

# 12 Jul 2019: UPSC Exam Comprehensive News Analysis

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## A. GS1 Related

### Category: SOCIAL ISSUES

#### 1. Centre redefines child porn, moots stiff penalties

##### Context:

In a bid to crack down heavily on child pornography, the Ministry of Women and Child Development has laid down a clear definition of what constitutes the offence and has included sexually explicit digital content involving children under its purview as per an amendment to the existing Protection of Children from Sexual Offences (POCSO) Act which is soon to be tabled before the Lok Sabha.

##### Details:

- The new Bill defines child pornography as: “any visual depiction of sexually explicit conduct involving a child which includes a photograph, video, digital or computer-generated image (that is) indistinguishable from an actual child.”

- Additionally, “an image created, adapted, modified” to depict a child would also be treated as child pornography. This would also include cartoons, animated pictures, etc.,
- The Cabinet has also enhanced the fine for possessing child porn but not deleting or reporting it to 5,000 from the earlier proposal of Rs. 1,000. If a person stores such content for distributing it further, except for when presenting it in court as evidence, he could face a punishment of upto three years.
- Henceforth, there will be zero tolerance for child pornography.
- Some of these provisions were also contained in the Protection of Children from Sexual Offences (POCSO) Amendment Bill, 2019, but lapsed.

### Significance:

- So far, there had been no definition of child pornography in Indian law.
- It was a big lacuna which could be used to evade the law.
- Neither Section 67 of the IT Act nor Section 293 of the Indian Penal Code define child pornography.
- Its definition derived from what constitutes pornography, which is defined as “any material which is lascivious or appeals to the prurient interests or if its effect is such as to tend to deprave or corrupt the minds of those who are likely to see, read and hear the same.”
- “Child porn” has now been redefined to ensure that the punishment can be implemented properly.
- The amended law will also apply to pornographic content where adults or young adults pretend to be children.

Read more about [POCSO Act](#).

### Category: HISTORY

#### 1. Pothamala menhirs stand guard on ancient necropolis

##### Context:

- The sighting of new menhirs, perhaps the largest-ever recorded in Kerala, on the Pothamala hills in the Kerala-Tamil Nadu border, has thrown light on the possible existence of a major prehistoric necropolis (designed cemetery) there.
- Menhir is a tall upright stone of a kind erected in prehistoric times in western Europe.
- Menhirs can be found solely as monoliths, or as part of a group of similar stones.

##### Details:

- The menhirs were identified by a team of historians.
- The Pothamala hills housed hundreds of cobbled stone structures, pointing to the existence of a structured graveyard of a prehistoric civilisation.
- The largest menhir found was 20 ft tall and 6 ft wide with a thickness of 5 ft.
- The menhirs were planted in a specific geometrical pattern on a cluster of hills.
- The exquisite natural settings of the hills and dales at Pothamala made the yet-to-be explored megalithic site different from similar sites spotted in other parts of the State. Most of these structures were oriented in the east-west direction.
- The megalithic stone sentinels at Pothamala might hold the key to hitherto unexplored facets of a civilisation that dated back around 3,000 years.
- He urged the Archaeological Survey of India and the Archaeology Department to conduct a full-scale excavation and detailed study of this megalithic site without delay.

##### Concern:

- Seventy megalithic sites have already been identified in different parts of Idukki by researchers and historians, including 40 megalithic sites in Udumbanchola taluk itself.
- But no serious attempts have been made to understand their distribution pattern.

## B. GS2 Related

### Category: INTERNATIONAL RELATIONS

#### 1. Readmit Maldives into Commonwealth: India

##### Context:

India has urged the Commonwealth to expedite readmission of the Maldives as a member country.

##### Background:

- Maldives was a British protectorate until 1965 but did not inherit a full parliamentary system unlike other former colonies.
- It remained largely under single party rule for decades until it became a multiparty democracy in 2008.
- It withdrew from the Commonwealth during the tenure of President Abdullah Yameen in 2016 after the Commonwealth expressed serious concern over the deteriorating human rights situation in the country.
- Maldives had quoted that the Commonwealth had sought to become an active participant in the domestic political discourse in the Maldives, which is contrary to the principles of the charters of the UN and the Commonwealth.
- Ibrahim Mohamed Solih was elected President in 2018 in a democratic wave against the rule of Mr. Yameen.

