

09 March 2019: UPSC Exam Comprehensive News Analysis

TABLE OF CONTENTS

A. GS1 Related

B. GS2 Related

POLITY AND GOVERNANCE

1. SC appoints 3-member panel to mediate in Ayodhya dispute
2. Cancer drugs 87% cheaper after trade margin cap

C. GS3 Related

ECONOMICS

1. Only 3.32 lakh MSME jobs created in last four years, finds CII survey

ENVIRONMENT

1. 'You will be in trouble if anything is done to Aravali'

D. GS4 Related

E. Editorials

International Relations

1. Road through Rome? (Italy's endorsement of China's Belt and Road Initiative)

ENVIRONMENT AND ECOLOGY

1. When Bandipur burned (Forest Fires)

POLITY AND GOVERNANCE

1. Strange turn (Court-mandated mediation- dispute over the site at Ayodhya)
2. A systematic erosion of privacy

F. Tidbits

1. 'Do forest surveys separately'
2. Rajasthan cuts Lokayukta's tenure to five years
3. We want peace, not war: Imran
4. NASA captures first air-to-air images of supersonic shockwaves

G. Prelims Facts

1. New beetle species get names from pop culture

H. UPSC Prelims Practice Questions

I. UPSC Mains practice Questions

A. GS1 Related

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Category: POLITY AND GOVERNANCE

1. SC appoints 3-member panel to mediate in Ayodhya dispute

Context

- A Constitution Bench of the Supreme Court referred the Ayodhya dispute for mediation in a bid to heal minds and hearts.

Details of the Mediation Process

- The five-judge Bench, led by Chief Justice of India Ranjan Gogoi, appointed a panel of mediators, comprising former Supreme Court judge F.M.I. Kalifulla as chairman, Art of Living founder Sri Sri Ravi Shankar, and Sriram Panchu, a senior advocate with experience in alternative dispute resolution.
- The mediation would start in a week in Faizabad district of Uttar Pradesh — of which the disputed area is a part — with the process conducted in-camera.

- Stressing the need for “utmost confidentiality” in the conduct of the mediation to ensure its success, the court opined that it might be best if the media refrained from reporting the proceedings.
- “We are of the further opinion that while the mediation proceedings are being carried out, there ought not to be any reporting of the said proceedings either in the print or in the electronic media,” the Bench said in its order.
- However, the court stopped short of passing any gag order on the media and left it to the mediators to pass “necessary orders in writing, if so required, to restrain publication of the details of the mediation proceedings.”
- While the mediation panel has been given eight weeks, the court urged the mediators to “conclude at the earliest.” The Bench also directed them to file a status report in four weeks.

Background

- 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.

2. Cancer drugs 87% cheaper after trade margin cap

Context

- After the trade margin on 42 anti-cancer drugs was capped to 30%, prices of nearly 390 cancer medications have fallen by 87%.
- The trade margin cap has been hailed by health activists and doctors. According to NPPA, nearly 38 medicines show price reduction of 75% and above after the cap.

Background

- The government has recently brought 42 non-scheduled anti-cancer drugs under price control, capping trade margin at 30 per cent, which would reduce their retail prices by up to 85 per cent.
- The Indian Pharmaceutical sector is largely fuelled by exports and is the 3rd largest foreign exchange earner for India.
- It is a private enterprise driven industry and the contribution of the Public Sector Undertakings (PSU) are negligible.
- Indian pharmaceutical industry has the largest number of U.S. Food and Drug Administration (USFDA) approved manufacturing facilities outside USA.
- The first comprehensive pharmaceutical policy called Drug Policy was formulated based on hathi committee in 1978. Prior to that adhoc orders given by the Government from time to time to meet the exigencies of the then prevalent situation guided and controlled the industry.

Need for price regulation

- Lack of access to essential drugs, irrational use of drugs, and poor drug quality remain serious global public health problems
- India is among the countries with the highest Out Of Pocket (OOP) expenses on health care. Expenditure on drugs constitutes over 67% of out of pocket expenditure on health. High Level Expert Group Report (HLEG) on Universal Health Coverage (UHC) for India recommended that an increase in the public procurement of medicines from around 0.1% to 0.5% of GDP would ensure universal access to essential drugs, greatly reducing the burden of out-of-pocket expenditures and increasing the financial protection for households.

Price regulation policy in India

- The National List of Essential Medicines (NLEM) is drawn up to include essential medicines that satisfy the priority health needs of the population.
- National Pharmaceutical Pricing Authority, Controls and regulates the prices of Pharmaceutical drugs in India under the Drug Prices Control Order (DPCO), 1995. NPPA began working since 1997.
- The NPPA currently fixes prices of drugs placed in the National List of Essential Medicines (NLEM) under Schedule-I of the DPCO. So far, around 1000 drugs have been brought under price control under the initiative. Non-scheduled drugs are allowed an increase of up to 10 per cent in prices every year, which is monitored by the NPPA.
- The DPCO controls the prices of all essential medicines by fixing ceiling prices, limiting the highest prices companies can charge.
- The DPCO follows a market-based pricing mechanism. The ceiling price is worked out on the basis of the simple average price of all brands having at least 1% market share of the total market turnover of that medicine.
- This has been done through the use of special powers to act in public interest under Paragraph 19 of the DPCO. These moves have brought about dramatic price reductions: 85% in the case of stents and 65% in the case of knee implants
- Prior to 2013, the DPCO followed a cost-based pricing mechanism that was based on the costs involved

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Category: ECONOMICS

1. Only 3.32 lakh MSME jobs created in last four years, finds CII survey

Context

- The number of net jobs created in the Micro, Small and Medium Enterprises (MSME) sector in the last four years stood at just 3,32,394, which is 13.9% higher than the base four years ago, according to a CII survey of more than one lakh companies.

