

07 March 2019: UPSC Exam Comprehensive News Analysis

TABLE OF CONTENTS

A. GS1 Related

B. GS2 Related

POLITY AND GOVERNANCE

1. We are looking at minds, hearts and healing, says judge

C. GS3 Related

ENVIRONMENT

1. Ministry plugs loophole that allowed plastic waste import

D. GS4 Related

E. Editorials

POLITY AND GOVERNANCE

1. Report of the Comptroller & Auditor General (CAG) on the Rafale fighter aircraft
2. A fight for the forest
3. Laying down the dos and don'ts of elections
4. Back to life (Death Penalty)

F. Tidbits

1. Guard against misuse, social media platforms told
2. Immigration from India is unpopular in U.K.: study
3. Toyota, Japan space agency plan moon mission
4. Coming soon: the Indian museum of natural history

G. Prelims Facts

H. UPSC Prelims Practice Questions

I. UPSC Mains practice Questions

A. GS1 Related

Nothing here today!!!

B. GS2 Related

Category: POLITY AND GOVERNANCE

1. We are looking at minds, hearts and healing, says judge

Context

- The Supreme Court has reserved its order on the option of mediation in the Ayodhya title dispute. On February 26, the five-judge Constitution Bench had deferred hearings in order to give the parties time to explore the possibility of settling the matter through an in-camera, court-monitored mediation process.

- “We are seriously thinking over giving mediation a try since the dispute is not about anybody’s private property. Even if there is 1 per cent chance of an amicable resolution, it should be given a try,” Justice S A Bobde had said.
- The ‘Muslim’ parties have told the Bench they are willing to participate in the process of mediation. But counsel for Ramlalla Virajman and Mahant Suresh Das have opposed the proposal, saying mediation had been attempted in the past and had not succeeded.

Mediation in Civil Procedure Code

- Under Section 89 of the Civil Procedure Code, judges must ensure that all avenues to resolve a dispute outside the Court have been exhausted.
- The Section reads: “Where it appears to the Court that there exist elements of a settlement which may be acceptable to the parties, the Court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observations of the parties, the Court may reformulate the terms of a possible settlement and refer the same for (a) arbitration; (b) conciliation; (c) judicial settlement including settlement through Lok Adalat; or (d) mediation.”

Earlier Mediations

- The Bench is hearing appeals against the Allahabad High Court verdict of September 30, 2010, which had ordered the disputed 2.77 acres of the Ram Janmabhoomi-Babri Masjid site to be split three ways among the Nirmohi Akhara sect, Sunni Central Wakf Board Uttar Pradesh, and Ramlalla Virajman.
- The three-judge Bench of the Lucknow bench of Allahabad High Court, too, had tried mediation. After arguments concluded on August 3, 2010, the Bench had called all lawyers into the chamber and asked whether they wanted to reconcile. The process had collapsed apparently after the ‘Hindu’ side said it was not acceptable.
- Even before the demolition of the Babri Masjid in December 1992 in fact, there were serious attempts at talks and working back channels between the VHP and the All India Muslim Personal Law Board, overseen by at least three Prime Ministers, but mostly Chandra Shekhar and PV Narasimha Rao. But the demolition put paid to all that.
- While the current attempt by the Supreme Court at mediation is not new, the difference between it and the earlier attempts is that none of the earlier moves were court-mandated or referred.

Godhra incident of 2002

- According to Hindu mythology, Ayodhya is birth place of Lord Rama and therefore it is sacred place for Hindu religion.
- But in medieval period Mughal general Mir Baqi, built a mosque, named after Mughal ruler Babur. There were disputes since then and riots also took place.
- But in 1990, due to some political mobilisation, there was atmosphere of protest by Hindu religious groups and in large scale “kar sevak” visited Ayodhya from all parts of India, in support of demolishing Babri masjid and building Ram temple there.
- These movements caused huge amount of bloodshed and since then it is a disputed matter.
- After this, violence was followed by the Godhra incident in 2002, when “kar sevak” returning from Ayodhya in a Sabarmati Express were killed by fire in the coaches of train.
- This act was followed by the extended communal violence in Gujarat. That violence is like black spot in the history of the Gujarat and nation too, as people were killed without any mercy. Hindu and Muslim community became antagonist to each other.

C. GS3 Related

Category: ENVIRONMENT

1. Ministry plugs loophole that allowed plastic waste import

Context

- PET bottles imported for processing in SEZs had increased substantially. The government has plugged a loophole that allowed the import of plastic waste into India for processing.

