

22 Nov 2019: UPSC Exam Comprehensive News Analysis

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A. GS1 Related

Category: SOCIAL ISSUES

1. Surrogacy Bill referred to Rajya Sabha panel

Context:

The Surrogacy (Regulation) Bill, 2019, has been referred to a select committee of the Upper House, after several MPs raised concerns over several provisions of the legislation, including making it mandatory for a surrogate to be a close relative.

[Read more about the Surrogacy \(Regulation\) Bill, 2019.](#)

B. GS2 Related

Category: POLITY AND GOVERNANCE

1. Police staff asked to 'tread cautiously' on court premises

Context:

Police personnel visiting courts with undertrials for hearings have been instructed by their senior officers to avoid any confrontation with lawyers or legal staff on court premises.

Background:

Recently, thousands of Delhi police personnel had laid siege to the force's headquarters and staged a virtual revolt, sparked by two attacks on colleagues. One of the attacks led to at least 20 security personnel and several advocates being injured.

The issue has been covered in the 7th November 2019 Comprehensive News Analysis. [Click here](#) to read.

2. Where Odisha is galloping to progress

Context:

Initiatives have been taken up to ensure that development is on a fast trot in some of the remotest parts of the State of Odisha.

Details:

- Nearly 100 villages isolated by the Balimela reservoir are not connected by roads.
- When the Gurupriya bridge was opened in 2018, part of this region with 151 villages got linked to the rest of Odisha and became 'Swabhimana Anchal' (region of pride).
- Now, plans are on to build roads under the Setu project of the Odisha government and Pradhan Mantri Gram Sadak Yojana of the Centre, to connect the 100-odd villages.
- The Odisha government also conducts 'Jan Sampark Sibir' which provides free medical facility, Aadhaar card, ration card, construction worker identity card making facilities in the Maoist-hit 'Swabhimana Anchal'.

Swabhimana Anchal:

- Swabhimana Anchal is the tribal-dominated region in Malkangiri district which was previously known as 'Bichhinnanchal' or cut-off area.
- The area remained encircled by water on three sides after the construction of reservoirs at Machhkund in the 1960s and Balimela in the 1980s. There was no means of communication to the villages other than boat services.
- The erstwhile cut-off region in Malkangiri is now connected with the Gurupriya bridge.
- In the past, the inhabitants of 'Swabhimana Anchal' had protested against the lack of development in the region.
- It was alleged that in the past, Maoists were trying to use these issues to create a support base in the region.

3. Governor sets 8-point administrative agenda

Context:

In the backdrop of President's Rule being imposed in the state of Maharashtra, the Governor has set an eight-point agenda for the disposal of official business to ensure smooth functioning of the administration.

Details:

- The Chief Secretary issued the orders, listing out the priorities of the administration, including matters pertaining to the transfer of officials, delegation of the power of ministers, and legislative, administrative and financial subjects.
- The communiqué from the Governor was issued under the powers conferred on him by Article 166 of the Constitution and circulated under the subject: 'Disposal of Official Business During President's Rule'.
- Topping the priority list are matters routed through the Council of Ministers. All matters which are required to be put up to the Council of Ministers under Schedule II of the Rules of Business and all such cases where ministers had to obtain orders of the Chief Minister, would now be routed through the Chief Secretary of Maharashtra to the Governor.
- All transfers earlier being done by the Chief Minister will be done by the Governor.
- Among other issues, matters pertaining to law and order will also be decided by the Chief Secretary and cases settled by ministers will be decided by the Governor with help from the Chief Secretary.

Article 166: Conduct of business of the Government of a State:

(1) All executive actions of the Government of a State shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instruction which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Government of the State, and for the allocation among Ministers of the said business in so far as it is not business with respect to which the Governor is by or under this Constitution required to act in his discretion.

C. GS3 Related

Category: ENVIRONMENT AND ECOLOGY**1. DJB collects samples from 11 places for tests****Context:**

Delhi Jal Board (DJB) Vice Chairman has said that the DJB has collected water samples from 11 places from where the Bureau of Indian Standards had collected them for a study. It will test the samples and come out with results, which would be made public.

The issue has been covered in the 20th November 2019 Comprehensive News Analysis. [Click Here](#) to read. For more in depth analysis of the issue, read [Drinking Water: Quality & Challenges](#): RSTV – Big Picture.

