

29 Dec 2022: UPSC Exam Comprehensive News Analysis



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A. GS 1 Related

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B. GS 2 Related

Category: GOVERNANCE

1. A failed attempt at decriminalisation

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

Prelims: About Jan Vishwas Bill, 2022

Mains: Concerns associated with overcriminalisation and the critical evaluation of the Jan Vishwas Bill, 2022

Context: The Jan Vishwas Bill, 2022, was tabled in Parliament by the Union government.

Jan Vishwas Bill, 2022

- The key objective of the Bill is to reverse the trend of overcriminalisation in India by decriminalising about 183 offences across 42 legislations.
- Through this Bill, the government aims to improve the ease of living and doing business in the country.
- The Bill either removes penal provisions or introduces fines in their place in various existing laws such as the Air Act, Cinematograph Act, Drugs and Cosmetics Act, [Environment Protection Act](#), Forest Act, Patents Act, etc.
- And, in a few other Acts, offences would be decriminalised by imposing a penalty instead of a fine.
- Further, the Bill empowers the Union Government to appoint adjudicating officers for the purpose of determining penalties.

Concerns associated with overcriminalisation

- An unprincipled growth of criminal law has been a significant issue for a long time. This act has been termed “overcriminalisation” by scholars of law.
- Since criminal law has often been used as a political tool, the act of criminalisation has been used by the governments to influence its image rather than using it to punish wrongful conduct.

- According to the National Judicial Data Grid, out of the 4.3 crore cases pending, close to 3.2 crore cases are related to criminal proceedings.
 - Experts opine that the increasing number of pending criminal cases has a direct relation with the number of criminal laws in the country.
- Further, according to the [National Crime Records Bureau's](#) data (2021), about 5.54 lakh prisoners were housed in prisons across the country with a total capacity of only 4.25 lakh.
 - The increase in the prison population can also be attributed to overcriminalisation.
- While introducing the new Bill, the Union Commerce Minister said that the issues of overcriminalisation have impacted the ease of doing business and ease of living in the country and the Bill has been formulated to win back the trust of the people and the business class and therefore it is called “Jan Vishwas (Amendment of Provisions) Bill”.

Key concerns associated with the Bill

- The analysis of the provisions of the Bill indicates that there has been an increased focus on the replacement of imprisonment clauses with fines and experts believe that this alone cannot be termed as “decriminalisation” instead they term it as “quasi-decriminalisation”.
- According to Andrew Ashworth’s seminal piece titled “Is the Criminal Law a Lost Cause?”, the objective of a “tax” is mainly regulatory in nature whereas a “fine” carries an element of censure and stigma with it.
 - This functional difference is being increasingly diluted under the legislative frameworks which use these elements of censure and stigma in regulatory domains.
- According to the report of the Observer Research Foundation titled “Jailed for Doing Business”, there were over 26,134 imprisonment provisions in about 843 economic laws, rules and regulations which regulated economic activities in India.
 - Considering the above numbers, the number of offences deregulated by the new Bill seems to be very few.

Way forward

- The regulatory offences which are considered for “decriminalisation” must not just be prioritised based on the view of ease of doing business, but also by considering the wider views of the issues that hinder the country’s criminal justice system.
- An examination of the Bill indicates that the government’s move to decriminalisation is limited only to the regulatory domains. However, experts suggest that it is now time to shift the focus also towards existing penal offences.
- Acknowledging the controversies and debates surrounding various penal offences in legislations that govern sedition and offences under the [Narcotic Drugs and Psychotropic Substances \(NDPS\) Act](#), Unlawful Activities (Prevention) Act (UAPA), anti-conversion

laws, etc. the government should undertake the assessment of these offences on a priority basis.

***Nut graf:** The government has come up with a Bill to decriminalise minor offences and address the issues of overcriminalisation in the country. However, critics feel that the Bill merely intends to replace imprisonment with fines and that a more comprehensive exercise is required to reverse the trend of overcriminalisation.*

Category: HEALTH

1. What is the proposal to ban the sale of single cigarettes?

***Syllabus:** Issues relating to development and management of Social Sector/Services relating to Health*

***Mains:** Recommendations of the Parliamentary Committee on restricting tobacco usage in the country*

Context: The Parliamentary Standing Committee on Health and Family Welfare has proposed a ban on the sale of single sticks of cigarettes.