##### Details:

- On the 70th anniversary of the Commonwealth, India's external affairs minister called for fast-tracking of the process of readmission of the Maldives to the Commonwealth.
- The new president had decided that the country should return after a two-year absence
- The development was welcomed by India. Maldives was the first country Prime Minister Narendra Modi visited after his government was returned to office in May.
- To re-join, Maldives must demonstrate that it complies with the fundamental values set out in the Commonwealth Charter through an assessment by the secretary-general.
- The secretary-general must then consult with member countries, and if there is agreement, invite Maldives to make a formal application, presenting evidence of functioning democratic processes and popular support for rejoining the Commonwealth.

##### India- Maldives Relations:

- The influence of China on the Maldives, an island nation in the Indian Ocean, considered a backyard of India, has been growing and it is seen as a concern in New Delhi.
- India considers Maldives, a close friend and neighbour.
- India stands ready to work with the Maldives to strengthen maritime security and help expedite inclusion of its Indian Ocean neighbour in the Commonwealth again.
- India had also invited Maldives to join the International Solar Alliance.

## **Commonwealth of Nations:**

- It is a political association of 53 member states, nearly all of them former territories of the British Empire.
- The Commonwealth dates back to the first half of the 20th century with the decolonisation of the British Empire through increased self-governance of its territories.
- It was originally created as the British Commonwealth of Nations through the Balfour Declaration at the 1926 Imperial Conference, and formalised by the United Kingdom through the Statute of Westminster in 1931.
- The current Commonwealth of Nations was formally constituted by the London Declaration in 1949, which modernised the community, and established the member states as "free and equal".
- Member states have no legal obligations to one another. Instead, they are united by English language, history, culture and their shared values of democracy, human rights and the rule of law.
- These values are enshrined in the Commonwealth Charter and promoted by the quadrennial Commonwealth Games.
- The last country to join the Commonwealth was Rwanda in 2009.

## **Category: POLITY AND GOVERNANCE**

### **1. Commission for Safai Karamcharis asks govt. to file report on sewer deaths**

#### **Context:**

- The National Commission for Safai Karamcharis has directed the Chief Secretary of Delhi to file a report on sewer death cases continuing unabated in the Capital despite the government's claims of mechanisation.
- It has also sought a report on steps being taken by the government to stop such deaths resulting from the manual cleaning of sewers and septic tanks.
- It functions under the Ministry of Social Justice and Empowerment

#### **Details:**

- The direction comes in the background of recent report that highlights frequent deaths of sanitation workers in Delhi while manually cleaning sewers without protective gear.
- According to the Social Justice and Empowerment Ministry data, there have been 620 reported cases of deaths of sanitation workers while cleaning septic tanks and sewers since 1993, of which 88 occurred in the last 3 years.
- The Commission has gathered that government had procured 200 sewer cleaning machines to ensure mechanised system of sewer cleaning.
- It observed that the regular occurrence of sewer death cases in Delhi seems to betray the suggestion of mechanisation.
- Over 15 sewer deaths have been reported during last one-and-a-half-year in Delhi, which has dismayed the Commission and it is compelled to understand that mechanised system of sewer cleaning is still not being executed completely.

### **2. CBI teams search premises of Lawyers Collective**

#### **Context:**

The CBI has conducted searches at five places in Delhi and Mumbai in connection with a case of an alleged Foreign Contribution Regulation Act (FCRA) violation by the Lawyers Collective (LC), its president Anand

**Foreign Contribution Regulation Act (FCRA):**

- The FCRA was enacted in 1976 in order to maintain strict control over voluntary organisations and political associations that received foreign fundings.
- In the year 1984, an amendment was made to the act requiring all the Non-Governmental Organisations to register themselves with the Home Ministry.
- In 2010, the act was repealed and a new act with strict provisions was enacted. It is a consolidating act passed by the Government of India.
- It seeks to regulate the foreign contributions or donations and hospitality (air travel, hotel accommodation etc) to Indian organizations and individuals and to stop such contributions which might damage the national interest.
- It is an act passed for regulating and prohibiting the acceptance and utilization of foreign contribution or foreign hospitality by companies, associations or individuals for such activities that could prove to be detrimental to the national interest and for matters connected therewith or incidental thereto.
- Since the Act is internal security legislation, despite being a law related to financial legislation, it falls into the purview of Home Ministry and not the Reserve Bank of India (RBI).

