

03 Apr 2019: UPSC Exam Comprehensive News Analysis

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A. GS1 Related

Category: SOCIAL ISSUES

1. Early brain function affected in poor kids

Context:

According to new research from the University of East Anglia, children born into poverty show key differences in early brain function. The team carried out the study in Uttar Pradesh, the highly populated region in India.

Details:

- Previous works have shown that poverty and early adversities significantly impact brain development, contributing to a vicious cycle of poverty. But few studies have looked at brain function early in development.
- This study aimed at looking at the functional brain development of children born into poorer backgrounds to see why many do not reach their full potential.
- A portable 'functional near infrared spectroscopy' (fNIRS) device was used to measure the brain

activity of 42 children aged between four months and four years in rural settings.

- Researchers studied the brain function of children aged between four months and four years in rural India.
- They found that children from lower-income backgrounds, where mothers also had a low level of education, had weaker brain activity and were more likely to be distracted.
- The children's 'visual working memory' — or how well they are able to store visual information and detect changes in the visual environment when they occur were investigated.
- The results of the study were compared with children from families in Midwest America.
- Factors such as parental education, income, caste, religion, the number of children in the family, and economic status were taken into account.
- The research team found that the children in India from families with low maternal education and income showed weaker brain activity and poorer distractor suppression in the left frontal cortex area of the brain that is involved in working memory.

What is the need for the research?

Each year, 250 million children in low and middle-income countries fail to reach their developmental potential. Therefore, there is a growing need to understand the global impact of poverty on early brain and behavioural development. Although the impact of adversity on brain development can trap children in an intergenerational cycle of poverty, the massive potential for brain plasticity is also a source of hope.

B. GS2 Related

Nothing here for today!!!

C. GS3 Related

Category: SCIENCE AND TECHNOLOGY

1. Enzyme to curb bacteria cell growth discovered

Context:

Scientists at the Centre for Cellular & Molecular Biology (CCMB) have discovered an enzyme which helps in breaking cell walls of bacteria and hence, offers potential for a new drug delivery route to arrest the anti-bacterial resistance to the existing antibiotic drugs.

Details:

- It is crucial to know how cells grow in bacteria to understand the anti-bacterial resistance to currently available antibiotics.
- Scientists all over the world are trying to understand this phenomenon.
- Scientists at the Centre for Cellular & Molecular Biology (CCMB) have been working on how e. Coli bacteria cells function, divide and grow to understand diseases like cholera, leprosy and tuberculosis for the past decade.
- The team has been researching on how the cell governs the synthetic machinery to build the cell wall in the first place, identified the principal players behind the process and discovered the new mechanism or enzyme through which the cell regulates growth of its wall.
- Other bacteria, too, have the same enzyme working on cell division as the cell wall is fundamental for bacterial growth and division.
- Therefore, by blocking this 'scissors enzyme' from functioning, new ways to target microbes could

be found, leading to a new wave of antibiotic drugs.

- In contrast, the classical antibiotic drugs target the last stage of cell synthesis to prevent cell growth like penicillin that hits the machinery that creates the cell wall — a mesh-like structure of cross-linked sugars and peptides.

Category: SECURITY

1. AFSPA scaled back in Arunachal

Context:

After 32 years, the controversial Armed Forces (Special Powers) Act, which gives sweeping powers to security forces, was partially removed from three of the nine districts of Arunachal Pradesh but would remain in force in the areas bordering Myanmar.

What is AFSPA?

- Armed Forces (Special Powers) Acts (AFSPA) are Acts of the Parliament of India that grant special powers to the Indian Armed Forces and the state and paramilitary forces in areas classified as “disturbed areas”.
- Governor of a State and the Central Government are empowered to declare any part or full of any state as a disturbed area if according to their opinion that it has become necessary to disrupt terrorist activity or any such activity that might impinge on the sovereignty of India or cause insult to the national flag, anthem or India’s Constitution.
- Section (3) of AFSPA provides that, if the governor of a state issues an official notification in The Gazette of India then the Central government has the authority to deploy armed forces for assisting the civilian authorities. Once a region is declared ‘disturbed’ then it has to maintain status quo for a minimum of three months, as per The Disturbed Areas Act of 1976.
- Section (4) of AFSPA gives special powers to army officers in disturbed areas to shoot (even if it kills) any individual who violates law / or is suspected to violate law (this includes assembly of five or more people, carrying of weapons) etc. The only condition is that the officer has to give a warning before opening fire.
- It gives powers to the army, state and central police forces to shoot to kill, search houses and destroy any property that is “likely” to be used by insurgents in areas declared as “disturbed” by the home ministry.
- AFSPA is invoked when a case of militancy or insurgency takes place and the territorial integrity of India is at risk.
- Security forces can “arrest a person without warrant”, who has committed or even “about to commit a cognizable offence” even based on “reasonable suspicion”.
- It also provides security forces with legal immunity for their actions in disturbed areas.
- While the armed forces and the government justify its need in order to combat militancy and insurgency, the Act has been associated with several human rights violations including fake encounters, rape, torture, abduction etc.

