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Government Order for PC of Women in Army

Why in News

Recently, the **Ministry of Defence** has issued the **formal Government Sanction Letter** for **grant of Permanent Commission (PC) to Women Officers in the Indian Army.**

Key Points

- The order specifies grant of PC to **Short Service Commissioned** (SSC) Women Officers in the **remaining 8 streams of the Indian Army.**
 - These **10 streams include** Army Air Defence (AAD), Signals, Engineers, Army Aviation, Electronics and Mechanical Engineers (EME), Army Service Corps (ASC), Army Ordnance Corps (AOC), Intelligence Corps, Judge and Advocate General (JAG) and Army Educational Corps (AEC).
 - **Before the order, women officers are allowed a PC in the JAG and AEC.**
- In anticipation, the Army Headquarters had set in motion a series of preparatory actions for the conduct of the **Permanent Commission Selection Board (PCSB)** for the eligible women officers.

The Selection Board will be scheduled as soon as all eligible SSC Women Officers exercise their option and complete requisite documentation.

- **Issue:**
 - Under the SSC scheme, women were **commissioned into the Army for a period of 10 years, extendable up to 14 years.**
 - Women were, however, **restricted to roles in specified streams** such as Army Education Corps, Corps of Signals, Intelligence Corps and Corps of Engineers. These specified streams **excluded combat arms** such as infantry and armoured corps.
 - While **male SSC officers could opt for permanent commission** at the end of 10 years of service, this option was not available to women officers. **Women officers were kept out of any command appointment and could not qualify for a government pension, which starts only after 20 years of service** as an officer.
- **Background:**
 - The case was first **filed in the Delhi High Court by women officers in 2003** and had **received a favourable order in 2010.**
 - However, the **order was never implemented** and was **challenged in the Supreme Court by the government.**
 - In its appeal, the **government cited “physical” and “physiological limitations”** in granting command positions to women.
 - In the **February 2019 policy statement, the Government endorsed the PC for SSC women officers** in 10 streams of the ‘Combat Support Arms’ and ‘Services’ sections.
 - However, it was said that the women officers **would not be offered any command appointments, and would serve only in staff posts.**
 - In **February 2020**, the SC held that there is a **need for an administrative will and ‘change of mindset’** and **directed the government to grant PC and command postings in all services other than combat** to women Army officers.

Permanent Commission for Women

The Ministry of Defence has taken steps to **ensure implementation of the grant of PC** to women officers and all three services have allowed permanent recruitment of women in select streams including medical, education, legal, signals, logistics and engineering.

- **Indian Air Force:** Women Officers recruited through the SSC in the IAF have the option of seeking PC in all streams except the flying branch.
- **Indian Navy:** In **March 2020, the SC cleared the way for PC to women in Indian Navy** as well.
The Navy has allowed PC of women in a host of departments such as logistics, naval designing, air traffic control, engineering and legal.
- **Indian Army:** Women officers are granted PC in the Indian Army in **all the ten branches** where women are **inducted for SSC**.

Way Forward

- With the order in force, women officers will now be eligible to occupy all the command appointments, at par with male officers, which would open avenues for further promotions to higher ranks for them.
- Women were being kept out of command posts on the reasoning that the higher rank and file will have problems with women as commanding officers. Thus, changes have to take place in the culture, norms and values of not only the rank and file of the Army but also that of society at large. The responsibility to usher these changes lies with the senior military and political leadership.
- It is the right of every woman to pursue a career of her choice and reach the top. Equality is a constitutional guarantee.

Source: PIB

Rajya Sabha Members Facing Criminal Charges

Why in News

According to an analysis by the **Association for Democratic Reforms (ADR)**, about 24% of the sitting **Rajya Sabha members** have declared **criminal cases** against themselves.

