates AMOC has slowed by 15% over the past few decades, at its slowest in 1,600 years.*

Scientific Studies and Predictions:

- *Recent studies indicate AMOC may be much closer to collapse than previously estimated.*
- *Uncertainties remain due to model biases and incomplete understanding of AMOC dynamics.*

Potential Climate Effects of AMOC Collapse:

- AMOC collapse would lead to **widespread cooling across the Northern Hemisphere** and altered precipitation patterns, impacting food production and climate stability.
- Disruption of AMOC could **affect other climate systems globally**, potentially leading to shifts in rainfall patterns and extreme weather events.

Uncertainties and Future Projections:

- While AMOC collapse could lead to **decreased rainfall in some regions**, increased atmospheric moisture due to warming might counteract these effects.
- Future projections are **uncertain and depend on global efforts** to mitigate greenhouse gas emissions.

SC Questions Amendment of Preamble

Syllabus: GS-2: Indian Constitution – Preamble.

Context:

- A Bench of Justices Dipankar Datta and Justice Sanjiv Khanna was hearing a petition filed by BJP leader Subramanian Swamy seeking to delete the words 'socialist' and 'secular' from the Preamble.

What is the news?

- The Supreme Court questioned whether the **Preamble of the Constitution** could have been changed without altering its adoption date of November 26, 1949.
- The Preamble was amended once in December 1976 during the Emergency, adding the words 'socialist' and 'secular' and changing "unity of the nation" to "unity and integrity of the nation."
- This change was made through the **42nd Constitutional Amendment**.
- The original Preamble described India as a '**sovereign, democratic, republic**.'
- Justice Dipankar Datta raised the question during a hearing regarding a petition by BJP leader Subramanian Swamy to remove the words 'socialist' and 'secular' from the Preamble.
- The Kesavananda Bharati case established that the Preamble is subject to amendment as long as the basic structure of the Constitution is preserved.
- The amendment during the Emergency has been criticized for its controversial nature.
- The court decided to continue hearing arguments on the matter in April 2024.

Status and Amendability of the Preamble in Indian Constitution:

Berubari Union Case, 1960:

- *The Court emphasized that while the Preamble serves as the guiding principle for understanding the intentions of the framers, it does not hold enforceability in a court of law.*

Kesavananda Bharati vs State of Kerala Case, 1973:

- *A landmark case where a bench of 13 judges ruled for the first time on a writ petition.*
- *Established that the **Preamble is an integral part of the Constitution.***
- ***Affirmed the amendability of the Preamble** under Article 368, with the caveat that no amendment should tamper with the 'basic structure' of the Constitution.*
- *The 42nd Amendment Act, 1976, incorporated changes to the Preamble, including the addition of 'Socialist', 'Secular', and 'Integrity'.*
- *Specifically, 'Socialist' and 'Secular' were inserted between 'Sovereign' and 'Democratic', and 'Unity of the Nation' was amended to 'Unity and Integrity of the Nation'.*
- *Further clarified that while the Preamble isn't the supreme source of power or restrictions, it holds significance in interpreting statutes and constitutional provisions.*

S R Bommai vs Union of India Case, 1994:

- *Reiterated the integral status of the Preamble within the Constitution.*

The 22nd Law Commission of India has submitted its Report No. 286

Syllabus: GS-2: Indian Polity – Law Commission.

Context:

- *The 22nd Law Commission of India has presented Report No. 286 titled “A Comprehensive Review of the Epidemic Diseases Act, 1897” to the Government of India.*

Overview of the report:

- **Outdated Legislation:** *The report highlights that the Epidemic Diseases Act, 1897 (EDA) is ill-equipped to address modern challenges associated with infectious diseases.*
- **Epidemic Plan:** *A significant proposal involves establishing an Epidemic Plan and a Standard Operating Procedure to manage infectious disease outbreaks effectively. This initiative aims to clarify the powers and responsibilities of various government levels for a coordinated response to public health emergencies.*
- **Government Collaboration:** *The responsibility for developing this Epidemic Plan lies with the Central government, working collaboratively with state governments, relevant ministries, private health institutions, expert bodies, and other stakeholders.*
- **Globalization Challenges:** *It underscores the impact of globalization and increased connectivity, emphasizing how swiftly infectious diseases can escalate into epidemics or pandemics.*
- **Potential for Abuse:** *The report raises concerns about the potential for abuse inherent in this colonial-era legislation.*
- **Addressing Legal Gaps:** *With a lack of clear guidelines on crucial matters, the report proposes comprehensive recommendations for amending the EDA or enacting a new law.*
- **Stricter Enforcement:** *To ensure compliance during health emergencies, the report advocates for stricter penalties for disobedience of government guidelines and regulations.*

About The Epidemic Diseases Act, 1897

- **Historical Context:** *The Epidemic Diseases Act, 1897, was initially introduced by the colonial government to address the bubonic plague outbreak in the former Bombay Presidency during the 1890s.*
- **Powers Granted:** *Under this Act, colonial authorities were empowered to conduct searches for suspected plague cases, enforce segregations, evacuations, and demolitions of infected areas.*
- **Continued Utility:** *Over the years, the Act has been regularly employed to combat various diseases in India, including swine flu, cholera, malaria, and dengue.*
- **Recent Enforcement:** *In 2018, the Act was invoked to manage a cholera outbreak in a region of Gujarat.*
- **Epidemic Diseases (Amendment) Ordinance, 2020:** *This ordinance amends the Epidemic Diseases Act, 1897, with a focus on enhancing protections for healthcare personnel during epidemics.*

- **Provisions of the Amendment:** *It defines healthcare service personnel, addresses acts of violence against them, and grants expanded powers to the central government for regulating transportation during outbreaks.*
- **Criminalization of Violence:** *The ordinance imposes penalties, including imprisonment and fines, for violence and damage during epidemics, with offenders required to compensate victims.*
- **Legal Procedures:** *Investigations are conducted by an Inspector-ranked police officer, trials are mandated to conclude within a year, and there is a presumption of guilt for causing grievous harm.*

Criticisms of the Epidemic Diseases Act, 1897:

- **Outdated Framework:** *Despite amendments, the Act fails to adequately address the complexities of modern public health emergencies, considering factors such as global travel, connectivity, urbanization, climate change, and resource constraints.*
- **Undefined Criteria:** *There is a lack of clarity in defining a "dangerous epidemic disease," with no specified criteria for such classification.*
- **Limited Disease Management Provisions:** *The Act lacks provisions for drug/vaccine dissemination or quarantine measures during epidemics, indicating its inability to adapt to contemporary healthcare needs.*
- **Neglect of Rights:** *Formulated before the establishment of constitutional principles, the Act focuses primarily on government powers during epidemics, neglecting citizens' rights and failing to establish fundamental human rights standards during emergency measures.*

About Law Commission of India:

- *The Law Commission of India is a **non-statutory body established periodically** by the Government of India.*
- *The first Law Commission of independent India was instituted in 1955, initially for a three-year term.*
- *Its roots trace back to the British Raj era in 1834, **established under the Charter Act of 1833 and chaired by Lord Macaulay.***

Objectives:

- *It serves as an advisory body to the Ministry of Law and Justice.*
- *The Commission engages in legal research and conducts reviews of existing legislation in India, with the aim of recommending reforms and drafting new laws.*
- *These tasks are undertaken either on reference from the Central Government or suo-motu.*

Composition:

- *The Commission consists of a full-time chairperson and four full-time members, including a member-secretary.*
- *Ex-officio members include Law and Legislative Secretaries from the Law Ministry.*
- *Additionally, the Commission may have up to five part-time members.*
- *A retired Supreme Court judge or Chief Justice of a High Court typically heads the Commission.*

Rights of forest dwellers

Syllabus: GS-2: Rights related issues.