- Solid plastic waste has been prohibited from import into the country including in Special Economic Zones (SEZ) and by Export Oriented Units (EOU). The change in law was part of the Hazardous and Other Wastes (Management & Transboundary Movement) Amendment Rules, 2019.
- Indian firms are importing plastic scrap from China, Italy, Japan and Malawi for recycling and the imports of PET bottle scrap & flakes has increased from 12,000 tonnes in FY 16-17 to 48,000 tonnes in FY 17-18 growing @ 290%. India has already imported 25,000 MT in the first 3 months of FY 18-19.
- India consumes about 13 million tonnes of plastic and recycles only about 4 million tonnes. To incentivise domestic plastic recycling units, the government had banned the import of plastic waste, particularly PET bottles, in 2015. In 2016, an amendment allowed such imports as long as they were carried out by agencies situated in SEZs.

Plastic – Production and Consumption in India

<h3>Life in plastic</h3> <p>A look at the production and consumption in India</p>	
<p>Big importer</p> <ul style="list-style-type: none"> ■ India is the 10th largest importer of plastic scrap after China and Hong Kong, the Netherlands, Germany, the U.S., Belgium, Malaysia, Canada, Austria and Taiwan <hr/> <p>Huge growth</p> <ul style="list-style-type: none"> ■ India produces 25,940 tonnes of plastic every day, of which only 15,564 tonnes is collected <hr/> <ul style="list-style-type: none"> ■ The plastic processing industry recorded a compounded annual growth rate of 10% between 2010 and 2015 	<p>Rising threat: A worker sifting through used PET bottles at a waste collection centre near Chandigarh. ■ AKHILESH KUMAR</p> <hr/> <div> <div data-bbox="496 1279 1166 1610"> <p>Massive use</p> <ul style="list-style-type: none"> ■ India's annual plastic consumption is expected to rise from 12 million tonnes to 20 million tonnes by 2020, according to FICCI ■ The average per capita consumption of plastic in India is about 11 kg against the global average of 28 kg </div> <div data-bbox="1166 1279 1527 1610"> <p>Waste generation</p> <ul style="list-style-type: none"> ■ Solid waste generation per capita varies from 0.17 kg/person/day in small towns to roughly 0.62 kg/person/day in big cities </div> </div>

Plastic Calamity

- Discovered in 1898, polyethylene, or what we call plastic, became available for mass production only in 1939.
- Since then, the material has invaded our lives—from single-use plastic bags and packaging to many other utilitarian uses.
- It is cheap, light and flexible. Replacing it is not an easy task. It is also a symbol of a kind of economic development model, which we in India have imported and embraced from the older industrialised countries, that is premised on the principle of discard and replace.
- Replacing this model now appears unthinkable. Yet, this is the source of our throwaway culture that has led to what the United Nations Environment Programme calls a “plastic calamity.”

Problems with plastic

- Today we have evidence that our oceans contain an estimated 150 million tonnes of plastic waste; sea life, birds and plants are literally choking because of it; vast tracts of land are overwhelmed with landfills that cannot biodegrade because of virtually indestructible plastic waste; and it is most worrying that micro-plastics from this waste are now making their way into water sources and the food chain.
- A recent study of tap water samples from several countries revealed that India was third after the United States and Lebanon in water contaminated by microplastics; 82.4% of the samples tested contained plastic.
- While the health impacts of ingesting plastic, either through water or food, are still being assessed, the very fact that plastic waste is affecting water supply is a cause for serious concern. Since the 1950s, 8.3 billion tonnes of plastic have been produced worldwide, but only around 20% of it has been recycled or incinerated. The rest is in the sea, on mountain slopes, in rivers and springs, in wells, in landfills, and in piles of garbage that are now the symbol of urban blight, especially in India.
- The challenge of dealing with this seems so enormous that it requires virtually the reverse engineering of our approach towards production and consumption.

India's Experiments with plastic ban

- So far, 18 states have banned the use of single-use plastics in specific cities or demarcated areas. Nowhere has this been successful.
- The state that has achieved the most success in reducing the use of single-use plastics is Sikkim. Yet, despite a ban in 1998, till today it has not been successful in eliminating single-use plastic bags entirely.
- It has, however, managed to create awareness among its population of the environmental fallout of plastic waste and has tried to introduce cost-effective alternatives.
- On the other hand, in Delhi and Chandigarh, which along with Sikkim were part of a 2014 study by Toxics Link, "Toxics and the Environment," a ban on plastic carry bags has failed to stop their use or to create consumer awareness.
- If this is the experience in small states of the size of Delhi and Chandigarh, what chance is there of such bans working in larger states like Maharashtra, which has recently notified a fairly drastic ban.

Why it is difficult to control plastic?

- The easy availability and cost-effectiveness of plastic carry bags for vendors, particularly those dealing with perishables like vegetables and meat
- The low level of consumer awareness of the environmental problems created by plastic waste
- The general poor implementation of all manner of environmental regulations in India – leading to "the classic tragedy of the commons" where "individual consumers benefit from the use of plastic bags because of their convenience, while the whole society bears the collective cost of their disposal."

