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**GS 2 : Polity, Governance, International Relations**

**1. An Act of colourable legislation**

**The doctrine of casus omissus**

**Background**

- A “Statute” is the will of the sovereign legislature according to which the governments function.
- The executive must act and the judiciary in the course of administration of justice must apply the law as laid down by the said legislative will.
- Very often occasions will arise where the courts will be called upon to interpret the words, phrases and expressions used in the statute. In the course of such interpretation, the courts have, over the centuries, laid down certain guidelines which have come to be known as “Rules of Interpretation of Statutes”.

**Interpretation and construction**

- **Interpretation** is the method by which the true sense or the meaning of the word is understood.
- According to Cooley, “interpretation differs from construction in that the former is the art of finding out the true sense of any form of words; **construction**, on the other hand, is the drawing of conclusions respecting the subjects that are beyond the direct expression of the text”.
- The term ‘construction’ has been explained in **CWT vs. Hashmatunnisa Begum** to mean that something more is being got out in the elucidation of the subject matter than can be got by the strict interpretation of the words used. Judges have set themselves in this branch of the law to try to frame the law as they would like to have it.

**Meaning**

- The term ‘omissus’ means “cases of omission”.
- Omission in a statute cannot be supplied by construction.
- A matter which should have been provided in a statute cannot be supplied by the courts.

- A casus omissus cannot be supplied by courts by judicial interpretative process except in the case of clear necessity and when the reason for it's found in the four corners of the statute itself.
- The first and primary rule of the construction is that the intention of the legislature must be found in the word used by the legislature itself.

### Inference

- There is no scope for importing into the statute words which are not there. Such importation would be, not to construe, but to amend the statute. Even if there be a casus omissus, the defect can be remedied only by legislation and not by judicial interpretation.
- It is certainly not the duty of the court to stretch the words used by the legislature to fill the gaps or omissions in the provisions of an Act, as given in *Hiradevi v District Board*.

## 2. Three more Rafale jets arrive in India

### What's in News?

The fourth batch of three Rafales landed in India. This takes the number of Rafales in service to 14.

### Rafale:

The Dassault Rafale Jet is a multirole fighter jet designed and built by Dassault Aviation, a French aircraft manufacturer.

### What was the need of Rafale for India?

- The IAF has historically been one of the best-equipped forces in the region, but has seen its advantage, particularly quantitative, against China and Pakistan narrow dramatically over the past two-odd decades.
- The IAF is today faced with the **twin tasks of having to acquire technological superiority** over its two adversaries, as well as **mustering enough aircraft to head off any collusive misadventures**.
- So to withstand the pressure from Pakistan and China in case of breakout of war and to increase the number of Jets in operation this was a necessity.

### Origin of Rafale

- Rafale is a French word meaning "gust of wind" and is a **French-origin Delta winged, twin-engine multirole fighter aircraft** manufactured and designed by Dassault Aviation.

- Rafale is a **Medium Multi-Role Combat Aircraft (MMRCA)** that is said to boost India's air dominance exponentially, currently safeguarded by fighter jets like Russia made Sukhoi Su-30MKI and MiG 29, along with French Mirage-2000 and indigenously built HAL Tejas
- The initial bidders were Lockheed Martin's F-16s, Boeing's F/A-18s, Eurofighter Typhoon, Russia's MiG-35, Sweden's Saab's Gripen and Dassault's Rafale.
- All aircraft were tested by the IAF and after careful analysis on the bids, two of them – Eurofighter and Rafale – were shortlisted.
- Dassault bagged the contract to provide 126 fighter jets as it was the lowest bidder and the aircraft was said to be easy to maintain. After Rafale won the contract, the Indian side and Dassault started negotiations in 2012.

### Specifications

- The Rafale is a modern fighter jet known for its agility, speed, weapon holding capacity and attack capability. The Dassault Rafale has a **delta wing design and is capable of g-forces** as high as 11g (in case of emergency). The Rafale is available in both single and dual seating cabin (India ordered 28 single and 8 dual seater Rafale).
- The Rafale is powered by two SNECMA M88 engines, each capable of providing up to 50 kilonewtons (11,000 pounds-force) of dry thrust and 75 kN (17,000 pounds-force) with afterburners. The engines push the Rafale to attain a high speed of 1.8 Mach (1912 kmph) and a range of more than 3700 km with 3 drop tanks.
- Dassault has also loaded the Rafale with a Martin-Baker Mark 16F "**zero-zero**" **ejection seat**, capable of operation at zero speed and zero altitude.
- In terms of weapons, the Rafale can be equipped with air-to-air missiles, air-to-ground missiles, and air-to-surface missiles along with Nuclear weapons. For avionics, the Rafale is also equipped with AESA radar, SPECTRA Electronic Warfare System andIRST System.
- The Rafale jets will come with various India-specific modifications, including Israeli helmet-mounted displays, radar warning receivers, low band jammers, 10-hour flight data recording, infra-red search and tracking systems among others.
- The Indian government is paying top dollar to Dassault to not only modify and certify the aircraft to an exacting specification but also to **stand by its reliability in service – something that has never been done with a fighter aircraft in Indian service to date.**

### Countries that are operating Rafale

- The French Air Force first operational Rafale squadron, EC 1/7 “Provence”, was stationed at Saint-Dizier airbase in 2006.
- Along with the French Military including Air Force and Navy, countries like **Egypt and Qatar** are the current operators of the Rafale MMRCA

### Where will they be deployed?

- The aircraft is capable of carrying a range of potent weapons and missiles and the first squadron of the aircraft will be positioned at **Ambala air force station**, considered one of the most strategically located bases of the IAF. The Indo-Pak border is around 220 km from there.
- The second squadron of Rafale will be stationed at **Hasimara base in West Bengal**.