Details of the Survey

- The findings for the four-year period — beginning 2015-16 — pale in comparison with that from the government's Ministry of Micro, Small & Medium Enterprises for an earlier period, which shows 11,54,293 MSME jobs were created in the three years ended 2014-15.
- The survey shows just three States — Maharashtra, Gujarat, and Telangana — accounted for over 50% of the jobs created in this period (2015-16 to 2018-19).
- It also shows that 73% of the jobs were created by micro enterprises. Net jobs created' is defined as recruitment, less exits.
- Out of the survey sample, 70,941 firms were responsible for this increase. On the whole, nearly two-thirds of the respondents witnessed an increase in hiring activity over the last four years, while 17% witnessed no change.
- Micro enterprises were the largest job generators, having created 2,40,713 jobs or 73% of the net jobs created in the last four years. Small enterprises, on the other hand, accounted for 23% of the net jobs created, while medium enterprises accounted for just 4%.
- Looking at the sectoral break-up, the hospitality & tourism sector accounted for 12% of the jobs, while the textiles & apparels and metal products sectors each contributed about 8% to job creation.
- The other large job generators were machinery parts (7%) and transport & logistics (7%). The top five sectors accounted for over 40% of the jobs, indicating a degree of sectoral concentration.
- The concentration in terms of geographic dispersion of jobs created was also noticeable, with three States — Maharashtra (29%), Gujarat (14%) and Telangana (10%) — accounting for 54% of the jobs created in the last four years.
- The top eight States accounted for over 80% of the jobs. The survey also found that 5,70,804 jobs are expected to be created over the next one year, which represents a 21% increase over the current employment base. The trend seen in the last four years in terms of sectoral break-up will remain largely the same.

Confederation of Indian Industry

- The Confederation of Indian Industry (CII) is a business association in India. CII is a non-government, not-for-profit, industry-led and industry-managed organization.
- Founded in 1895, it has over 9,000 members, from the private as well as public sectors, including SMEs and MNCs, and an indirect membership of over 300,000 enterprises from around 265 national and regional sectoral industry bodies.
- CII works with the Government on policy issues. CII has been a catalyst of change in India's economic policy reforms. CII played a very important role during economic liberalisation in 1991 which knocked down the high walls of protection between Indian industry and the rest of the world.
- With 65 offices, including 9 Centres of Excellence, in India, and 11 overseas offices in Australia, Bahrain, China, Egypt, France, Germany, Iran, Singapore, South Africa, United Kingdom and United States, as well as institutional partnerships with 355 counterpart organizations in 126 countries, CII serves as a reference point for Indian industry and the international business community.
- The CII Theme for 2018-19 is 'India RISE: Responsible, Inclusive, Sustainable, and Entrepreneurial.'

Category: ENVIRONMENT

1. 'You will be in trouble if anything is done to Aravali'

Context

- The Supreme Court has cautioned the Haryana government against doing “anything” to harm the ecologically fragile Aravali Hills.

Details of the issue

- A Bench led by Justice Arun Mishra was responding to a submission by Solicitor General Tushar Mehta that he would prove that the State had not introduced amendments to the Punjab Land Preservation Act, 1900, in order to give leeway to illegal mining or builders.
- “We are concerned with Aravali. If you are doing anything with Aravali or Kant Enclave (where the top court had ordered demolition of buildings due to illegal constructions in forest area) you will be in trouble. If you are doing anything with forest, you will be in trouble. We are telling you,” the Bench told Mr. Mehta.
- On March 1, the court had threatened the Haryana government with contempt if it went ahead with the amendments virtually allowing massive scale of construction in the Aravali Hills.
- The court had said the amendments pull the carpet from under a series of orders passed by the Supreme Court over the years to protect the Aravali and Shivalik ranges from builders and indiscriminate mining.
- The court had pointed out how the once lush Aravali region was devastated after years of indiscriminate and illegal mining. “The entire Aravali area is devastated and entire flora and fauna there has gone,” the court had said in a hearing on February 4.
- In October last, the court had expressed shock over 31 “vanished” hills in the Aravalis and had asked Rajasthan to stop illegal mining in 115.34-hectare area.

Aravalli Range

- It is a range of mountains running in North West direction between Delhi and Palanpur in Gujarat.
- It constitutes a vital corridor between Asola Bhatti Sanctuary in Delhi and Sariska Tiger Reserve in Rajasthan.
- The 700km long range and its thick forest cover protects National Capital Region and fertile plains of India from effects of Desert.

- Aravallis are the oldest mountain range in India and one of the oldest mountain systems of world.
- The mountain range is spread towards northeast across the states of Gujarat, Rajasthan, Haryana and Delhi. These are fold mountains of which rocks are formed primarily of folded crust when two convergent plates move towards each other.
- The process is called orogeny or orogenic movement –an event that takes millions of years to create a mountain range as the tectonic plates move only few centimetres every year. In earlier decades, Aravalli hills region had a thick forest cover which used to act as a green barrier and acted as an effective shield against desertification.
- Today, the forests in the Aravalli hills no longer effectively act as a green barrier. The forests of Aravallis range are now the most degraded forests in India; most of the indigenous plant species have disappeared.

