

07 May 2019: UPSC Exam Comprehensive News Analysis

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A. GS1 Related

Category: GEOGRAPHY

1. Scientists carry out genetic study on people of Lakshadweep Islands

Context:

Genetic studies done on the people of the archipelago by a team, at CSIR-Centre for Cellular and Molecular Biology (CCMB), for the first time have shown that a majority of human ancestry in Lakshadweep is largely derived from South Asia with minor influences from East and West Eurasia. And, there was no evidence of early human migration through the Lakshadweep islands.

Lakshadweep Islands:

- **Lakshadweep** is an archipelago of 36 islands, scattered over approximately 78,000 square km of the

Arabian Sea, 200-440 kms off the south-western coast of India, with population of approximately 65,000.

- However, the first human settlement of this archipelago is not clear.
- The islands were known to sailors since ancient times and historical documents say that the spread of Buddhism to these islands happened during 6th century B.C., Islam in 661 A.D. by Arabians.
- Cholas ruled the islands in 11th century, Portuguese in 16th century, Ali Rajahs in 17th, Tipu Sultan in 18th before the British Raj of 19th century.
- The islands are located between Africa and southwestern part of India.

Details:

- Through the earlier studies it is known that early human migration from Africa to Andaman and Australia happened through western coast of India.
- So, it is presumed that Lakshadweep Islands might have played a major role in early human migration and expected the presence of genetic signatures of ancient people, such as Andamanese and Australian aboriginals.
- DNA samples of 557 individuals from eight major islands for mitochondrial DNA and 166 individuals for Y chromosome markers were analysed.
- A strong founder effect for both paternal and maternal lineages — a sign that the island population had limited genetic mixing, was concluded.
- The authors have studied the major islands of Agatti, Andorth, Bitra, Chetlat, Kadmat, Kalpeni, Kiltan and Minicoy of Lakshadweep and demonstrated a close genetic link of Lakshadweep islanders with people from Maldives, Sri Lanka and India.

B. GS2 Related

Category: POLITY AND GOVERNANCE

1. Justice Bobde panel gives CJI a clean chit

Context:

The Justice S.A. Bobde in-house committee has found “no substance” in the sexual harassment allegations levelled by a former Supreme Court staff member against Chief Justice of India Ranjan Gogoi.

Background:

- A Supreme Court staff member has levelled sexual harassment allegations against CJI Ranjan Gogoi.
- The crisis tested the Supreme Court since Easter day when several online websites published excerpts from the woman’s complaint made out in affidavit form and sent out to 22 judges of the Supreme Court.
- The woman had sought a fair and free inquiry into her allegations.
- Within hours of the publication of the article, a Bench led by Chief Justice Gogoi himself presided over a suo motu hearing on the allegations.
- The hearing saw several disparaging oral comments made about the woman in her absence.
- The CJI had also indicated that a “larger plot” was on to besmirch the judiciary.
- The hearing later drew much flak with many claiming that the CJI had acted as “a judge in his own cause”, which was against the principle of natural justice.
- The committee had seen many unprecedented twists, turns and happenings.
- The roller-coaster hearings of the committee saw the woman “walk out” of the hearings after she was refused a lawyer.
- The committee chose to carry on ex parte without her and went on to examine Chief Justice Gogoi,

which is a first in the country's history.



**The In-House Committee
has found no substance
in the allegations contained in
the Complaint dated 19.4.2019
of a former employee
of the Supreme
Court of India**

SECRETARY GENERAL,
Supreme Court





**Today, my
worst fears
have come true,
and all hope
of justice and
redress from the
committee have
been shattered**

WOMAN COMPLAINANT

Indira Jaising vs Supreme Court of India of 2003 is the verdict quoted by the SC to keep the inquiry report confidential. It says the in-house power of inquiry is either moral or ethical and not in exercise of powers under any law. It is an exercise of moral authority. Hence, the report cannot even be sought by approaching a constitutional court through a writ petition

Details:

- The Justice S.A. Bobde in-house committee has found “no substance” in the sexual harassment allegations levelled against Chief Justice of India.
- A statement issued by the Supreme Court said the committee’s report would be kept confidential. As part of the in-house procedure, the report would not be placed in the public domain.
- It said copies of the report were given to Chief Justice Gogoi and the “next senior judge competent to receive the report”, that is Justice Arun Mishra who is the fourth senior most judge.
- Justice Ramana, the third senior most judge, was not handed the report as he had recused from the committee following allegations raised by the woman about his proximity to Chief Justice Gogoi.
- There would be no Full Court meeting on the “informal” proceedings.
- The three-judge Bench led by Justice Arun Mishra has already ordered a probe into claims about a “larger conspiracy” against Chief Justice Gogoi by a gang of “disgruntled” former Supreme Court employees.

Issue:

- The complainant said that she had no way of comprehending the reasons and basis for the summary dismissal of her complaint as the statement issued by the Supreme Court said that report would go no further than Justice Mishra and Chief Justice Gogoi.
- The committee has announced that even the complainant will not be provided a copy of the report.
- The source said the report was “wholly confidential” and existed “only for the purpose of satisfaction that such a report has been made”.

- The Supreme Court quoted its reported decision of 2003 in **Indira Jaising versus Supreme Court of India**, which had held that an in-house inquiry report was “discreet” and “not for the purpose of disclosure to any other person”.
- The 2003 decision, however, does not contemplate a situation when the Chief Justice of India is himself under inquiry as in this case.

2. SC seeks response on appointment of EC observers for West Bengal

Context:

The Supreme Court has sought responses from the Election Commission, the West Bengal government and others on a plea challenging the appointment of two retired bureaucrats as special observer and Central police observer in the State for the ongoing Lok Sabha election.

Details:

- The plea, filed by an Independent candidate of the Barrackpore Lok Sabha constituency in West Bengal, came up for hearing before a Bench comprising Chief Justice Ranjan Gogoi and Justice Deepak Gupta.
- The petition, filed by Ramu Mandi, alleged that the two observers — Vivek Dubey and Ajay V. Nayak — have been appointed in contravention of the law so as to ensure “certain favours” are granted at the time of election.
- It stated that Mr. Dubey has been appointed as Central police observer for West Bengal and Jharkhand while Mr. Nayak has been appointed as special observer for West Bengal only.

