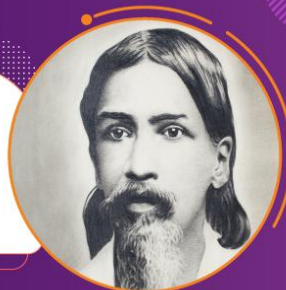


## 2 Dec 2022: UPSC Exam Comprehensive News Analysis

“  
By your stumbling, the world  
is perfected.

- Sri Aurobindo



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### Category: POLITY

#### 1. How do personality rights protect celebrities?

*Syllabus: Constitution of India - features and significant provisions*

*Prelims: About personality rights*

*Mains: The protection of Personality rights in India and the key differences between Personality rights and Publicity rights*

**Context:** Recently, the High Court of Delhi passed an order to prevent the unlawful use of Amitabh Bachchan's name, image and voice and asked to restrain from infringing the personality rights of the actor.

#### Personality Rights

- Personality rights are the rights of an individual to protect their personality under the [right to privacy](#) or property.
- Personality rights are particularly important to celebrities and well-known personalities because their names, images or voices can be easily misused by various companies to advertise and boost the sales of their products.
- A number of unique personality traits or attributes contribute to the making of a celebrity such as names, nicknames, stage names, images, and other identifiable personal properties and all of these traits must be protected.
  - Therefore, it has become important for renowned personalities or celebrities to register their names to save their personality rights.
- As a result, personality rights are seen as property rights rather than personal rights.

#### Personality Rights in India

- At present, there is no statute or law that protects personality rights in India.
- However, [Article 21](#) of the Constitution of India under the right to privacy and right to publicity makes reference to the protection of personality rights.
- Other statutory provisions protecting personality rights include the **Copyright Act, 1957**.

- As per the Act, moral rights are attributed only to authors and performers which include actors, singers, musicians, dancers, etc.
- The provisions of the Act mandate that the Authors or the Performers have the right to be given credit or claim authorship of their work and also have a right to restrain others from causing any kind of damage to their work.
- Personality Rights are also accorded some degree of protection under Section 14 of the **Indian Trademarks Act, 1999**, which puts restrictions on the use of personal names and representations.
- Further, the Delhi High Court in its judgement in **Arun Jaitley vs Network Solutions Private Limited and Ors Case (2011)** observed that the popularity or fame of an individual will be no different on the internet than in reality.
  - The court had also stated that the name also falls in the category wherein besides it being a personal name it has also attained distinctive indicia of its own.
  - Therefore, the name due to its distinctive nature coupled with its popularity in various fields would be treated as a well-known personal name/mark under the Trademark Law which makes sure that the individual gets the right to prevent others from using this name unjustifiably.

### Personality rights v/s Publicity rights

- Both Personality rights and Publicity rights differ from each other in various aspects.
- Personality rights mainly consist of two types of rights namely,
  - The **Right of Publicity** or the **right to protect one's image** from being commercially exploited without permission or compensation similar to the use of a trademark.
  - The **Right to Privacy** or the **right to not have one's personality represented publicly without permission**.
- But, as per various provisions, Publicity rights come under the scope of “**tort of passing off**”.
  - “Passing off” is when individuals intentionally or unintentionally pass off their goods or services as those belonging to another party.
  - Such misrepresentation of goods and services impacts the goodwill of a person or business, resulting in financial or reputational damage.
  - Publicity rights are mainly governed by laws and regulations such as the Trademarks Act 1999 and the Copyright Act 1957.

### Impact of false advertisements on consumer rights

- The misuse of well-known personalities to promote false advertisements not just violates the Personality rights of celebrities/well-known personalities but also affects consumer rights.

- Acknowledging the challenge, the Ministry of Consumer Affairs has made a notification to check such misleading endorsements.

