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GS 2 : Polity, Governance, International Relations

1. Governors can pardon death row: Supreme Court

The Supreme Court has held that the Governor of a State can pardon prisoners, including death row ones, even before they have served a minimum of 14 years of a prison sentence.

SC Judgement: Section 433-A CrPC

- The Governor's power to pardon overrides a provision in the Code of Criminal Procedure – Section 433A.
- This article mandates that a prisoner's sentence can be remitted only after 14 years of jail.
- Such power is in the exercise of the power of the sovereign, though the Governor is bound to act on the aid and advice of the State Government, the apex court observed.
- Section 433-A of the Code cannot and does not in any way affect the constitutional power conferred on the President/Governor to grant pardon under Articles 72 or 161 of the Constitution.

What does one mean by Pardon?

- A pardon is a government/executive decision to allow a person to be absolved of guilt for an alleged crime or other legal offense as if the act never occurred.

Why need Pardon?

- Pardons can be granted when individuals are deemed to have demonstrated that they have "paid their debt to society", or are otherwise considered to be deserving of them.
- Pardons are sometimes offered to persons who were either wrongfully convicted or who claim that they were wrongfully convicted.
- Pardons are sometimes seen as a mechanism for combating corruption, allowing a particular authority to circumvent a flawed judicial process to free someone that is seen as wrongly convicted.

Pardoning powers in India

- Under the Constitution of India (Article 72), the President of India can grant a pardon or reduce the sentence of a convicted person, particularly in cases involving capital punishment.
- A similar and parallel power vests in the governors of each state under Article 161.

[I] President

1. Article 72 says that the president shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offense.
 2. The pardoning powers of the Indian President are elucidated in Art 72 of the Indian Constitution. There are five different types of pardoning that are mandated by law.
- **Pardon:** means completely absolving the person of the crime and letting him go free. The pardoned criminal will be like a normal citizen.
 - **Commutation:** means changing the type of punishment given to the guilty into a less harsh one, for example, a death penalty commuted to a life sentence.
 - **Reprieve:** means a delay allowed in the execution of a sentence, usually a death sentence, for a guilty person to allow him some time to apply for Presidential Pardon or some other legal remedy to prove his innocence or successful rehabilitation.
 - **Respite:** means reducing the quantum or degree of the punishment to a criminal in view of some special circumstances, like pregnancy, mental condition etc.
 - **Remission:** means changing the quantum of the punishment without changing its nature, for example reducing twenty-year rigorous imprisonment to ten years.

Cases as specified by art. 72

- in all cases where the punishment or sentence is by a court-martial;
- in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;
- in all cases where the sentence is a sentence of death.

[II] Governor

- Similarly, as per article 161: Governor of a State has the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit

or commute the sentence of any person convicted of any offence against any law.

- It must be relating to a matter to which the executive power of the state extends.
- President can grant pardon to a person awarded a death sentence. But a governor of a state does not enjoy this power.

Nature of the Pardoning Power

- **Not absolute:** The question is whether this power to grant pardon is absolute or this power of pardon shall be exercised by the President on the advice of Council of Ministers.
- **Aid and advice:** The pardoning power of the president is not absolute. It is governed by the advice of the Council of Ministers.
- **Constitution is silent on this:** This has not been discussed by the constitution but is the practical truth. Further, it does not provide for any mechanism to question the legality of decisions of President or governors exercising mercy jurisdiction.
- **Judicial review applicable:** But the SC in Epuru Sudhakar case has given a small window for judicial review of the pardon powers of President and governors for the purpose of ruling out any arbitrariness.

Some traditions

- It is important to note that India has a unitary legal system and there is no separate body of state law.
- All crimes are crimes against the Union of India.
- Therefore, a convention has developed that the governor's powers are exercised for only minor offenses.
- While requests for pardons and reprieves for major offenses and offenses committed in the UTs are deferred to the President.

2. Tribunals Reforms Bill, 2021

The Lok Sabha has hastily passed the Tribunals Reforms Bill, 2021 without any debate.

Highlights of the Tribunals Reforms Bill, 2021

The Bill seeks to dissolve certain existing appellate bodies and transfer their functions (such as adjudication of appeals) to other existing judicial bodies:

Amendments to the Finance Act, 2017:

- The Finance Act, 2017 merged tribunals based on domain.
- It also empowered the central government to notify rules on: (i) composition of search-cum-selection committees, (ii) qualifications of tribunal members, and (iii) their terms and conditions of service (such as their removal and salaries).
- The Bill removes these provisions from the Finance Act, 2017.
- Provisions on the composition of selection committees and term of office have been included in the Bill. Qualification of members and other terms and conditions of service will be notified by the central government.

3. Sabki Yojna Sabka Vikas Campaign

The Government has launched 'Sabki Yojna Sabka Vikas' campaign for inclusive and holistic preparation of the Gram Panchayat Development Plan (GPDP).

Sabki Yojna Sabka Vikas

- Under Article 243 G of the Constitution, Panchayats have been mandated for the preparation and implementation of plans for economic development and social justice.
- Thus, Panchayats have a significant role to play in the effective and efficient implementation of flagship schemes/ programs on subjects of national importance for transforming rural India.
- The objectives of the campaign broadly include strengthening of elected representatives and Self-Help Groups, evidence-based assessment of progress made.

- The campaign aimed to help Gram Panchayats (GPs) in preparation of convergent and holistic GPDP through the identification of sectoral infrastructural gaps in respective areas.

