

31 Aug 2021: UPSC Exam Comprehensive News Analysis

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B. GS 2 Related

Category: POLITY

1. 'Can't curtail right to move freely or reside anywhere on flimsy grounds'

Context:

- The Supreme Court's view of the use of externment order.

Externment order:

- A system of preventing people from entering into a particular place for a certain period, due to their ability to affect that place's conditions by criminal activity, as exhibited by their prior conduct, this system of restraining the criminal activities is known as 'externment'.
- Thus **externment orders prevent the movement of a person in certain areas.**

Relevant Constitutional provisions:

- **Articles 19(1)(d), 19(1)(e), and 21 of the Indian Constitution** guarantee the right to every citizen of India to move freely throughout the country and have a right to personal liberty.
 - **Article 19(1)(d)** of the Indian Constitution gives citizens of India the **right to move freely in the nation's territory.**
 - **Article 19(1)(e)** of the Indian Constitution gives citizens of India the **right to reside and settle in any part of the territory of India.**
 - **Article 21** of the Indian Constitution secures two rights – The **Right to life and the Right to Personal Liberty** to Indian citizens. Article 21 states that “No person shall be deprived of his life or personal liberty except according to a procedure established by law.” **Read more on [Article 21](#).**
- The Rights under Article 19(1)(d) and 19(1)(e) are **subjected to coherent restrictions** enabled by the State “in the interest of general public” as defined under Article 19(5) of the Constitution of India. The most prevalent restriction under 19(5) of the Indian Constitution is the externment of a person entering a particular place.

Details:

- The Supreme Court has held that the power of the State to pass an externment order should be **exercised only in “exceptional cases”** to maintain law and order in a locality and/or prevent the breach of public tranquillity and peace.
- While the SC acknowledged the **utility of externment orders in maintaining law and order**, the court held that a person cannot be denied his fundamental right to reside anywhere in the country or to move freely throughout the country on flimsy grounds or as a vindictive or retaliatory measure.
- The observation by a bench comprising justices Indira Banerjee and V Ramasubramanian came while setting aside an externment order against a journalist and social worker issued by the district authorities in Amravati city, Maharashtra.

C. GS 3 Related

Category: ENVIRONMENT AND ECOLOGY

1. Leaded petrol eradicated, says UNEP

Context:

- The [UN Environment Programme \(UNEP\)](#) has announced the **official end of the leaded petrol usage**.

Background:

Tetraethyl lead additive:

- Tetraethyl lead (TEL) is an **organolead compound with** the formula $(\text{CH}_3\text{CH}_2)_4$.
- TEL was first added to petrol in the early 1920s to **improve the performance of car engines**.
 - It helped increase the **octane rating of the fuel**. This helped increase the antiknock property of the fuel that allowed engine compression to be raised substantially. This in turn caused **increased vehicle performance and fuel economy**.
 - The usage of TEL was of particular value in an era of poorly-refined low-octane gasoline.

Harmful effects of usage of TEL:

- **Lead is a highly toxic chemical for humans**. Leaded petrol has caused more exposure to lead than any other product worldwide, according to the [World Health Organization](#).
- The use of tetraethyl lead as a petrol additive has been a **catastrophe for the environment and public health**. Experts linked its use in vehicles to premature death, health issues, soil and air pollution.
 - TEL has contributed to dangerously high levels of lead in human blood.
 - TEL is absorbed rapidly from the skin as well as the lungs and gastrointestinal tract and is converted to **triethyl lead** in the body. This form of lead is responsible for its toxic effects.
 - Leaded petrol **causes heart disease, stroke and cancer**. It also **affects the development of the human brain, especially harming children**, with studies suggesting it reduced 5-10 IQ points. Studies have noted that lead toxicity is greater in children than in adults.
 - Leaded gasoline contaminates air, dust, soil, drinking water and food crops.

