

13 Jul 2022: UPSC Exam Comprehensive News Analysis



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A. GS 1 Related

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Category: POLITY

1. Slow wheels of Justice

Syllabus: Structure, Organization and Functioning of the Judiciary

Mains: Causes and impacts of high case pendency in the Indian judiciary

Background

- The high level of case pendency in the [Indian judiciary](#).
 - **More than four crore cases are pending in the lower courts** (District and Taluk Courts) of India.
 - Around 25% of these pending cases, amounting to one crore cases have been pending for over five years.

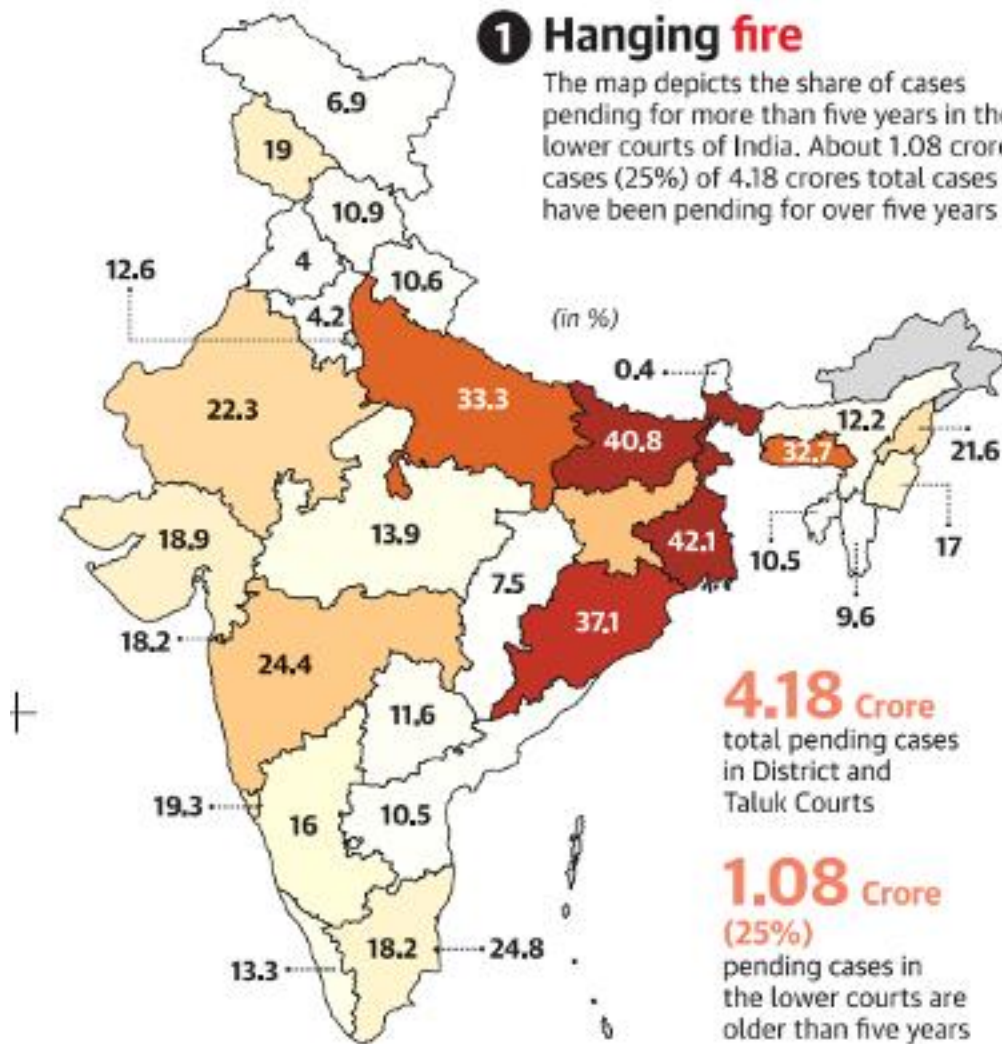


Image source: The Hindu

Factors responsible for the high case pendency:

- The large number of pendency in cases is attributable to both the **demand and supply side of the judiciary**.
 - On the demand side, the **number of cases filed per capita** has increased exponentially in recent years.
 - The relatively **higher judicial vacancies** have resulted in supply constraints of justice delivery. This has been contributing to delaying the cases. Judicial vacancies as a share of sanctioned strength in lower courts are 20% or more in 19 states/UTs. Inconsistent recruitment and apathy towards the appointment process is a major factor contributing to this judicial vacancy. In some states like Uttar Pradesh, West Bengal, Bihar and Telangana, there is only one judge per one lakh people.

