

News Analysis (27 Nov, 2020)



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PM on One Nation, One Election

Why in News

Recently, the Prime Minister of India has addressed the concluding session of the 80th All India Presiding Officers Conference via videoconference, at Kevadiya (Gujarat) on the occasion of **Constitution Day** (26th November).

- He raised the pitch for 'One Nation, One Election', a single voter list for all polls and also asked the presiding officers to **simplify the language of statute** books and allow for an easier process to weed out redundant laws.
- He also paid tributes to the security forces and appreciated **India's efforts to fight** terrorism. The day marked 12 years of the Mumbai terror attacks.

- One Nation, One Election:
 - The idea is about structuring the Indian election cycle in a manner so that elections to the Lok Sabha and the State Assemblies are synchronised together so that the election to both can be held within a given span of time.

• Advantages:

- Help keep a check on the poll expenses, party expenses, etc. and also save public money.
- **Reduce the burden** on administrative setup and security forces.
- **Ensure timely implementation** of the government policies and also ensure that the administrative machinery is engaged in developmental activities rather than electioneering.
- **Solve the problem of governance** on the part of the politicians who are ruling. It is generally seen that for short term political gains from a particular assembly election, ruling politicians avoid taking a harsh long term decision which can ultimately help the country in the long run.
- **Provide more time to all the stakeholders** i.e. political parties, **Election Commission of India** (ECI), paramilitary forces, civilians for the preparation of elections once in five years.

• Challenges:

- The synchronisation is a major problem **considering the traditions** and conventions that India's <u>Parliamentary system</u> follows. The government is accountable to the Lower House and it is possible that the government can fall before completing its term and the moment the government falls, there has to be an election.
- It is difficult to convince and bring together all the political parties on the idea.
- For holding simultaneous elections, the requirements for <u>Electronic</u> <u>Voting Machines</u> (EVMs) and the <u>Voter Verified Paper Audit</u> <u>Trails</u> (VVPATs) will double as the ECI has to provide two sets (one for election to the Legislative Assembly and second for that to the Lok Sabha).
- There will also be an additional requirement of the polling staff and for better security arrangements.

Suggestions:

- India held the elections for the assembly as well as the Lok Sabha from 1951-52 to till 1967. As such, therefore, there are **no disagreements on adequacy and efficacy** of the idea. India **can even think of holding elections at the same time even for the local bodies.**
- To sync the term of the State Legislative Assemblies with that of the Lok Sabha, the **term of the state legislative assemblies can be reduced and increased accordingly.** However, to do so, **constitutional amendments** may be needed in **Articles 83, 85, 172, 174 and 356.**
- In India, fixing the dates is not feasible because of the Parliamentary form of government so one radical solution is to switch to the Presidential form of Government where the President is not accountable to the House.
- Synchronising only the elections to the Lok Sabha and the Rajya Sabha.

• One Voter List:

 Only one voter list should be used for Lok Sabha, Vidhan Sabha and other elections.

• Advantages:

A common electoral roll will **save an enormous amount of effort and expenditure** as the preparation of a separate voters list causes duplication of the effort and the expenditure.

• Challenges:

- Persuading the state governments to tweak their respective laws and adopt the ECI voters list for municipal and panchayat polls.
- Requires a massive consensus-building exercise.

Suggestions:

- The mature approach calls for the option of **states adopting EC's voter** list.
- The EC's voters list has to be made in a way **to fit the State Election Commissions' wards which is a tedious task** but can be done by the use of technology.

All India Presiding Officers Conference

- It began in 1921, and the Gujarat event marks its centenary year.
- **Theme for 2020:** 'Harmonious Coordination between Legislature, Executive and Judiciary: Key to a Vibrant Democracy'.

It emphasises on the need for coordination between all three wings of the state, viz. Legislature, Executive and Judiciary and suggests them to be guided by the Constitution which mentions their role to their decorum.

Way Forward

- Elections are held at different places every few months and it hampers the developmental work. Therefore, it's a must to have a deep study and deliberation on the idea in order to prevent the impact of the **model code of conduct** on development works every few months.
- There needs to be a consensus on whether the country needs one nation, one poll or not. All political parties should at least cooperate in debating this issue, once the debate starts, the public opinion can be taken into consideration. India being a mature democracy, can then follow the outcome of the debate.

