

2020



drishti

# CURRENT AFFAIRS

**POLITY AND NATION**

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BusinessLine



## **1. Crime in India Report, 2018**

### **Why in News?**

The National Crime Records Bureau (NCRB) has recently released its annual 'Crime in India' report for the year 2018.

- Through this report, NCRB brings out the annual comprehensive statistics of crime across the country.
- The Crime in India report has been published since 1953.
- The **report serves as a crucial tool** in understanding **the law and order situation** across the country.
- NCRB has also released Accidental Death and Suicides in India 2018 report which outlines death and suicide statistics of the country.

### **Key Highlights of the Report:**

- **Crime Registration and Rate:**
  - Reported increase of 1.3% in the registration of cases.
  - The crime rate per lakh population has come down from 388.6 in 2017 to 383.5.
- **Crimes against children:**
  - Uttar Pradesh, Madhya Pradesh, Maharashtra, Delhi and Bihar accounted for 51 per cent of all crimes in the country.
  - Major crime against children during 2018 were:
    1. Kidnapping and abduction (44.2%).
    2. Cases under POCSO (34.7%).
- **Suicides:**
  - The highest number of suicide victims were daily wage earners comprising 22.4% of such deaths.
  - Farm sector workers accounted for 7.7 % of the total number of suicides in the country.
  - **Suicide rate:**
    1. Maharashtra
    2. Tamil Nadu
    3. West Bengal
- **Crime Against Women:**
  - The rise has been observed in 2018 compared to 2017.
  - **Worst Performing States:**
    1. Uttar Pradesh
    2. Maharashtra
    3. West Bengal.
    4. Delhi tops the list among the metropolitan cities.
  - **Nature of crime:**
    1. Cruelty by husband or his relatives (31.9%).
    2. Assault on women with intent to outrage her modesty (27.6%).

- **Cyber Crimes:**
  - The cyber crime rate has increased over the last year.
  - Worst performing states:
    1. Uttar Pradesh
    2. Karnataka
    3. Maharashtra
- **Riots:**
  - Riot cases due to communal, political, agrarian and student issues declined but riots arising out of industrial and water disputes rose sharply.
- **Crime Against SC/STs:**
  - The incidents registered under the Scheduled Caste and Scheduled Tribes related Acts declined between 2017-18.

## 2. Supreme Court Ruling on Internet Shutdown

### Why in News?

The Supreme Court has recently given its ruling on internet shutdown and section 144 of CrPC (Code of Criminal Procedure)

- The Supreme Court verdict has laid down a framework of how the Internet can be suspended, and what rights and legal recourses a citizen has when it is suspended.
- It has also directed the government to mandatorily publish all orders permitting internet shutdowns so that it can be challenged in the courts.

### Key Points

- **Ruling on Suspension of Internet**
  - The Supreme Court declared that the fundamental **right to freedom of speech and expression (Article 19(1)(a))** and the right to carry on trade or business (Article 19(1)(g)) using the Internet are constitutionally protected.
  - Suspending Internet services indefinitely is impermissible under the Temporary Suspension of Telecom Services [Public Emergency or Public Service] Rules, 2017.
  - The court held that suspension could be done for temporary duration only and the same is subject to judicial review.
  - A "complete and broad" suspension of telecom and Internet services should be resorted to only as a drastic measure in an "unavoidable" situation.
  - The Court has thus asked the government to review within seven days all orders directing suspension of internet services.
- **Ruling on Section 144**
  - Section 144 of the Code of Criminal Procedure prohibits
    - a. assembly of five or more people,

- b. holding of public meetings,
  - c. carrying of firearms etc.
- Section 144 also empowers the authorities to block the internet access.
- The Court held that the repetitive orders under Section 144 CrPC as an abuse of power.
- The Court said that power under Section 144 is exercisable not only where there exists present danger, but also when there is an apprehension of danger.
- However, the danger contemplated should be in the nature of an ‘emergency’ and for the purpose of preventing obstruction and annoyance or injury to any person lawfully employed”.
- The government cannot recourse to blanket use of the power under Section 144 CrPC (for issuing restrictions) as a tool to prevent the legitimate expression of opinion or grievance or exercise of any fundamental rights.
- There is a need to find a balance regarding security and liberty of people.
- **Laws dealing with Suspension of Internet Services:**
  - a. The Information Technology Act, 2000
  - b. Criminal Procedure Code (CrPC), 1973
  - c. Telegraph Act, 1885