Way forward

- While regulation, deterrence, and incentives can be one part of the solution, the larger challenge is stopping production of single-use plastics. In India, for instance, 85%–90% of plastic production is in the small and medium sector that remains largely unregulated. Yet, stopping single-use plastic carry bags is not enough.
- We should not forget that 48% of the plastic waste is the packaging of branded edible items and it is the bigger industries, including multinationals that are responsible for this.
- Clearly, we need to enforce extended producer responsibility so that those using non-recyclable plastic in their packaging take responsibility and pay for its disposal. Furthermore, the alternatives to plastic bags, such as those made of biodegradable material, or of paper, jute, and cloth, need to be cost-effective. Finally, the consumer has to make a choice between convenience and an environmental disaster.

D. GS4 Related

Nothing here today!!!

E. Editorials

Category: POLITY AND GOVERNANCE

1. Report of the Comptroller & Auditor General (CAG) on the Rafale fighter aircraft

Flying in the face of the demand for transparency

Sneak Peak into the static syllabus:

1. Article 148 – Comptroller and Auditor-General of India

- There shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on like grounds as a Judge of the Supreme Court.
- Every person appointed to be the Comptroller and Auditor-General of India shall, before he enters upon his office, make and subscribe before the President or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.
- The salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law and, until they are so determined, shall be as specified in the Second Schedule:
- Provided that neither the salary of a Comptroller and Auditor-General nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.
- The Comptroller and Auditor-General shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.
- Subject to the provisions of this Constitution and of any law made by parliament, the conditions of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the Comptroller and Auditor-General shall be such as may be prescribed by rules made by the President after consultation with the Comptroller and Auditor-General.
- The administrative expenses of the office of the Comptroller and Auditor-General including all salaries, allowances and pensions payable to or in respect of persons serving in that office, shall be charged upon the Consolidated Fund of India.

2. Article 149 – Duties and Powers of the Comptroller and Auditor-General

- The Comptroller and Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States and of any other authority or body as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States as were conferred on or exercisable by the Auditor-General of India immediately before the commencement of this Constitution in relation to the accounts of the Dominion of India and of the provinces respectively.

3. Article 150 – Form of Accounts of The Union and of The States

- The accounts of the Union and of the States shall be kept in such form as the President may, on the advice of the Comptroller and Auditor-General of India, prescribe.

4. Article 151 – Audit Reports

- The reports of the Comptroller and Auditor-General of India relating to the accounts of the Union shall be submitted to the president, who shall cause them to be laid before each House of Parliament.
- The reports of the Comptroller and Auditor-General of India relating to the accounts of a State shall be submitted to the Governor of the State, who shall cause them to be laid before the Legislature of the State.

Why in the news?

- A recent report of the Comptroller & Auditor General (CAG) on the Rafale fighter aircraft deal throws up more questions than it answers.

Editorial Analysis:

- This Rafale fighter aircraft deal between India and France is referred to as an Inter-Government Agreement (IGA).
- Some experts have opined that the nomenclature itself is difficult to understand in the context of events prior to April 10, 2015 when the Prime Minister decided, in a public pronouncement, to purchase 36 Rafale aircraft manufactured by France's Dassault.

Brief View of the Past:

- When we take a view of past events, we find that the United Progressive Alliance (UPA) government, through a global tender, had shortlisted two fighter aircraft: **Dassault's Rafale** and the **Eurofighter Typhoon**, which is made by four European nations.
- **The price bid of the Rafale was found to be lower than that of the Eurofighter.**
- The UPA then decided to negotiate the terms and conditions for the acquisition of 126 Rafale aircraft.
- This was not a government-to-government (G-to-G) contract, since any contract pursuant to a global tender cannot possibly be G-to-G.
- Further, it is important to note that **no global tenders were floated when the UPA bought defence equipment from either Russia or the United States.**
- Under the UPA's 126 planes deal, 18 were to be manufactured by Dassault and the remainder, 108, were to be manufactured by the Hindustan Aeronautics Ltd. (HAL) under transfer-of-technology by Dassault.
- In March 2015, Èric Trappier, the CEO of Dassault, publicly said the deal with HAL was 95% complete, with the balance to be hopefully finalised soon. However, the Government of India scrapped this deal and instead decided to purchase 36 aircraft, excluding HAL from the transaction. The supplies were still to be made by Dassault and not the French government. Yet, the deal is referred to as an IGA and not a G-to-G.

The Purchase of 36 aircraft: Akin to a new deal?

