

05 Aug 2021: UPSC Exam Comprehensive News Analysis

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B. GS 2 Related

Category: POLITY AND GOVERNANCE

1. CJI recuses himself from Andhra-Telangana case

Context:

Chief Justice of India (CJI) N.V. Ramana recused himself from hearing a petition filed by **Andhra Pradesh accusing Telangana of depriving its people of their legitimate share of water** for drinking and irrigation.

Details:

- The court had suggested **mediation** for the case, which was denied by Andhra Pradesh.
- **The Chief Justice recused himself from the case** stating that **he hailed from both the states of Andhra Pradesh and Telangana.**

Recusal

- Recusal is the **act of abstaining from participation in an official action** such as a legal proceeding due to a conflict of interest of the presiding court official or administrative officer.
- It is the **withdrawal of a judge, prosecutor, or juror from a case on the grounds that they are unqualified to perform legal duties because of a possible conflict of interest or lack of impartiality.**

As noted by the Supreme Court in the NJAC judgment, a judge may be required to step down in one of two scenarios:

- **Cases of presumed bias**, where the judge has a pecuniary interest in the outcome of a case (extended, through the Pinochet judgment to other similar non-pecuniary interests); or
- **Cases of apparent bias**, where a reasonable, fair-minded observer would believe there is a real possibility that the judge is biased.

Read more on “Recusal” comprehensively covered in the Editorial “When can a judge opt out of a case?” in [16th February 2020 Comprehensive News Analysis](#).

2. RTE entitlements to be paid through cash transfers

Context:

The Centre plans to pay students their [Right to Education \(RTE\)](#) entitlements in the form of **cash transfers** as part of a revamp and extension of its flagship Samagra Shiksha Scheme.

Samagra Shiksha Abhiyan:

- Samagra Shiksha Abhiyan is an integrated scheme for school education extending support to States from pre-school to senior secondary level.
- The Government of India launched this scheme under the **Ministry of Human Resource Development** (now Ministry of Education). It involves a 60:40 split in funding between the Centre and most States.

- The **Department of School Education and Literacy** looks after its administration.
- The Samagra Shiksha Abhiyan was formed by **subsuming the following three schemes** to ensure an integrated and holistic school education:
 - **(RMSA) Rashtriya Madhyamik Shiksha Abhiyan**
 - **(SSA) Sarva Shiksha Abhiyan**
 - **(TE) Teacher Education**

Read more [**Samagra Shiksha Abhiyan – Integrated Scheme for School Education**](#)

Details:

- The Samagra Shiksha scheme has been **extended till March 2026**.
- It will have a financial outlay of ₹2.94 lakh crore, including a Central share of ₹1.85 lakh crore.
- It includes several new initiatives on **early childhood education, foundational literacy, and numeracy and language education**.
- In order to **enhance the direct outreach of the scheme**, all child-centric interventions will be provided directly to the students through **DBT [or direct benefit transfer] mode on an IT-based platform** over a period of time.
 - This DBT would include RTE entitlements such as textbooks, uniforms and transport allowance.
 - It is not clear whether the tuition fees for students in the economically weaker section quota in private schools would also be paid directly to students as a cash transfer.
 - The stipend for children with special needs will be paid in this mode.

3. 50% funds allotted for ongoing MPLADS projects lapse

Context:

Virtually 50% of the ₹2,200 crore allotted for completing the ongoing [**MPLADS**](#) projects in 2020-21 have lapsed.

MPLADS Scheme:

- The Local Area Development Scheme known as MPLADS is a government scheme launched on 23rd December 1993.
- This **central sector scheme** was developed as an **initiative to enable the parliament members to recommend developmental work in their constituencies based on locally felt needs**.
- These developmental works mainly focused on the **areas of national priorities such as drinking water, education, public health, sanitation, roads, etc.**
- This scheme is now administered by the **Ministry of Statistics and Programme Implementation** but was earlier administered by the Ministry of Rural Development.
- Each MP is granted **₹5 crore under the scheme**, adding up to ₹3,950 crore a year for 790 MPs, to undertake development projects in their respective constituencies.
- To implement their plans in an area, MPs have to recommend them to the District Authority of the respective Nodal District.

- The District Authorities then identify Implementing Agencies that execute the projects.
- The respective District Authority is supposed to oversee the implementation and has to submit monthly reports, audit reports, and work completion reports to the Nodal District Authority.