### 3. Department of Military Affairs

#### Why in News?

- The Ministry of Defence(MoD) has approved the Rules of Business for the newly created Department of Military Affairs (DMA) headed by the Chief of Defence Staff (CDS)

#### Department of Military Affairs

- The DMA or ‘Sainya Karta Vibhag’ will be the fifth department in the Ministry after
  - Department of Defence
  - Department of Defence Production
  - Department of Defence Research and Development
  - Department of Ex-Servicemen Welfare.
- The DMA’s **mandate** includes
  - Promoting jointness in procurement, training and staffing for the Services
  - Facilitating restructuring of the military commands for optimal utilisation of resources
- The Department will be staffed by a mix of civilian and armed forces
- The DMA would deal with
  - Armed forces

- Integrated headquarters of the Ministry of Defence, comprising the Army, Naval and Air and defence staff headquarters
- The Territorial Army
- Procurement exclusive to services, except capital acquisitions

#### **4. Government Owned Contractor Operated (GOCO) Model**

##### **Why in News?**

The Army has initiated the process of identifying potential industry partners to implement the Government Owned Contractor Operated (GOCO) model for its base workshops and ordnance depots.

- GOCO will improve the operational efficiency of the army.

##### **GOCO Model**

- It was recommended by the Lt. Gen. DB Shekatkar (Retd.) Committee to enhance combat capability and re-balancing defence expenditure.
- It is also in line with the Indian Prime Minister's initiatives to enhance private participation in defence.
- The Army's Master General of Ordnance (MGO) is evaluating the GOCO model for Army Base Workshops (ABWs) to drive higher operational efficiencies.
  - The tasks undertaken by these workshops include depot level repairs and overhaul of T-72 and T-90, guns, mortars and small arms, vehicles, communication systems.
- **The eight ABWs identified are located in-**
  - Delhi
  - Jabalpur (Madhya Pradesh)
  - Kankinara (West Bengal)
  - Allahabad (Uttar Pradesh)
  - Agra (Uttar Pradesh)
  - Meerut (Uttar Pradesh)
  - Kirkee (Maharashtra)
  - Bengaluru (Karnataka)

##### **Government Owned Contractor Operated Model**

- In the GOCO model, the assets owned by the government are operated by the private industries.
- The private players are given full autonomy in implementing the vision set by the government, using their best practices.

##### **Issues**

- In the GOCO model, the assets owned by the government will be operated by the private industries.
- In such cases, there are possibilities of protraction of assets and the expertise being absorbed by private industry.

### Advantage

- The main advantage of the model is that the targets are achieved in a shorter time frame.
- It will boost competitiveness among private entities and create jobs in the defence sector.

## 5. Economic Weaker Section Quota

### Why in News?

- A writ petition had been filed in the Supreme Court (SC) against the non-implementation of the 103<sup>rd</sup> Constitutional Amendment Act in Tamil Nadu and Karnataka.
- The Centre informed the SC that it would be the State government's prerogative to implement the law and provide the 10% economic reservation in government jobs and admission to education institutions.

### 103<sup>rd</sup> Constitutional Amendment Act

- The 103<sup>rd</sup> Constitutional Amendment Act **provides 10% reservation for Economically Weaker Sections (EWS) of society** for admission to Central Government-run educational institutions and private educational institutions and for employment in Central Government jobs.
- These are citizens who fall into the 'general' category - those not specifically included in other categories such as SC, ST or OBC.
- It amends Article 15 and Article 16 of the constitution.
- The 10% reservation will be in addition to the existing cap of 50% reservation for the Scheduled Castes, Scheduled Tribes and the Other Backward Classes, taking the total reservation to 60 per cent.