Campaign against leaded petrol:

- The use of TEL continued for decades despite warnings from public health authorities.
- While TEL was banned in the U.S. and many European countries by the end of the 20th century, its **usage continued in developing countries**. In 2002, almost all low- and middle-income countries, including some Organisation for Economic Co-operation and Development (OECD) members, were still using leaded petrol. Leaded gasoline was used mainly in Africa and in other low-income countries. As of 2002, more than 100 countries were still using leaded petrol.
- The UN Environment Programme (UNEP) began its campaign to eliminate lead in petrol in 2002 via the **global Partnership for Clean Fuels and Vehicles (PCFV)**.
 - The Partnership for Clean Fuels and Vehicles (PCFV) was set up in 2002 at the World Summit on Sustainable Development with the aim of eliminating leaded petrol globally.
 - UNEP hosted the Secretariat.

- **The PCFV worked as a public-private partnership** that brought all stakeholders together, providing technical assistance, raising awareness, overcoming local challenges and resistance from local oil dealers and producers of lead, as well as investing in refinery upgrades.

Details:

- The end of leaded petrol follows a 19-year campaign led by the UN Environment Programme (UNEP) led global Partnership for Clean Fuels and Vehicles (PCFV).
- **Algeria became the last country to stop selling leaded petrol** in July 2021.

Significance:

- The successful eradication of the use of leaded petrol is a **huge milestone for global health and environment**.
 - The eradication of the usage of leaded petrol will **help prevent more than 1.2 million premature deaths** annually from heart disease, strokes and cancer and **save world economies over \$2.4 trillion annually**.
 - It is also a major step forward in greening transport given that it **will reduce lead pollution of the environment**. It offers an opportunity for restoring ecosystems, especially in urban environments, which have been particularly degraded by this toxic pollutant.
- The end of leaded petrol is expected to support the **realization of multiple Sustainable Development Goals**, including good health and well-being (SDG3), clean water (SDG6), clean energy (SDG7), sustainable cities (SDG11), climate action (SDG13) and life on land (SDG15).

Way forward:

Tackling other sources of lead pollution:

- While the eradication of TEL will help eliminate the largest source of lead pollution, urgent action is also needed to **stop lead pollution from other sources** – such as lead in **paints, leaded batteries**, and lead in household items.

Greening the transport sector:

- The fast-growing global vehicle fleet continues to contribute to air, water and soil pollution, as well as to the global climate crisis.
 - **The transport sector is responsible for nearly a quarter of energy-related global greenhouse gas emissions and is set to grow to one third by 2050.**
 - Around 1.2 billion new vehicles are expected to hit the streets between 2015 and 2030.
- Attention should be given to change humanity's trajectory for the better through an **accelerated transition to clean vehicles and electric mobility**.

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: SOCIAL ISSUES

1. Marital rape: an indignity to women

Context

- The Chhattisgarh High Court acquitted a man of marital rape by ruling that sexual intercourse between a legally wedded man and woman is not rape even if it is by force or against the wishes of the wife.

Background

- Based on the allegations of his wife, charges were framed by a trial court under Section 376 (rape), [Section 377](#) (carnal intercourse against the order of nature) and Section 498A (cruelty towards wife by husband or his relatives) of the Indian Penal Code (IPC).

Details

- The court upheld the charges under Section 377 and Section 498A against the husband.
- But it called the charges under Section 376 to be “erroneous and illegal”. The Court relied upon an exception under Section 375 of the [IPC](#), which states that “sexual intercourse or sexual act by a man with his own wife, the wife not being under fifteen years of age, is not rape.”

What is Marital rape?

- It is the act of forcing one’s spouse into having sex without proper consent.

Why is marital rape not criminalized?

- The rationale for preserving the marital rape exemption is that recognising marital rape as a criminal offence would ‘destroy the institution of marriage’.
 - In 2019, former Chief Justice of India Dipak Misra said that marital rape should not be made a crime in India, “because it will create absolute anarchy in families and our country is sustaining itself because of the family platform which upholds family values,”
- Second, once a woman is married, she hands over never-ending, continuous sexual consent to her husband.
- Another argument is that since marriage is a sexual relationship, determining the validity of marital rape allegations would be difficult.
 - Women may misuse a law against marital rape.

Inconsistent provisions

- First, the marital rape exception is inconsistent with other sexual offences, which make no such exemption for marriage. Thus, a husband may be tried for offences such as sexual harassment, molestation, voyeurism, and forcible disrobing in the same way as any other man.
- Second, the marital rape exception is an insult to the constitutional goals of individual autonomy, dignity and of gender equality.