Issue:

- The petitioner alleged that he is apprehensive that these observers will indulge in favouritism and partisanship and their appointment will directly be against his interest as an Independent candidate.
- “There appears to be no reasonable or cogent reasons to nominate or appoint retired officers as observers especially when there are multiple senior officers who are currently in service and are known to have impeccable integrity and reputation,” the plea said.
- The petition also alleges this appointment does not fulfill the requirement laid down under the Representation of the People Act, since they were retired bureaucrats and not “officers of government”.

Who are EC’s observers?

- Observers of the Election Commission of India (ECI) are appointed under the powers conferred on it by Section 20B of the Representation of the People Act, 1951 and the plenary powers available to the Commission under the Constitution of India.
- They are the appointees of the Commission working under the superintendence, control and discipline of the Commission for the period from their appointment until the process of election is completed.
- The Representation of the People Act, 1951 was amended in August 1996 to add a new Section 20B.
- This provides statutory powers to the Observers to watch the conduct of elections and especially in respect of counting of votes.
- **The appointment of an officer** as an Observer and the intimation for the briefing meeting shall be communicated by the ECI through the nodal officer of the State and Central Government who shall coordinate with Election Commission for various issues including provision of the list of officers for appointment as observers.

Roles and duties

- The General and Police Observers are expected to assist the Commission in the conduct of free and fair polls.
- They also oversee the efficient and effective management of the electoral process at the field level.
- For all purposes, they act as the eyes and ears of the Commission during the period of the election and provide direct inputs to the Commission from the field as an interface with the election machinery the candidates, political parties, and electors to ensure that the Acts, rules, procedures, instructions and guidelines related to elections are strictly and impartially complied with by all concerned.

The SC bench issued notice on the petition and posted it for hearing before a vacation bench.

C. GS3 Related

Category: ENVIRONMENT AND ECOLOGY

1. NGT seeks report on 'illegal' road in tiger reserve

Context:

- The National Green Tribunal constituted a committee, drawing representatives from various departments including Wildlife and PWD, to provide it a factual report on alleged illegal construction of a road for use by commercial vehicles in the ecologically sensitive Rajaji Tiger Reserve in Uttarakhand.
- The issue raised in the application relates to ex-situ conservation and in-situ conservation methods for protection of biodiversity and biological resources of Laldhang-Chillarkhal buffer area of Rajaji Tiger Reserve, Uttarakhand.

Details:

- A Bench headed by NGT Chairperson Justice Adarsh Kumar Goel formed the committee comprising representatives of the Ministry of Environment and Forests, Uttarakhand Public Works Department and National Tiger Conservation Authority (NTCA).
- The petition filed had said that the road is being built in the tiger reserve without statutory clearances and requisite safeguards and that the construction of the road may potentially damage the biological diversity and resources of the reserve.
- The plea claimed that the Uttarakhand government on March 1, 2017, without considering the negative impact on the biodiversity-rich stretch, opened the Laldang-Chillarkhal road in the reserve for commercial vehicles.
- The petition also said there already is a closure order from District Forest Officer of Lansdowne against the construction of the Laldhang-Chillarkhal road.

Two major issues:

Justice AK Goel, observed two errors on part of the Uttarakhand government.

1. First, the state government started construction on Laldang-Chillarkhal Road, which falls in the buffer area of Rajaji Tiger Reserve, without taking a statutory clearance from NBWL.
2. Secondly, no measures were taken by the state to protect the biodiversity of the park, both inside and outside the buffer zone, before starting the construction.

The committee said that it is necessary to seek a factual and action-taken report from the joint committee before considering the matter further. The report has to be furnished within three months by email. The NTCA would be the nodal agency for compliance and coordination.

2. Nests of grizzled giant squirrel spotted in Tamil Nadu

Context:

For the first time, researchers have sighted nests of the grizzled giant squirrel, at Pakkamalai Reserve Forests near Gingee in the Eastern Ghats.

Details:

- A team of researchers and wildlife activists from Indigenous Biodiversity Foundation (IBF), a non-profit organisation were conducting a survey in the Pakkamalai Reserve Forests near Gingee when they spotted grizzled giant squirrels.
- Over 300 nests of the endangered species were spotted by the group.
- Several diverse and endangered species including the Golden Gecko, Bamboo Pit Viper and Mouse Deer have also been spotted in the Pakkamalai Reserve Forests.
- A member of the Indigenous Biodiversity Foundation (IBF) said that the government should immediately declare the forests as a sanctuary for the grizzled giant squirrel, he said.

Grizzled giant squirrel:

- Grizzled giant squirrels are named for the white flecks of hair that cover their greyish-brown bodies, giving them a grizzled look
- It is an endangered species listed under Schedule I of the Wildlife Protection Act, 1972.
- The grizzled giant squirrel is usually known to nest in the Western Ghats in Southern India ranging from Chinnar Wildlife sanctuary in Kerala to Anamalai Tiger Reserve and Palani hills in Tamil Nadu.
- Owing to habitat loss and poaching, the species has been categorised as near threatened by the Red List and listed under Schedule II of CITES.
- Habitat loss coupled with hunting for its fur and bushmeat by the locals are said to be the major threats to this species.

3. 1 million species at risk of extinction: UN

Context:

The Global Assessment Report compiled by a UN agency from more than 1500 academic papers says that the World's life support systems are in trouble.