Recommendations of the Parliamentary Standing Committee on Health and Family Welfare

- The Standing Committee in its report on cancer management, prevention and diagnosis has recommended various measures to the government to curb the consumption and reduce the accessibility of tobacco products.
- The Committee has recommended the government put in place a ban on the sale of single sticks of cigarettes.
- It also recommends the government remove all the designated smoking areas in various places such as airports, hotels, restaurants, etc. and encourage a smoke-free policy in organisations.
- The Committee, citing that India has the lowest prices for tobacco products, has recommended the government increase taxes on all tobacco products and use the acquired revenue from such taxes for cancer prevention and awareness.
- The report of the Committee makes a reference to the [National Health Policy](#) which had aimed to reduce current tobacco use by 30% by 2025 and urges the government to undertake effective actions to restrict the sale of tobacco products.
- Furthermore, the Committee has proposed a ban on gutka and pan masala as well as a ban on their direct and indirect advertisement.
 - This comes at a time when over 80% of tobacco consumption in the country is in the form of chewing tobacco and they are marketed as mouth fresheners.

Reasons for the proposed ban on single-stick cigarettes

- According to reports, single sticks are considered more economical as compared to a full pack of cigarettes and this has particularly attracted adolescents and youth into smoking as they generally have limited money.
- Further, single sticks of cigarettes are also preferred by individuals who may want to experiment and have not yet started smoking on a regular basis.
- Thus a ban on the sale of single sticks of cigarettes would force an individual to buy the entire pack, which might not be economical thus reducing the potential experimentation of smoking and the frequency of regular intake.
- Additionally, the potential ban would require the consumer to carry around the cigarette packet which has statutory warnings to consumers whereas loose cigarettes do not carry any such warnings.

The need for encouraging the public to quit smoking

- According to the [World Health Organization \(WHO\)](#), all forms of tobacco are harmful and smoking cigarettes is the most common way of tobacco use across the world.
- The WHO also notes that the nicotine present in tobacco products is highly addictive and without cessation support, only about 4% of its users who attempt to quit would succeed.
- Further, the Lancet journal points out that over 7 million annual deaths would be expected in low and middle-income countries on account of smoking by 2030.

Way forward

- The State Convenor of the Tamil Nadu People's Forum for Tobacco Control (TNPFTC) has recommended the government introduce vendor licensing.
- According to experts, without the presence of a vendor licensing regime, the ban on single sticks of cigarettes would not be effective.
- Experts feel that allowing lakhs of shops to sell tobacco would make it difficult for the government to implement and enforce a ban on the sale of single sticks of cigarettes.

***Nut graf:** Considering that the accessibility and affordability of single-stick cigarettes disincentivise individuals to quit smoking, a Parliamentary Committee has recommended the government institute a ban on their sale. The government must also consider instituting a vendor licensing regime in order to ensure effective enforcement of the ban.*

C. GS 3 Related

Nothing here for today!!!

D. GS 4 Related

Nothing here for today!!!

Category: INDIAN SOCIETY**1. Awareness on population control**

Syllabus: Population and Associated Issues

Mains: Need for population control measures in India

Context: Two Members of Parliament introduced a private member's bill for population control in Lok Sabha on December 09 2022.

Introduction:

- Two Members of Parliament of the Bharatiya Janata Party, Ravi Kishan and Nishikant Dubey, introduced in the Lok Sabha a [private members' Bill](#) aimed at population control in India.
- As per the statement of objects and reason of the bill, one of India's most serious social and economic problems is its huge population and rapid growth which argues for an immediate need for population control.
- India was among the first nations to address its population problem as early as 1951, raising awareness about the ills of overpopulation.
- While there has been a significant rise in India's population, there has also been a sharp decline in India's total fertility rate (TFR).
- According to 'The World Population Prospects 2019' published by the Population Division of the UN Department of Economic and Social Affairs, India is projected to surpass China as the world's most populous country by 2027.
- As per National Family Health Survey-05, the [TFR](#) is 2% compared to 5.9% in 1950.
 - TFR declined sharply after the 1970s, indicating an inversely proportional relationship between economic prosperity and the fertility rate.

Need for Population Control policies:

- In India, population growth creates many problems and climate change makes it more aggravated.
- National Family Health Survey - 5 shows that India's total fertility rate (TFR) is declining except in some states like Bihar and Uttar Pradesh (UP).
 - UP, Bihar and Assam are the states with TFR above 2 and the total population of these states is 378 million.

