

14 Sep 2019: UPSC Exam Comprehensive News Analysis

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Category: POLITY AND GOVERNANCE

1. Government has failed to bring in Uniform Civil Code, says Supreme Court

Context:

The Supreme Court has highlighted the failure of governments to heed Article 44 of the Constitution to promulgate a Uniform Civil Code (UCC) for the entire country despite it being 63 years since the codification of Hindu law in 1956.

What is Uniform Civil Code?

- Uniform Civil Code refers to a common set of laws governing civil rights of every citizen.
- UCC means that all sections of society irrespective of their religion shall be treated equally

according to a national civil code, which shall be applicable to all uniformly.

- It is based on the belief that there is necessarily no connection between religion and personal law in a civilized society.
- Therefore, the uniform civil code is a proposal to replace the personal laws based on the scriptures and customs of each major religious community in India with a common set of governing laws for every citizen.
- Article 44 of Directive Principles of State Policy set duty of state for implementing UCC.
- The cases in the past reflect the multi-religious nature and problems associated with personal laws in India. The judiciary through the years has been nudging the Centre to take a stand on Uniform Civil Code.

Judicial Cases in the Past

1. Shah Bano Case (1985)

A 73 year old woman called Shah Bano was divorced by her husband by triple talaq (saying "I divorce thee" three times) and was denied maintenance. She approached the courts where the District Court and High Court ruled in her favour that led to her lawyer husband moving to the Supreme Court saying that he had fulfilled all his obligations under Islamic law.

The Supreme Court ruled in her favour in 1985 under the "maintenance of wives, children and parents" provision (Section 125) of the All India Criminal Code, which applied to all citizens irrespective of religion. Further, it recommended that a uniform civil code be set up.

2. Daniel Latifi Case

Muslim Women's Act (MWA) was challenged on the grounds that it violated right to equality under article 14 & 15 as well as right to life under article 21.

Supreme Court while holding the law as constitutional, harmonised it with section 125 of CrPC and held that amount received during iddat period should be sufficient to maintain her during iddat as well as provide for her future.

3. Sarla Mudgal Case

In this case, the question was whether a Hindu husband married under the Hindu law, by embracing Islam, can solemnise second marriage.

The court held that the Hindu marriage solemnized under the Hindu law can only be dissolved on any of the grounds specified under the Hindu marriage act 1955. Conversion to Islam and marrying again, would not by itself dissolve the Hindu marriage under the act and thus, a second marriage solemnized after converting to Islam would be an offence under section 494 of the Indian penal code.

4. John Vallamattom Case

In this case, a priest from Kerala, John Vallamattom challenged the Constitutional validity of Section 118 of the Indian Succession Act, which is applicable for non-Hindus in India. Mr. John Vallamattom, contended that Section 118 of the said act was discriminatory against the Christians as it imposes unreasonable restrictions on their donation of property for religious or charitable purposes by will. The bench struck down the section as unconstitutional.

Details:

- The government has till date taken no action, with respect to UCC, a Bench of Justices Deepak Gupta and Aniruddha Bose observed in a judgment.
- The court said though the "Hindu laws were codified in the year 1956, there has been no attempt to frame a Uniform Civil Code applicable to all citizens of the country".
- Justice Gupta said the founders of the Constitution had expressed their hope that one day the State

would fulfil expectations of a UCC.

Law panel's stand:

- In 2018, a Law Commission of India consultation paper had, however, said the Uniform Civil Code is “neither necessary nor desirable at this stage” in the country.
- The Commission said secularism cannot contradict the plurality prevalent in the country.

The Goan example:

- The Supreme Court hailed the State of Goa as a shining example where “uniform civil code applicable to all, regardless of religion except while protecting certain limited rights”.
- Under this Code practised in Goa, a Muslim man whose marriage is registered in the State cannot practice polygamy, a married couple share property equally, pre-nuptial agreements are the order of the day and assets are divided equally between the man and woman on divorce.
- The judgment came in a case concerning the question of whether succession and inheritance of a Goan domicile are governed by the Portuguese Civil Code, 1867 or the Indian Succession Act of 1925.