Gram Panchayat Development Plan (GPDP)

- The Gram Panchayats are constitutionally mandated for the preparation of GPDP for economic development and social justice utilizing resources available with them.
- The GPDP should be comprehensive and based on a participatory process involving the community particularly Gram Sabha.
- It will be in convergence with schemes of all related Central Ministries / Line Departments related to 29 subjects listed in the Eleventh Schedule of the Constitution.

4. SC Judgement on Preventive Detention

Why in News

Recently, the **Supreme Court (SC)** ruled that a **preventive detention order can only be passed if the detenu is likely to adversely affect the maintenance of public order.**

- The SC also gave **direction to governments and to other courts**, for dealing with detention under preventive detention.

Key Points

- **Preventive Detention for Public Order:** The court held that it cannot seriously be disputed that the **Detenu may be a 'white collar offender'** and if set free, will continue to cheat gullible persons.
 - **However, a Preventive Detention Order can only be passed if his activities adversely affect or are likely to adversely affect the maintenance of public order.**
- **Clarity on the Term 'Public Order':** Preventive detention is a **necessary evil** only to prevent public disorder, but a **liberal meaning cannot be given** to the expression public order in the context of preventive detention statute.
 - Contravention of law, such as indulging in cheating or criminal breach of trust, **certainly affects 'law and order'**.
 - However, before it can be said to affect 'public order', **it must affect the community or the public at large.**

- **Direction to the Government:** The State **should not arbitrarily resort to “preventive detention”** to deal with all and sundry “law and order” problems, which could be dealt with by the ordinary laws of the country.
- **Directions to the Courts :** **One of the questions** the courts must ask in deciding the legality under a preventive detention should be:
 - **Was the ordinary law of the land sufficient to deal with the situation?** If the answer is in the affirmative, the detention order will be illegal.
 - For example, the court said two drunks fighting on a road was a law and order problem, and not ‘public disorder’. The solution here was not preventive detention.
- **Preventive Detention Undermines Liberty:** Liberty of a citizen is a most important right won by our forefathers after long, historical and arduous struggles.
 - If the power of preventive detention is not narrowed down to limits, the right to liberty will become nugatory (of no value or importance).
 - Therefore, Preventive detention must fall within the ambit of **Article 21** (due process of law) and read with **Article 22** (safeguards against arbitrary arrest and detention) and the **statute in question**.

White Collar Crime vs Blue Collar Crime

- **White Collar Crime:** The term "white collar crime" refers to **financially motivated, nonviolent crime** committed by individuals, businesses and government professionals.
 - These crimes are characterized by deceit, concealment, or violation of trust.
 - Examples of white-collar crimes include **securities fraud, corporate fraud, and money laundering, Ponzi and pyramid schemes, etc.**
 - White-collar crime has been associated with the **educated and affluent**.
 - The term was first coined in **1949 by sociologist Edwin Sutherland**.
 - **Blue Collar Crime:** These crimes are **primarily small scale**, for immediate beneficial gain to the individual or group involved in them.
 - This can also include personal related crimes that can be **driven by immediate reaction**, such as during fights or confrontations.
 - These crimes may include Narcotic production or distribution, sexual assault, theft, burglary, assault or murder.

Preventive Detention

- **Constitutional Provisions:**
 - **Article 22 grants protection to persons who are arrested or detained.** Detention is of two types, namely, **punitive and preventive**.

- Punitive detention is to punish a person for an offence committed by him after trial and conviction in a court.
- Preventive detention, on the other hand, means detention of a person without trial and conviction by a court.
- Article 22 has two parts – **the first part deals with the cases of ordinary law** and the **second part deals with the cases of preventive detention law**.

Note: The **44th Amendment Act of 1978** has reduced the period of detention without obtaining the opinion of an advisory board from three to two months. However, this **provision has not yet been brought into force**, hence, the original period of three months still continues.

- **The preventive detention laws made by the Parliament are:**
 - Preventive Detention Act, 1950. Expired in 1969.
 - Maintenance of Internal Security Act (MISA), 1971. Repealed in 1978.
 - Conservation of Foreign Exchange and Prevention of Smuggling Activities Act (COFEPOSA), 1974.
 - **National Security Act (NSA), 1980.**
 - Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act (PBMSECA), 1980.
 - Terrorist and Disruptive Activities (Prevention) Act (TADA), 1985. Repealed in 1995.
 - Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act (PITNDPSA), 1988.
 - Prevention of Terrorism Act (POTA), 2002. Repealed in 2004.
- **Issues related to Preventive Detention Laws in India:**
 - No democratic country in the world has made preventive detention as an integral part of the Constitution as has been done in India.
 - The governments sometimes use such laws in an extra-judicial power. Also, there remains a fear of arbitrary detentions.

GS 3 : Economy, Science and Technology, Environment

5. Poverty in India is on rise again

In the absence of Consumption Expenditure Survey (CES) data, the Periodic Labour Force Survey shows a rise in the absolute number of the poor in India.

About Consumption Expenditure Survey (CES)

- A CES is conducted by the National Sample Survey Office (NSO) every five years.
- But the CES of 2017-18 (already conducted a year late) was not made public by the Government of India.
- Now, we hear that a new CES is likely to be conducted in 2021-22, the data from which will probably not be available before end-2022.
- India has not released its CES data since 2011-12.

Key highlights

- Unemployment had reached a 45-year high in 2017-18, as revealed by NSO's Periodic Labour Force Survey (PLFS).
- While the PLFS's questions on consumption expenditure are not as detailed as those of the CES, they are sufficient for us to estimate changes in consumption on a consistent basis across time.
- It enables any careful researcher to estimate the incidence of poverty (i.e. the share in the total population of those below the poverty line), as well as the total number of persons below poverty.

