

22 Apr 2019: UPSC Exam Comprehensive News Analysis

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Category: POLITY AND GOVERNANCE

1. It's time to stand up with the judiciary, says Arun Jaitley

Context:

Chief Justice of India Ranjan Gogoi responded to charges of sexual harassment levelled against him by a former staffer in his office by convening an urgent hearing of the matter in Supreme Court by a three judge bench headed by him, and spoke for 18 minutes defending himself.

Details:

- The Special Bench of the Supreme Court met for a special sitting to discuss online media

reports of sexual harassment allegations against Chief Justice of India (CJI) Ranjan Gogoi, saying that independence of judiciary is under "very serious threat" and there is a "larger conspiracy" to destabilise the judiciary.

- However, the Bench consisting Chief Justice Ranjan Gogoi and Justices Arun Mishra and Sanjiv Khanna did not pass any judicial order and left it to the wisdom of the media to decide on the publication of reports in order to protect the independence of the judiciary.
- CJI clarified that charges against him will be examined by other senior judges and not by himself.
- During the hearing, the Chief Justice said that it was an attempt to deactivate the office of the CJI.
- CJI Ranjan Gogoi also made it clear that he will preside over the CJI court and discharge his judicial functions without any fear.

Principles of natural justice:

- Over the years, two basic principles have been recognised as fundamental in the doctrine of natural justice. The first is '**nemo judex in causa sua**', that is, 'no man shall be a judge in his own case'; the second is '**audi altarem partem**', that is, 'hear the other side'."

Concerns:

- What happened in the Supreme Court of India where CJI heard his own case is just the opposite of the principle of natural justice.
- The constitution of the bench, of course in the exercise of the power of the Master of the Rolls, Chief Justice Gogoi himself styling it as 'a matter of great importance touching upon the Independence of Judiciary', and permitting mention by the Solicitor General are all acts done by the CJI contrary to 'nemo judex in causa sua' - , 'no man shall be a judge in his own case'.
- The proceedings of the court, or rather the Bench, are even more disturbing. There was no cause, no matter, no petition, and no reason for the court to take upon itself the perceived duty to protect its reputation.
- Surely the Supreme Court of India does not have any advisory jurisdiction except on a Presidential Reference. In fact, time and again, judges are heard telling lawyers and litigants when requested to advise on what to do while matters are being dismissed: "it is no part of our function to advise you."
- It is largely believed that the order so under the pretext of a "matter of great public importance touching upon the independence of the judiciary" has itself seriously damaged the reputation of the Supreme Court of India. Judges so concerned about the reputation of the court should have refrained from undertaking this slippery exercise.

Category: INTERNATIONAL RELATIONS

1. Serial blasts across Sri Lanka claim 200, several injured

Wasn't kept informed of prior intelligence: Ranil

Context:

A series of eight devastating bomb blasts ripped through high-end hotels and churches holding Easter services in Sri Lanka on Sunday, killing 290 people, including dozens of foreigners.

Easter Day tragedy

Easter Day bomb blasts at three Sri Lankan churches and four hotels killed more than 200 people and wounded more than 400, marking the most lethal attacks to have hit the island nation since the end of its civil war nearly 10 years ago



Churches

■ **St. Anthony's Shrine:** This is located in Colombo's Kochchikade suburb. Its roots reach back to the 18th century Dutch colonial period, when Catholicism was forbidden and priests would often hold services in secret

■ **St. Sebastian's Church:** This is in Negombo, a largely Catholic town north of Colombo. Built in the Gothic style, it was patterned on France's Reims Cathedral and was completed in the 1940s

■ **Zion Church:** This is in the eastern coastal city of Batticaloa. It was founded in the 1970s



Hotels

■ **The Shangri-La hotel:** This towering, luxurious hotel is located near Colombo's main business district and is just a few steps from the sea. It has 500 guest rooms and suites and 41 serviced apartments



■ **The Kingsbury Colombo hotel:** This luxury hotel is located in Colombo's city centre, just a few minutes walk from the Shangri-La. It has 229 rooms



