

26 Jul 2019: UPSC Exam Comprehensive News Analysis

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Category: POLITY AND GOVERNANCE

1. RTI Amendment Bill passed in Rajya Sabha amid protests

Context:

The Right to Information (Amendment) Bill, 2019, was passed in the Rajya Sabha amid protests by the opposition. The bill, proposed to give the Centre the powers to set the salaries and service conditions of Information Commissioners at central as well as state levels.

Details:

- The Opposition motion was defeated 75 to 117 in favour of the government.
- This is a rare occasion in the Rajya Sabha that an Opposition motion was defeated.

- The opposition had demanded referral of the legislation to a Select Committee.

What has changed?

- The Bill amends Sections 13 and 16 of the Right to Information (RTI) Act, 2005.
- Section 13 of the original Act sets the term of the central Chief Information Commissioner and Information Commissioners at five years (or until the age of 65, whichever is earlier).
- The amendment proposes that the appointment will be “for such term as may be prescribed by the Central Government”.
- Section 13 states that salaries, allowances and other terms of service of “the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner”, and those of an Information Commissioner “shall be the same as that of an Election Commissioner”.
- The amendment proposes that the salaries, allowances and other terms of service of the Chief Information Commissioner and the Information Commissioners “shall be such as may be prescribed by the Central Government”.
- Section 16 of the original Act deals with state-level Chief Information Commissioners and Information Commissioners. It sets the term for state-level CICs and ICs at five years (or 65 years of age, whichever is earlier).
- The amendment proposes that these appointments should be for “such term as may be prescribed by the Central Government”.
- And while the original Act prescribes salaries, allowances and other terms of service of the state Chief Information Commissioner as “the same as that of an Election Commissioner”, and the salaries and other terms of service of the State Information Commissioners as “the same as that of the Chief Secretary to the State Government”, the amendment proposes that these “shall be such as may be prescribed by the Central Government”.

What are the government’s stated grounds for bringing the amendments?

- The statement of objects says the mandate of Election Commission of India and Central and State Information Commissions are different. Hence, their status and service conditions need to be rationalised accordingly.
- While introducing the Amendment Bill, Minister of State in the PMO Jitendra Singh said, that the then government of the day, in a hurry to pass the RTI Act, 2005, overlooked a lot of things.
- The Central Information Commissioner has been given the status of a Supreme Court judge but his judgments can be challenged in the High Courts.

Criticisms:

- The original Act had quantified the tenures, and defined the salaries in terms of existing benchmarks. The amendments are being viewed as implying that, in effect, the terms of appointment, salaries and tenures of the Chief Information Commissioners and Information Commissioners can be decided on a case-to-case basis by the government.
- The deliberate dismantling of this architecture empowers the Central government to unilaterally decide the tenure, salary, allowances and other terms of service of Information Commissioners, both at the Centre and the States.
- Both, the Opposition members as well as RTI activists have claimed that the Bill is an attempt to take away the autonomy of the institution.
- The amendments will adversely impact the ability of Information Commissioners to function in an independent manner.
- By diminishing the status of the CIC, IC and State CIC from that of a Supreme Court judge would reduce their ability to issue directives to senior government functionaries.

How far has the RTI Act served the purposes for which it was introduced?

- The RTI Act is regarded as one of the most successful laws of independent India.
- It has given ordinary citizens the confidence and the right to ask questions of government authorities.
- According to estimates, nearly 60 lakh applications are being filed every year.
- It is used by citizens as well as the media. The law is seen as having acted as a deterrent for government servants against taking arbitrary decisions.

2. EC sets up teams to probe VVPAT mismatch in Lok Sabha election

Context:

The Election Commission has set up teams to probe seven of the cases.

Details:

- The move comes as there have been reports of mismatches between the Voter Verifiable Paper Audit Trail (VVPAT) slips and the Electronic Voting Machine (EVM) count in eight cases during the Lok Sabha election.
- Of the 1.25 crore VVPAT slips counted, 51 or 0.0004% of the total saw a mismatch, according to facts shared by the EC.
- A letter by EC said that thorough probes would be conducted in case of a mismatch of VVPAT slips and electronic results to ascertain the technological, procedural, systemic and human errors or lapses in compliance. It could include the possibility of returning officers not clearing the mock votes and manual errors while tallying the VVPAT slips.
- According to the order, the teams have been asked to probe the cases of lesser VVPAT slip/s being found.