### Key Challenges

- Unfortunately, air power is an expensive business, and in a scenario **where manpower and running costs consume the lion’s share of the budget**, the principal impediment to a comprehensive renewal of the IAF is a financial one.
- As such, lower capital costs and lower sustainment costs have to go hand in hand – it is **simply not enough to argue that expensive western aircraft make up for their high upfront costs over lifetime sustainment**.
- Enter the **indigenous option – HAL’s Tejas Light Combat Aircraft**. Domestically produced and paid for mostly in rupees, it is not only fiscally attractive but also certainly good enough to replace the IAF’s ageing MiG-21 and MiG-27 fleet as it stands.
  - However, non-compliance with a 1980s Air Staff Requirement and low production rates continue to raise questions about the type’s future.
  - As reported by the Comptroller and Auditor General of India in May 2015, the Tejas Mark-I has over **53 shortfalls that reduce its operational capability**.
  - Tejas failed to meet operational requirements in various areas including the power to weight ratio, sustained turning rate, maximum speeds at low altitudes, AoA range, and weapon delivery profiles.
- Notwithstanding these concerns, the **IAF has committed to a large number of an upgraded evolution of the type incorporating a range of modern improvements** such as an active array radar as well as fixes to problems identified early on, such as lack of a self-protection jammer.
  - If this variant can be delivered cheaply and quickly, it will arrest the dramatic hollowing out of the IAF that is anticipated to take place around 2024-25, by which time some 100 aircraft could be withdrawn from service.

## Budgetary support

- In the middle of the French import and the domestic LCA sits a fledgling tender for a third type of fighter – a **foreign design to be made in India under the controversial Chapter 7 of the 2016 Defence Procurement Procedure (DPP)**.
- Where the **budgetary support for a programme of 114 modern fighters**, and indeed the ability of the country to establish and **sustain two fighter manufacturers, will come from is not clear**.
- Defence budgets have remained effectively flat for a long time, and with the **economy flagging, an increase in capital outlay is not likely**.
- Procurement funding will also necessarily have to compete with **funding for research and development** for upcoming domestic projects such as the redesigned LCA Mk.2 and fifth-generation Advanced Medium Combat Aircraft (AMCA).
- Finally, even if all near-term procurements proceed to plan, there is still a 'ramp up' period to contend with – the **training of air and ground crew, building of infrastructure and actually operationalising** new types will pose their own challenges that will slow the effective rate of force accretion.

## In the neighbourhood

Meanwhile, the **Pakistan Air Force (PAF)** and **China's People's Liberation Army Air Force (PLAAF)** are not standing still.

- The **PAF** is saddled with a number of legacy issues that are similar to the IAF. However, with the **Sino-Pak JF-17** available cheaply and in numbers, along with access to a wide range of Chinese weaponry developed for the type, Pakistan is well placed to recapitalise a significant proportion of its air force with a relatively modern aircraft.
  - Development and production of the **JF-17 can be extended to replace the PAF's Mirage fleet** at short notice as well, if so required. And as **China ramps up its fifth-generation aircraft programmes** and unit costs drop, there is little doubt these platforms will also find their way to Pakistan.
- The **PLAAF's** growth has been well documented. And **in addition to a fourth and fifth generation** re-equipment programme, the service benefits from a large number of force multipliers, including tankers, surveillance and control aircraft, and long-range bombers.
  - While primarily oriented toward taking on the U.S. military in the Pacific and beyond, China's formidable **aerial arsenal cannot be ignored in New Delhi**.

## Conclusion

- So as the IAF gets ready to welcome its new acquisitions, it should be clear about the challenges it faces at a time when India's strategic and operational environment is undergoing a dramatic transformation.
- Ad hocism should give way to strategic thinking if these challenges are to be effectively met.

## 3. No interest cut on small savings

### Context:

The government has backtracked and reversed the sharp rate cuts on small savings.

- The interest rates would remain unchanged from those notified for the fourth quarter of the FY 2020-21.

### Small Saving Instruments:

- The small savings schemes basket comprises 12 instruments including the Savings Deposit, National Saving Certificate (NSC), Public Provident Fund (PPF), Kisan Vikas Patra (KVP) and Sukanya Samriddhi Scheme.
- The government resets the interest rate at the beginning of every quarter.
- Theoretically, since 2016, interest rate resetting has been done based on yields of government securities of the corresponding maturity with some spread on the scheme for senior citizens.
- However, in practice, the interest rate changes are made considering several other factors.

### Details:

- Yields on benchmark government bonds have fallen over the last year as the Reserve Bank of India cut rates to support the economy.
- The fall in small savings rate comes in the backdrop of a similar reduction in overall deposit rates by commercial banks.
- Small savings have emerged as a key source of financing the government deficit, especially after the Covid-19 pandemic led to a ballooning of the government deficit, necessitating a higher need for borrowings.
- While the lowering of interest rates will help the government reduce costs, it will hurt investors, particularly senior citizens and the middle-class. With banks too reducing rates on fixed deposits, income avenues have shrunk for small investors.

## 4. Stop the Ambassadorships for sale

## **Spoils System**

- The Spoils System, also called the Patronage System, is a practice in which a political party, after winning an election, rewards its campaign workers, friends (cronyism), relatives (nepotism) and other active supporters by appointment to government posts.
- The Spoils System promotes the firing of political enemies and the hiring of political friends which is a lucrative push used by a political party to attract and lure supporters so that they can keep working for the party.
- It is opposed to the merit system, where offices are awarded on the basis of some measure of merit, independent of political activity.
  - A permanent civil service appointed through a competitive examination is an example of the Merit System.
- This is a common practice of selection in the United States of America.

## **Issues with the spoils system**

- The Presidents of the United States appoint ambassadors out of those who have paid big financial contributions to the party.

## **The appointments have the solid backing of the U.S. Constitution**

### **Article II**

- The executive power shall be vested in a President of the United States of America.
- Article II, Section 2, of the Constitution provides that the President shall appoint officers of the United States “by and with the Advice and Consent of the Senate.”
- It means that the President enjoys wide latitude in selecting a nominee and the Senate is comparably free to choose whether to advise and consent.
- The onus for the quality and integrity of the nominees rests on the President, but the Senate has the right to hold back confirmation of any nominee, including career diplomats.

