

2020



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CURRENT AFFAIRS

POLITY AND NATION

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BusinessLine



1. Centre seeks Guidelines on Execution of Death Penalty

Why in News?

The Central government has filed a petition before the Supreme Court, seeking a time limit of seven days for death row convicts to file a mercy plea.

- The move comes in the backdrop of various pleas filed by convicts in the Nirbhaya gang-rape case (2012) that have delayed their hanging.
- The petition seeks appropriate modifications to the procedures & guidelines defined during the Shatrughan Chauhan versus the Union of India and others case in 2014.

Other Demands

- Imposition of a time limit to file curative and review petitions for death row convicts.
- Mandatory issuance of death warrant of a convict within seven days of the rejection of his mercy petition by the competent courts, State governments, prison authorities in the country.
- Execution of the death sentence within seven days after the issuance of death warrant of the convict irrespective of the stage of review petition/curative petition/mercy petition of his co-convicts.

Background

- Co-convicts choose to file review or curative or mercy petition one after the other causing delay in the execution of the sentence.
- The existing guidelines to execute the death penalty are more "convict-centric" rather than "victim-centric".
 - These guidelines do not take into account an irreparable mental trauma of the victims and their family members.
- Over the years, it has been observed that convicts of heinous crimes misuse Article 21 (Right to life) to delay the judicial proceedings and in turn death sentences.

Supreme Court guidelines in Shatrughan Chauhan case

- Necessary materials related to the case should be called at once fixing a time limit for forwarding the same to the Ministry of Home Affairs.
- As soon as a mercy petition is received, the Ministry of Home Affairs should place it along with court records and files before the President without delay.
- The convict can challenge the rejection of the mercy petition by the President.
- The rejection of Mercy Petition by the Governor or the President should forthwith be communicated to the convict and his family in writing.
- Death convicts are entitled as a right to receive a copy of the rejection of the mercy petition by the President and the Governor.

- Minimum period of 14 days should be stipulated between the communication of the rejection of the Mercy Petition and the scheduled date of execution.

Supreme Court guidelines in Kehar Singh case

- The power to pardon rests on the advice tendered by the Executive to the President.
- President, subject to the provisions of Art. 74(1) of the Constitution, must act in accordance with such advice.

Mercy Petition

- Article 72 of the Indian Constitution deals with the power of President to grant pardons, to suspend, remit or commute sentences in certain cases.
 - The President, under Article 72, alone has the sole authority to grant mercy petitions in criminal cases on the aid and advice of the council of ministers.
- Article 161 grants power to the Governor to grant pardons, to suspend or remit or commute sentences of any person convicted of any offense against any law relating to a matter to which the executive power of the State extends.
- Judicial review of Mercy Power: President's pardon/rejection/delay is also subjected to judicial review.
 - However, if a court finds that the process of the decision taken by the President under Article 72 was not arbitrary or unreasonable, the decision then cannot be interfered with.

2. Disqualification Powers of Speakers

Why in News?

The Supreme Court has asked the Parliament to rethink the exclusive power of Legislative Assembly Speakers to decide whether legislators should be disqualified or not under the anti-defection law.

- A Speaker, is a member of a political party and an insider in the House.
- The court questioned, why should the Speaker than be the “sole and final arbiter” in the disqualification of a political defector?

Suggestion of Supreme Court

- The Court has suggested establishment of a permanent tribunal headed by a retired Supreme Court judge or a former High Court Chief Justice as a new mechanism.
- Until then the Speakers should decide upon disqualification cases within a reasonable period. Reasonableness would depend on the facts of each case.
- Unless there are exceptional circumstances, disqualification petitions

under the Tenth Schedule should be decided by Speakers within three months.

- The Court held that only swift and impartial disqualification of defectors would give real teeth to the Tenth Schedule.