- According to the Centre for Monitoring Indian Economy, the unemployment rate in urban areas stands at 10.07% and in rural areas, it is 8.75%. With an increasing population, the rate of unemployment is bound to rise even more.
 - The major problem of unemployment and lack of resources will increase with each birth which would ultimately increase poverty.
- So, the population explosion would also irreversibly impact India's environment and natural resource base and limit the next generation's entitlement and progress.

Ramifications of forced population control:

- The two-child policy has been introduced in Parliament 35 times since independence. If enacted, the law must take into account the rights of divorced couples as well as the Islamic religion.
 - Earlier bills that were introduced lacked these features and were heavily criticised by the general public.
- In 2017, the Assam Assembly passed the "Population and Women's Empowerment Policy of Assam", which stated that candidates with two children would only be eligible for government employment and existing government employees were directed to follow the two-child family norm.
- Similarly, in 2021, Uttar Pradesh's law commission came up with a proposal where any person having more than two children would be barred from getting government subsidies.
- India's TFR at 2%, is lower than the replacement level, signifying a remarkable step in the population control parameters.
- Given the general desire for a male child, coercive population control techniques would promote sex selection and unsafe abortion.
 - As an alternative, women will turn to abortions, endangering their health and escalating illicit activities.
- In the nations that have used them, most notably China, forced population control tactics have not produced positive outcomes.
 - The one-child policy has proved to be disastrous, causing a demographic imbalance.
 - Due to imposed population control laws, China's population is ageing faster than that of any other developed nation.

Way Forward:

- India needs to adopt population control measures with a focus on strengthening public health infrastructure and raising awareness about the need for population control.

- A coercive and top-bottom policy like China's 2-child norm is harmful in the long run. So, population control measures should be soft and a camp-based approach like the one seen in the 1970s shouldn't be repeated.
 - During the [Emergency](#) period (1975-77), coercive measures were used to reduce population growth. There were mass forced sterilisations. This, however, backfired as it discredited the entire family planning programme of the government.
- Any forced control method will impact the rate of ageing. United Nations data show that there is a projected rise in the population of older people and a decline in the young population in many countries.
- It is not sufficient to simply attain replacement-level fertility because the population will continue to grow. Therefore, comprehensive measures must be made to slow the population's accelerating rise.
- More focus needs to be paid to enhancing the quality of life of the present population so that our [demographic dividend](#) doesn't turn into a demographic disaster.
- Special focus needs to be on the groups where fertility ratios are beyond the national average.
- Information Education Communication – Behaviour Change Communication (IEC-BCC) should be an important component for a long-lasting attitudinal change via providing incentives to both the targeted person and the intermediary (ASHA workers).

***Nut Graf:** Population problem is intrinsically linked to poverty, societal norms and cultural preferences. India does not need a law for forced population control, instead, it must focus on measures to take advantage of the demographic dividend of the country so that the population is not a burden but a resource in the rapid economic development of the country.*

Category: GOVERNANCE

1. Wage Delays Under MGNREGS

***Syllabus:** Government Policies & Interventions for Development*

***Mains:** Issues associated with the MGNREGA Scheme*

Context: Rajya Sabha members of Trinamool Congress alleged that the Union government was discriminating against West Bengal by stopping grants under MGNREGS.

Key Details:

- As per the report by research non-profit Lib Tech India released on December 26, 2022, the Union government has withheld the release of Rs 7,500 crore in [MGNREGA](#)

[\(Mahatma Gandhi National Rural Employment Guarantee Act\)](#) funds to West Bengal for a year now over “non-compliance of central government directives”.

- About Rs 2,744 crore of the Rs 7,500 crore are due in MGNREGA wages to workers, who have not been paid since December 26, 2021.
- The central government has done this by invoking Section 27 of the 2005 Act, which allowed the government to “order stoppage of release of funds to the scheme” in some circumstances.
- The Union Government in its response suggested that funds have been blocked only in West Bengal for “non-compliance with the directives of the Central government” and this pertains to prior fund misuse.

