

# 18 Nov 2019: Comprehensive News Analysis

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### Category: POLITY AND GOVERNANCE

#### 1. SC discusses 'voluntary code of conduct' for Cabinet Ministers

##### Context:

The court is examining if additional restrictions should be put on public functionaries' right to free speech and expression.

##### Details:

- A Constitution Bench of the Supreme Court is hearing arguments on whether Cabinet Ministers at both the Central and State levels should have a “voluntary model code of conduct” which addresses their private and public activities.
- The five-judge Bench is examining if “greater restrictions” should be imposed on the right of free speech and expression of high public functionaries to protect the citizen’s fundamental right to lead a dignified life.
- The court had to consider this issue post the filing of two separate petitions against the statements of Cabinet ministers.

#### **Need for the code of conduct:**

- Considering the special position of public office that one holds, such persons holding public offices can be thus subjected to better and meaningful public scrutiny. The code of conduct should reflect constitutional morality and values of good governance.
- The cabinet minister’s personal views are also bound to find larger traction in public life as compared to any other individual. Hence, there is a need to regulate.
- The Union Ministry of Home Affairs already has a code of conduct for Ministers, which is essentially concerned with financial discipline. At present, the code of conduct for ministers at the Centre and states includes the declaration of assets and liabilities. Ministers also can’t be part of any office of profit or associate with the conduct and management of any business, among others. This code is too narrow and inadequate and does not address the private and public activities of the ministers in general. Hence, there is a need for a separate code of conduct.

#### **Code of conduct unnecessary:**

- The SC has taken a consistent stand in the past against the invocation of any further restrictions on the free speech of citizens, and public men should be no exception.

#### **Way forward:**

- The earlier guidelines were silent on many aspects of governance. Therefore, there was a need to revisit the existing guidelines, such as the use of official vehicles, giving media interviews, etc.
- Aspects such as a minister’s conduct on social media, rules to be followed while making a recommendation, travel sanctions and restrictions on using official bungalow for party work, receiving gifts from foreign dignitaries in India and abroad, and attending private events need to be considered in the code of conduct.
- The government should frame the code of conduct for Cabinet Ministers, with the Cabinet head ensuring a collective responsibility for the activities of the individual ministers.
- UK’s ministerial code framed in 2015 can serve as a template for the new code of conduct.

## **2. Marriage not ‘good enough’ to quash rape FIR: Delhi HC**

#### **Context:**

Delhi High court’s judgment on the question of 'is marriage a “good enough” reason to quash an FIR for rape if both the offender and the victim decide to settle the case'.

#### **Details:**

- The Delhi High Court has ruled that the offence of rape falls under the category of “heinous and serious crime” which cannot be quashed even if the parties have settled their dispute or got married.

- The High Court has noted that even when there is a settlement, the view of the offender and victim will not prevail since it is in the interest of society that the offender should be punished to deter others from committing a similar crime.
- The Court also referred to a judgment of the Supreme Court which said that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute.

#### **Significance of the judgment:**

- The verdict will have significant implications on a large number of rape cases in India.
- A large chunk of the rape cases in India is reported against those who were known to the victim.
- The latest report of the National Crime Records Bureau (NCRB) shows that of a total of 32,559 cases of rape reported across the country in 2017, in one-third or 10,553 cases, the victim and offender were either friends, online friends, live-in partners or separated spouses.

### **3. Muslim law board to file review plea against Ayodhya verdict**

#### **Context:**

Supreme court verdict in the Babri Masjid-Ram Janmabhoomi case.

#### **Details:**

- The All India Muslim Personal Law Board (AIMPLB) has declined the five acres of land allotted to Muslims in Ayodhya and decided to file a review petition against the Supreme Court verdict in the Babri Masjid-Ram Janmabhoomi case.
- The AIMPLB argued that it decided in favour of filing a review petition, claiming there were apparent errors in the verdict.

#### **Arguments for review petition:**

- The board argues that the five-acre land, as directed in the present judgment, will neither balance equity nor repair the damage caused. They believe the matter was not about a mosque but rights to land and justice.
- The Board has argued that mosques are essential for the religious practice of Muslims and that building the same mosque at some other site in situations like this is also not permissible as per Islamic Law.
- The verdict clearly observes that the placing of idols of Lord Ram under the dome of the Babri Masjid “by force” on the intervening night of December 22-23, 1949, was “illegal”, but it still goes on to consider the illegally placed idols a deity. Even under “Hindu dharma Shastra,” they could not be a deity, is the board's argument.
- It was proven that Muslims had possession of the Babri Masjid from 1857 to 1949 and also offered namaz there, despite this the land of the mosque has been given to Ram Lalla.
- While using Article 142, the judges did not consider that the exchange or transfer of masjid land was barred under Sections 104-A and 51(1) of the Waqf Act. This goes against the statute and legal restrictions.
- The board has stated that rejecting the land would not amount to contempt as the directions of the apex court were to the Central government and not to the Muslim community.