- Loss of vegetative cover will lead to the natural drifting of Thar Desert towards the northwest. Increased desertification of the National Capital Region (NCR) and its adjoining areas can lead to more environmental hazards. These include more dust in the air, greater unpredictability of climate, meagre recharging of groundwater, and drying up of several natural water bodies.

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E. Editorials

Category: International Relations

1. Road through Rome? (Italy's endorsement of China's Belt and Road Initiative)

Larger Background:

Perspective on different keywords:

1. “Made in China 2025”:

- The Chinese government had launched “**Made in China 2025**”, which is a state-led industrial policy, seeking to make China dominant in global high-tech manufacturing.
- The program aims to use government subsidies, mobilize state-owned enterprises, and pursue intellectual property acquisition to catch up with—and then surpass—Western technological prowess in advanced industries.
- Released in 2015, Made in China 2025 is the government's ten year plan to update China's manufacturing base by rapidly developing ten high-tech industries.
- Chief among these are electric cars and other new energy vehicles, next-generation information technology (IT) and telecommunications, and advanced robotics and artificial intelligence.
- Other major sectors include agricultural technology; aerospace engineering; new synthetic materials; advanced electrical equipment; emerging bio-medicine; high-end rail infrastructure; and high-tech maritime engineering.
- These sectors are central to the so-called fourth industrial revolution, which refers to the integration of big data, cloud computing, and other emerging technologies into global manufacturing supply chains.
- In this regard, Chinese policymakers drew inspiration from the German government's Industry 4.0 development plan.
- Beijing's ultimate goal is to reduce China's dependence on foreign technology and promote Chinese high-tech manufacturers in the global marketplace.
- Semiconductors are an area of particular emphasis, given their centrality to nearly all electronic products.
- China accounts for about 60 percent of global demand for semiconductors but only produces some 13 percent of global supply.
- China 2025 sets specific targets: by 2025, China aims to achieve 70 percent self-sufficiency in high-tech industries, and by 2049—the hundredth anniversary of the People's Republic of China—it seeks a dominant position in global markets.

Why in the news?

- Italy is preparing to become the first of the G7 group of industrialised nations to endorse China's Belt and Road Initiative.

Editorial Analysis:

- Italy's plan to endorse the Belt and Road Initiative, the first such move by a G7 member, will boost China's global ambitions.
- In turn, this highlights the difficulties facing the EU and the U.S. in formulating a concerted response to counter China's growing might.
- On its inception in 2013, the BRI envisaged linking about 65 countries along a modern Silk Road, the

transformation of China into a high-income economy and the renminbi's elevation into a global currency.

- Today, however, it has expanded to over 80 countries, mostly least developed and developing economies, as Beijing seeks to bolster its Made in China 2025 industrial policy.
- The lure of the BRI is attributed largely to the informal nature of the deals Beijing negotiates with partner-states, with attractive loan terms and sans political strings.
- Their opaque nature has spurred criticism that recipients risk being pushed into a debt trap.
- But the glitches facing some of the BRI infrastructure projects have merely led to calls for renegotiation rather than their roll-back.
- ***The BRI has moved forward, along with Beijing's other venture, the Asian Infrastructure Investment Bank.***
- Many Central and Eastern European countries, EU members and aspirants alike, are part of the "16+1" group, which includes China, collaborating in infrastructure ventures.

What does Italy stand to gain?

- If Italy breaks ranks with other members of the G7, as expected, and signs a written endorsement of China's BRI this month, the answer is not straightforward. Experts point out that Italy's move should be seen in a broader context.
- Rome appears intent on winning goodwill from Beijing in the hope that bilateral commerce will flourish under the "BRI banner" even as Chinese investment into Europe as a whole is dropping sharply.
- "They [the Italian leaders set to sign the agreement] hope that the MOU will increase the visibility of Italy as an investment destination, making it more attractive and easier for Chinese investors to invest under the BRI banner.

A Deeper Insight:

- Italy, an EU founder-member, will be the first major developed economy to participate in the BRI.
- Rome's ruling eurosceptic and anti-establishment coalition has been enthusiastic in signing on.
- Its timing is seen to have something to do with the difficulties the government has faced in balancing its growth targets with the EU's stringent fiscal norms.
- These tensions surfaced in recent negotiations with Brussels that led to a revised Italian budget.
- ***Italy is counting on its BRI endorsement to boost investment in it, given recent reductions in Chinese outflows into the EU.***
- Rome is expected to sign an MoU to participate in the mammoth endeavour during a visit this month of President Xi Jinping.
- Italy's move comes at a moment of increasing concern in European capitals, especially Paris and Berlin, to counter Chinese mergers and acquisitions of European firms to protect the bloc's strategic economic sectors.
- The Trump administration has, in keeping with its America First policy, invoked national security provisions rarely deployed in international trade and targeted Beijing with punitive import tariffs, ostensibly to protect domestic industries.

Concluding Remarks:

- China's phenomenal economic expansion since joining the WTO in 2001 has almost altered the global landscape.
- However, attempts to block Chinese businesses may prove short-sighted.
- Instead, Western democracies should strive to live up to their repeated pledges, since the 2007-08 global financial crisis, to eschew protectionism and promote rules-based open and free global competition.