Tenth Schedule

- The Tenth Schedule to the Indian Constitution was added by the Anti-Defection Law, passed in 1985 through the 52nd amendment to the Constitution.
- The main intent of the law is to combat the evil of political defections.
- **Provisions:**
 - A member of a House belonging to any political party becomes disqualified for being a member of the House, if:
 - a) He/She voluntarily gives up his membership of such political party; or
 - b) He/She votes or abstains from voting in such House contrary to any direction issued by his political party without obtaining prior permission of such party and such act has not been condoned by the party within 15 days.
 - c) If an independent candidate joins a political party after the election.
 - d) If a nominated member joins a party 6 months after he becomes a member of the legislature.
 - **Exceptions to the disqualification on the ground of defection:**
 - a) If a member goes out of his party as a result of a merger of the party with another party. A merger takes place when two-thirds of the members of the party have agreed to such merger.
 - b) If a member, after being elected as the presiding officer of the House, voluntarily gives up the membership of his party or rejoins it after he ceases to hold that office. This exemption has been provided in view of the dignity and impartiality of the office.
- **Role of the Speaker:**
 - Any question regarding disqualification arising out of defection is to be decided by the presiding officer of the House.
 - In 1993, the Supreme Court declared that the decision of the presiding officer is not final and can be questioned in a court of law. It is subject to judicial review on the grounds of malafide, perversity, etc.

3. Social Media posting is a fundamental right: Tripura High Court

Why in News?

In a landmark order, the High Court of Tripura ordered the police to refrain from prosecuting a man who was arrested over a social media post in which he criticised the Citizenship Amendment Act (CAA), 2019.

Key Points

- The Chief Justice of Tripura High Court in his order broadly remarked that posting on social media was tantamount to a “fundamental right” applicable to all citizens, including government employees.
- The high court asserted that government servants are entitled to hold and express their political beliefs, subject to the restrictions laid under the Tripura Civil Services (Conduct) Rules, 1988.

RIGHT TO FREEDOM

- Article 19 guarantees Right to freedom of speech and expression to all citizens.

Freedom of Speech and Expression:

- It implies that every citizen has the right to express his views, opinions, beliefs and convictions freely by word of mouth, writing, printing, picturing or in any other manner.

Grounds for Reasonable Restrictions

- The state can put reasonable restrictions on Freedom of Speech and Expression on following grounds:
 - Sovereignty and integrity of India
 - Security of the state
 - Public order
 - Decency or morality
 - Contempt of court
 - Defamation
 - Incitement to an offence

4. Corruption Perception Index 2019

Why in News?

Recently, Corruption Perception Index 2019 has been released by Transparency International.

- India has slipped two spots to number 80 in the Corruption Perceptions Index (CPI), with its score remaining the same at 41.

Corruption Perception Index

- The index is prepared annually by the Transparency International.
 - Transparency International is a non-profit, non-governmental organisation dedicated to fighting corruption.
 - It was founded in 1993 and is based in Berlin, Germany.
- First launched in 1995, the Index has been widely credited with putting the issue of corruption on the international policy agenda.

- The CPI-2019 ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people.
- It uses a scale of zero to 100, where zero is highly corrupt and 100 is very clean.

Key Points

- The CPI-2019 has revealed that a majority of countries are showing little to no improvement in tackling corruption.
- The average 2019 score is 43, with more than two-thirds of countries scoring below 50.
- Corruption is more pervasive in countries where:
 - big money can flow freely into electoral campaigns; and
 - governments only listen to the voices of wealthy or well-connected individuals.
- **Top Performers:** New Zealand and Denmark.
- **Bottom Rankers:** Somalia, South Sudan and Syria.
- **India's Rank:**
 - India's score of 41 out of 100 remains the same as that in 2018.
 - It has been ranked at number 80.
 - In democracies like India, following factors have resulted in stagnation or decline in the control of corruption:
 - a) unfair and opaque political financing;
 - b) undue influence in decision-making; and
 - c) lobbying by powerful corporate interest groups
- Governments must urgently address the corrupting role of big money in political party financing and the undue influence it exerts on political systems.
- **Recommendations:**
 - Manage conflicts of interest
 - Control political financing
 - Strengthen electoral integrity
 - Regulate lobbying activities
 - Empower citizens
 - Tackle preferential treatment
 - Reinforce checks and balances

5. Democracy Index

Why in News?

The latest edition of the Democracy Index published by The Economist Intelligence Unit places India at 51st place among 165 independent states and two territories.

Key Points

India's Performance

- India's overall score fell from 7.23 to 6.9, on a scale of 0-10, within a

year (2018-2019) — the country's lowest since 2006.