***Nut graf:** There has been an increase in the number of instances where endorsements have misused the name and fame of celebrities due to the increasing rate of commercialisation of such endorsements because of their huge value and potential. This issue requires immediate intervention by various governing bodies and the judiciary to not just protect the Personality rights of individuals but also the interests of the consumers who get influenced by such ads.*

## C. GS 3 Related

*Nothing here for today!!!*

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*Nothing here for today!!!*

## E. Editorials

**Category: POLITY**

### 1. Laying the ground to delegitimize the Supreme Court

*Syllabus: Separation of Powers Between Various Organs*

*Mains: Efficiency of collegium System*

**Context:** The Supreme Court objects to the Union Law Minister's remarks on the [collegium system](#).

#### **Introduction:**

- The Supreme Court of India objects to the Union Law Minister's remarks on the collegium system that decides on the appointment of judges.
- The Union Law Minister recently described the Collegium system as "alien" to the Constitution.
- The apex court asserted that the Centre is bound to "observe the law of the land" and cannot "blame the entire system" for the failure of the National Judicial Appointments Commission Act to pass the constitutional test.
- The Supreme Court also questioned the inaction on the part of the Union government in notifying recommendations made by the collegium.

- The Union government had returned 19 recommendations to the collegium recently.

**Background:**

- The National Judicial Appointments Commission (NJAC) was a constitutional body proposed to replace the present Collegium system of appointing judges.
- The NJAC was established by amending the Constitution [Constitution (Ninety-Ninth Amendment) Act, 2014] passed by the parliament in 2014.
- In a 4-1 majority verdict in 2015, the Supreme Court held that both the Constitution (Ninety-ninth Amendment) Act, 2014, and the National Judicial Appointments Commission (NJAC) Act, 2014, were unconstitutional as they would undermine the independence of the judiciary, a key component of the court's conception of the [basic structure of the Constitution](#).
  - At the same time, the court also acknowledged several problems with the collegium system that required intervention.
- This led to separate proceedings by the same Bench in which the court appointed a two-member committee to compile suggestions received from the legal community.
- The government also put its suggestions in writing. After deliberations, viable inputs were to be incorporated into a new.
- The Supreme Court and the government could not find a common ground over these reforms to the Memorandum of Procedure (MoP) for judicial appointments.
- The Union government also failed to revive the NJAC through Parliament by filling the gaps that the Supreme Court had pointed out in its 2015 judgement.

**Undermining legitimacy:**

- The process of appointments to the higher judiciary remains a highly contested field. Frontal attacks on the process serve as indicators of democratic backsliding.
- In many countries, the legitimacy of the judiciary is doubted. In Hungary and Poland, in recent times, there have been overt attacks on judicial institutions that have changed the powers and composition of these institutions and turned them into courts conducive to the executive's policies.
- In India, the collegium fails to fulfil basic demands of transparency and accountability and remains prone to charges of nepotism. There is also a serious lack of social diversity in the appointments.
- However, the Union government's comments on the judiciary and recent delays in appointments could eventually lead to the delegitimization of the court.
- Both shall find a common ground and take up reforms to the collegium system and expedite the creation of a new MoP by incorporating the legitimate concerns of the government and stakeholders at large.

***Nut Graf:** Stalling collegium recommendations or forcing modifications in them is perceived as a strategy by the government to continue exercising the informal veto on the judiciary. This will erode confidence in the appointed judges and delegitimize the institution and this doesn't bode well for democracy.*

## **2. Appointment of Election Commissioners**

***Syllabus:** Election Commission of India*

***Mains:** Various Issues with the appointment process of Election Commissioners*

**Context:** The ongoing hearing before the Supreme Court on the need to have a neutral mechanism for the appointment of Election Commissioners raises questions on the body's functional independence.

### **Introduction:**

- A five-judge Constitution Bench of the Supreme Court is examining a bunch of petitions recommending reforms in the process of appointment of members of the [Election Commission](#).
- A batch of four public interest litigations (PILs) pressed for issuance of directives to the Centre for setting up a neutral and independent selection panel for recommending names to the President for appointments as CEC and ECs.

## **Category: ENVIRONMENT**

### **1. Road safety and environmental sustainability**

***Syllabus:** Disaster Management*

***Mains:** Impact of Road safety on the environment*

#### **Impact of Road Safety on the Environment:**

- Safer roads have a positive impact on the environment.
- In 2021, India reported 4,03,116 crashes, each of which adversely impacted the environment in various ways and to different degrees.
- Most vehicles contain toxic metals such as lead, mercury, cadmium or hexavalent chromium, which are detrimental to the environment. Vehicle crashes result in these fuel and fluid leaks.
- Severe road crashes lead to automobile wreckage, which becomes a part of unusable end-of-life vehicles. This gives rise to scrappage.
  - India is estimated to have about 22.5 million end-of-life vehicles by 2025.