### Eligibility Criteria- It provides reservation for:

- People who have an annual income of less than Rs.8 lakhs.
- People who own less than five acres of farmland.
- People who have a house less than 1,000 sq feet in a town (or 100 sq yard in a notified municipal area).

## 6. PM Fasal Bima Yojana (PMFBY)

### Why in News?

Maharashtra has become the first state in the country to seamlessly integrate its land records with the web portal of the Pradhan Mantri Fasal Bima Yojana (PMFBY).

- This will help in checking the cases of "over-insurance"- insurance of more land than in possession- as well as insurance of ineligible people.
- Maharashtra also counts itself among the top five states in the country in terms of payment of claims under the PMFBY.



## **Pradhan Mantri Fasal Bima Yojana (PMFBY)**

- PMFBY was **launched in 2016** and is being administered by the **Ministry of Agriculture and Farmers Welfare**.
- It provides a comprehensive insurance cover against failure of the crop thus helping in stabilising the income of the farmers.
- It covers all food & oilseed crops and annual commercial/horticultural crops for which past yield data is available.
- **Premium:**
  - The prescribed premium is 2% to be paid by farmers for all Kharif crops and 1.5% for all rabi crops.
  - In the case of annual commercial and horticultural crops, the premium is 5%.
- The scheme is compulsory for loanee farmers availing Crop Loan /Kisan Credit Card (KCC) account for notified crops and voluntary for others.
- The scheme is implemented by empanelled general insurance companies.
  - The selection of the Implementing Agency (IA) is done by the concerned State Government through bidding.
- **Use of Technology:**
  - Use of improved technology to reduce time gap for settlement of claims of farmers.
  - Use of satellite imagery to assess the crop area, crop condition and crop yield, at district level.

## **7. 5 Years of UJALA & SLNP**

### **Why in News?**

The Government of India's zero subsidy Unnat Jyoti by Affordable LEDs for All (UJALA) and LED Street Lighting National Programme (SLNP) marked its fifth anniversary on 5<sup>th</sup> January, 2020.

- Both have been spearheaded and implemented by Energy Efficiency Services Limited (EESL), a joint venture of PSUs under the Ministry of Power, Government of India.

### **UJALA Initiative**

- It was **launched in 2015** with a target of replacing 77 crore incandescent lamps with LED bulbs and to nullify the high-cost of LEDs that acted as a barrier previously in the adoption of energy-efficient systems.
- The scheme was implemented to set up a phase-wise LED distribution.
- The **objective** is to promote efficient lighting, enhance awareness on using efficient equipment that will reduce electricity bills and preserve the environment.
- It is the world's largest domestic lighting project.
- Through the UJALA initiative, over 36.13 crore LED bulbs have been distributed across India. This has resulted in energy savings and greenhouse gases emission reduction.

- The reduced electricity bills add to a household's disposable income and lifetime savings, thus improving the quality of life, generating prosperity in local communities and in expanding energy access to all.
- Apart from this, the Government of India initiated the Gram Swaraj Abhiyan (GSA) in 2018.
  - It was aimed at the promotion of social harmony by appraising rural communities of various government welfare schemes and initiatives.
  - As a part of it, villages with poor households were able to buy LED bulbs for a special price under the UJALA programme.

### **Street Lighting National Programme (SLNP)**

- It was **launched in 2015** and has been instrumental in replacing over 50 lakh street lights in over 500 cities in India.
- Under the programme, EESL replaces the conventional street lights with LEDs at its own costs, with no upfront investment by the municipalities.
- It is the world's largest streetlight replacement programme.
- Under the SLNP programme, over 1.03 crore smart LED streetlights have been installed till date.
- LED street lights have been installed in various states across the country, helping generate approximately 13,000 jobs to support the Make in India initiative.
- It has enabled citizens to increase productivity at night and made roads safer for pedestrians and motorists due to enhanced brightness and reduced dark spots.
- The power utilities of states where the installation of LEDs has been implemented save up to 50% in electricity bills.
- By March 2020, SLNP aims to replace 1.34 crore conventional streetlights in India with smart LEDs.