2. Avian botulism reason for bird deaths

Issue:

Carcasses of close to 18,000 migratory birds have been found in Rajasthan's Sambhar lake within a span of about 10 days.

Details:

- The discovery of thousands of bird carcasses in the area has raised concerns among ornithologists and environmentalists.
- The cause of the deaths, according to the Bikaner-based College of Veterinary and Animal Sciences, is suspected to be avian botulism.
- Avian botulism is a neuro-muscular illness caused by a toxin that is produced by a bacterial strain.
- The illness is caused by a bacterium called *Clostridium botulinum*. It affects the nervous system of birds, leading to flaccid paralysis in their legs and wings and neck.
- The post-mortem of bird carcasses had concluded that bacterium *Clostridium botulinum* had entered from the soil into the meat of some dead birds.

Concerns:

- The lake is among the eight worst-rated wetlands in the country when it comes to ecosystem management, according to a draft report prepared by the environment ministry in consultation with several independent experts.
- Apart from Sambhar, the other Ramsar sites, rated on the lowest parameter was Loktak in Manipur and Deepor Beel in Assam.

Conclusion:

- In 2017, the Environment Ministry notified rules prohibiting changes in the land use of wetlands, barred industries close to wetlands and dumping of waste and sewage.
- It also asked state governments to set up a state wetlands authority to be headed by the Chief Minister for the protection of key terrestrial aquatic life systems.
- The health rating of the ecosystems is part of the process of strengthening the management of wetlands.
- The ratings must be used by the wetland authorities to priorities their conservation efforts – those rated low will need attention and better ecosystem services.

D. GS4 Related

Nothing here for today!!!

E. Editorials

Category: EDUCATION

1. Should we do away with subsidies for higher education?

Context

- The Jawaharlal Nehru University (JNU) students are on a protest over a proposed fee hike. In this

backdrop, let us take a look at whether higher education should be subsidized.

- The debate on using public money to fund higher education is linked to the question of how beneficial it is in the creation of a developed and egalitarian society.

Subsidy to higher education has to be provided

- Most of the gains from higher education accrue to the person receiving it (in terms of increased incomes); it is also argued that an educated citizenry **extends benefits to the society at large**.
 - Subsidy in education produces positive externalities such as health improvement, and reduction in population growth, poverty and crime, and strengthening of democracy.
- These gains include **direct economic gains**, such as research leading to the invention of vaccines and new technology, as well as **indirect gains**, such as an increase in tax collection, a more flexible workforce that can adapt to the changing demands of the market and a greater appreciation of social diversity, leading to greater harmony.
- Public provisioning of higher education can also serve as an **important tool in reducing inequality**.
 - In a society where higher education is free, students born in both poor and rich families have an equal chance of augmenting their future earnings, which would not have been the case if access to higher education had been dependent on parental incomes or wealth.
- Higher education used to be the exclusive preserve of elites, and several generations of the rich and privileged in India enjoyed the benefits of subsidized education. But the introduction of subsidy has helped the poor and the marginalized sections.
 - The rich have all the tools at their disposal. The children of rich parents will always find education in India and abroad that they can pay for but this is not the same for the poor.
 - Inclusiveness and equity are very important characteristics of a good public institution. And, over the years, this has actually increased in public institutions and that is entirely because of subsidy.

Subsidies should not be provided

- In a 1986 paper, **Emmanuel Jimenez of the World Bank** questioned the equity argument of public provisioning of higher education.
 - According to him, the rich stood to gain more than the poor from public provision of services such as healthcare and education due to various factors.
 - Despite free provisioning, availing of services entails private costs which the rich found easier to pay.
 - Governments typically spent more on higher education, the gains of which went more to the rich.
 - An excess demand for such services could lead to rationing-based solutions (like entrance examinations) where the rich could have an advantage due to better access to resources.
- In a 1990 paper, J.B.G. Tilak and N.V. Varghese from the National University of Educational Planning and Administration, New Delhi, argued that given the lack of resources and private benefits that accrued from investments in higher education, India should stop using scarce tax resources on funding higher education.

