

## 12 Jan 2022: UPSC Exam Comprehensive News Analysis

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#### **Category: POLITY AND GOVERNANCE**

##### **1. HC orders notice to Center on Dam Safety Act**

*Syllabus: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.*

*Mains: Critical Evaluation of Dam Safety Act 2021; Issues with Cooperative Federalism*

*Prelims: Dam Safety Act 2021*

**Context:**

The Madras High Court ordered notice to the Centre on a case challenging the constitutional validity of the Dam Safety Act, 2021, on the grounds that it goes against [federalism](#) and is beyond the legislative competence of the Centre.

**What is the Significance of Dams in India?**

- The first Prime Minister of India, [Pandit Jawaharlal Nehru](#), proudly proclaimed dams as the ‘temples of modern India’.
- Dams are critical infrastructure, constructed with large investments which provide multipurpose benefits such as irrigation, power generation, flood moderation and supply of water for drinking and industrial purposes.
- Other physical assets, such as hydropower plants, irrigation, drinking and industrial water networks besides municipal supplies are also linked with the dams.

**What is the Dam Safety Act and what is its Significance?**

- The Dam Safety Act is aimed at developing uniform safety procedures for all dams across the country.
- The Act provides for surveillance, inspection, operation and maintenance of dams to prevent disasters, and institutional mechanisms to ensure safety.
- It is applicable to all dams across the country which are over 10 meters in height, subject to specific design and structural conditions.

Know more about the [Dam Safety Act and its Significance](#) in PIB dated Dec 2nd, 2021.

**What are the reasons for criticism of the Act?**

- Many states opposed the Act because they say it encroaches upon the sovereignty of States to manage their dams and violates the principles of federalism.
- The Centre taking control of state dams is considered an unconstitutional move.
- The provisions in the Act implies that the dam-owning State would not have rights over the safety and maintenance of the dam located in another State.

Know more about [Criticisms of Dam Safety Act](#) in CNA dated July 30, 2019.

**What are the grounds on which the petition is filed against the Act?**

1. **Legislative competence:** The petition contended that the Act is ex-facie unconstitutional and ultra vires as the Parliament lacked legislative competence to enact a law on a subject matter in the State’s domain.

2. **Against Fundamental Rights:** Various provisions of the Act were manifestly arbitrary, discriminatory, unreasonable and against Articles 14, 19 and 21. **More on [fundamental rights in the link.](#)**
3. **Against Cooperative Federalism:** It encroaches upon the exclusive legislative domain of the State. Hence, it infringes the doctrine of cooperative federalism.
4. **Against Basic Structure:** It violates the federal structure of the Constitution which was a part of the [basic structure of the Constitution.](#)

### Conclusion:

There needs to be a pan-India statutory framework for reporting and recording dam failure events. The legislation to ensure the safety of dams in India should be put in place with proper consideration of all the stakeholders and ensuring the democratic principle of cooperative federalism.

#### Nut

#### Graf

*The pith and substance of the new Dam Safety Act is to regulate the entire functioning of dams including their safety. The petition is significant as the States are already grappling with legal fights over sharing of water and the safety of the dams should not become a constraint to cooperative federalism.*

## 2. Safeguard transgender prisoners: Centre

**Syllabus:** Government policies and interventions for development in various sectors and issues arising out of their design and implementation.  
**GS I Social Justice:** Issues relating to development and management of Social Sector/Services relating to Health, Education, Human Resources.

**Mains:** Issues faced by the Transgenders in Indian Prisons

### Context:

The Ministry of Home Affairs (MHA) has given directions to all states with respect to the issues of transgender persons in prisons.

### What are the directions given by MHA?

1. To ensure separate accommodation for transgender persons in prisons.
2. To revise the prison admission register to include “transgender” as a category other than male and female gender.
3. To make similar provisions in the Prison Management System in maintaining electronic records.