Source: TH

President's Powers to Pardon

Why in News

Recently, the **President of the United States of America (USA)** has exercised his **powers** under the constitution to **pardon** his former National Security Advisor.

Unlike the **USA President**, whose powers to grant pardons are **almost unrestrained**, the **President of India** has to act on the **advice of the Cabinet**.

- Pardoning Power of the President in the USA:
 - The President of the USA has the constitutional right to pardon or commute sentences related to federal crimes.
 - Clemency is a broad executive power, and is discretionary which means the **President** is **not answerable** for his pardons, and does not have to provide a reason for issuing one. But there are few limitations.
 - The USA has a **Presidential system.**
 - The USA Supreme Court has held that this power is granted without limit and cannot be restricted by Congress (legislature).
 - Limitations:
 - All Presidents shall have power to grant Reprieves and Pardons for offenses against the United States, except in cases of impeachment.
 - Further, the power only applies to federal crimes and not state crimes.
 - Those pardoned by the President can still be tried under the laws of individual states.

• Pardoning Power of the President in India:

Under <u>Article 72 of the Constitution</u>, the <u>President</u> shall have the power to grant <u>pardons</u>, <u>reprieves</u>, <u>respites</u> or <u>remissions</u> of punishment or to <u>suspend</u>, <u>remit or commute</u> the sentence of any person convicted of any offence where the <u>sentence</u> is a <u>sentence</u> of death.

• Limitation:

- The President **cannot exercise his power of pardon** independent of the government.
- In several cases, <u>the Supreme Court (SC)</u> has ruled that the President has to act on the advice of the Council of Ministers while deciding mercy pleas. These include *Maru Ram vs Union of India* in 1980, and *Dhananjoy Chatterjee vs State of West Bengal* in 1994.

• Procedure:

- Rashtrapati Bhawan forwards the mercy plea to the Home
 Ministry, seeking the Cabinet's advice.
- The Ministry in turn **forwards this to the concerned state government**; based on the reply, it formulates its advice on behalf of the Council of Ministers.

• Reconsideration:

Although the President is bound by the Cabinet's advice, **Article74 (1)** empowers him to return it for reconsideration once. If the Council of Ministers decides against any change, the **President has no option but to accept it.**

- Under Article 161, the Governor in India too has pardoning powers.
- Difference Between Pardoning Powers of President and Governor:
 The scope of the pardoning power of the President under Article 72 is wider than the pardoning power of the Governor under Article 161 which differs in the following two ways:
 - Court Martial: The power of the President to grant pardon extends in cases where the punishment or sentence is by a Court Martial but Article 161 does not provide any such power to the Governor.
 - **Death sentence:** The **President** can grant pardon in **all cases** where the sentence given is the sentence of death but the pardoning power of the **Governor** does not extend to **death sentence** cases.

Terms

• **Pardon:** It removes both the sentence and the conviction and **completely absolves the convict** from all sentences, punishments and disqualifications.

- Commutation: It denotes the substitution of one form of punishment for a lighter form. For example, a death sentence may be commuted to rigorous imprisonment, which in turn may be commuted to a simple imprisonment.
- **Remission:** It implies **reducing the period of sentence** without changing its character. For example, a sentence of rigorous imprisonment for two years may be remitted to rigorous imprisonment for one year.
- Respite: It denotes awarding a lesser sentence in place of one originally awarded due to some special fact, such as the physical disability of a convict or the pregnancy of a woman offender.
- **Reprieve:** It implies **a stay of the execution of a sentence** (especially that of death) for a temporary period. Its purpose is to enable the convict to have time to seek pardon or commutation from the President.

Source:IE

Trends in Air Pollution: CPCB

Why in News

According to a recent **study** commissioned by the <u>Central Pollution Control Board</u> (CPCB), the **rate of increase in pollution levels** in southern and eastern India is far greater than the Indo-Gangetic plain (IGP).

It has also found that <u>air pollution</u> in rural areas has increased at par with urban India.

Key Points

- About the Study:
 - It was jointly carried out by IIT-Delhi and CPCB and analysed data from 2000 to 2019.