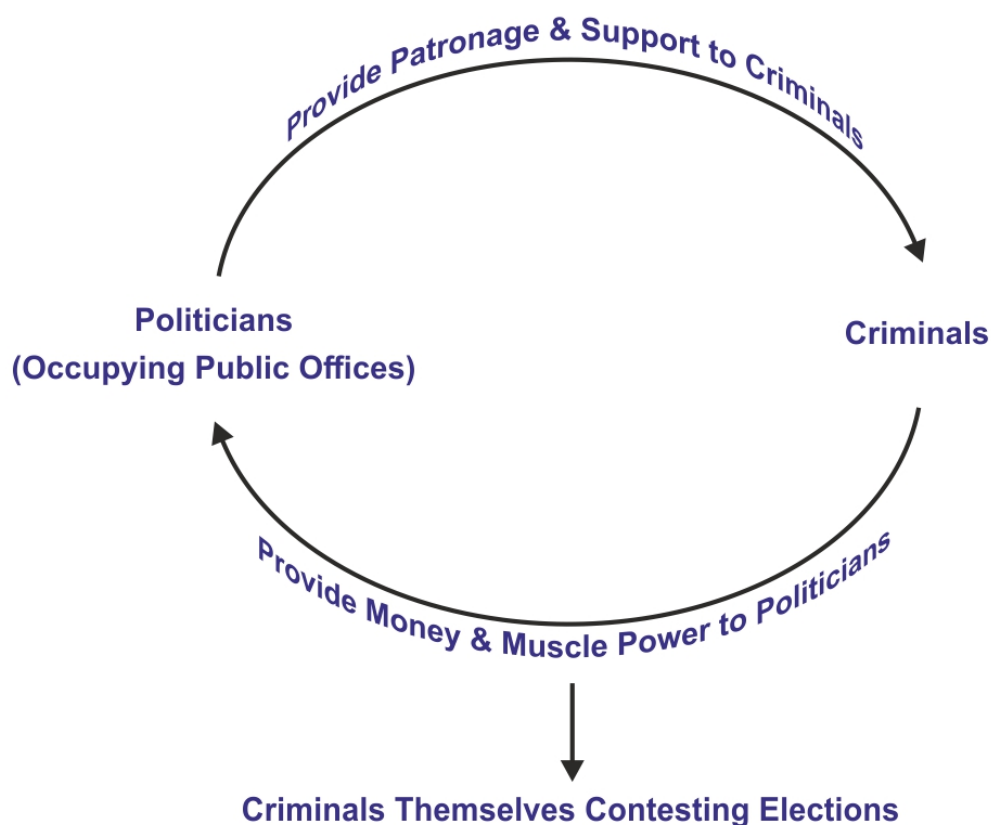
Key Points

- **Data Analysis:** Analysis of 229 of the 233 Rajya Sabha seats showed that 54 MPs had declared criminal cases.
 - Among the **newly-elected representatives 28 or 12%** had declared serious criminal cases.
 - It also found out from their self-sworn affidavits that have declared **assets estimated** at over **Rs. 1 crore**.
- **17th Lok Sabha:** According to the finding of Association of Democratic Reforms, about **43% of members elected** to 17th Lok Sabha are **facing criminal charges** in court of law, while **84% have self-declared assets worth more than Rs. 1 crore**.

This is the highest number of members of parliament facing serious criminal charges like rape, murder and kidnapping, **since 2004**.
- ADR is an Indian non-governmental organization established in 1999 situated in New Delhi.

With **National Election Watch (NEW)**, ADR is striving to bring **transparency and accountability in Indian politics** and reduce the influence of **money and muscle power** in elections.

