

27 Dec 2022: UPSC Exam Comprehensive News Analysis

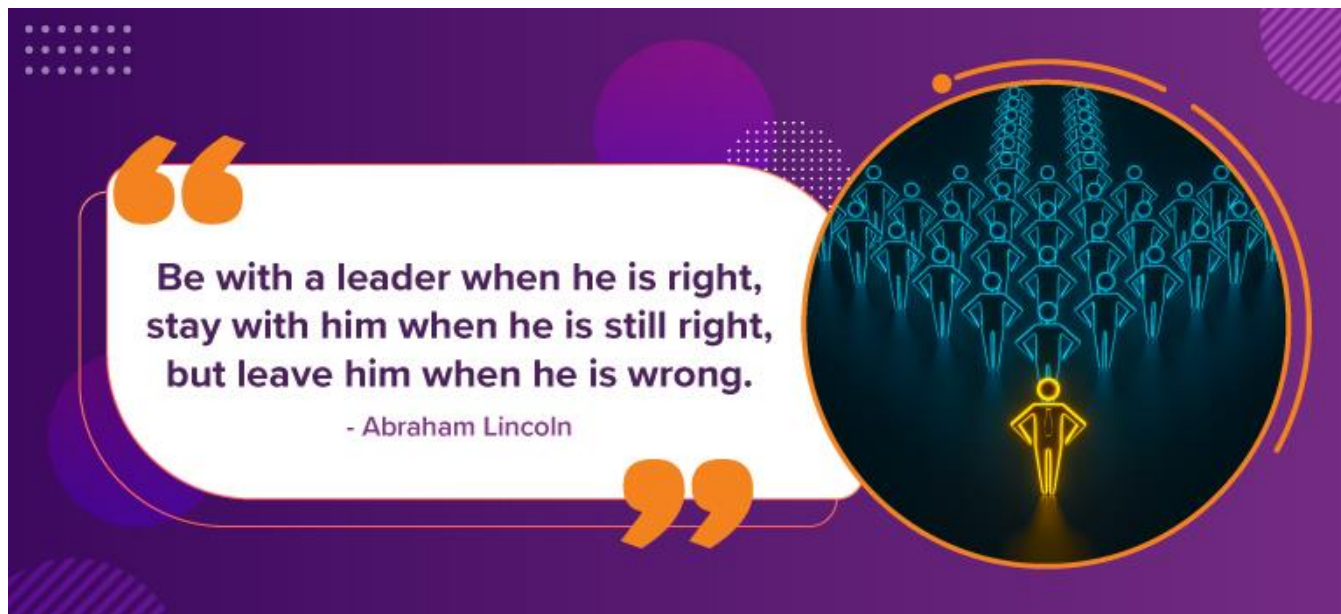


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A. GS 1 Related

Nothing here for today!!!

B. GS 2 Related

Nothing here for today!!!

C. GS 3 Related

Category: ECONOMY

1. What is the Delhi HC verdict on 'Rooh Afza' trademark?

Syllabus: Indian Economy and issues growth, development and intellectual property rights

Prelims: About trademarks and intellectual property rights

Mains: Significance of the protection of trademarks and other intellectual property rights

Context

The Delhi High Court's observation in the Hamdard National Foundation (India) v/s Sadar Laboratories Pvt. Ltd. case.

Details

- The makers of "Rooh Afza" had filed an appeal against the rejection of its application seeking an interim order against Sadar Laboratories Pvt. Ltd. for their product "Dil Afza".
- The maker of "Rooh Afza" had said to the court that the trademark "Rooh Afza" is a reputed mark in the market with respect to sharbat (which is a sweet beverage) and had claimed that the product "Dil Afza" of the Sadar Laboratories was designed deceptively and similar to the trade dress of "Rooh Afza".
- The High Court of Delhi in its observation has asked Sadar Laboratories to restrain from manufacturing and selling beverages under the trademark of "Dil Afza".