Historical Background: AFSPA Pre-Independence:

- The AFSPA – like many other controversial laws – is of a colonial origin. The AFSPA was first enacted as an ordinance in the backdrop of Quit India Movement launched by Mahatma Gandhi in 1942.
- A day after its launch on August 8, 1942, the movement became leaderless and turned violent at many places across the country. Leaders like Mahatma Gandhi, Jawaharlal Nehru, VB Patel and a host of others had been put behind the bars.

- Shaken by the massive scale of violence across the country, the then Viceroy Linlithgow promulgated the Armed Forces (Special Powers) Ordinance, 1942.
- This Ordinance practically gave the Armed Forces a “license to kill” when faced with internal disturbances.
- On the lines of this ordinance, the Indian government promulgated four ordinances in 1947 to deal with internal security issues and unrest arising due to partition in four provinces Bengal, Assam, East Bengal and United Provinces.

AFSPA in Arunachal Pradesh:

- Arunachal Pradesh became a state on February 20, 1987, and since its inception, the controversial AFSPA – enacted by Parliament in 1958 – was applied to the certain parts of the state.
- In 2018, MHA had reduced AFSPA from 16 police station areas bordering Assam to eight police stations, besides Tirap, Changlang and Longding districts, adjoining Myanmar.
- One of the reasons cited by the Centre for imposing AFSPA in Arunachal’s Tirap, Changlang and Longding – all bordering Assam – and 16 other police station areas was the extortion and killing of security forces by the National Socialist Council of Nagaland (Isak-Muivah) and NSCN-IM.
- While NSCN-IM signed a framework agreement with the government, NSCN-K capabilities have been depleted after death of its leader SS Khaplang.
- As per the recent MHA notification four police station areas in Arunachal Pradesh which were declared “disturbed areas” under AFSPA are no longer under the purview of the special law.
- However, AFSPA will continue to be enforced in Tirap, Changlang and Longding districts and 4 police station districts.

Category: ECONOMY

1. RBI circular to banks on loan defaulters quashed

Context:

The Supreme Court struck down a Reserve Bank of India circular giving lender banks six months to resolve their stressed assets or move under the Insolvency Code against private entities who have defaulted on loans worth over Rs.2,000 crore.

Details:

- The Reserve Bank of India (RBI) circular gave defaulting companies 180 days to agree on a resolution plan with lenders or be taken to bankruptcy court to recover debt of Rs 2,000 crore and above.
- It also underscored the IBC’s status as the cornerstone of India’s bad-loan resolution framework, scrapping all previous mechanisms, such as corporate debt restructuring, strategic debt restructuring and the scheme for sustainable structuring of stressed assets.
- The circular also imposed a one-day default rule — a company was treated as a defaulter even if it missed one day of the repayment schedule. This is said to have rattled borrowers and annoyed many within the government, leading to a clamour for dilution.
- The RBI countered the petitioner-companies’ claim that its February 12, 2018 circular was “manifestly arbitrary”. On the contrary, it said, the circular was in the public interest and “in the interest of the national economy to see that ever-greening of debts does not carry on indefinitely”.
- The RBI said, “These huge amounts that are due should come back into the economy for further productive use.”

What did the court say?

- The bench said the February 12, 2018, circular was beyond the scope of the RBI's powers.
- The court found favour with the companies' arguments that a general direction by the RBI, applying the 180-day- limit to all sectors, without going into the special problems faced by each, would "treat unequals equally".
- The companies said the circular violated Article 14 of the Constitution.
- The court's decision restored the discretion of banks on debt resolution.
- There will be nil impact of the Supreme Court judgment on the insolvency proceedings that are underway or have been completed as all of these were done following a default and with the consensus of the banks involved.
- But it is held that the resolution proceedings will be void in cases where it can be proved that the process was done based on the RBI circular. "In such cases, as per the Supreme Court, the proceedings will be *non est*."



What Court Said

Feb 12, 2018 | **Govt had only author-**
circular beyond | **ised RBI to issue orders**
RBI powers | **on specific defaults**

Impact

All action taken under RBI circular becomes void. But doesn't mean cases in NCLT go away automatically

Parties in NCLT will have to prove if insolvency was under circular or not. If under circular, it will be withdrawn, else the process will continue

Huge relief for stressed assets in sectors such as power, sugar and fertiliser

Ruling restores banks' discretion to take a call on whether to invoke insolvency proceedings in IBC on case-to-case basis

Unravels many pre-IBC cases which were on way to resolution, sets clock back on resolutions in advanced stages. These will have to be reworked

Whittles down RBI powers to deal with NPA mess

- In a detailed order, the court also drew a distinction between the powers conferred on the RBI under Sections 35AA and 35AB.
- "The RBI can only direct banking institutions to move under the Insolvency Code if two conditions precedent are specified, namely, (i) that there is a Central Government authorisation to do so; and (ii) that it should be in respect of specific defaults," it said.
- "The Section, therefore, by necessary implication, prohibits this power from being exercised in any manner other than the manner set out in Section 35 AA."