### What are the issues faced by Transgenders in prisons?

- The report, ‘**Lost Identity: Transgender Persons in Indian Prisons**’, by the Commonwealth Human Rights Initiative (CHRI) found that prisons across the country lacked policies and awareness about the needs of transgender inmates, leading to a denial of their rights.
- Following are the significant issues faced by transgenders in prisons:
  - No proper mechanism or uniformity in the maintenance of data regarding transgender persons.
  - Government's failure to comply with the standards for ascertaining the needs of trans prisoners.
  - Courts too fail to recognise a ‘third gender’ in various cases and the gender of transgender persons continues to be documented in the male/female binary categorisation.
  - Lack of recognition seeps into prison processes including search procedures and placements within prisons.
  - Prisons continue to cater to primarily male populations and fail to acknowledge the vulnerabilities of transgender prisoners.
  - Lack of infrastructure and gap in policies ultimately resulting in a gross violation of human rights.
  - No substantive training/awareness programmes on the rights of transgender persons in prisons.

### Recommendations

- The centre should formulate a model policy on ascertaining the special needs of transgender persons in prisons.
- Outline guidance on documentation, search procedures, placement, medical facilities and recreational/welfare/educational activities within prisons.
- Form segregation in prisons by ensuring separate wards for trans persons in prisons.
- Appropriate arrangements for providing suitable accommodation and facilities in accordance with their gender identity may be made in the prisons.
- There should be a separate enclosure or ward for transgender convicts for transmen and transwomen, as well as wards or enclosures for male and female inmates.
- Separate bathrooms for transmen and transwomen, as well as shower facilities, should be provided to protect the right to privacy and dignity in prisons.

### Government Measures:

The government enacted the [Transgender Persons \(Protection of Rights\) Act in 2019](#) to ensure their safety and to protect them against any form of exploitation in the context of prisons and correctional facilities.

### Conclusion:

A welfare state cannot argue that certain people are not entitled to particular services. Only sufficient training, knowledge, and recruitment can provide answers to concerns about the issues that transgender people experience in Indian prisons.

**Nut****Graf**

*The MHA directive to States to recognise transgender persons as transgenders rather than either male or female is a step in the right direction. However, it must be ensured that the directive is implemented in both letter and spirit in prisons all across the country if the marginalised sexual minority group is to receive some solace for the decades of non-recognition and discrimination it faced and is still facing in various fields.*

### C. GS 3 Related

*Nothing here for today!!!*

### D. GS 4 Related

*Nothing here for today!!!*

### E. Editorials

#### Category: ECONOMY

#### 1. Extending GST compensation as a reform catalyst

*Syllabus: Issues relating to planning, mobilisation of resources*

*Mains: Necessity to reform GST structure*

**Context:** The landmark implementation of Goods and Services Tax in India has set a remarkable example of cooperative federalism between the centre and states. This intended to evolve as a value-added tax on goods and services establishing tax harmonisation. In order to mitigate the revenue losses of the states in the short term implementation phase of the GST, the Union government promised to pay compensation in the evolutionary phase of five years.

#### Estimation of GST Compensation:

- The compensation was calculated as the shortfall in the actual revenue collections in GST. Such revenues include ones that the states would have got from the taxes merged in the [GST](#).

- The estimation of the revenue shortfalls was carried out taking 2015-16 as the base and applying the growth rate of 14% every year.
- A GST compensation cess was imposed on items such as tobacco products, automobiles, coal and solid fuels manufactured from lignite, pan masala and aerated waters.

### The Outcome:

- The entire episode of compensation was accompanied by several controversies after a smooth execution in the first two years of its implementation wherein the cess collection exceeded the compensation requirements.
- The states incurred huge losses of revenue in the period of 2020-21 due to severe lockdown activities in the wake of the pandemic. The loss was estimated to be ₹3 lakh-crore of which ₹65,000 crore was supposed to be recovered from compensation cess.
- The remaining amount was decided to be paid by the Union government by borrowing from the [Reserve Bank of India](#) under a special window and the interest and repayment were to be made by collections from compensation cess in the future.
- The follies in the compensation payments took the Centre-State relationship to a new low widening scope for mistrust which has been further elevated due to the pandemic.