Criminalisation of Politics



- Criminalization of politics is the **involvement of the candidates with criminal charges** in politics through the elections and even getting elected to the Parliament and state legislature. It takes place primarily because of the nexus between the criminals and the politicians.
- **Reasons:**
 - **Lack of Political Will: Section 8** of the Representation of Peoples (RP) Act, 1951 disqualifies a **person convicted** with a sentence of two years or more from contesting elections. But those **under trial continued to be eligible** to contest elections.
Therefore, in order to curb **criminalisation of politics**, Parliament needs to bring an amendment in the Act.
 - **Use of Muscle and Money Power:** Candidates with **serious criminal records** seem to do well despite their **bad public image**, largely due to their ability to finance their own elections and further fund their respective parties for different election activities.
 - **Vote Bank:** Criminals are being wooed by political parties and given cabinet posts because their muscle and money fetches crucial votes.
 - **Narrow Self-interests of Voters:** Some voters tend to view such candidates through a narrow prism of being able to represent their community interests by hook or by crook.
 - **Lack of Choices:** Sometimes voters are left with no options, as all competing candidates have criminal records.
- **Consequences:**
 - **Ineffective Democracy:** It affects the efficacy of the democratic process in delivering good governance as law breakers become law makers.
 - **Culture of Violence:** It introduces a culture of violence in society and sets a bad precedent for the youth to follow.
 - **Black Money:** It also leads to increased circulation of black money during and after elections, diluting probity in public life.

Measures Taken by the Supreme Court

Case/Year	Judgment/Measures
<i>Union of India (UOI) vs. Association for Democratic Reforms, 2002</i>	The Supreme Court held that every candidate, contesting an election to the Parliament, State Legislatures or Municipal Corporation, has to declare their criminal records, financial records and educational qualifications.
<i>Ramesh Dalal vs. Union of India, 2005</i>	A sitting Member of Parliament (MP) or Member of State Legislature (MLA) shall also be subject to disqualification from contesting elections if he is convicted and sentenced to not less than 2 years of imprisonment by a court of law.

Lily Thomas vs. Union of India, 2013 **Section 8(4) of The Representation of the People Act, 1951** was declared unconstitutional which allowed MPs and MLAs who were convicted to continue in office till an appeal against such conviction was disposed of.

People's Union for Civil Liberties vs. Union of India, 2013 The Supreme Court asked Election Commission to provide '**none of the above**' choice to voters to exercise their right to express **no confidence in all candidates**.

The Supreme Court had directed the Centre to set up **special fast-track courts** to exclusively try lawmakers and politicians facing criminal cases.

- **Election Commission's Recommendations:** In 1997, Election Commission directed all the **Returning Officers (ROs) to reject** the nomination papers of any candidate who **stands convicted** on the day of filing the nomination papers even if his sentence is suspended.
 - It recommended that **if a person is found guilty** by a commission of Inquiry then he shall be disqualified from contesting elections.
 - The **First Past The Post (FPTP) electoral system** shall be replaced by the **2-ballot system** under which a candidate is declared elected from a territorial constituency on the basis of majority principle.
 - If no one wins 50 percent of the vote, all candidates except the top two are excluded and voters are asked to vote a second time. In the second round, the candidate who wins the most votes is elected.
 - The 2-ballot system will make winning elections very difficult for criminals as they will have to garner the widest possible support from the voters to get the majority votes.
 - Along with the 2-ballot system, the **negative vote** shall also be introduced.
- **Other Measures:**
 - **Right to recall:** It confers the **power on the registered voters** in a constituency to recall their elected representatives from the house **on the ground of non-performance**. It could empower the people at grassroot level. The elected representative could be made truly accountable to the people.
 - **State Funding of Elections:** It means the government would extend **financial assistance to the political parties** to contest elections in part or in full, in kind or in cash.
 - Various **committees** (Dinesh Goswami, Inderjeet Committee) on the electoral reforms have recommended for state funding of elections.
 - **State funding of elections** will curb use of black money to a large extent and thereby will have a significant impact on limiting criminalization of politics.

Way Forward

- There is a need for fixing the **governance system and effective regulation of political financing** along with bold **reforms** to break the vicious cycle of criminals and politics. It is crucial to plug the loopholes in the current laws to make the entire governance machinery more accountable and transparent.
- **Citizens** must vote in **elections based on character, conduct and capability** of the candidates and not based on cash, caste, community and criminal prowess. This could be the ultimate solution to check money power in politics.

Source: TH

Plea Bargaining

Why in News

Several citizens of various countries, who were accused of violating visa conditions and government guidelines following the **Covid-19 pandemic**, have obtained release from court cases in recent days by **means of plea bargaining**.