**C. GS3 Related****Category: SECURITY****1. Facial-recognition system will not violate privacy****Context:**

- The National Crime Records Bureau (NCRB) has invited bids for Automated Facial Recognition System (AFRS) that would even capture face images from CCTV feed and generate alerts if a blacklist match is found.
- The Central government has expressed its plans to create a repository of photographs of criminals in the country and put a system in place to track missing children and unidentified dead bodies, through facial recognition.

**Automated Facial Recognition System (AFRS):**

- The AFRS offers a well-defined system for identifying criminals, missing children and persons and unidentified bodies.
- It will also have a database containing photographs of criminals, which will aid the police in matching suspects with criminals on their hotlist.
- AFRS works by maintaining a large database with photos and videos of peoples' faces.
- Then, a new image of an unidentified person, often taken from CCTV footage is compared to the existing database to find a match and identify the person. This technology is called "Neural networks".

**Significance:**

- Automated Facial Recognition System can play a very vital role in improving outcomes in the area of Criminal identification and verification by facilitating easy recording, analysis, retrieval and sharing of Information between different organisations.
- The system would help improve detection of criminals, cyber experts feel that the government's plan



to roll-out the AFRS system in absence of a robust data protection law.

- While fingerprints and iris scans provide far more accurate matching results, automatic facial recognition is an easier solution.

#### Concerns:

- The technology is believed not to be fool proof and has raised various concerns.
- Concerns are raised about the data being used for purposes other than criminal investigation, given the absence of the necessary legal framework to regulate the same.
- It may give investigative authorities unhindered access and power.
- How many agencies would have access to such a database and the proposed safeguards in this direction are also a matter of concern.
- Similar debates are ongoing in countries like the U.S.A and China.
  - Chinese government makes use of surveillance cameras and facial recognition to constrict the rights of Uighurs, a mostly Muslim minority.

## D. GS4 Related

*Nothing here for today!!!*

## E. Editorials

### Category: ENVIRONMENT AND ECOLOGY

#### 1. Picking out plastic

##### Background:

##### A Brief note on the Plastic Waste Management Rules, 2016:

##### The Plastic Waste Management Rules, 2016 aim to:

- Increase minimum thickness of plastic carry bags from 40 to 50 microns and stipulate minimum thickness of 50 micron for plastic sheets also to facilitate collection and recycle of plastic waste,
- Expand the jurisdiction of applicability from the municipal area to rural areas, because plastic has reached rural areas also;
- To bring in the responsibilities of producers and generators, both in plastic waste management system and to introduce collect back system of plastic waste by the producers/brand owners, as per extended producers responsibility;
- To introduce collection of plastic waste management fee through pre-registration of the producers, importers of plastic carry bags/multilayered packaging and vendors selling the same for establishing the waste management system;
- To promote use of plastic waste for road construction as per Indian Road Congress guidelines or energy recovery, or waste to oil etc. for gainful utilization of waste and also address the waste disposal issue; to entrust more responsibility on waste generators, namely payment of user charge as prescribed by local authority, collection and handing over of waste by the institutional generator, event organizers.

##### Concept of Extended Producer's Responsibility (EPR):

- The concept of EPR has been adopted as being practised in various countries, requiring the producers

to take responsibility for the end of life of their products and to ensure that the waste from such products is channelised for safe handling.

- The producers are required to finance, and organize a system for environmentally sound management of e-waste generated from their products.
- The Ministry of Environment and Forests had notified the Plastic Waste (Management and Handling) Rules, 2011 in February, 2011.
- As per these Rules, in line with the principle of Extended Producer's Responsibility (EPR), the municipal authority may ask the manufacturers, either collectively or individually to provide the required finance to establish the plastic waste collection centers.

### What's in the news?

- In a recent development, the Central Pollution Control Board (CPCB) has put 52 producers, brand owners and importers, including big online retailers such as **Amazon and Flipkart**, and companies such as **Patanjali Ayurved and Britannia**, on notice, for failing to take responsibility for their plastic waste.