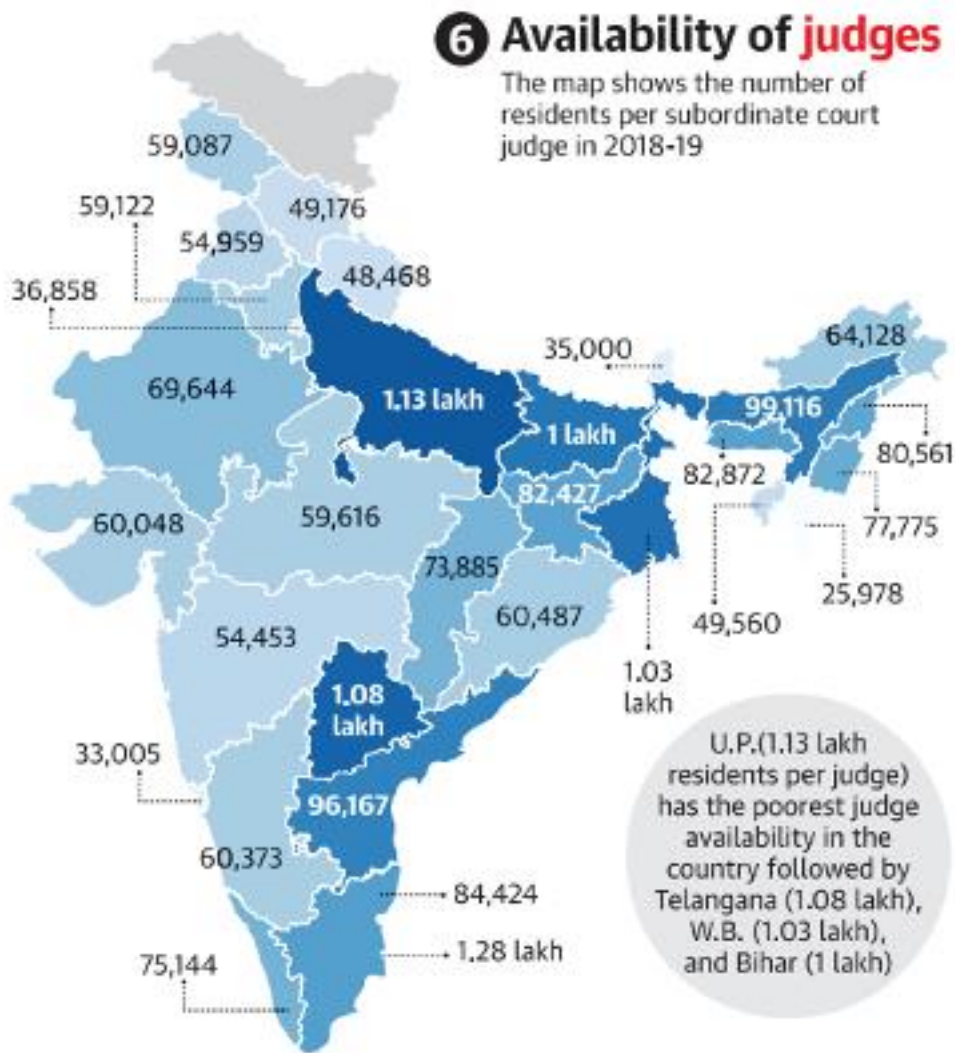


Image source: The Hindu

Also read: [Sansad TV Perspective: Judicial Reforms](#)

Impact of high case pendency:

- **The high number of under-trials lodged in jails** awaiting the hearing of their case is the most visible adverse impact of the high case pendency in India. This goes against their fundamental rights as recognized in the Indian Constitution.
- Undertrials as a share of total prisoners have peaked at 76% in 2020. As a result, some prisons have become **overcrowded**.