### Demand of the States:

- The agreement to pay the compensation for revenue losses will come to an end in June 2022 that marks the completion of five years till which it was valid.
- The states demanded the continuity of the compensation scheme for another five years by considering the uncertainties faced by them in the midst of [COVID-19](#).

### Major Challenges:

- The initially planned returns could not be filed as the technology platform could not be firmed up for a long time. This resulted in a large-scale misuse of input tax credit using fake invoices.
- The 41st [GST Council](#) meeting in 2020 that offered two options of borrowing to the states to address the revenue shortfalls attracted a deluge of opposition from the states as the borrowing options were perceived as a liability on the states. This contributed to further the face-offs between the centre and states.
- The states are overburdened with the commitments to protect the lives and livelihoods of people with limited avenues for mitigating revenue losses. Therefore it is imperative that the entire structure of GST must undergo reforms.

### Reforms Suggested:



- It is recommended that 50% of the consumption items that are categorised under the Consumer Price Index ([CPI](#)) are in the exemption list. This requires significant pruning of items.
- It is necessary to bring petroleum products, real estate, alcohol for human consumption and electricity within the ambit of GST.
- Multiple rates that complicate the tax system and lead to administrative constraints must be reformed into a unified structure that is accompanied by the cooperation of states addressing their concerns and opinions.
- It is inferred that the GST tax regime is still in the transition stage and is evolving with the succeeding days. An extension of the compensation would not only be necessary for GST to attend a holistic transition but also be beneficial in providing a comfortable environment to the states.
- The restructuring of GST will open ways to increase the buoyancy of the tax along with the reduction of several administrative challenges.
- The compensation scheme of applying 14% growth on the base year must be revisited which was also put forth by the [15th Finance Commission](#).
- The rate of growth of reference revenue can be linked to the growth of Gross State Domestic Product (GSDP) in states to calculate the compensation assuring some certainty on the revenue.

**Nut****Graf**

*The framework of GST requires a more comprehensive approach by revisiting and reforming the complicated norms resulting in huge revenue losses for the states. An extension of GST compensation can act as a reform of essence upholding the very ethos of cooperative federalism.*

## Category: ENVIRONMENT

### 1. Treating the planet well can aid progress

**Syllabus:** *Conservation, environmental pollution and degradation*

**Mains:** *Correlation of Environmental and Social issues*

**Context:** The Human Development Report of the [UNDP](#) proposed to introduce a planetary pressure-adjusted Human Development Index.

#### **The Human-Induced Change:**

- Environment, over a period of time, has become an essential component to determine human development.
- The concept of planetary pressure adjusted HDI was introduced by a group of scientists across the world to highlight the implications of human activities on the environment.

- This proposed aspect of measuring human development is significant to regulate the imbalance caused by humans that has led to detrimental consequences to biodiversity disturbing the ecological balance.
- As a consequence, the world is witnessing the issues of climate change, unusual heat waves, global warming, urban deluge and other natural calamities.

**The Purpose of planetary pressure-adjusted Human Development Index:**

- This index intends to communicate to the larger society the risk involved in continuing with the ongoing practices of misusing natural resources and the generation of [greenhouse gas](#) emissions.
- It also serves the purpose of determining the effect of environmental stress on development.

**Challenges Faced by India:**

- Poverty alleviation and safeguarding the environment have been twin problems that India has experienced with emerging complexity in the present day.

**Ways Ahead:**

- An interconnect between people and the planet is considered to play a pivotal role in buffering the issues of the social-ecological system. Therefore social and environmental problems cannot be treated in isolation and there must be an integrated perspective in order to achieve the goals echoed in the form of [SDGs](#).
- A local-level involvement for effective delivery of policies is required with enormous emphasis on the provisions of the 73rd and 74th constitutional amendments.
- Reorientation of planning, adoption of decentralised approach, effective policy interventions, expansion of technology and institutional frameworks will serve as major condiments to address the social and environmental issues and assist in the creation of a progressive and sustainable future.

Read more about the [Human Development Index \(HDI\)](#) in the linked article.