### Editorial Analysis:

- As a matter of fact, these and other entities with a large plastic footprint need to respond with urgency.
- It is eight years since the concept of **Extended Producer Responsibility (EPR)** was incorporated into the **Plastic Waste Management Rules**, but unfortunately, municipal and pollution control authorities have failed to persuade commercial giants to put in place a system to collect and process the waste.
- Tighter rules in 2016 and some amendments two years later put the onus on producers and brand owners to come up with an action plan for the retrieval of waste within six months to a year, but that too failed to take off.
- Unfortunately, mountains of garbage with a heavy plastic load have been growing in suburban landfills. These landfills are generally out of sight of city dwellers.
- Experts opine that without determined steps, the crisis is certain to worsen.

### The Alarming nature of the waste management problem:

- It should be noted that the retail sector expects e-commerce to grow from about \$38.5 billion-equivalent in 2017 to \$200 billion by 2026.
- Further, given the role played by packaging, the waste management problem is likely to become alarming.

### An Opportunity that presents itself:

- There is also a big opportunity here, which the trade, municipal governments and pollution control authorities need to see.
- The two prongs of the solution are **packaging innovation** that reduces its use by using alternatives, and upscaling waste segregation, collection and transmission.
- Recovering materials from garbage should be a high priority, considering that India is the third highest consumer of materials after China and the U.S.
- As a matter of fact, the Economic Survey 2019 estimates that India's demand for total material will double by 2030 at current rates of growth.

### A Look at other issues:

- Plastics may be less expensive than other inputs in manufacturing, but recycling them into new

products extends their life and provides a substitute for virgin material.

- Keeping them out of the environment reduces clean-up and pollution costs.
- However, unfortunately, in spite of legal requirements, municipal and pollution control authorities fail to see this and mostly pursue business-as-usual waste management methods.
- Recyclable waste is rendered useless when it gets mixed with other articles. Online retailers have not felt compelled to take back the thousands of polybags, plastic envelopes and air pillows used to cushion articles inside cardboard boxes.
- This is in contrast to more developed markets where they are trying out labels on packages with clear recycling instructions.

### Concluding Remarks:

- Experts opine that these companies can form waste cooperatives in India, employing informal waste-pickers.
- In such a model, consumers will respond readily if they are incentivised to return segregated plastic waste.
- Lastly, making municipal and pollution control authorities accountable is also equally important.

## Category: ECONOMY

### 1. Tread with caution

#### Background:

- The Union Cabinet chaired by Prime Minister Narendra Modi had recently approved for introduction of the **Code on Occupational Safety, Health and Working Conditions Bill, 2019** in the Parliament.
- Experts opine that this proposal would enhance the coverage of the safety, health and working conditions provisions manifold as compared to the present scenario.

The New Code has been drafted after amalgamation, simplification and rationalisation of the relevant provisions of the 13 Central Labour Acts:

- The Factories Act, 1948;
- The Mines Act, 1952; The Dock Workers (Safety, Health and Welfare) Act, 1986;
- The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996;
- The Plantations Labour Act, 1951;
- The Contract Labour (Regulation and Abolition) Act, 1970;
- The Inter-State Migrant workmen (Regulation of Employment and Conditions of Service) Act, 1979;
- The Working Journalist and other Newspaper Employees (Conditions of Service and Misc. Provision) Act, 1955;
- The Working Journalist (Fixation of rates of wages) Act, 1958;
- The Motor Transport Workers Act, 1961;
- Sales Promotion Employees (Condition of Service) Act, 1976;
- The Beedi and Cigar Workers (Conditions of Employment) Act, 1966; and
- The Cine Workers and Cinema Theatre Workers Act, 1981.

After the enactment of the Code, all these Acts being subsumed in the Code will be repealed.

### A Note on the Benefits



- Safety, Health, welfare and improved Working Conditions are pre-requisites for the well-being of the worker and also for economic growth of the country as a healthy workforce would be more productive. Also, **the occurrence of less accidents and unforeseen incidents would be economically beneficial to the employers also.**
- With the ultimate aim of extending the safety and healthy working conditions to all workforce of the country, the Code enhances the ambit of provisions of safety, health, welfare and working conditions from the existing about 9 major sectors to all establishments having 10 or more employees.

