

# 14 Apr 2020: UPSC Exam Comprehensive News Analysis

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## A. GS 1 Related

**Category: SOCIAL JUSTICE**

### 1. 'Online child porn traffic rises by 95%'

**Context:**

The India Child Protection Fund (ICPF) said that millions of paedophiles had migrated online, making the Internet extremely unsafe for children.

- The ICPF was set up in January 2020 and aims to support NGOs with funding resources for curbing the exploitation of children.

**Concerns:**

- Online child pornography traffic after the lockdown in the country has gone up by 95% with online data monitoring websites showing an increase in demand for searches for child pornographic content.
  - Traffic from India increased by 95% as compared to average traffic before the lockdown.
- The spike in consumption indicates millions of paedophiles, child rapists and child pornography addicts have migrated online, making the Internet extremely unsafe for children.
- Without stringent action, this could result in a drastic rise in sexual crimes against children.
- Also, as children spend more time online during the lockdown, international agencies like Europol, the United Nations and ECPAT (End Child Prostitution and Trafficking) have reported that paedophiles and child pornography addicts have increased activity to target children online to 'groom' them — befriending them on social media, building an emotional connection and luring them to perform sexual activities through photos and videos.

**Way forward:**

- Protection Of Children from Sexual Offences Act (POCSO) has several provisions to safeguard and protect children from sexual predators.
- Under Section 15 of the POCSO Act, a person who stores child porn for commercial purposes shall face imprisonment for up to 3 years or will have to pay a fine or face both the punishments.
- ICPF demands an urgent crackdown on child pornography through a pan-India tracker through the use of artificial intelligence which can monitor hosting, sharing, viewing and downloading of child sexual abuse material and provide the information to the government agencies.

**Read more about the [POCSO Amendment](#)**

## B. GS 2 Related

**Category: POLITY AND GOVERNANCE**

### 1. 'Floor test is Governor's discretion'

**Context:**

A Governor can call for a floor test any time he objectively feels a government in power has lost the confidence of the House and is on shaky ground, the Supreme Court has held.

### Details:

- In a judgment, a Bench of Justices D.Y. Chandrachud and Hemant Gupta concluded that a Governor could call for a trust vote if he has arrived at a prima facie opinion, based on objective material, that the incumbent State government has lost its majority in the Assembly.
- The intention behind a trust vote was to enable the elected representatives to determine if the Council of Ministers commanded the confidence of the House.
- It was the MLAs, and not the Governor, who made the ultimate call whether a government should stay in power or not, the court said.
- It said that a Governor's power to call for a floor test is not restricted only before the inception of a State government immediately after elections, but continues throughout its term.
- The court clarified that the Governor's requirement to have a trust vote does not "short-circuit" any disqualification proceedings pending before the Speaker.
- It said a Governor need not wait for the Speaker's decision on the resignation of rebel MLAs before calling for a trust vote.

### Observations made:

- It was observed that the idea underlying the trust vote is to uphold the political accountability of the elected government to the State legislature.
- In directing a trust vote, the Governor does not favour a particular political party.
- It is inevitable that the specific timing of a trust vote may tilt the balance towards the party, possessing a majority at the time the trust vote is directed.
- All political parties are equally at risk of losing the support of their elected legislators, just as the legislators are at risk of losing the vote of the electorate. This is how the system of parliamentary governance operates.

### What is a Floor Test?

- A floor test is conducted mainly to assess if the executive maintains the legislature's confidence.
- It is a statutory procedure that on the floor of the Legislative Assembly, a Chief Minister appointed by the Governor may be asked to prove support or a floor test is a way to decide whether the majority of MLAs support a government or a Chief Minister.
- With a yes or a no, the MLA-elect will vote to answer if they support the individual as the Chief Minister.
- Indian constitution under Article 356, provides that if Governor of a state feels that there has been a breakdown of constitutional machinery in a state, he can request the President of India to take direct control of the state, which is simply called President's Rule.
- Since the Governors are appointed by the President with the advice of the cabinet, technically the President's Rule is equivalent to the central government running the state government, which is against the federal structure. Dissatisfied with this blatant misuse of power, the Supreme Court of India in the **S.R.**

**Bommai** case decided that the test of the Constitutional machinery has to be decided on the floor of Legislative Assembly of the state (by voting) and not as per the whim of Governor.