Measures to be taken

- University administrations should be encouraged to look for funds, and to look for endowments and donations.
- The Punnayya Committee (1992-93) which was set up by the University Grants Commission made valuable recommendations on the need for the universities to identify various other means of revenue generation.
 - The Committee has recommended that as a general rule, universities should generate 15% of its annual maintenance expenditure through internally generated resources.

- The Committee also recommended that students receiving higher education should also bear a reasonable proportion of the cost of higher education.

How is it in other countries?

- Fees account for less than 10% of the expenditure on higher education in most **European countries**.
- **In the U.S.**, it is true that fees account for a substantial part, more than 30% to 40%. But remember that they have huge scholarship schemes. A girl or boy who can make it to college is taken care of.

Way forward

- In a situation of enormous inequality, where majority of India's workforce is in the informal and unorganised sectors, there is a legitimate perception among the poor that accessing quality public higher education is their only chance to move from the margins to the core of the economy and, hopefully, claim their legitimate share of India's economic growth. But access without assured quality is no access.
- So, given the scale of India's higher education sector, an effective policy would require that the ongoing debates and experiences of various models of higher education functioning are critically examined.

Category: INTERNATIONAL RELATIONS

1. Arab Spring in West Asia?

Context

- Iraq and Lebanon are in the midst of Political Uncertainty.
- There is anger, demands for change in political leadership and huge anti-government protests taking place in both countries.

What are they fighting for?

In **Iraq**, the protesters mostly consisted of angry young working-class men and in **Lebanon**, the initiators have mostly been from the upper social classes. Both the countries are confronting many of the same political problems and are making essentially the same demand.

- Early protesters took to the streets to complain about the chronic shortage of electricity, lack of jobs, and mounting national debt. This is what they saw as the government's inability to deliver basic services, like electricity, and repair badly damaged infrastructure.
- The average citizen is fed up with corrupt ruling elites and they want the downfall of their countries' existing self-serving elites, and big changes to the sectarian constitutional systems that enabled them.

1. Iraq

- Iraq was under brutal Baathist rule for decades until the American invasion of 2003. The American occupation, by destroying the state structure in the country, spawned sectarian militia and parties that acted as security providers for their communities thus turning all politics into sectarian politics.
- Anger over the government's incompetence and **lack of accountability**.
 - Iraq is the **12th most corrupt country in the world**, according to NGO Transparency International in 2018.
 - According to Transparency International, since the overthrow of dictator Saddam Hussein's regime in 2003, Iraq has faced "**significant corruption challenges**".

- These include a weak capacity to absorb the influx of aid money and a lack of political will for anti-corruption efforts.
- Anger has grown with the levels of corruption; protesters believe that money is not going to where it should.
 - For example, despite sitting on a healthy current account surplus, and earning \$65 billion in oil export revenue in 2018, **Iraq's government doesn't provide clean drinking water** to the oil-rich region of Basra.

2. Lebanon

- The ruling class of Lebanon has not changed since the country's civil war ended. The faces may have changed (though not much), but the dynasties and cliques have not.
- Lebanese politics is structured according to religion. Government offices, as well as representation in Parliament, are distributed on the basis of sectarian quotas.
 - According to the constitution, the **president** must be a Christian, the **prime minister** must be a Sunni Muslim and the **speaker** of the parliament must be a Shia Muslim.
 - This was an attempt, after **French colonial rule**, to create a system that represents all religious denominations in the country.
- According to a census that **hasn't been updated in more than 80 years**, there are 18 different religious groups.
- However, the consequence now is religious sectarianism from the top of politics downwards. It creates a system where a homogenous functioning political system is impossible.

Sectarian divisions

- Despite the existence of multiple parties in both countries, government formation has become a **rotating door process with the same leaders alternating in office**.
- The sectarian divisions are breaking down with members of all sects joining hands in **challenging established primarily sect-based parties and their leaders**.
- There is revulsion among the Iraqi and Lebanese populations **against foreign interference** and the outcome of the protest movements could have a major impact on the balance of power in West Asia.

Walls of Sectarianism destroyed

- In **Lebanon**, the most remarkable example of this potential turnaround is the challenge posed to the Hezbollah (which has dominated Shia politics in Lebanon for decades) from within the Shia community itself.
 - The Sunni Prime Minister Saad Hariri has also lost the confidence of his Sunni constituents and has been forced to resign although he continues in a caretaker capacity.
 - The Maronite President Michel Aoun is under pressure from his Christian constituency to do so as well.
- Similarly, the **Shia-dominated government of Iraq** is facing the wrath of its erstwhile Shia supporters thus upending sectarian calculations.