Implications of wage delay:

- Earlier in 2022, the delays in funds disbursement to the States were on account of procedural delays and an overhauling of the Public Financial Management System.
- Wage delays have been a chronic problem with MGNREGS which has resulted in a drop in the number of households working under the scheme in West Bengal from 77 lakh during the pandemic years to 16 lakh in the year 2022-23.
 - Work under MGNREGS acts as a form of insurance for the poorest rural households; it was a boon during the pandemic years, aiding migrant workers from urban areas as alternative employment.
 - Around 10 percent of the working households and 11 per cent of the total active workers in the country were from West Bengal.
- Among different social groups, Scheduled Caste workers experienced the highest loss due to the stoppage of work. Women workers experienced a loss of about Rs 1,870 crore to Rs 2,758 crore in wages.
- Denial of wages pertains to a violation of [fundamental rights](#) under the Indian Constitution as working without wages is similar to “forced labour.”
- There has been a delay in the completion of public works under MGNREGA and inspection of projects has been irregular.
- Despite problems such as a lack of technical support, the requirement to own a smartphone, and functional Internet connections at the locations still being an issue, the government has now also made digital capture of MGNREGS attendance essential at work sites. This might also result in wage delays to workers.

Nut Graf: *The Union government has withheld the release of MGNREGA funds over “non-compliance of central government directives” invoking Section 27 of the 2005 Act. But this provision cannot be read as a licence to stop wage payments to workers who have already worked and have an unconditional right to be paid within 15 days.*

F. Prelims Facts

1. Air Suvidha Portal

Syllabus: GS-2, Health

Prelims: About Air Suvidha Portal

Context: With the increase in the number of COVID cases in a few countries, the government is looking to resume the mandatory self-declaration of COVID-19 status on the Air Suvidha portal for travellers from Japan, South Korea, Thailand, China and Singapore.

Air Suvidha portal

- The Air Suvidha portal was launched in August 2020 for international passengers to share their negative RT-PCR test results before they embark on the journey.
- The Indian Air Suvidha Self-Declaration Form is a digital health and travel document that was required from all travellers who wish to enter India during the Covid-19 pandemic.
- The mandatory self-declaration on the Air Suvidha portal was discontinued in November 2022.
- Air Suvidha portal has helped in facilitating a contactless and hassle-free journey for the passenger and also helped in contact tracing during the COVID pandemic.
- The Air Suvidha portal was developed by the Delhi International Airport Limited (DIAL), which is a GMR Group-led consortium.
- All the self-declaration applications were routed to the Airport Health Organization (APHO) working under the Ministry of Health & Family Welfare.

G. Tidbits

1. Delegated law should not travel beyond purview of parent Act: SC

- The Supreme Court in its latest judgment has said that the delegated legislations which include the rules and regulations framed by the State and Central authorities, must not undermine the parliamentary statute from which it draws power.
- The Supreme Court bench held that the delegated legislation should supplement the parent law and should not go beyond the purview or the rule-making power of the parent Act.
- The apex court further added that if any such delegated legislation supplants any provision for which power has not been conferred it would be declared ultra vires and invalid

- The court laid down the law while reversing a High Court decision that had upheld Regulation 153(15) of the Kerala Electricity Supply Code, 2014 based on an appeal filed by the Kerala State Electricity Board.
 - Regulation 153(15) had provided that the “unauthorised additional load” in the same premises and under the same tariff shall not be reckoned as “unauthorised use of electricity” except in cases where consumers were billed on the basis of the connected load.
 - The Supreme Court found the Regulation to be inconsistent with Section 126(6) of the Electricity Act, 2003 as the said Section was enacted with a specific objective to prevent such unauthorised consumption of electricity.

2. Norms to rank cities based on financial governance launched

- The Centre has released guidelines for a new finance-based ranking of cities which tends to evaluate urban units based on 15 key parameters which include resource mobilisation, expenditure performance, and fiscal governance, among others.
- A finance-based ranking of cities is aimed at encouraging city and State officials to implement municipal financial reforms.
 - The initiative also aims to identify areas of improvement in the financial performance of the cities which helps officials to deliver quality infrastructure and services to ensure good quality of life for citizens.
- Cities will be ranked at the national level based on their scores under any one of the four population categories, namely above four million, between 1 to 4 million, between 100,000 to 1 million, and less than 100,000.
 - The top three cities in each of the above categories will be recognised and rewarded at the national level and within each State or State cluster.
- A “City Beauty Competition” initiative has also been launched which ranks cities based on accessibility and aesthetics. Further, a separate ranking will also evaluate cities on beautification.
 - The city beauty competition would recognise and facilitate the most beautiful wards and public places at the city level.