- The purpose behind the floor test is to enquire the question of whether the claimant will be able to provide the people, a stable (in terms of unity) and consistent (in terms of the period, i.e. five years) government.

## C. GS 3 Related

### Category: ECONOMICS

#### 1. Centre may raise loan to pay GST dues to States

##### Context:

The Union government is exploring raising a loan to pay the shortfall of the Goods and Services Tax (GST) compensation amount to the States as the latter have had to ramp up spending to combat the outbreak of COVID-19.

##### Details:

- The idea has been circulated and since the GST Act prohibits withdrawal of funds from the Consolidated Fund, raising loans is being seen as a way out.
- A discussion was held earlier on how to address if there was a revenue shortfall. There were concerns over what if cess accruals were not adequate to pay the shortfall.
- The government of India was adamant in resisting suggestions to pay the shortfall from the Consolidated Fund of India, and at that point, the option of raising a loan on the cess account was discussed and agreed as an option, and the loan accrued would be paid from cess accruals in the future.

##### GST Compensation:

- An essential component of the GST implementation was the compensation by the Centre to States when the latter undergoes revenue shortfalls due to the implementation of GST.
- The main purpose of the compensation clause was to incentivise states to accept and implement the GST.
- States have had to give up the control over their major tax revenues, including the state sales tax that is merged under GST. Effectively, states had given up their power to impose and collect taxes on goods. Hence, assuring no revenue loss after the implementation of GST became important.
- The compensation payable to a State is provisionally calculated and released at the end of every two months during the transition period of 5 years (till July 2022).
- To avail the revenues for GST compensation, the centre has imposed a cess on specific products, especially, those considered to be 'sin' or luxury goods. So, there is a GST compensation cess on these items.
- GST cess is applicable to a variety of goods or services that are traded either intrastate or interstate trade. Entities that fall under the composition scheme need not pay the cess.

##### Note:

- For December 2019 and January 2020, the Central government owes around ₹30,000-35,000 crore as compensation and around ₹30,000 crores for February and March.
- The government has recently released ₹14,103 crores to States as the second tranche of compensation for October and November 2019.
  - It paid ₹19,950 crores in February for these two months.

## D. GS 4 Related

*Nothing here for today!!!*

## E. Editorials

### Category: POLITY AND GOVERNANCE

#### 1. Accessing justice online

##### Context:

- The article discusses the need for an e-court system and the steps to be taken to ensure the setting up of an effective framework for e-courts.

##### Background:

- In the light of the national lockdown, the Indian courts too are under a lockdown thus severely restricting the citizen's access to justice for this period.

##### Issue of timely justice:

- The judiciary is also plagued by the complete **inability of the conventional court system to deliver timely justice**. The average time for case disposal in India is comparatively much larger than in other countries.
- The issue of **delay in justice delivery** shakes the very foundation of the **principle of rule of law** on which the entire constitution rests on.

##### Kerala example:

- The Kerala High Court has been conducting **proceedings through video conferencing** and also **live streaming** the proceedings.
  - The judges conducted the hearing from their homes.
  - The advocates concerned and law officers also participated in the proceedings from their respective offices.
  - Nearly 30 urgent matters were taken up for hearing, including bail applications and writ petitions, and were disposed of.

##### Details:

- The **use of technology** apart from dealing with the present crisis posed by the pandemic can provide the judiciary an avenue to address the problem of delayed justice too.
- The use of technology in judiciary has huge potential and the Kerala example needs to be **institutionalized and eternalized**.

##### Way forward:

Framework for e-courts:

- The government must establish a **task force consisting of judges, technologists, court administrators, skill developers and system analysts** to draw up a blueprint for institutionalising e –courts.
- The task force would take up the responsibility of establishing **hardware, software and IT systems for the e-courts**. It would establish appropriate e-filing systems and procedures. It would work towards **creating skill training** and recognition for paralegals, help advocates and others to help access the system.
- Once the blueprint is ready, the High Courts may refer the same to the Rule Committee of the High Court to frame appropriate rules to operationalize the e-court system.

