

# News Analysis (19 Feb, 2021)



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# Right of Reputation vs Right to Dignity

# Why in News

Recently, a Delhi court has rejected a criminal **defamation** case filed by former Union Minister against a journalist over her tweets accusing him of sexual harassment.

# **Key Points**

• Consideration by the Court:

The Court took consideration of the systematic abuse at the workplace due to the lack of mechanism to redress the grievance of sexual harassment at the time of the incident of sexual harassment against the accused journalist took place.

It was prior to the issuance of the **Vishaka Guidelines** by the **Supreme Court** and enactment of **The Sexual Harassment of Women at** Workplace (Prevention, Prohibition and Redressal) Act, 2013.

# • Court's Ruling:

- The **right of reputation** cannot be protected at the cost of the **right of life** and dignity of women.
  - Right to Reputation:
    - As per the SC, the right to reputation is an integral part of **Article 21** of the Constitution.
    - Further, existence of Section 499 (Criminal Defamation) of the Indian Penal Code, 1860 is not a restriction on the freedom of speech and expression because it ensures that the social interest is served by holding a reputation as a shared value of the public at large.
  - Right to Life (Article 21):
    - No person shall be deprived of his life or personal liberty except according to procedure established by law.
    - It confers on every person the fundamental right to life and personal liberty.
  - Right to Live with Dignity:

In <u>Maneka Gandhi v. Union of India 1978</u>, the SC gave a new dimension to Article 21 and held that the **right to live is not merely** a physical right but includes within its ambit the right to live with human dignity.

• Woman has a **right to put her grievance at any platform** of her choice and **even after decades.** 

#### Defamation

#### • About:

In India, **defamation** can both be a **civil wrong** and a **criminal offence**.

- The difference between the two lies in the objects they seek to achieve.
- A **civil wrong** tends to provide for a **redress of wrongs** by awarding compensation and a **criminal law seeks to punish** a wrongdoer and send a message to others not to commit such acts.

### • Laws for Defamation:

- In Indian laws, criminal defamation has been specifically defined as an offence under the section 499 of the <u>Indian Penal Code (IPC)</u> whereas the civil defamation is based on tort law (an area of law which does not rely on statutes to define wrongs but takes from ever-increasing body of case laws to define what would constitute a wrong).
- Section 499 states defamation could be through words, spoken or intended to be read, through signs, and also through visible representations.

These can either be published or spoken about a person with the **intention** of damaging the reputation of that person, or with the knowledge or reason to believe that the imputation will harm his reputation.

### • Exceptions:

**Section 499** also cites **exceptions.** These include "**imputation of truth**" which is required for the "**public good**" and thus has to be published, on the public conduct of government officials, the conduct of any person touching any public question and merits of the public performance.

### • Punishment:

- **Section 500 of IPC**, which is on punishment for defamation, reads, "Whoever defames another shall be **punished with simple imprisonment for a term** which may extend to two years, or with fine, or with both."
- Moreover, in a criminal case, defamation has to be established beyond reasonable doubt but in a civil defamation suit, damages can be awarded based on probabilities.

### • Validity:

The SC of India, in the *Subramanian Swamy vs Union of India*, *2014*, upheld the constitutional validity of the criminal defamation law.

### Source:TH

### **OTT Service Providers vs Telecom Service Providers**

# Why in News

The <u>Cellular Operators Association of India (COAI)</u> has urged the government to bring <u>over-the-top (OTT)</u> service providers such as WhatsApp under the licensing regime and defer net neutrality rules on telecom operators till the time 'same service, same rules' are applied on the applications.

COAI was **constituted in 1995** as a registered, non-governmental society. COAI's core membership **includes private Telecom Service Providers (TSPs)**, namely Bharti Airtel Ltd., Vodafone India Ltd., Reliance Jio Infocomm Ltd., operating across the whole country.

- Over-The-Top Service Providers:
  - OTT services refer to applications where providers deliver audio, video and other media over an IP network such as the internet, bypassing the traditional telecom operators (such as cable companies).
  - **Examples:** Skype, Viber, WhatsApp and Hike are popular and widely-used **OTT** communication services.
- Impact of OTT Services on TSPs:
  - OTT applications actively use TSPs' infrastructure to provide their services.
  - Many telecom operators are worried by the threat OTT services provide to their own services. Countless OTT applications are designed as alternative formats of existing 'classic' communications such as SMS.