2. Govt review plea in top court against SC/ST Act verdict goes to 3-judge Bench

Context:

The Supreme Court has referred a review petition filed by the government against a March 20, 2018 judgment of the court which had virtually diluted provisions of arrest under the SC/ST Act to a three-judge Bench.

Background:

- The SC/ST Act has taken the present form after a journey of over six decades.
- It aims at addressing injustices rooted in the centuries' old caste system which denied members of a number of social classes on the basis of birth many fundamental rights.
- The Constitution provides for correcting the historical wrongs through Articles 17 (abolition of untouchability) and 46 (directive to the government to protect educational and economic interests of the weaker sections of society). Parliament passed first law for protection of Dalits in 1955 in the form of the Untouchability (Offences) Act.
- The law was renamed as the Protection of Civil Rights (PCR) Act in 1976. But a few years later, it was considered ineffective and was replaced with the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act in 1989 by the then Rajiv Gandhi government.
- The 1989 Act was amended further in 2015 to make it more stringent. Tonsuring of head, moustache or any other act by dominant caste people aimed at attacking the dignity of a person belonging to SC/ST communities was were included among the offences under the law.

Details:

- A Supreme Court order on March 20 diluted certain provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
 - The verdict allowed anticipatory bail to persons accused of committing atrocities on Scheduled Castes and Scheduled Tribes.
 - It had reasoned that the anti-atrocities law was misused by some members of the community as a means for blackmail.
 - It saw a huge public backlash. Several people died in the protests that followed and crores worth property were destroyed.

- The government reacted by filing the review petition and subsequently amended the 1989 Act back to its original form, in August 2018.
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act of 2018 nullified the March 20 judgment.
- The original 1989 Act bars anticipatory bail.
- The Supreme Court had on May 1, 2019 reserved the judgement on the Centre's review plea while observing that laws in the country should be caste neutral and uniform.
- Several petitions were filed challenging the Amendment Act.
- The lead petitioner, called the amendments a blunder and a violation of the fundamental right to equality and personal liberty.
- The Supreme Court, however, refused to stay the implementation of the amendments.
- The Supreme Court has now referred to its three-judge bench the Centre's plea seeking review of the March 20, 2018 verdict which had virtually diluted provisions of arrest under the SC/ST Act.

Why did the Government amended the 1989 Act back to its original form?

- The government said there was no decrease in the atrocities committed on members of SC/ST communities despite the laws meant to protect their civil rights.
- It said the sad state of affairs was prevalent despite the existence of 195 special courts across 14 States to exclusively try Prevention of Atrocities (PoA) cases.
- As per the National Crime Records Bureau statistics, there is no decrease in the crimes against SC/ST members. The number of cases registered under the PoA in 2014 was 47124, while in 2015 it was 44839 and 47,338 in 2016.
- The government's argument is that the SC/ST (Prevention of Atrocities) Act of 1989 is the least which the country owes to this section of society who have been denied several civil rights since generations and have been subjected to indignities, humiliations and harassment.

C. GS3 Related

Category: ENVIRONMENT AND ECOLOGY

1. U.N. meeting on desertification ends with vow to curb land degradation

Context:

A two-week-long United Nations-led Conference to Combat Desertification (UNCCD) ended with a commitment to achieve land degradation neutrality by 2030.

Details:

- The Delhi Declaration, a consensus document, agreed upon by more than 100 countries welcomed the proposed adoption of a voluntary land degradation neutrality target by India.
- It has committed to restoring at least 26 million hectares of degraded land by 2030.
- Countries will address insecurity of land tenure, promote land restoration to reduce land-related carbon emissions and mobilise innovative sources of finance from public and private sources.
- The Declaration doesn't detail commitments by other countries.
- Almost 122 nations, including India, have made voluntary commitments in previous years to ensure that a certain percentage of their degraded land was restored.
- India had agreed, again on a voluntary basis, to restore 20 million hectares by 2020.
- Nearly 96 million hectares of land is deemed 'degraded' in India.

UNCCD:

- The UNCCD is the only legally binding international agreement on land issues.
- Its 196 parties aim, through partnerships, to implement the Convention and achieve the Sustainable Development Goals.