■ **The Cinnamon Grand Colombo hotel:** This hotel is located about two km from the Kingsbury hotel and near the sea in a bustling business district. It has 483 rooms and 18 suites



Details:

- The apparently coordinated attacks were the deadliest to hit the country in the decade since the end of a bloody civil war that killed up to 100,000 people and evoked painful memories for many Sri Lankans.
- They also marked a devastating escalation of violence against the country's Christian minority that has been targeted in the past, but never to such brutal effect.
- There was no immediate claim of responsibility, but the government said eight people had been arrested and investigators would look into whether the attackers had "overseas links".
- Sri Lanka also imposed a nationwide curfew and curbed social media access to prevent "wrong information" from spreading in the country of 21 million people.
- The powerful blasts -- six in quick succession and then two more hours later -- injured hundreds.
- At least two of them involved suicide bombers.
- Prime Minister Ranil Wickremesinghe accepted that even as India gave specific intelligence inputs to Sri Lanka about a possible attack, Colombo did not take "adequate precautions" to prevent the explosions
- Condemning the attacks, India offered the Sri Lankan government assistance in treating those injured.

C. GS3 Related

Category: ECONOMY

1. Warming up to the heat from the sun

News:

Use of solar thermal is yet to catch the imagination of investors and users. The key is to incentivise industry to use a new less expensive method of heating.

Details:

- At the mention of ‘solar’, what is mostly thought about is arrays of blue, sun-facing panels that generate electricity.
- That is because ‘solar photovoltaic (PV)’, for historical reasons, grew very fast, in India and elsewhere, and became ubiquitous.
- But there is another ‘solar’, simpler and traditional, which is known to give a better bang for every penny invested - solar thermal.

Solar PV v/s Solar Thermal:

- ‘Solar PV’ works by photons in sun’s rays knocking off electrons in the semi-conducting material in the panels and channels them through a wire—the stream of electrons is electricity.
- Solar PV, therefore, works best where there is lot of sunlight.
- Solar thermal systems, in contrast, suck up sun’s heat and conduct it to where it is needed – such as for drying of spices or fish or wet paint.
- Just as we call the sun-facing photovoltaic sheets ‘panels’ or ‘modules’, in solar thermal the stuff that lies open to sun are called ‘collectors’ and are measured in terms of square metres.
- They come in different forms, but primarily, as tubes, flat plates or reflectors that focus sunlight on to a heat-picking ‘thermic fluid’. The interesting aspect of these solar collectors is their juicy economics.
- In Solar Thermal, 100 sq m of collector area can generate heat energy of 40 kW, and costs about ₹7.5 lakh. Comparatively, to generate 40 kW of electric energy it would cost some ₹20 lakh.
- In solar PV, there is some loss in conversion of light energy into electric energy, whereas in solar thermal, there is no conversion—it is just heat all through.
- Estimates state that India’s solar thermal industry grew 18 per cent in 2018, slower than in 2017, when it jumped 26%

Why is Solar Thermal not as popular?

- Experts reason that the earlier systems were expensive and the bang they gave vis-a-vis the incumbent, fossil-fuel based systems was not that high.
- But just as it began to become cheaper, ‘solar PV’ took off in a major way, due to precipitous fall in module prices (due, in turn, to over supply from China).
- Users and financiers learned solar PV fast and became comfortable with it; solar thermal just fell behind, lost mindshare.

Way forward:

- The government should pay solar thermal as much attention as solar PV.
- There is a 30% subsidy for solar thermal equipment, but ironically, as say it only hinders rather than help. Customers see the subsidy on paper and want to avail themselves of it, while the administration of the subsidy is so complex that it tires them out. The industry would rather not have it at all.
- The subsidy scheme must be retooled so that it is given to Indian manufacturers, in order to encourage local production rather than in China.
- A move to convince the industry to give solar thermal a shot has emerged in the form of a ‘solar payback project’, funded by the German ‘International Climate Initiative’. The project aims to promote SHIP ‘solar heating for industrial processes’ in India, South Africa, Mexico and Brazil, and the report on where India should first focus is due soon.