Currently, the process of **collating and analysing the 2020 data is going on** as well and a **decrease in pollution levels is expected** in the coming years.

• The study, **conducted on the basis of satellite data**, is the **first of its kind to look at air pollution spatially.**

Spatial mapping of pollution will be **vital for** the government to form its future policies under the **National Clean Air Programme** (NCAP).

Findings:

- The **rate of increase of <u>PM2.5</u>** over eastern and southern India is **more than 1.6% per year** during this period, and **less than 1.2% annually** in the IGP.
 - PM2.5 are fine inhalable particles, with diameters that are generally 2.5 micrometers and smaller.
 - It is a major pollutant affecting the environment, human health and the climate.
- Population-weighted 20-year averaged PM2.5 over India is 57.3 μg/m3, with a larger increase observed between 2010 and 2019 than in the 2000-09 period.

As of 2019, **99.5% of districts** in India did not meet the **World Health Organisation** (WHO) air quality guideline of 10 μg/m3.

Statewise Data:

- Ambient PM2.5 exceeds the annual NAAQS of 40 µg/m3 in every state except for Jammu and Kashmir (J&K), Ladakh, Himachal Pradesh, Sikkim, Arunachal Pradesh, Manipur and Nagaland.
- The **PM2.5 level in the IGP**, which has a population of more than 70 crore, and the western arid region is more than double the annual

	STATES WITH HIGH PM 2.5 INCREASE		
	State	Urban	Rural
AAQS.	Kerala	24.2%	21.9%
	Goa	36.4%	37.3%
	Andhra Pradesh	20.1%	18.9%
	Maharashtra	24%	21%
	Odisha	28%	28%

- In Odisha and Chhattisgarh, which have reported among the highest increase in air pollution in eastern India, this is due to mining activities and thermal coal power plants.
- In southern India, high urbanisation in and around cities such as Bengaluru or Hyderabad has led to increased emissions.
- Unfavourable meteorological conditions in eastern and peninsular India, along with increase in emissions, has led to an overall increase in PM 2.5.

• Analysis:

- While in absolute terms the level of air pollution continues to be the highest in the IGP, the rate of increase in air pollution is much higher in southern India and certain areas of eastern India.
- If the focus continues to be on IGP and the increasing pollution (levels) in southern and eastern India is not addressed now, in another 10 years these regions will also have the same problem as northern India does.

• Urban-rural Divide:

• On PM2.5 levels cutting across the urban-rural divide, the study cites the example of **Delhi**, where it **increased by 10.9%** between **2001 to 2015**.

During the same period, PM2.5 exposure in rural India rose by 11.9%.

 A steady air pollution rise in rural India is due to high reliance on solid fuel for domestic use, which is the largest contributor to ambient PM2.5 in India.

This implies that **poor air quality in India is not an urban-centric problem.**

- **Air pollution in rural areas is rarely discussed** with air pollution policies which continue to focus on urban centres.
- Schemes like the <u>Pradhan Mantri Ujjwala Yojana</u> (PMUY) are expected to decrease the pollution levels but it <u>lacks a mechanism to track its</u> progress.

Since the household sources contribute more than 50% to ambient PM2.5 in rural areas, successful implementation of PMUY with sustained usage should arrest or even reverse the increasing trend in rural PM2.5.

Source: IE

Cabinet Approves Capital Infusion into NIIF

Why in News

Recently, the Union Cabinet has given its approval to the proposal for equity infusion by the Government of **Rs. 6000 crores** in **NIIF Debt Platform** - sponsored by the **National Investment and Infrastructure Fund (NIIF).**

This was **one of the twelve key measures** made by the Union Minister for Finance as part of <u>Government of India's stimulus to the economy</u>, under **Atmanirbhar Bharat.**

• Background:

- As per the <u>National Infrastructure Pipeline</u> (NIP), investment in infrastructure sector is targeted at **Rs. 111 lakh crore over the next 5 years** across various sub-sectors, creating substantial need for debt financing.
- It would require at least Rs. 60 to 70 lakh crores in debt financing.
- Current environment requires well-capitalized specialized infrastructure focused financial institutions, such as NIIF Debt Platform being developed by NIIF which can focus on lending across the project life cycle with a strong capital base and expertise driven approach.
- The current approval of equity infusion is subject to two conditions:
 - Out of the proposed amount, only **Rs. 2,000** crore would be allocated during the current year **2020-21**.