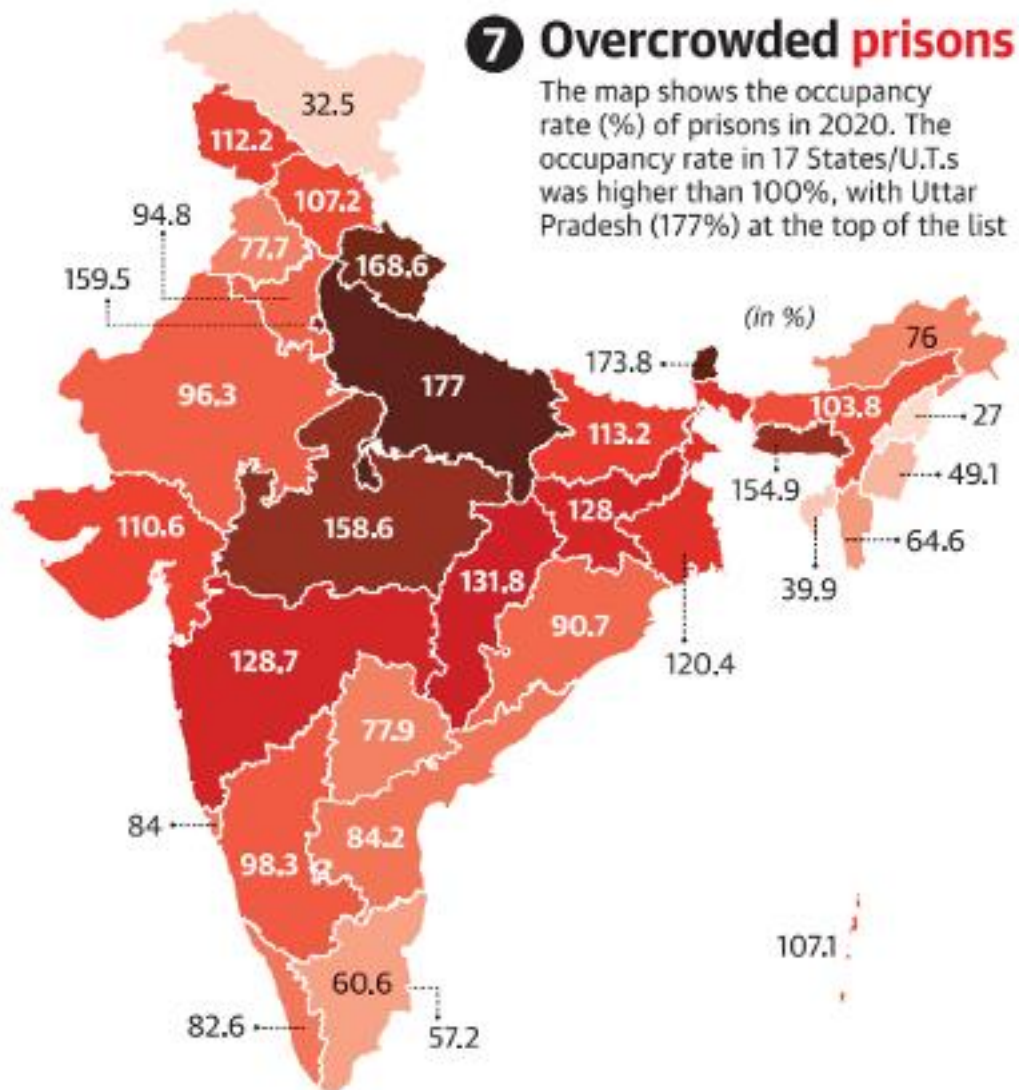


Image source: The Hindu

For more detailed information on this issue and the possible remedies for it refer to the following articles:

Judicial Delays - RSTV In Depth

CNA dated Sep 29, 2021: How to grease the wheels of justice

Nut Graf

Delays from the judiciary are not acceptable as the judiciary is meant to guarantee the protection of citizens' rights at every instance. Time-bound justice is the need of the hour as justice delayed is tantamount to justice being denied.