What do the protesters want?

- The protesters initially called for more jobs and basic services including clean water and electricity; the demands quickly became bigger in outlook.
- They now want to see their leaders held to account for corruption, as well as new electoral laws. Protesters have not only called for the resignation of the country's political leadership, including the Prime Minister, but also for the entire political system of sectarianism to be overthrown.
- The current protest movements in Lebanon and Iraq that cut across sectarian lines indicate that both countries are moving towards transcending sectarian divides and they now want to erode the control

of the traditional confession-based leaderships.

- They want a system of government that represents them.

How has the government responded?

- The **Iraqi President Barham Salih** has said he will draft a new electoral law designed to reduce some of the power of political factions, and when passed, Salih will call new elections.
 - He has also said that **Prime Minister Abdul-Mahdi** has expressed a willingness to resign once political leaders agree on a replacement, but it remains uncertain as to whether this will happen.

But protesters continue to spill out onto the streets because they are no longer convinced by concessions from the government.

How has the international community responded?

- The U.N. Assistance Mission for Iraq called on Iraqi politicians to **take a series of measures** to help end the crisis.
 - Among the measures were for the politicians to prosecute those responsible for the use of excessive force, to call on all regional and international parties not to interfere with Iraq's internal affairs, as well as to submit a new electoral law to Parliament.

International repercussions

There is a major international angle to these developments as well.

- If the upheavals in Lebanon and Iraq succeed, the **biggest loser will be Iran**. What U.S. President Donald Trump's policy of "maximum pressure" on Tehran to curtail its growing regional influence has been unable to achieve, could well be attained by the Iraqi and Lebanese demonstrations against Iran's influence in these countries.
- The **Hezbollah's loss of credibility** among its Shia constituents, who form a plurality in Lebanon, is likely to translate into Iran losing much of its influence in Lebanon, which Tehran considers essential both to confront Israel and to provide support to the Assad regime in Syria.
- What has Tehran very worried is that some of the largest and most virulent demonstrations against the Shia-dominated Iraqi government and against Iran itself have taken place in Shia-dominated cities and towns in southern Iraq. It is remarkable that Shia protesters attacked the Iranian Consulate in the holy city of Karbala and attempted to set fire to it.

How has Iran responded?

- Anti-Iranian demonstrations in Iraq have prompted **Iran's Supreme Leader Ayatollah Khamenei to blame "foreign elements"**, code word for American intelligence agencies, for inciting the protest movements.
- The Iranian leadership sees them as an attempt to punish Iran for not accepting American diktat on the nuclear and other related issues.
- Tehran has several instruments it can use to prevent radical change in Iraq including the Shia militias trained by the Islamic Revolutionary Guard Corps. However, the deployment of these militias by the Iraqi government to crush the protest movement has boomeranged and led to the exacerbation of anti-Iranian sentiments that cuts across sectarian lines.

Future of protest movements

The question that is very difficult to answer is whether the protest movements in Lebanon and Iraq have the

organisation and the staying power to bring down the current regimes.

- So far, the protests have persisted because of spontaneous action. The experience of the short-lived Arab Spring in 2011 does not provide cause for optimism that such spontaneous action can be sustained over the long term.
- If the protest movements succeed in providing viable long-term alternatives to the present regimes, they will herald the beginning of a non-sectarian and democratic future for West Asia. If they fail, the Arab world will continue to remain mired in the same dysfunctional mess in which it has been trapped for the past several decades.

[su_box title="**Hezbollah**" box_color="#7960a0" title_color="#ffffff"]

- It is a powerful political Islamist Shia Muslim political party and militant group with its heartland in the south of Lebanon.
- It is seen within Lebanon as being instrumental in repelling Israeli aggression from the south.
- Support for its leader, Hassan Nasrallah, is strong in the south of the country, as well as in eastern Lebanon and parts of Beirut.[/su_box]

Category: ECONOMY

1. Expedient exit: On PSU disinvestment

Context

- The Cabinet Committee on Economic Affairs (CCEA) approved the strategic disinvestment of five public sector enterprises, namely,
 - Bharat Petroleum Corporation Ltd (BPCL),
 - Container Corporation of India Ltd,
 - Shipping Corporation of India,
 - Tehri Hydro Power Development Corporation (THDC) and
 - North Eastern Electric Power Corporation (NEEPCO).