SC verdict could delay resolution of stressed assets:

- The development will be negative for lenders and may prolong the recovery phase for the banks.
- It also adds to uncertainty on the existing accounts' classification, provision requirements etc,
- Restructuring without the guidelines is a massive consensus building exercise among the banks. The process will also become more litigious.
- There will be more litigations and counter-litigations among the parties to delay the process of resolution
- The resolution process, which was expected to be expedited, could also get delayed.
- The impact of the Supreme Court's judgment, in most cases, will not be retrospective, and will largely affect cases going for resolution in the future. The banks will retain their right to move a case for resolution if the consensus decision is to do so, but now it would be at their discretion.
- Though the bankers have an option to refer an account to NCLT without referring to the circular, what happens to the cases referred to NCLT that cited the circular is uncertain.

Way forward:

The way forward, according to bankers, is that, the RBI should file a review petition with the Supreme Court, and think of an alternative mechanism for solving the issue.

2. EU drags India to WTO over ICT products' levies

Context:

The European Union (EU) said it has dragged India into WTO's dispute settlement mechanism over imposition of import duties on certain ICT products, including mobiles, alleging breach of global trade norms.

Background:

In October last year, India hiked import duty on certain communication items, including base stations, to up to 20 per cent as part of efforts to check a widening current account deficit by curbing imports.

Issue:

- The EU is challenging the introduction of import duties on a wide range of ICT products, for instance, mobile phones and components, base stations and integrated circuits, it said.
- It has requested consultations with the Indian government under WTO rules governing the settlement of disputes with regard to the tariff treatment that the country accords to certain goods in the information and communications technology sector.
- "Despite its (India) earlier legally binding commitment in the WTO not to charge any duties on these products, India has been applying duties ranging from 7.5 per cent to 20 per cent. These import duties are therefore in clear breach by India of WTO rules. The levies affect EU exports worth Euro 600 million per year," the EU said.
- There is a significant economic interest and important legal principles at stake for the EU, it said.

Way forward:

- Seeking consultation is the first step of dispute settlement process as per WTO rules.
- If the consultations requested with both India do not result in a satisfactory solution, the EU can request that the WTO set up a panel in the case to rule on the issue raised.

D. GS4 Related

E. Editorials

Category: ECONOMY

1. How to achieve 24x7 power for all

Larger Background:

- The objective of the 'Saubhagya' is to provide energy access to all by last mile connectivity and electricity connections to all remaining un-electrified households in rural as well as urban areas to achieve universal household electrification in the country.
- The beneficiaries for free electricity connections would be identified using Socio Economic and Caste Census (SECC) 2011 data.
- Poor households would be provided electricity connections free of cost. Other households would also be provided electricity connections under the scheme on payment of Rs.500 only which shall be recovered by the DISCOMs/Power Departments in ten (10) instalments along with electricity bills.
- The electricity connection to households includes release of electricity connections by drawing a service cable from the nearest electricity pole to the household premise, installation of energy meter, wiring for a single light point with LED bulb and a mobile charging point.
- In case the electricity pole is not available nearby from household for drawing service cable, the erection of additional pole along with conductor and associated accessories shall also be covered under the scheme.

The expected outcome of the Scheme is as follows:

- (a) Environmental upgradation by substitution of Kerosene for lighting purposes
 - (b) Improvement education services
 - (c) Better health services
 - (d) Enhanced connectivity through radio, television, mobiles, etc.
 - (e) Increased economic activities and jobs
 - (f) Improved quality of life especially for women
- For easy & accelerated implementation of the Scheme, modern technology shall be used for household survey by using Mobile App.
 - Beneficiaries shall be identified and their application for electricity connection along with applicant photograph and identity proof shall be registered on spot.
 - The Gram Panchayat/Public institutions in the rural areas may be authorised to collect application forms along with complete documentation, distribute bills and collect revenue in consultation with the Panchayat Raj Institutions and Urban Local Bodies.
 - The Rural Electrification Corporation Limited (REC) will remain the nodal agency for the operationalisation of the scheme throughout the country.

Editorial Analysis:

- Almost every willing household in India now has a legitimate electricity connection.