#### **Additional information:**

- In India, a binding decision of the Supreme Court/High Court can be reviewed in Review Petition. The parties aggrieved on any order of the Supreme Court on any apparent error can file a review petition. Taking into consideration the principle of stare decisis, courts generally do not unsettle a decision, without a strong case.
- Article 137 of the Constitution provides that subject to provisions of any law and rule made under Article 145, the [Supreme Court of India](#) has the power to review any judgement pronounced (or order made) by it. Under Supreme Court Rules, 1966 such a petition needs to be filed within 30 days from the date of judgement or order. It is also recommended that the petition should be circulated without oral arguments to the same bench of judges that delivered the judgement (or order) sought to be reviewed.
- Furthermore, even after dismissal of a review petition, the SC may consider a curative petition in order to prevent abuse of its process and to cure gross miscarriage of justice.
- The supreme court has previously held that even aggrieved third party can file a Review Petition. The quintessence is that the person should be aggrieved by the judgment and order passed by the Court in some respect.

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### E. Editorials

#### Category:INTERNATIONAL RELATIONS

#### 1. Gotabaya Rajapaksa wins Sri Lankan presidential election

##### Context

- Gotabaya Rajapaksa has emerged as winner securing 52.25% of the mandate in the Sri Lanka's presidential elections.

##### Profile

- He was a former Army officer who served as Sri Lanka's defence secretary when his brother Mahinda Rajapaksa was President.
- Gotabaya led the military campaign against the Liberation Tigers of Tamil Eelam between 2007 and 2009 which ended with the final defeat of the Tigers, and the killing of its leader Velupillai Prabhakaran.

- The war led to thousands of civilian deaths in the country and created a narrative of muscular Sinhala Buddhist supremacy that continues to dominate the Sri Lankan national discourse.

### Issues of human rights violations in the past

- Gotabaya has been accused of human rights violations in Sri Lanka, Europe and the United States.
- The time of the Rajapaksas' rule in the country saw many instances of forced disappearances of dissenters, and attacks on independent journalists.

### What led to the victory of Gotabaya?

- Apart from the Sinhala majority voting for him, anxieties were arising from the state of the economy, dislike towards unabated corruption and fears set off by the Easter Sunday bombings.
- President Maithripala Sirisena had dismissed Prime Minister Ranil Wickremesinghe in 2018, leading to a constitutional crisis, which made this election a referendum on the failures of the power-sharing arrangement between the two leaders.
- The coalition government was rocked by infighting and its aloof leadership, with grand projects of trade liberalisation and foreign investment which neglected people's everyday concerns.

### Past tensions and the China card

With the return of the Rajapaksas to power, India would be closely watching the trajectory that Sri Lanka's relationship with China takes.

- China got huge concessions when Mahinda was President, and Beijing extended loans worth billions of dollars, which, while helping build ports and highways in Sri Lanka, **rapidly drowned the country deep in debt**.
  - The debt has dragged down the economy, and in 2017, the Sri Lankan government, having struggled with repayments, was forced to hand over the port of Hambantota and 15,000 acres of land around it to the Chinese for 99 years.
- During the last couple of years of Mahinda's rule, **Chinese military submarines and warships** made repeated undeclared visits to the port of Colombo, to India's great concern.
  - Early in the first term of the Narendra Modi government in India, when Gotabaya was in charge of Sri Lanka's defence ministry, New Delhi had protested against a Chinese submarine docking in Sri Lanka.
  - Colombo had at the time said this was "nothing unusual" and military vessels of many countries have over the years come to Sri Lanka on "**goodwill visits and for refuelling and crew refreshment**".
- Many now worry that a tilt towards China will be inevitable, given the Rajapaksas' past preferences as well as Gotabaya's acrimonious relationship with the United States.

### Challenges ahead for India

Gotabaya, who is unpopular for his role in the war against LTTE in these areas, was defeated in all of the Northern Province's five districts and in three districts in the Eastern Province in the election.

- The most sensitive issue for New Delhi in dealing with Gotabaya will be **dealing with the Tamil-speaking areas of Sri Lanka's North and Muslim-dominated East**, which Tamil Nadu has the closest links with.

### Way forward

As a symbolic first step, the President-elect chose **Anuradhapura**, the World Heritage City and ancient capital **known for its traditional links to India**, for his swearing-in ceremony— instead of the traditional Independence Square in Colombo.

- Given the polarized mandate in the North and East of Srilanka, Gotabaya should **actually want India's friendship in resolving tensions** with the North and East region, and India should move in quickly to ensure more development projects in those areas.