**National Automobile Scrappage Policy:**

- The [Vehicle Scrapping Policy](#) was announced in March 2021 by the Union government.
- The policy is estimated to cover 51 lakh Light Motor Vehicles (LMVs) that are above 20 years of age and another 34 lakh LMVs above 15 years of age.
- This aids in reducing pollution & would help in India's commitment to the [Paris Agreement](#).
- Despite being one of the largest car and light commercial vehicle markets in the world, the policy is still in its nascent stages.
- Absence of widespread, systematic facilities for proper recycling, old vehicles and vehicles after road crashes are left to rot by the wayside.
  - Some end up at landfills or at informal recycling facilities where rudimentary hand tools are utilised to unscientifically dismantle them.
  - This leads to the leakage of hazardous constituents such as oils, coolants and glass wool resulting in sub-optimal land usage and water and soil pollution for decades.

**Speeding limits:**

- One of the biggest factors for road crashes is speeding. In 2020 alone, speeding was responsible for 91,239 road crash fatalities, comprising 69.3% of all road crash deaths registered.
  - Speeding has consistently been responsible for over 60% of all road crash fatalities in India in the last five years.
- Simulation exercises in Europe have demonstrated that cutting motorway speed limits even by 10 km/h can deliver 12% to 18% fuel savings for current technology passenger cars, along with a significant reduction in pollutant emissions, particularly Nitrogen Oxides and particulate matter (PM) output, from diesel vehicles.
- Consequently, several governments globally have reduced speed limits to prevent crashes and lower air pollution.
- In India, the Zero-Fatality Corridor solution for road safety by the SaveLIFE Foundation (SLF) focuses on reducing speeding through advanced engineering and enforcement technologies.

**Other initiatives:**

- All road safety initiatives undertaken and recommended by the SaveLIFE Foundation are designed to be impactful and environment-friendly.
  - The Foundation's Zero-Fatality Corridor (ZFC) programme, which was deployed on the Mumbai-Pune Expressway in 2016, helped bring down road crash fatalities by 52%, as of 2020.

- Similar interventions were introduced in 2018 on the Old Mumbai-Pune Highway and helped reduce the road crash fatalities on this stretch by 61%, as of 2021.
  - Initiatives included guarding natural hard structures such as trees using crash barriers to prevent direct collisions, and installing retro-reflective signage on the trees to make them more visible to commuters.
- The Government of India is building green corridors to go over forests and animal paths as opposed to going through them.
- Missing or inadequate signages are another leading cause of road crashes. Asbestos is used for creating signages along road stretches.
  - Asbestos has an adverse impact on the environment, therefore the ZFC programme opts for Aluminium Composite Panels despite being more expensive than asbestos.
  - Aluminium Composite Panels are free of toxic gas or liquids during the production process and they are recyclable separately as aluminium and plastic, without much value or quality loss.

***Nut Graf:** Road safety and environmental sustainability are closely intertwined concepts. They are our shared resources and joint responsibility. Safer roads and a sustainable environment can be ensured through the joint efforts of road-owning agencies, enforcement officials and the public. Sustainable interventions will have a deep impact on preserving the environment while ensuring better road connectivity.*

## F. Prelims Facts

### 1. Freshwater Turtles

**Syllabus:** GS-3; Environment and Biodiversity

**Prelims:** About Freshwater Turtles in India

**Context:** Recently the West Bengal Police seized about 270 kg of Turtle calipee (a gelatinous layer found in the lower shells of turtles, believed to be used in traditional Chinese medicine) in Malda district.

#### Freshwater Turtles in India

- India is home to about 29 species of freshwater Turtles (24) and Tortoises (5).
  - The key difference between Turtles and Tortoises is that Turtles are mainly aquatic whereas Tortoises are terrestrial and spend more time on land.
- Out of these, over 50% of the Turtle species are threatened and 11 are protected under **Schedule I of the [Wildlife Protection Act](#)**, enjoying the same level of protection as Tigers.