**Nut****Graf**

*Social and environmental challenges cannot be tackled in isolation as their integration is essential for holistic progress. Unless this is done, a sustainable future leading to inclusive growth and a low carbon environment will remain out of reach for humanity.*

## F. Prelims Facts



## 1. Petta Thullal held at Erumely

### Context:

Teams of Ayyappa devotees from Ambalappuzha performed Petta Thullal at Sabarimala.

### About Petta Thullal:

- Petta Thullal is a ritualistic sacred dance, part of the annual Sabarimala pilgrimage season.
- It celebrates the victory of good over evil in the legend of Lord Ayyappa who killed the demon princess Mahishi.
- It denotes the beginning of the last leg of the annual Sabarimala pilgrimage season.

## 2. BrahMos advanced variant test fired

### Context:

The BrahMos supersonic cruise missile was test-fired from the recently commissioned stealth guided missile destroyer INS Visakhapatnam.

### About BrahMos Supersonic Cruise Missile:

- BrahMos is a short-range, supersonic anti-ship/land-attack cruise missile.
- **Name:** The name 'BrahMos' is derived from India's Brahmaputra and the Moskva River in Russia.
- **Collaboration:** [BrahMos](#) is a joint collaboration between India and Russia.
- **Capability:** It is capable of being launched from land, sea, sub-sea and air against surface and sea-based targets.
- **Range:** The range of the missile was originally capped at 290 km as per obligations of the **Missile Technology Control Regime (MTCR)**. Following India's entry into the club in June 2016, the range would be extended to 450 km and to 600 km at a later stage.

**About INS Visakhapatnam:** INS Visakhapatnam is the first of four ingeniously designed and built Project-15B class stealth guided-missile destroyers.

Know more about [INS Visakhapatnam](#).

**What is the Significance of Advance Variant testing?**

- The successful test-firing certifies the accuracy of the ship's combat system and armament complex.
- It also validates a new capability the missile provides the Navy and the nation.
- The robustness of Indian Navy mission readiness is reconfirmed after the successful launch of the advanced version of the BrahMos Missile.

### 3. Rain delays Central Vista project, again

#### Context:

The redevelopment work of the Central Vista project has been delayed due to rainfall.

#### Central Vista Redevelopment Project:

- Central Vista is an ambitious project which aims to redevelop a 3.2-km stretch that lies at the heart of Lutyens Delhi built by the British in the 1930s.
- The project involves demolishing and rebuilding several government buildings, including iconic landmarks, and constructing a new Parliament.

Know more about [Central Vista Redevelopment Project](#).

### 4. More curbs for Ganga Sagar mela

#### Context:

The Calcutta High Court modified its order regarding the Ganga Sagar Mela.

#### Gangasagar Mela:

- The Gangasagar festival is celebrated at the Sagar Island held on Makar Sankranti.
- The Gangasagar Mela is well-known around the world, and it is held in West Bengal with great grandeur.

Know more about [Gangasagar Mela](#) in Jan 11, 2021.

**G. Tidbits**

*Nothing here for today!!!*

## H. UPSC Prelims Practice Questions

**Q1. Consider the following statements with regards to the PM Kusun scheme:**

1. The scheme was launched by the Ministry of New and Renewable Energy (MNRE).
2. Small solar power plants of capacity up to 2 MW can be set up by individual farmers/cooperatives/panchayats/Farmer Producer Organizations (FPO) on barren/fallow/marshy/pasture or cultivable lands.
3. If cultivated fields are chosen for setting up solar power plants, the solar panels are set up above a minimum height so that the farmer can continue to grow crops below solar panels.

**Choose the correct code:**

- a. 1 & 2 only
- b. 2 & 3 only
- c. 1 & 3 only
- d. All of the above

**Answer: d**

**Explanation:**

- The PM KUSUM Scheme has been announced by the Ministry of New and Renewable Energy (MNRE). **Hence Statement 1 is correct.**
- It aims to establish solar pumps and grid-connected solar and other renewable power plants in the country.
- Renewable energy-based power plants (REPP) of capacity 500 kW to 2 MW will be set up by individual farmers/groups of farmers/cooperatives/panchayats/Farmer Producer Organisations (FPO). **Hence Statement 2 is correct.**
- These power plants can also be installed on cultivable land on stilts where crops can also be grown below the solar panels. **Hence Statement 3 is correct.**

**Q2. Which of the following statements is not true about the World Trade Organization?**

- a. Although the WTO is not a UN specialized agency, it has maintained strong relations with the UN and its agencies since its establishment.
- b. The topmost decision-making body of the WTO is the Ministerial Conference, which usually meets annually.
- c. WTO replaced the GATT since the latter was only a set of rules and multilateral agreements and lacked institutional structure.