<p>Extinction</p> <p>1 million species face the risk of extinction – many within decades</p> <p>5,00,000 plants and animals currently have "insufficient habitat for long-term survival"</p> <p>40% of amphibian species are threatened with extinction, along with 33% of reef-forming corals and 33% of marine mammals</p> <p>▪ Loss of pollinators caused by intensive farming is putting \$235-\$577 billion worth of annual crop output at risk</p>	<p>Consumption</p> <p>1/3rd of all land is used to make food</p> <p>▪ Food cultivation uses 75% of all fresh water on Earth</p> <p>25% of man-made emissions come from agriculture, the vast majority of them from meat production</p> <p>50% of all new agricultural land is taken from forests</p> <p>93% of marine fish stocks are either overfished or fished to the limit of sustainability</p> <p>One-third of all fishing is said to be illegal or unreported</p>	<p>Pollution</p> <p>▪ Humans dump up to 400 million tonnes of heavy metals, toxic sludge and other waste into oceans and rivers each year</p> <p>75% of land, 40% of oceans and 50% of rivers "manifest severe impacts of degradation" from human activity</p> <p>▪ Plastic production has increased 10-fold since 1990</p> <p>▪ Pollution from fertilizers has led to the formation of 400 low-oxygen 'dead zones' in coastal waters, covering more than 2,45,000 sq km</p>	<p>Climate</p> <p>5% of Earth's species are at risk of extinction if the temperature rises just 2°Celsius – still within the targets of the Paris climate deal</p> <p>▪ Business as usual is predicted to warm Earth 4.3°Celsius by 2100. Were that to happen, one-sixth of all species could be wiped out</p> <p>▪ Many of the policies that scientists hope could limit temperature rise by 2100 to 1.5°Celsius would also help human beings to preserve biodiversity</p>
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Details:

- The report was compiled by 145 expert authors from 50 countries.
- Known as the Global Assessment, the report found that up to one million of Earth's estimated eight million plant, insect and animal species is at risk of extinction, many within decades.
- The authors identified industrial farming and fishing as major drivers with the current rate of species extinction, tens to hundreds of times higher than the average over the last 10 million years.
- Climate change caused by burning the coal, oil and gas produced by the fossil fuel industry is exacerbating the losses, the report found.
- The report found that the average abundance of native species in most major land-based habitats has fallen by at least 20%, mostly since 1900.
- The threatened list includes more than 40% of amphibian species, almost 33% of reef-forming corals, and more than a third of all marine mammals. The picture was less clear for insect species, but a tentative estimate suggests 10% are at risk of extinction.
- Relentless pursuit of economic growth, twinned with the impact of climate change, has put an unprecedented one million species at risk of extinction, scientists said in a landmark report on the damage done by modern civilisation to the natural world.
- Only a wide-ranging transformation of the global economic and financial system could pull ecosystems that are vital to the future of human communities worldwide back from the brink of collapse, concluded the report, which was endorsed by 130 countries, including the U.S., Russia and China.
- The findings will also add to pressure for countries to agree bold action to protect wildlife at a major conference on biodiversity due to take place in China towards the end of next year.

Here's a short selection of some of the report's notable findings:

- 75% of land environment and some 66% of the marine environment "have been significantly altered by human actions."
- "More than a third of the world's land surface and nearly 75% of freshwater resources" are used for

crops or livestock.

- "Up to \$577 billion in annual global crops are at risk from pollinator loss."
- Between 100 million and 300 million people now face "increased risk of floods and hurricanes because of loss of coastal habitats and protection."
- Since 1992, the world's urban areas have more than doubled.
- "Plastic pollution has increased tenfold since 1980," and from "300-400 million tons of heavy metals, solvents, toxic sludge" and other industrial waste are dumped into the world's water systems.

Way forward:

The report also tells that it is not too late to make a difference, but only if we start now at every level from local to global. By transformative change, must be a fundamental, system-wide reorganisation across technological, economic and social factors, including paradigms, goals and values.

Category: ECONOMY

1. RBI raises cap on home loans by SFBs, RRBs

Context:

The Reserve Bank of India (RBI) has revised the cap on home loans extended by Small Finance Banks (SFBs) and Regional Rural Banks (RRBs).

Details:

- RBI has increased the eligibility cap on home loans extended by regional rural banks and small finance banks to Rs. 35 lakh in metropolitan areas and Rs. 25 lakh in other centres, provided the overall cost of the dwelling unit in the metropolitan centres and other centres does not exceed Rs. 45 lakh and Rs. 30 lakh.
- All such loans will be now classified by these banks as priority sector loans.
- In addition, the existing family income limit of Rs. 2 lakh per annum to be eligible for loans for housing projects exclusively for construction of houses for Economically Weaker Sections (EWS) and Low Income Groups (LIG), is revised to Rs. 3 lakh per annum for EWS and Rs. 6 lakh per annum for LIG, in alignment with the income criteria specified under the Pradhan Mantri Awas Yojana.

2. Discom debt to return to pre-UDAY levels

Context:

The total debt of power distributors is expected to go up to the level before the implementation of government's revival plan for the ailing units as states' finances deteriorated over the past few years.

Background:

- Prime Minister Narendra Modi launched the Ujwal Discom Assurance Yojana—a scheme aimed at improving the finances and efficiencies of electricity distribution companies—in 2015.
- The scheme mandated states to take over 75 percent of the debt—50 percent in 2015-16 and 25 percent in 2016-17—and issue bonds, with a mix of equity, grant and loan, for the rest.
- The discoms were then given operational targets to lower their losses, including those due to transmission.

Details:

- Aggregate external debt of State-owned electricity distribution companies (discoms) is set to increase to pre-Ujwal Discom Assurance Yojana (UDAY) levels of Rs. 2.6 lakh crore by the end of this fiscal, according to CRISIL's analysis of discoms in 15 States, which account for 85% of the aggregate losses.
- With most States having limited fiscal headroom, continuous financial support to their discoms may be difficult.
- So discoms have to become commercially viable through prudent tariff hikes and a material reduction in aggregate technical and commercial (AT&C) losses, said the Crisil statement.

Issue:

- While discoms enjoyed the benefit of debt reduction, structural reforms have been slow to come by.
- It was opined that further improvement in operations may face challenges because the focus on new rural connections without adequate tariff hikes can increase losses.
- As per the MoUs States had signed under UDAY in fiscal 2016, their discoms were to initiate structural reforms by reducing AT&C losses by 900 basis points (bps) to about 15% in fiscal 2019, and also implement regular tariff hikes of 5-6% per annum.
- In lieu, State governments took over three-fourths of discom debt, thus reducing the interest cost burden.
- The increase in total debt to Rs 2.6 lakh crore factors in debt-funded capital expenditure, loss funding and incremental working capital requirements," CRISIL said.
- The arithmetic assumes an average tariff increase of 2 percent by states, and partial funding of losses through state government grants, in line with the commitments made under UDAY, said CRISIL.