- Turtles and Tortoises are slow-moving, tough animals, which have adapted to various evolutionary processes and have survived cycles of mass extinctions. However, they are currently facing difficulties due to illegal trade.
  - These animals are smuggled mainly for three reasons namely their meat (mainly within the country), as pets (within and outside India) and to extract their calipee.
- Species such as the **Indian Roofed Turtle**, **Black-Spotted Turtle** (*Geoclemys hamiltonii*), **Red-Crowned Roofed Turtle** and the **Indian star Tortoise** (*Geochelone elegans*) are in huge demand in both the national and international illegal pet trade.
- Species such as the **Indian Flapshell Turtle** (*Lissemys punctata*), the **Indian softshell Turtle** (*Nilssonina gangetica*), other species of the genus Nilssonina and the **Indian narrow-headed softshell Turtle** (*Chitra indica*) are in demand for their meat.
- The **Red-crowned Roofed Turtle** (*Batagur kachuga*), found only within the **National Chambal Gharial Wildlife Sanctuary (NCGWS)** spread across Rajasthan, Madhya Pradesh and Uttar Pradesh has made it to the list of the 25 most threatened freshwater Turtles in the world, along with **Northern River Terrapin** (*Batagur baska*) which is now found only in the **Sundarbans**.
- The Conference of the Parties (COP) recently accepted India's proposal to transfer two species of freshwater Turtles found in the country namely the **Red-crowned Roofed Turtle** and the **Leith's Softshell Turtle** (*Nilssonina leithii*) to **Appendix I** of [Convention on International Trade in Endangered Species of wild fauna and flora \(CITES\)](#), which lists the most endangered species that need the highest level of protection.
  - The Indian star tortoise was transferred to Appendix I of CITES in 2017.
- About four Turtle species of the genus of Nilssonina and *N. leithii* are endemic to India.
- The [Wildlife Crime Control Bureau \(WCCB\)](#) which is a statutory body tasked with preventing wildlife trafficking in the country, carried out a national level crackdown on turtle smuggling.
  - WCCB launched "**Operation Save Kurma**" to prevent poaching, transportation and illegal trade of live turtles and tortoises.
  - WCCB had also launched "**Operation Turtshield-I**" and "**Operation Turtshield-II**" to tackle the illegal trade of live turtles.

## G. Tidbits

### 1. Debt talks in Sri Lanka put spotlight on China loans

- With Sri Lanka struggling to get financing assurances from its diverse creditors which is a pre-requisite for the provisional \$2.9-billion International Monetary Fund (IMF) package, the loans obtained from China have come under the focus.
- After opting for a pre-emptive and disorderly default on its \$51 billion foreign debt, Sri Lanka had reached a staff level agreement with the IMF in September 2022.

- According to the Sri Lankan government, the programme would help Sri Lanka recover and reform from its economic crisis as the programme enables the bankrupt country eligible to borrow again from international sources.
- The IMF posed a condition on Sri Lanka to obtain adequate financing assurances from all its creditors. Private lenders who are mainly the holders of International Sovereign Bonds, account for the largest share of Sri Lanka's external debt while China, India, and Japan are the top three bilateral creditors.
- Opposition leaders in the Parliament of Sri Lanka have accused China of stalling Sri Lanka's IMF deal and forcing down unnecessary projects by paying bribes.
- Responding to these accusations, the Chinese Embassy has said the working teams of different Chinese banks had visited the island, and bilateral negotiations are taking place currently.
- China is expected to play an important role in Sri Lanka's debt restructuring process, with \$7.4 billion (19.6%) of Sri Lanka's outstanding public debt being from China at the end of 2021.
- China's approach to Sri Lanka's debt restructuring will set a precedent for China's role and behaviour in other countries as it is the first time that a major country that is part of [China's Belt and Road Initiative](#) is going through such a process.

## **2. G-20 Presidency unparalleled, a crucial responsibility**

- India on December 1st, 2022 took over the Presidency of the [G-20](#) a year ahead of the summit of the grouping to be held in New Delhi and the External Affairs Minister said that the occasion bestowed India with a crucial responsibility as India assumes presidency at a very challenging time in world politics.
- The External Affairs Minister also said that India's presidency of G-20 is of extraordinary importance and one that is unparalleled in India's history.
- During this period, about 200 meetings would be held at various levels across the country as the nationwide spread of the event would help citizens understand that as a result of the G-20, India would be "more world-ready" and the "world more India-ready".
- Further, the Prime Minister of India had earlier described India's agenda at the G-20 to be "inclusive, ambitious, action-oriented".

