

12 Sep 2020: UPSC Exam Comprehensive News Analysis

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B. GS 2 Related

Category: POLITY AND GOVERNANCE

1. Questions over FCRA nod for PM CARES

Context:

The PM CARES Fund has received an exemption from all provisions of the [Foreign Contribution \(Regulation\) Act](#).

Concerns:

- PM CARES Fund has received an exemption from FCRA although it does not seem to meet the precondition of being a body established and owned by the government whose accounts are audited by the [Comptroller and Auditor-General \(CAG\)](#).

- In January 2020, the Home Ministry had issued a fresh order to exempt organisations (not being a political party), constituted or established by or under a Central Act or a State Act or by any administrative or executive order of the Central Government or any State Government and wholly owned by the respective Government and required to have their accounts compulsorily audited by the CAG or any of the agencies of the CAG.
- When a query was raised under the Right to Information (RTI) Act asking for details and documents on the exemption, the Home Ministry said it had to seek the consent of PM CARES before giving out the information, as it would be considered a “third party” under the RTI Act.
 - It also invoked the clause that allows information to be denied if it is held as part of a fiduciary relationship.

Read: [PMO denies RTI plea seeking info on PM-CARES](#)

2. Let virtual courts stay: law panel

Context:

Parliamentary Panel on Law and Justice has presented its report, “Functioning of the Virtual Courts/Courts Proceedings through Video-Conferencing”.

Recommendations:

- It has recommended the continuation of virtual courts even in a post-COVID scenario.
- However, it has suggested that infrastructure needs to be upgraded especially in district courts to implement this.
- The panel has argued that the transfer of certain categories of cases, like cases pertaining to traffic challans or other petty offences, from regular court establishments to virtual courts will reduce the pendency of cases.
 - Currently, there are 30 million pending cases.
- The Committee recommended the Ministry of Law and Justice and Ministry of Electronics and Information Technology to address data privacy and data security concerns while developing a new platform for India’s judicial system.

Concerns:

- Virtual court hearings, especially during peak hours when many people log into the video-conferencing system, is subject to frequent crashes of the system. This can lead to the entire proceedings being vitiated by one glitch.
- There are also concerns that virtual courts will compromise the privacy of data as well as the confidentiality of discussions and court proceedings.
 - Software programs and applications are prone to hacking and manipulation.
 - Currently, third-party software applications such as Vidyo, Cisco and Jitsi are being used in India for conducting hearings through video-conferencing.
- Another concern is that almost 50% of lawyers, particularly in district courts, do not have any laptop or computer facility.

Note:

- During the pre-COVID period, the video-conference (VC) set up was primarily used for conducting remand matters to prevent the movement of prisoners between courts and jails.

1. India, China agree on 5-point action plan

Context:

- External Affairs Minister S Jaishankar met his Chinese counterpart Wang Yi in Moscow on the sidelines of the [Shanghai Cooperation Organisation \(SCO\)](#) Foreign Ministers' meet.
- Before their bilateral meeting, they attended a 90-minute luncheon meeting hosted by the Russian Foreign Minister – the three countries make the RIC (Russia, India, China) grouping.

Details:

- The meeting comes amid a fierce standoff between India and China along the Line of Actual Control, which began in May 2020 and continues, even after multiple efforts to de-escalate. **Read more on the [India-China Border Clash](#).**
- A five-point course of action has been agreed upon to disengage and reduce tensions along the Line of Actual Control (LAC).
- The two Foreign Ministers agreed that the border troops of both sides should continue their dialogue, quickly disengage, maintain proper distance and ease tensions.
- The immediate task is to ensure a comprehensive disengagement of troops in all the friction areas.

Five-point course of action:

1. Following the consensus between Prime Minister Narendra Modi and President Xi Jinping to not allow differences to become disputes.
2. Disengaging quickly to ease tensions.
3. Abiding by the existing India-China border protocols and avoiding escalatory action.
4. Continuing the dialogue between the Special Representatives, National Security Adviser Ajit Doval and Mr. Wang, as well as the other mechanisms.
5. Working towards new confidence-building measures (CBMs).

Significance:

- Although divergences remain, the joint statement invoked the consensus among the leaders of the two countries developed since the June 2017 meeting in Astana between Prime Minister Narendra Modi and Chinese President Xi Jinping, and reiterated at the two informal summits in Wuhan and Mahabalipuram.