### **Creating awareness among the stakeholders:**

- The lack of information and awareness among the general populace might pose a major inhibition in the adoption of the e-court systems.
- The next logical step after the preparation of the e-court framework is to **create awareness among the relevant stakeholders**. The **Legal Services Authorities Act of 1987** and the officers functioning under them can play a huge role in this direction.
- Appropriate information about the system needs to be provided comprehensively at the grassroots levels and **made available online in as many Indian languages** as possible. This could be a huge step in creating awareness.
- There is the need for **initial handholding of the stakeholders** and **appropriate incentives** to deepen the adoption of e-court systems.

### **Addressing implementational challenges:**

- However well-intended a scheme may be, it becomes ineffective without **proper implementation and accountability provisions**.
- Given the **digital divide in the society**, some people would find it difficult to access the e-court system. Hence a system must be set in place for the applicant to lodge online complaints with the Legal Services Authorities who can then ensure accountability and effective implementation.
- The local panchayat, municipal or corporation office, or any NGO can assist the complainant to make these online complaints to the Legal Services Authority if the complainant is unable to do so directly.
- The officers under the Legal Services Authorities Act may then be authorised to hear the complaints online and to direct delivery of redress to the aggrieved complainant in accordance with the law in a time-bound manner.

### **Significance:**

#### **Access to justice:**

- **E-courts will not only enable easier access to courts but all increase the access to justice**. The e-courts system will enable the judiciary to shorten the case disposal time thus ensuring **timely justice**.

#### **Lessen the burden on Judiciary:**

- The e-court system apart from increasing the access to justice can also simultaneously reduce the burden on conventional courts. Given the current situation of **low judge: population ratio** in India, the **more efficient e-court system** will enable the judiciary to more effectively use its scarce resources.

### Data generation:

- The e-court system would enable the **generation of large and easy to use database**. This could help provide useful **insights to policy making**. The advent of technologies like **big data and artificial intelligence** can help use the large database to come up with effective policies, frameworks and schemes.

## 2. Sacking by subterfuge

### Context:

- The removal of Andhra Pradesh State Election Commissioner (SEC).

### Background:

- In March 2020, days before the local body polls were to be held in Andhra Pradesh, the SEC postponed the elections, citing the COVID-19 outbreak. The state government claimed political reasons for the postponement.
- The State government approached the Supreme Court against the decision of the SEC, but the court declined to interfere.
- The State government got the **Governor to issue an ordinance to reduce the SEC's tenure** from five to three years, and **amend the criterion for holding that office** from being an officer of the rank of Principal Secretary and above to one who had served as a High Court judge.
- This automatically rendered the current SEC's continuance in office invalid.

### Concerns:

#### Misuse of power:

- Having **exhausted its legal remedy**, the state government should have waited for the ongoing fight against the Pandemic to be over. Instead the state government decided to use the **ordinance route to remove the SEC from office**.

#### Legality of the move:

- There are several **Constitutional provisions** to safeguard the independence of the State Election Commission.
- The Constitution notes that the SEC may be **removed from the post only in the same manner as a High Court judge**, which needs a special majority concurrence from both the houses of the parliament and assent of the President. The Governor's ordinance based on the advice of the Council of Ministers hence has no legal right to terminate the SEC's tenure.
- Further, the Constitution, **under Article 243K, prohibits the variation of any condition of service to the detriment of any incumbent**. Even if the State government argues that a change of tenure does not amount to varying the conditions of service, the new norm can only apply to the successor SEC, and not the current SEC.
- It is a well-settled **principle in law that what cannot be done directly cannot be done indirectly**. The removal of an incumbent SEC through the subterfuge of changing the eligibility norms for appointment may not survive judicial scrutiny.