## **Complicated process**

- The path to ambassadorships for donors is not at all smooth.
- The Senate largely through committee investigations and hearings examines the qualifications of nominees and any potential conflicts of interest.
  - The Senators can also influence policy through the confirmation process, either by rejecting nominees or by extracting promises from nominees before granting consent.

- Therefore the Senate confirmation is quite a complicated process in which the investigating agencies examine their entire past to see whether they have ever been guilty of any misdemeanour, which disqualifies them for the high appointment.
- Anything adverse that comes to the notice of the agencies will be conveyed to the nominee concerned. It is then up to him to decide whether to face the charges or quietly withdraw his candidature.

### **The Indian way**

- India has a more sophisticated system of appointing “political” ambassadors, not for donation to political parties, but as an avenue to recognise and reward talent.
- In the early years, Maharajas were appointed to several posts.
- And later, politicians were sent abroad when they had to be kept away from the country.
- The Government apparently has the discretion of appointing political ambassadors in up to 30% of the posts. But now, the number of political ambassadors is small, if at all, and the senior posts are open to career diplomats.

### **Example**

India has had some very distinguished and successful political ambassadors.

- Examples are, three political ambassadors in Moscow (Dr. K.S. Shelvankar, D.P. Dhar and I.K. Gujral) and one in Washington (Naresh Chandra); all of them fulfilled certain criteria set by the Government, which included greater acceptability of political ambassadors in major capitals.
- The most celebrated political ambassador was Kushok Bakula Rinpoche, a Buddhist monk from Ladakh, who was appointed to Mongolia. He is credited with reviving Buddhism in Mongolia.
  - The Head of State himself used to pay obeisance to him as the Mongolians followed the same Mahayana Buddhism practised in Ladakh.
  - Even after he completed his diplomatic assignment, Kushok Bakula Rinpoche retained strong ties with Mongolia till he died in his eighties.

### **Merit System in India**

- The Union Public Service Commission (UPSC) has done a commendable job over the years by insulating recruitments from political patronage and selecting the best and the brightest through open competition and transparent procedures.

## Conclusion

- There are many countries that continue to believe that long careers in the Foreign Service are not necessary for people to be effective ambassadors.
- This is a false notion as career ambassadors work to protect their home country's citizens, repair relationships between nations, and create lasting bonds that help them shape foreign policy which comes with experience and long years of Leadership, Negotiation Skills and Cross-Cultural Awareness. Therefore, it should be less political and more merit-oriented.

## 5. Biden allows H1-B visa ban to expire

### What's in News?

The White House has allowed a 2020 ban on H1-B skilled worker and certain other temporary visas to expire on March 31, 2021.

### Background:

- H1-B visas, used more by Indian professionals than any other nationality, were suspended by President Donald Trump in June 2020.
- The decision was made ostensibly to protect American jobs, already reeling under the impact of the COVID-19 pandemic.
- Visas for intra-company transfers (L1), exchange visitors (J1), temporary non-agricultural workers (H-2B) and dependents of H1-B holders (H4) were also impacted by the expiring ban.

## 6. Star campaigner

- Star campaigners are people who are nominated by parties to campaign in a given set of constituencies.
- These persons are, in almost all cases, prominent and popular faces within the party.
- There is no specific definition of a "star campaigner" according to law or the Election Commission of India.

### Who is a Star Campaigner?

- Star campaigners are the people nominated by parties to campaign in a given set of constituencies. They are usually prominent and popular faces within the party. A recognised (mainstream party) can field a maximum number of 40-star campaigners while unrecognised political parties can field up to 20 campaigners. The list of star campaigners is declared to the Election Commission within a week from the date of notification of an election.

- It was recently in the news that the status of Congress leader and former Chief Minister of Madhya Pradesh, Kamalnath Singh, as a star campaigner has been revoked by the Election Commission of India. The reason given by the EC was that Kamal Nath had violated the model code of conduct set by the Election Commission despite repeated warnings
- Later the Supreme Court of India stated that the EC has no right to take away the star campaigner status of any political candidate.

## **7. Pakistan freezes plan to allow imports from India**

### **Context:**

A day after announcing its plan to allow the import of cotton and sugar from India, the Pakistan government has deferred the decision to allow imports from India.

### **What's in News?**

Pakistan has announced that it would allow the import of cotton and sugar from across the border.

- The decision follows the Line of Control (LoC) ceasefire announced by India and Pakistan.
- It also partially reverses a two-year-old decision to suspend all trade with India.
  - The decision to cancel trade was taken in 2019, days after the government amended Article 370 and reorganised Jammu and Kashmir.
- While India had not banned trade with Pakistan, it suspended cross-LoC trade and withdrew the Most Favoured Nation (MFN) status to Pakistan in the wake of the Pulwama attack in 2019.
- The move by Pakistan, which follows the granting of sports-related visas by India after a gap of three years, scheduling a much-delayed meeting of the Indus Water Commissioners in Delhi in March, peace at the LoC after more than 5,000 ceasefire violations last year, as well as the exchange of salutary messages between Prime Minister Narendra Modi and PM Imran Khan, has raised hopes for further measures.

## GS 3 : Economy, Science and Technology, Environment

### 8. States get 45,000 cr. as additional devolution

#### What's in News?

The Finance Ministry has released 45,000 crore to the States as additional devolution in FY21 following revenue buoyancy in the March quarter.

#### Details:

- As per the Revised Estimates for FY21, 5,49,959 crore, being 41% of the shareable pool of taxes and duties, were estimated to be released.
  - The 15th Finance Commission has recommended that States be given 41% of the divisible tax pool of the Centre during FY21.
- The Finance Ministry has devolved 5,94,996 crore, based on initial estimates of the shareable pool that would be collected in FY21. ★

### 9. Rawat launches joint logistics hub

#### Context:

Chief of Defence Staff General Bipin Rawat operationalised the third joint logistics node (JLN) in Mumbai.