Details:

Spending under MPLADS had already halved before the government suspended the scheme for two years on April 6, 2020 and diverted the funds to manage COVID-19

■ On March 16, 2021, the Standing Committee on Finance (SCF) seeks funds to finish ongoing MPLADS projects. Department of Expenditure allots **₹2,200 crore** on the same day

■ On March 22, the amount was transferred to Statistics Ministry with a caveat that it be exhausted by March 31

■ **₹1,107.5 crore** utilised till March 31; balance of **₹1,092.5 crore** lapses

Unable to comprehend why ₹2,200 crore was allotted barely one week before the end of FY 2020-21
SCF REPORT

Image source: The Hindu

- The SCF head sharply criticised this stating that it constitutes a **serious lapse in fiscal management with negative consequences for communities across India**.
- The resultant funding crunch will hit several local area development projects under implementation across the country.
- Besides, in the five states that went to polls this year, no funds were released for these States and constituencies citing the [model code of conduct \(MCC\)](#).

Note:

- The Finance Ministry has asked the Statistics Ministry to further tighten the scheme's guidelines by September this year, so that "if a work sanctioned by an MP is not used for five years, it will automatically lapse even if there is a committed liability for the work to be completed".
- Currently, **funds released to district authorities under MPLADS is not lapsable, while funds not released by the government in a particular year are carried forward**.

4. In about one hour, RS passes 3 Bills

Context:

The Rajya Sabha has passed three Bills:

1. The Limited Liability Partnership (Amendment) Bill 2021.

2. Deposit Insurance and Credit Guarantee Corporation (Amendment) Bill, 2021.
3. Airports Economic Regulatory Authority (Amendment) Bill, 2021

Details:

The Limited Liability Partnership (Amendment) Bill 2021:

- LLP is an **alternative corporate body form to traditional partnership firms**. Under LLP, a **partner's liabilities are limited to their investment** in the business.
- The Bill seeks to amend the Limited Liability Partnership Act, 2008.
- The Act provides for the **regulation of limited liability partnerships (LLP)**.
- The Bill converts certain offences into **civil defaults and changes the nature of punishment for these offences**.
- It also **defines small LLP**, provides for the **appointment of certain adjudicating officers, and establishment of special courts**.
- If an LLP or its partners carry out an activity to defraud their creditors, or for any other fraudulent purpose, every person party to it knowingly is punishable **with imprisonment of up to five years and a fine between Rs 50,000 and five lakh rupees**.
- Appeals against orders of NCLT cannot be made against an order that has been passed with the consent of the parties. Appeals must be filed within 60 days (extendable by another 60 days) of the order.
- The Bill provides for the formation of a small LLP where:
 - the contribution from partners is up to Rs 25 lakh (may be increased up to five crore rupees).
 - turnover for the preceding financial year is up to Rs 40 lakh (may be increased up to Rs 50 crore).
 - The central government may also notify certain LLPs as start-up LLPs (as recognised through notifications).

Deposit Insurance and Credit Guarantee Corporation (Amendment) Bill, 2021:

This has been covered in [July 31st, 2021 CNA](#).

Airports Economic Regulatory Authority of India Bill 2021:

- It seeks to amend the Airports Economic Regulatory Authority of India Act, 2008. The 2008 Act established the **Airport Economic Regulatory Authority (AERA)**.
 - AERA regulates tariffs and other charges (such as airport development fees) for aeronautical services rendered at major airports in India.
- The bill allows tariff determination of a 'group of airports' by way of **amending the definition of 'major airport.'**
 - The central government may designate any airport as a major airport by a notification.
- The intention of the government is to **develop not only the high traffic volume & profitable airports but also the low traffic volume of non-profitable airports**. The revenue earned

by [AAI](#) from these airports will be utilized for the development of airports in Tier-II and Tier-III cities. It would help encourage the **development of smaller airports**.

C. GS 3 Related

Category: ENVIRONMENT AND ECOLOGY

1. LS clears Air Quality Commission Bill for NCR

Context:

Lok Sabha has cleared the **Commission for Air Quality Management in National Capital Region and Adjoining Areas Bill, 2021**.

Details:

- An Ordinance establishing a similar Commission was promulgated in October 2020.
- It lapsed in March 2021 and was repromulgated in April 2021.
- The Bill repeals the 2021 Ordinance.