However, in view of the unprecedented financial situation and availability of limited fiscal space due to the prevailing <u>Covid-19</u>, the proposed amount may be disbursed **only if there is readiness and demand for debt raising.**

 NIIF will take all necessary steps to use the equity investments from Domestic and Global pension funds and sovereign wealth funds expeditiously.

• NIIF Debt Platform:

- It comprises of:
 - Aseem Infrastructure Finance Limited (AIFL): It is an IFC (Infrastructure Finance Company), established with the aim of playing a transformative role in growth of Indian infrastructure debt financing.
 - NIIF Infrastructure Finance Limited (NIIF-IFL): It was incorporated as an Infrastructure Debt Fund (IDF) in 2014 for financing operating infrastructure projects.
- **Contribution:** It is expected to contribute nearly **Rs. 1 lakh crores** in debt to the infrastructure sector over the **next 5 years.**
- Impact:
 - It will act as a **catalyst in attracting more investments** into the infrastructure sector as envisaged in **NIP**.
 - The process will also help relieve exposure of banks to infrastructure projects and free up space for new green-field projects.
 - It will enhance liquidity of infrastructure assets and lower the risks.
 - It is expected that a well-capitalized, well-funded and well-governed NIIF debt Platform can play a major role in infrastructure financing and development of the bond market in India by acting as an intermediary between the bond markets and infrastructure projects and companies.

National Investment and Infrastructure Fund

- NIIF is a **government-backed entity** established to provide long-term capital to the country's infrastructure sector.
 - The Indian government has a 49% stake in NIIF with the rest held by foreign and domestic investors.
 - With the Centre's significant stake, NIIF is considered India's quasisovereign wealth fund.
- It was set up in **December 2015** as a **Category-II Alternate Investment Fund.**
- Across its **three funds viz. Master Fund, Fund of Funds, and Strategic Opportunities Fund**, it manages over USD 4.3 billion of capital.
- Its registered office is in **New Delhi.**

Terms

• Debt financing:

When a company borrows money to be paid back at a future date with interest, it is known as debt financing.

• Equity:

Equity represents the shareholders' stake in the company, identified on a company's balance sheet.

• Sovereign wealth fund:

A sovereign wealth fund is a state-owned investment fund composed of money generated by the government, often derived from a country's surplus reserves.

• Pension fund:

A pension fund is any plan, fund, or scheme which provides retirement income.

• Bond:

It is a **fixed income instrument** that represents a loan made by an investor to a borrower. In simpler words, a bond acts as a contract between the investor and the borrower. Mostly **Companies and Government** issue bonds and **investors** buy those bonds as a **savings and security option.**

Source:TH

Initiatives for Transgender Persons

Why in News

Recently, the **Ministry of Social Justice and Empowerment** has launched the **National Portal for Transgender Persons** and has inaugurated *Garima Greh*, a shelter home for transgender persons.

Key Points

• National Portal for Transgender Persons:

- It has been launched in consonance with the Transgender Persons (Protection of Rights) Rules, 2020.
- It would help transgenders in **digitally applying for a certificate and identity card** from anywhere in the country, thus **preventing any physical interaction** with officials.
- It will **help them track the status** of application, rejection, grievance redressal, etc. which will **ensure transparency** in the process.
- The issuing authorities are also under **strict timelines to process** the applications and issue certificates and I-cards without any necessary delays.

• Garima Greh:

- It has been opened in Vadodara, Gujarat and will be run in association with the Lakshya Trust, a community-based organisation entirely run by the transgenders.
- The Scheme of 'Shelter Home for Transgender Persons' includes shelter facility, food, clothing, recreational facilities, skill development opportunities, yoga, physical fitness, library facilities, legal support, technical advise for gender transition and surgeries, capacity building of trans-friendly organizations, employment, etc.
- The scheme will **rehabilitate a minimum of 25 transgender persons** in each homes identified by the Ministry.

10 cities have been identified to set up the 13 Shelter Homes.