### Editorial Analysis:

- As part of its commitment to simplify and consolidate labour rules and laws under four codes, the Union Cabinet has cleared the **Occupational, Safety, Health and Working Conditions Code**, a week after it approved the **Code on Wages Bill**.
- The latter seeks to include more workers under the purview of minimum wages and proposes a statutory national minimum wage for different geographic regions, to ensure that States will not fix minimum wages below those set by the Centre.
- These steps should be welcomed. As a matter of fact, the Code on labour safety and working conditions include **regular and mandatory medical examinations for workers**, issuing of appointment letters, and framing of rules on women working night shifts.
- Other codes that await Cabinet approval include the **Code on Industrial Relations and the Code on Social Security**.
- Unlike these pending bills, especially the one related to industrial relations that will be scrutinised by labour unions for any changes to worker rights and rules on hiring and dismissal and contract jobs, the two that have been passed should be easier to build a consensus on, in Parliament and in the public sphere.

### Position taken by the Unions:

- Organised unions have vociferously opposed changes proposed in the Industrial Relations code, especially the proviso to increase the limit for prior government permission for lay-off, retrenchment and closure from 100 workers as it is currently, to 300.
- It is important to note that the Economic Survey highlighted the effect of labour reforms in Rajasthan, suggesting that the growth rates of firms employing more than 100 workers increased at a higher rate than the rest of the country after labour reforms.
- However, **worker organisations claim that the implementation of such stringent labour laws in most States is generally lax.**
- Experts opine that clearly, a cross-State analysis of labour movement and increase in employment should give a better picture of the impact of these rules.

### Concluding Remarks:

- Simplification and consolidation of labour laws apart, the government must focus on the key issue of job creation.
- The **Periodic Labour Force Survey** that was finally made public in late May 2019, clearly pointed to the dire situation in job creation in recent years.
- Next, while the proportion of workers in regular employment has increased, unemployment has reached a 45-year high.
- In fact, **the worker participation rate has also declined between surveys held in 2011-12 and 2017-18.**
- Critics point out that the government's response to this question has either been denial, as was evident after the draft PLFS report was leaked in the year 2018, or silence, after it was finally released.
- In such a situation, experts opine that **the government should be better off building a broader**

**consensus on any major rule changes to existing worker rights rather than rushing through them for the sake of simplification.**

- Finally, the consolidated code bills should be thoroughly discussed in Parliament and also with labour unions before being enacted.

## 2. Jobless growth becomes more systemic

### Editorial Analysis:

- Experts opine that the findings of the latest employment survey, called the Periodic Labour Force Survey (2017-18), are a cause for concern as the scenario is still far from anything that would denote decent employment.
- The two biggest issues here are:
  1. the shrinking share of the labour force; and
  2. the rising unemployment.
- The labour force participation rate ( i.e. the % of people working or seeking work in the above-15 years age category) in the earlier survey of 2012 was 55.5%.
- This has shrunk to 49.7% in 2018.
- There is an absolute decline in the number of workers from 467.7 million in 2012 to 461.5 million in 2018.

### Taking a look at the multiple dimensions:

- It is important to note that recent attempts by some to create an impression that self-employment has not been captured by the National Sample Survey is absolutely false since the definition of 'employment' includes in itself 'self-' as well as 'wage employment'.
- Further, within the category of 'self-employed', the survey also counts those engaged in 'unpaid family labour'.
- The figure for the overall unemployment rate at 6.1% is 2.77 times the same figure for 2012.
- A few experts have raised doubts about the comparability of estimates between the two periods though certain experts feel that they are not substantial issues that prevent anyone from a judicious comparison.
- It is important to note that the rise in overall unemployment has both locational and gender dimensions.
- The highest unemployment rate of a severe nature was among the urban women at 10.8%; followed by urban men at 7.1%; rural men at 5.8%; and rural women at 3.8%.
- When we ignore the location of residence, we find that severe unemployment among men at 6.2% was higher than among women at 5.7%.
- However, given the sharp decline in women's labour force participation rate, they have been losing out heavily due to the **double whammy of exclusion from the labour force and an inability to access employment when included in the labour force.**
- The decline in women's labour force participation from 31% to 24% means that **India is among the countries with the lowest participation of women in the labour force.**
- Experts also point out that the issue of educated unemployment, given its link with not just growth but also with transformative development, has never been as acute as at present.
- '**Educated Unemployment**' is defined as unemployment among those with at least a secondary school certificate; it is at 11.4% compared to the previous survey's figure of 4.9%.
- But what is significant is that the unemployment rates go up as levels of education go up. Among those with secondary school education, it is 5.7% but jumps to 10.3% when those with higher secondary-level education are considered.
- The highest rate is among the diploma and certificate holders (19.8%); followed by graduates (17.2%);

and postgraduates (14.6%).