- In Asia and Australasia region, India ranks eighth, behind Taiwan and Timor-Leste.
- It categorises India under “flawed democracies”, countries that hold free and fair elections and where basic civil liberties are respected, but have significant weaknesses in aspects of democracy, such as problems in governance, an underdeveloped political culture and low levels of political participation.

Global Trends

- Based on the scores, each country is classified as one of four types of regimes:
 - Full democracy (scores greater than 8);
 - Flawed democracy (greater than 6 and up to 8);
 - Hybrid regime (greater than 4 and up to 6);
 - Authoritarian regime (less than or equal to 4).
- The average global score is down from 5.48 in 2018 to 5.44 in 2019, driven by a sharp regression in Latin America and Sub-Saharan Africa.
- There are only 22 “full democracies” as compared to 54 “authoritarian regimes” and as many “flawed democracies”.
- Almost one-half (48.4%) of the world's population live in a democracy of some sort, although only 5.7% reside in a “full democracy”, down from 8.9% in 2015.
 - USA has been demoted from a “full democracy” to a “flawed democracy” in 2016 and remain in the category of India in 2019.
- Thailand registered the biggest improvement in score owing to an election in March 2019 after military coup.
- China registered the greatest decline as discrimination against minorities, especially in Xinjiang region and digital surveillance of the population.
- The report describes the year in Asia as one filled with “drama and tumult,” with Hong Kong being the epicentre of protest in the continent.

6. STEM: International Summit on Women

Why in News?

The Department of Biotechnology, Ministry of Science and Technology organized an International Summit on Women in STEM in New Delhi.

- STEM is a curriculum based on the idea of educating students in four specific disciplines- science, technology, engineering and mathematics in an interdisciplinary and applied approach.

STEM

- It aims to boost the participation of women in STEM fields for development of scientific careers.

- The theme of the summit is- Visualizing the Future: New Skylines.

- **Aims:**

- To showcase women in STEM successes as real-world examples of successful women scientists, doctors and engineers.
- To put forward the current conceptual thinking on increasing the participation of women in STEM.
- To boost the participation of women in STEM fields for development of scientific career.
- To provide a platform for the next generation of women scientists to interact and network with leaders in the field
- To nurture ideas for future leadership.

7. Karwar Port

Why in News?

The High Court of Karnataka directed the State government to stop all construction activities related to the development of commercial Karwar port in Uttara Kannada district of Karnataka.

- This port is being developed under the Sagarmala Project.

Key points

- Karwar is located on the Southern side of the Kali River.
- It is the only all-weather natural port out of 10 minor ports of Karnataka.
- Located south of the naval bases in Mumbai and Goa and north of Kochi, it is very close to the world's busiest shipping route between the Persian Gulf and east Asia and beyond the range of most strike aircraft from neighboring countries.
- It has a natural deep-water harbour and considerable land area for expansion to accommodate larger aircraft carriers.

Karwar Region

- It is situated between the Arabian sea and the Western Ghats.
- It is known as Kashmir of Karnataka as it is blessed with a wide variety of flora and fauna.

Sagarmala Project

- It was approved by the Union Cabinet on 25th March 2015.
- It is under the aegis Ministry of Shipping.
- It aims to leverage the country's coastline and inland waterways to drive industrial development.

8. Nagas & Kukis Sign Declaration

Why in News?

The umbrella organisations of the Naga and Kuki tribe namely, Naga National Political Groups (NNPGs) and the Kuki National Organisation (KNO) have recently signed a declaration.

- It was signed to settle contentious issues and inter-community differences peacefully.
- The conflict between the Nagas and the Kukis in 1993 had claimed more than 230 lives and displaced 1,00,000, mostly Kukis.
- According to the declaration, the two sides will “work together closely to resolve differences through a democratic political process, and by respecting each other’s history and identity”.

Nagas

- The Nagas are not a single tribe, but an ethnic community that comprises several tribes who live in the state of Nagaland and its neighbourhood.
- There are nineteen major Naga tribes, namely, Aos, Angamis, Changs, Chakesang, Kabuis, Kacharis, Khain-Mangas, Konyaks, Kukis, Lothas (Lothas), Maos, Mikirs, Phoms, Rengmas, Sangtams, Semas, Tankhuls, Yamchumgar and Zeeliang.
- Nagas belong to the Indo-Mongoloid Family.