Transgender Persons (Protection of Rights) Rules, 2020

• The Central Government made the rules under the powers conferred by the **Transgender Persons (Protection of Rights) Act, 2019.**

The Act came into effect on **10**th **January 2020**, which is the first concrete step towards ensuring welfare of transgender persons.

- The rules seek to recognise the identity of transgenders and prohibit discrimination in the fields of education, employment, healthcare, holding or disposing of property, holding public or private office and access to and use of public services and benefits.
- Background:
 - In 2014, the **Supreme Court of India**, in the case of the **National Legal Services Authority versus Union of India**, established the foundation for the rights of transgender persons in India by recognising 'transgender' as a 'third gender' and laying down several measures for prohibition of discrimination against transgender persons and protection of their rights.
 - The judgment recommended reservations for transgenders in jobs and educational institutions and their right to declare the self-perceived gender identity without undergoing a sex reassignment surgery.
- Key Features of the Law Relating to Transgender Persons:
 - Definitions:

Definitions of 'person with intersex variation' and 'transgender person' have been provided to include trans men and trans women (whether or not such person has undergone sex reassignment surgery, hormone or other therapy).

• Non-discrimination:

- It **prohibits the discrimination** of transgender persons at educational establishments, in employment or occupational opportunities, healthcare services and access to public facilities and benefits.
- It further **reinforces transgender persons' right** to movement, right to reside, rent, or otherwise occupy property.

• Certificate of Identity:

- It provides for a right to self-perceived gender identity and casts an obligation on the district magistrate to issue a 'certificate of identity' as a transgender person, without the requirement of any medical or physical examination.
- If the transgender person undergoes medical intervention to change sex either as a male or female and requires a revised identity certificate then they would need to **apply to the district magistrate along with a certificate issued by the medical superintendent** or chief medical officer of the concerned hospital.

• Equal Opportunity Policy:

- Every establishment has been mandated to formulate an equal opportunity policy for transgender persons with certain specific information as prescribed under the law.
- This will help **create inclusive establishments** like inclusive education, etc.

The process of inclusion also requires creation of infrastructure facilities like **separate wards in hospitals** and **washrooms** (unisex toilets).

• Complaint Officer:

Every establishment has been mandated to **designate a person as a complaint officer to handle complaints** from transgender persons.

• Transgender Protection Cell:

Every state government will also have to set up a Transgender Protection Cell under District Mgistrate and Director general of Police **to monitor offence against transgender persons.**

• Welfare schemes:

The government has been mandated to formulate **welfare schemes and programs which are transgender sensitive, non-stigmatising and non-discriminatory.**

Medical Care Facilities:

The government has been mandated to **set up separate** <u>Human</u> <u>Immunodeficiency Virus</u> (HIV) sero-surveillance centres to conduct sero-surveillance for transgender persons; provide for **medical care facilities including sex reassignment surgery and hormonal therapy**; and provide for a **coverage of medical expenses by a comprehensive insurance scheme** for surgeries and other therapies.

National Council for Transgender Persons:

Constitution of the NCT **to advise the government** for the formulation and monitoring of policies and redress the grievances of transgender persons.

Offences and Penalties:

- Offences, like indulging transgender persons in forced or bonded labour or denial of access to public places or physical, emotional or sexual abuse.
- Other offences committed under the provisions of the Transgender Persons Act, are punishable with imprisonment for a term of at least six months, extending up to two years along with fine.

Source:PIB

Awards for Tiger Conservation

Why in News

The **Pilibhit Tiger Reserve (PTR - Uttar Pradesh)** has bagged international award **TX2** for doubling the number of tigers in the past four years.

- Also, the Transboundary Manas Conservation Area or TraMCA (India-Bhutan border) has received the Conservation Excellence Award for 2020.
- Earlier, **India's 2018 Tiger census** (once in every four years) had set a **Guinness record** for being the largest camera-trap wildlife survey.

About the Awards:

• Launched recently, these awards were open to submissions from any site in a tiger range country that has achieved remarkable measurable progress since 2010.

Site: An area having a functional tiger population, legally designated as a "site" under national legislation.

