

What is recusal or judicial disqualification of Judges?

Reference News-

Chief Justice of India (CJI) N.V. Ramana has **recused himself from hearing a petition** filed by [Andhra Pradesh accusing Telangana](#) of depriving its people of their legitimate share of water for drinking and irrigation.

Next Analysis-

Reason behind the recusal:

The Chief Justice said he recused from hearing because he hailed from both Andhra Pradesh and Telangana.

What's the case?

Andhra Pradesh has accused Telangana of refusing to follow the decisions taken on river water management in **the Apex Council constituted under the Andhra Pradesh Reorganization Act of 2014**. It said its neighbour also ignored the directions of **the Krishna River Management Board (KRMB)**, constituted under **the 2014 Act** and directions of the Centre.

What is Judicial Disqualification or Recusal?

Judicial disqualification, referred to as recusal, is the act of abstaining from participation in an official action such as a legal proceeding due to a conflict of interest of the presiding court official or administrative officer.

Grounds for Recusal:

1. The judge is biased in favour of one party, or against another, or that a reasonable objective observer would think he might be.
2. Interest in the subject matter, or relationship with someone who is interested in it.
3. Background or experience, such as the judge's prior work as a lawyer.
4. Personal knowledge about the parties or the facts of the case.
5. Ex parte communications with lawyers or non-lawyers.
6. Rulings, comments or conduct.

Are there any laws in this regard?

There are no definite rules on recusals by Judges.

- However, In taking oath of office, judges, both of the Supreme Court and of the high courts, promise to perform their duties, to deliver justice, "without fear or favour, affection or ill-will".

What has the Supreme Court said on this?

Justice J. Chelameswar in his opinion in **Supreme Court Advocates-on-Record Association v. Union of India (2015)** held that "Where a judge has a pecuniary interest, no further inquiry as to whether there was a 'real danger' or 'reasonable suspicion' of bias is required to be undertaken".

Concerns/issues associated with recusal:

1. It allows litigants to cherry-pick a bench of their choice, which impairs judicial fairness.
2. Undermines both independence and raises questions on impartiality of the judges.
3. There are no rules to determine when the judges could recuse themselves. There are only different interpretations of the same situation.
4. Recusal may cause obstruction and delay the proceedings of the Courts.

Suspension of MPs for disorderly conduct:

Reference News:

Six Trinamool Congress MPs were ordered to leave the Rajya Sabha **for rest of the day** by the **Rajya Sabha Chairman** over “**grossly disorderly**” conduct, after they entered the well of the house and displayed placards while protesting over the **Pegasus scandal**.

Next Analysis-

Rule 255 of the General Rules of Procedure of the Rajya Sabha:

The Chairman invoked rule 255 to suspend them.

- Under **Rule 255 ('Withdrawal of member')** of the **General Rules of Procedure of the Rajya Sabha**, “The Chairman may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council and any member so ordered to withdraw shall do so forthwith and **shall absent himself during the remainder of the day’s meeting.**”

How is suspension under Rule 255 different from Suspension under [Rule 256](#)?

[Rule 256](#) provides for ‘Suspension of Member’; whereas Rule 255 provides for lesser punishment.

- Under **Rule 256**, “the Chairman may, if he deems it necessary, suspend a member from the service of the Council for a period not exceeding the remainder of the Session.

Differences in [powers of Speaker](#) and Chairman of Rajya Sabha:

- Like the Speaker in Lok Sabha, **the Chairman of Rajya Sabha is empowered under Rule Number 255 of its Rule Book** to “direct any Member whose conduct is in his opinion grossly disorderly to withdraw immediately” from the House.
- Unlike the Speaker, however, **the Rajya Sabha Chairman does not have the power to suspend a Member.**

Procedure to be followed for suspension of Rajya Sabha MPs:

1. The Chairman may “name a Member who disregards the authority of the Chair or abuses the rules of the Council by persistently and wilfully obstructing” business.
2. In such a situation, the House may adopt a motion suspending the Member from the service of the House for a period not exceeding the remainder of the session.
3. The House may, however, by another motion, terminate the suspension.