Read more about [UDAY](#)

3. Over 100 U.S. firms to join Dept. of Commerce on trade visit to India

Context:

The U.S. Commercial Service will bring more than 100 U.S. companies to India as part of the U.S. Department of Commerce's largest annual trade mission program, Trade Winds.

Details:

- Trade Winds Indo-Pacific features a three-day business forum in New Delhi, with additional trade mission stops in Ahmedabad, Chennai, Kolkata, Mumbai, Bengaluru, Hyderabad, and Bangladesh.
- At each mission stop, the attending companies will meet directly with government leaders, market experts and pre-vetted potential business partners.
- Trade Wind is an important component of the goal of U.S. Department of Commerce to use every available resource to ensure fair and reciprocal trade for U.S. businesses selling their products and services all over the world.
- Trade Winds, now in its 11th year, has directly supported more than \$3.4 billion in U.S. exports in over 40 countries, and in 2018, U.S. exports of goods and services to the Indo-Pacific were more than \$476 billion.
- "The potential for growth in U.S.-India trade is enormous given the size of our economies," said the U.S. Ambassador to India.

Aligned with the Trump administration's commitment to a free and open Indo-Pacific, this year's Trade Winds mission will provide U.S.-based companies with the opportunity to explore and develop further

D. GS4 Related

Nothing here for today!!!

E. Editorials

Category: POLITY AND GOVERNANCE

1. A miscarriage of justice

Larger Background:

Important facets of the complaint filed:

- The complaint made by the victim of sexual harassment to the judges of the Supreme Court had two equally serious facets.
 1. One related to sexual harassment, a very serious charge.
 2. The other related to the victimisation of the complainant and her family “at the hands of the Chief Justice of India [CJI]”, as claimed by her.

Experts opine that it is this latter charge to which the nation needs to pay equal, if not greater, attention.

Editorial Analysis:

- The in-house committee of the Supreme Court spoke: “No substance in the allegations contained in the Complaint dated 19th April, 2019 of a former Employee of the Supreme Court.”
- In the absence of any known procedure, the non-observance of the principles of natural justice and the absence of effective representation of the victim, the report, even though not for the public, is non-est and void ab initio.

A Closer Look into Specifics:

The charge on this count, as per her affidavit, involves the following: after the alleged incident on October 11, 2018, her transfer to the Centre for Research and Planning on October 22, 2018, change of position to “Admin, Material Section” on November 16, 2018, issuance of a memorandum on November 19, 2018, by Deepak Jain, Registrar, accusing the victim of violating conduct rules and seeking an explanation, her third transfer to the Library Division on November 22, 2018, the issuance of a memorandum on November 26, 2018 rejecting her explanation and proposing further action, her suspension on November 27, 2018 and the communication of December 18, 2018 from the Registrar that the charges against her stood proved.

On December 21, 2018 she was dismissed from service.

- Meanwhile, according to her affidavit, on November 27, 2018 her husband, a head constable with the Delhi Police, Crime Branch Division, was transferred to the Third Battalion.
- On December 8, 2018 her husband, and the latter’s brother, also a constable with the Delhi Police, were suspended over telephone, and the orders followed the next day.
- On January 2, 2019, an inquiry was initiated by a Deputy Commissioner of Police against her husband on the ground that “unsolicited calls were made to the Office of the Hon’ble Chief Justice

amounting to official misconduct”.

- On January 11, 2019, the victim and her husband were summoned to Delhi’s Tilak Marg police station by Station House Officer (SHO) Naresh Solanki.
- In their presence, the SHO called the Registrar, Mr. Jain, to discuss ways to reach the residence of CJI Ranjan Gogoi.
- The SHO, the victim and the husband went there, and in the presence of Mr. Jain, the victim was forced to fall at the feet of the CJI’s wife.
- Upon their return to the police station, the SHO had a long conversation with the victim and her husband.
- On January 14, 2019 the disabled brother-in-law of the victim, who had been appointed temporary Junior Court Attendant under the orders of the CJI himself on October 9, 2018, was removed from service.
- On March 3, 2019, an FIR was registered on a complaint by a person named Naveen Kumar at the Tilak Marg police station in respect of an alleged demand made by the victim in June 2017 for a bribe of ₹10 lakh for getting him a job in the Supreme Court and his payment of ₹50,000 as advance.
- Based on this FIR, the victim and her husband were arrested from their village in Rajasthan, hand-cuffed and subjected to cruel and inhuman treatment.
- The victim was remanded for a day on March 10, 2019. She was released on bail on March 12, 2019.
- The affidavit in support of the complaint appears truthful and honest.
- The details are heart-rending and extremely troubling, and reflect a deep malaise that appears to have set in in high offices.
- These incidents are all corroborated by official records.
- Experts opine that collectively, they establish beyond doubt the victimisation of the woman, her husband and other family members at the hands of the state machinery, including the Registry of the Supreme Court.

Violations of rights

- Experts opine that each of these actions is either unconstitutional or illegal or criminal in nature.
- Clearly, they establish a well-designed conspiracy to victimise the victim beyond redemption so as to ensure that neither she nor her husband and her family members could raise their heads again to seek justice in respect of the complaint made against the CJI.
- Together, they constitute gross violations of the constitutional and fundamental rights of the victim and her family members, including those guaranteed under Articles 14 and 21.
- Clearly, the motive behind ensuring grossly inhuman, illegal, unconstitutional and disproportionate punishment to the victim and her family members seems to be to suppress her will and spirit so that she does not raise any charge about the incident of October 11, 2018.