- Of course, educated persons are likely to have aspirations for specific jobs and hence likely to go through a longer waiting period than their less-educated counterparts.
- They are also likely to be less economically deprived.
- However, the country's inability to absorb the educated into gainful employment is indeed an economic loss and a demoralising experience both for the unemployed and those enthusiastically enrolling themselves for higher education.

### **Burden more among women**

- Here again, the burden is the highest among urban women (19.8%) followed by rural women (17.3%), rural men (10.5%) and urban men (9.2%).
- Among the educated, women face a more unfavourable situation than men despite a low labour force participation rate.
- Compared to the earlier 2012 survey, unemployment of educated men has more than doubled in both rural and urban areas and in the case of women, the rate has nearly doubled.
- It is important to remember that the rate was higher for educated women, when compared to educated men, in both the periods.

### **Concluding Remarks:**

- Experts opine that it is almost scandalous that youth unemployment rate (unemployment among those in the 15-29 years age category) has reached a high 17.8%.
- Even here, the women stand more disadvantaged than the men, especially urban women, whose unemployment rate of 27.2% is more than double the 2012 figure of 13.1%. The rate for urban men, at 18.7%, is particularly high as well.
- The overall conclusion here is that the trend of 'jobless growth' that was till recently confined largely, if not only, to the organised sector has now spread to other sectors of the economy, making it more generalised.
- This calls for a thorough re-examination of the missing linkages between growth and employment.

## **Category: POLITY AND GOVERNANCE**

### **1. A welcome debate on electoral reforms**

#### **Note to the Students:**

- The issue concerning electoral reforms has been in the news for some time now. In this editorial analysis, we look at some of the suggestions and reform measures as put forward by our legislators in Parliament recently.
- These points can be touched upon in case a topic on electoral reforms features in the Essay paper where a diversity of thought and opinion needs to be presented. It can also prove to be helpful for writing Mains level answers in case a topic features under GS Paper 2 (Indian Polity and Governance).

#### **Background:**

The **Standing Committee on Law and Justice** submitted its report on **"Electoral Reforms-Code of Conduct for Political Parties and Anti Defection Law"** in the month of August, 2013.

Some of the key observations and recommendations of the Committee were:

- **Election expenditure ceiling limit:** There is a ceiling limit of election expenditure for candidates in different states for Parliament/Assembly seats. The actual expenditure on elections has been more than the ceiling fixed by the ECI and it is alleged that candidates have been concealing election expenditure. The Committee recommended that **election expenditure needs to be substantially enhanced and periodically reviewed**.
- **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 de-recognize political parties:** The power of the ECI to de-recognize political parties on account of violation of the Model Code of Conduct may be incorporated in the Representation of People Act, 1951.

### Taking a look at State Funding of Elections:

- State funding of elections has been suggested in the past in response to the high cost of elections. A few government reports have looked at state funding of elections in the past, including:
  1. Indrajit Gupta Committee on State Funding of Elections (1998)
  2. Law Commission Report on Reform of the Electoral Laws (1999)
  3. National Commission to Review the Working of the Constitution (2001)
  4. Second Administrative Reforms Commission (2008)
- The Indrajit Gupta Committee (1998) endorsed state funding of elections, seeing “full justification constitutional, legal as well as on ground of public interest” in order to establish a fair playing field for parties with less money.
- The Committee recommended two limitations to state funding. These were:
  1. Firstly, that state funds should be given only to national and state parties allotted a symbol and not to independent candidates.
  2. Secondly, that in the short-term, state funding should only be given in kind, in the form of certain facilities to the recognised political parties and their candidates.
- The Committee noted that at the time of the report, the economic situation of the country only suited partial and not full state funding of elections.
- **The 1999 Law Commission of India report** concluded that total state funding of elections is “desirable” so long as political parties are prohibited from taking funds from other sources.
- The Commission concurred with the Indrajit Gupta Committee that only partial state funding was possible given the economic conditions of the country at that time.
- Additionally, it strongly recommended that the appropriate regulatory framework be put in place with regard to political parties (provisions ensuring internal democracy, internal structures and maintenance of accounts, their auditing and submission to Election Commission) before state funding of elections is attempted.
- Next, “Ethics in Governance”, a report of the Second Administrative Reforms Commission (2008) also recommended partial state funding of elections for the purpose of reducing “illegitimate and unnecessary funding” of elections expenses.
- Importantly, the **National Commission to Review the Working of the Constitution, 2001**, did not endorse state funding of elections but concurred with the 1999 Law Commission report that the appropriate framework for regulation of political parties would need to be implemented before state



funding is considered.