Conclusion:

Experts believe that using the sun for heating is as old as civilisation — solar thermal is, therefore, just going back to basics. Solar thermal is a fledgling industry, of limitless potential. In the industry there is a resounding call for the government to be the springboard.

Category: ENVIRONMENT AND ECOLOGY

1. In a first, East Asian birds make Andaman stopover

Context:

The researchers at Zoological Survey of India say that the sighting of new species on the island chain has gone up since the 2004 Indonesian tsunami.

Details:

- In the past few years a few birds of southeast Asian origin have been recorded in the Andaman and Nicobar Islands during migration.
- Researchers are intrigued by the fact that number of new sightings has increased post the tsunami.
- These birds also use Andaman and Nicobar Islands for a few week rest before they can fly along the East Asian-Australasian Flyway (EAAF).
- The EAAF extends from Arctic Russia and North America to the south Australian boundaries and includes the most of the east Asian regions including Andaman and Nicobar Islands.
- Andaman and Nicobar Islands, with just about 0.25 % the country's landmass, is home to about 350 species of exotic birds, according to an official estimate.

New species on Island chain:

- The Zappey's Flycatcher (*Cyanoptila cumatilis*) a song bird that breeds in China and spends the winters in the Malay peninsula, Sumatra and Java, was spotted six times in different areas of Andaman and Nicobar Islands between December 2017 and March 2017 — at least thrice in pairs.
- Researchers recorded the presence of the Javan Pond Heron (*Ardeola speciosa*), usually found in Thailand and Cambodia.
- Mugimaki Flycatcher (*Ficedula mugimaki*), Blue-winged Pitta (*Pitta moluccensis*), Chinese Egret (*Egretta eulophotes*) and the Chinese Paradise Flycatcher (*Terpsiphone incei*) have also been recorded.

D. GS4 Related

Nothing here for today!!!

E. Editorials

Category: POLITY

1. Being Fair and Transparent

Context: The 2019 Indian general election is currently being held in seven phases from 11 April to 19 May 2019 to constitute the 17th Lok Sabha. And because of this the Election Commission is always in the news

for one or the other reason.

About the Editorial

- Navin B. Chawla (former Chief Election Commissioner) highlights different issues related to Indian Election process giving examples from the current 2019 General Elections and the way forward.

Details:

- Current Scenario
- Since the Model Code of Conduct came into effect, in just the first two phases this time, seizures made of unaccounted cash, liquor, bullion and drugs amounting to ₹2,600 crore have already surpassed the entire seizures made in the nine phases of the general election in 2014.
- These vast sums intended to bribe or influence voters prove several things.
 - These sums almost certainly represent only a fraction of current illegal spending, a tip of the iceberg as it were.
 - Political players have refined their methods in being many steps ahead of the EC's observers and their vigilance teams by moving their funds to their destinations even before the elections are announced.

Concerns (Difficult Questions as the Editorial Mentions)

- Political Funding: There is no transparency on how political parties collect or spend their funds. Electoral bonds, far from enabling a legitimate and transparent means of political funding, have proved to be the reverse. The EC, in its own affidavit before the Supreme Court, has admitted as much.
- Candidates fielded with Criminal Antecedents: The 16th Lok Sabha, saw almost 30% of its members declaring, in their compulsory self-sworn affidavits, the list of criminal cases registered against them. Unfortunately, in the first phase of this election, 12% of the candidates perforce declared that they had heinous cases pending, while in the second phase the figure was 11%. It may be noted that these cases include murder, attempt to murder, dacoity, kidnapping and rape.
- Corruption/Bribery: Polling in Vellore, Tamil Nadu, has been cancelled for corrupt practices. Seizures made of unaccounted cash, liquor, bullion and drugs were intended to bribe or influence voters prove several things.
- Limit on Expenditure: limits of candidate spending are exceeded in every single case. This makes a mockery of the statutory limit of ₹70 lakh that each Lok Sabha candidate has as his poll expenditure limit.
- Model Code of Conduct: The matter of the Model Code of Conduct and its administration by the EC has been the most frequently reported single issue in every election and also this election.