Efforts to bring order in the House:

As Chairman of Rajya Sabha, Vice-President Ansari had attempted several steps to bring order to the House. In 2013, he mooted a number of radical solutions to maintain decorum. This included:

1. Naming and shaming MPs in the Rajya Sabha bulletin for stepping outside House rules.
2. Those named were to include members who came into the Well, or indulged in other grossly disorderly behaviour.
3. The telecast of proceedings to be deferred to prevent visuals of disorder from being made public.

How can suspension of MPs be justified? Isn't this an extreme step to take in order to curb unruly behaviour?

The solution to unruly behaviour has to be long-term and consistent with democratic values.

- There can be no question that the enforcement of the supreme authority of the Presiding Officer is essential for smooth conduct of proceedings.
- However, a balance has to be struck. It must be remembered that the job of the Presiding Officer is to run the House, not to lord over it.

Biodiversity & Environment

This article is based on [Will the next killer disease originate in the Arctic?](#) which was published in the Hindustan Times on 05/08/2021. It talks about the concerns emerging from thawing permafrost and the way forward.

The Earth faces a looming crisis. Globally, temperatures are rising. **Heatwaves, droughts, ocean acidification,** and [rising sea levels](#) are on the horizon.

Around 90% of the world lives in the northern hemisphere with major population centres in the **tropical and subtropical regions**. These regions will be severely affected.

Scientists are also concerned about the unforeseen problems that can emerge from thawing of **permafrost** and glacial ice.

Permafrost

- Permafrost is any ground that remains completely frozen—32°F (0°C) or colder—for at least two years straight.
- These permanently frozen grounds are most common in regions with high mountains and in Earth's higher latitudes—near the North and South Poles.
- Permafrost covers large regions of the Earth. Almost a quarter of the land area in the Northern Hemisphere has permafrost underneath. Although the ground is frozen, permafrost regions are not always covered in snow.

Associated Issues With The Thawing of Permafrost

- **Accentuate [Climate Change](#):** In the Arctic, temperatures are rising twice as fast in other parts of the world. As a result, the permafrost that has remained frozen throughout the year is thawing.
 - The thawing of permafrost will worsen the effects of the climate crisis, because **stored carbon is released** in the process.
 - Likewise, the loss of sea ice and ice sheets covering land will accelerate the rise in temperatures (**As Ice has more albedo than Water**).
- **Tropical Challenges Spreading Up Into Higher Latitudes:** The diseases that have typically afflicted the equatorial belt are spreading up into higher latitudes. Mosquitoes, ticks, and other insects spread many of these diseases.
 - The [West Nile virus](#) causes hundreds of deaths every year in the United States, where it was first reported in 1999.
 - With rising temperatures, West Nile will become **more prevalent in Canada**, including parts of the Arctic.
- **Prevalence of Zoonotic Diseases:** Warming temperatures are also causing changes in the habitats of wild birds such as ducks and geese that can carry avian flu.
 - Earlier, Russia has reported the first case of the **H5N8 avian flu** passing from birds to humans.
 - Changes in habitats of other wild animals such as foxes might also increase the geographic distribution of rabies.
- **Rise of Viruses And Bacteria:** Scientists are also concerned about the rise of viruses and bacteria from thawing permafrost and ice. In the summer of 2016, there was an outbreak of anthrax in a remote part of Siberia.
 - Dozens of people were infected, and a young boy was killed. Around 2,300 reindeer perished in the outbreak.
 - **Spread:**
 - Anthrax is a serious infectious disease **caused by bacteria** that can remain dormant as spores.
 - Spores of anthrax can remain **viable for at least a few decades** in frozen soil and ice.