#### Details:

- Until recently, the three armed forces had separate facilities for logistics and maintenance. But there was a demand for enhancing interoperability, and synergy among the three services was a long-standing issue.
- Joint logistical nodes were planned in areas where two or more services are located to cater to logistical needs.
- Operationalising the JLN comes as a part of measures to boost tri-service integration and resource optimisation.
- The initiative would accrue advantages in terms of saving of manpower, economise utilisation of resources, besides financial savings.
- The establishment and operationalisation of JLN is a very important first step in the direction of logistics integration of the three Services.

#### Joint Logistics Node (JLN)

- These JLN's will provide integrated logistics cover to the armed forces for their small arms ammunition, rations, fuel, general stores, civil hired transport, aviation clothing, spares and also engineering support in an effort to synergise their operational efforts.
- The JLN's will function on a 'Lead Service Concept' wherein the provisioning and procurement actions in respect of common items for all services will be done by the lead Service of that station, like at Mumbai (lead Service Navy), Guwahati (lead Service Army) and Port Blair (ANC).

#### Note:

- The government sanction letter for the establishment of the JLN's in Mumbai, Guwahati and Port Blair was signed in 2020.
- The JLN's in Guwahati and Tri-Services, Andaman and Nicobar Command, Port Blair, were operationalised in January this year.

## THE INDIAN EXPRESS

## GS 2 : Polity, Governance, International Relations

### 1. Shivakumara Swamigalu

#### Why in News

Recently, the Prime Minister paid tribute to **Shivakumara Swamigalu (Swami ji)** on his Jayanti.

- Shivakumara Swamiji was a **prominent Lingayat scholar, educator and a spiritual leader.**

#### Key Points

- **Birth:**
  - He was born in the village of Veerapura, Ramanagara District, Karnataka on **1<sup>st</sup> April, 1907.**
- **Early Life:**
  - He was his **parent's thirteenth child** and was named **Shivanna** at birth.

- His interest in religion began in his childhood when he accompanied his parents to religious centers.
- After completing his **elementary education in the village he was born in**, he **moved to Nagavalli** to complete his middle school.
  - Simultaneously, he also became a **resident student at Siddaganga Math** for a brief period.
  - Sree Siddaganga Math is an **ancient ashram** fostering a continuous line of illustrious "Shiva Yogi Siddapurushas". The Math was **established by Sree Gosala Siddeshwara Swamiji in 15<sup>th</sup> century A.D.**
    - The Math is situated at a distance of **63 Km from Bangalore (Karnataka).**
- In 1930, he earned a **bachelor's degree in arts from the Central College in Bangalore**. He was **proficient in English, Kannada, and Sanskrit**.
- **In 1965**, he was awarded an **honorary Doctor of Literature degree** by Karnataka University.
- **About:**
  - He was a **Lingayat religious figure and head of the Siddaganga Matha** in Karnataka. He was described as the most esteemed **adherent of Lingayatism**.
    - He entered the monk's order or viraktashram at Siddaganga Math on **3<sup>rd</sup> March, 1930**.
  - He was known as "**Nadedaaduva Devaru**" or the "**Walking God**" among his followers.
  - He was **considered as the incarnation of Basaveshwara**, the 12<sup>th</sup> century social reformer, as he accepted all irrespective of their religion or caste.
- **Social Work:**
  - He had founded **132 institutions for education and training**.
    - Here, the children are provided free shelter, food, and education.
    - Visitors and pilgrims coming to the Math also receive free food.
  - He founded **Sri Siddaganga Education Society**.
  - Under the swami's guidance, an **agricultural fair was also held annually** to help the local people.
- **Awards:**
  - **In 2007**, he was awarded the **Karnataka Ratna** (highest civilian award in Karnataka).
  - **In 2015**, he was awarded the **Padma Bhushan** (the third highest civilian award in India).
- **Death:**
  - He was almost 112 years old when he passed away on **21<sup>st</sup> January 2019** as a result of multiple infections.

## Lingayats

- The term Lingayat denotes a **person who wears a personal linga**, the aniconic form of god Shiva, on the body, which is received during the initiation ceremony.
- Lingayats are the **followers of the 12<sup>th</sup>-century social reformer-philosopher poet, Basaveshwara**.
  - Basaveshwara was **against the caste system and Vedic rituals**.
- The Lingayats are **strict monotheists**. They enjoin the **worship of only one God, namely, Linga (Shiva)**.
- The word 'Linga' does not mean Linga established in temples, but **universal consciousness qualified by the universal energy (Shakti)**.
- The **Veerashaivas sect of the community** also worships Shiva idols and practises other Hindu customs.

## 2. NGT Orders Pollution Control Boards to Increase Capacity

### Why in News

Recently, the **National Green Tribunal (NGT)** directed the Haryana State Pollution Control Board (HSPCB) to strengthen its capacity and the **Central Pollution Control Board (CPCB)** to form a uniform recruitment criteria.

- The order was to **ensure better monitoring for improved compliance of environmental norms**.
- Earlier in January 2021, the **Supreme Court (SC)** had taken suo motu cognizance of pollution of water bodies by **untreated sewage in Haryana**.

### Key Points

- **Background:**
  - **The Plea:**
    - In 2018, a case was filed with NGT's principal bench for revising existing monitoring mechanism by State Pollution Control Boards (SPCBs).
      - This included an interval of mandatory inspections of **highly polluting** industries and policy for auto renewal of **Consent to Operate (CTO)** certificate under **Water (Prevention and Control of Pollution) Act, 1974** as well as the **Air (Prevention and Control of Pollution) Act, 1981**.
    - The plea pointed out that an earlier report of the **Central Ground Water Board (CGWB)** had established **deterioration of the ground water quality in Haryana**.