Way Forward/Possible Solutions

- Political Funding: Any serious reform with regard to **funding** must come from the EC itself, for it is very unlikely that any government will take an initiative in this direction. EC should convene a conference of all stakeholders, including of course all recognized political parties, both Central and State. The list of stakeholders must also include the best constitutional and legal minds in our country.
- Statutory backing to Model Code of Conduct: It is expedient to give statutory backing to the Model Code of Conduct leaving no vacuum for the Election Commission of India (ECI) to exercise its residuary power to enforce the Model Code of Conduct.
- Power to derecognize political parties: The power of the ECI to derecognize political parties on account of violation of the Model Code of Conduct may be incorporated in the Representation of

People Act, 1951.

- Fast Track Courts may be setup to dispose of election disputes under the Representation of People Act, 1951, within a period of twelve months.

Conclusion

- If there is anything to applaud thus far in this election, it is the decision made by two political parties Mamata Banerjee's Trinamool Congress and Naveen Patnaik's Biju Janata Dal to provide over 33% reservation to women candidates. These parties have taken a vital step towards empowering women politically.
- The powers of the EC are so enormous and so all-encompassing that they exceed the powers of the executive in all election-related issues during the course of the election period. Of course, these must be exercised judiciously, fairly and equitably so that the EC's decisions must appear to be fair and transparent.

Category: ENVIRONMENT/SOCIAL ISSUES

1. Expropriation in the name of conservation

Context:

- The Ministry of Environment, Forest and Climate Change (MoEF&CC) has finalized the first draft of the comprehensive amendments to the Indian Forest Act, 1927 (IFA).
- The ostensible inspiration for the amendments proposed by the Central government is the same as that of the colonial regime: the protection of forests.

Background:

- The British government passed The Indian Forest Act, 1927 where the rights to occupy and use forests were transferred from communities with customary and historical property rights to the colonial Central government.
- The Indian Forest Act, 1927 was a remarkable piece of expropriation in the name of conservation.

Proposed Amendments: According to the draft amendments:

- Enforcement: The forest department will now be able to enforce the property rights of the government to forests at the exclusion of Adivasis dwelling there, through preventive arrest provisions.
- Presumption of Innocence: The presumption of innocence is reversed. Alleged encroachers can be arrested without warrant.
- Use of arms: Forest officials will be given the authority to use arms against tribals for "violation of laws".
- Definition of forest: The draft says the 'forest' will not be limited to land owned by the government; it will include any flora considered forest. The Central government will be able to change the classification from 'unprotected' to 'reserved' or 'protected', and the erstwhile land owners will be subjected to penal provisions for customary use of their land.
- Section 26 has been proposed, which will allow forest department officers to suspend the right to pasture or collect forest produce from the primarily Adivasi communities residing in the forest.
- Section 22(A)(2) proposes that the government can acquire any right of a person which is "inconsistent with the conservation of the proposed reserved forest".

Issues Involved with the Proposed Amendments

- **Police state:** Forest rights activists have expressed concern that forests could turn into a ‘**police state**’. A better description would be that they would become a more draconian police state.
- **Discretion of officers:** The amendments proposed seek to limit the discretion of officers to withdraw any offences, ensuring a protracted legal process, with prolonged incarceration. Already the criminal justice system in States such as Chhattisgarh is inundated with cases against Adivasis who exercise their forest rights.
- **Exclusion of ‘village forests’:** The Forest Rights Act, a legislation mitigating the Indian Forest Act, already weakened by poor implementation, will be further limited by excluding ‘village forests’. (An "Important Common Forest" in India is a forest governed by local communities in a way compatible with sustainable development. Such forests are typically called village forests or panchayat forests)
- **Production forests:** In addition, the community’s voice will also be excluded from a new category of ‘production forest’. ‘Production forest’ may be handed over to private operators. This will corporatize forest resources.
- **Section 26** will take away not only the livelihood of the forest dwellers, but also strike at the very root of their deep relationship with their environment, customs and traditions.
- **With regards to Section 22(A)(2),** No parameters have been given to decide what is “inconsistent”, and the decision to declare the “inconsistent” use rests with the government.
- **Issue of ‘pattas’:** States with large forest tracts with big tribal populations (like Chhattisgarh) have tried in the past to settle forest land “encroached” by the tribal people and grant them pattas(a quasi-property right). It was expected that the proposed amendments would legalize these pattas, but the amendments proposed suggest the opposite.