### Editorial Analysis:

- In a recent short-duration discussion in the Rajya Sabha on electoral reforms which was initiated by Trinamool Congress (TMC) MP Derek O'Brien, with the backing of as many as 14 Opposition parties, a few interesting debate areas have opened up.
- Experts have opined that it was heartening to see political parties across the ideological divide trying to push the subject of how to make elections freer, fairer and more representative.
- The TMC MP, Derek O'Brien touched on six major themes. These include:
  1. appointment system for Election Commissioners and Chief Election Commissioner (CEC);
  2. money power;
  3. Electronic Voting Machines (EVMs);
  4. the idea of simultaneous elections;
  5. the role social media (which he called "cheat India platforms"); and lastly,
  6. the use of government data and surrogate advertisements to target certain sections of voters.
  7. **On the Appointment process:**
    - On the issue of appointments of Election Commissioners, Mr. O'Brien quoted B.R. Ambedkar's statement to the Constituent Assembly that **the tenure can't be made a fixed and secure tenure if there is no provision in the Constitution to prevent a fool or a naive or a person who is likely to be under the thumb of the executive.**
    - The demand for revisiting the issue was supported by the Communist Party of India (CPI); the Communist Party of India-Marxist (CPI-M); the Dravida Munnetra Kazhagam (DMK) and the Bahujan Samaj Party (BSP), all of whom demanded the introduction of a collegium system.
- 2. **On the Issue of Money Power:**
  - As regards the chronic problem of the crippling influence of money power, Mr. O'Brien spoke about various reports and documents. This included:
    1. a 1962 private member's Bill by Atal Bihari Vajpayee;
    2. the Goswami committee report on electoral reforms (1990); and
    3. the Indrajit Gupta committee report on state funding of elections (1998).
  - Next, Congress MP Kapil Sibal, citing an independent think tank report on poll expenditure released in June 2019, discussed at length the **regressive impact of amending the Foreign Contribution (Regulation) Act (FCRA) and removing the 7.5% cap on corporate donations.**
  - Congress MP Rajeev Gowda termed electoral bonds "a farce" and gave a proposal for state funding (of political parties) based on either a **National Electoral Fund** or the number of votes obtained by the respective parties.
  - He also proposed crowdfunding in the form of small donations.
  - He said that the current expenditure cap on candidates is unrealistic and should either be raised or removed to encourage transparency.
  - Further, the Biju Janata Dal (BJD) supported capping the expenditure of political parties in accordance with a 1975 judgement of the Supreme Court on Section 77 of the Representation of the People Act (RPA), 1951.
  - The Samajwadi Party (SP) suggested that expenditure on private planes etc. should be added to the



candidates' accounts and not to those of the party.

- Also, **banning of corporate donations** was passionately advocated by the CPI and the CPI (M).

### 3. On the Issue of EVM's:

- The old issue of returning to ballot papers was raised by several parties.
- The TMC said that when technology doesn't guarantee perfection, you have to question technology.
- On the other hand, the BJD, the Janata Dal (United) and the Bharatiya Janata Party (BJP) asserted that **EVMs have reduced election-related violence in States like Bihar and Uttar Pradesh.**
- The BJD said that to strengthen public faith in Voter-Verified Paper Audit Trails, five machines should be counted right in the beginning.
- The BSP added that postal ballots should be scanned before counting so as to increase transparency.

### 4. On the issue of simultaneous elections:

- Many BJP MPs highlighted issues linked to electoral fatigue, expenditure and governance and also reports of the Law Commission and NITI Aayog to push for simultaneous elections.
- The TMC said that the solution lies in consulting constitutional experts and publishing a white paper for more deliberation.
- The BJD suggested that an independent regulator should be mandated to supervise and ensure inner-party democracy.
- For improving the representativeness of elections, the **demand for proportional representation system** was put forth by the DMK, the CPI and the CPI (M).
- The DMK cited the example of the BSP's performance in 2014 Lok Sabha elections, when the party got a vote share of nearly 20% in Uttar Pradesh but zero seats.
- A number of MPs argued for a mixed system, where there was a provision for both First Past the Post and Proportional Representation systems.
- Next, the important issue of the **fidelity of electoral rolls** was raised by the YSR Congress Party (YSRCP). The idea of a common electoral roll for all the three tiers of democracy was supported by the BJP and the SP.
- For remedying the **ruling party advantage** in elections, SP MP Ram Gopal Yadav made a radical suggestion that all MPs/MLAs should resign six months before elections and a national government should be formed at the Centre. He said that States should be ruled by the Governor who would have to follow the binding advice of a three-member High Court advisory board.

