

AMENDMENT MOTION for the second time in Rajya Sabha

Article 87 provides for the special address by the President.

Clause (1) of that article provides that at the **commencement of the first session** after

- each general election to the House of the People and
- at the commencement of the first session of each year,
- Such an Address is called '**special address**'; and it is also an annual feature.
- No other business is transacted till the President has addressed both Houses of Parliament assembled together.
- This Address has to be to both Houses of **Parliament assembled together**.
- If at the time of commencement of the first session of the year, Lok Sabha is not in existence and has been dissolved, and Rajya Sabha has to meet, Rajya Sabha can have its session without the President's Address.
- Amendment to the **Motion of Thanks Notices** of amendments to the Motion of Thanks on the President's Address can be tabled after the President has delivered his Address.
- **Amendments may refer to matters** contained in the Address as well as to matters which, in the opinion of the member, **the Address has failed to mention**.
- Amendments can be moved to the Motion of Thanks in such **form as may be considered appropriate by the Chairman**.
- However, the general form of amendments is as follows: "That at the end of the Motion, the following be added, namely: but regret that the Address does not mention/fails to mention/does not take notice of, etc. ..."

Why in News?

- For the second year in a row, an Opposition-sponsored amendment to the Motion of Thanks on the President's Address has been adopted by the Rajya Sabha.
- Last year, the Motion of Thanks was amended on the issue of black money; this week, the amendment focused on legislation passed by **Bharatiya Janata Party governments in Rajasthan and Haryana** limiting the rights of citizens to contest panchayat elections.
- Before 2015, there were just three occasions on which the President's Address was amended in the Rajya Sabha, once each during the tenures of Indira Gandhi, V.P. Singh and Atal Bihari Vajpayee.

- The President's Address sets out a government's policies and programmes, and is first approved by the Union Cabinet.
- Should an amendment to the Address be carried through in the Lok Sabha, the government would have to resign.
- There is, of course, no such obligation in the Rajya Sabha, but it is still seen to undermine the government's ability at consensus-building.
- It also hints at the ruling party's failure to reach out to the Opposition and forge a working consensus on the legislative agenda.
- Imposing curbs on who may contest panchayat elections based on requirements of educational qualifications and having toilets in homes effectively cuts the underprivileged out of the fray.

Enemy Property Bill 2016

Background:

- The Enemy Property Act was enacted in the year 1968 by the Government of India, which provided for the continuous vesting of enemy property in the Custodian. The Central Government through the Custodian of Enemy Property for India is in possession of enemy properties spread across many states in the country
- To ensure that the enemy property continues to vest in the Custodian, appropriate amendments were brought in by way of an Ordinance in the Enemy Property Act, 1968 by the then Government in 2010.
- In the wake of the Indo-Pak war of 1965 and 1971, there was migration of people from India to Pakistan. Under the Defence of India Act, the Government of India took over the properties and companies of such persons who had taken Pakistani nationality.
- These enemy properties were vested by the Central Government in the Custodian of Enemy Property for India.

Why in news?

- The President of India has promulgated the Enemy Property (Amendment and Validation) Ordinance, 2016 on January 07, 2016 to make amendments to the Enemy Property Act, 1968.
- The amendments through the Ordinance include that once an enemy property is vested in the Custodian, it shall continue to be vested in him as enemy property irrespective of whether the enemy, enemy subject or enemy firm has ceased to be an enemy due to reasons such as death etc;

- law of succession does not apply to enemy property; that there cannot be transfer of any property vested in the Custodian by an enemy or enemy subject or enemy firm and that the Custodian shall preserve the enemy property till it is disposed of in accordance with the provisions of the Act.
- The above amendments to the Enemy Property Act, 1968 will plug the loopholes in the Act to ensure that the enemy properties that have been vested in the Custodian remain so and they do not revert back to the enemy subject or enemy firm.

NGT on World Cultural day

- The National Green Tribunal has been established on 18.10.2010 under the National Green Tribunal Act 2010 for effective and expeditious disposal of cases relating to
- environmental protection and **conservation of forests and other natural resources**
- Enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property.
- The Tribunal shall not be bound by the procedure laid down under the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice.
- The Tribunal is mandated to make and endeavour for disposal of applications or appeals finally within 6 months of filing of the same. Initially, the NGT is proposed to be set up at five places of sittings and will follow circuit procedure for making itself more accessible.
- New Delhi is the Principal Place of Sitting of the Tribunal and Bhopal, Pune, Kolkata and Chennai shall be the other four place of sitting of the Tribunal.