Trademark

- A trademark is a unique sign/indicator used by an entity to distinguish its goods or products or services from those of other business entities.
- A trademark acts as a badge of origin which helps identify a particular business entity as the source of that particular good or product or service.
- Trademark infringement refers to the unauthorised usage of a sign/indicator that is identical or deceptively similar to a registered trademark.
- In India, the **Trademark Act of 1999** deals with the protection, registration and prevention of fraudulent use of trademarks.

- Trademarks in India are governed by the Controller General of Patents, Designs and Trademarks which works under the [Department for Promotion of Industry and Internal Trade \(DPIIT\)](#).

Delhi Court's observations

- A Division Bench of the High Court asked Sadar Laboratories Pvt. Ltd. to stop manufacturing and selling any product under the trademark "Dil Afza" until the final disposal of the trademark infringement suit.
- The High Court further added that the trademark "Rooh Afza" had become a strong mark and had acquired immense goodwill which needed a higher degree of protection.
- Earlier, in **M/s Kirorimal Kashiram Marketing & Agencies Pvt. Ltd. v/s M/s Shree Sita Chawal Udyog Mil case**, the Delhi High Court had held that it is not permissible to copy a prominent part of the registered trademark of another person and had ordered the respondent, in that case, to restrain from using the trademark "Golden Deer" as it was deceptively similar to a registered trademark "Double Deer" with respect to rice.

What is a strong trademark?

- A trademark is considered to be strong when it is very well-known and has received a greater degree of goodwill.
- The degree of the protection of any trademark changes with the strength of the mark i.e. stronger the mark, the higher will be the requirement to protect it.
- For example: "Rooh Afza" has acquired more protection as it is more likely to be subjected to piracy as various other individuals/entities look to take undue advantage of its goodwill.

Rationale behind the Court's Observations

- The disputed trademark "Dil Afza" has a phonetic similarity with "Rooh Afza".
- If a recall from memory is triggered by the English meaning of the terms "ROOH" meaning soul and "DIL" meaning heart, it provides a common conceptual background for both products.
- Further, the trade dress of the disputed trademark, which consists of the bottle's shape, the placement of the house mark, the design, and the colour of the design are all material contributors to the commercial impression of the competing trademark.
- The value of the product was also taken into consideration as the court held that as the product is a low-priced consumable item general customers would not deliberate on the details of the product as compared to their tendencies while making a high-value investment choice.

Read more about - [Intellectual Property Rights](#)

Nut graf: The Delhi High Court's decision and views with respect to trademarks in its recent observations have gained significance as the protection of trademarks plays a key role in the protection of the interests of both the business entities as well as consumers.

D. GS 4 Related

Nothing here for today!!!

Category: POLITY AND GOVERNANCE**1. A dismissed review petition, an egregious error**

Syllabus: GS-2, Judiciary and important cases.

Mains: Review petition and associated concerns.

Prelims: Remission and Review petition.

Context: The Supreme Court dismissed the review petition of Bilkis Bano on 13 December 2022.

Background Details:

- Bilkis Bano, the sole survivor of a horrific gang rape and mass murder in 2002 filed a [review petition](#) against the Supreme Court (SC) order of May 2022.
 - In the May 2022 order, SC directed the Gujarat Government to consider the early release of one of those convicted of the crime, in response to his [writ](#) petition.
 - It should be noted that the sentence to life imprisonment of the convict and co-convicts were pronounced by a Division Bench of the Bombay High Court on May 5, 2017. The judgment was further confirmed by the SC on July 10, 2017.
 - It directed the state government to consider the prisoner's application for remission and premature release in accordance with a now-defunct policy dated July 9, 1992.
 - The Gujarat government granted remission and early release not only to the convict but also to all his fellow life convicts. They were released on Independence Day and felicitated with garlands and the distribution of sweets.
- The victim requested an open court hearing in accordance with Order 47, Rule 3 of the Supreme Court Rules.
- However, in a two-page order issued in the chambers on December 13, 2022, SC dismissed the petition.