- d. The General Council, having representatives from all member governments, convenes as the Dispute Settlement Body (DSB) to deal with disputes between WTO members.

**Answer: b**

**Explanation:**

### **WTO Ministerial Conferences**

- The topmost decision-making body of the WTO is the Ministerial Conference, which **usually meets every two years**.
- It brings together all members of the WTO, all of which are countries or customs unions.
- The Ministerial Conference can take decisions on all matters under any of the multilateral trade agreements.

**Hence Option B is the correct answer since it's the wrong statement.**

**Q3. Post joining which of the following groups was India able to extend the range of Brahmos missile beyond 290 km?**

- a. Wassenaar Arrangement
- b. Australia Group
- c. Missile Technology Control Regime
- d. Nuclear Suppliers Group

**Answer: c**

**Explanation:**

- The Missile Technology Control Regime (MTCR) is a multilateral export control regime that prevents ballistic missiles and other unmanned delivery systems from being utilised in chemical, biological, or nuclear strikes.
- India had officially joined the Missile Technology Control Regime (MTCR) as a full member.
- The extended-range version of BrahMos was developed after India's full membership of the Missile Technology Control Regime (MTCR), which removed caps on the range of the cruise missile.

**Hence Option C is correct.**

**Q4. Consider the following statements with regards to Mamallapuram:**

1. Mamallapuram, also called Mahabalipuram or Seven Pagodas, is a town that lies along the Coromandel Coast of the Bay of Bengal.
2. The town's religious centre was founded by a 7th-century Hindu Pallava King Narasimhavarman, also known as Mamalla—for whom the town was named.
3. It contains many surviving 7th- and 8th-century Pallava temples and monuments, chief of which are the sculptured rock relief popularly known as "Arjuna's Penance," or "Descent of the Ganges," a series of sculptured cave temples, and a Shiva temple on the seashore.

**Which of these statements is/are correct?**

- a. 1 & 2 only
- b. 2 & 3 only
- c. 1 & 3 only
- d. All of the above

**Answer: d**

**Explanation:**

- Mamallapuram is also called Mahabalipuram or Seven Pagodas and it is situated in Tamil Nadu along the Coromandel Coast of the Bay of Bengal. **Hence Statement 1 is correct.**
- The town's religious centre was constructed by a Hindu Pallava ruler named Narasimhavarman, also known as Mamalla, in the 7th century CE. **Hence Statement 2 is correct.**
- The sculptured rock relief, known as "Arjuna's Penance," or "Descent of the Ganges," a series of sculptured cave temples, and a Shiva temple on the coast are among the many surviving 7th and 8th-century Pallava temples and monuments. **Hence Statement 3 is correct.**

**Q5. The Global Competitiveness Report is published by the [UPSC 2019]**

- a. International Monetary Fund
- b. United Nations Conference on Trade and Development
- c. World Economic Forum
- d. World Bank

**Answer: c**

**Explanation:**

The Global Competitiveness Report is a yearly report published by the **World Economic Forum**. It ranks countries based on the Global Competitiveness Index. It measures the prosperity and

competitiveness of countries by examining four factors: Economic performance, Government efficiency, Business efficiency and Infrastructure.

**Hence Option C is correct.**

## I. UPSC Mains Practice Questions

1. Discuss the merit and demerits of the idea of State funding of elections in India. (250 words; 15 marks) GS II (Polity)
2. Extending GST compensation to the states would go a long way in bridging the lack of trust between the Union and the State governments. Comment. (250 words; 15 marks) GS III (Economic Development)