There is unemployment induced poverty

- There is a clear trajectory of the incidence of poverty falling from 1973 to 2012.
- In fact, since India began collecting data on poverty, the incidence of poverty has always fallen, consistently.
- It was 54.9% in 1973-4; 44.5% in 1983-84; 36% in 1993-94 and 27.5% in 2004-05.
- This was in accordance with the Lakdawala poverty line (which was lower than the Tendulkar poverty line), named after a distinguished economist, then a member of the Planning Commission.

Methodology of Poverty Line

- In 2011, it was decided in the Planning Commission, that the national poverty line will be raised in accordance with the recommendations of an expert group chaired by the late Suresh Tendulkar.
- That is the poverty line we use in estimating poverty in the table.
- As it happens, this poverty line was comparable at the time to the international poverty line (estimated by the World Bank), of \$1.09 (now raised to \$1.90 to account for inflation) person per day.
- The PLFS also estimates the incidence of poverty. It also collects the household monthly per capita consumption expenditure data based on the Mixed Recall Period methodology.

Stunning rise in Poverty

- It is a stunning fact that for the first time in India's history of estimating poverty, there is a rise in the incidence of poverty since 2011-12.
- The important point is that this is consistent with the NSO's CES data for 2017-18 that was leaked data.
- The leaked data showed that rural consumption between 2012 and 2018 had fallen by 8%, while urban consumption had risen by barely 2%.
- Since the majority of India's population (certainly over 65%) is rural, poverty in India is also predominantly rural.
- Remarkably, by 2019-20, poverty had increased significantly in both the rural and urban areas, but much more so in rural areas (from 25% to 30%).

Why is it intriguing?

- It is important here to recall two facts: between 1973 and 1993, the absolute number of poor had remained constant (at about 320 million poor), despite a significant increase in India's total population.
- Between 1993 and 2004, the absolute number of poor fell by a marginal number (18 million) from 320 million to 302 million, during a period when the GDP growth rate had picked up after the economic reforms.
- It is for the first time in India's history since the CES began that we have seen an increase in the absolute numbers of the poor, between 2012-13 and 2019-20.
- The second fact is that for the first time ever, between 2004-05 and 2011-12, the number of the poor fell, and that too by a staggering 133 million, or by over 19 million per year.

Fuss over GDP growth

- This was accounted for by what has come to be called India's 'dream run' of growth: over 2004 and 2014, the GDP growth rate had averaged 8% per annum – a 10-year run that was not sustained thereafter.
- By contrast, not only has the incidence of poverty increased since then, but the absolute increase in poverty is totally unprecedented.

Reasons behind this Pauperization

The reasons for increased poverty since 2013 are not far to seek:

- **GST:** While the economy maintained some growth momentum till 2015, the monumental blunder of demonetization was followed by a poorly planned and hurriedly introduced GST.

- **Fall in investments:** None of the engines of growth was firing after that. Private investment fell from 31% inherited by the new government, to 28% of GDP by 2019-20.
- **Fall in exports:** Exports, which had never fallen in absolute dollar terms for a quarter-century since 1991, actually fell below the 2013-14 level (\$315 billion) for five years.
- **Unemployment:** Joblessness increased to a 45-year high by 2017-18 (by the usual status), and youth (15-29 years of age) saw unemployment triple from 6% to 18% between 2012 and 2018.
- **Fall in wages:** Real wages did not increase for casual or regular workers over the same period, hardly surprising when job seekers were increasing but jobs were not at anywhere close to that rate.
- **Pandemic:** Poverty is expected to rise further during the COVID-19 pandemic after the economy has contracted.

Hence, consumer expenditure fell, and poverty increased.

6. Insolvency code has strayed from intent: Parliament panel

Context:

- ‘Implementation of Insolvency and Bankruptcy Code (IBC) – pitfalls and solutions’ report tabled in the Parliament.

Concerns over the implementation of IBC:

- The Standing Committee has pointed out the **low recovery rates, long delays in the resolution process and the high number of vacancies in the National Company Law Tribunals (NCLTs)**.
 - The IBC has been plagued by low recovery rates with haircuts as much as 95%.
 - There have been inordinate delays in the resolution process with more than 71% of cases pending with NCLT for more than 180 days.
 - The NCLT has been functioning without a President, and 34 members short of its sanctioned strength of 62.
- The standing committee has expressed apprehensions over **fresh graduates being appointed as Resolution Professionals (RPs)**. Also, the high proportion of disciplinary actions initiated against RPs points to gross misconduct.

Committee recommendations:

- Given that the IBC has undergone six amendments since its introduction in 2016, the Committee is of the view that the operationalization of these

amendments may have altered the basic design of the IBC statute and in this direction has called for a **thorough review of the design and implementation of the IBC.**

- The Committee has suggested a **benchmark to be put in place for the quantum of “haircuts” to be taken by creditors.**

THE INDIAN EXPRESS

GS 2 : Polity, Governance, International Relations

1. Medical Termination of Pregnancy (MTP) Amendment Act, 2021

Why in News

Recently, the **Delhi High Court** has **allowed the medical termination of pregnancy** of a woman who had **completed 22 weeks of gestation** as the foetus was suffering from multiple abnormalities.

- **Gestation is the foetal development period** from the time of conception until birth.
- In India, the **Medical Termination of Pregnancy (MTP) Act stipulates a ceiling of 20 weeks**, for termination of pregnancy, beyond which abortion of a foetus is statutorily impermissible.