## Questionable judicial precedents:

- The State government seems to have gone by legal opinion that cited **Aparmita Prasad Singh vs. State of U.P. (2007)** in which the Allahabad High Court ruled that cessation of tenure does not amount to removal, and upheld the State Election Commissioner's term being cut short.
- The Supreme Court though dismissed an appeal against the order, kept open the legal questions arising from the case.
- The judgment seems erroneous, as it gives a **free hand to the State government to remove an inconvenient election authority** by merely changing the tenure or retirement age.
- If courts uphold such questionable practices, it would **adversely affect the ability of the State Election Commission to conduct free and fair elections.**

## Category: MODERN HISTORY

### 1. Ambedkar and the Poona Pact

#### Context:

- Ambedkar Jayanti is being observed throughout the country to commemorate the memory of B. R. Ambedkar.

#### Details:

#### Communal Award of 1932:

- In line with the **British policy of divide and rule** which led to the introduction of **separate electorate** for Muslims (Government of India Act 1909), Sikhs, Indian Christians, Anglo-Indians and Europeans (Government of India Act 1919), the **communal award was made by the British Prime Minister Ramsay MacDonald on 16 August 1932** which further extended separate electorate.
- The Communal Award also known as **MacDonald Award** was announced after Round Table Conference( 1930-32) and **extended the separate electorate to depressed Classes** (now known as the Scheduled Caste). It reserved 71 seats in the central legislature for the depressed classes.
- Gandhi seeing the communal award as a **British attempt to split Hindus**, firmly opposed it and began a **fast unto death in Yerwada prison.**

#### Poona pact:

- In late September 1932, B.R. Ambedkar negotiated the Poona Pact with Mahatma Gandhi in Yerwada Central Jail in Poona.
- However contrary to popular belief, Gandhi was not involved in signing the pact. It was **signed by Ambedkar** on behalf of the depressed classes **and Madan Mohan Malviya** on behalf of the Upper Caste Hindus as a means to end the fast that Gandhi was undertaking in jail as a protest against the Communal award.

#### *Major provisions:*



- Ambedkar had agreed for **depressed class candidates to be elected by a joint electorate** instead of the separate electorate.
- There was to be **electoral seats reserved for the Depressed Classes in the provincial Legislatures**. On the insistence of Ambedkar, almost twice as many seats (147) were reserved for the depressed classes in the legislature than what had been allotted under the Communal Award.
- In addition, the Poona Pact assured a **fair representation of the depressed classes in the public services** while earmarking a portion of the **educational grant** for their uplift.

### Significance:

#### **Recognition of the plight of the depressed class:**

- The Poona Pact was an emphatic acceptance by the Hindu society of the **hardships and discrimination faced by the depressed classes**.
- The pact conceded the need for some concrete action to work towards the upliftment of the depressed classes. It made the entire country, and not just the Congress Party, **morally responsible for the uplift of the depressed classes**.

#### **Voice to the depressed classes:**

- The Poona pact gave the most discriminated section of the Hindu society a **political voice**.
- The pact succeeded in making the **depressed classes a formidable political force** for the first time in history.

#### **Pragmatic approach:**

- Despite his **strong support for the system of separate electorate** for depressed classes and **strong differences with Gandhi**, Ambedkar still went ahead with the signing of the Poona pact.
- Ambedkar would have weighed the **consequences of not signing the Poona Pact**.
  - Ambedkar, did not lose sight of the fact that Muhammad Ali Jinnah, was watching and waiting to take advantage of the evolving situation which could have led to **divisions in the larger Indian society**.
  - The Poona Pact helped save Gandhi's life and helped **keep the national movement alive**, while giving a big voice to the depressed classes.

#### **Precursor to affirmative actions post independence:**

- The concessions agreed to in the Poona Pact were precursors to the world's largest affirmative programme launched in independent India.
- **Post Independence, a slew of measures were initiated to uplift Scheduled Castes and Scheduled Tribes**, which included reservation in education and public sector jobs and in legislature.

## F. Tidbits

### 1. MGNREGA jobs crash to 1% of normal

#### What's in News?

Employment under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) has collapsed to just over 1% of the usual rate in April 2020 due to the COVID-19 lockdown.