Context:

- *Tamil Nadu has been one of the most laggard States in implementing the Forest Rights Act in the country.*

Background:

- *Thanthai Periyar Sanctuary notification caused concern among forest-dwellers in Tamil Nadu's Erode district*
- *Fear arose regarding **potential denial of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA)***
- *Accusations made against district and state administrations for violating relevant laws*
- *Sanctuary encompasses North and South Bargur, Thamarai Karai, Ennamangalam, and Nagalur reserved forests in Anthiyur Taluk*
- *Positioned between Sathyamangalam Tiger Reserve, Male Mahadeshwara Wildlife Sanctuary, and Cauvery Wildlife Sanctuary*
- ***Six tribal forest villages** excluded from sanctuary due to not being revenue villages*
- *Excluded settlements cover an arbitrary area of 3.42 sq. km.*

What are forest villages?

- *Forest villages are settlements within forest areas inhabited by tribal or indigenous communities.*
- *In 1990, the Union Ministry of Environment and Forests (MoEF) mandated the **conversion of forest villages into revenue villages**, a process also reinforced by the Forest Rights Act (FRA) of 2006.*
- *Conversion involves recording the entire land use of the village, including areas for community purposes like schools and health facilities, as part of the revenue village.*

- *Despite these mandates, the rights associated with this conversion have been consistently denied.*
- *Additionally, 21 roads totalling 147.1 km have been excluded from the recent notification, seemingly unnecessarily.*
- *As of 2016, Tamil Nadu had 736 forest villages with a recorded population of 23,125, including 7,764 individuals from Scheduled Tribe (ST) communities.*
- *Nationwide, there are 4,526 forest villages with a population of 22 lakh, including 13.3 lakh from ST communities, with more unrecorded forest habitations.*
- *The recent sanctuary notification acknowledges that rights granted under the Tamil Nadu Forest Act of 1882 and the FRA will be preserved, but Tamil Nadu has been slow in implementing the FRA compared to other states in India.*

What are the rights in the new Sanctuary?

- *Cattle-grazers are **no longer permitted to graze** within the sanctuary.*
- *Bargur cattle, a traditional breed native to the Bargur forest hills, may face restrictions accessing their traditional grazing grounds.*
- *The Madras High Court's March 2022 order revised an older ban on cattle grazing in all Tamil Nadu forests, limiting it to National Parks, Sanctuaries, and Tiger Reserves, making Tamil Nadu the only state with such a ban.*
- *Despite this ban, the **Forest Rights Act (FRA) recognizes grazing rights** of nomadic or pastoralist communities in all forests, including National Parks, Sanctuaries, and Tiger Reserves, to be regulated by gram sabhas (village councils).*
- *Tamil Nadu's forest cover accounts for 20.3% of its land area, with 6% designated as Protected Areas, including five National Parks and 34 Sanctuaries, half of which are bird sanctuaries.*
- *The State has established five Tiger Reserves within these Protected Areas, with the Thanthai Periyar Sanctuary being the latest addition, covering an area of 801 sq. km.*

What does the WLP Act 1972 provide?

- *Sanctuaries and National Parks are designated under this act.*
- *Individuals residing within Sanctuaries **retain their rights unless specifically prohibited**, whereas those in National Parks do not retain their rights.*
- *Once a notice of intent is issued, **no new rights are permitted in National Parks.***
- ***The Collector is responsible** for investigating the rights of individuals within proposed Sanctuaries or National Parks, determining their nature and extent, and deciding whether to admit claims in Sanctuaries or acquire all rights in National Parks.*

- *Similar procedures are mandated when land is initially notified as forests, but governments have not consistently followed them.*
- **Courts often overlook these violations**, and such practices have become ingrained within the forest department since colonial times.
- *Various other laws, including the Indian Forest Act of 1927, state forest acts like the Tamil Nadu Forest Act of 1882, the WLPA of 1972 itself, the Forest (Conservation) Act of 1980, and the Compensatory Afforestation Fund Act of 2016, are built upon this colonial framework.*

What is the Forest Rights Act?