C. GS 3 Related

Category: DEFENCE AND INTERNAL SECURITY

1. India, Brazil Navies may collaborate soon

Syllabus: Defence equipment

Prelims: Scorpene class submarines; Project 75 and Project 75 Alpha

Context:

- Amid the ongoing visit of a Brazilian Navy delegation to Indian Western Naval Command in Mumbai, both Navies are exploring options for collaboration towards the maintenance of the Scorpene-class submarines.
- Both the Navies operate the French Scorpene class of submarines.

Scorpene class of submarine:

- These are **diesel-electric attack submarines** contracted from France and manufactured locally with assistance from the Naval Group under [Project-75](#).
- Scorpene-class submarines can undertake multifarious missions such as anti-surface warfare, anti-submarine warfare, intelligence gathering, mine-laying and area surveillance. The submarine is designed to operate in all theatres. The state-of-the-art technology utilised for the construction of Scorpene-class submarines has ensured superior stealth features. It is a strong platform, marking a generational shift in submarine operations.
- The Scorpene-class submarines include– [INS Kalvari](#), INS Khanderi, INS Karanj, INS Vela, INS Vagir and INS Vagsheer.

Details:

- Senior Naval officials from the two countries also discussed various issues of common interest, including defence and submarine technology, 'Make in India', professional cooperation between the Navies, and the outlook of the Indian Navy towards shared maritime interests with all like-minded Navies/nations.

Developments in Naval defence equipment:

- India has leased nuclear attack submarines (SSN) in the past from Russia and currently is in the process of indigenously building SSNs under **Project 75 Alpha**.
- India already operates **nuclear ballistic submarines (SSBN) - Arihant class submarines**. These vessels are classified as 'strategic strike nuclear submarines' by India.

Nut Graf

The defence cooperation between India and Brazil marks a new dimension in the India-Brazil bilateral partnership.

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: POLITY

1. A new judicial device for 'complete justice'

Syllabus: Indian Judicial System

Mains: Discuss the challenges of the judicial system in India.

Context:

The article discusses the powers and challenges of the Judiciary with reference to the recent case of Alt News Co-founder.

Background:

- In a complaint filed in November 2021 on the accusation of spreading animosity, a court in Uttar Pradesh's Lakhimpur Kheri summoned Alt News co-founder Mohammad Zubair.
- Lakhimpur Kheri Police handed Zubair a summons to appear in court shortly after he received an interim bail from the Supreme Court in July 2022 in a case brought against him in Sitapur for allegedly hurting religious sentiments.
- During the hearing, the UP government argued that Mohammed Zubair is part of a syndicate that aims to destabilize the country and he may be receiving funds from entities inimical to India.
- He was charged under section 295-A of the IPC and section 67 of the [IT Act, 2000](#).
- It should be noted that the Alt News co-founder will continue to stay in police custody till July 16 in connection with a case against him by the Delhi Police.

Powers of the Supreme Court:

Following are the major powers of the [Supreme Court of India](#):

Apex Court:

- The Supreme Court is the highest appeal court that is also known as the apex court of India and even the last resort, where the citizens of India can seek justice if they are not satisfied with the judgment of the High Court.

Protector of Fundamental Rights:

- The citizens of India, as per Article 32 of the Constitution, can even directly sort for remedy through writs if their fundamental rights are violated.

Original Jurisdiction:

- As per article 131 of the Constitution, the SC functions as original jurisdiction over matters where the disputes are either between the Central government and the state government or between two or more state governments.

Read in detail about the [Original Jurisdiction of the Supreme Court](#) in the linked article.

Appellate Jurisdiction:

- As per articles 132, 133, and 134 of the Constitution, the SC has appellate jurisdiction in matters that are related to civil, criminal, or the Constitution.

Unique Power:

- Article 142 provides a unique power to the Supreme Court, to do “complete justice” between the parties, where at times law or statute may not provide a remedy.
- In those situations, the Court can extend itself to put a quietus to a dispute in a manner that would fit the facts of the case.

Challenges before Judiciary:

The issue of Individual liberty:

- The powers of the Supreme Court of India have been discussed above. Despite such powers, whenever the issue of individual liberty comes into question, the top court has shown itself helpless.