The last straw:

- One thing is clear: **the complainant Naveen Kumar**, who alleged that the victim demanded a bribe and willingly offered, according to his own case, ₹50,000, **has made himself an accomplice to the alleged bribery** to secure public employment.
- He must therefore face the rigour of the law.
- The case on its own showing appears to be concocted and its timing raises serious questions about its authenticity.
- If the bribe was demanded in June 2017, it is a curious coincidence that the complainant from Jhajjar, Haryana surfaces in March 2019 and that too in Tilak Marg police station to make the complaint.
- It activates the entire police machinery against the victim and her family.
- This was the final nail in the coffin, as the proverb goes, pushing the victim and her family to the wall and igniting in them the courage to stand up against the CJI and make the complaint on April

Dispelling doubts over the delay in the complaint:

- Those who have doubts about the so-called delay in the complaint must be prepared to put themselves in the shoes of the victim, a Class III employee pitted against the Chief Justice of India, one of the highest and the most powerful constitutional functionaries.
- Her approaching lawyers who are widely respected as human rights activists was natural and cannot be viewed with suspicion under any circumstances.

Some legal precedents:

- The Constitution Bench of the Supreme Court in **Olga Tellis v. Bombay Municipal Corporation** recognised procedural safeguards as necessary and said they have “historical origins in the notion that conditions of personal freedom can be preserved only when there is some institutional check on arbitrary action on the part of public authorities”.
- In **Uma Shankar Sistani v. Commissioner of Police, Delhi (1996)**, the Supreme Court ordered the Central Bureau of Investigation to investigate the circumstances under which a false complaint was registered against the petitioner, leading to his arrest.
- The FIR against the victim in this case needs the same treatment.
- Equally, the punishment of dismissal imposed on her is grossly disproportionate, even assuming that the charges against her were proved.
- The Supreme Court has consistently frowned upon such punishments.
- In **Ranjit Thakur v. UOI (1987)**, the court interpreted the **doctrine of proportionality** “as part of the concept of judicial review” to ensure that if the sentence is an outrageous defiance of logic, then it can be corrected.

Grounds for judicial review?

- Irrationality and perversity are recognised grounds of judicial review.
- The court has held that if the punishment is outrageously disproportionate and the court considers it arbitrary in that it is wholly irrational or “a punishment is so excessive or disproportionate to the offence as to shock the conscience of the Court the same can be interfered with”.
- Experts opine that on each one of these counts the punishment of dismissal imposed upon the victim is completely arbitrary and perverse. It must go.

There are important questions which arise:

- Where can she and her family members get justice if the police at the highest level is pitted against them?
- Will they ever get a fair investigation and fair reports in the criminal cases? (This appears to be doubtful)
- Can she and her family get justice at all at the hands of the judiciary, considering the respondents would be the CJI and the Supreme Court? Only time will tell.
- But certainly for the present, the picture is dark for them.

Concluding Remarks:

- All these raise extremely troubling and discomfoting thoughts in the minds of many.
- Is it the Supreme Court as an institution that is responsible for what has happened, or is it the CJI?
- The dichotomy will emerge only when other Justices act independently, uphold the majesty of the law and steer the institution out of troubled waters.
- If they fail, the institution is doomed to serious loss of face and credibility.

- It is time the collective conscience of the Justices prevails.

2. The Election Commission must act tough

Note to the Students:

- Since the larger issue of the Election Commission of India is in the news and its handling of alleged violations of the Model Code of Conduct, we have taken some of the points covered in another editorial release entitled, “Posers on the code” that was published by the Hindu on the 7th of May, 2019.

Editorial Analysis:

- Experts opine that the 2019 general election will long be remembered not just for the transgressions of the top political leadership, but also for the Election Commission (EC) itself being put in the dock.
- As a matter of fact, the EC has repeatedly found itself at the receiving end of scathing attacks from the Opposition, the public, the media and the judiciary.
- This is unprecedented for what was until now the most trusted institution in the country.

Case of a trust deficit?

- Experts opine that the trust deficit between the EC and the Opposition parties and the voters started with the EVM/VVPAT saga.
- The EC was accused of being on the defensive rather than being communicative.
- On April 8, 2019, in a letter to the President, a group of retired bureaucrats and diplomats expressed concern over the EC’s “weak-kneed conduct” and said that the institution is “suffering from a crisis of credibility today”.
- As a matter of fact, it took repeated raps on its knuckles by the Supreme Court for the EC to crack the whip. Experts opine that **it is a pity that we needed the Supreme Court to remind the EC of powers that it always had.**

The Supreme Court making a course correction:

- **Article 329** of the Constitution has barred courts from interfering in electoral matters after the election process has been set in motion.
- As a matter of fact, in a long chain of judgments, the Supreme Court has reiterated that provision and restrained all courts from intervening.
- It is therefore significant that in the last couple of months, the apex court itself had to jump in for course correction. This is more serious than is realised at present.
- On April 15, 2019 a Supreme Court Bench headed by the Chief Justice of India pulled up the EC for not acting against hate speeches and statements on religious lines.
- It was reported that the EC told the apex court, “We are toothless, we are powerless, we issue notices, then advisory and on repeated violation, we file complaint.”
- The Supreme Court was furious with this stand.

The Election Commission’s Bible:

- The Supreme Court had observed in 1977 that “where these [the existing laws] are absent, and yet a situation has to be tackled, the Chief Election Commissioner has not to fold his hands and pray to God for divine inspiration to enable him to exercise his functions and to perform his duties or to look to any external authority for the grant of powers to deal with the situation. He must **lawfully exercise his power independently, in all matters relating to the conduct of elections, and see that the**

election process is completed properly, in a free and fair manner.” This has been the EC’s bible.

Prompting the EC to act:

- After the EC had not acted on complaints against Prime Minister Narendra Modi and BJP president Amit Shah for almost a month, the Supreme Court ordered it to do so before May 6, 2019.
- The EC promptly disposed of several complaints, giving the two leaders a clean chit in each case.
- Experts opine that the trust of the people which the Election Commission of India enjoys cannot be taken for granted. The moment there is a deficit of credibility, problems begin.

A Noteworthy Point:

- The three-member "full commission" of the Election Commission consists of the Chief Election Commissioner Sunil Arora and the two election commissioners Ashok Lavasa and Sushil Chandra.
- The poll panel's rules express preference for a unanimous view, but provide for a majority ruling in the absence of unanimity.