What happens in case of Mismatch?

- The mismatches mark the first time there were any, since VVPAT recounts were implemented in the 2017 Assembly elections.
- Under the electoral rules, if there is any discrepancy in the match, the VVPAT count prevails.

3. Set up a POCSO court, says SC

Context:

The Supreme Court directed the Centre to set up special courts in each district across the country that have over a 100 cases of child abuse and sexual assault pending trial under the Protection of Children from Sexual Offences (POCSO) Act.

Background:

- The court had registered the PIL plea under the title ‘In-re Alarming Rise in The Number of Reported Child Rape Incidents.’
- The PIL plea was instituted on the basis of the court’s own report that showed that from January 1 to June 30 this year, 24,212 First Information Reports were filed across India.
- Till now, the trial courts had decided only 911 cases, that is, about 4% of the total cases registered.

Details:

- The order came on a suo motu public interest litigation petition registered by the Supreme Court after

being concerned by the “alarming rise” in child abuse cases and their long pendency in courts.

- Noting that children were the victims in such cases, the CJI said there was no excuse for a long delay in justice for them.
 - The traumatised victims needed to be treated with compassion and kindness.
 - In short, a completely different approach was required while investigating and trying POCSO cases.
 - Expressing his concerns over the lack of infrastructure in some states, the CJI highlighted that courts in such States, a curtain has to be drawn between the victim in a POCSO court and the accused.
- The court said the support persons in these special courts, who perform the crucial role of a bridge between the child victim and the court’s officers and investigators, should comprise dedicated people who had excellent academic qualifications and devoted to child rights.
 - A Bench led by the Chief Justice of India directed the courts to be set up within 60 days.
 - They will be established under a Central scheme and fully funded by the Centre. This means the Centre would fund everything from the payment of the presiding officers, staff and support persons to the court’s child-friendly infrastructure.

C. GS3 Related

Category: SECURITY

1. Drug menace: Haryana, H.P. mull law on lines of MCOCA

Context:

Chief Ministers of five northern States attend conference in Chandigarh that discussed the concerns over the inflow of drugs into India.

Details:

- Expressing concern over the inflow of drugs from Pakistan, Afghanistan, Nigeria and other countries, seven northern States and a Union Territory have decided to set up a joint working group.
- The joint working group would involve officials of the health and social justice departments, to share experiences and best practices in their respective campaigns against drugs.
- There was consensus among the States on the importance of strengthening the information-sharing mechanism on drugs and drug dealers-smugglers, for a more effective crackdown against them.
- Chief Ministers of the northern States, including those of Punjab, Rajasthan, Haryana, Himachal Pradesh and Uttarakhand, joined by top officials from Delhi, Jammu & Kashmir and Chandigarh, agreed on a series of measures to eradicate the drugs scourge from the region, they said in a statement after their second joint conference.
- These included joint operations at the inter-State borders, information sharing and implementation of the best practices of the participating States.
- It was also agreed that all the States would initiate major awareness programmes and strive to make eradication of drugs a peoples’ movement.
- The conference recognised drugs as a national problem, requiring the collective effort of all the States for its successful eradication. It proposed, therefore, to jointly press the Centre to come out with a national drugs policy in order to effectively tackle the growing menace.
- Haryana and Himachal Pradesh disclosed that they were considering legislation on the lines of the Maharashtra Control of Organised Crime Act (MCOCA) to tackle the drug menace in their States.

Category: ECONOMY

1. Companies Bill introduced in LS amid opposition hue and cry

Context:

The Companies (Amendment) Bill, 2019 was tabled in Lok Sabha.

Background:

- Following recommendations of a committee that was constituted by the corporate affairs ministry in July 2018, it was decided to amend the Act.
- An ordinance was issued in November 2018 and then a bill to replace the ordinance was passed in Lok Sabha in January 2019.
- However, the bill was not taken up by the Rajya Sabha. In January this year, a second ordinance was issued and the same is to be replaced by the new bill. There are also some additional changes.