- The household electrification scheme, **Pradhan Mantri Sahaj Bijli Har Ghar Yojana**, or **Saubhagya**, has been implemented at an unprecedented pace.
- More than 45,000 households were electrified every day over the last 18 months.
- Against such an achievement, it is important to ask these questions:
 1. What did it take for India to achieve this target?
 2. Why is electricity access not only about provision of connections?
 3. And, how can we ensure 24x7 power for all?

A Brief Look at History:

- The efforts under Saubhagya have come upon decades of hard work preceding it.
- The enactment of the Electricity Act, in 2003, and the introduction of the Rajiv Gandhi Grameen Vidyutikaran Yojana, in 2005, expanded electrification infrastructure to most villages in the following decade.
- But the rollout of the Saubhagya scheme, in 2017, gave the required impetus to electrify each willing household in the country.

The Current Situation:

- However, during the course of the year 2018, several engineers and managing directors in electricity distribution companies (discoms), their contractors, State- and Central-level bureaucrats, and possibly energy ministers have been working at fever pitch.
- Discom engineers have evolved in their attitude — from one of scepticism to that of determination.
- Their efforts to meet targets even included crossing streams in Bihar on foot with electricity poles, and reaching far-flung areas in Manipur, through Myanmar, to electrify remote habitations with solar home systems.

A Look at the work that needs to be done:

- Despite such massive efforts, the battle against electricity poverty is far from won.
- It is important to note that the erection of electricity poles and an extension of wires do not necessarily mean uninterrupted power flow to households.
- By tracking more than 9,000 rural households, since 2015, across six major States (Bihar, Jharkhand, Madhya Pradesh, Odisha, Uttar Pradesh and West Bengal), the Access to Clean Cooking Energy and Electricity Survey of States (ACCESS) report by the Council on Energy, Environment and Water (CEEW), has highlighted the gap between a connection and reliable power supply.
- While the median hours of supply increased from 12 hours in 2015 to 16 hours a day in 2018, it is still far from the goal of 24x7.
- Similarly, while instances of low voltage and voltage surges have reduced in the last three years, about a quarter of rural households still report low voltage issues for at least five days in a month.

Concluding Remarks: The Way Forward

- In order to achieve 24x7 power for all, we need to focus on three frontiers.
- First, India needs real-time monitoring of supply at the end-user level. We achieve what we measure. While the government is bringing all feeders in the country online, we currently have no provision to monitor supply as experienced by households.
- Only such granular monitoring can help track the evolving reality of electricity supply on the ground and guide discoms to act in areas with sub-optimal performance.
- Eventually, smart meters (that the government plans to roll out) should help enable such monitoring. However, in the interim, we could rely on interactive voice response systems (IVRS) and SMS-based reporting by end-users.

- Second, discoms need to focus on improving the quality of supply as well as maintenance services.
- Adequate demand estimation and respective power procurement will go a long way in reducing load shedding.
- Moreover, about half the rural population across the six States reported at least two days of 24-hour-long unpredictable blackouts in a month.
- Such incidents are indicative of poor maintenance, as opposed to intentional load-shedding.
- Discoms need to identify novel cost-effective approaches to maintain infrastructure in these far-flung areas. Some States have already taken a lead in this.
- Odisha has outsourced infrastructure maintenance in some of its rural areas to franchisees, while Maharashtra has introduced village-level coordinators to address local-level challenges. Such context-based solutions should emerge in other States as well.
- Finally, the improvement in supply should be complemented with a significant improvement in customer service, which includes billing, metering and collection.
- Around 27% of the electrified rural households in the six States were not paying anything for their electricity.
- Despite the subsidies, constant loss of revenue would make it unviable for discoms to continue servicing these households in the long run.
- Low consumer density along with difficult accessibility means that conventional approaches involving meter readers and payment collection centres will be unviable for many rural areas.
- We need radically innovative approaches such as the proposed prepaid smart meters and last-mile rural franchisees to improve customer service and revenue collection.
- Rural renewable energy enterprises could especially be interesting contenders for such franchisees, considering the social capital they already possess in parts of rural India.
- Electricity is the driver for India's development.
- As we focus on granular monitoring, high-quality supply, better customer service and greater revenue realisation at the household level, we also need to prioritise electricity access for livelihoods and community services such as education and health care.
- Only such a comprehensive effort will ensure that rural India reaps the socio-economic benefits of electricity.

Category: POLITY AND GOVERNANCE

1. Poll-time censorship

What's in the news?

- Recently, a Bengaluru civil court issued a blanket order restraining 49 newspapers, television channels and other media outlets from publishing anything 'defamatory' about Tejasvi Surya, the BJP's candidate for the Bengaluru South Lok Sabha constituency.