## Category: EDUCATION

### 1. The false allure of English medium schooling

#### Context

- The Andhra Pradesh Government has decided to make all government elementary schools 'English-medium' from the next academic year.

#### The push for English as the medium of instruction in government schools is due to the following reasons:

- First, there is a belief that English-medium schooling can guarantee good jobs.
- Second, economically constrained families are shifting their children from free government schools to private English-medium schools.
- It is to try and reverse this trend (which also poses a threat to government teaching jobs) that many State governments have made at least some of their schools English-medium or started English-medium sections.

#### Why mother tongue teaching is much better in the early years of schooling?

- Research, from India and across the world, shows that **children who get educated in their mother tongue learn better** than those who start school in a new language.
- A **new language** in the early school years, especially one that is not used outside school, **can become a barrier to learning**.
- It is important to understand that if a child speaks or understands the classroom language, engaging with new concepts, ideas and information is easier, as is learning to read and write.
- Even researchers who advocate privatisation of schools as a quality improvement measure accept that English-medium schools are not the solution.
- A study of learning outcomes in government and private elementary schools in Andhra Pradesh has found that children perform best in Telugu-medium schools.

#### Why such policy decisions are taken?

- Governments take such decisions as they are able to convince the masses about the importance of English education and also hopes that it will turn into a voter base for the political party.
- The influential middle class believes that poor children are getting a leg-up through English-medium government schools.
- Some Dalit intellectuals hold the view that it is English-medium schools that will emancipate them.

#### Issues surrounding the Govt. English medium schools

- These schools will need teachers who, apart from being knowledgeable in the subjects they teach, are also fluent in the medium of instruction. No State government can claim that a majority of teachers, especially in elementary schools, are English-fluent, not even the ones who teach English.
- The vast majority of them have had their entire education in their mother tongue or the State language, and have spent their working lives teaching in that language.
- 'Retraining' them, through short-term language courses, would not transform them into teachers for English-medium schools. On the contrary, it will handicap them, making the best of them resentful, and the disinterested even more so.

### Conclusion

- A government really concerned about education and making English accessible to poor children in government schools **should focus on the children's natural receptiveness** to new languages by teaching English as a language.
- Investing in modern language-teaching education (not short-term training) for English-language school teachers is essential.

## Category:HEALTH AND ENVIRONMENT

### 1. Quality on tap: On report of Ministry of Consumer Affairs

#### Background

[Click here](#) to read about the topic.

#### Why this issue is not addressed?

- Municipal water fails these tests due to the lack of accountability of the official agencies, and the absence of robust data in the public domain on quality testing.
  - While it is mandatory for bottled water manufacturers to meet quality standards, the BIS standard is voluntary for the public agencies which supply and distribute piped water.

#### Steps to be taken

- A scientific approach to water management is vital.
- Making it legally binding on agencies to achieve standards and empowering consumers with rights is essential.
- On the issue of **regular testing, there is a case to entrust a separate agency** with the task in each State, rather than relying on the same agency that provides water to also perform this function.
- Data on water should be made public on the same lines as air quality, it would ratchet up pressure on governments to act.
- For too long, the response of water departments to the challenge has been to chlorinate the supply, as this removes pathogens, ignoring such aspects as appearance, smell and taste. It is time to move beyond this and make tap water genuinely desirable.

### 1. Minimum operating price sought for online sales

- In an effort to create a level playing field for online and offline retailers, the Confederation of All India Traders (CAIT) has written to Commerce Minister Piyush Goyal seeking implementation of a “minimum operating price” below which items cannot be sold.
- “Minimum Operating Price” (MOP) is the price consisting of landing price, operational cost and reasonable profit margin.

## G. Prelims Facts

### 1. Leaked papers give details of Xinjiang clampdown

Xinjiang is an autonomous territory in northwest China. It is home to many ethnic minority groups, including the Turkic Uyghur people. The major cities of the region include Hotan and Kashgar.

### 2. No elephant safari in Dudhwa this season

- The Dudhwa National Park is a national park in the Terai belt of the marshy grasslands of northern Uttar Pradesh, India. It is part of the Dudhwa Tiger Reserve. It is located on the Indo-Nepal border in the Lakhimpur Kheri District. It represents one of the few remaining examples of a highly diverse and productive Terai ecosystem.
- Major attractions of the Dudhwa National Park are tigers and swamp deer. The Hispid hare, earlier thought to have become extinct, was rediscovered here in 1984.
- In 1984, the Indian rhinoceros was reintroduced into Dudhwa from Pobitora Sanctuary in Assam and Nepal.
- The other animals to be seen here include swamp deer, sambar deer, barking deer, spotted deer, hog deer, sloth bear, ratel, jackal, civets, jungle cat, fishing cat and leopard cat.
- The Dudhwa National Park is a stronghold of the barasingha. Around half of the world's barasinghas are present in Dudhwa National Park.