- Data from the MGNREGA website show that less than 1.9 lakh families have been provided work under the scheme so far in April 2020, in comparison to almost 1.6 crore households which were provided work in March 2020, and the 1.8 crore households employed under the scheme in February 2020 before the lockdown began.
- Chhattisgarh was the highest employment generator under the scheme in April 2020, providing work to more than 70,000 families, followed by Andhra Pradesh with more than 53,000 households given work.
- **Overall, 7.6 crore families hold active job cards under the scheme, and almost 5.5 crore families found work under the scheme in 2019.**
- The crash in employment rates under the scheme is despite the fact that migrant workers returning to villages should have increased demand in rural areas.
- However, no exceptions from restrictions were provided for the MGNREGA under the lockdown, although States were asked to continue implementing the scheme while following social distancing guidelines.
- Activists petitioned the Supreme Court demanding that the government pay full wages to all active job card holders during this time, following its own instructions issued to other employers.

#### **MGNREGA:**

- The scheme, which guarantees **100 days of work per year** at an **average daily wage of ₹209**, is key to providing livelihoods to poor villagers and is a backbone of the rural economy in difficult times.

Read more about [MGNREGA](#).

#### **2. Govt. urged to revoke patent on cancer drug**

- The Cancer Patients Aid Association (CPAA) has written to the Health Ministry to revoke the Indian patent on **Remdesivir**.
  - Remdesivir is a potential **anti-viral drug** under testing for COVID-19 patients.
  - Remdesivir is produced by Gilead Life Sciences.
- The CPAA said the patent on the drug would make it unaffordable, and this would include cancer patients who are at heightened risk of complications from the viral infection.
- The CPAA provides for the treatment and rehabilitation of cancer patients.
- The Indian patent on Remdesivir was granted as recently as February 18, 2020.
- The Association said the patent ought to be revoked not only on the grounds that it could incentivise other manufacturers to make the drug and offer it cheaply but also on the grounds that the drug wasn't novel and that the learned Controller erred in not taking cognizance of the prior art available in the public domain.

#### **3. 'No proof yet on BCG benefits'**

##### **What's in News?**

A recent study argued that countries that have deployed the **BCG-tuberculosis vaccine** in their immunisation programmes had seen fewer deaths from COVID-19.

- However, the Canada Research Chair in Epidemiology & Global Health and Director has asserted that the current ecological evidence is far from sufficient for any immediate public health or clinical use during this crisis.
- He has also advised that, until trial results are out, countries like India must focus on interventions such as large-scale testing, isolation, contact-tracing, and physical distancing (where feasible).

This topic has been covered in 3rd April 2020 Comprehensive News Analysis. [Click here to read.](#)

#### 4. 'About \$250 billion lost so far, post economic shutdown'

- It is opined that most businesses in non-essential products and services will have to resort to **scaling down of operations in the range of 25-75%** in the wake of the COVID-19 pandemic and the resultant lockdown.
- It is believed that the compression will lead to the **loss of millions of jobs across segments** in the country.
- The SMEs are in dire straits, and the industry has **no working capital to operate** further.
- It is believed that the Automobile industry would also be hit.
  - **Automobile** industry is the **largest employer in the country** and currently provides 38 million jobs.
  - It accounts for **49% of the country's manufacturing GDP** of which auto component industry has a share of 25%.
- Demand compression has led to severe cash flow issues.
- MSMEs face two operational issues viz. **working capital** and **cash flow**.
- To tackle them, it is advised that the government should release all the payments due to MSMEs immediately.
  - These include Goods and Services Tax refunds and tax-deducted-at-source refunds.
  - It is suggested that the units must be allowed to defer payments such as GST, EMIs, interest etc. by six months.
- It is believed that unless the government provides a cash flow relief, things are going to be worse.
  - The U.S. has a \$350 billion fund for SMEs, a grant to support salaries and save jobs.

## G. Prelims Facts

### 1. Rongali Bihu

#### What's in News?

Assam began celebrating its first-ever Bohag or Rongali Bihu without rong, meaning merriment, because of the COVID-19 lockdown.