- Following this decision taken by the Government of India, the consequence was that all conditionalities relating to the purchase of the aircraft, including its price, were to be negotiated post this announcement, and contrary to Defence Procurement Procedures (DPP).
- Experts opine that in one sense, given the manner it was done, the purchase of the 36 aircraft was an entirely new deal.
- Some critics point out that the Prime Minister's Office (PMO) was directly involved and interfered in the delicate negotiations that were to follow. As a consequence, this undermined the procedures contemplated under the DPP as well as the position of the Defence Acquisition Council (DAC), which under the DPP, was entitled to negotiate the deal.
- Critics assert that file notings that have been made public have embarrassed the PMO. Allegations of the PMO having undermined the negotiating position of the Defence Ministry ring true. Further, critics of the deal point out two features which transformed the nature of the transaction: first, **the inclusion of an offset partner**, and second, **the exclusion of HAL in the manufacturing of the remainder (the 108 aircraft).**
- Finally, critics point out that the deal is not even an IGA, far from it being a G-to-G contract, because Dassault, a private company, and not the French government, is the supplier of the 36 aircraft.
- Consequently, the French government have refused to guarantee the supply of the aircraft in terms of the contract. **Since Dassault was responsible for the supply, the contract should have retained the integrity clause along with clauses pertaining to commissions.**
- Further, experts have also opined that the clauses relating to penalties and anti-corruption should not have been excluded.
- Later, the guarantee for supplies was replaced by a **Letter of Comfort, which in legal terms, is not enforceable.** Even payments by the French government to Dassault through an escrow account was rejected, perhaps because the French did not wish to be saddled with that responsibility.

Many faultlines that need to be ironed out:

- Critics point out that the CAG has let us down in more than one way.
- Firstly, its report limits itself to the pricing issue of the 36 aircraft and concludes that the deal was 2.86% cheaper than the one which was to have been finally negotiated by the UPA.
- The CAG report does not disclose all the facts and on non-transparent assumptions arrived at this conclusion. It is difficult to scrutinise the rationale behind this conduct.
- Crucially, some experts have opined that the CAG report ignores the procedures required to be followed under the DPP of 2013.
- It also chooses not to refer to the dissent notes of the Indian Negotiating Team and thus fails to provide justification for overruling them.
- Further, the report also falls short of explaining the reasons why anti-corruption and other clauses were not included in the final terms of the contract.
- Though the CAG comments on the issue of financial impact of not providing for guarantees, it chooses not to deal with reasons why guarantees were not provided for.
- Critics have also pointed out that the CAG seeks to criticise the UPA for choosing the Rafale but is silent on the Prime Minister's decision to endorse the purchase of the aircraft.
- The objective for reducing the number of aircraft from 126 to only 36, to augment the depleting strength of the Indian Air Force, does not seem to have been achieved as the report itself concludes that the delivery schedule under the new deal is shorter only by one month when compared to the timelines under the UPA's deal.

Concluding Remarks:

- In conclusion, critics have pointed out that the CAG has gone out of its way to protect the government.
- It is the integrity of the office of the CAG that needs protection.

2. A fight for the forest

Larger Background:

- India's forests are home to lakhs of people, including the many Scheduled Tribes, who live in or near forest areas of the country.
- In 2006, the Forest Rights Act was passed to give legal rights to these forest dwellers, their homes, lands and livelihoods.
- The Act is crucial to the rights of millions of tribals and other forest dwellers spread across multiple states of our country, as it provides for the restitution of deprived forest rights.
- But several wildlife groups say the Act has encouraged further encroachment on the already battered forest lands.
- Challenging the constitutional validity of the Forest Rights Act, they filed several petitions in the apex court in 2008.
- In the long drawn case, the Supreme Court on February 13th, 2019 directed 21 states to evict illegal forest dwellers whose claims over the land have been rejected by the authorities.
- The eviction order could have affected 11.8 lakh forest dwellers residing in different parts of the country.
- However, following the Centre's appeal, the apex court has put on hold the eviction order passed on 13th February, 2019. This has proven to be a major reprieve for around 12 lakh forest dwellers and tribals. A two-judge bench comprising of Justices Arun Mishra and Naveen Sinha, had directed state Governments to file an affidavit, giving details about the process adopted in rejecting the claims of forest dwelling scheduled tribes and other traditional forest dwellers.

Action taken by the Ministry of Tribal Affairs:

- On 27th February, 2019, the Ministry of Tribal Affairs moved the Supreme Court, seeking an urgent hearing. In its plea, the Ministry sought a modification of the previous order.
- The Ministry also urged the Supreme Court to direct states to file detailed affidavits on procedure followed while examining claims and details regarding rejection.
- Until this was done, the eviction of forest dwelling scheduled tribes and other traditional forest dwellers, was to be put on hold.

- The Ministry also said that after examining the affidavits filed by the state governments, it could not ascertain if the rejection orders were passed after following due process and whether appeal mechanisms had been exhausted.
- The Centre further added that it has been periodically monitoring the implementation of the Forest Rights Act by state governments.
- Experts opine that the high rate of rejection of claims is mostly due to a wrong interpretation of the Forest Rights Act.
- The Ministry also underlined the lack of awareness about filing claims among the Gram Sabhas.
- In many cases, the reasons for rejection were not communicated to the claimants.
- The Ministry of Tribal Affairs contended that as Forest Dwellers are poor and illiterate, it was difficult to substantiate their claims before competent authorities.
- The apex court order on the 13th of February, 2019, came in a case challenging the constitutional validity of the Forest Rights Act of 2006.
- A number of petitions were filed by an NGO named, Wildlife First, and a few retired forest officials, who argued that the Forest Rights Act has led to deforestation and encroachments of forest lands.
- The petitioners sought recovery of forest land from the possession of forest dwellers.
- The case has been going on in the Supreme Court since March 2008, and the next hearing will take place on the 10th of July, 2019.