### • Issue of Regulation:

# • Licensing Regime:

Telecom operators are **required to comply with** quality of service norms, audit of accounts, procure **spectrum** for services, pay **goods and services tax**, licence fees and spectrum usage charges, facilitate lawful interception and monitoring system etc. but **no such obligations are imposed on OTT players.** 

# • UCC Regulation:

- The second important aspect is the <u>Unsolicited Commercial</u>
   <u>Communication (UCC)</u> regulation that has been in force for TSPs since 2007.
- Recently, the government has also decided to set up a <u>Digital Intelligence</u>
   <u>Unit (DIU)</u> as a nodal agency to deal with complaints of UCC and cases of financial fraud.
- Telecom Regulatory Authority of India (TRAI) had come up with a consultation paper to deal with UCC on OTT service providers. However, it clarified that no regulations would be imposed on OTT calling and messaging apps till the time clarity emerges in the international jurisdictions.

# • Net Neutrality Rules:

- The <u>net neutrality</u> principles prohibit service providers from discriminating against Internet content and services by blocking, throttling or according preferential higher speeds.
- In 2016, TRAI published **Prohibition of Discriminatory Tariffs for data services regulations**, 2016.

As per these Regulations, **no service provider can offer or charge discriminatory tariffs** for data services on the basis of content.

• TSPs invest in network infrastructure and acquire spectrum, without getting a share in the revenue of the OTT service providers.

Some have argued that the **investment by TSPs in internet infrastructure or penetration levels would diminish** if they are not permitted to practice differential pricing, due to a lack of incentive.

 Another contention of the TSPs is that certain websites or applications require higher bandwidth than others.

> For example, websites that stream video content utilise much more bandwidth than smaller messaging applications, for which the TSPs need to build and upgrade network infrastructure.

### • Demands by the COAI:

- Till the time any decision is taken regarding licensing of OTT communication providers, **unequitability between TSPs and OTTs should not be increased** further by the TRAI.
- Till such time, no new licensing conditions, including that of traffic management practices for net neutrality etc., should be imposed on TSPs.

## **Way Forward**

Since the underlying technology, adoption, markets, pricing models, scarce resource utilization, and quality of services are very different, bringing about level playing field doctrine between TSPs and OTTs shall take time. However, OTTs due to their sheer adoption rate should be responsible for Quality of Service.

### Source:TH

# **Boosting Cooperation in South Asia**

# Why in News

Recently, the Prime Minister **suggested that neighbouring countries should consider creating a special visa scheme for doctors and nurses,** so that they could travel quickly within the region during health emergencies, on the request of the receiving country.

- This suggestion was made during a workshop on 'Covid19 Management: Experience, Good Practices and Way Forward' hosted by India with nine neighbouring nations, including Pakistan.
- The eight members of the **South Asian Association for Regional Cooperation (SAARC)** and **Mauritius and Seychelles** participated in the workshop.
- **SAARC** comprises the following **member States:** Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

## • Measures Proposed by India in the Workshop:

useful case-studies for the region.

- Creating a **special visa scheme** for doctors and nurses.
- The **civil aviation ministries** should coordinate on a **regional air ambulance agreement** for medical contingencies.
- Creating **a regional platform** for collating, compiling and studying data about the **effectiveness of** <u>Covid-19 vaccines</u> among populations.
- A **regional network** for promoting technology assisted epidemiology **for preventing future pandemics.**
- Sharing of successful public health policies and schemes.
   From India, <u>Ayushman Bharat</u> and <u>Jan Arogya schemes</u> may be

### • Other Highlights:

- Barring Pakistan, which hasn't requested vaccines from India, the other participating **countries thanked India for supplies of vaccines**, medicines and equipment amid the pandemic.
- **South Asia was among the first regions** to come together in recognising the threat (Covid-19) and committing to fight it together.

The countries in the region created a <u>Covid-19 emergency response</u> <u>fund</u> and shared resources, equipment and knowledge.

• The region shares many **common challenges** – climate change, natural disasters, poverty, illiteracy, and social and gender imbalances, and also **share the power of centuries-old cultural and people-to-people linkages.** 

## • Significance:

The participation of all the SAARC members including Pakistan has opened **an opportunity to resolve the issues among its members** and restart the regional development cooperation initiatives such as South Asian Free Trade Area (SAFTA).