Category: ENVIRONMENT AND ECOLOGY

1. When Bandipur burned (Forest Fires)

Larger Background:

- The Bandipur Tiger Reserve is flanked by the Wayanad Wildlife Sanctuary in Kerala and the Mudumalai Tiger Reserve in Tamil Nadu.
- It is home to nearly 570 tigers, according to the 'Status of Tigers in India, 2014' report by the National Tiger Conservation Authority.
- These tigers share the forest with elephants, dholes, leopards and other mammals, making the tiger reserve an ecological hotspot.

Editorial Analysis:

Sequence of Events:

- By mid-December, 2018, the deciduous forests of Bandipur filled with dry Lantana camara — an invasive weed that covers almost 50% of the 912.04 sq km reserve — had become a powder keg. It was a similar scenario in Wayanad and Mudumalai too. In both these reserve forests, fewer fire incidents in the last two years had led to an accumulation of combustible material.
- ***The rise in temperature coupled with the dearth of summer rains had turned the entire forest area into a tinderbox.***
- Further, erratic weather was a major factor. Apart from rainfall in November/December 2018, dew and mist during winter serve as an insulation against an early outbreak of fire.
- Another important perspective to keep in mind is that contrary to popular perception, ***most forest fires in India are man-made. They are either acts of negligence or stoked deliberately.***
- As a matter of fact, three persons arrested in this case subsequently confessed that they started the fire. They wanted to burn the habitat in the hope that wild animals, especially elephants, would move away in search of fodder and not venture near their villages.
- The severity of the fire incidents increased on February 23, 2019.
- Thanks to windy weather, the conflagration raged on for two days. The forest authorities then asked for Indian Air Force choppers, which were pressed into service on February 25, 2019. With help from the choppers, the wildfire was finally contained on February 26, 2019.

The Extent of Damage:

- Satellite images have brought out the extent of the damage caused by the inferno. The National Remote Sensing Centre, Hyderabad, recently released a report based on Sentinel-2 satellite data, which revealed that in Bandipur alone, 15,443.27 acres were damaged by the fire between February 23rd and 25th, 2019.
- In Wayanad, the fire ravaged nearly 295 acres of forest wealth, while in Mudumalai, officials pegged the fire-damaged forest area at 123 acres. There are no estimates yet of the number of casualties in the fire.
- Wildlife officials say that while bigger mammals like tigers and leopards may have fled the Bandipur Tiger Reserve and taken refuge in neighbouring areas, reptiles, which are slow-moving, would have borne the brunt.

A Deeper Insight:

- Given the fact that wildfires have been a part of the forest ecosystem, a section of scientists and conservationists say that forest fires are not all that bad since they help regenerate the vegetation.
- Besides, there is a perception among officials that small and controlled fires may be necessary to reduce the piling up dry leaf, dead and decaying wood, and lantana.
- If that is not done, the next fire could be even bigger, they warn.
- These views have sparked a new debate, with conservationists cautioning that frequent and uncontrolled fires could be a disaster for the habitat.
- A joint report of the Ministry of Environment, Forest and Climate Change and the World Bank, titled 'Strengthening Forest Fire Management in India', released in 2018 observes that "repeated fires in short succession are reducing species richness and harming natural regeneration."
- It is important to note that uncontrolled forest fires over vast areas not only destroy habitats and food sources of wildlife but also kill smaller mammals, ground-nesting birds (such as pipits, lapwings, nightjars, quails), insects, and reptiles. The valuable leaf litter accumulated on the forest floor, which acts as natural manure for trees and plants, is also destroyed.

- Also, studies have shown that forest soil receives temporary nutrient enrichment from the burning but reverts to a lower nutrient content than before within a short span.
- Moreover, forest areas frequently affected by fire show an erosion of soil, floral and faunal diversity.
- Some experts have also opined that in the case of Bandipur, there is a clear danger of homogenisation of the habitat, with fire-resistant species such as *Anogeissus latifolia* and *Cassia fistula* taking over the landscape.

Concluding Remarks: The Way Forward

- What is needed is a template for coordination with outside agencies, including NGOs and scientists.
- Officials have mentioned that a standard operating procedure will be drafted to ensure that, in the future, the department is better prepared in terms of men, materials, and coordination.
- Officials have also suggested that a fire drill should be held every January, apart from regular interaction with local villagers and tribes on the subject of fire control.

Category: POLITY AND GOVERNANCE

1. A systematic erosion of privacy

Brief Background:

- Data protection refers to policies and procedures seeking to minimise intrusion into the privacy of an individual caused by collection and usage of their personal data.
- In India, usage of personal data or information of citizens is regulated by the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011, under Section 43A of the Information Technology Act, 2000.
- The Rules define personal information of an individual as any information which may be used to identify them. They hold the body corporate (who is using the data) liable for compensating the individual, in case of any negligence in maintaining security standards while dealing with the data.
- Over the years, rapid technological advances have led to large volumes of data being generated through various activities, and increasing reliance of businesses on data-driven decision making.
- Large-scale collection and usage of data by the government for provision of State benefits have also been enabled. One **example of this is the biometric identification and verification system of Aadhaar that enables the government to ensure targeted delivery of State benefits, such as LPG subsidies.**
- In 2012, a petition was filed in the Supreme Court, challenging the constitutional validity of Aadhaar on the grounds that it violated an individual's right to privacy.
- Following this, in August 2017, a nine-judge bench of the Supreme Court declared privacy as a fundamental right of Indian citizens.
- The Court ruled that the right to privacy is protected by the Constitution as an intrinsic part of the right to life and personal liberty under Article 21.
- The Court also observed that 'informational privacy', or the privacy of personal data and facts, is an essential facet of the right to privacy.
- It is important to note that countries around the world have developed comprehensive regulatory frameworks to protect an individual's rights with respect to processing of their information.
- A Committee of Experts was set up under the Chairmanship of Justice B. N. Srikrishna in July 2017 to:
 - examine various issues related to data protection in India,
 - (ii) recommend methods to address them, and
 - (iii) suggest a draft data protection Bill.
- The draft Bill was presented to the Ministry of Electronics and Information Technology on July 27, 2018.
- It seeks to protect the autonomy of individuals with respect to their personal data, specify norms of data processing by entities using personal data, and set up a regulatory body to oversee data processing activities.

