

19 Oct 2019: UPSC Exam Comprehensive News Analysis

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B. GS2 Related

Category: INTERNATIONAL RELATIONS

1. Terror-funding: FATF retains Pak. on grey list

Context:

The Financial Action Task Force (FATF) has retained Pakistan on the “grey list” and has given it a stern warning that it will be blacklisted if it does not fulfil the global standards criteria for combating terrorist financing by February 2020.

Details:

- Pakistan has been under the enhanced monitoring process or grey list since June 2018.
- Since Pakistan continues to be in the FATF 'Grey List', it would be difficult for the country to get

financial aid from the IMF, the World Bank, Asian Development Bank and the European Union.

This issue has been covered in 18th October 2019 Comprehensive News Analysis, GS Paper 2 International Relations, in the article titles “FATF may keep Pak. on grey list”. [Click Here](#) to read.

2. Venezuela wins seat on UN human rights council despite opposition

Context:

Venezuela has won a seat on the United Nations Human Rights Council, despite widespread criticism of its poor human rights record.

Issue:

- Nicolás Maduro's government is accused of jailing, torturing and arbitrarily arresting opposition figures.
- More than 50 countries no longer recognise Mr. Maduro as the country's legitimate leader.

Details:

- The UN's 47-nation human rights group (United Nations Human Rights Council) is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them
- Its seats are reserved for different regions around the world, and countries from those regions must compete to occupy them every three years.
- The 193-member world body elected 14 members to the 47-member council for three-year terms starting in January 2020.
- Under its rules, seats are allocated to regions to ensure geographical representation.
- Venezuela claimed one of the two seats allocated to Latin America with 105 votes.
- Venezuela had originally run unopposed for a seat in the Latin American and Caribbean States group -- until Costa Rica, citing Venezuela's poor human rights record jumped into the contest.

Concerns:

- More than 50 groups and many countries campaigned against Venezuela, pointing to Maduro and the country's rights record.
- The election of Venezuela could add even more ammunition to critics of the United Nations, who doubt the global organization's relevance.
- The human rights council has previously been accused of only singling out Israel or other countries without political clout.
- In 2018, the United States withdrew from the council in protest of what it described as an anti-Israel stance and a lack of reform.

Category: POLITY AND GOVERNANCE

1. CJI names Justice Bobde as successor - Appointment of CJI

Context:

Chief Justice of India Ranjan Gogoi has recommended Justice Sharad Arvind Bobde as his successor and the 47th Chief Justice of India in keeping with convention and the seniority norm. The Chief Justice, due to

retire on November 17, has sent his recommendation to the government.

Appointment of the Chief Justice of India:

- The Constitution of India does not have any provision for criteria and procedure for appointing the CJI.
- Article 124(1) of the Indian Constitution says there “shall be a Supreme Court of India consisting of a Chief Justice of India”.
- The closest mention is in Article 126, which deals with the appointment of an acting CJI.
- In the absence of a constitutional provision, the procedure relies on custom and convention.

What is the convention?

- When the incumbent CJI retires (all Supreme Court judges retire at the age of 65), the senior-most judge in the SC becomes the CJI.
- Seniority, here, is not defined by age, but by the number of years an individual has been serving as a judge of the apex court.
- In an instance where two judges have served for the exact same time, because they were appointed as SC judges on the same day, other factors are considered to determine the seniority of the judges, like which judge has more years of experience in the high court and if either of them were nominated from the bar directly.
- A similar situation had arisen ahead of the appointment of Dipak Misra, as both Justice Misra and Justice Chelameswar were sworn in on the same day as judges of the SC on October 10, 2011. Despite being four months younger, Justice Misra was anointed as the CJI in August 2017.

What is the procedure?