The topic on U.N meeting on desertification has been comprehensively covered on **13th September 2019** CNA. To read more about the recent United Nations-led Conference to Combat Desertification [Click here](#)

Category: SCIENCE AND TECHNOLOGY

1. Big leap for Naval variant of LCA Tejas

Context:

The naval variant of the Light Combat Aircraft (LCA) Tejas has made a successful short arrested landing on the Shore Based Test Facility (SBTF) in Goa.

Details:

- This is a big step forward in the delayed project for the LCA to eventually operate from an aircraft carrier.
- This would pave the way for this indigenous platform to undertake aircraft carrier landing demonstration on board INS Vikramaditya, said the Defence Research and Development Organisation (DRDO).
- In December 2016, then Navy Chief stated that the LCA in the present form “does not meet the carrier capability which is required by the Navy”.
- The naval LCA made its maiden flight in April 2012 and two prototypes have been flying as part of the development. The first prototype (NP1) made a successful first flight from the SBTF in 2014.
- The SBTF, which replicates the flight deck of an aircraft carrier was specifically built to train naval pilots in the complex manoeuvres of landing on the short flight deck of an aircraft carrier before they move on to the actual carrier.
 - The naval LCA is designed with stronger landing gears to absorb forces exerted by the ski jump ramp during take-off, to be airborne within 200m and land within 100m, as against 1,000m required for normal runways.
 - Its special flight control law mode allows hands-free take-off, relieving the pilot workload, as the aircraft leaps from the ramp and automatically puts the aircraft in an ascending trajectory.
- The Navy currently operates Russian MiG-29K fighters from INS Vikramaditya. They will also fly from the first Indigenous Aircraft Carrier (IAC) Vikrant once it enters service.

LCA Tejas:

- The LCA-Tejas is an indigenous single-seat and single-jet engine light fighter made by Hindustan Aeronautics Limited or HAL for the military primarily for the Air Force.
- It has a tailless and compound delta wing design which is very steerable.
- It originated from the Light Combat Aircraft programme started in the 1980a.
- It was initiated to substitute the older MiG-21 fighters.
- The LCA was rechristened ‘Tejas’ meaning radiant in the Sanskrit language by the then PM Vajpayee.

Shore-based Test Facility:

- A Shore Based Test Facility or the SBTF (also known as Land Based Test Facility) is used for the flight testing of aircraft that operate from aircraft carriers.
- They are also used for the training of the pilots who will operate the aircraft from the aircraft carriers.
- Only four countries in the world have SBTF or LBTF; they are China, India, Ukraine / Russia and the United States.

D. GS4 Related

Nothing here for today!!!

E. Editorials

Category: GOVERNANCE

1. Jan Soochna Portal (JSP)

- It is a **portal launched by Rajasthan Government** developed by the Information and Technology (IT) department, to enhance transparency and accountability in the Right to Information Act 2005, that **deals with proactive disclosure of information**.
 - Under **Section 4 (2) of the Right to Information Act 2005**, provisions were made that different authorities and government departments will **voluntarily disclose information through various means including the internet**, so that general public can file least number of publications to seek to various information coming under the ambit of the government
- However, in the past 14 years, the Centre and various state governments had not implemented this provision of the section.
- Through this portal, common people will get information pertaining to 13 departments online in a lucid language

Context

- Rajasthan launched JSP for quick access to information on government departments.

Details

- Under this portal, activities of the government such as availability of food grains and ration shops and their distribution, implementation of various schemes and their beneficiaries and a variety of other information are available on a real-time basis virtually making it a Janta Information System.
- Various departments of the government of Rajasthan, **called Line Departments**, have been given a set of obligations that they are expected to fulfil.
 - For example, they are expected to ensure digitization of records.
 - In addition, the Department of Information Technology will serve as the nodal department for the development, operationalization and maintenance of the JSP.
- This department has been informed of its obligations, which includes **adherence to the norms and standards** laid down by a digital dialogue advisory group.
 - To ensure that the responsibilities are carried out, the **Advisory Group will be the monitoring agency**.
 - **Grievance Redressal Officers** will be appointed so that citizens can make the State government truly accountable.
- The government of Rajasthan has also **taken steps to train citizens** so that they are aware of the facilities available.