- *The FRA addresses the inadequate recognition of forest rights on ancestral lands and habitats, which were overlooked during the consolidation of State forests in both the colonial period and independent India.*
- *It explicitly empowers gram sabhas (village councils) to identify and acknowledge forest rights.*
- *Gram sabhas are also entrusted with the responsibility to safeguard forests, wildlife, and biodiversity within their customary and traditional boundaries, including Protected Areas.*
- *Previously, these responsibilities were under the purview of the Forest Department.*
- *The enactment of the FRA came after nationwide agitation and a Supreme Court order, which highlighted the historical injustices faced by tribal forest dwellers and the need to rectify them.*

How do FRA and WLPA compare?

Feature	Forest Rights Act (FRA)	Wildlife Protection Act (WLPA)
Year of Enactment	2006	1972
Purpose	Rectify historical injustices faced by tribal forest dwellers	Protect wildlife and their habitats
Empowered Entity	Gram Sabhas	Government
Rights Identification	Gram Sabhas empowered to identify and acknowledge forest rights, including within Protected Areas	Designates Sanctuaries and National Parks, which may restrict the rights of individuals residing within them
Legal Authority	Overrides provisions in the WLPA that conflict with FRA	Provisions that contradict FRA are invalidated by the latter

Feature	Forest Rights Act (FRA)	Wildlife Protection Act (WLPA)
Consent Requirement	Government must obtain consent from gram sabhas when notifying Protected Areas	Notifications of Protected Areas under WLPA did not necessarily consider rights under FRA

How has Tamil Nadu implemented the FRA?

- As of September 2023, the state had only recognized and issued individual titles for a mere 38.96 sq. km of forest land, which accounts for only 0.25% of the total forest area accessed by habitations within revenue boundaries.
- While 531 community titles have reportedly been issued, the actual extent of the area covered by these titles remains unknown.
- Unfortunately, Tamil Nadu's situation is not unique.
- Similar trends can be observed across the country, where the Ministry of Environment and the forest bureaucracy often disregard laws, parliamentary mandates, and the desires of the people.
- This disregard for legal obligations puts forests, forest-dwellers, and wildlife at risk, highlighting the urgent need for improved implementation of the FRA and other relevant laws.

Nazool land

Syllabus: GS-2; Government policies and Interventions, Land reforms

Context

- Recently, Violence erupted in the city of Haldwani in Uttarakhand's Nainital district, after the administration conducted a demolition drive at the site of a mosque and madrasa allegedly on Nazool land, killing five and injuring many more.

What is Nazool land?

- Nazool land is **owned by the government** but most often **not directly administered as state property**.

- *The state generally allots such land to any entity **on lease** for a fixed period, generally between 15 and 99 years.*
- *In case the lease term is expiring, one can approach the authority to **renew** the lease by submitting a written application to the Revenue Department of the local development authority. The government is free to either renew the lease or cancel it — taking back Nazool land.*

How did Nazool land emerge?

- *During **British rule**, kings and kingdoms which opposed the British frequently revolted against them, leading to several battles between them and the British Army. Upon defeating these kings in battle, the British would often take their land away from them.*
- *After India got Independence, the British vacated these lands. But with kings and royals often lacking proper documentation to prove prior ownership, these lands were marked as Nazool land — to be owned by the respective state governments.*

How is Nazool land governed?

- *While several states have brought in government orders for the purpose of framing rules for Nazool land, **The Nazool Lands (Transfer) Rules, 1956** is the law mostly used for Nazool land adjudication.*

How does the government use Nazool land?

- *The government generally uses Nazool land for **public purposes** like building schools, hospitals, Gram Panchayat buildings, etc. Several cities in India have also seen large tracts of land denoted as Nazool land used for housing societies, generally on lease.*
- *Very often, the state does not directly administer Nazool land, but rather leases it to different entities.*