This topic has been covered in 15th April 2019 Comprehensive News Analysis. [Click here to read.](#)

Read more about the [Harvest Festivals](#) covered in 13th April 2020 PIB Summary and Analysis.

## H. UPSC Prelims Practice Questions

1. Consider the following statements with respect to Poona Pact of 1932:

1. Poona Pact followed the communal award made by the British Prime Minister Ramsay MacDonald.
2. It was signed by Ambedkar and M.K Gandhi.
3. As per the pact, depressed class candidates were to be elected by a joint electorate instead of the separate electorate.

**Which of the given statement/s is/are incorrect?**

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

**Answer: d**

**Explanation:**

Poona pact is an agreement between Dr. Babasaheb Ambedkar and Mahatma Gandhi signed on September 24, 1932. The agreement was signed by Pt Madan Mohan Malviya and Dr. B. R. Ambedkar and some Dalit leaders at Yerwada Central Jail in Pune, to break Mahatma Gandhi's fast unto death. Gandhi was undertaking the fast in jail as a protest against the decision by British prime minister Ramsay MacDonald to give separate electorates to depressed classes for the election of members of provincial legislative assemblies in British India.

Major provisions:

- Ambedkar had agreed for depressed class candidates to be elected by a joint electorate instead of the separate electorate.
- There was to be electoral seats reserved for the Depressed Classes in the provincial Legislatures. On the insistence of Ambedkar, almost twice as many seats (147) were reserved for the depressed classes in the legislature than what had been allotted under the Communal Award.
- In addition, the Poona Pact assured a fair representation of the depressed classes in the public services while earmarking a portion of the educational grant for their uplift.

**2. Consider the following statements with respect to Organization of the Petroleum Exporting Countries (OPEC):**

1. OPEC is a permanent, intergovernmental organization, created at the Baghdad Conference.
2. It is headquartered in Vienna, Austria.
3. Gabon is no longer a member of the OPEC.

**Which of the given statement/s is/are incorrect?**

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

**Answer: b**

**Explanation:**

- OPEC is a permanent, intergovernmental organization, created at the Baghdad Conference in 1960.

- OPEC had its headquarters in Geneva, Switzerland, in the first five years of its existence. This was moved to Vienna, Austria, on September 1, 1965.
- Gabon terminated its membership in January 1995. However, it re-joined the Organization in July 2016.
- OPEC has a total of 13 Member Countries viz. Iran, Iraq, Kuwait, United Arab Emirates(UAE), Saudi Arabia, Algeria, Libya, Nigeria, Gabon, Equatorial Guinea, Republic of Congo, Angola and Venezuela.

### 3. Consider the following statements:

1. The Governor of a State has emergency powers to meet the situation arising from external aggression.
2. The Governor can summon, prorogue and dissolve the State Assembly.
3. The Governor addresses the first session of the Legislative Assembly after elections.

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

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

**Answer: a**

**Explanation:**

The Governor of a State has no emergency powers to meet the situation arising from external aggression. The governor summons the sessions of both houses of the state legislature and prorogues them. The Governor can even dissolve the state assembly. The Governor addresses the first session of the Legislative Assembly after elections.

### 4. Which of the following magazines were started by Dr. B.R.Ambedkar?

1. Mooknayak
2. Equality Janta
3. Rast Goftar
4. Bahishkrit Bharat

Choose the correct option:

- a) 1 and 3 only
- b) 1, 3 and 4 only
- c) 1, 2 and 4 only
- d) 1 and 4 only

**Answer: c**

**Explanation:**

- On 31st January 1920, the fortnightly magazine “Mooknayak” was published for the first time by Babasaheb Ambedkar.
- He also started magazines like Equality Janta and Bahishkrit Bharat.

## I. UPSC Mains Practice Questions

1. The e-Court system, apart from dealing with the present crisis posed by the pandemic, can provide the judiciary with an avenue to address the problem of delayed justice too. Comment. Discuss the necessary steps to institutionalize the e-court system. (15 marks, 250 words)
2. Discuss the major provisions of the Poona pact of 1932. Analyze its significance. (10 marks, 150 words)