Key Provisions of the bill:

- The Bill provides for the constitution of a Commission for better **coordination, research, identification, and resolution of problems related to air quality** in the National Capital Region (**NCR**) and adjoining areas.
 - Adjoining areas have been defined as areas in **Haryana, Punjab, Rajasthan, and Uttar Pradesh**, adjoining the National Capital Territory of Delhi and NCR.
- The Bill **dissolves the Environment Pollution Prevention and Control Authority** established in the NCR in 1998.
- Composition:
 - The Commission will consist of: (i) a Chairperson, (ii) an officer of the rank of a Joint Secretary as the member-secretary and Chief Coordinating Officer, (iii) a serving or former Joint Secretary from the central government, (iii) three independent technical members with expertise in air pollution, and (iv) three members from non-government organisations.
 - The Chairperson and members of the Commission will have a tenure of **three years or till the age of seventy years**, whichever is earlier.
 - The Commission will also include ex-officio members: (i) from the central government and concerned state governments, and (ii) technical members from CPCB, ISRO and [NITI Aayog](#).
- Functions of the Commission:
 - Coordinating actions by concerned state governments
 - Planning and executing plans to prevent and control air pollution in NCR,
 - Providing a framework for identifying air pollutants,
 - Conducting research and development through networking with technical institutions,
 - Training and creating a special workforce to deal with issues related to air pollution, and

- Preparing action plans such as increasing plantation and addressing [stubble burning](#).
- Penalties:
 - Contravention of provisions of the Bill, or orders and directions of the Commission will be punishable with **imprisonment of up to five years**, or **fine of up to one crore rupees**, or both.
 - The Bill excludes farmers from the scope of these penalties. However, the Commission may collect an environmental compensation from farmers causing pollution by stubble burning. This compensation will be prescribed by the central government.

Appeals against the Commission's orders will lie with the [National Green Tribunal](#).

Category: SECURITY

1. CERT-In tracks 6.07 lakh cybersecurity incidents

Context:

Cybersecurity incidents noted by CERT-In.

Details:

- The **Indian Computer Emergency Response Team (CERT-In)** observed more than 6.07 lakh **cybersecurity incidents** in the first six months of 2021, of which about 12,000 were related to government organisations.
- The IP addresses of the computers from where the attacks appeared to originate belonged to **various different countries**.

CERT-In:

- CERT-IN was established in **2004 under Section (70B) of the [Information Technology Act](#)**.
- It is the national **nodal agency for responding to computer security incidents** as and when they occur.
- It strengthens the **security-related defence of the Indian Internet domain**.

Functions of CERT-In:

- Collection, analysis and dissemination of information on cyber incidents.
- Providing forecasts and alerts of cybersecurity incidents.
- Emergency measures for handling cybersecurity incidents.
- Coordination of cyber incident response activities.
- Issue guidelines, advisories, vulnerability notes and whitepapers relating to information security practices, procedures, prevention, response and reporting of cyber incidents.

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: POLITY AND GOVERNANCE

1. No fundamental right to strike

Context:

Recently, the Minister of Defence introduced the Essential Defence Services Bill, 2021, in the Lok Sabha.

Essential Defence Services Bill, 2021:

- The Bill empowers the government to declare services mentioned in it as **essential defence services** – “the cessation of work of which would prejudicially affect the production of defence equipment or goods; or the operation or maintenance of any industrial establishment or unit engaged in production of goods or equipment required for any purpose connected with defence; or repair or maintenance of products connected with defence”.
- It also **prohibits strikes and lockouts** in any industrial establishment or unit **engaged in essential defence services**.

Essentially, the bill aimed at **preventing the staff of the government-owned ordnance factories from going on a strike**. (The employees of Ordnance Factory Board had threatened to go on a strike when the Union Cabinet had approved a plan **to corporatise the Ordnance Factory Board**).

Read more on this topic covered in [June 17th, 2021 CNA](#).

Instances where strikes were made illegal:

This is not the first time that strikes by government employees are being made explicitly illegal by the government.

- The Madhya Pradesh (and Chhattisgarh) Civil Services Rules, 1965, **prohibit demonstrations and strikes by government servants and direct the competent authorities to treat the durations as unauthorised absence**.
 - A strike under this rule includes “total or partial cessation of work”, a pen-down strike, a traffic jam, or any such activity resulting in cessation or retardation of work.
 - Other States too have similar provisions.
- Under Article 33 of the Constitution, Parliament, by law, can **restrict or abrogate the rights of the members of the armed forces or the forces charged with the maintenance of public order** so as to ensure the proper discharge of their duties and maintenance of discipline among them.
 - Thus, for the armed forces and the police, where discipline is the most important prerequisite, even the **fundamental right to form an association can be restricted under Article 19(4) in the interest of public order** and other considerations.
- In Delhi Police v. Union of India (1986) SC upheld the **restrictions to form association by the members of the non-gazetted police force after the Police Forces (Restriction of Rights) Act, 1966**, and the Rules as amended by Amendment Rules, 1970, came into effect.
 - While the right to freedom of association is fundamental, recognition of **such association is not a fundamental right**.