Conclusion:

- Although the change in China's political tone is welcome, deep differences that continue to complicate the path towards comprehensive military disengagement and de-escalation persist.
- While India insists that the objective of the exercise is to "restore" the status quo ante, there is no explicit Chinese commitment to that goal.
- While China wants to separate the border conflict from the rest of the relationship, India says the two are inextricably interlinked.
- Foreign Ministers' meeting was to agree on the objectives and principles of disengagement and that had been achieved. Much would depend on the militaries following through on the ground and completing the process quickly.

C. GS 3 Related

Category: ENVIRONMENT AND ECOLOGY

1. Fees must for forest use, Mines Ministry told

Context:

The Environment Ministry has rejected a plea from the Ministry of Mines for exemption from forest penalty.

Details:

- The SC mandates that Net Present Value (NPV) must be paid by those who use forest land for non-forestry purposes.
- The Ministry of Mines has requested an expert advisory committee of the Environment Ministry to exempt it from the Supreme Court-mandated fees that prospectors pay when they dig exploratory boreholes in forests.
 - For prospecting on a site, large boreholes are dug to determine the existence, location and quantity of metal.
- In August 2020, officials from the Ministry of Mines requested that ‘prospecting and exploring’ in forests be exempted from ‘the purview of the Forest Conservation Act.’
 - It was highlighted that all areas of exploration were not converted into mining and only about 1% cases are converted to mining.
 - It was argued that the payment of NPV was regarded as an avoidable expenditure.
 - It said that the payment of NPV at a rate of 2% or 5% was one of the major challenges which lead to delay in the exploration activities.
- The Forest Advisory Committee, the Environment Ministry-constituted expert committee decides on whether forests can be diverted for projects.
 - It said that it was not possible to do away with NPV but recommended that the Environment Ministry “may consider charging NPV on borehole basis instead of the present practice of charging 2 or 5% NPV of the total forest area in the lease area.”

Net Present Value (NPV):

- NPV is a monetary approximation of the value that is lost when a piece of forest land has been razed.
- NPV is decided on the basis of the services and ecological value. There are prescribed formulae for calculating this amount.
 - It depends on the location and nature of the forest and the type of industrial enterprise that will replace a particular parcel of forest.

Note:

- In 2018, the Coal Ministry, the Mines Ministry and the Ministry of Petroleum and Natural Gas had sought to be exempted from forest clearances for digging exploratory boreholes.
- The Forest Advisory Committee refused but agreed to simplify the procedure.

D. GS 4 Related

Nothing here for today!!!

Category: SOCIAL ISSUES

1. Smothering the housing rights of the urban poor

Background:

- The Supreme Court, in an order on 31 August 2020 had directed the removal of 48,000 slums along the railway tracks in the national capital within three months.
- The Court ordered that there should not be any interference, political or otherwise.
- The order also stated that no Court shall grant any stay with respect to removal of the encroachments and in case any such interim order is granted, that shall not be effective.
- It is also worth noting that the [National Green Tribunal](#) had already constituted a special task force for the removal of encroachments.

Why is the SC order flawed?

The Supreme Court order has raised serious legal questions.

Violates principles of natural justice and due process:

- It is opined that the order is fundamentally flawed because the Court has ignored principles of natural justice, judicial precedents on the right to shelter, and state policies governing evictions.
- The order violates principles of natural justice and due process since it decided on the removal of slums without hearing the affected party - the dwellers.

Unconvincing connection made:

- The order was passed in the long-running case, M.C. Mehta vs. Union of India & Ors., regarding pollution in Delhi and was in response to a report by the Environment Pollution (Prevention & Control) Authority for the National Capital Region on the piling up of garbage along railway tracks.
- Neither the case nor the report concerned itself with the legality of informal settlements.
- The Court made an unconvincing connection between the piling of garbage and the presence of slums.

Right to livelihood and shelter ignored:

- The Supreme Court ignored its long-standing jurisprudence on the right to livelihood and shelter that it has upheld in various judgments.
 - A five-judge Bench of the SC in *Olga Tellis & Ors vs. Bombay Municipal Corporation & Ors.* (1985) held that the [right to life](#) also includes the “right to livelihood” and that no eviction shall take place without notice and hearing those affected.
 - In *Chameli Singh vs. State of U.P.* (1995), the SC recognised the “right to shelter” as a component of the right to life under Article 21 and freedom of movement under Article 19(1)(e).