- In *Joseph Shine v. Union of India* (2018), the Supreme Court held that the offence of adultery was unconstitutional because it was founded on the principle that a woman is her husband's property after marriage.
- The marital rape exception betrays a similar patriarchal belief: that upon marriage, a wife's right to personal and sexual autonomy, bodily integrity and human dignity are surrendered. Her husband is her sexual master and his right to rape her is legally protected.

Constitution and rulings of Courts in India

- **Article 21** of the Indian Constitution incorporates the right to live with human dignity and is a standout amongst the most fundamental components of the right to life which perceives the independence of a person.
 - The Supreme Court has held in a catena of cases that the offence of rape abuses the right to life and the right to live with human dignity of the victim of the crime of rape.
 - In **State of Maharashtra v. Madhkar Narayan**, the Supreme Court has held that every woman is entitled to her sexual privacy and it is not open to for any and every person to violate her privacy as and whenever he wished.
 - *Justice K S Puttuswamy v. Union of India* settled that the right to make sexual decisions is envisaged in the right to privacy.
- The marital rape exception prima facie violates **Article 14** of the Constitution as it creates a classification between married and unmarried women and denies equal protection of the criminal legislation to the former.
 - Even the United Nations Convention on the Elimination of All Forms of Discrimination against Women ([CEDAW](#)), of which India is a signatory, has viewed that this sort of discrimination against women violates the principles of equality of rights and respect for human dignity.

Also read: [Important Supreme Court Judgements](#)

Decisions by High Courts

- The **Kerala High Court** had noted, "Treating wife's body as something owing to husband and committing a sexual act against her will is nothing but marital rape. Right to respect for his or her physical and mental integrity encompasses bodily integrity, and any disrespect or violation of bodily integrity is a violation of individual autonomy."
- The **Delhi High Court** observed that both men and women had a right to say "no" and that marriage did not mean consent.

Comments

- As observed by Justice Arjit Pasayat:
 - "While a murderer destroys the physical frame of the victim, a rapist degrades and defiles the soul of a helpless female."
- **Justice Verma committee** after the Nirbhaya case recommended the criminalization of marital rape. It opined, 'Marriage should not be considered as an irrevocable consent to sexual acts'.

- Citing the judgment of the European Commission of Human Rights in *C.R. vs U.K.*, it endorsed the conclusion that “a rapist remains a rapist regardless of his relationship with the victim”.

Other Countries

- **Australia**, under the impact of the second wave of feminism in the seventies, was the first common law country to pass reforms in 1976 that made rape in marriage a criminal offence.
- In the **US**, between the 1970s and 1993, all 50 states made marital rape a crime.
- In 1991, **UK** struck down its common law principle that a marriage contract implied a woman’s consent to all sexual activity.

Conclusion

- A married woman has the same right to control her own body as does an unmarried woman.
- In 2017, the Supreme Court, in *Independent Thought*, had read down the exception so that husbands who raped their minor wives could no longer hide behind it.
- The judgment was only a small step towards striking down the legalisation of marital rape. It is high time that the legislature should take cognisance of this legal infirmity and bring marital rape within the purview of rape laws by eliminating Section 375 (Exception) of IPC.

Category: POLITY AND GOVERNANCE

1. Still hanging fire on transparency

Context

- The Supreme Court Bench headed by Justice Rohinton F. Nariman has imposed a fine on several political parties for failing to comply with its earlier order on publishing information about candidates with criminal records.

Background

UPSC Comprehensive News Analysis of 14th Feb 2020

Details

- A bench of Justices R F Nariman and B R Gavai said it found political parties guilty of contempt for not following in letter and spirit its direction to publish details of criminal cases against candidates fielded in Lok Sabha and Assembly polls.
- The SC had directed political parties to declare and widely publicise not just the criminal antecedents of candidates, but also inform the electorate why these candidates were found to be more suitable by the party than those without criminal backgrounds.
- The SC anticipating the parties may cite ‘winnability’ as the criterion, had also issued directions as to how selection shall be made giving importance to qualifications, achievements and merit of the candidate concerned.