### Advocacy for some of these reforms over the years:

Former Chief Election Commissioner of India, SY Quraishi has long been an advocate of a number of these reform recommendations.

Some proposals that he has elaborated upon in detail include:

1. reducing the number of phases in elections by raising more security forces;
2. depoliticisation of constitutional appointments by appointing Commissioners through a broad-based collegium;
3. state funding of political parties by means of a National Electoral Fund or on the basis of the number of votes obtained;
4. capping the expenditure of political parties;
5. giving the Election Commission of India (ECI) powers to de-register recalcitrant political parties;
6. inclusion of proportional representation system; and
7. revisiting the Information Technology Act, to strengthen social media regulations.

### Concluding Remarks:

- Unfortunately, Indian politics has been suffering from a wide gap between thought and action.
- The governments should rise above their obsession with immediate electoral gains and think of long-term national interests.
- The TMC MP Derek O'Brien was right in saying that Parliament must not only urgently **debate and deliberate but also legislate** on electoral reforms.
- The time has come to find and enact concrete solutions in the national interest.

## F. Tidbits

### 1. SC panel asks Odisha to plug road safety gaps

- A Supreme Court-appointed committee on road safety has observed that Odisha lacks road signage, markings and traffic signals conforming to the Indian Road Congress specifications.
- The committee's observation becomes significant as there has been a rise of 11% in road accident fatalities in Odisha.
- The average growth in road accident fatalities in India has been below 1% in this period.
- The committee recommended that all the road signage, markings and traffic signals should conform to the IRC specifications.
- Although the IRTE conducted the survey in Bhubaneswar, the committee wanted the Odisha government to treat it as a sample study and implement the recommended actions throughout the State.

## G. Prelims Facts

*Nothing here for today!!!*

## H. Practice Questions for UPSC Prelims Exam

Q1. Vaitarna hydro power plant is located in

- a. Maharashtra
- b. Karnataka
- c. Tamil Nadu
- d. Himachal Pradesh

**Answer: a**

**Explanation:**

Vaitarna Hydroelectric Power Plant India is located in Maharashtra.

Q2. Consider the following statements:

1. The Protection of Children from Sexual Offences (POCSO) Act is a legislation to effectively address sexual abuse and sexual exploitation of children.
2. Children according to the Act are individuals aged below 14 years.

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: a**

**Explanation:**

With the intent to effectively address the evil of sexual exploitation and sexual abuse of children, Protection Of Children from Sexual Offences Act (POCSO) was passed by the parliament in the year 2012. “Children” according to the Act are individuals aged below 18 years. The Act is gender neutral. Different forms of sexual abuse including but not limited to sexual harassment, pornography, penetrative & non-penetrative assault are defined in the Act.

**Q3. Consider the following statements with respect to Third Anglo Maratha War:**

1. The Maratha chiefs Peshwa Bajirao II, Malharrao Holkar and Mudhoji II Bhonsle forged a united front against the English.
2. This war led to the end of the Maratha Empire. All the Maratha powers surrendered to the British.

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:**

**Read about [Third Anglo-Maratha War](#)**

**Q4. Consider the following statements:**

1. Inter Creditor Agreement (ICA) is an agreement among banks that have dues from a borrower in stress.
2. The pact authorizes the lead bank (with the highest exposure) to formulate a resolution plan that could be executed in a time-bound manner.
3. Inter Creditor Agreement is a part of Project Sashakt.

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

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

**Answer: d**

**Explanation:**

## I. UPSC Mains Practice Questions

1. Demographic divergence between regions in India should be seen as an opportunity for overall socio-economic development in the country. Analyse the statement. (15 Marks, 250 Words)
2. What is Extended Producer Responsibility? Discuss the provisions of E-waste Management Rules 2016. (15 Marks, 250 Words)