Key Points

- **About MTP Act:**
 - The **Medical Termination of Pregnancy Act, 1971 (“MTP Act”)** was passed due to the progress made in the field of medical science with respect to safer abortions.
 - In a historic move to provide universal access reproductive health services, **India amended the MTP Act 1971** to further empower women by providing comprehensive abortion care to all.
 - The **new Medical Termination of Pregnancy (Amendment) Act 2021** expands the access to safe and legal abortion services on therapeutic, eugenic, humanitarian and social grounds to ensure universal access to comprehensive care.

- **Key Provisions of the MTP Amendment Act, 2021:**
 - **Termination due to Failure of Contraceptive Method or Device:**
 - Under the Act, a **pregnancy may be terminated up to 20 weeks** by a married woman in the case of failure of contraceptive method or device. It **allows unmarried women** to also terminate a pregnancy for this reason.
 - **Opinion Needed for Termination of Pregnancy:**
 - Opinion of **one Registered Medical Practitioner (RMP)** for termination of pregnancy up to **20 weeks of gestation**.
 - Opinion of **two RMPs** for termination of pregnancy of **20-24 weeks of gestation**.
 - Opinion of the **State-level medical board** is essential for a pregnancy to be terminated **after 24 weeks** in case of substantial foetal abnormalities.
 - **Upper Gestation Limit for Special Categories:**
 - **Increases the upper gestation limit from 20 to 24 weeks** for special categories of women, including **survivors of rape, victims of incest and other vulnerable women** (differently abled women, minors, among others).
 - **Confidentiality:**
 - The “name and other particulars of a woman whose pregnancy has been terminated shall not be revealed”, except to a person authorised in any law that is currently in force.
- **Significance:**
 - The new law **will contribute towards ending preventable maternal mortality to help meet the Sustainable Development Goals (SDGs) 3.1, 3.7 and 5.6**
 - **SDG 3.1** pertains to **reducing maternal mortality ratio** whereas **SDGs 3.7 and 5.6** pertain to **universal access to sexual and reproductive health and rights**.
 - The amendments **will increase the ambit and access of women to safe abortion services** and will ensure dignity, autonomy, confidentiality and justice for women who need to terminate pregnancy.
- **Issues:**
 - **Different opinions on Termination:**
 - One opinion is that terminating a **pregnancy is the choice of the pregnant woman** and a part of her reproductive rights while the other is that the **state has an obligation to protect life, and hence should provide for the protection of the foetus**.
 - Across the world, countries set varying conditions and time limits for allowing abortions, based on foetal health, and risk to the pregnant woman.
 - **Not allowed beyond 24-weeks:**

- The Act allows **abortion after 24 weeks only** in cases where a **Medical Board diagnoses substantial foetal abnormalities**.
- This implies that for a case requiring abortion due to rape, that exceeds 24-weeks, the only recourse remains through a **Writ Petition**.
- **Abortion to be performed by doctors:**
 - The Act require **abortion to be performed only by doctors with specialisation in gynaecology or obstetrics**.
 - As there is a 75% shortage of such doctors in community health centers in rural areas, pregnant women may continue to find it difficult to access facilities for safe abortions.

Way Forward

- It is commendable that the **Central Government has taken such a bold stand** while balancing the diverse cultures, traditions and schools of thought that our country maintains, however the amendment **still leaves women with various conditionalities**, which in many cases become **an impediment in access to safe abortion**.
 - In **Justice K.S. Puttaswamy (Retd.) vs. the Union Of India And Others (2017)**, the court **recognized the constitutional right of women to make reproductive choices, as a part of personal liberty under Article 21 of the Indian Constitution**, which, despite laying a robust jurisprudence on reproductive rights and the privacy of a woman, does not translate into a fundamental shift in power from the doctor to the woman seeking an abortion.
- The government **needs to ensure that all norms and standardised protocols** in clinical practice to facilitate abortions are followed in health care institutions across the country.
- Along with that, the **question of abortion needs to be decided** on the basis of **human rights, the principles of solid science, and in step with advancements in technology**.
- Since it has now become an act, one can be assured that the **country is on the road to advancement, addressing women issues more fiercely than ever**.

2. Eighth Schedule of the Indian Constitution

Why in News

Recently, the **Union Minister of Education** has informed in the **Lok Sabha** about the various **steps taken** by the government **to promote the Languages in Eighth Schedule**.

Key Points

- **Eighth Schedule:**
 - **About:**
 - It lists the **official languages of the republic of India**. **Part XVII of the Indian constitution** deals with the official languages in **Articles 343 to 351**.
 - The Constitutional provisions related to the **Eighth Schedule** are:
 - **Article 344:** Article 344(1) provides for the **constitution of a Commission by the President on expiration of five years** from the commencement of the Constitution.
 - **Article 351:** It provides for the **spread of the Hindi language** to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India.
 - However, It can be noted that there is **no fixed criteria** for any language to be considered for inclusion in the Eighth Schedule.
 - **Official Languages:**
 - The Eighth Schedule to the Constitution consists of the **following 22 languages:**
 - Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Sindhi, Tamil, Telugu, Urdu, Bodo, Santhali, Maithili and Dogri.
 - Of these languages, **14 were initially included in the Constitution**.
 - Sindhi language was added by the **21st Amendment Act of 1967**.
 - Konkani, Manipuri, and Nepali were included by the **71st Amendment Act of 1992**.
 - Bodo, Dogri, Maithili, and Santhali were added by the **92nd Amendment Act of 2003** which came into force in **2004**.
- **Classical Languages:**
 - **About:**
 - Currently there are **six languages** that enjoy the **'Classical' status in India:**