The procedure to appoint the next CJI is laid out in the Memorandum of Procedure (MoP) between the government and the judiciary:

- The procedure is initiated by the Law Minister seeking the recommendation of the outgoing CJI at the ‘appropriate time’, which is near to the date of retirement of the incumbent CJI.
- The CJI sends his recommendation to the Law Ministry; and in the case of any qualms, the CJI can consult the collegium regarding the fitness of an SC judge to be elevated to the post.
- After receiving recommendation from the CJI, the law minister forwards it to the Prime Minister who then advises the President on the same.
- The President administers the oath of office to the new CJI.

Does the government get a say?

- Except for the law minister seeking the recommendation from the incumbent CJI, and forwarding it to the Prime Minister, the government has no say in the appointment of the CJI.
- Vis-à-vis the appointment of the CJI and the appointment of SC judges, the key difference is that in the former, the government cannot send the recommendation of the CJI (or the collegium) back to them for reconsideration; while in the latter, the government can do so.
- However, if the collegium reiterates those names, then the government cannot object any further.
- The Memorandum of Procedure does not have any provision for the eventuality of the government disagreeing with the incumbent CJI’s recommendation on the new one.

Have there been exceptions to the aforementioned procedure?

- Since the establishment of the Supreme Court in 1950, there have been 46 CJIs.
- In all cases, the convention and the procedure were duly followed, except for two – Justice AN Ray

and Justice MH Beg. Both exceptions took place when Indira Gandhi was the Prime Minister.

- Justice AN Ray was appointed as CJI in 1973 despite being fourth in terms of seniority after Justices JM Shelat, KL Hegde and AN Grover.
- The reason was the involvement of these three judges in the landmark Kesavananda Bharati case, which had held that Parliament cannot make amendments to the Constitution that would alter its “basic structure”.
- Similarly, Justice MH Beg was appointed as the CJI in 1977 despite Justice HR Khanna being senior. This was because of Justice Khanna’s minority judgment in the ADM Jabalpur case.
- Justice Khanna had pronounced that he did not agree with the government’s argument that detention of persons during the Emergency cannot be questioned, even if mala fide and without the authority of law.

2. For over 700 Hindus from Pak., India is their only ‘refuge’ (Evacuation of Pakistani Hindus encroaching Yamuna Floodplains)

Context:

Based on a report by urban body that states that, around 700 Pakistani Hindu nationals, who had come to India on pilgrimage visas between 2011 and 2014 have continued to stay in jhuggis in the National capital, the National Green Tribunal has directed the Delhi Development Authority to evacuate the residents from the floodplains on account of encroachment.

Background:

- The semi-permanent structures on the banks of the Yamuna, which started with around 480 Pakistani Hindus settling there in 2011, have over 700 residents now (over 120 families).
- The refugees state pilgrimage visa as just an excuse for them to move out of Pakistan, to escape the torture they faced there.
- They moved to India for better income prospects and secure life.

Details:

- According to the report, the occupants of this settlement were initially staying in jhuggis but later started construction of semi-permanent structures for their stay.
- It also stated that several occupants have also obtained Aadhaar cards, PAN cards and bank accounts based on their Majnu Ka Tila address.
- Their children are going to a nearby government school.
- It was also informed by the occupants that financial assistance was given by the State government to the occupants whose jhuggis were gutted.

Issue:

- The report by urban body highlights that the encroachment has resulted in “massive felling of trees” thereby affecting the ecosystem and health of the Yamuna,
- With the National Green Tribunal on directing the Delhi Development Authority to evacuate the residents from the floodplains on account of encroachment, the settlers say that “India is the only place they can expect to take shelter in”.
- They demand that the government grant them citizenship and rehabilitate them so that they can lead a respectable life in the country they want to.
- Living amid constant fear of being uprooted from the place they call home, the residents hope the Indian government will grant them citizenship.
- The matter is still pending with the Ministry of Home Affairs pertaining to the grant of Indian

Citizenship or Long Term Visas to such Pakistani nationals who had come to India on pilgrim visas.