Kuki Tribe

- The Kuki tribe is majorly found in Manipur with other states of North Eastern India.
- ‘Mim Kut’ is the main festival of the Kuki tribe.
- The Chin-Kuki group consists of Gangte, Hmar, Paite, Thadou, Vaiphei, Zou, Aimol, Chiru, Koirang, Kom, Anal, Chothe, Lamgang, Koirao, Thangal, Moyon and Monsang.
 - The term Chin is used for the people in the neighboring Chin state of Myanmar whereas Chins are called Kukis on the Indian side.
 - Other groups like Paite, Zou, Gangte, and Vaiphei identify themselves as Zomi and have distanced themselves from the name, Kuki.

9. Gond Tribes

- Gonds are one of the largest tribal groups in the world.
- They are the largest tribe in India.
- They mostly live in Madhya Pradesh, Chhattisgarh, Maharashtra, Andhra Pradesh, Gujarat, Jharkhand, Karnataka, Telangana, Uttar Pradesh, West Bengal and Odisha.

- Gonds are subdivided into four tribes:
 - Raj Gonds
 - Madia Gonds
 - Dhurve Gonds
 - Khatulwar Gonds
- Their staple food is two kinds of millet: kodo and kutki.
 - Rice is mostly consumed during festival feasts.
- Gonds believe that earth, water and air are ruled by Gods.
- They majorly speak Gondi which is an unwritten language of the Dravidian family.
- It has been notified as a Scheduled Tribe.

10. **Baiga Tribe**

- The Baiga (means sorcerers) is one of the Particularly Vulnerable Tribal Groups (PVTGs).
- They mainly live in Chhattisgarh, Jharkhand, Bihar, Odisha, West Bengal, Madhya Pradesh and Uttar Pradesh.
- Traditionally, the Baiga lived a semi-nomadic life and practised slash and burn cultivation. Now, they are mainly dependent on minor forest produce for their livelihood.
 - Bamboo is a significant forest product for Baigas.
- Tattooing is an integral part of Baiga culture,
 - Every age and body part has a specific tattoo reserved for the occasion.
- It has also been notified as Scheduled Tribes

Scheduled Tribes

- The President under Article 342 is empowered to declare communities as scheduled tribes.
 - While Parliament by law can amend the list.
- According to Census 2011, tribes constitutes 8.6% of our total population and out of which only 58.96% are literate.

11. **Round-Table UNAIDS**

Why in News?

- Recently, the high-level roundtable of the Joint United Nations Programme on HIV/AIDS (UNAIDS) was held at the World Economic Forum at Davos, Switzerland.
- It laid emphasis on accessibility of health to all with innovative technologies and solutions and also on bridging economic inequalities.

United Nations Programme on HIV and AIDS (UNAIDS)

Joint United Nations Programme on HIV/AIDS

- It is leading the global effort to end Acquired Immune Deficiency Syndrome (AIDS) as a public health threat by 2030 as part of the

Sustainable Development Goals. It was started in 1996.

- UNAIDS has a vision of zero new HIV infections, zero discrimination and zero AIDS-related deaths, and a principle of leaving no one behind.
- The UN Political declaration on ending AIDS was adopted in 2016 which seeks to end AIDS as a public health threat by 2030.

12. Tripura, Meghalaya and Manipur celebrated their Statehood Day

Why in News?

Recently the states of Tripura, Manipur and Meghalaya celebrated their Statehood Day.

- On 21st January, 1972, all the three states became full-fledged states under the North Eastern Region (Reorganisation) Act, 1971.

North-Eastern Region

At the time of Independence, India's North-East region composed of three kinds of entities mentioned below:

- Assam Province of British India.
 - Princely states of Manipur and Tripura.
 - North East Frontier Province (NEFA)
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- The princely states of Tripura and Manipur were merged with India in October 1949.
 - In 1949, Manipur and Tripura states was granted the status of Union Territories.
 - Meghalaya was made an autonomous state within Assam via the Assam Reorganisation (Meghalaya) Act of 1969 as per the sixth schedule of the constitution.
 - Finally, in 1972, Manipur, Meghalaya and Tripura were granted full statehood via the North East Reorganization Act 1971.

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