- Tamil (declared in 2004), Sanskrit (2005), Kannada (2008), Telugu (2008), Malayalam (2013), and Odia (2014).
- All the **Classical Languages** are listed in the **Eighth Schedule of the Constitution**.
- **Guidelines:**
 - The **Ministry of Culture** provides the guidelines regarding Classical languages which are as given below:
 - **High antiquity of its early texts/recorded history** over a period of 1500-2000 years;
 - A body of **ancient literature/texts**, which is considered a valuable heritage by generations of speakers.
 - The **literary tradition is original** and not borrowed from another speech community.
 - The classical language and literature being **distinct from modern**, there may also be a discontinuity between the classical language and its later forms or its offshoots.
- **Benefits for Promotion:** Once a language is notified as a Classical language, the **Human Resource and Development Ministry** provides certain benefits to promote it:
 - **Two major annual international awards** for scholars of eminence in classical Indian languages.
 - A **Centre of Excellence for studies in Classical Languages** is set up.
 - The **University Grants Commission** is requested to create, to start with at least in the **Central Universities**, a certain number of **Professional Chairs for the Classical Languages so declared**.

3. Panchayat Extension to Scheduled Areas (PESA) Act, 1996

Why in News

The **Adivasi self-governance system** has **disappeared from most of the areas in Jharkhand**.

- During most of the time in history, most of the Adivasis (**India's tribal communities**) had their own federal governance system. However, the **administrative systems during the colonial period and after independence affected the Adivasi governance system** to a great extent.
- The **Panchayat Extension to Scheduled Areas (PESA) Act, 1996** was supposed to uphold the traditional decision-making process.

Key Points

- **Case Study - Tribal Governance System of Jharkhand:**
 - Jharkhand was carved out as the **28th state of India** from the Southern part of Bihar in 2000.
 - This part was distinctively different from the northern part of Bihar in terms of geography and social composition.
 - It has 32 different tribes, including the nine **Particularly Vulnerable Tribal Groups (PVTG)**.
 - According to Census 2001, **Santhal (34%), Oraon (19.6%), Munda (14.8%)** and **Ho (10.5%)** are among the major tribes in terms of numbers.
 - The entire social system was organised into **three functional levels** across major tribal communities in the state.
 - The first one is at the village level; the second at the cluster of five-six village levels and the third at community levels.
 - These decision-making processes were considered **people-centric and democratic**, although women were mostly not allowed to participate in such processes.
 - They had their **own system of governance**, which was, **unlike the caste system, non-hierarchical**. Every tribal village had a village council as the basic unit for self-governance.
 - These forums used to act as the decision-making bodies for all matters related to **administration, the Parliament and judiciary**.
 - The **administrative matters** were related to maintenance of village commons (such as lands, forests and water bodies), labour sharing, agriculture activities, religious events and festivals, etc.
 - The **parliamentary matters** were related to upholding and interpreting norms and unwritten laws and traditional values.
 - The **judiciary matters** were related to managing conflict, disciplinary actions, etc guided by unwritten norms and values.
 - **Gradual Collapse of the System:** After the introduction of the **Bihar Panchayat Raj System (BPRS) in 1947**, these Adivasi traditional governance systems became weak.
 - BPRS was formed keeping the non-Adivasi areas in view.
 - As a result, due to the non-priority and neglect, the process of the traditional governance system was affected.
 - This was aggravated by industrialisation, displacement of Adivasis and urbanisation.
- **About Panchayat Extension to Scheduled Areas (PESA) Act, 1996:**
 - To promote local self-governance in rural India, the **73rd constitutional amendment** was made in 1992.

- Through this amendment, a **three-tier Panchayati Raj Institution** was made into a law.
 - However, its application to the scheduled and tribal areas under **Article 243(M)** was restricted.
- After the **Bhuria Committee recommendations** in 1995, **Panchayat Extension to Scheduled Areas (PESA) Act 1996** came into existence for ensuring tribal self-rule for people living in scheduled areas of India.
- The PESA conferred the **absolute powers to Gram Sabha**, whereas **state legislature has given an advisory role** to ensure the proper functioning of Panchayats and Gram Sabhas.
 - The power delegated to Gram Sabha cannot be curtailed by a higher level, and there shall be independence throughout.
- The PESA is considered to be the **backbone of tribal legislation in India**.
- PESA recognises the traditional system of the decision-making process and stands for the **peoples' self-governance**.
- Following powers and functions have been provided to the Gram Sabhas:
 - **Right to mandatory consultation in land acquisition**, resettlement and rehabilitation of displaced persons.
 - **Protection of traditional belief**, the culture of the tribal communities
 - Ownership of **minor forest products**
 - Resolution of the **local disputes**
 - Prevention of **land alienation**
 - Management of village markets
 - Right to control production, distillation, and prohibition of liquor
 - Exercise of control over money-lending
 - Any other rights involving the Scheduled Tribes.
- **Issues Related to PESA:**
 - The **state governments are supposed to enact state laws** for their Scheduled Areas in consonance with this national law.
 - This has resulted in the **partially implemented PESA**.
 - The partial implementation has worsened self-governance in Adivasi areas, like in Jharkhand.
 - Many experts have asserted that PESA did not deliver due to the **lack of clarity, legal infirmity, bureaucratic apathy, absence of a political will, resistance to change in the hierarchy of power**, and so on.
 - Social audits conducted across the state have also pointed out that in reality different developmental schemes were being **approved on paper by Gram Sabha**, without actually having any meeting for discussion and decision making.

India's Tribal Policy

- In India, most of the tribes are collectively identified under **Article 342 (1&2)** as "**Scheduled Tribes**".
- Their right to self-determination is guaranteed by **Part X: The Scheduled and Tribal Areas** - Article 244: Administration of Scheduled Areas and Tribal Areas.
- That is, **Fifth and Sixth Schedules** of the Indian Constitution.
- The **Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996** or PESA.
- **The Tribal Panchsheel Policy**
- **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006** concerns the rights of forest-dwelling communities to land and other resources.