- According to the SC, Parliament can by law regulate the working of such associations by **imposing conditions and restrictions on their functions.**
- In **T.K. Rangarajan v. Government of Tamil Nadu (2003)**, the SC held that the employees have no fundamental right to resort to strike.
 - There is prohibition to go on strike under the Tamil Nadu Government Servants' Conduct Rules, 1973.
 - There is **no moral or equitable justification to go on strike.**
 - The court said that **government employees cannot hold society to ransom by going on strike.**
 - In this case, about **two lakh employees, who had gone on strike, were dismissed by the State government.**

Conclusion:

The author (IPS officer in Chhattisgarh) opines that there is no fundamental right to strike under Article 19(1)(a) of the Constitution. Strikes cannot be justified on any equitable ground. Though the employees of OFB have threatened to go on strike, **Parliament, which has the right to restrict even the fundamental rights of the armed forces, is well within its right to expressly prohibit resorting to strike.**

2. Clash of cultures in a federation

The article brings to light the clash between the **homogenising tendency of the union in India and EU** with the **particularism unique to individual states.**

Conflict between the Union and its constituents:

- India and the European Union (EU) are unions.
- **India is a federation** because **powers are divided between the Union and the States.**
- **EU is a supranational organisation** that does not fit into both confederal and federal aspects. It is beyond that.

It is this division of powers in India and the EU that brings the unions into conflict with their constituent parts.

Latest controversy in the EU:

- The EU is criticised as a political dwarf distracted by internal quarrels and competing national agendas. It is seen as an aggregate of secondary powers in search of primary status through collective agency.
- The union finds it easier to promote universal standards in areas like climate change and food and bio-safety than domestic values.
- However, despite the **EU** being one of the largest economies of the world, the 27 leaders fight over issues from fisheries to budget allocations.
- The latest controversy with Hungary and Poland on gay and lesbian rights is a case in point.
 - Gay marriage is not recognised by Hungary and only heterosexual couples can legally adopt children.

- **The LGBTQ law that took effect recently, bans all content about homosexuality and gender change from Hungarian school curriculum and television shows for children under the age of 18.**
- This led to strong criticism from 17 liberal EU nations. They believe that the Hungarian law undermines the principle that discrimination on the basis of sexuality, ethnicity and gender is not permissible within the union.
- Hungarian Prime Minister has countered by proposing a national referendum on the law.
- Besides, the Hungarian Prime Minister regularly frustrates the EU's unity on foreign policy. Hungary was the first EU member to accept Russian and Chinese COVID-19 vaccines before approval by the EU medicines regulator.
- While there is an EU provision to remove voting rights from an offending country, **penalties require unanimous agreement from EU states.**
 - But, Hungary and Poland support each other and the union cannot expel a member state without the unanimity requirement.
 - Besides, Poland's government takes a similar stance on LGBTQ with by-laws that have designated one-third of the nation as 'LGBT-free zones'.
- Hungary is the second-largest net beneficiary of the EU budget, receiving €5 billion more than it contributes each year and hence does not wish to leave the union.

Issue:

- The measures introduced are for domestic popularity in a combined population of nearly 50 million with cultural traditions different from more liberal EU member states.
- This crisis is a clash of cultures that underlines the fact that integration towards a closer union is unlikely to happen.

Indian context:

- Similarly, in India, the **Centre and the Opposition-controlled States have a historically fractious relationship.**
- To begin with, in 1959, Prime Minister **Jawaharlal Nehru dislodged the Communist government in Kerala on deceptive grounds.**
- This pattern has continued with the **Union government attempting to subvert Opposition States** by stimulating defections, ordering selective raids by investigative agencies, electronic surveillance, and delaying or refusing financial entitlements.
- The tensions between New Delhi and the Opposition-ruled states are magnified by **differences in values.**
- The **homogenising bias of the union** clashes with the **particularism unique to individual States**, resulting in the **clash of cultures.**

Cooperative federalism is where state and centre cooperate to frame, implement and regulate the national policies in the larger interest of the public and the growth of the economy. Yet, the clash of cultures has reduced the term 'cooperative federalism' to an oxymoron.