Issue of granting clean chits to high functionaries within the ruling party:

- The opposition had alleged poll code violations committed by Prime Minister Narendra Modi and BJP chief Amit Shah.
- Recently, the Election Commission of India gave clean chits in response to these alleged poll code violations.
- However, certain sections of the media have reported that these recent clean chits by the Election Commission were not unanimous.
- It has emerged that on five occasions, one of the three commissioners dissented with the majority view to let PM Modi and Amit Shah off the hook for their comments.
- The five rulings where one of the commissioners dissented with his two colleagues include two separate instances where the Prime Minister sought votes in the name of the martyrs of the Pulwama terror attacks, in speeches in Maharashtra and Karnataka and two separate instances where the Prime Minister questioned Rahul Gandhi's selection of the Wayanad Lok Sabha seat as pandering to minorities, in speeches in Maharashtra.
- The fifth instance was related to Mr Shah's comments, also on Wayanad, where in a speech in Nagpur, he said "Rahul Gandhi is contesting in such a place where it is impossible to say when a procession is taken out, whether it is a procession in India or Pakistan".
- In this case, too, the sole commissioner objected to the majority view granting the BJP president a clean chit.
- Experts opine that the minority view expressed by this sole election commissioner may not have changed the result, **but dissent is a healthy sign of objective deliberation, and thus presents a ray of hope.**

Alleged inaction on part of the Election Commission:

- Experts opine that while complaints against other leaders were promptly dealt with, there was an obvious delay in taking up those against Mr. Modi.
- Few would have failed to notice that he has been running an abrasive campaign.
- Critics allege that he had stoked fears over India’s security, claimed credit for the performance of the armed forces and implicitly underscored that his party stands for the religious majority.
- It was only after the matter reached the Supreme Court that the three-member EC began to dispose of the complaints.
- Experts opine that what is disconcerting is the EC’s finding that none of his remarks touching on the role of the armed forces under his rule violates the directive against the use of the armed forces for political propaganda.

- Further, the fact that some of these decisions were not unanimous, but marked by dissent from one of the Election Commissioners, points to the seriousness of the credibility crisis the institution is facing.
- For instance, a remark Mr. Modi made in Wardha on April 1, 2019 — that Congress president Rahul Gandhi was contesting from a constituency “**where the majority community is in a minority**” — was deemed innocent, and it took four weeks for the EC to give this clean chit.
- The second one, for a speech at Latur on April 9, 2019. Here, the Prime Minister made a direct appeal to first-time voters that they should dedicate their votes to the Air Force team that struck at Balakot, and the martyrs of Pulwama.
- The technicality the EC used to absolve Mr. Modi was that he did not directly appeal for votes in the name of the armed forces.
- So far the EC has rejected six complaints.
- It is important to note that the prohibition against the use of the armed forces in election propaganda is to underscore their apolitical nature and to deny ruling parties the opportunity to project their performance as their own achievements.
- Yet, the EC has decided that none of the references to air strikes, the nuclear option and dealing with Pakistan attracted the bar under the MCC.
- Critics point out that it is difficult not to speculate that had the same remarks been made by other candidates, they may have attracted a ban on campaigning for a period.
- The EC has so far retained its well-founded reputation, although there have been occasional complaints in the past that questioned its impartiality.
- However, it is unfortunate that this reputation for independence and even-handedness is starkly under question in this election.

Appointments and removal: A Flawed System?

- Experts opine that the root of the problem lies in the flawed system of appointment of Election Commissioners.
- They are appointed unilaterally by the government of the day.
- There has been a demand for de-politicising appointments through a broad-based consultation, as is done in other countries.
- The uncertainty of elevation by seniority makes them vulnerable to government pressure.
- The government can control a defiant CEC through the majority voting power of the two Election Commissioners.
- In its 255th Report, the Law Commission of India recommended a collegium system for appointing Election Commissioners.
- Political stalwarts such as L.K. Advani and former CECs B.B. Tandon, N. Gopalaswami and

S.Y. Quraishi supported the idea even when in office. However, successive ruling dispensations have ducked the issue, not wanting to let go of their power. It is obvious that political and electoral interests take precedence over national interest.

- A public interest litigation was also filed in the Supreme Court in 2018 on the matter. This has been referred to a Constitution Bench.
- Experts feel that on issues of such vital importance, even the Supreme Court, which is described as the guardian angel of democracy, has to act urgently. If democracy is derailed, its future too would be in jeopardy.

Concluding Remarks:

- Apart from the manner of appointment, the provision for the removal of Election Commissioners also needs correction.
- At present, only the CEC is protected from being removed (except through impeachment).
- One has to remember that the Constitution enabled protection to the CEC as it was a one-man

Commission initially. **This must now be extended to other Commissioners, who were added in 1993, as they collectively represent the EC.**

- In the rich history of democratic India, all institutions of the state have come under pressure at one point or another. But the strength and credibility of an institution is tested when it buckles under political influence.
- It is unfortunate that the topic of debate now is the EC rather than the appalling and unconstitutional conduct of our leaders.
- Over 40 electoral reforms remain pending for two decades.
- While it seems futile to have any hope from the political leadership, it is imperative that the EC asserts the ample authority that it already possesses constitutionally.
- It has the full support of the Supreme Court. It must act tough. This is not a mere question of its discretion, but a constitutional duty. Governments come and go, but the reputation of the EC stays for good.

Category: INTERNATIONAL RELATIONS

1. A missile dispute

Editorial Analysis:

- Experts opine that Turkey's defiance of the U.S. over its Russian defence deal is an instance of the strains in strategic ties between the two NATO allies.
- It is equally a reflection of the proximate relations between Russian President Vladimir Putin and Turkish President Recep Tayyip Erdoğan since their entanglement in the Syrian conflict.

A Brief Look at the Past:

- In 2017, Turkey and Russia reached an agreement on Turkey's installation of the S-400 defence system (which is an anti-aircraft weapon that launches surface-to-air missiles).
- The sophisticated radars it relies on are believed to compromise the secrecy of the U.S.'s F-35 stealth fighter jet programme that many NATO member states, including Turkey, have signed on to acquire.

Prompting a response from the U.S.