Way Forward

- PESA, if it is implemented in letter and spirit, will rejuvenate the dying self-governance system in the tribal area.
- This will also give an opportunity to correct the loopholes in the traditional governance system and make it a more gender-inclusive and democratic space.

GS 3 : Economy, Science and Technology, Environment

4. NASA's Boeing Starliner Spacecraft

Why in News

Recently, the launch of **Boeing's uncrewed Starliner Orbital Flight Test-2 (OFT-2)** has been postponed once again.

- The spacecraft, which is called the **Crew Space Transportation-100 (CST-100)**, is part of an uncrewed test flight to the **International Space Station (ISS)**.
- The mission is part of **NASA's Commercial Crew Program**.

Key Points

- **About CST-100:**

- The spacecraft has been designed to accommodate **seven passengers or a mix of crew and cargo for missions to low-Earth orbit.**
- For **NASA service missions to the ISS**, it will carry up to four NASA-sponsored crew members and time-critical scientific research.
 - The Starliner is supposed to **carry more than 400 pounds of NASA cargo and crew supplies.**
- The Starliner has an innovative, weldless structure and is reusable up to 10 times with a six-month turnaround time.
- **Purpose:**
 - When this test flight takes off, it **will check** the capabilities of the spacecraft from launch, docking, atmospheric re-entry and a landing at a desert in the US.
 - The spaceflight will also **help NASA to ascertain and certify the transportation system** to carry astronauts to and from the space station in the future.
- **NASA's Commercial Crew Program:**
 - Its main objective is to **make access to space easier in terms of its cost**, so that cargo and crew can be easily transported to and from the ISS, **enabling greater scientific research.**
 - Through this program, NASA plans to **lower its costs** by sharing them with commercial partners such as **Boeing and SpaceX.**
 - It is also planning to give the companies incentive to design and build the **Commercial Orbital Transportation Services (COTS).**
 - COTS was a **NASA program**, announced in 2006 to **coordinate the delivery of crew and cargo to the International Space Station (ISS)** by private companies.
 - By encouraging private companies such as Boeing and SpaceX to provide crew transportation services to and from low-Earth orbit, **NASA can focus on building spacecraft and rockets meant for deep space exploration missions.**
 - **Crew-2 mission** is the second crew rotation of the **SpaceX Crew Dragon** and the first with international partners.
 - Crew-2 astronauts joined the members of Expedition 65 (65th long duration expedition to the ISS).
 - In **May 2020**, **NASA's SpaceX Demo-2** test flight lifted off for the ISS carrying two astronauts.
 - The **aim of this test flight** was to see if **SpaceX capsules could be used on a regular basis** to ferry astronauts to and from the ISS.

International Space Station (ISS)

- It is a **habitable artificial satellite** - the single largest man-made structure in low earth orbit. Its first component was launched into orbit in 1998.
- It circles the **Earth in roughly 92 minutes** and completes 15.5 orbits per day.
- The ISS programme is a **joint project between five participating space agencies**: NASA (United States), Roscosmos (Russia), JAXA (Japan), ESA (Europe), and CSA (Canada) but its ownership and use has been established by intergovernmental treaties and agreements.
- It serves as a microgravity and space environment research laboratory in which crew members conduct experiments in biology, human biology, physics, astronomy, meteorology, and other fields.
- Continuous presence at ISS has resulted in the longest continuous human presence in low earth orbit.
- It is **expected to operate until 2030**.
- Recently, the **Russian Space Agency Roscosmos** launched its **biggest space laboratory named Nauka** to the International Space Station (ISS).

5. Net-Zero Concept in Climate Change

Independent charitable organization Oxfam has said that 'net zero' carbon targets that many countries have announced maybe a "dangerous distraction" from the priority of cutting carbon emissions.

What does Net-Zero mean?

- Net-zero, which is also referred to as carbon-neutrality, does not mean that a country would bring down its emissions to zero.
- That would be gross-zero, which means reaching a state where there are no emissions at all, a scenario hard to comprehend.
- Therefore, net-zero is a state in which a country's emissions are compensated by absorption and removal of greenhouse gases from the atmosphere.

Achieving net-zero targets

- One way by which carbon can be absorbed is by creating carbon sinks.
- Until recently, the Amazon rainforests in South America, which are the largest tropical forests in the world, were carbon sinks.
- But eastern parts of these forests have started emitting CO₂ instead of absorbing carbon emissions as a result of significant deforestation.

What's the difference between gross zero and net zero?

- Given the impact that carbon emissions have on our planet, you might wonder why we aren't aiming for zero, or gross zero, rather than net-zero.
- Gross zero would mean stopping all emissions, which isn't realistically attainable across all sectors of our lives and industry. Even with best efforts to reduce them, there will still be some emissions.
- Net-zero looks at emissions overall, allowing for the removal of any unavoidable emissions, such as those from aviation or manufacturing.
- Removing greenhouse gases could be via nature, as trees take carbon dioxide from the atmosphere, or through new technology or changing industrial processes.

What is carbon negativity?

- It is even possible for a country to have negative emissions if the absorption and removal exceed the actual emissions.
- Bhutan has negative emissions because it absorbs more than it emits.

Which countries have recently announced net-zero targets?