A Brief Note on the Forest Rights Act:

- The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was passed on the 18th of December, 2006. This Act is also known as the Forest Rights Act.
- This act was enacted to recognize and vest forest rights and occupation of forest land for scheduled tribes and other traditional forest dwellers.
- These people have been residing in forests for generations, but whose rights have not been recorded.
- The Act provides the right to hold and live in forest land for habitation or for self-cultivation for livelihood by a member or members of a Forest Dwelling Scheduled Tribe (FDSTs) or Other Traditional Forest Dwellers (OTFDs).
- It gives the right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries.
- The act also provides for community rights and rights of entitlement such as fish and other products of water bodies, etc.
- Habitat rights for primitive tribal groups and pre-agricultural communities.
- Right to Protect, regenerate or conserve any community forest resource, which they have been traditionally protecting and conserving for sustainable use.
- Right to in situ rehabilitation in cases of illegal eviction or displacement
- Rights of settlement and conversion of all forest villages, old habitation, etc. into revenue villages.
- However, conversion of forest villages into revenue villages is to be adjudicated by the Gram Sabha Sub-divisional level committee and the District Level Committee as per the procedure.

Editorial Analysis:

- On February 28, 2019, the Supreme Court stayed its order on the eviction of lakhs of Adivasis and other forest dwellers whose claims were rejected under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA).
- The Supreme Court of India has asked State governments for a detailed report on whether due process was followed by gram sabhas and authorities under the FRA before claims were rejected.
- For millions of Adivasis and forest dwellers, the stay offers only a temporary relief. But it provides an opportunity to figure out how conservation movements can advocate both nature and social justice in India.
- The petitioners had expressed concern over reports that showed deforestation and fragmentation of land after the FRA implementation began.
- But there is a lack of peer-reviewed studies that quantify the extent of deforestation caused by

marginalised communities in comparison to large industrial and infrastructural projects.

- It is vital that scientists and conservationists take up this task, as it is well known that the state is bestowing large companies with kindness and second chances despite severe legal violations during the planning, construction and operation stages of projects.

Ignoring the bigger players:

- Objections to the FRA are often framed as an issue of wildlife conservation versus people's rights, with no mention of these bigger players who might benefit from this framing.
- In a 2013 study, professor Prakash Kashwan noted how political this framing can be. He wrote that in 2006, well before the FRA implementation started, the Environment Ministry directed State governments to declare all existing Protected Areas as critical tiger habitats, so that they would not be controlled under this Act.
- It is important to note that in 2012, the Ministry tried to remove critical tiger habitats from the purview of the National Board for Wildlife, purportedly to make diversion of forest land easier.
- A question thus arises: Who gets access to forests when forest dwellers are evicted?
- Recently, the Environment Ministry "cancelled" community forest rights given to Adivasi communities in Chhattisgarh's Hasdeo Arand forest and handed over 2,000 acres of this forest to a coal mining company.
- It is important to note that we have seen instances of forest dwellers protecting these lands from destructive industries and negligent state forces. This is not to claim that forest dwellers have no impact on forests, but the FRA provides for that through critical wildlife habitats (CWH), spaces that can be demarcated to be inviolate as long as people's rights are settled elsewhere.
- The petitioners in the FRA case are right where they express concern about the lack of progress in demarcating CWHs.
- It is crucial for forest departments to initiate this process in a time-bound manner in the interest of conservation.

Conservation rooted in justice:

- However, for conservation to truly be effective in the long run, it must also be rooted in justice.
- In a paper published in Biological Conservation, John A. Vucetich and others explore how to make conservation not just effective but also just.
- To do this, they argue, **conservation actions must be based on the same principles as social justice**. Interestingly, the authors, all of whom are wildlife biologists, do not argue for an anthropocentric view of conservation.
- **They rightly argue that if conservation calls for restriction of human activities in some way, that sacrifice must be made, except where doing so would result in injustice, especially to the most marginalised communities.**

A Critical View of the Court's Original Eviction Order:

- It is important to note that the court's original eviction order had the potential to perpetrate such injustice.
- There are serious concerns about the rejection process, unfamiliarity with the language of the FRA, and outdated forest maps.
- The Ministry of Tribal Affairs has been urging district administrations to assist the process of granting rights by making maps and other data available to protect applicants from exploitation.
- Further, the eviction order would not only have alienated marginalised people from their lands, but made wildlife conservation a symbol of an oppressive state.
- It is important to note that large animals share areas with people outside Protected Areas too. Will people accept wildlife in their backyards without retaliation?
- We are not ready to handle the failure of shared spaces as a country, when only 5% of area is protected for wildlife and there is rampant land reallocation for non-forestry uses in other areas.