- The **Comptroller and Auditor General (CAG)** of India's 2016 report also recorded operation of several projects without valid consent to establish or CTO certificates, showing ineffectiveness of monitoring mechanism.
- **NGTs Action:**
  - The NGT passed an order for the Haryana government to revisit its inspection policy and make it adequate to ensure effective enforcement of law.
- **Haryana's Proposal:**
  - The Haryana government, in compliance to the NGT order, proposed a revised policy with increased frequency of inspection, installation of online monitoring devices to capture real-time data and pre-verification of documents before issuing renewal.
- **Current Order:**
  - Inspection at **higher frequencies**.
  - **Capacity enhancement** of SPCBs/**Pollution Control Committees (PCCs)** with **consent funds**.
  - Capacity enhancement of CPCB utilising **environment compensation funds**.
  - **Annual performance audit** of state PCBs/PCCs.
  - **CPCB to prepare a format** containing qualifications, minimum eligibility criteria and required experience for key positions.
- **Significance:**
  - In the name of 'ease of doing business', powers and authorities of SPCB have been compromised. The latest judgement of NGT is a **fresh start to the long-delayed initiative of strengthening CPCB/SPCBs/PCCs**.
  - The judgment of NGT could be termed as landmark. The **NGT has tried to erase the bottlenecks, which were being used to halt the strengthening of environmental regulation**.
  - The important part of the judgement is asking **CPCB to come out with standard recruitment rules** which can be followed by all states. The existing SPCBs recruitment rules have not been updated for decades.

## Note

- **CPCB:**
  - CPCB is a **statutory organisation** which was constituted in September, 1974 under the **Water (Prevention and Control of Pollution) Act, 1974**.
  - It was entrusted with the powers and functions under the **Air (Prevention and Control of Pollution) Act, 1981**.

- It serves as a field formation and also provides technical services to the Ministry of Environment and Forests and Climate Change of the provisions of the **Environment (Protection) Act, 1986**.
- **SPCB:**
  - They supplement the CPCB as they are a statutory organization entrusted to implement Environmental Laws and rules within the jurisdiction of a state.
- **Environment Compensation:**
  - Environmental compensation is a policy instrument for the protection of the environment which works on the '**Polluter Pays Principle**'.
- **Environment Compensation Fund:**
  - It is a **specialised type of fund** collected by **charging the environmental violations**.
    - **Example:** Illegal discharge in water bodies.

### 3. Article 244(A) of the Constitution

#### Why in News

The **demand for an autonomous state within Assam** has been raised by some of the sections of the society in Assam under the provisions of **Article 244A of the Constitution**.

#### Key Points

- **Background:**
  - In the **1950s, a demand for a separate hill state** arose around certain sections of the **tribal population of undivided Assam**.
  - After prolonged agitations, **Meghalaya gained statehood in 1972**.
  - The leaders of the **Karbi Anglong and North Cachar Hills** were also part of this movement. They were given the **option to stay in Assam or join Meghalaya**.
  - They **stayed back** as the centre promised them more powers, including **Article 244 (A)**.
  - In the 1980s, the demand for more power/autonomy took the form of a movement with a number of Karbi groups resorting to violence.
    - It soon became **an armed separatist insurgency** demanding full statehood.
- **Article 244A:**
  - **Article 244(A) allows for creation of an 'autonomous state'** within Assam in certain tribal areas.

- It also envisages **creation of a local legislature or Council of Ministers or both** to carry out local administration.
- It was Inserted into the Constitution by the **Twenty-second Constitution Amendment Act, 1969.**
- **Article 244(A)** accounts for **more autonomous powers to tribal areas than the Sixth Schedule.** Among these the most important power is the control over law and order.
  - In Autonomous Councils under the Sixth Schedule, they do not have jurisdiction of law and order.

## Sixth Schedule

- The Sixth Schedule of the Constitution provides for the **administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram** to safeguard the rights of the tribal population in these states.
  - This special provision is provided under **Article 244 (2) and Article 275 (1) of the Constitution.**
- In Assam, the hill districts of **Dima Hasao, Karbi Anglong and West Karbi and the Bodo Territorial Region are under this provision.**
- The **Governor is empowered to increase or decrease the areas** or change the names of the autonomous districts. While executive powers of the Union extend in Scheduled areas with respect to their administration in **fifth schedule**, the **sixth schedule areas remain within executive authority of the state.**
  - The **Fifth Schedule** of the Constitution deals with the **administration and control of scheduled areas and scheduled tribes** in any state **except the four states** of Assam, Meghalaya, Tripura and Mizoram.
    - The whole of the normal administrative machinery operating in a state do not extend to the scheduled areas.
    - At present, **10 States** namely Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana have Fifth Schedule Area.
    - Tribal habitations in the states of Kerala, Tamil Nadu, Karnataka, West Bengal, Uttar Pradesh and Jammu & Kashmir have not been brought under the Fifth or Sixth Schedule.
- The **acts of Parliament or the state legislature do not apply** to autonomous districts and autonomous regions or apply with specified modifications and exceptions.
- The Councils have also been endowed with wide **civil and criminal judicial powers**, for example establishing village courts etc. However, the jurisdiction of these councils is subject to the jurisdiction of the concerned High Court.

## GS 3 :Economy, Science and Technology,Environment

### 4.The battle to set oil prices

#### Context

The global economy, grappling with the **COVID-19 pandemic**, is now facing an energy war, with crude oil prices crashing in the international market.

#### Developments that contributed to the fall in oil prices

- **First**, Crude oil prices tanked, as the Organisation of the Petroleum Exporting Countries (OPEC) and its alliance partners **failed to reach any consensus** on cutting back production to levels that would enable prices to remain stable.
- **Second**, the U.S., as the largest oil producer today, **has stayed away from the OPEC-plus arrangement**, hoping that production cuts by OPEC-plus countries will help it **increase its market share**.
- **Russia refused any production cuts**, unleashing an **energy war with Saudi Arabia**. There has been a spectacular **fall of around 30%** in crude oil prices.
- The International Energy Agency (IEA) has **scaled down global demand** for oil, a move not taken by the energy watchdog since 2009.
- **COVID-19 Factor**: Demand for oil had already weakened owing to the global economic slowdown, and this weakening has become more pronounced due to the COVID-19 pandemic, which has hit China's economy and reduced consumption by the world's largest importer.