- In 2019, the New Zealand government passed the Zero Carbon Act, which committed the country to zero carbon emissions by 2050 or sooner.
- In the same year, the UK's parliament passed legislation requiring the government to reduce the UK's net emissions of greenhouse gases by 100 per cent relative to 1990 levels by the year 2050.
- More recently, US announced that the country will cut its greenhouse gas emissions by at least 50 per cent below 2005 levels by 2030.
- The European Union too, has a similar plan, called "Fit for 55", the European Commission has asked all of its 27 member countries to cut emissions by 55 per cent below 1990 levels by 2030.
- Last year, China also announced that it would become net-zero by the year 2060 and that it would not allow its emissions to peak beyond what they are in 2030.

What does the Oxfam report say?

- "Land-hungry 'net zero' schemes could force an 80 per cent rise in global food prices and more hunger while allowing rich nations and corporates to continue "dirty business-as-usual".
- The report says that if the challenge of change is tackled only by way of planting more trees, then about 1.6 billion hectares of new forests would be required to remove the world's excess carbon by 2050.

- Currently, countries' plans to cut emissions will only lead to a one percent reduction by the year 2030.
- Oxfam estimates that it could rise by 80 percent by the year 2050.

6. What India needs for a just energy transition

Context

With an ever-growing list of countries announcing net-zero emissions targets, the global energy system is set to undergo a transformation in the coming decades. But India needs to ensure that this transition is smooth and people-centric.

Transition in India

- According to an IEA analysis, 90 per cent of new electricity generation capacity around the world now comes from renewables.
- In India, that energy transformation is well underway.
- India is among the world's **top five countries** in terms of renewable power capacity.
- **Ambitious target of 450 gigawatts:** Its ambitious target to increase India's renewable energy capacity to 450 gigawatts (GW) by 2030 would help move it closer to achieving the country's broader climate goals and commitments made under the **Paris Agreement**.
- **Clean energy leadership by India:** India is also showing global clean energy leadership through initiatives such as the **International Solar Alliance**, which has more than 70 member countries.
- **Transition in rural area:** The energy transition in rural India can be driven by dedicated policies to promote renewables, incentivise investment in decentralised low-carbon power sources like rooftop solar, and train and build the capacity of clean energy entrepreneurs.
- **Incorporating energy efficiency in the Affordable Housing Mission:** In the short term, stimulus spending in the labour-intensive construction sector could accelerate progress on the Affordable Housing Mission.
- Incorporating **energy efficiency and green construction methods into these projects** could ensure millions of homes enjoy thermal comfort, and help make energy efficiency a core part of building designs.

Factors to consider in transition to clean energy

- **Ensure equity:** It must be ensured that the opportunities of India's transition are shared fairly throughout society – and workers and communities are not left to face the challenges alone.
- **Make it people-centric:** To achieve the trifecta of jobs, growth and sustainability, India must strive to put people at the centre of its energy transformation.
- **Provisions for coal-dependent regions:** New jobs would need to be found over time for the coal miners affected by the changes, as well as for people who work in the fossil fuel power plants that will close down.
- Policymakers must earmark special “**transition funds**” to help coal-dependent regions, some of which are among India's poorest.
- **Increase investment by rationalising energy subsidies:** Energy subsidies must be rationalised and directed towards those who need them most.
- Fiscal resources freed up through subsidy reform should then be invested in clean energy solutions, especially in underdeveloped regions and marginalised communities.
- **Support rural livelihood:** A just transition should focus on how clean energy can support rural livelihoods and increase communities' resilience in the aftermath of the pandemic shock.
- **Ensure women's participation in the green workforce:** While India's energy transition will create many new jobs, the limited participation of women in the growing green workforce must be addressed.
- A 2019 study by CEEW and the IEA suggests that women account for nearly 32 per cent of the renewables workforce globally but only around 11 per cent of the rooftop solar workforce in India.
- **Engage youth:** Engaging the youth is critical to ensure that the energy transition is sustainable, inclusive and enduring.
- Young entrepreneurs in India have already shown their impact by expanding the footprint of renewables and disrupting traditional energy models.
- Some of these key themes are being explored by the 30 members of the **Global Commission on People-Centred Clean Energy Transitions**, which the IEA launched in January.

Conclusion

A people-centric approach, backed by good policy design, will not only help India build a clean and inclusive energy future, but could also provide a model for other countries and communities worldwide.

Prelims Practice Questions

1. Consider the following about Food Fortification:

1. Hypervitaminosis
2. Toxicity
3. Loss of Dietary diversity

Which of the above effects can be termed as an adverse impact of Food Fortification?

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

Answer : D

Explanation

- Recent studies published in Lancet have shown that both **anaemia and Vitamin A deficiencies are overdiagnosed**, meaning that mandatory fortification could lead to hypervitaminosis. **Hence, statement 1 is correct.**
 - **Hypervitaminosis** is a condition of abnormally high storage levels of vitamins, which can lead to various symptoms such as **over excitement, irritability, or even toxicity.**
- **Undernourishment in India** is caused by monotonous cereal-based diets with low consumption of vegetables and animal protein.
 - Adding one or two synthetic chemical vitamins and minerals will not solve the larger problem, and undernourished populations can lead to toxicity.
 - A 2010 study showed **iron fortification causing gut inflammation and pathogenic gut microbiota profile** in undernourished children.
 - **Hence, statement 2 is correct.**
- Once biofortified food like iron-fortified rice is sold as the remedy to anaemia, **the value and the choice of naturally iron-rich foods** like millets, varieties of green leafy vegetables, and flesh foods, gets **suppressed.**
 - **This leads to loss of Dietary diversity, which is a healthier and more cost-effective way to fight malnutrition. Hence, statement 3 is correct.**

2. Haldibari-Chilahati rail route has been recently in the news. It connects India with which of the following neighbouring countries?