Key Points

- **Plea Bargaining:**
 - It refers to a person charged with a criminal offence (**accused**) **negotiating with the prosecution for a lesser punishment** than what is provided in law **by pleading guilty to a less serious offence**.
 - It primarily involves **pretrial negotiations between the accused and the prosecutor**. It may involve **bargaining on the charge or in the quantum of sentence**.

- **Provision in India:**

- **Plead Guilty:** There has always been a provision in the **Code of Criminal Procedure (CrPC)** for an accused **to plead ‘guilty’ instead of claiming the right to a full trial**, but it is **not the same as plea bargaining**.
- **Plea Bargaining:** Plea bargaining was **introduced in 2006** as part of a set of amendments to the CrPC as **Chapter XXI-A**, containing **Sections 265A to 265L**.
- Cases for which the plea bargaining is allowed are **limited**.
 - Only someone who has been charged for an offence that **does not attract the death sentence, life sentence or a prison term above seven years** can make use of the scheme under Chapter XXI-A. It is **also applicable to private complaints** of which a criminal court has taken cognisance.
 - Other categories of cases that **cannot** be disposed of through plea bargaining are those that involve offences **affecting the “socio-economic conditions”** of the country, or **committed against a woman or a child below the age of 14**.

- **Procedure in India:**

- The plea bargaining process **can be initiated only by the accused**. This provision is **different from the one in other countries like the USA** where the prosecutor plays a key role in bargaining with the suspected offender.
- The accused will **have to apply to the court** for invoking the benefit of bargaining.
- Thereafter, the court may permit the **prosecutor, the investigating officer and the victim (if any) to hold a meeting** for a “satisfactory disposition of the case”.
- Once mutual satisfaction is reached, the court formalises the arrangement by way of a report signed by all the parties and the presiding officer.
 - The accused **may be sentenced to a prison term that is half the minimum period** fixed for the offence. If there is no minimum term prescribed, the sentence should run up to **one-fourth of the maximum sentence stipulated in law**.
 - The outcome may also involve **payment of compensation** and other expenses to the victim by the accused.

- **Arguments in Favour:**

- As per the **Justice Malimath Committee** on reforms of the criminal justice system (formed in 2000):
 - This ensures **speedy trial**, ends uncertainty over the outcome of criminal cases, **saves litigation costs** and relieves the parties of anxiety.
 - It would also have a dramatic **impact on conviction rates**.

It is common in the USA, and has been a successful method of **avoiding protracted and complicated trials**. As a result, conviction rates are significantly high there.
- **Prolonged imprisonment of undertrials** without any progress in the case for years and **overcrowding of prisons** are also other factors that may be cited in support of reducing pendency of cases and decongesting prisons through plea bargaining.
- It may help offenders make a **fresh start in life**.

- **Arguments Against:**

- People who are pushed to plea bargain are those **who do not have the wherewithal to arrange for bail**.
- Even courts are also very particular about the voluntary nature of the exercise, as **poverty, ignorance and prosecution pressure** should not lead to someone pleading guilty of offences that may not have been committed.

The Judiciary in its earlier verdicts (especially before the introduction of the process) had **disapproved of bargaining with offenders**, and pointed out that lenient sentences could be considered as part of the circumstances of the case after a regular trial. **Mere acceptance or admission of the guilt should not be a ground for reduction of sentence**.
- Further, it may **hamper the victim's right to fair trial**, involvement of coercion by the investigating agencies and corruption in the process.
- Some argue that it is **against Article 20 (3)** of the Constitution which provides **immunity to an accused against self-incrimination**.

Way Forward

- To sum up, while plea bargaining is beneficial to the accused and victim of a crime, **enough safeguards** are required to be placed to **stop possible abuse of this process**.
- Plea bargain is a pragmatic vision to **overcome crowded criminal courts** and prisons and a potential way to **improve the litigation efficiency** and rationalize judicial resources, infrastructure and expenses.

Source: TH

Increase in Gold Prices

Why in News

Recently, the gold prices crossed Rs. 50,000 per 10 grams after nine years in India.