Possible impacts of the Amendments in Future

- **State governments’ discretion:** The amendments will centralize the management of forest, as the legislation takes away the State governments’ discretion to manage forests even further.
- **Implications for internal security:** Adivasis are at the front line of the battle against Maoists, and the principal victims of war-waging in their communities. This Act, in seeking to criminalize their very economic existence, will be a boon for Maoist propaganda.

Conclusion

The current policy draft, together with the CAMPA Bill, highlights a shift in the approach to Indian forestry. Both are pushing for massive afforestation: one by providing funds and the other providing the necessary legal space. The red flag here is that the afforestation is now of “commercially important” invasive timber species that are harmful to the local ecology, instead of indigenous NTFP(non-timber forest produce) and fodder species that are integral to local socio-ecological security

While the current draft promotes the concept – to “further strengthen participatory approach” – it omits all the ‘fundamental principles’ and the phrase “designed in accordance with the prevalent laws”. It does not elaborate on its goals, principles or implementation strategies.

F. Tidbits

1. Medicine labels in regional language

- In order to counter fake, sub-standard and expired drugs, the Union Health Ministry has said Hindi and regional language will be used in the tendering process.
- The Drugs Technical Advisory Board (DTAB) recently recommended that government procurement agencies should take necessary steps in the tendering process to include the regional language, along

with English, on the label of iron tablets and polio drops in government programmes.

- Since last year, the government has been working on ensuring the most stringent quality control for both the products which directly affect almost all the children born in India.

2. Special kits to probe sexual assault cases

- Over 3,100 special kits for collecting blood and semen samples, besides other evidence, to carry out immediate investigations into sexual assault cases have been distributed among states and union territories by the Ministry of Home Affairs (MHA).
- The Sexual Assault Evidence Collection Kits (SAECK) or 'rape investigation kits' are designed to carry out immediate medico-legal investigation and aid in furnishing evidence in sexual assault and rape cases.
- Each of these kits comprises essential items that will aid in furnishing evidence such as blood and semen samples in sexual assault and rape cases, thus helping the prosecution to gather evidence against the accused.
- The kits are expected to help law enforcement agencies to ensure effective investigation in a timely manner for better prosecution and convictions in sexual assault cases.
- The kit has a set of test tubes and bottles, which mention contents and specifications.
- These kits also contain instructions on collection of evidence from the crime scene. The SAECKs would be sent to the closest laboratory and within two months the results would be out.
- The SAECKs or 'rape investigation kits' were procured with financial support under the central government's 'Nirbhaya Fund', which was named after the 2012 Delhi gang-rape victim.
- The Directorate of Forensic Sciences (DFSS), a wing of the home ministry, has issued two guidelines -- one for investigators and prosecutors for collection, storage and transportation of forensic evidence in sexual assault cases; and the second for medical officers dealing with sexual assault cases.

3. Ethical gold rush

- As high-end consumers demand to know the origin of their treasures, some jewellers are ensuring they use responsibly sourced, eco-friendly or recycled gold.
- Specialised producers now tack a “fairmined” ecologically friendly label on their output, and the Swiss house Chopard last year became the first big name to commit to “100% ethical” creations.
- Among the many certificates and standards claiming to codify “responsible” gold mining, two labels stand out.
- They are “fairmined” gold — a label certified by a Colombian NGO — and the more widely known “fairtrade” label launched by Swiss foundation Max Havelaar.