- A Pakistan
- B Sri Lanka
- C Nepal
- D Bangladesh

Answer : D

Explanation

Recently, Bangladesh and India started **regular operation of freight trains through the restored Haldibari (India)-Chilahati (Bangladesh) rail route after over 50 years**, which will strengthen railway connectivity and bilateral trade between the two countries.

- The Haldibari-Chilahati rail link is one such route that was **operational till 1965**.
- The Haldibari-Chilahati route is expected to enhance the **connectivity to Assam and West Bengal from Bangladesh**.
- It will **enhance rail network access to the main ports and dry ports to support the growth in regional trade** to encourage economic and social development of the region.
- **Hence, option D is correct.**

3. Consider the following statements:

1. The Milk Fortification Project was launched to address vitamin deficiency in consumers.
2. It was launched by the Food Safety and Standard Authority of India (FSSAI) in collaboration with FAO.

Which of the statements given above is/are correct?

- A 1 only
- B 2 only
- C Both 1 and 2
- D Neither 1 nor 2

Answer :A

Explanation

- The **Milk Fortification Project** was launched to **address vitamin deficiency in consumers**. It has seen significant progress in the past two years. **Hence, statement 1 is correct.**
 - About 25 milk federations, producer companies or milk unions across 20 States in the country are fortifying about 55 lakh litres of milk per day.
 - The fortification is being carried out as per Standard Operating Procedures (SOP) developed by NDDDB and FSSAI (Food Safety and Standards Authority of India).
- The Milk Fortification Project, was **launched by the National Dairy Development Board (NDDDB) in collaboration with World Bank and Tata Trusts**, as a pilot project on 5th September, 2017. **Hence, statement 2 is not correct.**
 - The project aims to process about two million tonnes of fortified milk, reaching around 30 million consumers.
 - The duration of the project is 23 months. It is financed by the South Asia Food and Nutrition Security Initiative (SAFANSI), administered by the World Bank.

4. With reference to Zika virus disease, which of the following statements is/are correct?

1. It is caused by a virus transmitted primarily by Aedes mosquitoes.
2. Zika virus infection during pregnancy can cause infants to be born with microcephaly.

Options:

- a. 1 only
- b. 2 only
- c. Both
- d. None

Answer: c

Explanation:

- Zika Virus infection is caused by the Zika Virus (ZIKV) belonging to the Flaviviridae family.
- It is an infection transmitted through the bite of infected female mosquitoes, *Aedes aegypti* and *Aedes albopictus*.
- Zika virus infection during pregnancy results in birth defects in newborn babies, a condition called microcephaly and can also cause temporary paralysis in adults.

5. Which of the following are the initiatives undertaken by the Government for the welfare and upliftment of the minority communities?

1. USTTAD
2. Hamari Darohar
3. Nai Manzil
4. Sakhi Scheme
5. Sanskritik Sadbhav Mandap

Options:

- a. 1, 2 and 4 only
- b. 2, 3, 4 and 5 only
- c. 1, 2, 3 and 5 only
- d. 1, 2, 3 and 4 only

Answer: c

Explanation:

- USTTAD Scheme aims at upgrading the Skills and Training of minority communities by the preservation of traditional ancestral Arts and Crafts. It also envisages boosting the skill of craftsmen, weavers and artisans who are already engaged in the traditional ancestral work.
- Hamari Dharohar is a scheme to preserve the rich heritage of minority communities under the overall concept of Indian Culture.
- Nai Manzil Scheme aims to benefit the minority youths who do not have a formal school-leaving certificate in order to provide them with formal education and skills, and enable them to seek better employment and livelihoods in the organised sector.
- The Sakhi scheme aims to facilitate access to an integrated range of services including medical aid, police assistance, legal aid/case management,

psychosocial counselling, and temporary support services to women affected by violence.

- The “Sanskritik Sadbhav Mandap” is being constructed by Union Minority Affairs Ministry under Pradhan Mantri Jan Vikas Karykram (PMJVK). It is a community centre that will be utilized for various socio-economic-cultural activities, skill development training, coaching, different sports activities, relief activities during disasters such as Corona.

6. Consider the following statements with respect to Eutelsat Quantum Satellite

1. It is the world's first commercial fully reprogrammable satellite.
2. It was launched by the European Space Agency (ESA).

Which of the statement(s) given above is/are correct?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer : c

Eutelsat Quantum Satellite

- This is the world's first commercial fully reprogrammable satellite launched by the European Space Agency (ESA) from French Guiana.
- Eutelsat Quantum, developed under an ESA partnership project with satellite operator Eutelsat and prime manufacturer Airbus, is the world’s first commercial fully flexible software-defined satellite.
- Eutelsat Quantum weighs 3.5 tonnes and consists of eight communication beams.
- Each of the beams can be modified to make changes to the coverage area and its telecommunications signal.

Reprogrammable Satellite

- These satellites allow the user to change the communications as per need, in real time.
- Even while orbiting in a fixed position at 35,000 kms above Earth, the satellite can be reprogrammed.

- Because it can be reprogrammed in orbit, it can respond to changing demands for data transmission and secure communications during its 15-year lifetime.

Mains Practice Questions

1Q. Examine the concept of Daylight Saving Time along with its relevance, advantages and issues related to it. (250 words)

Approach

- Describe Daylight Saving Time.
- Give advantages and the relevance in present time of DST.
- Bring out the issues involved in DST

2Q. Salt satyagraha was more than just a symbolic act of breaking the salt law, that shook an empire. Examine (150 words)

Approach

- Give brief introduction by mentioning chronological facts about salt satyagraha.
- Bring out the essence of satyagraha by linking it to broader Gandhian methods.
- Give conclusion.