Concluding Remarks:

- It is a relief that the court stayed its order.

- It is now hoped that this reinforces the fact that conservation cannot be about demanding unjust sacrifices from the weakest, while forest diversion by the powerful remains unchecked.
- Conservationists should stand up for the welfare of both wildlife and forest dwellers.
- This is the only way we can build an effective and equitable conservation movement.

3. Laying down the dos and don'ts of elections

Editorial Analysis:

What is the model code of conduct?

- The model code refers to a set of norms laid down by the Election Commission of India, with the consensus of political parties.
- It is not statutory.
- It spells out the dos and don'ts for elections.
- Political parties, candidates and polling agents are expected to observe the norms, on matters ranging from the content of election manifestos, speeches and processions, to general conduct, so that free and fair elections take place.

When was it introduced?

- The EC traces its introduction to the 1960 Assembly elections in Kerala.
- During simultaneous polls to the Lok Sabha and Assemblies in several States in 1962, the EC circulated the code to all recognised parties, which followed it "by and large".
- In October 1979, the EC came up with a comprehensive code that saw further changes after consultations with parties.

When is the code enforced?

- The code comes into force on the announcement of the poll schedule and remains operational till the process is concluded, as provided in the notification. It is also applicable to a "caretaker" government on premature dissolution of a State Assembly, as was the case in Telangana.

How is it enforced?

- The EC ensures that ruling parties at the Centre and in States adhere to the code, as part of its mandate to conduct free and fair elections under Article 324 of the Constitution.
- In case of electoral offences, malpractices and corrupt practices like inducements to voters, bribery, intimidation or any undue influence, the EC takes action against violators.
- Anyone can report the violations to the EC or approach the court. The EC has devised several mechanisms to take note of the offences, which include joint task forces of enforcement agencies and flying squads.
- The latest is the introduction of the **cVIGIL mobile app** through which audio-visual evidence of malpractices can be reported.

What are the key malpractices?

- Any activity aggravating existing differences or creating mutual hatred or causing tension between different castes and communities, religious or linguistic, is a corrupt practice under the Representation of the People Act.
- Making an appeal to caste or communal feelings to secure votes and using places of worship for campaigning are offences under the Act.
- Bribery to voters is both a corrupt practice and an electoral offence under the Act and Section 171B of the Indian Penal Code.
- Intimidation of voters is also an electoral offence, while impersonating them is punishable under the IPC.
- Serving or distributing liquor on election day and during the 48 hours preceding it is an electoral offence. Holding public meetings during the 48-hour period ending with the hour fixed for the closing of the poll is also an offence.

What restrictions does the code impose?

- According to the EC, the code states that the party in power — whether at the Centre or in the States — should ensure that it does not use its official position for campaigning.
- Ministers and other government authorities cannot announce financial grants in any form.
- No project or scheme which may have the effect of influencing the voter in favour of the party in power can be announced, and Ministers cannot use official machinery for campaign purposes.

4. Back to life (Death Penalty)

Note to Students:

We at BYJU'S have covered a detailed video-based analysis on the topic of capital punishment.

<https://www.youtube.com/watch?v=5d9oJJGWhkY>

Larger Background:

- **The Criminal Law (Amendment) Bill, 2018**
- The Bill amends the IPC, 1860 to increase the minimum punishment for rape of women from seven years to ten years.
- Rape and gang rape of girls below the age of 12 years will carry minimum imprisonment of twenty years and is extendable to life imprisonment or death.
- Rape of girls below the age of 16 years is punishable with imprisonment of twenty years or life imprisonment.
- The Bill amends the IPC, 1860 to increase the punishment for rape of girls. However, punishment for rape of boys has remained unchanged. This has resulted in greater difference in the quantum of punishment for rape of minor boys and girls.
- The Bill imposes death penalty for rape of girls below the age of 12 years.
- It is important to note that there are differing views on death penalty for rape.
- Some argue that death penalty has a deterrence effect on the crime and therefore helps prevent it.
- Others argue that death penalty would be disproportionate punishment for rape.

Editorial Analysis:

Brief Background of the Case:

- Six members of a nomadic tribe spent 16 years in prison in Maharashtra.
- Three of them were on death row for 13 of these years, while the other three faced the gallows for nearly a decade.
- One of them was a juvenile at the time of the offence. And all this for a crime they did not commit.
- The only silver lining for the six convicts is that even though 10 years had elapsed since the Supreme Court imposed the death penalty on them, the sentence was not carried out.
- Hearing on their review petitions became an occasion for another Bench of the Supreme Court to revisit the 2009 verdict.
- Recently, a three-judge Bench has found that ***unreliable testimony had been used to convict the six men***.
- One of the two eyewitnesses had identified four others from police files as members of the gang that had raided their hut in 2003, but these four were not apprehended. The gang had stolen ₹3,000 and some ornaments, killed five members of the family, including a 15-year-old girl, who was also raped.