## **8. Minority Institutions**

### **Why in News?**

- Recently, the Supreme Court held that the state is well within its rights to introduce a regulatory regime in the "national interest" to provide minority educational institutions with well-qualified teachers in order for them to "achieve excellence in education."
  - Minority Institutions have the fundamental right under Article 30 of the Constitution to establish and administer educational institutions of their choice.

### **Key Points from the Judgement**

- The verdict held that article 30(1) was neither absolute nor above the law.



- The judgment also held that the regulatory law should however balance the dual objectives of ensuring standard of excellence as well as preserving the right of minorities to establish and administer their educational institutions.
- The managements of minority institutions cannot ignore such a legal regime by saying that it is their fundamental right under Article 30 of the Constitution to establish and administer their educational institutions according to their choice.
- For this, the Court broadly divided education into two categories:
  - Secular education
  - Education “directly aimed at or dealing with preservation and protection of the heritage, culture, script and special characteristics of a religious or a linguistic minority.”
- When it comes to education related to minorities, the court advocated “maximum latitude” to be given to the management to appoint teachers.
  - Teachers who believe in the religious ideology or in the special characteristics of the concerned minority would alone be able to imbibe in the students admitted in such educational institutions, what the minorities would like to preserve, profess and propagate.
  - However, secular minority institutions should focus on imparting education by availing the best possible teachers.

### Background

- The judgment came on a challenge to the validity of the West Bengal Madrasah Service Commission Act of 2008.
- The State Act mandated that the process of appointment of teachers in aided madrasahs, recognised as minority institutions, would be done by a Commission, whose decision would be binding.
- The SC upheld the validity of the 2008 Act and said that the Commission is composed of people who have profound knowledge in Islamic Culture and Islamic Theology.
- SC referred to the TMA Pai Foundation case, 2002 and said that Article 30(1) was neither absolute nor above the law. As per the laws laid in the case-
  - A regulation framed in the national interest must necessarily apply to all institutions.
  - If an unfavourable treatment is given out to an educational institution established and administered by a minority, an objection can be raised.
  - It becomes a different matter if a regulatory regime ensures excellence in educational institutions and the teacher selection method is designed to achieve excellence in institutions.

## 9. Appointment of Judges

### Why in News?

- The Supreme Court asked the Centre about the delay in appointments of judges cleared by the apex court Collegium for the High Courts and
- SC also asked the Attorney General to inform it whether appointments can be made possible within six months of such recommendations.

### Appointment of Judges of Supreme Courts

- The judges of the Supreme Court are appointed by the president.
- The Chief Justice is appointed by the President after consultation with such judges of the Supreme Court and high courts as he deems necessary.
- The other Judges are appointed by the President after consultation with the chief justice and such other judges of the Supreme Court and the high courts as he deems necessary.
- The consultation with the Chief Justice is obligatory in the case of appointment of a judge other than Chief Justice.

### Appointment of Judges of High Courts

- The judges of a high court are appointed by the President.
- The chief justice is appointed by the President after consultation with the Chief Justice of India and the Governor of the state concerned.
- For appointment of other judges, the Chief Justice of the concerned high court is also consulted.

## 10. Scheduled Caste Status to be Religion Neutral

### Why in News?

The Supreme Court will examine a plea related to Dalit Christians or Christians of Scheduled Castes origin who demand the same quota benefits reserved for Scheduled Castes.

- The plea also requests that reservation for government jobs and admissions in educational institutions should be made "religion-neutral".

### Key Points

- Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 restricts Christians of Scheduled Castes origin from availing the Scheduled Castes status.
  - Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 states that no person who professes a religion different from Hinduism, Sikhism and Buddhism shall be deemed to be a member of a Scheduled Caste.
- Arguments in favour of the reservation to be religion-neutral:
  - The change in religion does not change social exclusion.
  - The social hierarchy and specifically caste hierarchy continues to

remain within Christianity and Muslims even though the religion forbids it.