Editorial Analysis:

- Some experts take the view that the Bengaluru civil court's blanket order restraining 49 newspapers, television channels and other media outlets from publishing anything 'defamatory' about Tejasvi Surya, the BJP's candidate for the Bengaluru South Lok Sabha constituency, is contrary to the law and the Constitution.
- These experts assert that the temporary injunction violates the basic principle in free speech law that bars 'prior restraint' or pre-censorship of any publication, including the media.
- As a matter of fact, experts opine that the injunction, has a chilling effect on the press at a crucial time, robs voters of information, and thereby interferes with the election.

A Brief Look at the Past:

- To entertain applications for injunctions, the lower courts in Bangalore rely upon a 1986 order of the Karnataka High Court (AK Subbaiah vs BN Garudachar), which bounded the freedom of speech by the duty not to harm others by one's speech.
- However, the Supreme Court provides numerous overriding precedents, most notably Romesh Thapar vs State of Madras and Brij Bhushan vs State of Delhi.
- The apex court has taken an unambiguous position favouring the freedom of speech in its most important avatar: The freedom of the press, the fourth pillar of democracy.
- But the Karnataka injunctions amount to "prior restraint" — a term undefined in Indian law but clearly understood in the US courts, which are most vigilant in protecting free speech.
- **Prior restraint is regarded as the most pernicious form of censorship, disbarring the dissemination of information about events which have not even happened.**
- In 2017, a Supreme Court bench led by Chief Justice J S Khehar and including Justice D Y Chandrachud, hearing a clutch of PILs, stated that it could not order pre-emptive strikes on the press.
- The courts can only hear complaints after publication. The freedom to express and publish protects Tejasvi Surya's proudly pinned tweet: "If you are with Modi, you are with India. If you are not with Modi, then you are strengthening anti-India forces."
- It is important to note that the Constitution that protects this hateful and divisive tweet is the same one that doesn't allow gagging of the press.
- As recently as in 2017, a Supreme Court Bench made it clear that pre-broadcast or pre-publication regulation of content was not in the court's domain. In R. Rajagopal (1994), the court noted that there is no law that authorises prior restraint.
- The existence of a prima facie case is a precondition for an interim injunction, and a restraining order may be obtained only if some material deemed defamatory has been published, and when further publication ought to be prevented.

A Look at Specifics:

- Arraying print and electronic media outlets that had not previously disseminated anything defamatory about an individual fails this test, rendering any injunctions obtained against them illegal.
- Judge Dinesh Hegde's order takes note of two factors in granting Mr. Surya's request for an injunction: that some allegations against him surfaced after he filed his nomination papers, and "some defamatory messages" against him "are in transit" in the media. He cites a 1986 Karnataka High Court decision, but misses the point that the High Court's justification for an injunction concerned an individual who had made public utterances about the plaintiff, and it was not an omnibus order against a class of persons. In any case, there is enough case law from the Supreme Court to bar prior restraint orders.
- The allegations that have aggrieved Mr. Surya seem to originate in an individual's opinion on him on Twitter. It is possible that this piece of information was or is likely to be used against him by his electoral rivals. However, this cannot be a reason for a public figure — and a candidate of a major political party, even a debutant, is definitely one — to claim a right to gag the entire media from writing about him. Even if the argument is that the order only prevents 'defamatory' content and not responsible reporting or criticism, that doesn't justify a judicial gag order, as it may be used to prevent the media from writing anything adverse to his campaign.
- It may also prevent defendants in a future proceeding from using 'publication of the truth in the public interest' as a defence.
- Finally, experts take the view that the Karnataka High Court or the Supreme Court must examine this trend and strike down such blanket gag orders.

2. The principle and procedure in Lokpal

Note to Students:

- The issue concerning the Lokpal has been in the news for quite some time now. However, it has recently emerged into prominence again due to the appointment of Justice P.C. Ghose as the first Lokpal of India.
- Here we take into account some of the points published in two articles namely, “Lokpal, at last”, published in the Hindu on March 19th, 2019 as well as “The principle and procedure in Lokpal” that was published by the Hindu on April 3rd, 2019.

Larger Background:

- The idea of constituting an Ombudsman type institution to look into the grievances of individuals against the administration was first mooted in 1963 during a debate on Demands for Grants for the Law Ministry.
- In 1966, the First Administrative Reforms Commission recommended that two independent authorities at the central and state level be established to enquire into complaints against public functionaries (including Members of Parliament).

A Trace of History:

- The Lokpal Bill was introduced for the first time in 1968 but it lapsed with the dissolution of the Lok Sabha. It was introduced seven more times in Parliament, the last time in 2001. However, the Bill lapsed each time except in 1985 when it was withdrawn.
- In 2002, the report of the National Commission to Review the Working of the Constitution urged that the Constitution should provide for the appointment of the Lokpal and Lokayuktas in the states but suggested that the Prime Minister should be kept out of the purview of the authority.
- In 2004, the UPA government’s National Common Minimum Programme promised that the Lokpal Bill would be enacted.
- The Second Administrative Reforms Commission, formed in 2005, also recommended that the office of the Lokpal be established without delay.