Category: HEALTH

1. '37.7% of processed milk samples unsafe'

Context:

National milk sample safety quality survey has been released by the Food Safety and Standard Authority of India (FSSAI).

Key findings of the report:

- The study collected a total 6,432 milk samples from 1,103 towns and cities between May and October 2018 in all States and Union Territories.
- About 40.5% of the total sample was processed milk, while the rest was raw milk.
- The study noted that processed milk, including that of major brands, failed to meet the prescribed quality norm in 37.7% of the total samples tested, because the presence of contaminants such as fats, Maltodextrin and sugar were above permissible limits.
- In the safety parameters 10.4% of the processed milk samples were non-compliant. It failed to comply with the FSSAI norm as contaminants like aflatoxin-M1, antibiotics and pesticides were found.
- In the case of raw milk, non-compliance was at an even higher rate of 47% of the total samples.
- FSSAI has claimed that the quality of milk in the country is largely safe. However, it has added that **contamination due to Aflatoxin M1 and Antibiotic residues is a more serious problem than adulteration.**

Concerns:

Aflatoxin M1 (AFM1):

- Traces of Aflatoxin M1 (AFM1), a deadly carcinogen, were found in some of the milk samples tested.
- It is for the first time that such a detailed survey of the presence of this residue in milk has been done in India.
- Aflatoxin-M1 is more dominant in processed milk than raw milk.
- Tamil Nadu, Delhi and Kerala were the top three States where Aflatoxin residue was found the most, noted the report. In large doses, aflatoxins can be life-threatening, usually through damage to liver.
- Aflatoxins are toxins produced by certain fungi which are generally found in agricultural crops like maize, peanuts, cottonseed and others.
- They are carcinogenic in nature, which means they can cause cancer.
- Consumption of food containing aflatoxin concentrations of one milligram/kilogram or higher has been suspected to cause aflatoxicosis, the prognosis of which consists of acute liver failure, jaundice, lethargy and nausea, eventually leading to death, according to a World Health Organization (WHO) study in February 2018.
 - According to the World Health Organisation, exposure to aflatoxin M1 in milk and milk products is especially high in areas where the grain quality used as animal feed is poor.
- A study conducted in Nairobi, Kenya in August 2018 stated that AFM1 had potentially severe health impacts on milk consumers, including the risk of cancer and stunting in children under the age of five years.
 - Aflatoxin M1 in milk and milk products is a public health concern especially in infants and

young children as milk constitutes one of the major sources of nutrients.

Maltodextrin:

- Maltodextrin, a food additive, was also found in 156 out of 6,432 samples.
- Although it is not lethal, its presence increases the levels of fat and Solids-not-Fat (SNF).
- Proper feeding of cattle ensures more fat and SNF.
- Maltodextrin and sugar are not unsafe but are added to raise the levels of fat and SNF artificially.

Antibiotics:

- Another issue is the presence of antibiotics in the milk.
- 2 per cent of milk samples had shown the indications of antibiotics, according to the survey.
- In total, seven per cent of the milk samples were found to be unsafe which contained serious health hazard.
- The presence of antibiotics in milk could lead to development of antibiotic resistance.

Way forward:

- The FSSAI survey has clearly shown that while milk is largely safe, contamination due to Aflatoxin M1 and antibiotic residues is a more serious problem than milk adulteration and the quality concerns persist.
- FSSAI has stated that it is committed to zero tolerance for any adulteration and contamination of milk and will intensify efforts for surveillance and enforcement in hotspots identified through the survey.
- There is no proper lab to test this residue of Aflatoxin-M1 in the country. Efforts must be made to invest in testing machines that can detect the residue.
- Maltodextrin and sugar are not unsafe, but added to raise the level of fat and SNF. While, these do not represent threat to human health, but stringent action is required to curb this wrong practice.
- Hence all attempts need to be taken both before and after food crop harvest to reduce the toxin amount. Improper storage of food harvest in warm and humid conditions leads to aflatoxin contamination that is much higher than what is seen in the field. Equally important is in having facilities to regularly test for aflatoxin M1.