Key Features of the Bill:

- Definitions: The Bill defines:
- 'personal data' as any information which renders an individual identifiable,
- data 'processing' as any operation, including collection, manipulation, sharing or storage of data,
- 'data principal' as the individual whose personal data is being processed,
- 'data fiduciary' as the entity or individual who decides the means and purposes of processing data, and
- 'data processor' as the entity or individual who processes data on behalf of the fiduciary.
- Territorial applicability:

The Bill governs the processing of personal data by:
 (i) both government and private entities incorporated in India, and
 (ii) entities incorporated overseas, if they systematically deal with data principals within the territory of India.

The central government may exempt Indian entities exclusively dealing with data principals outside the territory of India by a notification.
 Grounds for data processing:

The Bill allows data processing by fiduciaries if consent is provided by the individual.

However, in certain circumstances, processing of data may be permitted without the consent of the individual.

These include (i) any function of Parliament or state legislature, or if required by the State for providing benefits to the individual, (ii) if required under law or for compliance with any court judgement, (iii) to respond to a medical emergency, or a breakdown of public order, (iv) purposes related to employment, such as recruitment, or, (v) for reasonable purposes specified by the Data Protection Authority with regard to activities such as fraud detection, debt recovery, credit scoring, and whistle blowing.

- Sensitive personal data:
- Sensitive personal data is defined in the Bill to include passwords, financial data, biometric and genetic data, caste, religious or political beliefs.
- The Bill specifies more stringent grounds for processing of sensitive personal data, such as seeking explicit consent of an individual prior to processing.
- Rights of the data principal:

The Bill sets out certain rights of the data principal whose data is being processed.

These include:

- the right to obtain a summary of their personal data held with the data fiduciary,
- the right to seek correction of inaccurate, incomplete, or outdated personal data,
- the right to have personal data transferred to any other data fiduciary in certain circumstances, and
- the right 'to be forgotten', which allows the data principal to restrict or prevent continuing disclosure of their personal data.
- Obligations of the data fiduciary:

The Bill lays down certain obligations on the data fiduciary who is processing personal data.

These include:

- processing personal data in a fair and reasonable manner,
- notifying the data principal of the nature and purposes of data collection, and their rights, among others, and
- collecting only as much data as is needed for a specified purpose, and storing it no longer than necessary.

Exemptions:

The Bill provides exemptions to certain data processing activities.

It states that processing of an individual's personal data will not be subject to the obligations specified, and the data principal will not have the rights defined in the Bill, if their personal data is processed for the purposes of:

- national security (pursuant to a law),
- prevention, detection, investigation and prosecution of contraventions to a law,
- legal proceedings,
- personal or domestic purposes, and
- journalistic purposes.

The only restrictions on data processing for these purposes are those of (i) processing personal data in a fair and reasonable manner, and (ii) ensuring appropriate security safeguards while processing the data. Data processing for research purposes may also be exempted to the extent specified by the Data Protection Authority set up under the Bill. Small entities having turnover of less than twenty lakh rupees, manually processing data of less than one hundred data principals are also exempt from most provisions of the Bill.

Data Protection Authority:

- The Bill provides for the establishment of a Data Protection Authority (DPA).
- The DPA is empowered to (i) draft specific regulations for all data fiduciaries across different sectors, (ii) supervise and monitor data fiduciaries, (iii) assess compliance with the Bill and initiate enforcement actions, and (iv) receive, handle and redress complaints from data principals. It shall consist of a chairperson and six members, with knowledge of at least ten years in the field of data protection and information technology.
- The DPA shall have a separate adjudication wing to impose penalties and award compensation. Adjudicating Officers shall be specialists with at least seven years of professional experience in subjects including cyber and constitutional law, and data protection. Orders of the DPA can be appealed to an appellate Tribunal set up by the central government, and appeals from the Tribunal will go to the Supreme Court.
- Cross-border storage of data:
- The Bill states that every fiduciary shall keep a 'serving copy' of all personal data in a server or data centre located in India.
- The central government may notify certain categories of personal data as exempt from this requirement on grounds of necessity or strategic interests of the State.
- The central government may also notify certain categories of personal data as 'critical personal data', which may be processed only in servers located in India.

Transfer of data outside the country:

- Personal data (except sensitive personal data which is 'critical') may be transferred outside India under certain circumstances.
- These include cases where (i) the central government prescribes that transfers to a particular country are permissible, or (ii) the DPA approves the transfer in a situation of necessity.