Provisions:

- As many as 16 sections of the Companies Act, 2013 would be amended to modify punishments provided in these sections in order to lessen the burden on special courts.
- The bill seeks to empower Registrar of Companies (RoC) to initiate action for removal of a company's name if the latter is not carrying out business activities as per the Act.
- Amendment seeks to enable the National Financial Reporting Authority (NFRA) to perform its functions through divisions and executive body.
- Amendments have been proposed to Section 135 of the Act that pertains to Corporate Social Responsibility (CSR). Following the amendment, companies will be allowed to transfer their unspent CSR funds to a separate account.
 - In a particular fiscal, certain classes of profitable companies are required to shell out at least two per cent of their three-year average annual net profit towards CSR activities.
 - Now, the unspent CSR funds can be carried forward to a special account and the same has to be spent within three financial years.
 - In case, the money remains unspent, then it should be transferred to any fund specified in Schedule VII of the Act.
- It would provide more teeth to the central government to deal with violators.
- It is said that, with the amendments, procedural and technical defaults would be decriminalised while compliance would be incentivised.

Category: ENVIRONMENT AND ECOLOGY

1. Earth is warming at faster pace than in last 2,000 years: study

Context:

According to a recent study, world temperatures rose faster in the late 20th century than at any other time in the last 2,000 years.

Details:

- Researchers used data compiled from nearly 700 temperature indicators: tree rings, sediment cores, coral reefs and modern thermometer readings to provide a comprehensive timeline of the planet's recent climate history.
- While average global temperatures are currently around 1°C hotter than pre-industrial times, there have been a number of periods of cooling and warming over the centuries.

- This had led sceptics of manmade global warming to suggest that human activity is not the main driver of climate change.
- However, the study clearly points out that at no point in modern human history did temperatures rise so quickly and so consistently as in the late 20th century. It is the period where the world's post-war, fossil fuel-powered economy reached unprecedented heights of production and consumption.
- And concluded that humans had never witnessed such rapid global warming as in the latter part of the 20th century.
- The study also found that pre-industrial temperature fluctuations were largely driven by volcanic activity.

2. New drug to combat wombat-killing disease

Context:

Researchers have found that a Sarcoptic mange that has ravaged wombats in southern Australia could be brought under control using a treatment commonly applied by pet owners on cats and dogs.

Details:

- A paper published in the Journal of Applied Ecology explains how past attempts to control the disease in the park failed, but the scientists are now confident that a different drug used to treat mange in domestic cats and dogs — could prove effective in wombats.
- Mange — which causes wombats to lose some or all of their fur and starve to death within months — has wiped out more than 90% of bare-nosed wombats in a single national park on the island state of Tasmania.
- The disease, which was introduced to Australia by European settlers in the 1800s, caused the worst animal suffering.

Wombats:

- Squat and furry, wombats are small burrow-dwelling marsupials.
- They are native to Australia.
- The bare-nosed wombat is listed as Least Concern under the IUCN.
- Bare-nosed wombats are herbivorous and mainly feed on native grasses, tussocks and sedges. Occasionally they will also eat bark, herbs and moss.
- They are largely nocturnal and walk on all four limbs.
- They are not a threatened species.
- The greatest threat to the species is sarcoptic mange, which occurs throughout their entire range.

Mange:

- Sarcoptic mange occurs throughout most of the range of bare-nosed wombats.
- Outbreaks occur more frequently in high-density populations, where ranges and burrow use may overlap thus facilitating the transmission of the disease.
- The effects of the disease can be debilitating, where thick scabs hinder sight and movement, leading to starvation and eventual death.

D. GS4 Related

Nothing here for today!!!

Category: SECURITY

1. Unlawful Activities (Prevention) Amendment Act Bill

Context

- The Lok Sabha passed the bill that empowers the government to **designate individuals as terrorists** and empowers the Director-General, National Investigation Agency (NIA) to grant approval of seizure or attachment of property when the case is investigated by the agency.

Features of the Bill

- Under the Act, as per section 25 of the UAPA, forfeiture of property representing proceeds of terrorism can only be made with **prior approval in writing by the DGPs of the state** wherein such property is located. However, many times **terror accused own properties in different states**. In such cases, seeking **approval of DGPs of different states becomes very difficult, and the delay** caused by the same may enable the accused to transfer properties etc.
 - The **Bill** gives power to DG, NIA to attach properties acquired from proceeds of terrorism
- Under the Act, investigation of cases may be conducted by **officers of the rank of Deputy Superintendent or Assistant Commissioner of Police or above**.
 - The **Bill** additionally empowers the officers of the NIA, of the rank of Inspector or above, to investigate cases.
 - **Inspectors of NIA have acquired sufficient proficiency** to investigate these offenses and senior officers are required to be better utilized for supervision of investigation.
 - Senior officers of NIA supervise all cases to expedite investigations in accordance with law.
- Further, there is no provision in the UAPA or any other legislation to designate individual terrorist. Therefore, when a terrorist organization is banned, its members form a new organization. Therefore, it is essential to **declare guilty individuals as terrorists**. UN and other nations have similar provisions.