Gold prices in India are dictated by international prices. **India is the world's second-largest gold consumer after China.**

Key Points

- **Reasons:**
 - Global uncertainties triggered by **Covid-19 pandemic weak dollar, low-interest rates environment** and **stimulus programmes** have increased the demand for gold.
 - Rising virus cases and **USA-China tensions** have also led to increase in the gold price.
- **Gold as Safe Haven:**
 - Whenever stock markets, real estate and bonds fall across the world, investors turn to gold to park their funds. It is considered as a **safe haven for investors during periods of uncertainties.**
 - As gold is **highly liquid** and carries no default risk. It is scarce which has historically preserved its value over time.
 - **Liquidity** describes the degree to which an asset can be quickly bought or sold.
 - Further, **supply growth of gold has changed little over time**, in contrast to **fiat money (paper currency)**, which can be printed in unlimited quantities to support monetary policy.
 - Gold is an integral part of wedding ceremonies in India. It is traditionally used as a **hedge against inflation.**
 - Global economies are considering stimulus to boost growth which may lead to increase in inflation further.

- **Return on Gold:**

- Historically, gold has generated long-term positive returns.

The price of gold has increased by an average 14.1% per annum since 1973 after **Bretton Woods** collapsed and the gold standard system of pegging the currency to gold ended.

Bretton Woods System was a **fixed exchange rate system**, under which gold was the basis for the US dollar and other currencies were pegged to the US dollar's value.

- Gold has **surged nearly 40% in the last one year** while the **Sensex** (benchmark index of Bombay Stock Exchange) **showed a loss of 0.41%** in the same period.

- **India's Gold Market:**

- According to the **World Gold Council (WGC)**, households in India may have around 24,000-25,000 tonnes of gold. Various temples across the country also hold sizable gold holdings.

- The **Reserve Bank of India** bought 40.45 tonnes of gold in the financial year 2019-20, taking its total **holdings** of the gold to 653.01 tonnes.

It is a **part of RBI's forex reserves**.

- **India's gold demand in 2019** was 690.4 tonnes compared to 760.4 tonnes in 2018.

The **demand has reduced in 2020** due to lockdown caused by pandemic.

- Around 120-200 tonnes of gold are estimated to be **smuggled** into India every year.

Source: IE

Restrictions on Public Procurement

Why in News

Recently, the Government of India **imposed restrictions on public procurement from bidders of countries that share a land border with India**, citing grounds of defence and national security.

- This was done by amending the **General Financial Rules 2017**.
- Earlier the Central government has made it mandatory for sellers on the **Government e-Marketplace (GeM)** portal to clarify the country of origin of goods when registering new products.

- The government also amended **Foreign Direct Investment (FDI)** rules mandating prior approval for investment by entities in countries that share land borders with India.

Key Points

- **Reason:**
 - According to experts, this decision has been taken to **prevent the influx of Chinese products and investments** into India, following the **clashes between Indian and Chinese troops** in Galwan Valley.
 - To push for **Atmanirbhar Bharat** (self-reliant India).
- **New Order:**
 - Bidders from these countries will be eligible only if they are **registered with the Registration Committee (Competent Authority)** constituted by the **Department for Promotion of Industry and Internal Trade (DPIIT)**.

For national security reasons, the Registration Committee shall not be required to give reasons for rejection/cancellation of registration of a bidder.
 - Bidders will also be required to take **mandatory political and security clearance from the ministries of External Affairs and Home respectively**.
 - The order will be applicable for public sector banks and financial institutions, Autonomous Bodies, Central Public Sector Enterprises (CPSEs) and Public Private Partnership projects receiving financial support from the Government or its undertakings.
 - **The order will not apply to procurement by the private sector.**
- **Order Mandatory for State Governments:**

The Central government has invoked the provisions of **Article 257(1) of the Constitution**, directing the state governments to implement this order for all public procurement.

For State government procurement, the Competent Authority will be constituted by the states but political and security clearance from Central government ministries will remain necessary.