Offences and penalties:

- Under the Bill, the DPA may levy penalties on the fiduciary for various contraventions to the law.
- These include failure to comply with (i) data processing obligations, (ii) directions issued by the DPA, and (iii) cross-border data storage and transfer requirements. For example, the fiduciary has to notify the DPA of any data breach which is likely to cause harm to the principal. Failure to promptly notify the DPA can attract a penalty of the higher of five crore rupees or two percent of the worldwide turnover of the fiduciary.
- Further, any person who obtains, discloses, transfers, sells or offers to sell personal and sensitive personal data shall be punishable with imprisonment ranging up to five years, or a fine of up to three lakh rupees.

Editorial Analysis:

- When the Supreme Court recognised the 'Right to Privacy' as a fundamental right in the Puttaswamy judgement, it underscored **the need for a balance between data regulation and individual privacy with an emphasis on protecting the autonomy of the individual.**
- The apex court urged the state to put into place a robust regime for data privacy, while acknowledging

that there could be several reasons for data mining by the State, such as the implementation of welfare schemes, prevention and investigation of crime and protection of revenue.

- Inherent in this acknowledgement, however, was the recognition that the data which the state collects have to be utilised for legitimate purposes of the state and ought not to be utilised in an unauthorised way for extraneous purposes.
- The Supreme Court noted in its order that the union government had constituted a committee chaired by Justice BN Srikrishna (Retd.), to review data protection norms in the country and to make its recommendations. The committee submitted its report on July 27, 2018 along with a ***draft of the Personal Data Protection Bill, 2018***.
- The Bill recognises the 'personal' nature of data, allows processing of data by fiduciaries if consent is provided and only recognises five exceptions to this rule: (i) where processing is necessary for the state to discharge welfare functions, (ii) in compliance with the law or with court orders in India, (iii) when necessitated by the requirement for prompt action (medical emergencies, breakdown of law and order, etc.), (iv) in employment contracts, in limited situations (such, as where giving the consent requires an unreasonable effort for the employer) and, (v) other reasonable purposes such as prevention and detection of any unlawful activity including fraud, whistle blowing, network and information security, etc. provided safeguards to ensure the protection of the rights of data principals are laid down.
- The Bill was submitted to The Ministry of Electronics and Information Technology (MeitY) which opened it for comments, but it is anybody's guess as to when the data protection law is likely to see the light of day.

Draft National e-Commerce policy: A Perspective

- Meanwhile, the ***Draft National e-Commerce policy*** was released on February 23, 2019 with a two-week response deadline ending on March 9, 2019.
- The policy, on Page 14, discusses the ownership of data in rather alarming terms. It states that data about a group of individuals and derivatives from it, is the collective property of the group.
- It is described as "a national asset, that the government holds in trust, but rights to which can be permitted".
- Some experts opine that the policy fails to distinguish between irreversibly anonymised data which ceases to fall within the definition of personal data and personal data, and treats all of it as one whole. Further, it furnishes no basis for making a case for "collective" ownership of all data in the form of a 'societal commons', nor treating it as a 'national resource' or 'collective resource' that the 'government holds in trust'.
- It is important to note that the dangers of treating data as property owned by the state and commercially licensed to those who seek to mine it cannot be emphasised enough. It contains sweeping statements on how the policy is "about how to exploit this national resource, for maximising growth and for delivering the greatest benefits to all sections of society".
- Interestingly, the policy also contradicts the July 16 recommendations on Privacy, Security and Ownership of the Data in the Telecom Sector issued by TRAI, which accurately notes that "the individual must be the primary right holder qua his/her data."

TRAI suggestions contradicted:

- The TRAI recommendations state that "it would appear illogical/inequitable to permit complete transfer of rights over an individual's personal data" and that, "while data controllers may indeed collect and process personal data, this must be subject to various conditions and obligations — including importantly, securing explicit consent of the individual, using the personal data only for identified purposes, etc."
- The policy disregards the TRAI recommendations by reclassifying data as a collective resource. It is however on the same page as the Aadhaar and Other Laws (Amendment) Ordinance 2019 (the Ordinance) and the Aadhaar Act, 2016.
- The latter provides that the Unique Identification Authority of India (Authority), which is responsible for the online enrolment and authentication under the Act, will "ensure the security of identity information and authentication records of individuals".
- What is key in the Aadhaar Act is the use of the phrase "not being authorised by the authority" (Section 38). In other words, if the Authority, in its capacity as repository of data licenses it for royalty or exploits it as a "national resource" as the policy suggests, the owner of the personal data, the individual, has no

2. Strange turn (Court-mandated mediation- dispute over the site at Ayodhya)

Editorial Analysis:

A Brief Look at History:

- The dispute over the site at Ayodhya, where a 16th century mosque stood until it was torn down by Hindutva fanatics in December 1992, has remained intractable since 1949.
- ***After the demolition of the Babri Masjid, the President referred to the Supreme Court the question whether there was a temple to Lord Ram before the mosque was built at the site.***
- The court, in a landmark decision in 1994, declined to go into that question.
- More importantly, it revived the title suits and, thereby, restored due process and the rule of law.

Mediation: A Welcome Option?

- Experts have opined that mediation, especially when it is at the instance of a court, is a welcome option for those embroiled in protracted civil disputes.
- ***A compromise could indeed be preferable to an order that may leave one side aggrieved.*** However, it is questionable whether this principle can be applied to all disputes and in all situations.
- A welcome feature of the court-mandated mediation attempt is that it will not consume much time; the same eight weeks are needed for preparation for the final hearing.
- The confidentiality rule will be helpful as none would want the atmosphere to be vitiated by premature disclosures when the country is in election mode.
- However, ***the inclusion of Sri Sri Ravi Shankar as one of the mediators is controversial.*** In the past, he has made remarks to the effect that Muslims ought to give up their claim and that the failure to find a negotiated settlement will result in "civil war".