Policies on slum eviction and rehabilitation in Delhi were not considered:

- In *Sudama Singh & Others vs Government of Delhi & Anr.* (2010), the Delhi High Court held that prior to any eviction, a survey must be conducted and those evicted should have a right to meaningful engagement with the relocation plans.
 - The procedure laid down in this judgment formed the basis for the Delhi Slum and JJ Rehabilitation and Relocation Policy, 2015.
- In *Ajay Maken & Ors. vs Union of India & Ors.* (2019), a case concerning the demolition of Shakur Basti on railway land, the Delhi HC invoked the idea of the “Right to the City” to uphold the housing rights of slum dwellers.

Concerns:

- The Supreme Court order that threatens to leave lakhs of people homeless amid a pandemic is callous and unconscionable.
 - A recent report of the Housing and Land Rights Network (HLRN) shows that over 20,000 people were displaced in 45 incidents of forced evictions when India was under lockdown.
 - Over the last three years, over five lakh people have been evicted, most often for various “city beautification” projects.
- Under the premise of environmental protection, the courts have played an active role in such demolition drives.
- The UN Special Rapporteur on the right to adequate housing has called on member-states to declare an end to forced evictions.
- In certain cases, PIL jurisprudence takes a dangerous turn whereby its procedural relaxations are used to deny principles of natural justice to the most marginalised groups.

Conclusion:

The promise of the right to housing is now being undone by an order that pre-empts other courts from giving orders to stop the eviction. These residents would now need to employ a combination of political and legal strategies to protect their housing rights and ensure that no eviction or rehabilitation is conducted without their prior informed consent.

F. Prelims Facts

Nothing here for today!!!

G. Tidbits

1. RBI targets compliance at banks with CCO norms

What's in News?

The Reserve Bank of India (RBI) has laid down guidelines for the appointment of a chief compliance officer (CCO) in banks to ensure a uniform approach with regard to compliance and risk management culture across the banking industry.

- The CCO should be appointed for a minimum fixed period of three years.
- He must be appointed in the rank of a general manager or not below two levels of the rank of CEO.
- The CCO will not have any reporting relationship with business verticals nor have any business targets.

- The CCO shall not be given any responsibility which brings elements of conflict of interest, especially the role relating to business.

Note:

- The RBI said that a bank should have a board-approved compliance policy, clearly spelling out its compliance philosophy, expectations on compliance culture, accountability, incentive structure and effective communication and challenges.
- The policy should lay a special thrust on building the compliance culture. The policy will be reviewed at least once a year.
- The compliance function will be subject to internal audit also.

2. Gujarat emerges best for start-ups again: DPIIT

What's in News?

The second edition of startup ranking of States and Union Territories has been released by the Department for Promotion of Industry and Internal Trade (DPIIT).

- Gujarat has been categorised as the best performer in the second edition of startup ranking of states among all States and one Union Territory (UT) Delhi, barring north-eastern States and other UTs.
- It has again emerged as the best performer in developing a start-up ecosystem for budding entrepreneurs.
- A total of 22 States and 3 UTs participated in the exercise.
- The ranking is based on seven broad reform areas consisting of 30 action points ranging from institutional support, easing compliances, relaxation in public procurement norms, incubation support, seed funding support, venture funding support, and awareness and outreach.
- States have been recognised as best performers, top performers, leaders, aspiring leaders and emerging startup ecosystems.
- The rankings are aimed at further promoting the start-up ecosystem by the Centre, States and UTs.

3. 'Streets for People' challenge launched

What's in News?

The Union Housing and Urban Affairs (HUA) Ministry has launched an initiative called the 'Streets for People Challenge' for making cities more pedestrian-friendly.

This topic has been covered in [11th September 2020 PIB: Streets for People Challenge](#).

4. New grievance redress system unveiled in J&K

What's in News?

Jammu and Kashmir Lieutenant-Governor (L-G) has launched the Jammu and Kashmir Integrated Grievance Redress and Monitoring System (JK-IGRAMS).