#### The US-Russia oil war

- **Denying market share to the US oil producer**: Russia's decision to reject any production cuts is driven directly by its strategy of **denying market share to American shale oil producers**.
- **Shale oil companies can sustain in high prices only**: The American shale oil producers rely on **higher prices in the range of \$50-\$60** to remain profitable because of higher production costs.
- At \$31 per barrel, not more than five American shale oil producers can remain profitable.
- **Sanctions on Rosneft**: Russia also remains resentful of sanctions imposed on Rosneft, which is building the gas pipeline **project Nord Stream 2 across the Baltic Sea**, carrying Siberian gas to **Germany**, a major consumer.

- **Delay in completion of the pipeline:** This pipeline was delayed due to opposition from Denmark's environmental activists and could not be completed before the U.S. sanctions kicked in.
- Moscow has accused Washington of using **geopolitical tools for commercial reasons**.
- The energy war over prices is Russia's revenge, to cripple the American shale oil industry.
- **Russia's signal to Saudi Arabia:** Russia is also signalling to Saudi Arabia that its American patrons can do little to protect its oil interests and it would be prudent for Saudi Arabia to reach some understanding with Russia.
- Both Saudi Arabia and Russia **depend heavily on oil revenues** – upwards of 80% of export revenues accrue from crude oil.
- **Russia and Saudi Arabia fighting for market share:** Both are also fighting to retain market share.
- **Impact on India:** It has been reported that Saudi Arabia has **agreed to supply crude oil at lower rates to refiners in India and China**, two primary customers, but refused to supply to other refiners in Asia. This will have an impact on India's oil procurement from the U.S.

### The benefits to importing countries

- **Why the price drop matters to India?** Lower crude oil prices are not necessarily **bad news for oil importing countries like India, which is the world's third-largest importer of crude oil and the fourth largest importer of LNG**.
- **Collateral adverse consequences:** There are, however, collateral adverse consequences like the battering of the stock markets worldwide.
- **Impact on the global economy:** The global economy, already impacted by President Donald Trump's trade war with China and other countries, including India, and the COVID-19 pandemic, **may find lower energy costs helpful in overall growth**.

### Benefits for India

- From a high of **\$147 per barrel in 2008**, crude oil prices have fallen to **around \$24 per barrel and may even go further southwards**.
- **How much the price drop matter for India?** India, with 80% of its energy requirements met by imports from the international market, **stands to save ₹10,700 crores for every \$1 drop in prices**.
- **Non-oil related factors:** While this may help manage the current account deficit, fiscal deficit and inflation, there are non-oil related collateral factors that can cause countervailing adverse economic impact.

## How long Russian and Saudi Arabia can sustain the war?

- Can Russia and Saudi Arabia sustain the energy war for long?
- Saudi Arabia's **production cost is the cheapest in the world** and it can ramp up production to around **12 million barrels a day**.
- By offering discounts, it can **undercut other producers, including Russia**.
- Domestic considerations also matter.

## Conclusion

There is no doubt that India will benefit from lower oil prices if the cost of fuel at the pump is passed on to consumers. It will reduce transportation costs and boost demand. The consumer, however, may not benefit much since the government may choose to use this financial windfall for other purposes, like bailing out banks which have been hollowed out by NPAs to leading Indian companies.

## 5. Pull out all the stops

### Context

Though there is coherence in India's response to the Covid-19, still there is more that needs to be done.

### Sense of coherence in India's response

- Since last week, a **sense of coherence is settling over India's response** to the COVID-19 outbreak.
- The national lockdown, **the incomes and credit support**, and the three-month debt moratorium announced by the government and the RBI are the needed first steps to contain the outbreak on the one hand and lessen the economic impact on the other hand.

### Uncertainty in two important factors

- Several laundry lists of measures have already been proffered by many, however, these are not of much help.
- **Uncertainty:** Given the extreme **uncertainty clouding how long and intensely social distancing policies** will need to be pursued, the attendant economic impact and, crucially, **how quickly and strongly the recovery can take place**.
- **1. The answer to the first** depends on how much the outbreak tests the capacity of the **already-stretched public health system**.

- **Extending the social distancing policy:** If the lockdown does not slow the spread of the virus to a rate that the healthcare system can handle, then the social distancing policies, in some form or another, will need to be extended.
- **Destruction of demand:** The longer such containment measures last, the larger will be the destruction to (of) demand and the bigger the collapse in output and incomes.
- **2.** Then, there is the question about the **pace and strength of the recovery.**
- Much will depend on how much damage the eventual output loss inflicts on households' and corporates' balance sheets.
- **Lower consumption:** For example, even if a worker starts earning once the lockdown is lifted if one has incurred large debts in the interim, one's consumption demand will naturally be much lower than before the crisis.
- The same holds for corporates, both big and small.
- **No help from global demand:** What makes the situation worse is that there is not likely to be much help coming from global demand.
- **Growth estimates:** It is now expected global growth would decline to **5 per cent** (annualised) in 1H20 (first half 2020), considerably more than during the global financial crisis, and rebound only partially in 2H20, leaving global GDP 2.5 percentage points **below its pre-crisis level at the end of this year.**

#### How the uncertainty makes policy response calibration difficult?

- **Difficulty in assessing economic damage:** Given these extreme uncertainties, it is **very hard to assess the economic damage** with any degree of conviction.
- In fact, in last week's policy review, the Monetary Policy Committee refrained from providing any projections for future growth and inflation, breaking from its normal practice.
- So, if the outlook is so uncertain, **how does one calibrate the policy response?**
- **1. Under-support the economy:** One can easily under-support the economy, which could prolong the slowdown.
- **2. Or over-support the economy,** which could end up stoking inflation (as it did in 2010-13 when the massive monetary and fiscal easing during the global financial crisis was not withdrawn quickly) or creating asset price bubbles.