Objectives of Strategic Disinvestment

- It is guided by the basic economic principle that the Government should discontinue its engagement in manufacturing/producing goods and services in sectors where the competitive markets have come of age, and such entities would most likely perform better in the private hands due to various factors.
- E.g. technology up-gradation and efficient management practices; and would thus add to the GDP of the country.

Why this was important for the government?

- So far this year (2019), the government has been able to **garner only Rs 17,364 crore or 16.5 per cent of its budgeted disinvestment target** as per data from the Department of Investment and Public Asset Management.
- The proceeds from these stake sales will **help the Centre move closer to achieving its disinvestment target of Rs 1.05 lakh crore for this year.**
- Coming at a time when the Centre is facing huge shortfalls in both direct and indirect tax revenues, and its Gross Tax Revenues have grown by a mere 1.5 per cent in the first half (April to September) of the current financial year, **the determined push to meet its disinvestment target is welcome.**

Benefits:

- The resources unlocked by the strategic disinvestment of these CPSEs would be used to finance the **social sector/developmental programmes** of the Government benefiting the public.
- The unlocked resources would form **part of the budget and the usage would come under the scrutiny of the public.**
- It is expected that the strategic buyer/acquirer may **bring in new management/technology/investment** for the growth of these companies and may use innovative methods for their development.

The rationale behind the government's disinvestment programme remains obscure

- It would be perfectly understandable **if the aim was to exit unprofitable, non-strategic businesses.**
 - **BPCL** however, is a profitable refiner.
 - It is an **Oil Marketing Company** that has consistently paid a healthy dividend. It has also made investments in upstream energy resources and holds interests in overseas hydrocarbon blocks. To that extent, a full sale now **deprives the government of all upside potential.**
- With just a little over few months left in the financial year, how the government intends to actually complete the transaction — from appointment of advisers, to deciding on the pricing mechanism and initiating a transparent bidding process before finalising a buyer in this fiscal is another big question.

Way forward

- The government would benefit from drawing up a more ambitious, better laid out, medium-term plan for disinvestment, rather than approaching it as merely an arrangement for plugging its revenue gaps.
- It should **draw up a list of potential candidates and release an advance calendar**, indicating the period of disinvestment. This would help draw in more buyers.
- Further, the proceeds from disinvestment should be used only for the creation of new assets, not to meet its revenue expenditure.

Category: POLITY

1. A blow against punitive constitutionalism

Background

- India was under the rule of colonial power. In the name of laws, this power had inflicted brutalities on the Indians. An entire generation of people from a community were named criminals with the passing of the **Criminal Tribes Act**, just because they did not “fit in” to a certain, narrow way of life.
- Through these laws, indigenous people were deemed criminals by birth and herded into concentration camps, where families were separated and forced labour was the norm.
- With Independence and the Constitution, it was believed that India would liberate the poor, the marginalized and herald a new dawn; the reality turned out to be different.
- The post-colonial Indian state replicated many of the worst excesses of the British regime. One glaring example of this is the “beggary law”, which was enacted in Bombay in 1958, and later extended to many States and Union Territories.

Concerns

- These draconian laws **criminalise itinerant and nomadic communities**, i.e., effectively anyone who does not fit into the state's definition of a “normal” citizen.

- And in establishing a system of “certified institutions” that are little better than detention centres, they facilitate the continued stigmatization and incarceration of some of the most vulnerable and marginalized segments of society.

Context

- In October 2019 in a landmark verdict, the **Jammu and Kashmir High Court struck down the state’s Beggary Act**.
- In a detailed judgment, its Chief Justice Gita Mittal identified the colonial origins of the law and found it to be **a gross violation of human dignity, equality, and freedom**.

Definition of begging

The Act defines it to include “**soliciting or receiving alms, in a public place** whether or not under any pretence such as singing, dancing, fortune-telling, performing or offering any article for sale” and “having no visible means of subsistence and wandering about or remaining in any public place in such condition or manner, as makes it likely that the person doing so exist soliciting or receiving alms.”