- Turkey's move has thus prompted a multi-pronged response from the U.S. to wean away NATO's eastern ally, which is critical in the counter-terrorism efforts in Syria and to stem the flow of refugees into Europe.
- The U.S. has threatened to eject Turkey from the F-35 aircraft programme and impose more sanctions.

Steps taken to discourage Turkey from the S-400 acquisition:

- In 2018, the State Department approved the supply of the Patriot air defence system to discourage Turkey from the S-400 acquisition.
- The Patriots are separate from similar NATO installations in the southeast of Turkey earlier in the decade, during the onset of the Syrian civil war. At that time, NATO was at pains to emphasise that the Patriot missiles were meant to defend Turkey, rather than be used to target Syria.
- That clarification was meant to assuage Russian concerns that the U.S. was escalating the Syrian conflict.
- However, this year (2019), the U.S. and Turkey, and NATO by implication, are divided over the Syrian Kurdish militia — the People's Protection Units (YPG).

- A key U.S. ally in the fight against the Islamic state, the YPG is seen by Turkey as an extension of the country's decades-old insurgent Kurdistan Workers' Party (PKK).
- Moreover, Turkey's invasion of the Kurdish enclave of Afrin last year (2018) and its overall intervention in Syria enjoys broad Russian backing.
- Further, the West's persistent attacks on the Turkish regime's human rights record has hardened Mr. Erdogan's authoritarian stand.
- S. President Donald Trump's erratic foreign policy approach has helped Mr. Erdogan expand his regional influence.

Concluding Remarks:

- It thus stands to reason that Turkey should be reluctant to abandon the Russian S-400 deal, and see no grounds to reject the latest Patriot missile offer.
- If anything, government officials in Turkey sound optimistic that President Trump will intervene to secure the waiver of sanctions arising from the Russian deal.
- Turkey's Foreign Minister asserted before NATO's 70th anniversary gathering in April, 2019 that his country valued the security it enjoyed remaining within the military umbrella.
- Yet, he was equally categorical on the importance of Russian cooperation.

Category: ECONOMY

1. Deserved penalty

What's in the news?

- The Securities and Exchange Board of India (SEBI) recently ordered the National Stock Exchange of India (NSE) to pay a fine of about Rs.1,000 crore within 45 days for its supervisory laxity that led to some of its broker-clients gaining preferential access to certain market data.

Editorial Analysis:

- A four-year-long investigation into a possible scam in an Indian securities exchange has finally come to an end.
- The Securities and Exchange Board of India (SEBI) recently ordered the National Stock Exchange of India (NSE) to pay a fine of about Rs.1,000 crore within 45 days for its supervisory laxity that led to some of its broker-clients gaining preferential access to certain market data.
- Two former NSE chiefs have been ordered to pay back a part of their past salaries as punishment for their failure to ensure that the exchange was fully compliant with all provisions of the norms governing securities exchanges.

What did the order say?

- In its order, SEBI noted that the NSE's use of the tick-by-tick server protocol had allowed certain high-frequency trading firms using the exchange's secondary server to receive important market data before other market participants, who were thus put at a disadvantage.
- While it has not yet been proven decisively that the firms with preferential access to data from the exchange managed to profit from such data, the episode raised serious questions about market fairness.
- After all, millions of retail investors believe that stock exchanges provide a level playing field to all the players.
- SEBI ruled that it did not find sufficient evidence to conclude that the NSE committed a fraudulent act, but was unequivocal in ruling that the Exchange had failed to exercise the necessary due

diligence to ensure that it served as a fair marketplace.

- The fact that the NSE had opted to switch to a new data transmission system, which relays data to all market participants at the same time, prior to a whistle-blower's complaint in 2015 may have worked in the NSE's favour.

A relief to the erring stock exchange?

- Despite the sizeable fine that it imposes on the NSE, the SEBI verdict must surely come as a relief to the erring stock exchange for at least two reasons.
- First, the fact that it has not been found to have intentionally favoured certain market players over others should help it retain investor confidence.
- Also, the exchange, which had been barred from proceeding with its initial public offering during the pendency of the SEBI probe, will now finally be able to tap the capital markets to fund its growth, after a six-month moratorium.

Concluding Remarks:

- While there is bound to be debate about the magnitude of the fine, overall the financial penalty is a welcome regulatory action.
- Millions of investors choose to do their trading on market platforms like the NSE every year in the belief that the marketplace offers an equitable environment to carry out their trades.
- As the markets regulator, SEBI must deal with breaches of their supervisory brief by exchanges in an exemplary manner to ensure that small investors retain confidence in the fairness and soundness of key institutions that enable a market economy.

Category: ENVIRONMENT AND ECOLOGY

1. Conservation minus the people?

Editorial Analysis:

- In the month of February 2019, the Government of India issued a court order, which critics say stood to evict more than a million forest-dwelling people from their homes.
- Critics point out that what is particularly alarming is the fact that India, which is one of the world's 17 mega-diverse countries, and a state which supports about 8% of global species diversity and over 100 million forest-dwellers, did not even put up a legal defence before its top court.
- **Although this order was subsequently stayed, though temporarily, it provides valuable insights into India's conservation objectives and approaches.**
- Given India's size and biodiversity-richness, a decision of this nature has consequences for global natural heritage.

Effective tools of conservation:

- Involving communities living in and around natural resource-rich areas in the management and use of these resources is an effective tool of conservation that has been recognised across the world.
- This was affirmed by the 1980 World Conservation Strategy of the International Union for Conservation of Nature (IUCN), and the Earth Summit's 1992 Statement of Forest Principles and the Convention on Biological Diversity.
- Further fillip came from the IUCN's Policy Statement on Sustainable Use of Wild Living Resources in 2000, and the Convention on Biological Diversity's 2004 Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity.