#### • SAARC Issues:

### • Lack of Unanimity:

Consensus building continues to be a challenge on major decisions. For e.g. During the 18<sup>th</sup> SAARC Summit in Kathmandu in 2014, the signing of the **SAARC motor vehicle agreement (MVA)** had to be stalled as Pakistan declined to it.

### • Tussle Between Countries:

- Most of the smaller states and external players believe that the India-Pakistan conflict has undermined SAARC.
- Pakistan's use of terror as an instrument of foreign policy has made normal business impossible. Therefore, India pulled out of the summit that was to be held in Pakistan in 2016 in the aftermath of the Uri terror attack.
- Dispute between Pakistan and Afghanistan over the Durand line, is also a reason for tussle within SAARC.

# • Domination by India:

India's economic position vis-a vis other SAARC countries, has often been the subject of criticism that India acts as a big brother rather than a strategic partner.

# Marginalisation by Other Organisations:

SAARC has become almost marginal to the regions' collective consciousness and other organisations such as the <u>Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)</u> came into the forefront.

# **Way Forward**

- India should enhance cooperation like recently, it contributed USD 10 million to SAARC Covid-19 Emergency Fund and <u>supplied vaccines</u> for countries in the SAARC region (Eg. <u>Operation Sanjeevani</u> for Maldives).
- SAARC revival by promoting **confidence building measures (CDM)** among its members will facilitate India's **neighbourhood first policy** in meeting the challenge of regional strategic encroachment by China through its **Belt and Road Initiative.**

#### Source:TH

### NASA's Mars 2020 Mission

# Why in News

<u>National Aeronautics and Space Administration (NASA's)</u> Perseverance Rover has landed on Mars.

This was one of the most crucial aspects of the Mars 2020 Mission.

# **Key Points**

### • About:

The mission is designed to better understand the **geology of Mars** and seek **signs of ancient life.** 

- Objectives:
  - Assess ancient habitability.
  - **Demonstrate technology** for future robotic and human exploration.
- **Duration:** At least one Mars year (about 687 Earth days).
- Mission Steps:
  - **Collect:** Perseverance will collect rock and soil samples in cigar-sized tubes. The samples will be collected, the canisters will be sealed, and left on the ground.
  - Fetch: A Mars Fetch Rover (provided by the European Space Agency) will land, drive, and collect all samples from the different locations, and return to the lander.
  - **Transfer:** These samples will be transferred to the **Mars Ascent Vehicle** which will meet with an Orbiter.
  - **Return:** The **Orbiter** will carry the samples back to Earth.

### Perseverance Rover



#### About:

- Perseverance is the most advanced, most expensive and most sophisticated mobile laboratory sent to Mars.
- It is **different from previous missions** because it is capable of drilling and collecting core samples of the most promising rocks and soils, and setting them aside in a "cache" on the surface of Mars.
- **Launch:** 30<sup>th</sup> July, 2020
- Landing: 18<sup>th</sup> February, 2021

# • Landing Site:

**Jezero Crater** (an ancient river delta that has rocks and minerals that could only form in water).

### • Power Source:

A Multi-Mission Radioisotope Thermoelectric Generator (MMRTG) which converts heat from the natural **radioactive decay of plutonium (Plutonium Dioxide) into electricity.** 

- **Instruments:** It carries seven instruments, two microphones and 23 cameras in total in order to conduct unprecedented science and test new technology on Mars. Few important **instruments** are:
  - Mars Oxygen In-Situ Resource Utilisation Experiment (MOXIE):
    - This will use power to produce oxygen using atmospheric carbon dioxide.
    - If successful, it can be scaled up to provide the **two very critical needs** of humans: oxygen for breathing, and rocket fuel for the trip back to Earth.
  - Radar Imager for Mars' Subsurface Experiment (RIMFAX):

RIMFAX will provide high resolution mapping and also look for subsurface water on Mars.

## • Mars Helicopter:

It is actually a small drone to test whether the helicopter can fly in the sparse atmosphere on Mars. The low density of the Martian atmosphere makes the odds of actually flying a helicopter or an aircraft on Mars very low.

### • Mastcam-Z:

An advanced camera system with panoramic and stereoscopic imaging capability will help determine mineralogy.

### SuperCam:

It can provide imaging, chemical composition analysis, and mineralogy at a distance.

# • Planetary Instrument for X-ray Lithochemistry (PIXL):

An X-ray fluorescence spectrometer and high-resolution imager that will provide capabilities that permit more detailed detection and analysis of chemical elements than ever before.