- Award winners were announced on 23rd November 2020 the 10 year anniversary for the global TX2 goal.
- Sites **will receive a small financial grant** to be used to further tiger conservation.
- TX2 Award: It goes to one site that has achieved remarkable and measurable increase in its tiger population since 2010.
- **Conservation Excellence Award:** This award recognises one site that has achieved excellence in **two or more of these five themes:**
 - Tiger and prey population monitoring and research (tiger translocation/prey augmentation),
 - Effective site management,
 - Enhanced law enforcement & protection & ranger welfare improvement,
 - Community based conservation, benefits and human-wildlife conflict mitigation and
 - Habitat and prey management.

TX2 Goal

- The TX2 goal is a **global commitment to double the world's wild tigers by 2022.**
- The goal has been **set by the World Wildlife Fund (WWF)** through the **Global Tiger Initiative**, **Global Tiger Forum** and other critical platforms.
- All 13 tiger range governments came together for the first time at the St Petersburg Summit (Russia -2010) where they committed to double the number of wild tigers by 2022.
- **Tiger Range Countries include** India, Bangladesh, Bhutan, Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, Nepal, Russia, Thailand and Vietnam.
 - Tiger (Panthera Tigris) is categorised as 'Endangered' under the <u>IUCN</u>
 <u>Red List</u> and is listed under Appendix I of <u>CITES</u>.
 - $\circ \ \ \textbf{Global Tiger Day} \ \text{is observed on} \ \ \textbf{29}^{th} \ \textbf{July} \ \text{across the world}.$
 - **India's Project Tiger was launched in 1973** with 9 tiger reserves. Tiger has been listed under **'Schedule I' of the Wildlife Protection Act, 1972.**

• Pilibhit Tiger Reserve:

 Location: Pilibhit district, Lakhimpur Kheri District and Bahraich District of Uttar Pradesh

The northern edge of the reserve **lies along the Indo-Nepal border** while the southern boundary is marked by the **river Sharada and Khakra**.

• **Declaration:** PTR was declared in **2014-15** on the basis of its special type of ecosystem with vast open spaces and sufficient feed for the elegant predators.

PTR is one of the finest examples of the exceedingly diverse and productive **Terai ecosystems** (low-lying land at the foot of the Himalayas).

• Features:

- The study done by <u>Wildlife Institute of India (WII)</u> shows that **Dudhwa-Pilibhit population has high conservation value** as it represents the only tiger population with the ecological and behavioral adaptations of the tiger unique to the Terai region.
- It is **home to** a habitat for over 127 animals, 326 bird species and 2,100 flowering plants.
 - Wild animals include tiger, swamp deer, Bengal florican, hog deer, leopard, etc.
 - It has high sal forests, plantation and grasslands with several water bodies.
- **Bagged TX2 Award:** The number of tigers in the reserve area **has gone up to 65 from 25** in the period of just four years (2014-18).
- Other Protected Areas in Uttar Pradesh:
 - Dudhwa National Park
 - Katarniaghat Wildlife Sanctuary
 - Chambal Wildlife Sanctuary
 - Sur Sarovar (Keethan) Bird Sanctuary

• Transboundary Manas Conservation Area:

• **Formation:** It was **conceptualized in 2011** with the vision to jointly develop and manage a transboundary conservation area between Bhutan and India, for the benefit of people and wildlife.

• Features:

- The TraMCA landscape with an area of over 6500 sq. km forms a vital mosaic of conservation spaces **across the Eastern Himalayas**, and covers the entire Manas Tiger Reserve in India, four protected areas in Bhutan and also two biological corridors.
- The Manas Tiger Reserve in India and Royal Manas National Park in Bhutan form the core of this biologically outstanding transboundary region that is **home to** tigers, <u>elephants</u>, <u>rhinos</u> and more than 1,500 species of mammals, birds and vascular plants.
- The **Manas River** flowing through Royal Manas National Park and Manas National Park also **makes both parks an important** watershed area in the region.
- The landscape and its surroundings **support over 10 million people** in India and Bhutan with its services.
- Bagged Conservation Excellence Award: For efforts to increase the tiger population. The recognition was for the TraMCA comprising the 500 sq. km.
 Manas National Park in Assam and the 1,057-sq. km. Royal Manas
 National Park in Bhutan.

The number of Tigers in the Indian Manas increased from 9 in 2010 to 25 in 2018 while that in the Bhutan Manas more than doubled from 12 in 2008 to 26 in 2018.

Source: TH