Issue Area

- Neither the **Indian Penal Code nor the Act explain what is meant by “soliciting alms” or what constitutes a “public place” – leading to ambiguity**, inconsistency and abuse in the practical implementation of the law.
- **Failure to differentiate between forceful and non-forceful forms of begging**, coupled with the definitional problems in relation to core concepts, make it difficult to construe the purpose of the law and what it seeks to achieve.
- The beggary laws go substantially beyond criminalising the act of begging; rather, they criminalise people **who are “wandering about” and who look like they might need to beg at some point**.
- The purpose of such provisions is not to protect public peace or prevent crimes, but to effectively “**cleanse**” **these spaces of individuals who appear poor or destitute**.
- The Jammu and Kashmir Prevention of Beggary Rules, framed under J&K’s version of the Act, authorised forced medical examinations of “beggars” taken in police custody, “shaving” of hair and “removal of clothing” **in order to undertake the euphemistically-phrased “cleansing” of the body**.

Penal Provision under the act

- People found “begging” **can be arrested without a warrant**, and after a summary procedure, thrown into “Beggars’ Homes” for anything between a year and three years.
- Upon a “second offence”, the punishment could extend up to seven years.
- It gives magistrates the power to commit them to a “**certified institution**” (read: a detention centre)
 - Certified institutions have absolute power over detainees, including the power of punishment, and the power to exact “manual work”.
 - Disobeying the rules of the institution can land an individual in jail.
- It strips them of their privacy and dignity by compelling them to allow themselves to be fingerprinted.

Governments view for retaining this colonial law

- The government defended the law on the ground that it was necessary to make “good citizens” out of “beggars”, and that it was necessary to **maintain public order**.
- The government also argued that “**beggars**” **caused annoyance to tourists**, and that it was essential

to crack down on “organised begging.”

Judgments in the past

Indian constitutional courts have seldom approached beggary laws from the prism of fundamental rights; on the contrary, courts have, for long, castigated beggars for totally unscrupulous reasons.

- Courts have called **pavement dwellers** a “source of public nuisance” (**Olga Tellis vs Bombay Municipal Corporation**);
- branded ‘**jhuggi**’ dwellers as “trespassers on public land” (**Lawyers’ Cooperative Group Housing Society vs Union of India**);
- Courts compared **homeless people** with “pickpockets” (**Almitra Patel vs Union of India**)
- **Anarchists** (**Hem Raj vs Commissioner of Police**).

The court’s analysis- J&K High Court

- The Chief Justice began by discussing the **origins of beggary statutes in England**. Under the belief that people without settled — and visible — means of sustenance were a threat to society, a number of “vagrancy statutes” were enacted and served as precursors to the beggary laws.
- In India, **begging was first criminalised in the 1920s**, as part of a colonial logic that sought to “subjugate certain communities by imputing criminality to them.”
- The High Court then made the crucial observation that “begging and homelessness are **indicators of abject, chronic poverty**.” And poverty, the court noted further, had social causes: “Beggary is a manifestation of the fact that the person has **fallen through the socially created net**. It is evidence of the fact that the **State has failed to ensure that all citizens have even the basic essential facilities**.”
- The court, therefore, rejected the pernicious world view according to which poverty is a consequence of individual failings, and recognised that the primary failing was that of the state.

Law violates constitutional mandate guaranteed under Fundamental Rights

- As “begging” was a peaceful method by which a person sought to communicate their situation to another, and solicit their assistance, **it was protected under Article 19(1) (a)’s freedom of speech guarantee**.
- The government’s stated justification for criminalising “**begging**” — **that of turning people into “good citizens”** — **was vague and undefined**; nor was it demonstrated how incarcerating “beggars” into homes would transform them into “good citizens”. The constitutional violation, thus, could not be justified.
- Additionally, the court noted that there existed a **large number of itinerant communities such as the Gujjars and the Bakarwals**, whose very nature of existence — moving from place to place, and displaying none of the “conventional means of subsistence” — would bring them within the ambit of the beggary law.
- The court also noted that by criminalising “wandering about” in public spaces, the law effectively **attempted to exclude the poor and the marginalised from places that, by definition, were meant “for the enjoyment of every member of the public without exception.”** Thus, the law also violated the constitutional guarantee of the freedom of movement.
- And finally, the Chief Justice observed that by effectively criminalising poverty, the **beggary law violated basic human dignity**.
 - The legislation, it noted, was “steeped in prejudice against poverty and premised on an absolute presumption of potential criminality of those **faced with choicelessness, necessity and undeserved want** of those who have no support at all, institutional or otherwise and are bereft of resources of any kind”.
 - This, coupled with the draconian processes under the Act, **violated the right to life and**

personal liberty under Article 21 of the Constitution.