- As carcasses of infected animals (including those of extinct mammoths) thaw, there can be more disease outbreaks.
- **Epidemic And Pandemic:** Another concern is the emergence of viruses and bacteria with the potential to cause epidemics. These disease-causing microbes might be dormant for hundreds or even thousands of years.
 - Genetic material from the H1N1 influenza virus that caused the **Spanish Flu pandemic** of 1918, as well as that of smallpox have been recovered from permafrost.
 - The reemergence of a virus like smallpox (which have been eradicated) would be disturbing since humans are no longer routinely vaccinated.
- **Virus Samples From Tibetan Plateau:** These conditions are not restricted to the Arctic alone. Glacial ice that has persisted for thousands of years is melting.
 - Recently, **15,000-year-old-viruses** (including **28 different kinds identified** for the first time) were found **in glacial ice from the Tibetan Plateau**.

Way Forward

- **Stop Rapid Climate Change:** In order to curtail climate change and save the permafrost, it is indispensable that global CO2 emissions be reduced by 45% over the next decade, and that they fall to zero after 2050.
 - To mitigate climate change, there is a need to take a global collective action. If one country cuts its emissions, that is going to be of little use if the others do not follow suit.
- **Slow Down Erosion:** The scientific journal Nature suggested building a 100-metre-long dam in front of the Jakobshavn glacier (Greenland), the worst affected by Arctic melting, to contain its erosion.
- **Combine Artificial Icebergs:** Indonesian architect has won an award for his project **Refreeze the Arctic**, which consists of collecting water from melted glaciers, desalinating it and refreezing it to create large hexagonal ice blocks.
 - Thanks to their shape, these icebergs could then be combined to create frozen masses.
- **Increase Their Thickness:** Some researchers propose a solution **to manufacture more ice**. Their proposal consists of collecting ice from below the glacier through pumps driven by wind power to spread it over the upper ice caps, so that it will freeze, thus strengthening the consistency.
- **People's Awareness:** The tundra and the permafrost beneath it may seem far away, but no matter where we live, the everyday choices we make contribute to climate change.
 - By reducing our **carbon footprint**, investing in **energy-efficient products**, and **supporting climate-friendly businesses, legislation, and policies**, we can help preserve the world's permafrost and avert a vicious cycle of an ever-warming planet.

Conclusion

Every country needs to move climate change, global warming to the top of our foreign policy agenda. This is a critical move we need to make and the sooner we do it, the greater is the benefit that we will draw from our own climate actions.

Fast Track Special Courts (FTSCs):

Reference News-

The Cabinet has approved the continuation of 1,023 [Fast Track Special Courts \(FTSCs\)](#) for another two years, at an outlay of ₹1,572.86 crore.

- The Centre's share of ₹971.70 crore will come from [the Nirbhaya Fund](#).

Next Analysis-

About the scheme:

- Fast Track Special Courts (FTSCs) are being setup as a part of **the National Mission for Safety of Women (NMSW)**.
- The scheme was started in **October 2019**.
- Implemented by **the Department of Justice of the Ministry of Law and Justice**.
- It is a **Centrally sponsored scheme** for expeditious trial and disposal of pending cases of rape and offences against children under [the Protection of Children from Sexual Offences Act \(POCSO\), 2012](#).

Features of the FTSCs scheme:

1. The decision on extension of the scheme beyond one year will depend on the recommendations in the external evaluation.
2. The scheme does not intend to create any permanent infrastructure. The courts will be made functional in suitable premises taken on lease or as decided by the States/UTs and respective High Courts.
3. **Composition:** Each FTSC will have one Judicial Officer and seven staff members. States/UTs may engage judicial officers and court staff on contractual basis where sufficient manpower is not available. Services of retired judicial officers with relevant experience may also be engaged to dispose of cases in the FTSCs.

Benefits and significance of the scheme:

- The scheme includes **389 FTSCs exclusively for POCSO**
- Each FTSC is expected to dispose of 41-42 cases in each quarter and at least 165 cases in a year.
- At the time the scheme was launched, the government had set a target of disposing of 1,66,882 cases of rape and POCSO Act cases pending trial in various courts.

Performance of the scheme:

So far, only 597 fast track courts out of the total 1,023 had been set up in the country and expressed its concern at the delay in implementing the scheme.

Need for:

The offences of rape and gang rape of women and children require effective deterrence through fast and time-bound completion of trials relating to sexual offences.