- The portal has been arrived at through a **regular and rigorous consultative process** between government officials, IT professionals and civil society.

Significance

- Files which were once accessible only on filing RTI Applications, would now be provided on suo motu basis by the Government to the public at regular intervals
 - Since the information is available on the Internet, every citizen, right down to the municipal ward and panchayat, has access to the information.
- This information is made freely available on the JSP. All information can be accessed immediately, free of cost.
- This Portal provides Information about
 - farm loan waiving scheme beneficiaries
 - provides details about pollution and environment clearances
 - mining licenses
 - List of mines in every district, provides geographical coordinates, and the area where mining has been permitted, including the land deed identifiers.
 - It provides details of production and royalties and taxes paid.
- This kind of information can facilitate a progressive partnership between government and citizens for a cleaner society.

Challenges

- The mere launch of the JSP is not enough. There are huge challenges with regard to maintenance issues which needs to be addressed periodically
- Digital divide is a serious problem in India. To bridge this, **care should be taken to ensure that access points are open and free.**

Conclusion

- It would be wonderful if all other State governments follow the Rajasthan government's initiative, which aims to make people, including the marginalised sections, a part of the governance process.

2. Illegal Hoardings

Context

- Subhasri Ravi, a software engineer, was crushed to death by a water tanker in Chennai.
- She was on her way back home from work, was thrown off her scooter after an illegal hoarding erected on the road's divider fell on her following which she lost her balance and was hit by a water tanker.
- The illegal hoarding was reportedly erected as part of wedding celebrations of the AIADMK functionary's son on the Pallavaram-Thoraipakam radial road.

Similar examples from the past

- Raghu, a young engineer, died under similar circumstances in Coimbatore.
- Babu, was electrocuted in Udthagamandalam when he touched a party flag that was in contact with a wire; both instances involved ramshackle structures placed along roads.

Madras High Court ruling on illegal hoardings

- Madras High Court has enforced a ban on illegal hoardings since 2006 and the Supreme Court has

upheld the same in 2008.

- The Madras High Court had said “The erection of arches, placards and display boards, banners with poles, etc., abutting into public streets and pavements, **which obstruct free and safe movement of traffic or free and safe movement of pedestrians** or obstructs visibility of drivers is patently illegal”.

Negligence of Civic Authorities and Insensitive Political Parties

- Subasri joins the list of hapless citizens whose lives were ended by civic neglect, police indifference, and, in Tamil Nadu especially, a political culture that dominates public spaces **through exaggerated displays of cutouts, crude arches and flags at the cost of safety.**
- Political parties from across the spectrum see no need for restraint, even after many directions from the Madras High Court to stop endangering public safety goes to show that there are no serious consequences.
- The Revenue Department and the local body must explain their failure to prohibit the dangerous structures, when there are clear orders in force.

Steps to be taken

- The government must fix accountability and make individual members of the executive liable for lack of public safety.
- Acts of omission, neglect and irresponsibility of civic officials should attract strong action
- It is clear, therefore, that even where limited permissions could be given, the structures cannot affect public safety.
 - So a thorough investigation as to who, why was permission given needs to be taken up and enforcing penalty for the carelessness, laxity of officials should set a precedent preventing future such issues
- Strong action is needed against recalcitrant politicians and lumpen groups who use banners as displays of power or fealty

Considering the long history of illegal political banners and religious displays, often involving theft of electricity, the court can bring about compliance with the law through a special panel, similar to the Supreme Court’s committee on road safety headed by a retired judge.

F. Tidbits

1. Odd-even scheme back in Delhi from November 4-15

- The odd-even vehicle rationing scheme is all set to return to Delhi for the third time.
- The scheme, would be enforced from November 4 to 15, 2019 as part of a seven-point action plan mainly aimed at combating the detrimental effect that stubble and residual crop burning in neighbouring States such as Punjab and Haryana has on the Capital's ambient air quality in winter months.
- The scheme entails allowing private vehicles whose registration number ends in even digits to ply on even dates and those with odd last digits to ply only on odd dates, with violators drawing a Rs.2,000 fine.
- However, women drivers and two-wheeler riders were exempted from the scheme on both the previous occasions.
- Studies conducted on the effect of the scheme say that when it is enforced, air pollution in Delhi is reduced by 10%-13%.
- The Chief Minister also announced other measures of the ‘Parali Pradushan’ plan such as the distribution of free anti-pollution masks to citizens.