## **3. India said to offer incentives to boost shipbuilding industry**

- The Indian government plans to extend cash subsidies, lower taxes and other incentives to boost the shipbuilding industry and an effort to reduce the problems of high freight rates for the manufacturers of the country.
- These plans include subsidies to build about 50 new vessels and granting "infrastructure status" to the industry which would help get financing from banks.

- According to a government panel, local tax rules have impacted investment in the shipping industry as compared to the tax regimes of Singapore, Malta, Cyprus and Panama, where most of the global carriers were registered.
  - The panel also noted that the cost of ship making was about 20% lower in India compared with Indonesia and the Philippines.
- According to experts, India can save around \$25 billion annually in foreign exchange if government incentives encourage private firms to develop the local shipping industry.

## H. UPSC Prelims Practice Questions

**Q1. It is an annual festival celebrated from 1st to 10th of December in a North-Eastern state. The festival represents all the ethnic groups of this state and hence, is also called the 'Festival of Festivals'. It refers to – (Level - Moderate)**

- a) Losar festival of Arunachal Pradesh
- b) Saga Dawa festival of Sikkim
- c) Ambubachi Mela of Assam
- d) Hornbill festival of Nagaland

**Answer: d**

**Explanation:**

- The Hornbill Festival is an annual festival celebrated from the 1st to the 10th of December in Nagaland.
- As the festival represents all ethnic groups of Nagaland it is also called the "Festival of Festivals".

**Q2. 'Agni Warrior' is a military exercise between - (Level - Easy)**

- a) India, Bangladesh and Sri Lanka
- b) India and Singapore
- c) India, Indonesia and Thailand
- d) India and France

**Answer: b**

**Explanation:**

- The Exercise Agni Warrior is a bilateral exercise between the **Singapore and Indian armies.**

**Q3. Which of the following statements are incorrect? (Level - Moderate)**

1. Central Adoption Resource Authority (CARA) is a statutory body of the Ministry of Women and Child Development.
2. It has been set up under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.
3. It is mandated to undertake the promotion of in-country adoptions and to facilitate inter-state adoptions in accordance with the Hague Convention on Protection of Children and Cooperation in respect of inter-country adoption.

**Options:**

- a) 1 only
- b) 2 only
- c) 3 only
- d) None of the above

**Answer: d**

**Explanation:**

- **Statement 1 is correct**, [Central Adoption Resource Authority](#) (CARA) is a statutory body of the Ministry of Women & Child Development, Government of India.
- **Statement 2 is correct**, CARA has been established under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.
- **Statement 3 is correct**, CARA is the designated authority in India for the promotion of in-country adoptions and to facilitate inter-state adoptions in accordance with the Hague Convention on Protection of Children and Cooperation in respect of inter-country adoption as India ratified the convention in 2003.

**Q4. The border town of Moreh, seen frequently in news, is located in - (Level-Difficult)**

- a) Punjab along Pakistan border
- b) Sikkim along Nepal border
- c) Manipur along Myanmar border
- d) Assam along Bangladesh border

**Answer: c**

**Explanation:**

- Moreh is a border town located on the **India-Myanmar border** in the Tengnoupal district of Manipur.

**Q5. If a major solar storm (solar flare) reaches the Earth, which of the following are the possible effects on the Earth? (Level - Moderate) PYP (2022)**

1. GPS and navigation systems could fail.
2. Tsunamis could occur at equatorial regions.
3. Power grids could be damaged.
4. Intense auroras could occur over much of the Earth.
5. Forest fires could take place over much of the planet.
6. Orbits of the satellites could be disturbed.
7. Shortwave radio communication of the aircraft flying over polar regions could be interrupted.

**Select the correct answer using the code given below:**

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

**Answer: c**

**Explanation:**

- There is no established relationship between the occurrence of solar storms and their impact on Tsunamis.
- Further, forest fires are also not linked to the occurrence of solar storms.
- All the other statements are correct as they refer to the possible effects of solar storms on Earth. Hence “Options C” is the correct answer.

## I. UPSC Mains Practice Questions

1. [Collegium system of appointment would only be reformed if both the Union Government and Supreme Court understand each other's concerns. Comment. Elaborate.](#) (250 words; 15 marks) (GS-2; Polity)
2. [Safer roads would translate into a cleaner environment. Do you agree? Elaborate.](#) (250 words; 15 marks) (GS-3; Environment)