Associated Concerns:

- According to the author, the order fails to notice or engage with several of the review petitioner's contentions. Moreover, the only submission of the review petitioner which was noted, namely that four binding judgments (comprising one by a Constitution Bench) had not been followed by the Court and was ignored with the statement that "none of the judgments are of any assistance to the review petitioner".
- Aspects which were overlooked:
 - Writ petitions under [Article 32 of the Constitution](#) are not maintainable against judicial orders, particularly High Court (HC) orders as it is a constitutional court. It should be

- remembered that the Gujarat HC rejected the writ petition of the convict on July 17, 2019.
- After the rejection of the petition by HC, the convict moved an amendment application to contend that the appropriate government to consider remission was the central government. High Court rejected this as well through its order dated March 13, 2020.
 - The convict further sought permission to move the Bombay HC and it was granted.
 - The convicted prisoner had suppressed all relevant facts and materials in his writ petition before the top court.
 - The foundation of the SC's judgment of May 13, 2022, was its finding that the State of Gujarat was the appropriate government instead of Maharashtra, which finding is rendered without considering the plain words of sub-sections (1) and (7) of Section 432 of the [Code of Criminal Procedure \(CrPC\)](#).
 - It is argued that a two-judge Bench of the apex court could not have adopted a contrary interpretation without referring the issue to a larger Bench.
 - Additionally, SC had relied heavily on a Bombay High Court order of August 5, 2013, which did not hold what the Court ascribed to it in paragraphs 5 and 12 of the judgment under review.
- One of the major concerns associated with the case is that the rejection of a compelling review petition not only does injustice to the victim but also questions the prestige of the Supreme Court.

Other examples:

- It is contended that SC ignored a binding nine-judge [Constitution Bench](#) decision in Naresh Shridhar Mirajkar (1966) and another five-judge Constitution Bench in Triveniben (1989), which held that a judgment of a court can never be challenged in a writ petition under Article 32.
- Moreover, the apex court also overlooked another Constitution Bench decision in Union of India vs V. Sriharan (2015) which held that if an offence is committed in State A, but the trial takes place and a sentence is passed in State B, it is the government of the latter which should be considered the appropriate government.
- In Madhya Pradesh vs Ratan Singh (1976) it was decided to make “an authoritative decision on the important principle involved in the case”, and held that “it is the State where the accused was convicted which alone has the power to grant remissions of the sentence”.
 - It was further held that “there can be no shadow of a doubt that the appropriate Government mentioned in sub-section (1) and sub-section (2) of Section 401 of the CrPC refers to the Government of the State where the accused was convicted”.
 - It was ultimately held in that judgment that Section 432(7) of the new CrPC, 1973 has clarified the matter beyond controversy.
- This judgment has been reiterated multiple times in the years 1976, 1982, 2004, and twice in 2016 (one by a Constitution Bench).

Also read: [UPSC Exam CNA Aug 20th, 2022: The injustice of exceptionalism](#)

***Nut Graf:** It is argued by many that the review petition of the Bilkis Bano case was rejected by the Supreme Court by overlooking certain crucial aspects of the case. The court should address the concern associated with the case to ensure justice for the victim.*

Category: INTERNATIONAL RELATIONS**1. Power roller-coaster**

Syllabus: GS-2, Effects of Policies and Politics of developing countries on India's interest.

Mains: Election of Prime Minister in Nepal.

Context: Mr. Pushpa Kamal Dahal became the Prime Minister of Nepal.

Details:

- Newly appointed Prime Minister Pushpa Kumar Dahal's Communist Party of Nepal (Maoist-Centre) was part of the alliance of six parties led by the Nepali Congress (NC).
- The alliance collectively finished just above the absolute majority mark in the parliamentary elections held in November 2022.
- It should be noted that the CPN(M-C) won approximately 11.13% of the votes and got just 32 seats in the 275-member House of Representatives.
- Mr. Dahal claimed the post of Prime Minister from his party's senior partner, the NC. After being denied this, legitimately, he aligned with the leading Opposition party, the Communist Party of Nepal (Unified Marxist-Leninist) led by Khadga Prasad Oli.
- He secured the Prime Minister's post, for a period of half of the term of the new government.
- It should be noted that the new coalition led by the UML and the Maoists comprises the newcomer Rastriya Swatantra Party (RSP) and 5 other smaller parties.
- The RSP played a crucial role in the politics of the country by promising a break in the political wheeling-dealing. The party joined the alliance with the condition that its leader (Rabi Lamichhane) will become the Deputy Prime Minister and a Home Minister in the government.
- The renewal of the alliance between the two "leftist" parties, after the falling out a few years ago, suggests that power, instead of ideology or principle is more tempting.
- Despite a clear mandate for the pre-election coalition, this alliance suggests yet another period of opportunistic political wrangling that has the potential to hamper governance in Nepal.
- Mr. Oli-led UML managed to secure nominations to the post of President and Speaker reportedly, as part of the arrangement.
- Many experts highlight that by subverting mandates for short-term gains, the Maoists and the UML are perpetuating instability and lowering the trust of the people in the democratic system of the country.

Also read: [PIB Dec 25 2022: Pushpa Dahal appointed Nepal PM](#)

Nepal Politics and India:

- India has had old ties with Mr. Prachanda because he spent a significant amount of time in India during his exile when he fought the forces of the King.

- However, Mr. Prachanda joined hands with Mr. Oli in early 2020 during the [Kalapani dispute](#) between India and Nepal which was triggered after India published a new political map that showed that the regions of Kalapani-Lipulekh-Limpiyadhura were a part of the sovereign Indian territory.

***Nut Graf:** Despite the clear mandate against some political parties of Nepal in the November 2022 elections, the six-party alliance has given the power to UML and the Maoists. It is argued that this will result in instability of the government and might result in lowered trust of citizens.*

Category: GOVERNANCE

1. The volume and variety of contraband seized in India

Syllabus: GS-2, Government policies and interventions.

Mains: Smuggling of various commodities in India.

Prelims: Smuggling in India Report 2021-22.

Context: Release of Smuggling in India Report 2021-22.

Details:

- The ‘Smuggling in India Report, 2021-22’ shows the volume of illegal commodities seized and describes the types of items smuggled and the challenges associated with such operations.
- Some items that are seized almost daily by Indian Customs and the [Directorate of Revenue Intelligence \(DRI\)](#) in Airports, Sea routes, and border areas are gold, dried seahorses, heroin, and red sander logs.

Findings of the Report:

- In FY21-22, the DRI seized more than ₹400 crores worth of over 800 kilograms of gold transported illegally.
- The majority of the seized gold was sourced from Myanmar. Several innovative methods were used to smuggle gold into India. For instance,
 - An operation called ‘molten metal’ uncovered a racket where gold was smuggled in the form of machinery parts.
 - Another operation referred to as ‘golden tap’ uncovered a syndicate that was smuggling triangle valves made of gold and coated with nickel to make them look like steel.
- The DRI further seized nearly ₹1,100 lakhs worth of illegal foreign currency during the same period (2021-22). The largest share of this illegal currency was U.S. dollars followed by the UAE’s Dirhams and Saudi Arabia’s Riyals.

- More than 1,100 lakh cigarette sticks worth over ₹93 crores were also seized. Again most of them originated in Myanmar followed by the UAE.
 - In one instance, the DRI officials intercepted a six-wheeler truck at Ukhrul, Manipur, which carried around 32,76,800 sticks worth ₹6.5 crores.
 - Cigarettes are smuggled into India due to the high taxes imposed on local brands. It was also observed that most of the seized packages did not contain pictorial warnings as mandated by the Indian government.
- DRI caught narcotics weighing approximately 28,334 kilos in FY21-22. Most of the seizures were made in Madhya Pradesh, Tripura, and Maharashtra.
 - Ganja weighed about 26,900 kilos, thus making it the most smuggled narcotic substance.
 - Ganja was followed by heroin which was majorly seized from sea routes.
 - In one instance, trolley bags, imported from Entebbe, had hollow metal tubes (as part of the design) which contained heroin.
 - In other cases, the substance was concealed inside teak wood and licorice roots whereas it was also found to be hidden inside oil cans and mixed with rock salt.