#### What is the way out in such a situation?

- **Don't try to calibrate:** The way out is **not to even try calibrating policies under such extreme uncertainty** but to let the size of the support be determined **endogenously** by the extent and nature of the economic damage.
- **Falling back of first principles:** This requires falling back on first principles. We know that the economic damage could be very large.

- **Delay in recovery:** We also know that if the damage to households' and firms' balance sheets is substantial, then the recovery could be delayed and weakened.
- **Give extensive income support:** This calls for extensive income support through existing government Jan Dhan and Mudra accounts to households and SMEs, and temporary tax cuts or deferments to the larger corporates.
- **Tax cuts needed:** It also needs substantial cuts in indirect taxes (GST) when social distancing is relaxed.

### Problems with RBI measures

- **RBI providing support:** The RBI has begun to provide support via its liquidity facility (TLTRO) and **regulatory forbearance** that allows banks to offer a **debt moratorium** to their customers for the next three months.
- But both these measures work through banks.
- **The problem of bank turning risk-averse:** Given that banks have turned substantially risk-averse because of the restructuring and bad debt problems of the last few years, the RBI likely **needs to start providing liquidity directly to corporates**, as recently announced by the US Fed.
- At the same time, any **debt moratorium will reduce profit** and, in turn, capital, banks might be reluctant to extend it to all their customers.
- **Accommodate capital shortfall in the bank:** Consequently, the RBI also needs to change regulations to **accommodate possible shortfalls in bank capital** because of the debt moratorium.

### What should be the scope and size of the policy support?

- **Support should be based on the extent of the damage:** The scope and size of such policy support need to be determined by the extent of the economic damage, and not by perceived limits about what India can afford or those imposed by existing institutional arrangements and practices.
- It is quite possible that the size of the economic damage ends up requiring support that **widens the fiscal deficit substantially**.
- India clearly **does not have the fiscal space** to provide any material economic support when measured against standard benchmarks of fiscal prudence.
- **Directly funding the budget deficit:** The market is on edge, and fears of eventual large **government borrowing** has spiked **long-term interest rates** despite large cuts in short-term rates by the RBI, which are likely to delay and weaken the recovery.
- Any **large bond auction** by the government, even if it is offset by the RBI through open market operations, **is not likely to calm market nerves** and bring down lending rates.

- The government should invoke “natural disaster” clause: What is needed is for the government to invoke the “escape” or the “natural disaster” clause in the **fiscal responsibility act (FRBM)** that allows the RBI to directly fund the budget deficit without having to go through market auctions.

## Conclusion

Such a proposal is likely to raise the hackles of any fiscal conservative and there is the natural question about how rating agencies might react. As long as the government **credibly commits to reversing the action** as soon as the crisis is over, rating agencies and fiscal conservatives alike will likely treat this kindly, as it is a response to a crisis caused not by poor economic policies, but by an act of nature.

## 6. Ways and Means Advances (WMA)

The RBI has raised the Ways and Means Advances, or WMA, limit by 30% for all States and UTs to enable them to tide over the crisis caused by COVID-19 outbreak.

### What are Ways and Means Advances?

- The RBI gives temporary loan facilities to the centre and state governments as a banker to the government. This temporary loan facility is called WMA.
- It is a mechanism to provide to States to help them tide over temporary mismatches in the cash flow of their receipts and payments.
- It was introduced on April 1, 1997, after putting an end to the four-decade-old system of adhoc (temporary) Treasury Bills to finance the Central Government deficit.
- Under Section 17(5) of RBI Act, 1934, the RBI provides Ways and Means Advances (WMA) to the central and State/UT governments.

### How is WMA availed?

- This facility can be availed by the government if it needs immediate cash from the RBI.
- The WMA is to be vacated after 90 days.
- The interest rate for WMA is currently charged at the repo rate.
- The limits for WMA are mutually decided by the RBI and the Government of India.

### Types of WMA

There are two types of WMA – **(1) Normal** and **(2) Special** :

- Special WMA or Special Drawing Facility is provided against the collateral of the government securities held by the state.
- After the state has exhausted the limit of SDF, it gets normal WMA. The interest rate for SDF is one percentage point less than the repo rate.
- The number of loans under normal WMA is based on a three-year average of actual revenue and capital expenditure of the state.

### Prelims Practice Questions

#### 1. Consider the following statements about Monetary Policy Committee (MPC):

1. It was established under the Reserve Bank of India Act, 1934.
2. The Finance Secretary of India is the chairman of the committee.
3. The MPC is responsible for determining the Inflation Target.

Which of the statements given above is/are correct?

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

**Answer : A**

#### Explanation

- The **Monetary Policy Committee (MPC)** is a statutory and institutionalized framework under the **Reserve Bank of India Act, 1934**, for maintaining price stability, while keeping in mind the objective of growth. **Hence, statement 1 is correct.**
- The **Governor of RBI** is ex-officio Chairman of the committee. **Hence, statement 2 is not correct.**
- The **MPC determines the policy interest rate (repo rate)** required to achieve the inflation target (4%).
  - It is the **Central Government** of India that **determines the Inflation Target. Hence, statement 3 is not correct.**
- An RBI-appointed committee led by the then deputy governor Urjit Patel in 2014 recommended the establishment of the Monetary Policy Committee.

**2. Which of the following countries border Niger?**

1. Nigeria
2. Chad
3. Ghana
4. Mali

**Choose the correct option:**

- a. 1, 3 and 4 only
- b. 3 and 4 only
- c. 1, 2 and 4
- d. 1, 2 and 3 only

**Answer: c**

**Explanation:**

Niger, officially the Republic of Niger, is a landlocked country in Western Africa, named after the Niger River. It borders Nigeria and Benin to the south, Burkina Faso and Mali to the west, Algeria and Libya to the north and Chad to the east.