About NGT:

- This is the first body of its kind that is required by its parent statute to apply the "polluter pays" principle and the principle of sustainable development.
- This court can rightly be called 'special' because India is the third country following Australia and New Zealand to have such a system.
- The Chairman of the tribunal is required to be a serving or retired Chief Justice of a High Court or a judge of the Supreme Court of India.

SYL CONTROVERSY

What is the Sutlej Yamuna Link (SYL) Canal, and the controversy over it?

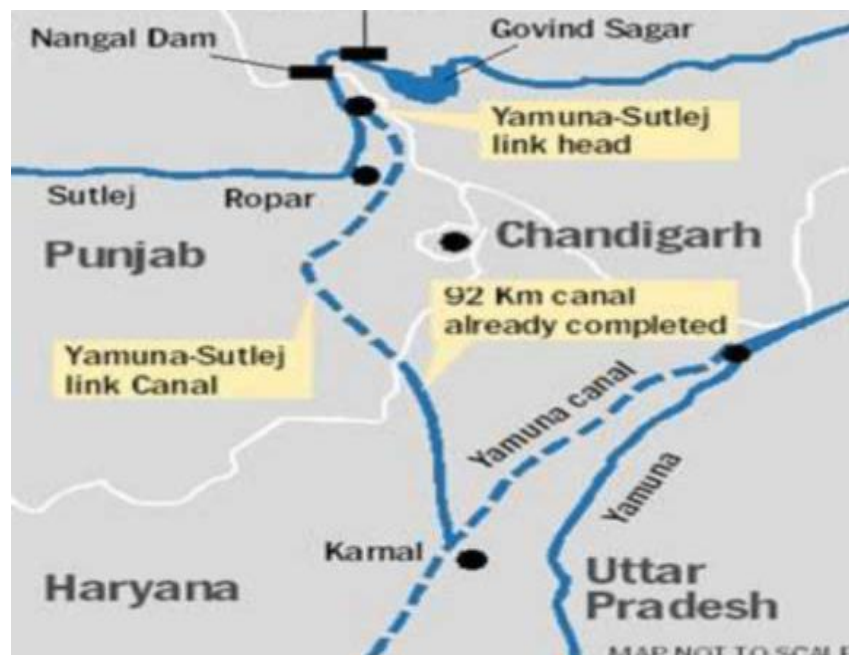
- The creation of Haryana from the old (undivided) Punjab in 1966 threw up the problem of giving Haryana its share of river waters. Punjab was opposed to sharing **waters of the Ravi and Beas** with Haryana, citing riparian principles, and arguing that it had no water to spare.
- To enable Haryana to use its share of the waters of the Sutlej and its tributary Beas, a canal linking the Sutlej with the Yamuna, cutting across the state, was planned.
- On April 8, 1982, construction of the 214-km Sutlej-Yamuna Link (or SYL) canal, 122 km of which was to be in Punjab, and 92 km in Haryana was started.

How did Punjab begin work on SYL?

- On July 24, 1985, Prime Minister Rajiv Gandhi and Akali Dal president Harchand Singh Longowal signed the Punjab Accord, agreeing that a tribunal would verify the claims of both Punjab and Haryana on river waters — following which the Akali Dal agreed to withdraw the agitation
- Punjab was roiled by militancy, and even many Akali leaders were opposed to the deal. Longowal was assassinated in less than a month of signing the accord.
- In 1985, after Punjab emerged from nearly two years of President's Rule and Surjit Singh Barnala became Chief Minister, work began on building the canal. But the opposition never died, and in subsequent years, **even as some 90 per cent of the work was completed, kept exploding periodically in violent incidents.**
- As the turmoil escalated, Punjab stopped work.

How did Haryana react to Punjab's decision?

- In November 1990, Haryana took up the matter with Delhi, and asked that the work be taken over by a central agency.
- After failing to make headway, it moved the Supreme Court in 1996, seeking directions to Punjab to complete the work on the SYL.
- In 2002, and again in June 2004, the court directed Punjab to complete the work in its territory.
- But within a month of the Supreme Court order, on July 12, 2004, the Punjab Assembly passed The Punjab Termination of Agreements Act, 2004, terminating its water-sharing agreements, and thus jeopardising the construction of SYL in Punjab.



Why has the SYL issue taken centre stage again now?

- Supreme Court earlier this month started hearings into a presidential reference to decide on the **legality of the Punjab Termination of Agreements Act, 2004**. The presidential reference was made by the Centre days after the Punjab Assembly passed the Act. As the hearings resumed, the Solicitor General, appearing on behalf of the Centre, took a pro-Haryana stance, saying the Centre stood by the SC's orders asking Punjab to complete the work on SYL in its territory. The development has triggered a political storm in Punjab.