Criminalisation of politics

UPSC Comprehensive News Analysis of 10th July 2020

Political transparency evaded

1. Union of India v. ADR (2002)
 - In Union of India v. ADR, the courts asked the candidates standing for elections to file an affidavit declaring their educational, financial and criminal backgrounds.
 - The parliament tried to dilute the Supreme Court's 2002 judgment by inserting new sections in the [Representation of the People Act, 1951](#).
 - But the Supreme Court struck down and reiterated its earlier pronouncement.
2. Right to Information (RTI) Act, 2005
 - In 2013, the full bench of the Central Information Commission (CIC) declared six national political parties 'public authorities' under the Right to Information (RTI) Act, 2005.
 - Parties were required to appoint Public Information Officers and submit themselves to provisions of the transparency law.
 - Political parties did not want to disclose information about their functioning with citizens. They immediately introduced a bill in the Parliament to amend the RTI law to exclude political parties from the ambit of the legislation.
 - The attempt was later dropped due to strong public opposition.
3. Electoral Bond Scheme
 - The electoral bonds scheme undermines the voters' right to know about the funding of parties.
 - There is no transparency regarding political contributions and political parties are not subject to any form of an independent audit.
 - The design of the scheme is such that while citizens and opposition parties have no way of knowing who is donating bonds to which party, it is not difficult for the party in power to access the data.

Concerns

- Political parties are at the heart of our democracy. They form governments that make policies that have a profound impact on peoples' lives. The policies and legislations made by the parties keep a keen eye on the activities of the people.
- Similarly, it is peoples' right to know how political parties are functioning — who is funding them and what principles they are keeping in mind while taking policy decisions, supporting or opposing bills in the legislature, or while selecting candidates for various elections.
- Political parties have failed on this principle.

Way forward

The above examples clearly point out that political parties and their representatives are not concerned about transparency and are not interested in making themselves answerable to citizens. Keeping in mind the tremendous public interest at stake, the judiciary must play a more proactive role.

- The Supreme Court needs to urgently hear the electoral bonds matter and the challenge to the refusal of political parties to comply with the CIC's order.
- The judiciary could consider putting in place a mechanism to monitor compliance with its directions prior to all State and general elections and debar candidates who violate its orders.

F. Prelims Facts

1. New initiative in J&K to restore lost glory of Pashmina shawls

Pashmina Shawls:

- Ever since the reign of Emperor Ashoka, Kashmir has been known for producing the most exclusive Pashmina Shawls in the world.
- The name Pashmina has been derived from the Persian word "Pashm" meaning a weavable fibre precisely wool. The cashmere wool used for making Pashmina comes from a special breed of Kashmiri goat – **Changthangi found in the high altitude regions of the Himalayas.**
 - The fine variant of spun cashmere is derived from the animal-hair fibre forming the **downy undercoat of the Changthangi goat.**

Context:

- A number of measures have been introduced to promote hand-made Pashmina shawls in Kashmir.

2. Two more entities apply for SFB licence

Small finance banks (SFBs):

- Small finance banks are a type of **niche bank** in India.

Objectives:

- The objectives of setting up small finance banks will be for **furthering financial inclusion** by (i) provision of savings vehicles primarily to unserved and underserved sections of the population, and (ii) supply of credit to small business units; small and marginal farmers; micro and small industries; and other unorganised sector entities, **through high technology-low cost operations.**

Scope of operation:

- Banks with a small finance bank license can **provide basic banking services of acceptance of deposits and lending** to unserved and underserved sections.
- It can also undertake other **non-risk sharing simple financial services activities**, not requiring any commitment of own funds, such as the distribution of mutual fund units, insurance products, pension products, etc.
- The small finance bank can also become an **authorised dealer in foreign exchange business** for its clients' requirements.
- **SFBs can also transit to a universal bank**, subject to fulfilling minimum paid-up capital/net worth requirements as applicable to universal banks.