Key Facts:

- India is the world's largest producer of milk.
- The total estimated milk production in the country was 176.35 million tonnes during 2017-18.

C. GS3 Related

Category: ECONOMY

1. Zomato, BioD Energy tie up for cooking oil-to-biodiesel project

Context:

Restaurant aggregator and food delivery service Zomato and biodiesel manufacturer BioD Energy have inked a partnership to collect used cooking oil from restaurants around the country so that it could be converted into biodiesel, which would then be sold to oil marketing companies to be blended with regular diesel.

What is the Issue?

- Used cooking oil is given to small vendors and there is no traceability of how they dispose of the oil.
- Most of the techniques used are not in line with the standards set by the Food Safety and Standards Authority of India.

Details:

- The government has been pushing hard for used cooking oil in the country to be converted into biodiesel as an environment-friendly measure.
- Through the partnership, Zomato and BioD are aiming to collect 1,000 tonnes of used cooking oil per month and converting it into biodiesel.
- This initiative will, to an extent address the main problem of responsible disposal of cooking oil.

What is biodiesel?

- Biodiesel is an alternative fuel similar to conventional or 'fossil' diesel.
- Biodiesel can be produced from straight vegetable oil, animal oil/fats, tallow and waste cooking oil.
- The process used to convert these oils to Biodiesel is called transesterification.
- Transesterification is the chemical process, which converts natural fats and oils into Fatty Acid Methyl Esters (FAME) or Biodiesel.
- Some of the major sources of suitable oil (to make biodiesel) come from crops like palm, soybean or rapeseed.
- High-quality biodiesel is made from rapeseed but nowadays most of the biodiesel is produced from waste vegetable oils obtained from chips shops, restaurants, and industrial food producers.

What are the benefits of Biodiesel?

- Biodiesel has environmentally beneficial properties.
- Biodiesel and Biodiesel blends are used in almost all diesel engines and vehicles.
- The main benefit of biodiesel is that it can be described as 'carbon neutral'. This means that the fuel produces no net output of carbon in the form of carbon dioxide (CO₂). This effect occurs because when the oil crop grows it absorbs the same amount of CO₂ as is released when the fuel is combusted.
- In many commercial & domestic boilers, biodiesel is also used as heating fuel.

Category: SCIENCE AND TECHNOLOGY

1. Spectroscopy

Context

- The Indian Space Research Organisation (ISRO) released an image from Chandrayaan-2 showing measurements from the Moon, carried out by the instrument **Imaging Infrared Spectrometer (IIRS)**.
- Such studies make up a branch of physics called spectroscopy.

Details

- It is well known how visible light can disperse into rainbow colours after passing through a **prism**.
- The science of spectroscopy grew from there, and today it has extended to include the study of interaction between matter and electromagnetic radiation.

- **IIRS is designed to measure light from the lunar surface** in narrow spectral channels (bands).
- It has the ability to split and disperse reflected sunlight (and its emitted component) into these spectral bands.

Significance

- From the reflected solar spectrum, scientists will look for **signatures, including of minerals**.
- This will help map the lunar surface composition, which in turn will help us **understand the Moon's origin and evolution in a geologic context**.

D. GS4 Related

Nothing here for today!!!

E. Editorials

Category: POLITY

1. Why the Supreme Court must rethink capital punishment?

Context

- A three-judge bench of the Supreme Court confirmed the death sentence upon an individual who had been **convicted of the rape and murder of a two-year old girl**.
- The sentence was confirmed by 2:1 majority by a three-judge bench of Justices R. F. Nariman, Surya Kant and R. Subhash Reddy.