- Scanning Habitable Environments with Raman & Luminescence for Organics and Chemicals (SHERLOC):
  - A spectrometer that will provide fine-scale imaging and uses an ultraviolet (UV) laser to map mineralogy and organic compounds.
  - SHERLOC will be the first UV <u>Raman spectrometer</u> to fly to the surface of Mars and will provide complementary measurements with other instruments in the payload.

# • Mars Environmental Dynamics Analyzer (MEDA):

Sensors that will provide measurements of temperature, wind speed and direction, pressure, relative humidity, and dust size and shape.

#### Mars

#### • Size and Distance:

- It is the **fourth planet from the Sun** and the **second-smallest planet** in the Solar System.
- Mars is about half the size of Earth.

## • Similarity to the Earth (Orbit and Rotation):

- As Mars orbits the Sun, it completes one rotation every 24.6 hours, which is very similar to one day on Earth (23.9 hours).
- Mars' axis of **rotation is tilted 25 degrees** with respect to the plane of its orbit around the Sun. This is similar with Earth, which has an axial tilt of 23.4 degrees.
- Like Earth, Mars has distinct seasons, but they last longer than seasons on Earth since Mars takes longer to orbit the Sun (because it's farther away).
- Martian days are called sols—short for 'solar day'.

#### • Surface:

- It has colors such as brown, gold and tan. The reason Mars looks reddish is due to oxidation or rusting of iron in the rocks, and dust of Mars. Hence it is also called **Red Planet.**
- Mars has the **largest volcano in the solar system i.e. Olympus Mons.** It's three times taller than Earth's Mt. Everest with a base the size of the state of New Mexico.

### • Atmosphere:

Mars has a thin atmosphere made up mostly of carbon dioxide, nitrogen and argon gases.

# • Magnetosphere:

Mars has no magnetic field till date, but areas of the Martian crust in the southern hemisphere are highly magnetized, indicating traces of a magnetic field.

#### • Moons:

Mars has two small moons, **Phobos and Deimos**, that may be captured asteroids.

### • Previous Mars Missions:

- The **Soviet Union in 1971** became the first country to carry out a Mars landing, Mars 3.
- The second country to reach Mars's surface is the **United State of America (USA).** Since 1976, it has achieved 8 successful Mars landings, the latest being the **'InSight'** in 2019.
- **European Space Agency** has been able to place their spacecraft in Mars's orbit through the **Mars Express Mission.**

## • India's Mars Orbiter Mission (MOM) or Mangalyaan:

- It was launched from the Satish Dhawan Space Centre in Andhra Pradesh by **Indian Space Research Organisation** in November 2013.
- It was launched on board a PSLV C-25 rocket with aim of studying Martian surface and mineral composition as well as scan its atmosphere for methane (an indicator of life on Mars).
- Reasons for Frequent Missions to Mars: There are two primary reasons:
  - Similar to Earth:
    - First, Mars is a planet where life may have evolved in the past. Conditions on early Mars roughly around 4 billion years ago were very similar to that of Earth.
    - It had a thick atmosphere, which enabled the stability of water on the surface of Mars.
    - If indeed conditions on Mars were similar to those on Earth, there is a real possibility that microscopic life evolved on Mars.

# • Most Suitable among Other Planets:

- Mars is the only planet that humans can visit or inhabit in the long term.
   Venus and Mercury have extreme temperatures the average temperature is greater than 400 degree C. All planets in the outer solar system starting with Jupiter are made of gas not silicates or rocks and are very cold.
- Mars is comparatively hospitable in terms of temperature, with an approximate range between 20 degrees C at the Equator to minus 125 degrees C at the poles.

### Source: TH

# **Greenpeace Analysis On Economic Cost Of Air Pollution**

# Why in News

According to a **Greenpeace Southeast Asia** (non-governmental organisation) analysis of cost to the economy due to air pollution, **PM 2.5 air pollution** claimed approximately 54,000 lives in Delhi in 2020.

PM 2.5 refers to fine particulate matter smaller than 2.5 micrometers in diameter. It causes **respiratory problems** and also reduces visibility. It is **an endocrine disruptor** that can affect insulin secretion and insulin sensitivity, thus contributing to diabetes.