3. 18 deaths due to syrup made by Indian firm, says Uzbekistan Ministry

- The Health Ministry of Uzbekistan has claimed that about 18 children have died due to acute respiratory disease from taking excessive doses of cough syrup named Doc-1 Max which was manufactured by Noida-based Marion Biotech firm.
- The death of the children has been linked to the consumption of excessive amounts of cough syrup containing **ethylene glycol** which is an illegal adulterant used as a solvent in liquid medications.

- A similar incident took place in [Gambia in October 2022](#), which was linked to the use of **diethylene glycol (DEG)** and **ethylene glycol** in cough syrups made by Haryana-based Maiden Pharma.
- The export licence of Maiden Pharma was suspended following the World Health Organisation's (WHO) warning which had linked the cough syrups to the deaths in The Gambia.

H. UPSC Prelims Practice Questions

Q1. How many of the following temples were built by the Kakatiyas? (Level - Difficult)

1. Ramappa Temple
2. Brihadeshwara temple
3. Hanamkonda Thousand Pillar Temple

Options:

- A. One only
- B. Two only
- C. All three
- D. None of the above

Answer: B

Explanation:

- The Thousand Pillar temple at Hanumakonda and the Ramappa Temple located in the village of Palampet in Telangana were built by Kakatiyas.
- The Brihadeshwara Temple at Thanjavur was built by **Rajaraja I of the Chola Dynasty** in 1009 CE.

Q2. Consider the following statements: (Level - Medium)

1. A polar vortex is a spinning cone of low pressure over the North and South poles.
2. Polar vortex rotates counter-clockwise at the North Pole and clockwise at the South Pole.
3. Polar vortex spins in the troposphere.

Which of the given statements is/are correct?

- A. 1 and 2 only
- B. 2 and 3 only
- C. 3 only
- D. 1, 2 and 3

Answer: A

Explanation:

- **Statement 1 is correct**, A polar vortex is a constant, upper-level low pressure spinning over the North and South poles.
- **Statement 2 is correct**, A polar vortex rotates counter-clockwise at the North Pole and clockwise at the South Pole.
- **Statement 3 is not correct**, The polar vortex spins in the **stratosphere**

Q3. Sammakka Saralamma Jatra is a major tribal festival organised in which of these States? (Level - Medium)

- A. Karnataka
- B. Kerala
- C. Telangana
- D. Tamil Nadu

Answer: C

Explanation:

- Sammakka Saralamma Jathara is a tribal festival of honouring the goddesses celebrated in the state of **Telangana**.
- The festival begins at Medaram in Tadvai Mandal in Mulugu district.
- The festival commemorates the fight of a mother and daughter, Sammakka and Saralamma, with the reigning rulers against an unjust law.
- Sammakka Saralamma Jathara is held every two years.
- During the festival, people take holy bath in the Jampanna Vagu.
- Jampanna vagu is a tributary to River Godavari and it is said that Jampanna was a tribal warrior and the son of Tribal Goddess Sammakka.

Q4. Which of the following countries border Kosovo? (Level - Medium)

- 1. Montenegro
- 2. Albania
- 3. Croatia
- 4. North Macedonia
- 5. Bulgaria

Options:

- A. 1, 2 and 5 only
- B. 2, 3, 4 and 5 only
- C. 3 and 4 only
- D. 1, 2 and 4 only

Answer: D

Explanation:



Image Source: Britannica

Q5. Which one of the following suggested that the Governor should be an eminent person from outside the State and should be a detached figure without intense political links or should not have taken part in politics in the recent past? PYQ-2019

- A. First Administrative Reforms Commission (1966)
- B. Rajamannar Committee (1969)
- C. Sarkaria Commission (1983)
- D. National Commission to Review the Working of the Constitution (2000)

Answer: C

Explanation:

- The **Sarkaria Commission** had recommended that the Governor should be eminent in some walk of life and from outside the state, should be a detached figure without intense political links, or should not have taken part in politics in the recent past. Besides, the individual should not be a member of the ruling party.

I. UPSC Mains Practice Questions

1. [What is the Jan Vishwas Bill tabled by the Union government in Parliament and what are its objectives? Is it the solution to the problem of over-criminalisation? Critically examine.](#) (10 Marks; 150 Words) (GS-2; Polity)
2. [Does India need a population control law? Critically analyze.](#) (15 Marks; 250 Words) (GS-1; Social Issues)