- Other components of the seven-point plan include:
 - mechanised sweeping and water sprinkling on roads
 - tree plantation
 - special measures to be put in place at 12 pollution hotspots in Delhi.
- Delhiites were also requested to avoid bursting crackers on Diwali.
- **Odd-Even Scheme in other countries:**
 - During the 2008 Olympics, a system of road-rationing the licence plates was implemented in Beijing to check the rising pollution levels in the Chinese capital and the emission levels came down to 40 percent.
 - Sao Paulo has been using the vehicle rationing system based on registration numbers for over a decade now, leading to lesser pollution.
 - London had implemented the vehicle exclusion rule during the 2012 Olympics to reduce pollution and congestion.

2. 312 Sikh foreigners removed from post-militancy 'adverse list'

- At least 312 Indian-origin Sikhs living in foreign countries have been removed from a Ministry of Home Affairs "adverse list".
- This enables them to apply for an Indian visa and visit the country.
- Only two persons from the list have been excluded.
- In the future, Sikhs mentioned in the list could eventually apply for registration as Overseas Citizens of India (OCI) after they have applied for and held normal visa for a period of two years.
- **Brief background:**
 - In the 1980s, when Sikh militancy was at its peak, many members of the community in India and abroad were influenced by anti-India propaganda.
 - Some Sikhs fled India to escape the authorities, acquired foreign nationality and took asylum outside the country.
 - They were placed in the adverse list till 2016, making them ineligible to avail visa services to visit India.
 - The list prepared by the intelligence agencies was available with all Indian missions.
 - It was a major roadblock for persons seeking visa even for their family members who were not on the list.

3. Army to get indigenous tank ammunition

- Maintaining focus on the 'Make in India' initiative, the Defence Acquisition Council (DAC), chaired by Defence Minister has approved indigenous development of ammunition for the Army's T-72 and T-90 tanks.
- It has accorded approval for indigenous development and production of the main gun 125mm Armour Piercing Fin Stabilised Discarding-Sabot (APFSDS) ammunition for T-72/T-90 tanks by the Indian industry.
- The projects are worth approximately R 2,000 crore.
- It would enhance the enemy armour penetration capability.
- The DAC also approved procurement of Defence Research and Development Organisation (DRDO) developed and Industry manufactured Mechanical Mine Layer (Self Propelled) to improve automated mine-laying capability of the Indian Army.

4. Indian Bank to work on cardless cash withdrawal system

- Public sector lender, Indian Bank will start working on a system under which customers can withdraw cash without using a debit card.
- It would start working on the system, with interoperability facility, soon after the National Payments Corporation of India comes out with specifications.

- Customers of any bank can use the system for cash withdrawal and vice versa. Currently, the system is limited only to cash deposits.”
- Currently, two banks are offering this facility:
 - State Bank is offering this facility through its Yono website
 - Bank of India, via QR code for their own ATMs, in a limited manner

G. Prelims Facts

1. RBI: minimum capital for SFB is Rs.200 crore

- The Reserve Bank of India has allowed payments banks to apply for small finance bank (SFB) licences, provided they meet certain criteria.
- SFBs offer basic banking services, accepting deposits and lending to unserved and underserved sections, including small businesses, small and marginal farmers, micro and small industries, and the unorganized sector.
- The RBI said existing non-banking financial companies (NBFCs), micro finance institutions and local area banks in the private sector, which are controlled by residents, can opt for conversion into small finance banks.
- Existing rules do not allow payments banks to lend and deposits are capped at Rs. 1 lakh per customer. A small finance bank licence will give such entities access to more deposits and boost their profitability.
- According to the new draft guidelines for on-tap licencing of private sector SFBs, the promoter of a payments bank is eligible to set up an SFB, provided both banks come under the non-operating financial holding company (NOFHC) structure.
- The RBI has proposed a minimum equity capital of 200 crore (earlier Rs.100 crore) to set up a SFB under the ‘on tap’ licence regime to expand the banking services through high technology, low cost operations.
- It said the promoter should hold a minimum of 40% of the paid-up voting equity capital for five years. If the initial promoter shareholding is above 40%, it should be brought down to 40% within a period of five years, 30% within 10 years, and 15% in 15 years.
- The central bank maintained that SFBs should be listed within three years of reaching a net worth of 500 crore.
- The RBI also allowed primary urban cooperative banks to convert into SFBs, provided they comply with the on-tap licencing guidelines. The minimum net worth of such SFBs will be 100 crore and has to be increased to Rs.200 crore within five years from commencement of business.