Why recently in the news?

- Recently, Justice P.C. Ghose was appointed as the first Lokpal. This appointment has come after an unjustified delay of five years. Nevertheless, experts opine that it ought to be welcomed as a milestone in the cause of fighting corruption in high places.
- It is important to note that the concept of an institutional mechanism, or an anti-corruption ombudsman, has been around for over 50 years. It was finally enacted as a law in 2013, and came into effect on January 16, 2014.
- Some of the credit for driving this legislation must be given to Anna Hazare’s movement against what many saw as unreasonable levels of corruption under the previous UPA regime.
- However, since then, barring a report by the Standing Committee of Parliament and a couple of amendments passed in 2016 on the declaration of assets by public servants, there has been very little progress.

A Run-through of recent events:

- At one point, the government’s lack of political will to establish a Lokpal became obvious, leading to the Supreme Court repeatedly asking it to show progress in its efforts.
- Ultimately, it was the court’s stern ultimatum to appoint a Lokpal within a timeframe that worked.
- The appointment system is quite long, a two-stage process.
- A search committee has to be formed. It recommends a panel of names to the high-power selection committee, which comprises the Prime Minister, the Speaker of the Lok Sabha, the Leader of the

Opposition, the Chief Justice of India (or his nominee) and an eminent jurist. The selection panel has to choose from a short-list consisting of names for the posts of Lokpal chairperson, and judicial and non-judicial members.

- The government had initially taken the position that it was awaiting the passage of amendments based on the parliamentary committee report.
- One amendment pertained to including the leader of the largest party in the Opposition in the selection committee, in the absence of a recognised Leader of the Opposition.
- In a verdict in April 2017, the Supreme Court rejected the excuse and said there was no legal bar on the selection committee moving ahead even if there was a vacancy.
- It is not clear why this simple amendment, carried out in respect of selection committees for the posts of CBI Director and Chief Information Commissioner, was not made in the Lokpal Act.

‘Special Invitee’: A Source of Friction

- The Congress leader in the Lok Sabha, Mallikarjun Kharge, did not want to attend selection committee meetings as a ‘special invitee’ and wanted full membership.
- Now that the Lokpal has been chosen, victims of corruption have a viable avenue of redress.
- It is important to note that the Lokpal will take over the work of sanctioning prosecution, besides exercising its power to order preliminary inquiries and full-fledged investigations by any agency, including the CBI. It may be unrealistic to expect any dramatic impact on the lives of the common people, but the Lokpal and other members have a historic responsibility to live up to popular expectations.

Editorial Analysis:

The Supreme Court’s ultimatum to the Centre to appoint a Lokpal within a given time frame, and the subsequent appointment of the first Lokpal in the country, is to be welcomed. After all, the fight for a Lokpal has been long-drawn-out.

A Brief Look at History:

- It is important to note that from 1963, India has been nurturing the ambition to appoint a Lokpal, a phrase coined by L.M. Singhvi.
- Copied from Sweden’s Ombudsman and its adaptation in the U.K. in 1967, the idea was to expose ‘maladministration’, which British MP Richard Crossman defined as “bias, neglect, inattention, delay, incompetence, ineptitude, arbitrariness and so on”.
- Despite affirmations to its need, no one really wanted a Lokpal in India, preferring instead the mild Vigilance Commission from 1964 to 2003.
- In one sense, the National Human Rights Commission and the various national commissions dealing with Scheduled Castes, Scheduled Tribes, women, children and even safai karmacharis are all special Lokpals within their areas. But nobody fears them because they are promotional and deal with individual grievances. They hurt no one and have become semi-ineffective. No one wanted a strong Lokpal because it would demand accountability from politicians and bureaucrats.
- After the Emergency, a new model of Lokpal emerged, a model for ‘regime revenge’. The ‘maladministration’ model gave way to an anti-corruption model with a sweep clause of five years. This meant that the Lokpal would re-examine Emergency and target the Indira Gandhi government. It meant that it would target politicians, but not bureaucrats. The power of the bureaucracy to stultify anti-corruption measures is well known. This model continued with regularity.
- The 2011 Anna Hazare movement, which fought to get the Lokpal Bill passed, faltered in many ways. When the Modi government came to power, it did not appoint a Lokpal either. It did not want Lokpal accusations and investigations to mar its tenure.
- **Directed by the Supreme Court, the Lokpal appointment process began in 2018, which was too late to scrutinise the Modi government before the 2019 general election.**

- The government constituted an eight-member Search Committee in September 2018, headed by former Supreme Court Justice Ranjana Prakash Desai, to recommend names for the posts of Lokpal chairperson and members.
- The names recommended were scrutinised by a Selection Committee, comprising Prime Minister Narendra Modi; the Chief Justice of India's nominee, Justice S.A. Bobde; Speaker of the Lok Sabha Sumitra Mahajan; and eminent jurist Mukul Rohatgi. The 'special invitee', who was Congress leader Mallikarjun Kharge, refused to attend the meetings.
- Experts have opined that we can see that the Prime Minister and the Lok Sabha Speaker are from the BJP. The eminent jurist was the Attorney General of India from 2014 to 2017. Only the Chief Justice's nominee is not connected to the party.