**3. Heart of Asia-Istanbul Process was established to:**

- a. Broker the Nagorno-Karabakh ceasefire between Armenia and Azerbaijan.
- b. Address the shared challenges and interests of Afghanistan and its neighbours and regional partners.
- c. Put an end to the Kurdish-Turkish conflict.
- d. Broker a peace deal between the Houthis and Saudi Arabia.

**Answer: b**

**Explanation:**

- Heart of Asia-Istanbul Process (HoA-IP) was founded in 2011 in Istanbul, Turkey.
- It provides a platform for sincere and results-oriented regional cooperation by placing Afghanistan at its centre.

- It was established to address the shared challenges and interests of Afghanistan and its neighbours and regional partners.

**4. The 'Bonn Challenge' is concerned with which of the following issue?**

- a) Water scarcity challenges
- b) Climate Change
- c) Air Pollution
- d) Deforestation and Degraded Land

**Answer: D**

**Solution:** The Bonn Challenge is a global effort to restore 150 m hectares of deforested and degraded land by 2020 and 350 m hectares by 2030.

**Enrich Your Learning:**

**Bonn Challenge**

The Bonn Challenge is a global effort to bring 150 million hectares of the world's deforested and degraded land into restoration by 2020, and 350 million hectares by 2030. It was launched in 2011 by the Government of Germany and IUCN, and later endorsed and extended by the New York Declaration on Forests at the 2014 UN Climate Summit. It is a practical means of realizing many existing international commitments, including the CBD Aichi Target 15, the UNFCCC REDD+ goal, and the Rio+20 land degradation neutrality goal. Bonn Challenge has the underlying approach known as forest landscape restoration (FLR) approach.

**Forest landscape restoration (FLR)**

Forest landscape restoration (FLR) is the ongoing process of regaining ecological functionality and enhancing human well-being across deforested or degraded forest landscapes. Besides only planting, FLR is restoring a whole landscape to meet present and future needs and to offer multiple benefits and land uses over time. FLR aims to restore ecological integrity at the same time as improving human well-being through multifunctional landscapes.

**5. With reference to the Global Gender Gap Report 2021, consider the following statements:**

1. The report is released by the World Economic Forum (WEF).
2. India is one of the top performers in the South Asia region.
3. India has declined on the political empowerment index.

Which of the statements given above is/are correct?

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

**Answer : B**

### **Explanation**

- India has fallen 28 places in the World Economic Forum's (WEF) Global Gender Gap Report 2021. **Hence, statement 1 is correct.**
- The Global Gender Gap Report was first published in 2006 by the WEF.
  - It benchmarks 156 countries on their progress towards gender parity in four dimensions:
  - Economic Participation and Opportunity, Educational Attainment, Health and Survival and Political Empowerment.
  - Over the Index, the highest possible score is 1 (equality) and the lowest possible score is 0 (inequality).
- India is now **one of the worst performers in South Asia**, it is now ranked 140 among 156 countries. **Hence, statement 2 is not correct.**
  - In South Asia, Bangladesh ranked 65, Nepal 106, Pakistan 153, Afghanistan 156, Bhutan 130 and Sri Lanka 116.
  - India was ranked 112<sup>th</sup> among 153 countries in the Global Gender Gap Index 2020.
- **Political Empowerment:**
  - India has declined on the political empowerment index as well by 13.5 percentage points, and a decline in the number of women ministers, from 23.1% in 2019 to 9.1% in 2021. **Hence, statement 3 is correct.**
  - However, it has still performed relatively well compared to other countries, ranking at 51 in women's participation in politics.
- Education Attainment:
  - In the index of education attainment, India has been ranked at 114.
- Economic Participation:
  - The report notes that the economic participation gender gap actually widened in India by 3% this year.
  - The share of women in professional and technical roles declined further to 29.2%.
  - The share of women in senior and managerial positions also is at 14.6% and only 8.9% firms in the country have top female managers.
  - The estimated earned income of women in India is only one-fifth of men's, which puts the country among the bottom 10 globally on this indicator.

- In Pakistan and Afghanistan, the income of an average woman is below 16% of that of an average man, while in India it is 20.7%.
- Health and Survival index:
  - On this India has fared the worst, ranking at 155.
  - The only country to have fared worse is China.
  - The report points to a skewed sex ratio as the major factor.
  - It says the ratio can be attributed to norms of son preference and gender-biased prenatal sex-selective practices.
  - China and India together account for about 90 to 95% of the estimated 1.2 to 1.5 million missing female births annually worldwide due to gender-biased prenatal sex selective practices.

**6. With reference to Directive Principles of State Policy (DPSP), consider the following statements:**

1. They are positive rights and impose positive obligations on the state.
2. The DPSPs are not justiciable.
3. The principles laid down in DPSPs are fundamental in governance.

Which of the statements given above is/are correct?

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

**Answer : D**

**Explanation**

- **Part-IV** of the constitution deals with **Directive Principles of State Policy (DPSP)**.
  - They are positive rights and impose positive obligations on the state.  
**Hence, statement 1 is correct.**
- DPSP as defined in **Article 37**, are **not justiciable** (not enforceable by any court). **Hence, statement 2 is correct.**
- The principles laid down under DPSPs are fundamental in governance.  
**Hence, statement 3 is correct.**

## **Mains Practice Questions**

**1. Explain the value-added, income and expenditure methods of estimating national income.**

**Approach:**

- Briefly explain the concept of national income.
- Explain the value added, income and expenditure methods of estimating national income.
- Conclude with a brief note on the methods employed in India.

**2. Agricultural marketing in India suffers from various shortcomings. Explain. Highlight the measures taken by the government to improve the agricultural marketing system in India.**

**Approach:**

- Start with a brief note on agricultural marketing.
- Explain the various shortcomings of agricultural marketing in India.
- Highlight the measures taken by the government to improve the agricultural marketing system in India.
- Conclude briefly by mentioning the further measures needed.