Punitive constitutionalism

- It seeks to submerge individual rights to a grand yet often undefined national project by holding that an **individual may be stripped of their rights if they do not do their bit to contribute to this project**.
 - For example, laws barring political participation to those who have more than two children (thus submerging the right to participate to the imperatives of population control), or who lack formal education, effectively make freedom and equality conditional upon the state's vision of what a "good citizen" should be like.
- Rights, then, are no longer about being human, but about earning the right to be treated as a human.

Recent years have seen the rise of this phenomenon described as "punitive constitutionalism". The beggary laws belong within this same family of punitive constitutionalism.

Significance of J&K High court Judgment

- The judgment marks a crucial step forward in dismantling one of the most vicious and enduring legacies of colonialism.
- It seeks to undo legacies of injustice and lift up all individuals and communities to the plane of equal citizenship.

Conclusion

- The Jammu and Kashmir High Court's judgment, therefore — which is explicitly premised upon the unconstitutionality of "invisibilizing" a social problem by criminalising it (as though it is a matter of individual fault) — shows us the exact way in which our Constitution rejects this harsh world view.
- Now it is the task of the Legislative Assembly and the government to replace the punitive structure of the Begging Act with a new set of measures that genuinely focusses on the rehabilitation and integration of the most vulnerable and marginalised members of our society.

[su_box title="**Harsh Mander v. Union of India and Karnika Sawhney v. Union of India**" box_color="#7960a0" title_color="#ffffff"]

- The **Delhi High Court** presided over by the Chief Justice, held that the Begging Act violated Article 14 (equality before law) and Article 21 (right to life and personal liberty) of the Constitution.
- The High Court noted, that the definition of begging under the Act made no such distinction, and was therefore entirely arbitrary.
- More importantly, it also held that **under Article 21 of the Constitution, it was the state's responsibility to provide the basic necessities for survival** — food, clothing, shelter — to all its citizens.
- According to the court, "people beg on the streets not because they wish to, but because they need to. Begging is their last resort to subsistence, they have no other means to survive.
- **Poverty was the result of the state's inability — or unwillingness — to discharge these obligations.** Therefore, the state could not turn around and criminalise the most visible and public manifestation of its own failures — and indeed, penalise people who were doing nothing more than communicating the reality of their situation to the public.
- If we want to eradicate begging, artificial means to make beggars invisible will not suffice. A move to criminalise them will make them invisible without addressing the root causes of the problem. The root cause is poverty, which has many structural reasons: no access to education, social protection, discrimination based on caste and ethnicity, landlessness, physical and mental challenges, and

F. Tidbits

1. 'U.S. rejected 1 in 4 H-1B visa petitions'

What's in News?

India's External Affairs Minister has said, about 23% of new petitions seeking H1-B visas for the US were denied in the 2019 fiscal year.

- Indian nationals account for nearly 70% of all H-1B visa issued, even though the share of Indian IT companies in the H-1B visa is relatively small.
- The number of visas for which [Indian IT companies] have applied has come down in the last few years. Denial rates have also gone up.
- There is a concern across the global IT industry operating in the US, inter alia, over approval rates for H-1B petitions, a higher rate of rejection among IT service-focused companies and cost implications of higher scrutiny and additional requests for evidence.

What is H1B visa?

- The H1B visa is a non-immigrant visa that allows US companies to employ foreign workers in specialty occupations that require theoretical or technical expertise.
- The technology companies depend on it to hire tens of thousands of employees each year from countries like India and China.