Who may commit terrorism?

Under the Act, the central government may designate an organisation as a terrorist organisation if it: (i) commits or participates in acts of terrorism, (ii) prepares for terrorism, (iii) promotes terrorism, or (iv) is otherwise involved in terrorism.

- Under the **act** there is no provision in the UAPA or any other legislation to designate individual terrorist. Therefore, when a terrorist organization is banned, its members form a new organization.
 - The **Bill** additionally empowers the government to designate individuals as terrorists on the same grounds. The practice of designating individuals under anti-terrorism laws, prevalent in several countries, is seen as being **necessary because banned groups tend to change their names and continue to operate**.

Issues Associated with the bill

- The law allows the National Investigation Agency (NIA) to go to any state without taking permission from state police concerned for checking anti-terror activities.
 - This is **against the federal structure** of the country. The provision to empower the head of the National Investigation Agency to approve the forfeiture of property of those involved in terrorism cases **obviously overrides a function of the State government**.

- There is no set procedure for designating an individual a terrorist. Parliament must consider whether **an individual can be called a ‘terrorist’ prior to conviction in a court of law.**
 - The absence of a judicial determination may render the provision vulnerable to invalidation.
 - This would be a violation of the principles of natural justice.
- There ought to be a **distinction between an individual and an organisation**, as the former enjoys the right to life and liberty. The likely adverse consequences of a terrorist tag may be worse for individuals than for organisations.
 - Further, individuals may be subjected to arrest and detention; even after obtaining bail from the courts, they **may have their travel and movements restricted, besides carrying the taint.**
- A wrongful designation will cause irreparable damage to a person’s reputation, career and livelihood.
- Such sweeping executive powers in the hands of government will have a **chilling effect on civil liberties and free speech.**
 - Merely harbouring an opinion or an ideology could haul political dissidents or even opposition leaders into the dragnet

Conclusion

- The 2004 amendments to the Unlawful Activities (Prevention) Act, 1967, made it a comprehensive anti-terror law that provided for punishing acts of terrorism, as well as for designating groups as ‘terrorist organisations’.
- Parliament further amended it in 2008 and 2013 to strengthen the legal framework to combat terror.
- While none will question the need for stringent laws that show ‘zero tolerance’ towards terrorism, the government should be **mindful of its obligations to preserve fundamental rights while enacting legislation** on the subject.

Category: SOCIAL ISSUES

1. Making national legislatures more gender-balanced

Introduction

- The Global Gender Gap report for 2018 said that the **widest gender disparity is in the field of political empowerment.**
- To cite the Inter-Parliamentary Union 2018 report, **women legislators account for barely 24% of all MPs across the world.**

Rwanda Example

- Rwanda, a landlocked nation with a population of 11.2 million, tops the list, with 61.3% seats in the Lower House and 38.5% in the Upper House occupied by women.
- Since 2003, the country has **implemented a legislated quota of 30% in all elected positions**, which has enabled a steady inflow of women parliamentarians after successive elections.
- Its Constitution has also set a quota of 30% in all elected offices.
- However, some believe that the higher representation of women in the **country cannot be attributed solely to quotas** — women were thrust into the political limelight due to the huge vacuum that emerged in the aftermath of the 1994 genocide, which resulted in a large chunk of the country’s male population getting killed.

Cuba

- The largest Caribbean island nation with a population of about 11.1 million, **holds the second rank,**

with 53.2 % seats of its 605-member single House being occupied by women representatives.

- The Communist dispensation in Cuba did not opt for legislated gender quotas, but does follow a **practice akin to voluntary quota systems**.
- However, Cuban women are less represented at the local level, where candidates are selected by the local communities that often overlook women candidates.