Chart 1: Gold seizures

No. of cases: 160, qty (in kg): 833.07, value (in ₹ cr.): 405.35

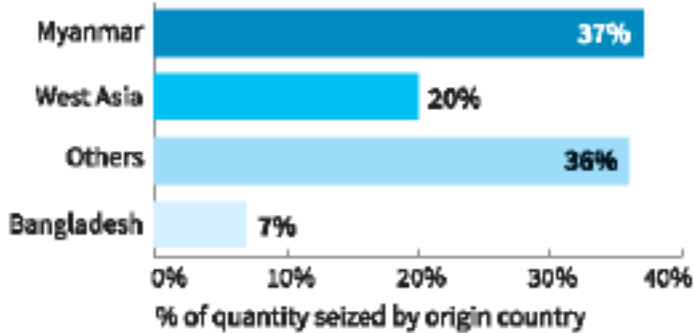


Chart 2: Foreign currency seizures

No. of cases : 13, value (in ₹ lakh): 1,136.74

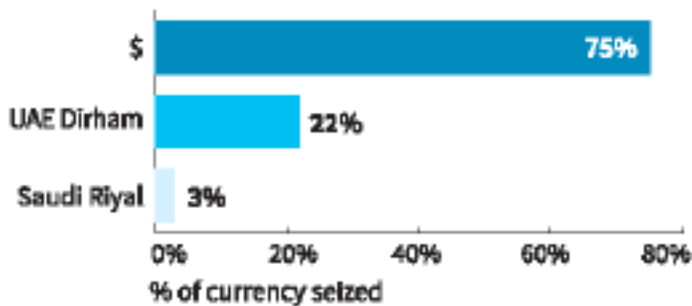
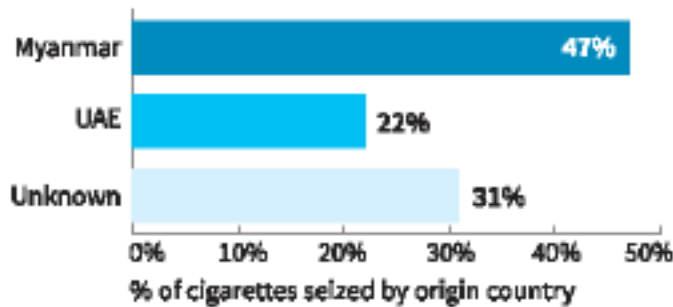


Chart 3: Cigarette seizures

Sticks (in lakh) : 1,102, value (in ₹ lakh) : 9,332.4



Source: The Hindu

Crimes related to Environment:

- DRI recovered elephant tusks worth above ₹700 crores in FY21-22.
- Nearly 22.5 kgs of Ambergris were seized by officials.
 - Ambergris or whale vomit is produced by the digestive system of sperm whales. It is used in luxury perfumery.
 - Ambergris is banned in India. It should be noted that a kilo of Ambergris costs ₹1 crore.
- Other smuggled items include reptiles and exotic species like dried seahorses and [star tortoises](#).
 - Seahorses have anti-inflammatory qualities and are used in traditional Chinese medicine.

- o Indian star tortoises are sold as exotic pets. Customs officers in Chennai seized around 2,247 Indian star tortoises that were smuggled as “mud crabs” in FY21-22.

COMMON NAME	NO. OF INCIDENTS	QUANTITY	ESTIMATED VALUE (in crores)
Elephant Tusk/Ivory obtained from Elephant Tusk	2	27.85 Kg	716.4
Red Sanders Logs	14	161.83 MT	97.05
Ambergris	1	22.50 Kg	22.5
Dried Sea Horse	1	51.42 Kg	0.24
E-Waste, Bio-medical waste, and Municipal waste (in imports)	5	-	2.63

Source: The Hindu

Also read: [Drug Abuse in India - An Overview](#)

Nut Graf: The recently released 'Smuggling in India Report, 2021-22' shows the innovative ways in which a range of items was smuggled in and out of India. Smuggling not only devoids the Government of revenue but also promotes illegal activities and hampers the environment.