Category: EDUCATION

1. A language ladder for an education roadblock

Context:

- A recent decision states that **14 engineering colleges across eight States would offer courses in regional languages in select branches from the new academic year.**
- Parallely, the All India Council for Technical Education (AICTE) has given its decision permitting **Tech programmes in 11 native languages in tune with the New Education Policy (NEP).**

This topic has been covered in [NEP: BTech in Regional Languages: RSTV – Big Picture Discussion](#)

Details:

- The progressive and visionary NEP 2020 champions education in **one's mother tongue right from the primary school level.**
- It is believed that this would **improve the learning outcomes of the child.**
- Multiple studies have proved that children who learn in their mother tongue in their early, formative years perform better than those taught in an alien language.
- UNESCO and other organisations have been laying emphasis on the fact that learning in the mother tongue is germane to building self-esteem and self-identity, as also the overall development of the child.

Global practices:

- Among the G20, **most countries have state-of-the-art universities**, with teaching being imparted in the **dominant language of their people.**
- In South Korea, nearly 70% of the universities teach in Korean.
- In Japan, a majority of university programmes are taught in Japanese; in China too, universities use Mandarin as the medium of instruction.

In this global context, it is ironic that India has an overwhelming majority of professional courses being taught in English. In science, engineering, medicine and law, the situation is even bleaker, with native language courses being practically non-existent. Fortunately, the NEP outlines the road map, demonstrating the means to protect our languages while improving the access and quality of education.

Way Forward:

- If a language is neglected, not only is a priceless body of knowledge lost but also, there is a risk of depriving the future generations of their cultural roots and precious social and linguistic heritage.
- More institutions must be encouraged and inspired in the coming years to **offer courses in regional languages.**
- In the digital age, **technology can be suitably leveraged to increase the accessibility of these Indian language courses** to students in remote areas.
- Content in the **digital learning ecosystem is greatly skewed towards English** and has to be corrected.

- A welcome development in this regard is the collaboration between the AICTE and IIT Madras to **translate SWAYAM's courses into eight regional languages** such as Tamil, Hindi, Telugu, Kannada, Bengali, Marathi, Malayalam and Gujarati.
- In an increasingly interconnected world, **proficiency in different languages opens new vistas to a wider world**. What must be followed is not 'Mother tongue versus English', but a 'Mother tongue plus English' approach.

F. Prelims Facts

1. INS Vikrant

- INS Vikrant, also known as **Indigenous Aircraft Carrier 1 (IAC-1)**, is an aircraft carrier constructed by Cochin Shipyard in Kochi, Kerala for the Indian Navy.
- It is the **first aircraft carrier to be built in India** and also the **largest vessel made in India**.

Read more on [INS Vikrant](#) covered in the linked article.

G. Tidbits

Nothing here for today!!!

H. UPSC Prelims Practice Questions

Q1. What is 'Project Himank'?

- It is a high-altitude research station in Himalaya
- It is the country's first robotic telescope located at the Indian Astronomical Observatory (IAO) at Hanle in Ladakh
- It is an initiative of the Indian Government to safeguard the Himalayan Quail
- It is a project of the Border Roads Organisation (BRO) in the Ladakh region

Answer: d

Explanation:

- Project HIMANK is a project of the Border Roads Organisation (BRO) in the Ladakh region, that started in August 1985.
- Under the Himank project, BRO is responsible for the construction and maintenance of roads and related infrastructure in Ladakh along the Line of Actual Control (LAC), including some of the world's highest motorable roads across the Khardung La, Tanglang La and Chang La passes.
- Now Umling La is the highest motorable road on Earth with a height of 19300 feet.
- Himank project ensures access to sensitive military areas including the world's highest battleground at the Siachen Glacier and Pangong Tso Lake whose waters span the de facto India-China border.

Q2. Consider the following statements with respect to Anaimalai flying frog:

1. It is endemic to the southern part of the Western Ghats.
2. Its IUCN status is Endangered.

Which of the above statements is/are correct?