### 3. Drones scan CRPF camp in Naxal hub

- According to India’s national aviation authority, the Ministry of Civil Aviation, flying a drone is legal in India but is subject to certain restrictions.
  - All drones except those in the Nano category must be registered and issued a Unique Identification Number (UIN).
  - A permit is required for commercial drone operations (except for those in the Nano category flown below 50 feet and those in the Micro category flown below 200 feet).
  - Drone pilots must maintain a direct visual line of sight at all times while flying.
  - Drones cannot be flown more than 400 feet vertically.
  - Drones cannot be flown in areas specified as “No Fly Zones”, which include areas near airports, international borders, Vijay Chowk in Delhi, State Secretariat Complex in State Capitals, strategic locations, and military installations.

- Permission to fly in controlled airspace can be obtained by filing a flight plan and obtaining a unique Air Defense Clearance (ADC)/Flight Information Center (FIC) number.
- Foreigners are currently not allowed to fly drones in India. For commercial purposes, they need to lease the drone to an Indian entity who in-turn will obtain Unique Identification Number (UIN) from DGCA.
- Regulations came into being from December 2018. The operations of Remotely Piloted Aircraft System (RPAS) will be enabled through Digital Sky Platform.
- Instead of simply digitizing a paper-based process for registering and operating drones, India has formulated an all-digital process. The Digital Sky Platform is the first-of-its-kind national unmanned traffic management (UTM) platform that implements “no permission, no takeoff” (NPNT).
- Users will be required to do a one-time registration of their drones, pilots and owners. For every flight (exempted for the nano category), users will be required to ask for permission to fly on a mobile app and an automated process permits or denies the request instantly. To prevent unauthorized flights and to ensure public safety, any drone without a digital permit to fly will simply not be able to take off.
- The UTM operates as a traffic regulator in the drone airspace and coordinates closely with the defense and civilian air traffic controllers (ATCs) to ensure that drones remain on the approved flight paths.

## H. UPSC Prelims Practice Questions

Q1. Which of the following are incorrectly matched?

- a. Red Panda: Nokrek Biosphere Reserve
- b. Dugong: Sunderbans
- c. Giant Squirrel: Panchmarhi Biosphere Reserve
- d. Snow Leopard: Khangchendzonga Biosphere Reserve

**Answer: b**

**Explanation:**

Dugong is found mainly in the Gulf of Mannar Biosphere Reserve.

Q2. Which of the following statements is/are correct?

- 1. The maximum gap between two sessions of Parliament cannot be more than six months.
- 2. Prorogation means the termination of a session of the House by an order made by the President under article 85(2)(a) of the Constitution.
- 3. The President can also prorogue the House while in session.

**Options:**

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

**Answer: d**

**Explanation:**

The maximum gap between two sessions of Parliament cannot be more than six months. In other words, the Parliament should meet at least twice a year.

Prorogation means the termination of a session of the House by an order made by the President under article 85(2)(a) of the Constitution. Prorogation terminates both the sitting and session of the House. Usually, within a few days after the House is adjourned sine die by the presiding officer, the President issues a notification for the prorogation of the session. However, the President can also prorogue the House while in session.

**Q3. With reference to the cultivation of crops in India, consider the following statements:**

1. India is the largest producer of pulses in the world.
2. India is the largest importer of pulses in the world.
3. Gram dal is the most grown pulse in India.

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

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

**Answer: c**

**Explanation:**

India is the largest producer (25% of global production), consumer (27% of world consumption) and importer (14%) of pulses in the world. Pulses account for around 20 per cent of the area under foodgrains and contribute around 7-10 per cent of the total foodgrain production in the country. Though pulses are grown in both Kharif and Rabi seasons, Rabi pulses contribute more than 60 per cent of the total production.

Gram is the most dominant pulse having a share of around 40 per cent in the total production followed by Tur/Arhar at 15 to 20 per cent and Urad/Black Matpe and Moong at around 8-10 per cent each. Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh and Karnataka are the top five pulses producing States.

**Q4. Jayakwadi dam is located on the river -**

- a. Godavari
- b. Tungabhadra
- c. Mahanadi
- d. Brahmaputra

**Answer: a**

**Explanation:**

Self Explanatory

1. India-Sri Lanka ties are equally significant for the two countries and the South Asian region at large. Comment. What are the main areas of cooperation between the two countries? (150 words, 10 marks)
2. A model code of conduct imposing “greater restrictions” on the right of free speech and expression of high public functionaries is necessary. Comment. What are the aspects that such a code should address? (150 words, 10 marks)