F. Prelims Facts

1. PRASAD Project

Syllabus: GS-1; Indian Art and Culture

Prelims: About PRASAD Project

Context

The President of India, Droupadi Murmu inaugurated the “PRASAD project” in the pilgrim town of Srisailam in Andhra Pradesh.

PRASAD project

- The “National Mission on Pilgrimage Rejuvenation And Spiritual Augmentation Drive” or the PRASAD scheme was launched by the Ministry of Tourism, Government of India.
- The scheme was launched in the year 2014-2015.
- The key objective of the scheme is to focus on identifying and developing pilgrimage sites across India in an integrated manner for enriching the religious tourism experience.

- The Scheme aims to integrate pilgrimage destinations in a prioritised, planned and sustainable manner to provide a comprehensive religious tourism experience as the growth of domestic tourism is significantly dependent on pilgrimage tourism.
- The Scheme also aimed at developing important infrastructure such as entry points (Road, Rail and Water Transport), last-mile connectivity, basic tourism facilities like Information Centres, money exchange such as ATMs, eco-friendly modes of transport, illumination with renewable sources of energy, drinking water, toilets, craft bazaars/haats, telecom facilities, internet connectivity, etc.

Learn more about - [PRASAD Scheme](#)

G. Tidbits

1. Researchers want beedi rolling declared hazardous process

- Various researchers have urged the government to declare beedi rolling as a hazardous process and have recommended extending alternative sources of livelihood for the workers based on the studies conducted in Karnataka, Tamil Nadu, West Bengal and Maharashtra.
- As per reports, about 7.18 crore adults smoke beedi in India and the studies reveal that around 87% of workers have shown symptoms such as pain in the back, shoulder, neck, knee, joints, spondylitis, tiredness and body aches.
 - Further, workers also experienced musculoskeletal, gastrointestinal, skin, cardiovascular, oral and eye diseases.
 - It is also said that women workers had more miscarriages and abortions, lower fertility rates and higher uterine problems.
 - Newborn infants of mothers involved in the work were at 1.9 times higher risk for low birth weight and 1.7 times higher risk for smaller gestational age.
 - Studies also pointed out that young children had accompanied their mothers at work and close to 87% of children experienced headaches and body pains along with respiratory problems such as cough, TB, asthma, and giddiness.
- Researchers have also recommended training the beedi rollers to earn alternative income as the workers at present receive only \$2 for rolling 1,000 beedis.
- The World Health Organization (WHO) has called for the screening of women workers for cervical cancer and respiratory diseases under the National Health Mission and the [Ayushman Bharat](#) schemes.

2. 'Create in India,' says task force on gaming, animation and VFX

- A task force on Animation, Visual effects, Gaming and Comics (AVGC) promotion has submitted various recommendations for the Union government which include:
 - "Create in India" campaign with an exclusive focus on content creation
 - An international platform for AVGC to attract foreign direct investment (FDI)

- Putting in place co-production treaties and innovations in collaboration with international institutions
- Setting up national and regional centres of excellence for skill development
- Leveraging the [National Education Policy](#) to inculcate creative thinking
- Further, the task force has proposed formulating a national **AVGC-Extended Reality Mission** with a budget outlay aimed at integrated promotion and growth of the sector.
- Draft national and State policies for the promotion of the AVGC sector have been submitted by the task force.
- According to the report of the task force, the Ministry of Education may advise the National Council of Educational Research and Training (NCERT) to introduce books that focus on subjects relevant to AVGC.

H. UPSC Prelims Practice Questions

Q1. Consider the following statements: (Level - Difficult)

1. Boha geoglyphs can be found in Ratnagiri in Maharashtra.
2. The largest geoglyph in India is at Kasheli in Maharashtra.
3. Konkan geoglyphs are a part of UNESCO's tentative world heritage list.