- a. 1 only
- b. 2 only
- c. Both
- d. None

Answer: a

Explanation:

- The Anaimalai Flying Frog is found in the states of Tamil Nadu and Kerala in the Western Ghats of India in the tropical evergreen forests. It is endemic to the southern part of the Western Ghats.
- It is also called the false Malabar gliding frog.
- As a semi-arboreal species of frog, the Anaimalai Flying Frog is found in the lower canopy and under story levels of the forests.
- Its IUCN status is Critically Endangered.

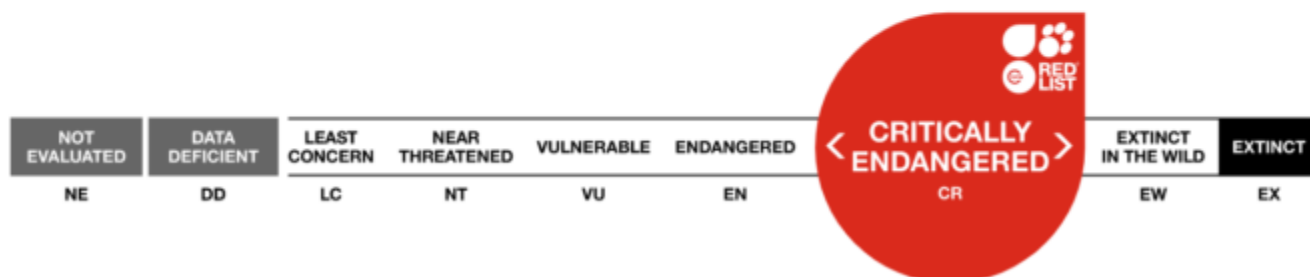


Image source: Wikipedia

Rhacophorus pseudomalabaricus

CITATION

S.D. Biju, Sushil Dutta, Karthikeyan Vasudevan, Chelmala Srinivasulu, S.P. Vijayakumar. 2004. *Rhacophorus pseudomalabaricus*. *The IUCN Red List of Threatened Species* 2004: e.T59016A11869234.
<https://dx.doi.org/10.2305/IUCN.UK.2004.RLTS.T59016A11869234.en>. Downloaded on 05 August 2021.



Source: IUCN Red List

Q3. Which of the following statements is/are correct?

1. Sand is a minor mineral under the Mines and Minerals (Development & Regulation) Act, 1957.
2. The Act empowers the State Governments to make rules for regulating the grant of minor mineral concessions.
3. Central Government is the owner of the minerals underlying the ocean within the territorial waters or the Exclusive Economic Zone of India.

Options:

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

Answer: d

Explanation:

- Sand is a minor mineral under the Mines and Minerals (Development & Regulation) Act, 1957.
- The Mines and Minerals (Development & Regulation) Act, 1957 empowers the State Governments to make rules for regulating the grant of minor mineral concessions.
- Central Government is the owner of the minerals underlying the ocean within the territorial waters or the Exclusive Economic Zone of India

Q4. With reference to Indian Regional Navigation Satellite System (NavIC), which of the following statements is/are incorrect?

1. It is designed to provide accurate position information service to users in India as well as the region extending up to 1500 km from its boundary.
2. ISRO has built a total of eight satellites in the IRNSS series; of which seven are currently in orbit, three of these satellites are in Geostationary Orbit (GEO) while the remaining in Geosynchronous Orbits (GSO).

Options:

- a. 1 only
- b. 2 only
- c. Both
- d. None

Answer: b

Explanation:

- Indian Regional Navigation Satellite System (NavIC) is designed to provide accurate position information service to users in India as well as the region extending up to 1500 km from its boundary.
- It was developed in India by Indian Space Research Organisation (ISRO) and its commercial wing ANTRIX.
- ISRO has built a total of nine satellites in the IRNSS series; of which eight are currently in orbit, three of these satellites are in Geostationary Orbit (GEO) while the remaining in Geosynchronous Orbits (GSO).

Q5. In India, which of the following have the highest share in the disbursement of credit to agriculture and allied activities? (2011)

- a. Commercial Banks
- b. Cooperative Banks
- c. Regional Rural Banks
- d. Microfinance Institutions

Answer: a

Explanation:

In India, commercial banks have the highest share in the disbursement of credit to agriculture and allied activities.

I. UPSC Mains Practice Questions

1. The nature of the division of powers in India and the EU brings the unions into conflict with their constituent parts? Analyse. (250 words; 15 marks) [GS-2, Polity and Governance]
2. Write a detailed note on 'Right to Strike' in the Indian context, with focus on essential workers and security forces. (250 words; 15 marks) [GS-2, Polity and Governance]