Executive over the Court:

- In many cases, the bail pleas have been rejected repeatedly by different courts. Multiple FIRs are registered in different parts of the state by the Executive to ensure that the dissident is not released from jail.

- The bail jurisprudence of the Court is surpassed by the jail jurisprudence of the Executive. This has become a new normal in the criminal jurisprudence of the country and it poses a great challenge before the judiciary.
- The conventional approach by the Supreme Court will not help in tackling such types of cases.
- In the case of Mr. Zubair, the contention of the Solicitor General of India was that “any order passed by (the Supreme) Court (in this case) will interdict four judicial orders passed by two courts which have not been challenged”.
 - It is the Court’s inability to overcome this line of argument by invoking the spirit of Article 142 that led to the ironic predicament of Mr. Zubair being in jail, despite the grant of the ‘interim bail’.

The Principle of rule by law:

- The criminal justice system in the country is now governed by the rule by law and not by the rule of law.
- The law has now become an effective device in the hands of the government and this operates against the opponents. If the court presumes that the legal system is governed by the principle of rule of law, some unjust consequences come into the picture.

Deconstitutionalism:

- There have been changes in the [constitutionalism](#) of the country and this harsh reality cannot be ignored by any Court.
- Even in such difficult circumstances, the constitutional court should be able to have its own mechanism to preserve the constitutionalism of the country.

Examples of certain countries:

- The courts are also responsible for strengthening the democratic processes and commitments.
- A new doctrine of “unconstitutional affairs of state” has been developed in the Constitutional courts of Columbia and Brazil.
- As the term suggests, an unconstitutional state of affairs is specifically meant for a situation where the violation of rights is not individualized, but structural.
- The unconstitutional state of affairs is a legal ruling that allows the Constitutional Court to acknowledge the failure of both the Legislative and Executive branches of government to enforce public policies against widespread and systemic violation of fundamental rights.
- Hence, it justifies a judicial intervention in order to combat the structural causes of violation and to put everything back in order with the Constitution.
- It is somewhat similar to the structural injunction in the United States and the practice of Public Interest Litigation (PIL) in India.

Way Forward:

Judicial atmosphere:

- A judicial atmosphere should be created that supports the cause of individual liberty.

Complete Justice:

- Whenever there comes a case that sabotages the goal of constitutional justice, the Supreme Court should use the power of Complete justice under Article 142 of the Constitution.
- The scope of this provision has varied in different cases. In some cases, it was pleaded for its restrictive use and sometimes for its liberal and contextual application.
- In Delhi Development Authority vs Skipper Construction Company (1996), the top court said that the power under Article 142 should remain “undefined and uncatalogued so that it remains elastic enough to be moulded to suit the given situation”.

Conclusion:

- There is a need to evolve an effective jurisprudence of complete justice so that the democratic legacy of the country can be preserved.

Nut Graph

The Supreme Court has extended till further orders the interim bail of Alt news co-founder Mohammed Zubair in a case lodged against him in the Sitapur district of Uttar Pradesh for allegedly outraging religious sentiments. This reflects on the issue of individual liberty wherein the apex court seems to be helpless. The judiciary is also accountable and responsible for the protection of democratic commitments hence, it should be able to ensure complete justice.

F. Prelims Facts

1. NASA telescope dives deep into the universe

Syllabus - GS paper 3- Science and technology- Awareness in space.

Context:

- NASA has recently unveiled **images captured from the [James Webb Space Telescope](#)**.

James Webb Space Telescope:

- It is the **largest and most powerful orbital observatory** ever launched. It will offer scientists the opportunity to observe galaxy evolution, the formation of stars and planets and exoplanetary systems.
- Webb is the **successor of the Hubble telescope**.
- It is an **infrared** spectrum-based telescope.
- It's a **NASA-built** space telescope that also includes contributions from the European Space Agency and the Canadian Space Agency.