Details:

- JK-IGRAMS has been unveiled in a bid to create an interface with the public and focus on governance issues in the Union Territory.
- The system is being launched on a pilot basis in three districts — Jammu, Srinagar, and Reasi — and will gradually be rolled out in the remaining districts by October 2, 2020.
- The move comes at a time when a sense of disconnection and alienation has been growing among the people, especially in the Kashmir Valley, ever since J&K's special status was revoked in 2019.

5. EC revises timeline for candidates

What's in News?

The Election Commission (EC) has decided to revise the timeline for political parties and candidates to publish details of the criminal antecedents of the nominees.

- Political parties who nominate a candidate with any cases against them and the candidates themselves will have to first publish the details within four days of the last date of withdrawal, then within five to eight days of the last date of withdrawal, and then between nine days from the last date of withdrawal till the last day of campaign, which is 48 hours before polling.
- It is believed that the new timeline will help the voters in exercising their choices in a more informed manner.
- The new timeline goes into effect immediately.

H. UPSC Prelims Practice Questions

Q1. Consider the following statements with respect to FCRA (Foreign Contribution (Regulation) Act) 2010:

1. Foreign donations to all the NGOs in India are exempted from the provisions of FCRA.
2. No person who receives foreign contribution as per provisions of this Act shall transfer to another person unless that person is also authorized to receive foreign contribution under FCRA.
3. Any organisation of a political nature and any company engaged in the production and broadcast of audio or audiovisual news or current affairs programmes are prohibited from accepting foreign contributions.

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

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

CHECK ANSWERS:-

Answer: b

Explanation:

- Foreign donations to only those NGOs that are registered under FCRA are exempted from the provisions of FCRA.
- No person who receives foreign contribution as per provisions of this Act shall transfer to another person unless that person is also authorized to receive foreign contribution under FCRA.
- Any organisation of a political nature and any company engaged in the production and broadcast of audio or audiovisual news or current affairs programmes are prohibited from accepting foreign contributions.

Q2. Consider the following statements with respect to Comptroller and Auditor-General (CAG) :

1. Among the duties performed by CAG is the audit of all expenditures from the Consolidated Fund of India, contingency funds and Public Accounts.
2. The salary, allowances and other terms of service of the Comptroller and Auditor General of India are determined by the Parliament.
3. He/she is appointed by the President.

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

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

CHECK ANSWERS:-

Answer: d

Explanation:

Self-explanatory.

Q3. Consider the following statements with respect to "Ranking of States on Support to Startup Ecosystems":

1. Gujarat has been consistently categorised as the best performer in two consecutive editions of startup ranking of states.
2. The ranking is released by NITI Aayog.
3. The ranking is based on seven broad reform areas consisting of thirty action points.

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

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

CHECK ANSWERS:-

Answer: c

Explanation:

- Gujarat has been consistently categorised as the best performer in two consecutive editions of startup ranking of states among all States and one Union Territory (UT) Delhi, barring north-eastern States and other UTs.
- The ranking is released by the Department for Promotion of Industry and Internal Trade (DPIIT).
- The ranking is based on seven broad reform areas consisting of thirty action points.

Q4. Which of the following is/are the categories considered under the Climate Smart Cities Assessment Framework (CSCAF) :

1. Energy and Green Buildings
2. Urban Planning, Green Cover & Biodiversity
3. Mobility and Air Quality
4. Affordable Housing
5. Water Management
6. Waste Management
7. Self-financing

Choose the correct options:

- a. 1, 2, 3, 5 and 6 only
- b. 1, 2, 5 and 6 only
- c. 1, 2, 3, 4 and 7 only
- d. 1, 2 and 3 only

CHECK ANSWERS:-

Answer: a

Explanation:

Climate Smart Cities Assessment Framework (CSCAF) assessment framework has 28 indicators across five categories namely; (i) Energy and Green Buildings, (ii) Urban Planning, Green Cover & Biodiversity, (iii) Mobility and Air Quality, (iv) Water Management and (v) Waste Management.

I. UPSC Mains Practice Questions

1. The time is ripe for the adoption and popularization of virtual courts in India. Critically comment. (15 marks, 250 Words) (GS 2 Polity and Governance).
2. The processes followed before, during and after evictions of slums often result in the violation of the human rights of slum dwellers. Examine the impact of city beautification projects on slums. (15 Marks 250 Words) (GS 1 Social Issues).