Also read: [Types of banks in India](#)

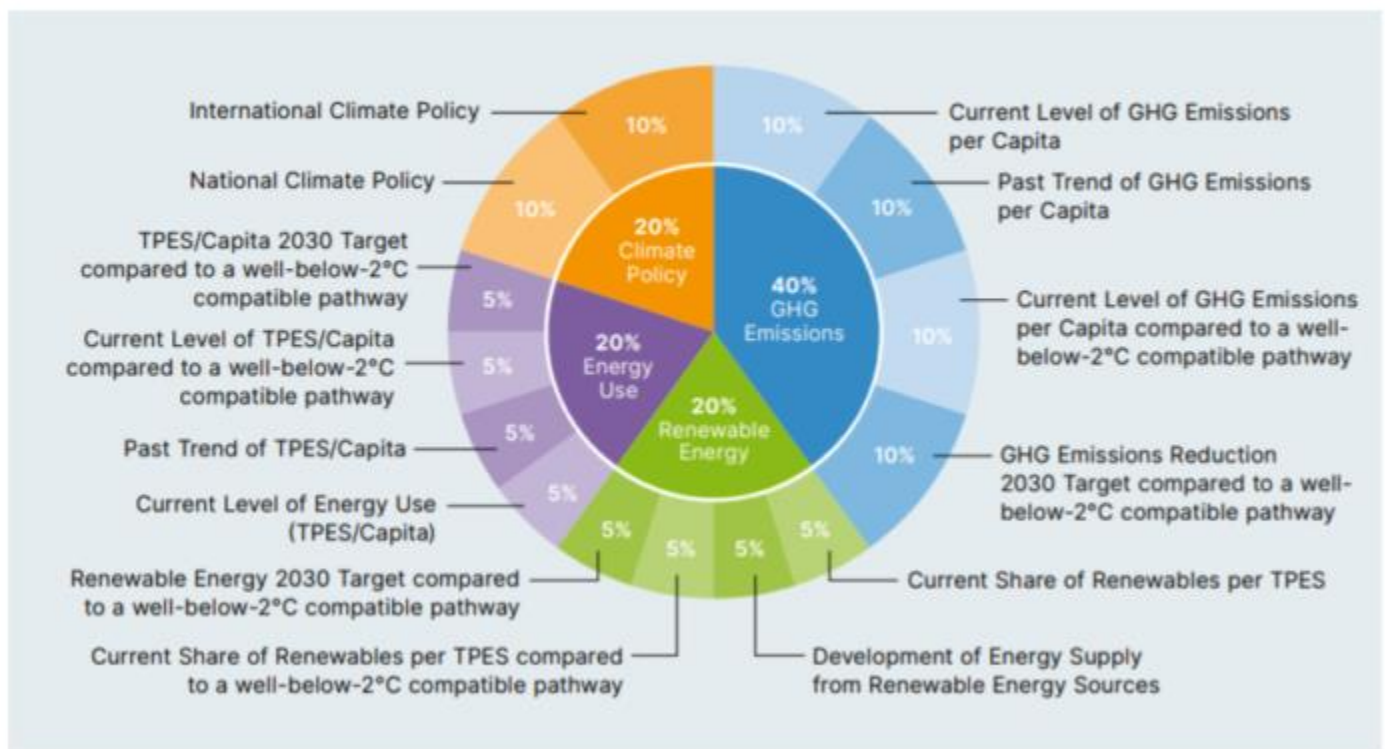
Context:

- The Reserve Bank of India (RBI) has received applications from two more entities seeking licences to operate small finance banks (SFBs) based on the **RBI's guidelines for 'on tap' licensing of small finance banks in the private sector.**

3. Climate Change Performance Index (CCPI)

- Published annually since 2005, CCPI is an independent monitoring tool for tracking countries' climate protection performance.
- The Index is published by Germanwatch, NewClimate Institute and the Climate Action Network.
- The CCPI analyzes and compares climate protection across 57 countries (plus the EU as a whole) with the highest emissions. Together these countries account for 90 percent of global emissions.
- The index aims to enhance transparency in international climate politics and enable the comparison of mitigation efforts and progress made by individual countries.

Components of the CCPI



GHG = Greenhouse Gases | TPES = Total Primary Energy Supply

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Image source: <https://www.eqmagpro.com/>

G. Tidbits

1. India supports Palestine peace process: Shringla

- India has restated its support for efforts to restart the **peace process between Israel and Palestine**, during the recently concluded UN Security Council meeting.
- India reaffirmed its commitment to the **establishment of a sovereign, independent and viable state of Palestine** living side by side with Israel in peace and security. This is in line with the **two-state solution** for the Israel Palestine issue.
 - The two-state solution proposes a framework for resolving the [Israeli-Palestinian conflict](#) by establishing two states for two peoples: Israel for the Jewish people and Palestine for the Palestinian people.