G. Prelims Facts

1. Earth Day

- Every year on April 22nd we celebrate Earth Day. The Earth day is conducted in more than 192 countries around the world. The Earth Day is expected to display backing for conserving the environment.
- UNESCO Conference held in 1969 recommended selecting March 21st, 1970 as the first Earth Day.
- The United States chose to celebrate a separate Earth Day on April 22nd annually. Later this date became the internationally accepted Earth Day in 1990.
- There are also several communities that are backing environmental issues by celebrating Earth Week.
- The theme for Earth Day 2019 is 'Protect Our Species'. It aims to draw attention to the rapid extinction of species across the world, which is directly linked to human activity which causes

climate change, deforestation and pollution.

2. Garia Puja festival in Agartala

- Garia Puja is a Puja done by the tribes of the state and is held on the seventh day of the month of April.
- This festival is celebrated as a harvest festival by the ethnic tribes and celebrations begin from last day of March-April.
- Children and youth play drums, sing and dance in front of the Lord Garia. They do this to please the deity. People from all the communities seek the blessing of Lord Garia.
- The Puja is mainly conducted by Jhumias.
- A bamboo pole is worshipped with flowers and garlands by the tribals which symbolizes the Lord Garia.
- Various ingredients are used while conducting the Garia Puja. The ingredients used in the Puja are fowl chick, cotton thread, rice, eggs, riccha, rice beer and earthen pots.
- An important part of the Puja is sacrificing a fowl and offering the blood to the deity.
- God Garia is worshipped so as to bestow the people with domestic animals, peace, children and wealth.
- The sacrifice of cocks is an important feature and other important feature is dancing and rejoicing after the Puja.
- Garia dance is performed by the Tripuris and the Reangs.

H. Practice Questions for UPSC Prelims Exam

Q1) The value of national income adjusted for inflation is called:

- a. Per capita income
- b. Disposable income
- c. Inflation rate
- d. Real national income

Answer: d

Explanation:

Real national income is nominal national income adjusted for inflation.

Q2) Consider the following statements:

1. Indian Bullfrogs are Carnivorous
2. They are mostly found in Coastal areas and forests

Which of the statement/s is/are correct?

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

Answer: a

Explanation:

The Indian bullfrog (*Hoplobatrachus tigerinus*) is native to the Indian subcontinent. Also known as the Indus Valley bullfrog, Asia bullfrog, is a large species of frog found in mainland Myanmar, Bangladesh, India, Pakistan, Afghanistan, and Nepal. They prefer freshwater wetlands and aquatic habitats. Generally they avoid coastal and forest areas.

Q3) Consider the following statements with respect to Hubble Space Telescope:

1. It is the first space telescope
2. It is the only telescope designed to be serviced in space by astronauts.

Which of the statement/s is/are correct?

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

Answer: b

Explanation:

The Hubble Space Telescope is a large telescope in space. NASA launched Hubble in 1990. Although not the first space telescope, Hubble is one of the largest and most versatile and is well known as both a vital research tool and a public relations boon for astronomy. It was built by the United States space agency NASA, with contributions from the European Space Agency. Hubble is the only telescope designed to be serviced in space by astronauts.

Q4) Consider the following statements:

1. A nebula is an interstellar cloud of dust, hydrogen, helium and other ionized gases.
2. The Southern Crab Nebula is in the constellation Centaurus.

Which of the statement/s is/are correct?

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

Answer: c

Explanation:

Celebrating the 29th anniversary of its launch, the Hubble Space Telescope imaged the Southern Crab Nebula. It resembles its namesake – Crab Nebula in the northern sky. The celestial structure, located in Centaurus constellation, several thousand light years away, is made of a whirling pair of stars – an ageing red giant and a burnt out white dwarf.

1. The absence of efficient governance by district councils in Karbi-Anglong district has resulted in continuation of insurgency in Assam. Elucidate. (15 Marks 250 Words)
2. What are the principles of Natural Justice? Explain in the light of recent controversies surrounding the Supreme Court. (15 Marks 250 Words)