A Closer Perspective:

- It is possible that the ***heinous nature of the crime*** had influenced the outcome of the case.
- The belief that retributive punishment is necessary for rendering complete justice could be behind courts brushing aside discrepancies or improvements in the evidence provided by witnesses.

- *On a fresh hearing of the appeals, the court has concluded that the accused, who were roped in as accused in this case after being found to be involved in an unrelated crime elsewhere, were innocent.*

Significance of this Case:

- The case, in itself, holds a strong argument against the retention of the death penalty on the statute book.
- Had the sentence against these six been carried out, the truth would have been buried with them.
- It is important to note that in recent years, the Supreme Court has been limiting the scope for resorting to the death penalty by a series of judgments that recognise the rights of death row convicts.
- As a matter of fact, a few years ago, it ruled that review petitions in cases of death sentence should be heard in open court.
- In a country notorious for “the law’s delay”, it is inevitable that the long wait on death row, either for a review hearing or for the disposal of a mercy petition, could ultimately redound to the benefit of the convicts and their death sentences altered to life terms.

Concluding Remarks:

- Lastly, in a system that many say favours the affluent and the influential, the likelihood of institutional bias against the socially and economically weak is quite high.
- Also, there is a perception that the way the “rarest of rare cases” norm is applied by various courts is arbitrary and inconsistent.
- The clamour for justice often becomes a call for the maximum sentence. In that sense, every death sentence throws up a moral dilemma on whether the truth has been sufficiently established. The only way out of this is the abolition of the death penalty altogether.

F. Tidbits

1. Guard against misuse, social media platforms told

- The Parliamentary Panel on Information and Technology has directed Facebook, WhatsApp and Instagram to ensure that their platforms are not used to incite violence or meddle in the Lok Sabha election.
- This is the third meeting of the panel with social media platforms. The last meeting was with Twitter officials.
- The members raised the issue of cloned and fake accounts. A member claimed that there were so many accounts under his name that he no longer knew which one was his own.
- They also questioned Facebook on its regulatory frame work on content, advertising and marketing operations in India.
- Joel Kaplan, vice-president, global public policy, and Ajit Mohan, vice-president and managing director, Facebook India, and Ankhi Das, director, public policy and programs, India, attended the meeting.

2. Immigration from India is unpopular in U.K.: study

- Britons don’t want higher levels of immigration from India and many other non-EU countries even if it comes at the price of not securing a free trade agreement, new research in the U.K. has found.
- Only higher levels of immigration from the U.S., Canada and Australia would be tolerated in exchange for trade arrangements, polling carried out on behalf of the Henry Jackson Society, a neo-Conservative think tank, found.
- The research points to one of the tensions at the heart of Brexit: while the British government pushes its vision of a “global” Britain, reaching out beyond Europe, with public opinion stacked against immigration from beyond the EU as well as from within it, the government could struggle to reach deals to boost trade with these nations.
- Opinion polling conducted in early January, suggested that just 9% of the public were willing to accept significantly higher levels of immigration from India, with just 26% willing to accept slightly higher levels, according to the research.

- The same applies to a range of countries from South Africa, to China to Brazil, Argentina, Mexico, Turkey, Russia, Japan and Saudi Arabia as well as to the EU and individual member states such as France, Germany and Italy.
- Critics of the government's approach to Brexit have long questioned its ability to forge trade deals with non-EU countries as it attempts to revamp its trading priorities following Brexit.
- While a trade deal with India has been repeatedly touted by the U.K. government, India has highlighted its concerns around Britain's immigration policy, particularly towards students and professionals.

3. Toyota, Japan space agency plan moon mission

- Toyota is teaming up with Japan's space agency on a planned mission to the moon, with the Japanese auto giant expected to develop a lunar rover.
- It will be the car manufacturer's first full-fledged entry into space exploration, after the company jointly developed a robot sent to the International Space Station.
- "We are planning to cooperate with Toyota in an exploration mission to the Moon," said a spokesman with the Japan Aerospace Exploration Agency (JAXA).
- Details will be announced by JAXA and Toyota next week when the space agency hosts a symposium in Tokyo.
- Toyota also confirmed plans to announce a joint project with JAXA "on mobility and a space probe" but declined to comment further.
- Jiji Press news agency said the car giant is expected to jointly develop a "mobility method" to be used on the lunar surface for the mission.
- So far, only Russia, the United States and China have made the 3,84,000-km journey and landed spacecraft on the moon. Last month, Israel launched a spacecraft that aims to join them.
- In 2017, Japan revealed plans to put an astronaut on the Moon around 2030.
- Before humans set foot on the lunar surface again, NASA aims to land an unmanned vehicle on the moon by 2024.