A dichotomy which critics point out:

- Internationally, India has been a vocal member of these conventions.
- However at home, things are rather different.
- **India's conservation legislation is separated into those that protect forests and its produce, and those that target wildlife conservation.**
- Both the Indian Forest Act, 1927 and the Wildlife Protection Act, 1972 create different types and grades of protected areas, and contain provisions to restrict or outlaw local use of natural resources and landscapes.
- From the 1980s, there were a number of policies that mirrored the global shift towards inclusive conservation, such as the 1988 National Forest Policy, the 1992 National Conservation Strategy, the National Environment Policy of 2006 and the 2007 Biosphere Reserves Guidelines.
- It is important to note that **while these people-friendly policy statements made their way into India's conservation docket, its earlier exclusionary conservation legislation continued to stay in place.**

1990 Joint Forest Management Guidelines (JFM):

- Potentially, in an attempt to bridge this divide, the 1990 Joint Forest Management Guidelines (JFM) created community institutions for co-management, in collaboration with the forest bureaucracy.
- Although it initially registered some success stories in certain parts of the country, **JFM committees are widely critiqued as being bureaucracy-heavy, with little real devolution of powers to local communities.**

Marking a significant change: Forest Rights Act

- A dramatic shift in the Indian conservation paradigm came in 2006 through the Forest Rights Act that went beyond sanctioning local usage, to **conferring rights to local communities over forest land and produce.**
- The Ministry of Tribal Affairs was mandated with operationalising the Act, while conservation remained under the domain of the Ministry of Environment, Forest and Climate Change.
- Given a hostile bureaucratic environment, the legislation faltered, except in certain pockets.
- Experts opine that **despite its limited realisation, the Forest Rights Act succeeded in raising the hackles of those within the forest bureaucracy and wildlife organisations, who challenged its constitutionality before the Supreme Court.**
- Critics point out that **India's conservation policies and legislation over the years reveal a dichotomy of intent and action.**
- Certain progressive policy documents are put in place checking off India's international commitments.
- However, a wholly different picture emerges during the course of its operation on the ground.
- Critics further assert that if there was any uncertainty regarding India's stand on inclusive conservation, the past three years reveal that even the pretence of community involvement has largely been done away with.

Under the bureaucracy:

- Critics point out that the Third National Wildlife Action Plan, introduced in 2017, with the stated intent of complying with international commitments, is categorically of the view that locals hinder conservation.
- Where communities are to be involved, it distinctly avoids the attribution of rights and instead frames usage within a bureaucracy-controlled format.
- In 2018, there was a Draft National Forest Policy that emphasised the protected area model of conservation that leaves little room for communities.

- The Supreme Court's order in early 2019, currently held in abeyance, mandated the eviction of those forest-dwellers whose claims under the Forest Rights Act have been rejected, in disregard of the bureaucratic violations, lapses and technical constraints that have played a part in such rejections.
- **In March 2019, a comprehensive overhaul of the Indian Forest Act was proposed.**

Critical Observations of the new provisions proposed:

- This amendment introduces provisions for extinguishing rights granted under the Forest Rights Act.
- Further, **it grants the forest bureaucracy unprecedented powers to enter and search the premises of forest-dwellers on suspicion, arrest without warrant and use firearms to meet conservation goals.**
- Critics point out that the state authority that is usually reserved to tackle terrorism, insurgency and organised crime is now to be deployed to safeguard biodiversity.
- An amendment to the Wildlife Protection Act is reportedly in the offing.

Concluding Remarks:

- Critics assert that while other countries are recognising the value of community-involved conservation models, India is stridently and steadfastly moving in the opposite direction.

F. Tidbits

Nothing here for today!!!

G. Prelims Facts

1. Darbar move

- Civil Secretariat, the seat of Jammu and Kashmir government, opened in Srinagar after functioning in winter capital Jammu for six months as part of the nearly 150-year-old practice known in the State as 'Darbar Move'.
- The other 'move offices' include Raj Bhavan, police headquarters and several commissions.
- The practice of 'Darbar Move' — under which the state government functions in Jammu during six months of winter and in Srinagar during summer — was started by Maharaja Gulab Singh in 1872 to escape extreme weather conditions in the two regions of the State.
- However, the practice was continued even after Independence with the aim of providing governance benefits to both Kashmir and Jammu regions of the State for six months by turns.
- While Jammu and Srinagar cities benefit from this practice, the Darbar Move incurs expenditure of crores.

H. Practice Questions for UPSC Prelims Exam

Q1) "Miranda" and "Titania" are the moons of planet:

- a. Jupiter
- b. Mars
- c. Uranus
- d. Saturn

Answer: c

Explanation:

Uranus has five major moons: Miranda, Ariel, Umbriel, Titania, and Oberon.

Q2) Consider the following statements with respect to SEBI:

1. It was established as a statutory body for regulating the securities market.
2. Commodities derivative markets is also regulated by SEBI.

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

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

Answer: b

Explanation:

- Initially SEBI was a non-statutory body without any statutory power. However, in 1992, the SEBI was given additional statutory power by the Government of India through an amendment to the Securities and Exchange Board of India Act, 1992.
- In April 1988 the SEBI was constituted as the regulator of capital markets in India under a resolution of the Government of India.
- In 2015, the Forward Market Commission was merged with SEBI.
- With this, the regulation of commodity derivatives market has shifted to SEBI under Securities Contracts Regulation Act (SCRA) 1956.

Q3) Consider the following statements:

1. Masala bonds are bonds issued outside India but denominated in Indian Rupees.
2. The first Masala Bond was issued by the World Bank.

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

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

Answer: c

Explanation:

Self-explanatory

Q4) Consider the following statements:

1. Terminal High Altitude Area Defense (THAAD) is an indigenously developed Indian anti-ballistic missile defense system.
2. It is a transportable system that intercepts ballistic missiles.

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

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

Answer: b

Explanation:

Terminal High Altitude Area Defense (THAAD) is a transportable system that intercepts ballistic missiles inside or outside the atmosphere during their final, or terminal, phase of flight. THAAD uses a one-stage hit-to-kill interceptor to destroy incoming ballistic missile targets. It is an American anti-ballistic missile defense system.

I. UPSC Mains Practice Questions

1. A crucial security challenge to India is maintenance of domestic harmony and unity. Comment. (15 Marks, 250 Words)
2. Has listing of Masood Azhar opened a new phase in India-China Relations? Critically Analyse. (10 Marks, 150 Words)