2. Two die, 3.63 lakh people hit as Assam flood situation worsens

- The flood situation in Assam has been worsening with more than 3.63 lakh people in 21 districts affected.
 - Lakhimpur in northeastern Assam was the worst affected district.
- Crops on agricultural land and domesticated animals have also been affected.
- Also, the **one-horned rhino habitats of the [Kaziranga National Park](#) and the Pobitora Wildlife Sanctuary** have been partially submerged.

H. UPSC Prelims Practice Questions

Q1. Which of the following is/are the Mountain Railways of India and are designated as UNESCO World Heritage Sites?

1. Darjeeling Himalayan Railway
2. Nilgiri Mountain Railway
3. Kalka–Shimla Railway
4. Kangra Valley Railway
5. Matheran Light Railway

Options:

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

Answer: a

Explanation:

- Three railways, the Darjeeling Himalayan Railway, the Nilgiri Mountain Railway, and the Kalka–Shimla Railway, are collectively designated as a UNESCO World Heritage Site under the name Mountain Railways of India.
- The fourth railway, the Matheran Hill Railway, is on the tentative list of UNESCO World Heritage Sites.

- The basis of UNESCO's designation of the Mountain Railways of India as a World Heritage Site is "outstanding examples of bold, ingenious engineering solutions for the problem of establishing an effective rail link through rugged, mountainous terrain."

Q2. Consider the following statements:

1. They are a fine variant of shawls spun from cashmere wools.
2. These shawls were indicators of wealth and part of a rich woman's dowry in India, Nepal and Pakistan.
3. It has been registered under the Geographical Indications Registry of India

The above statements best describe:

- a. Shahtoosh shawl
- b. Kani shawl
- c. Pashmina shawl
- d. Paisley shawl

Answer: c

Explanation:

- Kashmir has been known for producing the most exclusive Pashmina Shawls in the world. Kashmir Pashmina Shawl making is rooted in the valley of Kashmir, where artisans follow age-old processes and techniques.
- The name Pashmina has been derived from the Persian word "Pashm" meaning a weavable fibre precisely wool. The cashmere wool used for making Pashmina comes from a special breed of Kashmiri goat – Changthangi found in the high altitude regions of the Himalayas.
 - The fine variant of spun cashmere is derived from the animal-hair fibre forming the downy undercoat of the Changthangi goat.
- The Pashmina shawls were considered luxury items and were indicators of wealth and part of a rich woman's dowry in India, Nepal and Pakistan.
- Kashmir Pashmina or Cashmere has a unique geographical origin & unique methods of making. "Kashmir Pashmina" has been registered under the Geographical Indications Registry of India.

Q3. 38th parallel recently seen in news demarcates

- a. USA and Mexico
- b. Turkey and Syria
- c. North and South Korea
- d. Africa and Europe

Answer: c

Explanation:

- It is the only global-scale effort dedicated to cleaner air and lower greenhouse gas emissions from road transport through the introduction of cleaner fuels and vehicles.

Q5. Brominated flame retardants are used in many household products like mattresses and upholstery. Why is there some concern about their use? (UPSC 2014)

1. They are highly resistant to degradation in the environment.
2. They are able to accumulate in humans and animals.

Select the correct answer using the code given below.

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer: c

Explanation:

- Brominated flame retardants (BFRs) are organobromine compounds that have an inhibitory effect on combustion chemistry and tend to reduce the flammability of products containing them. (Flame-retardant)
- Some brominated flame retardants have been identified as persistent, bioaccumulative, and toxic to both humans and the environment and were suspected of causing neurobehavioral effects and endocrine disruption.
- Given the high resistance they offer to environmental degradation they persist in the environment for long periods.

I. UPSC Mains Practice Questions

1. There is a sense that Washington's strategic role in the broader Asia region has diminished following its chaotic withdrawal from Afghanistan. Evaluate how it affects Indian interests and broader stability in Asia. (15 marks, 250 words)[GS-2, International Relations]
2. India is setting a global example in meeting its Nationally Determined Contributions. Illustrate. (15 marks, 250 words)[GS-3, Environment and Ecology]