G. Tidbits

1. Centre has no new data on child labour

- Despite legislation like the **Child Labour (Prohibition and Regulation) Act**, the menace of child labour continues in India. There have been some empirical reports that child labour has increased after the pandemic.
- However, the Union government does not have any data on child labour in the country and a major reason for this is the cut in budgetary provisions meant for the [National Child Labour Project](#) (NCLP).
 - The NCLP was merged with the Samagra Shiksha Abhiyan in 2016.
 - The currently available data is from the 2011 Census, according to which **India has more than a million child labourers**.
- The lack of data will hamper any efforts to help the children stuck in child labour.
- Other points of concern include the sorry state of affairs at the NCLP's schools for child labourers which have more or less stopped functioning due to scarcity of funds.

H. UPSC Prelims Practice Questions

Q1. Consider the following statements:

1. In the last decade, India's exports to EU countries have grown at a faster pace than the country's overall exports.
2. Under the India-UAE Comprehensive Economic Partnership Agreement, 40% value addition or substantial processing of up to 40% in the exporting country is required to qualify for lower tariffs.
3. US-Mexico-Canada Agreement has a "sunset" clause in trade agreements which provides for periodic reviews and the agreement is slated to end automatically in 16 years unless the countries renegotiate it.

Choose the correct code:

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

Answer: d

Explanation:

- Of late, the European Union has emerged as a major export destination for Indian goods and services. In the last decade, India's exports to EU countries have grown at a faster pace than the country's overall exports.
- Under the India-UAE Comprehensive Economic Partnership Agreement, 40% value addition or substantial processing of up to 40% in the exporting country is required to qualify for lower tariffs. This is to help ensure that other countries like China do not make use of this agreement to dump their products into one of the countries through another country.
- US-Mexico-Canada Trade Agreement has a "sunset" clause.

Q2. Consider the following statements with regards to climate change:

1. The next round of NDCs (Nationally Determined Contributions) is due only in 2025.
2. Only Egypt & New Zealand have responded to a call that countries should revisit their NDCs by the end of 2022, to strengthen them.
3. The member countries of the Like Minded Group include Belarus, Bhutan, China and India.

Choose the correct code:

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

Answer: c

Explanation:

- Only Egypt & Australia have responded to a call that countries should revisit their NDCs by the end of 2022, to strengthen them.

Q3. Consider the following statements with regards to the bail rule in India:

1. The CrPC does not define the word bail but only categorises offences under the Indian Penal Code as 'bailable' and 'non-bailable'.
2. Non-bailable offences are cognisable, which enables the police officer to arrest without a warrant.
3. The CrPC empowers magistrates to grant bail for bailable offences as a matter of right.

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 CrPC does not define the word bail but only categorises offences under the Indian Penal Code as 'bailable' and 'non-bailable'.
- The CrPC empowers magistrates to grant bail for bailable offences as a matter of right.
- In the case of non-bailable offences, two authorities are empowered to consider the question of bail, namely (1) a court and (2) an officer-in-charge of the police station who has arrested or detained without warrant a person accused or suspected of the commission of a non-bailable offence.
- In the case of non-bailable offences, the police officer can arrest without a warrant.

Q4. NASA has described the Webb's First Deep Field image as the "deepest and sharpest _____ image of the distant universe to date", it shows a galaxy cluster called SMACS0723 — and more.

Fill in the blank.

- a. Infrared
- b. Ultraviolet
- c. X-ray
- d. Virtual

Answer: a

Explanation:

- The James Webb Space Telescope (JWST) is a space telescope designed primarily to conduct infrared astronomy.

Q5. With reference to the Indus river system of the following four rivers, three of them pour into one of them, which joins the Indus direct. Among the following, which one is such river that joins the Indus direct? (UPSC 2021)

- a. Chenab
- b. Jhelum
- c. Ravi
- d. Sutlej

Answer: d

Explanation:

- Rivers Chenab, Jhelum, and Ravi pour into Sutlej River. Sutlej river is the one that directly joins the River Indus.

I. UPSC Mains Practice Questions

1. 'Justice delayed is justice denied'. This maxim has become an unfortunate reality in India due to massive pendency of cases at all levels of the judiciary. Critically examine (250 words; 15 marks) (GS Paper 2- Polity)
2. Evaluate the conflict between the new IT Rules and right to free speech, with relevant examples. (250 words; 15 marks)(GS Paper 2- Polity)