- **Relaxations:**

- Relaxation will be provided for procurement of **Covid-19** medical supplies till 31st December 2020.
- The order for prior registration **will not apply for countries** to which India extends **lines of credit** or **provides development assistance**, even if they share a land border with India.
 - India shares its border with China, Nepal, Bhutan, Pakistan, Bangladesh, Afghanistan and Myanmar.
 - As per official data, out of these, the government has extended lines of credit to **Bangladesh, Nepal, Myanmar.**
 - India also provides various developmental assistance to **Bhutan and Afghanistan.**

Article 257(1)

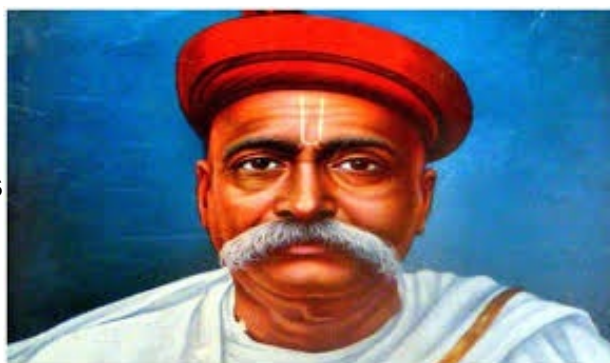
- It states that the **executive power of every State** shall be so exercised as **not to impede or prejudice** the exercise of the executive power of the Union.
- It also authorises the Union to give such directions to a State as may appear to the Government of India to be necessary for that purpose.
- In case **if the state failed to comply** with (or to give effect to) any directions given by the Centre under Article 257(1), it will be lawful for the President to impose **President's rule** under Article 356.

Source: PIB

Bal Gangadhar Tilak

Why in News

On 23rd July, India paid tribute to the freedom fighter and educationist **Bal Gangadhar Tilak** on his **birth anniversary**.



Key Points

- **Birth:** He was born on rd **July 1856** in Ratnagiri, Maharashtra.
Freedom fighter and lawyer, Bal Gangadhar Tilak, is also known as **Lokmanya Tilak**.
- **Educationist:**
 - Founder of the **Deccan Education Society (1884)** along with his associate Gopal Ganesh Agarkar and others.
 - One of the founders of the **Fergusson College (1885)** in Pune through the Deccan Education Society.
- **Ideology:**
 - He was a devout Hindu and used Hindu scriptures to rouse people to fight oppression.
 - Stressed on the **need for self-rule** and believed that without self-rule or swarajya, no progress was possible.
 - **Slogan:** “Swaraj is my birthright and I shall have it!”
 - A book ‘**Indian Unrest**’ written by **Valentine Chirol**, an English journalist, stated **Tilak the ‘father of Indian unrest’**.
 - Emphasised the importance of a cultural and religious revival to go with the political movements.
 - Popularised the **Ganesh Chaturthi festival** in the Maharashtra region.
 - Propounded the **celebration of Shiv Jayanti** on the birth anniversary of the monarch Chhatrapati Shivaji.
- **Political Life:** He was one of the earliest and the most vocal proponents of complete independence or swarajya (self-rule).
 - Along with **Lala Lajpat Rai and Bipin Chandra Pal**, he was part of the **Lal-Bal-Pal trio** of leaders with extremist outlooks.
 - Joined the **Indian National Congress (INC)** in 1890.
- **Surat Split:** It was the splitting of the INC into two groups - the Extremists and the Moderates - at the Surat session in 1907.
 - **Reason:** The extremists wanted either **Tilak or Lajpat Rai to be president**, so when **Rasbehari Ghose was announced as president**, the extremist resorted to violence. Hence Surat Split happened.
 - While **extremists** wanted to end the tyranny rule of British through protest, **Moderates** were aimed at administrative and constitutional reforms.
 - The **Extremist camp was led by Lal Bal and Pal** and the **moderate** camp was led by **Gopal Krishna Gokhle**.