4. Coming soon: the Indian museum of natural history

- From dinosaur fossils to pre-human skulls, India is home to a vast treasury of geological and palaeontological specimens that contain a wealth of scientific information about the planet and its history.
- But these rare specimens are scattered in different labs all over the country. So, to better conserve this prehistoric heritage, the government is planning to house them in one place — an 'Earth Museum'.
- This museum will be modelled on the American Museum of Natural History, or the Smithsonian museum in the U.S. The museum, which will be set up as a public-private partnership, would be located somewhere in Delhi, Noida or Gurugram, said G.V.R Prasad, head of the Department of Geology, University of Delhi.
- VijayRaghavan, Principal Scientific Adviser (PSA) to the Prime Minister, said that such a repository was necessary to make people aware of India's palaeontological and geological wealth.
- "There is a lot of history here, but somehow it hasn't been communicated well," he said. Another concern, he added, was that several collections of fossils and important geological specimens weren't properly organised, and they survived only due to the efforts of individual researchers who maintained them within their labs.
- A single site, accessible to the public as well as researchers wanting to investigate rare and important finds, was necessary.
- India has a rich geological history and fossils dating back to the breaking up of the Gondwanaland super-continent nearly 150 million years ago. Prominent fossils include the jaw of an extinct ape, Gigantopithecus bilaspurensi, dinosaur eggs so large they were mistaken for cannon balls, and the skeleton of a horned carnivore, Rajasaurus narmadensis, or the royal Narmada dinosaur

G. Prelims Facts

Nothing here today!!!

H. UPSC Prelims Practice Questions

<https://byjus.com>

Question 1. Which of the following statements regarding UN Convention of Rights of Persons with Disability is/are correct?

1. It is legally binding instrument with comprehensive protection of the rights of persons with disabilities.
2. India has ratified the convention.

Which of the above statement(s) is/ are correct?

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) None of the above

Answer: **(c)**

Explanation:

UN Convention of Rights of Persons with Disability – Entered into force in 2008, it is the first comprehensive human rights treaty of the 21st century and first legally binding instrument with comprehensive protection of the rights of persons with disabilities. India has ratified the convention

Question 2. Which of the following Directive Principle has/have been added through 44th Constitutional amendment?

1. Minimising inequalities
2. Promoting cooperative societies
3. Free legal aid to poor

Select the correct answer using codes given.

- (a) Only 1
- (b) Only 1 and 2
- (c) Only 2 and 3
- (d) All of the above

Answer: **(a)**

Explanation:

44th Amendment Act of 1978 added one more Directive Principle, which requires the State to minimise inequalities in income, status, facilities and opportunities (Article 38). 97th Amendment Act of 2011 added a new Directive Principle relating to co-operative societies. It requires the state to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B). To promote equal justice and to provide free legal aid to the poor (Article 39 A) was added through 42nd Amendment.

Question 3. Which of the following Acts of Parliament have been enacted under Article 23?

1. Minimum Wages Act, 1948
2. Immoral Traffic (Prevention) Act, 1956

Select the correct code

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) None of the above

Answer: **(c)**

Explanation:

The expression 'traffic in human beings' include (a) selling and buying of men, women and children like goods;

(b) immoral traffic in women and children, including prostitution; (c) devadasis; and (d) slavery. To punish these acts, the Parliament has made the Immoral Traffic (Prevention) Act, 1956. The term 'begar' means compulsory work without remuneration. It was a peculiar Indian system under which the local zamindars sometimes used to force their tenants to render services without any payment. In addition to begar, the Article 23 prohibits other 'similar forms of forced labour' like 'bonded labour'. The term 'forced labour' means compelling a person to work against his will. The word 'force' includes not only physical or legal force but also force arising from the compulsion of economic circumstances, that is, working for less than the minimum wage. In this regard, the Bonded Labour System (Abolition) Act, 1976; the Minimum Wages Act, 1948; the Contract Labour Act, 1970 and the Equal Remuneration Act, 1976 were made.

Question 4. Consider the following about the Sustainable Development

Goals (SDGs):

1. They encourage the promotion of health, well being and education for all at all ages.
2. They are a legally binding International treaty that all nations are bound to follow.

Choose the correct options –

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) None of the above

Answer: **(a)**

Explanation:

SDGs are not legally binding, rather they are voluntary agreement among the Nations and do not have the force of International Law.

I. UPSC Mains practice Questions

1. The EC has a rich legacy of being independent and inclusive. It must live up to that legacy and remove all doubts about missing voters from the electoral rolls of the world's largest democracy. Examine the statement. (12.5 Marks; 200 words)
2. What is Generalized System of Preferences (GSP)? What are its objectives? Write a note on the India – USA economic relations. (12.5 Marks; 200 words)