Sweden

- The fifth-rank holder in the IPU, has a professedly feminist government and has maintained a women's parliamentary representation of at least 40% since 90s.
- The 349-member single House, Swedish Parliament, now has 161 women with 46.1% representation. Sweden **does not have any constitutional clause or electoral law earmarking representation for women** in elected bodies.
- The issue of compulsory gender quota didn't find favour in Sweden as it was believed that such a **quota will create reverse discrimination** and violate the principles of equal opportunities.
- Almost **all political parties there have adopted measures to ensure a fair representation** for women at all levels.
- In 1993, the Social Democratic Party adopted the 'zipper system', described as "a gender quota system whereby women and men are placed alternately on all party lists." This further boosted women's seat share.

Nepal's example

- Closer home, Nepal occupies the 36th position in the IPU and its 275-member Lower House has 90 women, about 32.7% of the total strength.
- The Nepal Constitution stole a march over many others in South Asia by **earmarking 33% seats for women in all state institutions, including the legislature**.

India

- **India, at 149 among the 192 countries** in the IPU list, had barely 11.8% women's representation in the 16th Lok Sabha, which improved to 14.5% in the current Lower House. At least seven out of the 29 States have not sent a single woman MP.
- The **108th Constitutional Amendment Bill** stipulating 33% quota for women in the Parliament and in State Assemblies remains in political cold storage.
- The system of voluntary party quotas, which has worked well in many countries, is not likely to cut much ice in India's deeply embedded patriarchal society.

Conclusion

- As has happened in the case of panchayats and municipalities, only a legally mandated quota could perhaps ensure a large-scale entry of Indian women into the higher echelons of political power.

F. Tidbits

1. China launches private rocket to carry satellites

- Chinese space launch startup ispace became the first private Chinese commercial space launch provider.
- The start-up has launched the country's first commercial rocket capable of carrying satellites into orbit.
- It launched two satellites into orbit from Jiuquan, a state launch facility in the Gobi desert.

- This is a major milestone for the Chinese space industry, as the space race between China and the U.S. heats up.
- ispace beats out a healthy crop of competitors, including LandSpace and OneSpace, both of which did not succeed in earlier attempts to be the first in China to the private launch market.
- The rocket can carry up to 260 kg (around 575 lbs) and weights around 68,000 lbs.

G. Prelims Facts

Nothing here for today!!!

H. Practice Questions for UPSC Prelims Exam

Q1. Consider the following statements:

1. Orang National Park is located on the North Bank of Brahmaputra River.
2. It is home to great Indian one-horned rhinoceros.

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:

Orang National Park is located on the North Bank of Brahmaputra River, in Assam. Orang park contains significant breeding populations of several mammalian species. Apart from the great Indian one-horned rhinoceros, which is the dominant species of the national park, the other key species sharing the habitat are the royal Bengal tiger, Asiatic elephant, pygmy hog, hog deer and wild boar.

Q2. Consider the following statements:

1. Measles is a highly contagious bacterial disease.
2. The MMR vaccine protects against three diseases measles, mumps and rubella.

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:

Measles, also known as morbilli or rubeola or red measles, is a highly contagious, rash-causing viral infection belonging to paramyxovirus family. It also causes upper respiratory symptoms and fever.

Q3. Consider the following statements:

1. Eravikulam national park is located in Kerala.
2. It is a UNESCO World Heritage Site.
3. Neelakurinji flower that blossoms once in 12 years if found abundantly at Eravikulam National Park.

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

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

Answer: d

Explanation:

All the statements are correct.

Q4. Consider the following statements:

1. Helena Blavatsky started the Home Rule Movement in India.
2. Tilak's Home Rule movement was confined to Maharashtra and Karnataka.
3. All India Home Rule League later changed its name to Swarajya Sabha.

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

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

Answer: c

Explanation:

Tilak launched the Indian Home Rule League in April 1916 at Belgaum. Annie Besant launched the Home Rule League in September 1916 at Madras. They had the common objective of achieving self-government in India. Tilak's movement was confined to Maharashtra and Karnataka. And Annie Besant movement spread to other parts of India. In 1921 All India Home Rule League changed its name to Swarajya Sabha.

I. UPSC Mains Practice Questions

1. Amendments to the Unlawful Activities (Prevention) Amendment Bill 2019, violates the principle of Natural Justice and raises large concerns over its misuse. Critically comment. (15 Marks, 250 Words)
2. Debate in Parliament is indicative of the intent with which the legislature enacts a law. In the absence of parliamentary debate, courts will have nothing to rely on to understand the rationale behind the provisions of a law. Analyse the statement in the light of fast disposal of bills in the current parliamentary session. (15 Marks, 250 Words)