- Considering the above scenario, the reservation needs to be delinked from religion.

## 11. Digilocker

### Why in News?

The Delhi High Court sought response from the Centre on a petition against the rules pertaining to operation of DigiLocker on the ground that it does not have a nomination facility.

- The plea contended that in the absence of a nominee, on the user's death, all the documents uploaded on Digilocker app would not be accessible by his or her kin and would automatically get passed on to the government.

### Digilocker:

- DigiLocker is a **flagship initiative of MEITY (Ministry of Electronics and Information Technology)** under 'Digital India' programme.
- It is a platform for issuance and verification of documents & certificates in a digital way, thus eliminating the use of physical documents.
- The initiative is a commendable way to store and send documents in a secure way.
- Indian citizens who sign up for a DigiLocker account gets a dedicated cloud storage space that is linked to their Aadhaar (UIDAI) number.
- It is regulated under Information Technology (Preservation and Retention of Information by Intermediaries providing Digital Locker facilities) Rules 2016.
- Organizations that are registered with Digital Locker can push electronic copies of documents and certificates (e.g. driving license, Voter ID, School certificates etc.) directly into citizens lockers.
- The issued documents in DigiLocker system are deemed to be at par with original physical documents.
- The platform has the following benefits:
  - a. Easy accessibility, convenient and time saving.
  - b. Reduces administrative overhead of Government departments
  - c. Easier to validate the authenticity of documents
  - d. Easy process of self-attestation by using eSign facility

### Key stakeholders in the DigiLocker System:

- **Issuer:** Entity issuing e-documents to individuals in a standard format and making them electronically available e.g. CBSE, Registrar Office, Income Tax department, etc.
- **Requester:** Entity requesting secure access to a particular e-document stored within a repository (e.g. University, Passport Office, Regional Transport Office, etc.)

- **Resident:** An individual who uses the Digital Locker service based on Aadhaar number.

## **12. Revised Guidelines for Mutual Legal Assistance in Criminal Matters** **Why in News?**

The Ministry of Home Affairs has issued revised guidelines to streamline the process of seeking legal assistance from foreign countries in criminal matters. The revised guidelines will direct how data requests are processed in any criminal investigations.

- The revised guidelines also include the process for issuing directives on drafting and processing letters of request, mutual legal assistance requests and service of summons, notices and other judicial documents.
- As most intermediaries and social media platforms have their servers outside India, the investigation agencies need to follow a particular procedure to access the data from these platforms.

### **Key Points**

- **Criteria to seek information from foreign countries:**
  - Before seeking information about a person's email account hosted on servers in foreign countries, investigating agencies will have to establish clearly that it is linked to a crime.
- **Data Preservation:**
  - Data preservation is the key to the investigation of cyber-offences and those involving digital evidence.
  - Accessing the internet through an Internet Service Provider (ISP) creates important records and other information such as customer records, connection information and stored data.
  - These are very important evidence to prove the guilt intention of the accused.
  - Since this type of evidence can disappear quickly, it is important to get the data preserved through appropriate channels.
- **Time Period:**
  - The requested country has to be informed about the time period for which the data is required.
  - Such period shall be consented by the requested country.
  - The transferred data shall be kept for no longer than the period required for the purpose for which it has been received and shall be returned to the requested country or deleted at the end of the period specified.
- **Place for Data Preservation:**
  - The G8 24/7 Network allows law enforcement agencies to make urgent preservation requests of the digital data before it perishes.
  - The request for data may be sent to the service provider or to the

Central Bureau of Investigation (CBI) — the contact point for India with respect to the G8 24/7 Network.

### **G8 24/7 Network**

- Created in 1997, the G8 24/7 High Tech Crime Network, includes 45 countries.
  - After Russia's exit G8 is now G7
- It is a new mechanism to expedite contacts between the Participating States or other autonomous law enforcement jurisdictions of a State.
- It is a point to point network for urgent assistance in cybercrime matters.
- It provides for investigations involving electronic evidence that require urgent assistance from foreign law enforcement.

  
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