Views expressed on the recent Supreme Court ruling:

- The recent order of the Honourable Supreme Court, appointing three mediators to find a solution to the Ram Janmabhoomi-Babri Masjid dispute is quite strange and incongruous, given that all such previous attempts have ended in failure.
- Further, the case is ripe for a final hearing, and not all parties favoured mediation.
- Experts have opined that the present attempt by the Supreme Court to give mediation a chance within a narrow window of eight weeks goes against the spirit of the 1994 decision.
- After all, it was that verdict that made possible the 2010 judgment of the Allahabad High Court, which favoured a three-way split of the site among Ram Lalla, the Sunni Wakf Board and the Nirmohi Akhara, which is under appeal.

Concluding Remarks:

- It is true that the prolonged problem has had an adverse impact on the body politic and some "healing" is required. But the injury to the country's secular fabric was caused by fanatical Hindutva groups that launched a revanchist campaign on the plea that some temples had been turned into mosques by invaders.
- The only way to heal this festering wound on the body politic is to render complete justice not only in the civil case, but also for the criminal act of the demolition.
- ***No one must be left with the impression that the exercise is aimed at privileging the faith-based argument that the mosque stood at the exact spot where Lord Ram was born over the legal question on who holds the title to the land.***

F. Tidbits

1. 'Do forest surveys separately'

- A high-power committee constituted by the Ministry of Environment, Forest and Climate Change

(MoEFCC) has recommended that forest surveys — the biennial exercise by the government to estimate forest cover — explicitly demarcate trees grown in forests from those grown outside, that is, in plantations and private lands.

- Currently, the government counts both towards estimating the portion of India's geographical area covered by forest.

- Independent critics have for long pointed out that including both isn't an ecologically sound principle but this is a first instance of government-constituted committee recommending so.
- India posted a marginal 0.21% rise in the area under forest between 2015 and 2017, according to the India State of Forest Report (SFR) 2017, which was made public in February 2018.
- The document says that India has about 7,08,273 sq. km. of forest, which is 21.53% of the geographic area of the country (32,87,569 sq. km.).
- Getting India to have at least 33% of its area under forest has been a long-standing goal of the government since 1988.
- Various editions of the SFR have over the years reported the area under forests as hovering around 21%. So the government also includes substantial patches of trees outside areas designated as forests, such as plantations or greenlands, in its assessment.
- The total tree cover, according to this assessment, was 93,815 sq. km. or a 2% rise from the approximately 92,500 sq. km. in 2015.

2. Rajasthan cuts Lokayukta's tenure to five years

- The Congress government in Rajasthan has amended the Lokayukta Act to reduce the Lokayukta's tenure from eight years to five years. The decision has led to an abrupt end of the term of the present Lokayukta, Justice Sajjan Singh Kothari, who has completed six years in office.
- The previous BJP regime had extended Justice Kothari's tenure by three years by amending the Rajasthan Lokayukta and Up-Lokayukta Act, 1973, through an Ordinance. The move came shortly before Justice Kothari's five-year tenure was to end.
- The notification reversing the BJP government's decision was issued after Governor Kalyan Singh gave his assent to the new Ordinance. The Ordinance stated that the Lokayukta "shall be deemed to have demitted the office with effect from [its] commencement".
- Justice Kothari, a former Judge of the Rajasthan HC, was sworn in the Lokayukta on March 25, 2013,

during the then Ashok Gehlot regime. He probed the Mathur Commission's files related to the alleged corruption cases during Vasundhara Raje's first tenure as the CM and recommended disciplinary action against 25 public servants.

3. We want peace, not war: Imran

- Pakistan Prime Minister Imran Khan said that his government would not allow Pakistan's soil to be used for terrorist activities and that its focus is on economic development of the country.
- "Insha'Allah, Pakistan's government will not allow our soil to be used for terrorist activities anywhere in the world. This is a new Pakistan, a new time. We want investment in this country. Our 'Naya Pakistan' will be prosperous, stable and peaceful. As a responsible country, and part of the international community, we will not allow any militant group to function here," he said while addressing a rally in Chachro, Sindh.
- "We sent the captured Indian pilot [Abhinandan Varthaman] back because we don't want war. We sent this message [to India] time and again. We decided that we will help India in the Pulwama investigations. But no one should think this is due to any fear. This is because the 'Naya Pakistan' that we have envisioned is a place where we will eliminate poverty, our policies are for our own people," said the Prime Minister.
- "All political parties of Pakistan decided that under the National Action Plan (NAP), we will not allow any armed/militant group to operate in Pakistan," Mr. Khan said, adding that his government would implement the NAP "in letter and spirit".
- "When I became the Prime Minister and talked to [Narendra] Modi, I said that the subcontinent has the most poor people. We should resolve our issues through dialogue and have peace and trade so we can eliminate poverty. But I didn't know Modi's election campaign has some other motive — that of spreading hate."
- Khan also said Pakistan would protect its Hindu minority. "Half the population here [Tharparkar district, Sindh] is from the Hindu community. What the present government in India is doing to its minorities will not be replicated here in Pakistan," he said.