Neither transparent nor fair: An allegation

- Critics ask a pertinent question: Was this entire procedure transparent and fair? Unfortunately, no.
- When the matter was argued in the Supreme Court, advocate Prashant Bhushan asked for the names of those who had applied for the post.
- This suggestion was shot down during the argument.
- We don't know who applied to be considered as chairperson and as a member of the Lokpal. Did former Supreme Court judge, Justice Pinaki Ghose, apply even though he was a member of the National Human Rights Commission (NHRC) at the time? Who were the others?
- Section 4(3) of the Lokpal and Lokayuktas Act of 2013 states that the Selection Committee "may also consider any person other than the persons recommended by the Search Committee". This makes the procedure futile.
- The Search Committee Rules, 2014 stated that the Selection Committee would select one of the five names recommended for the post of Chairperson of the Lokpal and eight of 24 names recommended for the post of members of the Lokpal.
- The Selection Committee was to lay down the criteria for appointment and decide by majority in cases of difference of opinion.
- It is important to note that the public is entitled to know the list proposed by the Search Committee.
- It is entitled to know who all were considered and why. Critics make the point that the appointment of the Lokpal, shrouded in secrecy is an affront to the very concept of the Lokpal.

Critics view on the background of members:

- Justice Pinaki Ghose is not known for any path-breaking judgments, so it is curious why he was chosen over other retired judges, especially as he was already a member of the NHRC.
- No less than a sitting judge could have been offered this post.
- The other judicial members are Justice Pradip Kumar Mohanty, who was Chief Justice of the Jharkhand High Court; Justice Abhilasha Kumari, who served on the Gujarat High Court and was a chairperson of the Human Rights Commission of Gujarat; and Justice Ajay Kumar Tripathi, who was Chief Justice of the Chhattisgarh High Court.
- The first woman chief of the Sashastra Seema Bal, Archana Ramachandran, is a non-judicial member, as are former Chief Secretary of Maharashtra D.K. Jain, former Indian Revenue Service officer Mahender Singh, and former Indian Administrative Service officer of the Gujarat cadre, I.P. Gautam.
- The question is, should IAS and IPS officers be appointed, especially since they have to deal with fellow officers? The field was wide open from non-government sectors as well.
- Hazare was right in being overjoyed that a Lokpal has been appointed at last. And Aruna Roy and others were right in insisting on a wider jurisdiction on maladministration and delivery of services.
- However, unfortunately, this Lokpal would be viewed as a secretly appointed one.
- Much will depend on how it is used and against whom.

F. Tidbits

1. Pakistan airspace closure hits Afghan, Kazakh, Russian airlines

- Airlines from West and Central Asia to India now take a much longer route after Pakistan shut down its airspace for Indian flights after Balakot strike.
- Thousands of passengers are likely to face longer flights, pay higher fares.
- Among the worst affected are airlines from West and Central Asia as their proximity to India and Pakistan means that they have to now take a much longer route to comply with the ban.
- Passenger demand between Kabul and Delhi is now a tenth of what it used to be before the ban as airfares have more than doubled.
- The fall in demand is an indication that a vast majority of those who travel from Afghanistan to India for medical treatment may be forced to delay their travel plans.

G. Prelims Facts

1. Bihu

- Bihu is a popular folk dance associated with the state of Assam in India and it is performed generally during the Bihu festival. There are primarily three Bihu festivals that are popular in Assam namely Rongali Bihu, Kongali Bihu and Bhogali Bihu and the Bihu dance is performed during the Rongali Bihu.
- Rongali Bihu is the merriest of all the Bihu festivals celebrated across the year in Assam as it marks the beginning of the spring season. This particular festival is celebrated in mid-April and both men and women take part in a rhythmic celebration called Bihu.
- The male performers of Bihu are dressed in dhotis and gamocha.
- The women are dressed in Chador and Mekhela; Mekhela happens to be an attire that is cylindrical in shape and is worn on the lower half of the body. Chador on the other hand is like a drape which is used for covering the upper portion of the body. The women don a blouse beneath the chador and the common fabrics used for making the attire are pat silk, cotton and muga silk.
- Music is a vital part of every folk dance and the same is the case with Bihu. There are many instruments that are utilized during a Bihu performance namely a dhol, pepa, Taal, toka, xutuli, gogona and baanhi.