Majority View and the Judgment

- The victim was barely a two-year old baby whom **the convict kidnapped and apparently kept on assaulting over 4-5 hours** till she breathed her last.
- The bench said that it is a case where **trust has been betrayed and social values are impaired**.
- The majority judgment held that the
 - "Convict had no control over his carnal desires (and) **surpassed all natural, social and legal limits** just to satiate his sexual hunger."
 - "He ruthlessly **finished a life which was yet to bloom**. The appellant instead of showing fatherly love, affection and protection to the child against the evils of the society, rather made her the victim of lust".

Dissenting View

- Justice Reddy dissented and opined that case was based on **Circumstantial Evidence** and said that death sentence **imposed on the appellant is modified to life imprisonment, without any remission**.
- Justice Reddy, who agreed with the view of the majority judgment in upholding his conviction under various provisions of the Indian Penal Code (IPC) including rape, murder and unnatural offence, said **it is not a fit case to award death penalty**.
- "As such, it is clear that on the day of occurrence, the accused was under **influence of liquor** and he is aged **about 25 years** and **he had no previous history of any crimes** and in absence of any evidence from the side of the prosecution to show that he cannot be reformed and rehabilitated to

bring in to the mainstream of the society”

Structural Problems

The circumstances of the crime may trigger a natural reaction that the punishment was justified. A closer look at the judgment reveals that there are **ongoing operational issues with the administration of capital punishment** in the country, which raise questions about its continued retention on the statute books.

- First, the conviction was based on **Circumstantial Evidence**.
 - Because of its very character, Indian courts have historically held that while circumstantial evidence can, in some cases, sustain a conviction, it should not ordinarily be the basis for imposing the death penalty.
 - This was specifically pointed out by Justice RS Reddy, who dissented from the confirmation of the death penalty in this case.
- Second, one of the cardinal principles that has been evolved over time by the Indian courts, is that the death penalty is to be awarded taking into account **not only the nature of the crime, but also, the character of the convict**.
 - Given its irreversible character, the death penalty is to be imposed only when there is no possibility of reformation.
 - To establish this, courts have **laid down a number of indicative factors, including mitigation reports** that track a convict’s behavior in jail, to judge whether or not he or she is capable of reform.
 - **The majority judgment**, however, dealt with this issue only with the attitude of the convict during the course of the trial, in a single short paragraph.
 - **On the contrary, as Justice Reddy points out** in his dissent, the convict’s age, as well as the lack of any prior convictions or crimes all, point to the fact that the possibility of reform cannot entirely be ruled out.
 - And finally, the very fact of a dissent in this case – where two judges believed that the death penalty ought to have been imposed, and one did not – **points to the inherent subjectivity that comes with such cases**.

Issues with the Judgment

- People who have been imprisoned can be released, and potentially compensated if it turns out, years later, that the **conviction was wrongful; nothing, however, can bring the dead back to life**.
- It is for this reason that the absolute certainty involved in administering the death penalty sits ill at ease and sits even more **ill at ease with a conviction based on circumstantial evidence**.

Conclusion

- Admittedly, this problem is not unique to the imposition of the death penalty, but extends to sentencing and punishment in general. However, what is unique about the death penalty **is precisely its irreversible character**: Alone among all punishments, it is final and undoable.
- Given that, and given the kind of **subjectivity that the Supreme Court’s judgment reveals**, there are surely good grounds to rethink the only form of punishment where human subjectivity and human error can never be atoned for.

Circumstantial Evidence

Evidence can be broadly divided into two sub-categories, direct and indirect circumstantial evidence.

- **Direct evidence** is evidence which explicitly establishes a fact or proves any assertions made by the party.

- **Circumstantial evidence, also known as indirect evidence**, is an unrelated chain of events which when put together formulates circumstances leading to the commission of the crime and can be used to derive a conclusion
 - Circumstantial evidence is supported by a significant amount of corroboration.
 - Convictions, if based on circumstantial evidence, require an unbreakable link between the criminal and the crime.

Example

- Circumstantial evidence, by its very nature, requires the drawing of inferences to connect the evidence in question to a set of facts.
- For example, the evidence that an individual was “last seen” with a person who was murdered is “circumstantial evidence” that that individual was, indeed, the murderer.