How many of the given statements are correct?

- a. One statement only
- b. Two statements only
- c. All three statements
- d. None of the above

Answer: b

Explanation:

- **Statement 1 is not correct**, The Boha geoglyphs or Great Indian Desert geoglyphs are a group of large geoglyphs found in the soil of the **Thar Desert of Rajasthan**.
 - Geoglyphs are a form of prehistoric rock art, created on the surface of laterite plateaus.
- **Statement 2 is correct**, The largest rock geoglyph in India is at Kasheli in the Ratnagiri district of Maharashtra.
- **Statement 3 is correct**, Konkan geoglyphs are a part of UNESCO's tentative world heritage list.

Q2. He initiated the principles of Khalsa or the Five 'K's. He fought against the Mughals in the battle of Muktsar. He wrote the Zafarnama. The Sikh guru being talked about is: (Level - Medium)

- a. Guru Tegh Bahadur
- b. Guru Gobind Singh
- c. Guru Hargobind
- d. Guru Nanak

Answer: b

Explanation:

- Guru Gobind Singh's most significant contribution was the institutionalising of the Khalsa, which was a warrior community.
- Guru Gobind Singh also started the tradition of the Five K's for the Khalsa.
 - The Five K's are kesh (uncut hair), kanga (wooden comb), kara (iron or steel bracelet), kirpan (dagger) and kacchera (short breeches).
- The Zafarnama is a letter written by Guru Gobind Singh which was addressed to the Mughal Emperor, Aurangzeb. In the letter, the Guruji condemns the Mughal Emperor for breaking the moral code.

Q3. Consider the following statements with respect to the Indian Star Tortoise: (Level - Difficult)

1. They are protected under Schedule I of the Wildlife Protection Act.
2. They are abundantly found in the running waters in the hills of North-eastern India.
3. They are classified as Vulnerable in the IUCN Red List.

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: c

Explanation:

- **Statement 1 is not correct**, According to the Indian Wildlife Protection Act, 1972, Indian star Tortoises fall under **Schedule IV**.
- **Statement 2 is not correct**, Indian Star Tortoises are found in scrub forests and dry areas.
 - In India, they are found in the states of Odisha, Kerala, Tamil Nadu, Karnataka, Gujarat, and Punjab.
- **Statement 3 is correct**, Indian star Tortoises are classified as Vulnerable in the IUCN Red List.

Q4. Which of the following best describes 'Sagar-Bhoomi' recently seen in the News? (Level - Medium)

- a. Indigenously developed Tsunami Bottom Pressure Recorder (BPR).
- b. COVID-19 relief mission launched by the government of India as a part of its efforts to provide essential aid to the Indian Ocean countries.
- c. Initiative launched as a part of the Sagarmala projects for the holistic development of coastal communities.

- d. Initiative launched by the government to establish a comprehensive framework and reduce infrastructural gaps in the fisheries sector.

Answer: c

Explanation:

- A Prototype unit of **Indigenously developed Tsunami Bottom Pressure Recorder (BPR)** named “Sagar-Bhoomi” was successfully deployed off Chennai on 17th September 2022.

Q5. The well-known painting “Bani Thani” belongs to the (Level - Medium) PYQ-2018

- a. Bundi school
- b. Jaipur school
- c. Kangra school
- d. Kishangarh school

Answer: d

Explanation:

- Bani Thani belongs to the **Kishangarh school of paintings**.
- The Kishangarh province in Rajasthan is known for its unique style with highly exaggerated features like long necks, large, almond-shaped eyes, and long fingers.

I. UPSC Mains Practice Questions

1. The provision regarding review is an exception to the legal principle of stare decisis. Analyse. (10 Marks, 150 Words) [GS-2, Polity]
2. Pushpa Kamal Dahal "Prachanda" taking oath as Nepal's new Prime Minister is not encouraging for India-Nepal relations. Examine. (10 Marks, 150 Words) [GS-2, IR]