2. Captive breeding of Sehuencas water frogs

- Endangered Sehuencas water frogs have been living in the same aquarium for a month.
- According to a statement by Global Wildlife Conservation (GWC) on Monday, the pair were introduced after being cleared of chytridiomycosis
- **Chytridiomycosis** is an infectious disease that affects amphibians worldwide. It is caused by the chytrid fungus (*Batrachochytrium dendrobatidis*), a fungus capable of causing sporadic deaths in some amphibian populations and 100 per cent mortality in others.
- Captive breeding is an essential tool for saving species that are severely threatened and where the threats cannot be mitigated in the natural environment.
- There is no choice but to remove the individuals from their natural habitat to ensure the species' survival.
- This is exactly the approach that is being followed for the Sehuencas Water Frog.
- The Sehuencas frog, which is completely aquatic, was once found in abundance at the bottom of small streams and rivers or in ponds deep inside mountain forests.
- A combination of climate change, habitat destruction, contamination, chytridiomycosis and the introduction of invasive trout provoked the abrupt demise of many aquatic frog species.

H. Practice Questions for UPSC Prelims Exam

Q1) Mukundra Hill Tiger Reserve is in the state of

- a) Rajasthan
- b) Madhya Pradesh
- c) Kerala
- d) Tamil Nadu

Answer: a

Explanation:

The park got the nod from National Tiger Conservation Authority (NTCA) in 2013 and the state (Rajasthan) bagged its third tiger reserve in the form of the Mukundra Hills Tiger Reserve after Ranthambhore and Sariska. State governments are authorised, on the recommendations of the National Tiger Conservation Authority, to notify an area as a tiger reserve under section 38 V of the Wildlife Protection Act, 1972.

Q2) Consider the following statements with respect to cyclone Titli:

- 1. Cyclone Titli caused immense damage in Odisha and Andhra Pradesh.
- 2. It was named by Pakistan.

Which of the following statement/s is/are correct?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer: c

Explanation:

Titli, brought with itself, strong winds, torrents of rain and a metre high storm surge which inundated the coastal areas. While the IMD said it was because of their warnings that the loss could be minimized, cyclone Titli and the ensuing flood caused more devastation in Odisha and Andhra Pradesh than expected. The cyclone was named by Pakistan.

Q3) Consider the following statements:

- 1. Regional Integrated Multi-Hazard Early Warning System (RIMES) is an intergovernmental body registered under the United Nations.
- 2. India is the chairman of the body.

Which of the following statement/s is/are correct?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer: c

Explanation:

The Regional Integrated Multi-Hazard Early Warning System for Africa and Asia (RIMES) is an international and intergovernmental institution, owned and managed by its Member States, for the generation and application of early warning information. It was established on 30 April 2009, and was registered with the United Nations on 1 July 2009. RIMES operates from its regional early warning center located at the campus of the Asian Institute of Technology in Pathumthani, Thailand. India is the chairman of the body.

Q4) Consider the following statements:

1. Hurricanes are tropical storms that form over the North Atlantic Ocean and Northeast Pacific.
2. Cyclones are formed over the South Pacific and Indian Ocean.
3. Typhoons are formed over the Northwest Pacific Ocean.

Which of the following statement/s is/are correct?

- a. 1 only
- b. 2 only
- c. 1 and 2 only
- d. 1, 2 and 3

Answer: d

Explanation:

Hurricanes, cyclones and typhoons are all tropical storms. They are all the same thing but are given different names depending on where they appear. When they reach populated areas they usually bring very strong wind and rain which can cause a lot of damage.

Q5) Consider the following statements:

1. India is the first country to have reported the ability to shoot down space objects from ground or airborne sources with the recent launch of ASAT.
2. DRDO-developed anti-satellite system A-SAT successfully destroyed a live satellite in the Low Earth Orbit

Which of the following statement/s is/are correct?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer: c

Explanation:

Prime Minister Narendra Modi recently announced that the DRDO-developed anti-satellite system A-SAT successfully destroyed a live satellite in the Low Earth Orbit. With this test, dubbed as Mission Shakti, India is only the fourth country after the U.S., Russia and China to have the technology. ASAT weapons are

missile-based systems to attack moving satellites. So far the United States, China and Russia were the only ones who've reported the ability to shoot down space objects from ground or airborne sources.

I. UPSC Mains Practice Questions

1. There have been many instances of human rights violations under AFSPA. Can a democratic state like India afford to have a regressive law like AFSPA? Critically examine. (10 Marks)
2. Explain why the cyclones that emerge in the Arabian Sea are less destructive as compared to those which originate in the Bay of Bengal. Give a brief note on the conditions necessary for the formation of cyclones. (15 Marks)