Source: Hindustan Times

Watch the video lecture on Capital Punishment here:

<https://www.youtube.com/watch?v=5d9oJJGWhkY&feature=youtu.be>

2. Unresolved questions in a sordid episode

Kindly read it under the topic ‘A travesty of justice’, at the link below:

[CNA dated May 9, 2019](#)

[In-house Power of Enquiry of the Supreme Court](#)

F. Tidbits

Nothing here for today!!!

G. Prelims Facts

Nothing here for today!!!

H. Practice Questions for UPSC Prelims Exam

Q1. Consider the following statements with respect to India Innovation Index:

1. India Innovation Index is co-published by Cornell University, INSEAD, and the World Intellectual Property Organization (WIPO).
2. The Index examines the innovation ecosystem of Indian states only.

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:

India Innovation Index is prepared by NITI Aayog and Institute for Competitiveness. The study examines the innovation ecosystem of Indian states and union territories. The aim is to create a holistic tool which can be used by policymakers across the country to identify the challenges to be addressed and strengths to build on when designing the economic growth policies for their regions. The states have been classified into three categories: major states, north-east, and hill states, and union territories/city states/small states. The idea behind this index came from recognizing the role of innovation as a key driver of growth and prosperity for India.

Q2. Consider the following statements with respect to Saharan silver ant:

1. Saharan silver ant is declared the world's fastest ant.
2. It outpaces, in terms of speed, other invertebrates such as the Australian tiger beetle and the California coastal mite.

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

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

Answer: b

Explanation:

The Saharan silver ant is declared the world's fastest ant. It is the fastest of the world's 12,000 known ant species, covering a 855 millimetres — nearly a metre — per second. The ant is six-legged and covers 108 times its own body length per second. The ants are outpaced only by a few invertebrates: The Australian tiger beetle and the California coastal mite. The ants' super speed is likely one of their adaptations to life in the harsh desert, allowing them to go about their business quickly before getting roasted in temperatures. At top speed, the Saharan silver easily outpaces its nearest ant competitor *Cataglyphis fortis* — despite having significantly shorter legs.

Q3. Consider the following statements:

1. Cyclone is the formation of a very low-pressure system with very high-speed winds revolving around it.
2. Cyclonic activity is comparatively less intense in the Arabian sea, as compared to the Bay of Bengal.
3. The very severe cyclonic storm "Hikka" that was formed in the Arabian Sea was named by India.

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: b

Explanation:

Cyclone is the formation of a very low-pressure system with very high-speed winds revolving around it. Cyclonic activity is comparatively less intense in the Arabian sea, as compared to the Bay of Bengal, where high-intensity severe cyclones originate frequently. Arabian Sea cyclones are also relatively weak compared to those emerging in the Bay of Bengal. The very severe cyclonic storm “Hikka” that was formed in the Arabian Sea was named by the Maldives.

Q4. Consider the following statements:

1. The Financial Action Task Force (FATF) is an intergovernmental organization founded to develop policies to combat money laundering.
2. It is an initiative of the International Monetary Fund.

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

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

Answer: b

Explanation:

The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 on the initiative of the G7. It was formed in 1989 at the G – 7 Summit, Paris. Initially, it was formed to combat money laundering. Later in 2001, it expanded towards terrorism. It is a policy-making body which works to generate the necessary political will to bring about national legislative and regulatory reforms in various areas. The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system.

I. UPSC Mains Practice Questions

1. With a lack of objective criteria and judgements prone to subjectivity and errors, should Capital punishment be retained? Critically analyse. (15 Marks, 250 Words).
2. United Nations Human Rights Council (UNHRC) has played the role of a political platform that aims to ensure that human rights remain a top priority within the UN. With many members of the UN themselves being systematic human rights offenders, is UNHRC slowly losing its relevance? Justify your opinion. (15 Marks, 250 Words).