2. Tata firm launches India’s first maritime broadband

- VSAT solutions provider Nelco, a Tata enterprise, has announced the launch of maritime communication services.
 - VSAT terminals are used in military and naval applications to ensure communication even in remote locations.
- It has become India’s first company to provide broadband services to the maritime sector.
- Nelco, through global partnerships and infrastructure, including transponder capacity on the satellite of ISRO and service portfolio, will help energy, cargo and cruise vessels by enhancing operational efficiency.
- The in-flight and maritime communications (IFMC) licence has enabled connectivity for on-board users on ships.
- Maritime Connectivity will enable high-end support to those in sea by providing access to Voice, Data and Video services while traveling on sailing vessels, cruise liners, ships in India, using satellite technology.
- It brings operational efficiencies for shipping companies which were less evolved.

- A bouquet of digital services to cater to the needs of various maritime vessels was also announced.
- In December 2018, the Government of India announced the licenses for In-flight and Maritime Communications (IFMC) that allows voice and internet services while flying over the Indian skies and sailing in Indian waters, both for international and Indian aircrafts and vessels.
- The IFMC license is a key initiative of the Telecom Ministry, a move to liberalise satellite communication services in India.

H. Practice Questions for UPSC Prelims Exam

Q1. Consider the following statements:

1. Article 43 of the Indian constitution directs the states to provide for its citizens a uniform civil code (UCC).
2. Uniform Civil Code (UCC) is defined in the Indian Constitution.

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: d

Explanation:

Article 44 of the Indian constitution directs the states to provide for its citizens a uniform civil code (UCC). Uniform Civil Code (UCC) is NOT defined in the Indian Constitution. Article 44 of the Directive Principles in the Constitution says the “State shall endeavour to provide for its citizens a uniform civil code (UCC) throughout the territory of India.”

Q2. The Directive Principles of State Policy (DPSP) has been taken from the constitution of:

- a. Ireland
- b. The U.S.A
- c. Britain
- d. Russia

Answer: a

Explanation:

India has adopted the following from the constitution of Ireland:

- Directive Principles of State Policy
- Method of Election of the president
- Members nomination to the Rajya Sabha by the President

Q3. Which of the following countries do not have a Shore based Test Facility?

- a. India
- b. China

- c. United States of America
- d. Pakistan

Answer: d

Explanation:

A Shore Based Test Facility or the SBTF (also known as Land Based Test Facility) is used for the flight testing of aircraft that operate from aircraft carriers. They are also used for the training of the pilots who will operate the aircraft from the aircraft carriers. Only four countries in the world have SBTF or LBTF; they are China, India, Ukraine / Russia and the United States.

Q4. The Chairman of the Defence Acquisition Council is:

- a. Prime Minister
- b. Home Minister
- c. Defence Minister
- d. National Security Advisor

Answer: c

Explanation:

The Defence Acquisition Council is chaired by the Defence Minister. The objective of the Defence Acquisition Council is to ensure expeditious procurement of the approved requirements of the Armed Forces in terms of capabilities sought, and time frame prescribed, by optimally utilizing the allocated budgetary resources.

I. UPSC Mains Practise Questions

1. Jan Soochana Portal launched by the Rajasthan government is the right step in making people, including the marginalised sections, a part of the governance process and must be used as a template by other states to enhance transparency and accountability in the Right to Information Act. Discuss. (10 Marks, 150 Words).
2. Codification of different personal laws can help India arrive at certain universal principles that prioritise equity rather than imposition of a uniform code. Critically examine. (15 Marks, 250 Words).