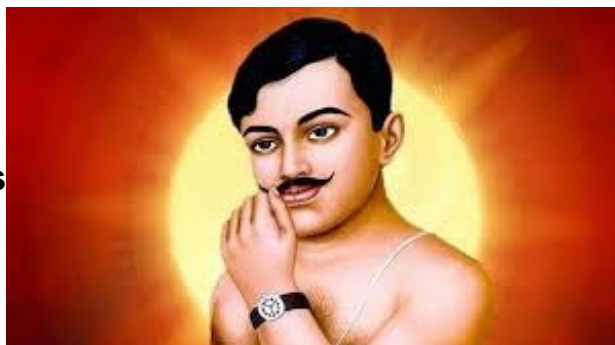
- **Contribution to Freedom Movement:**
 - Propagated **swadeshi movements** and encouraged people to boycott foreign goods.
 - **Indian Home Rule Movement:**
 - It was a movement in British India on the lines of Irish Home Rule movement.
 - Started in 1916, it is believed to have set the stage for the independence movement under the **leadership of Annie Besant and Bal Gangadhar Tilak** for the educated English speaking upper class Indians.
 - **All India Home Rule League:** Founded by Tilak in April 1916 at Belgaum. It worked in **Maharashtra (except Bombay), the Central Provinces, Karnataka and Berar.**
 - **Lucknow Pact (1916):** Between the INC headed by Tilak and All-India Muslim League led by Muhammad Ali Jinnah for hindu-muslim unity in nationalist struggle.
- **Jail:** Between 1908 and 1914, he spent 6 years in Mandalay Prison for defending the actions of revolutionaries Khudiram Bose and Prafulla Chaki.
Khudiram Bose and Prafulla Chaki had tried to **assassinate the District Judge, Mr. Kingsford** by **throwing bombs** at the carriage in which he was supposed to travel.
- **Newspapers:** Weeklies Kesari (Marathi) and Mahratta (English)
- **Books:** Gita Rhasya and Arctic Home of the Vedas.
- **Death:** He died on 1st August 1920.

Chandra Shekhar Azad

Why in News

On 23rd July, India paid tribute to the freedom fighter **Chandra Shekhar Azad** on his **birth anniversary.**

Key Points



- **Birth:** Azad was born on rd **July 1906** in the **Alirajpur district of Madhya Pradesh**.
- **Early Life:** Chandra Shekhar, then a 15-year-old student, joined a **Non-Cooperation Movement** in December 1921. As a result, he was arrested.
 - On being presented before a magistrate, he gave his name as "**Azad**" (**The Free**), his father's name as "Swatantrata" (Independence) and his residence as "Jail".
 - Therefore, he came to be known as **Chandra Shekhar Azad**.
- **Contribution to Freedom Movement:**
 - **Hindustan Republican Association:** After the suspension of the non-cooperation movement in 1922 by Gandhi, Azad joined Hindustan Republican Association (HRA).
 - HRA was a revolutionary organization of India established in 1924 in East Bengal by **Sachindra Nath Sanyal, Narendra Mohan Sen and Pratul Ganguly** as an offshoot of **Anushilan Samiti**.
 - **Members:** Bhagat Singh, **Chandra Shekhar Azad**, Sukhdev, Ram Prasad Bismil, Roshan Singh, Ashfaqulla Khan, Rajendra Lahiri.
 - **Kakori Conspiracy:** Most of the fund collection for revolutionary activities was done through **robberies of government property**. In line with the same, Kakori Train Robbery near Kakori, Lucknow was done in **1925 by HRA**. The **plan was executed** by Chandra Shekhar Azad, Ram Prasad Bismil, Ashfaqulla Khan, Rajendra Lahiri, and Manmathnath Gupta.
 - **Hindustan Socialist Republican Association:** HRA was later reorganised as the Hindustan Socialist Republican Army (HSRA).
 - It was established in at Feroz Shah Kotla in New Delhi by Chandra Shekhar Azad, Ashfaqulla Khan, **Bhagat Singh**, Sukhdev Thapar and Jogesh Chandra Chatterjee.
 - HSRA planned the **shooting of J. P. Saunders**, a British Policeman at Lahore in 1928 **to avenge the killing of Lala Lajpat Rai**.
- **Death:** He died at **Azad Park in Allahabad** on 27th February 1931.

Source: PIB