2. India asks Sri Lanka to boost reconciliation

- The Ministry of External Affairs has said that India expects the newly-elected President of Sri Lanka Gotabaya Rajapaksa to boost the national reconciliation policy with the Tamil community of the country.
- External Affairs Minister conveyed to the President, India's expectation that the Sri Lankan government will take forward the process of national reconciliation to arrive at a solution that meets the aspirations of the Tamil community for equality, justice, peace and dignity.
- Sri Lanka's Tamil leadership has emphasised that India must play a role in ensuring swift and substantive progress in post-war reconciliation through a political solution.
- The [Indo-Lanka Accord](#) (1987) is a subsisting bilateral agreement between the two countries, for the purpose of a long-lasting solution to the ethnic question.
 - Sri Lanka has been mired in ethnic conflict since the country, formerly known as Ceylon, became independent from British rule in 1948.
 - In the years following independence, the Sinhalese, who resented British favoritism toward Tamils during the colonial period, disenfranchised Tamil migrant plantation workers from India and made Sinhala the official language.
 - When war between Sri Lankan Tamils and the Sinhalese majority erupted in 1983, India took an active role.
 - Indo-Sri Lankan Accord was signed in 1987 to provide a political solution to Sri Lanka's conflict.

G. Prelims Facts

1. Real Estate Regulatory Authority (RERA)

- The Real Estate (Regulation and Development) Act passed in 2016, seeks to protect home-buyers as well as help boost investments in the real estate sector by bringing efficiency and transparency in the sale/purchase of real estate.
- The Act establishes the Real Estate Regulatory Authority (RERA) in each state for regulation of the real estate sector and also acts as an adjudicating body for speedy dispute resolution.

Read more about [Real Estate \(Regulation & Development\) Act, 2016](#)

2. Jalajapam

- Jalajapam is a part of the Murajapam ritual, held on the banks of Padmatheertham pond at the Padmanabhaswamy Temple in Thiruvananthapuram.
- It is held once in six years.
- The japam, or the ceremonial chanting of the Vedas, would be held in seven sessions.
- Murajapam is the chanting of mantras of the three Vedas in eight rounds (mura).

H. Practice Questions for UPSC Prelims Exam

Q1. Consider the following statements:

1. The Hunter Commission appointed to investigate the Jallianwala Bagh shootings did not have any Indian members.
2. The Hunter Commission did not impose any penal or disciplinary action against General Dyer.

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: a

Explanation:

The government formed a committee of inquiry to investigate the Jallianwala Bagh shootings. On October 14, 1919, the Government of India announced the formation of the Disorders Inquiry Committee. The committee was commonly known as Hunter Commission after the name of its chairman, Lord William Hunter. It also had Indian members. However, the Hunter Committee did not impose any penal or disciplinary action against General Dyer.

Q2. Fair and Remunerative Prices (FRP) for Sugarcane is announced by?

- a. Commission for Agricultural Costs and Prices (CACP)
- b. Cabinet Committee on Economic Affairs (CCEA)
- c. Department of Agriculture and Co-operation and Farmers Welfare
- d. None of the above

Answer: b

Explanation:

Fair and remunerative price (FRP) is the minimum price at which rate sugarcane is to be purchased by sugar mills from farmers. On the recommendation of the Commission for Agricultural Costs and Prices (CACP), FRP is announced by the Cabinet Committee on Economic Affairs (CCEA), which is chaired by the Prime Minister.

Q3. Which of the following is/are not correctly matched?

1. Tso Moriri – Manipur
2. Deepor Beel – Assam
3. Rudra Sagar Lake – Tripura

Choose the correct option:

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

Answer: a

Explanation:

Tso Moriri, Deepor Beel and Rudra Sagar Lake are all Ramsar sites in India. Tso Moriri is a lake in the Changthang Plateau in Ladakh. Loktak lake is the Ramsar Site in the state of Manipur.

Q4. Teesta River flows through the states of:

1. Sikkim
2. West Bengal
3. Meghalaya

Choose the correct option:

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

Answer: c

Explanation:

Teesta is a 414km long river flowing through the Indian states of West Bengal, Sikkim before going to the Bay of Bengal through Bangladesh.

I. Practice Questions for UPSC Mains Exam

1. How beneficial are subsidies on higher education in the creation of a developed and egalitarian society. Critically examine. (15 Marks, 250 Words)
2. With commercial surrogacy having gained much popularity in India, it is believed that, a ban would only push the industry underground. Comment. Also, discuss the issues associated with the

Surrogacy Regulation Bill, 2019. (15 Marks, 250 Words)