4. NASA captures first air-to-air images of supersonic shockwaves

- NASA has captured unprecedented photos of the interaction of shockwaves from two supersonic aircraft, part of its research into developing planes that can fly faster than sound without thunderous "sonic booms".

- When an aircraft crosses that threshold — around 1,225 km per hour at sea level — it produces waves from the pressure it puts on the air around it, which merge to cause the ear-splitting sound.

- In an intricate manoeuvre by pilots at NASA's Armstrong Flight Research Center in California, two supersonic T-38 jets flew just 30 feet apart below another plane waiting to photograph them with an advanced, high-speed camera, the agency said.
- The rendezvous — at an altitude of around 30,000 feet — yielded mesmerising images of the shockwaves emanating from both planes.
- With one jet flying just behind the other, "the shocks are going to be shaped differently", said Neal Smith of AerospaceComputing Inc., an engineering firm that works with NASA, in a post on the agency's website.
- Smith added, "This data is really going to help us advance our understanding of how these shocks interact."
- Sonic booms can be a major nuisance, capable of not just startling people on the ground but also causing damage — like shattered windows — and this has led to strong restrictions on supersonic flight over land in jurisdictions like the United States

G. Prelims Facts

1. New beetle species get names from pop culture

Context

- Scientists have discovered 103 beetle species in Indonesia that are new to science, and named one of them after the Star Wars character Yoda and three others after characters from French comics series The Adventures of Asterix.

Details of the Discovery

- The Indonesian island of Sulawesi has been long known for its enigmatic fauna, including the deer-pig and the midget buffalo, said researchers from the Natural History Museum in Germany and the Indonesian Institute of Sciences (LIPI).
- However, small insects inhabiting the tropical forests have remained largely unexplored, they said in a statement.
- In a study published in the journal ZooKeys, the researchers reported on finding a total of 103 new species of beetles from the genus Trigonopterus.

A small greenish, forest-dwelling species was aptly named after the Star Wars character Yoda, while three species were named after Asterix, Obelix and Idefix. Naturally, Trigonopterus obelix is larger and more roundish than the other two, researchers said

H. UPSC Prelims Practice Questions

Question 1. Consider the following statements with reference to Global Hunger Index 2018:

1. It is released annually by Welt hunger hilfe, International Food Policy Research Institute (IFPRI) and Concern Worldwide.
2. India has been ranked at 103 out of 119 countries in the GHI 2018
3. India's rank improved this year as compared to the last year.

Choose the correct options-

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

Answer: **(b)**

Explanation:

GHI is released annually by Welt hunger hilfe and Concern Worldwide. (The International Food Policy Research Institute, IFPRI was also involved with the publication until this year.) India has been ranked at 103 out of 119

countries in the GHI 2018, with hunger levels in the country categorised as “serious” India’s ranking has dropped three places from 2017
GHI is composed of 3 Indicators (4 Dimensions)- Inadequate food supply, Child mortality and Child under nutrition

Question 2. Which of the following are characteristics of Particularly Vulnerable Tribal Groups (PVTGs)?

1. Absence of written language
2. Their livelihood depends on food gathering, Non-Timber Forest Produce, hunting, livestock rearing, shifting cultivation
3. Relatively isolated

Select the correct answer using the codes given below:

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

Answer: **(d)**

Explanation:

Self Explanatory

Question 3. Which one of the following is not a characteristic of Eklavya Model Residential Schools (EMRS)?

- (a) They are to be established for Scheduled Class and Scheduled Tribe population
- (b) They provide boarding and lodging facilities to tribal students
- (c) Admission to these schools will be through selection/competition with suitable provision for preference to children belonging to Primitive Tribal Groups
- (d) Differential focus on the education support to be made at secondary and higher secondary level

Answer: **(a)**

Explanation:

The objective of EMRS is to provide quality middle and high level education to Scheduled Tribe (ST) students in remote areas. Admission to these schools will be through selection/competition with suitable provision for preference to children belonging to Primitive Tribal Groups, first generation students, etc.

Following are the programme components:

- Case Detection and Management
- Disability Prevention and Medical Rehabilitation
- Information, Education and Communication (IEC) including Behaviour Change Communication (BCC)
- Human Resource and Capacity building
- Programme Management

Question 4. With reference to a National Park, consider the following statements:

1. It is located at the junction of the Aravalis and the Vindhya.
2. It is bounded in north by Banas river and in south by Chambal river.
3. It is under Project Tiger.

Which of following National Park has all of the above characteristics?

- (a) Bandhavgarh National Park

- (b) Ranthambore National Park
- (c) Kanha National Park
- (d) Gaurumara National Park

Answer: **(b)**

Explanation:

Ranthambore National Park: Park lies at the edge of a plateau, and is bounded by north by Banas river and in south by Chambal river. Ranthambore Tiger Reserve located at the junction of the Aravalis and the Vindhyas. The Park is under Project Tiger also. An important geological feature the 'Great Boundary Fault' where the Vindhya plateaus meet the Aravali hill ranges, meanders through the Reserve.

I. UPSC Mains practice Questions

1. Recently the Union Cabinet has approved the "Flood Management and Border Areas Programme (FMBAP)" for Flood Management Works in entire country and River Management Activities and works related to Border Areas (RMBA). Write a note on this initiative. (12.5 Marks; 200 words)
2. The Supreme Court has ordered for the mediation to settle the long running Ayodhya Ram Mandir-Babri Masjid dispute. In this context write a note on the dispute with possible solutions. (12.5 Marks; 200 words)

See previous [CNA](#)