## • Report on Indian Cities:

### • Delhi:

- In July 2020, Greenpeace found out that of the 28 global cities studied, **Delhi bore the highest economic cost of air pollution** with an estimated loss of 24,000 lives in the first half of 2020 despite a strict **Covid-19 lockdown.**
- In 2020, air pollutant levels in Delhi remained almost six times above the prescribed WHO (World Health Organisation) limits of 10 μg/m3 annual mean.
- The estimated air pollution-related economic losses were USD 8.1 billion, which amounts to 13% of Delhi's annual Gross Domestic Product (GDP).

### • Mumbai:

An estimated **25,000 avoidable deaths in Mumbai** in 2020 have been attributed to air pollution from PM **2.5** and Nitrogen Dioxide (NO2).

### • Other Cities:

- Damage due to air pollution is equally worrying in other cities Mumbai,
   Bengaluru, Chennai, Hyderabad and Lucknow featured in the global analysis.
- Bengaluru, Chennai and Hyderabad estimated an approximate 12,000,
   11,000, and 11,000 avoidable deaths respectively due to polluted air.

### • Global Scenario:

- Globally, approximately 1,60,000 deaths have been attributed to PM 2.5 air pollution in the five most populous cities Delhi (India), Mexico City (Mexico), São Paulo (Brazil), Shanghai (China) and Tokyo (Japan).
- In 2020, the estimated **economic cost of PM 2.5 air pollution exceeded USD 5 billion in 14 cities** included in the analysis.

## • Tokyo (Japan):

Of the included cities, the **highest estimated total financial cost** from air pollution was recorded in Tokyo, which suffered approximately 40,000 avoidable deaths and an economic loss of USD 43 billion due to PM 2.5 air pollution in 2020.

# • Los Angeles (USA):

It recorded the **highest per capita financial cost of PM 2.5 air pollution** of all cities on the estimator, at approximately USD 2,700 per resident.

### • Indicators Used in Measurement:

### • PM 2.5 Measurements:

 Real-time ground-level PM 2.5 measurements were collected from different places and combined together in <u>IQAir's database</u>.

IQAir is an air quality technology company.

Using Algorithms, such data was applied to scientific risk models in combination with population and public health data to estimate the health and economic costs of air pollution exposure.

### • Willingness To Pay:

To show the impact of air pollution-related deaths on the economy, the approach used by Greenpeace is called 'willingness-to-pay' — a lost life year or a year lived with disability is converted to money by the amount that people are willing to pay in order to avoid this negative outcome.

# • Cost Estimator:

The 'Cost Estimator', an online tool that estimates the real-time health impact and economic cost from fine particulate matter (PM 2.5) air pollution in major world cities, was deployed in a collaboration between Greenpeace Southeast Asia, IQAir and the Centre for Research on Energy and Clean Air (CREA).

## • Fatality of Air Pollution:

## • Globally:

#### • WHO:

- According to WHO, toxic air is now the biggest environmental risk of early death, responsible for one in nine of all fatalities.
- It kills 7 million people a year, far more than HIV, tuberculosis and malaria combined.

### World Bank:

According to a 2016 World Bank report, the lost lives and ill health caused are also a colossal economic burden: USD 225bn is lost labour income in 2013, or USD 5.11tn per year (about \$1m a minute), if welfare losses are also added.

#### • In India:

- Overall: Long-term exposure to outdoor and <u>household (indoor) air</u>
   <u>pollution</u> contributed to over 1.67 million annual deaths from stroke,
   heart attack, <u>diabetes</u>, lung cancer, chronic lung diseases, and <u>neonatal</u>
   <u>diseases</u>, in India in 2019.
- **Infant Related Data:** High PM contributed to the deaths of more than 1,16,000 Indian infants who did not survive their first month.

Infants in the first month of life are already at a vulnerable stage and a growing body of scientific evidence-supported studies in India indicates that particulate air pollution exposure during pregnancy is linked to low birth weight and preterm birth.

- Initiatives to Control Air Pollution In India:
  - The Commission for Air Quality Management in National Capital Region (NCR) and Adjoining Areas: It coordinates efforts of state governments to curb air pollution, and will lay down the parameters of air quality for the region.
  - **Bharat Stage (BS) VI norms**: These are emission control standards put in place by the government to keep a check on air pollution.
  - Dashboard for Monitoring Air Quality: It is a National Air Quality
     Monitoring Programme (NAMP) based dashboard, built on data from the
     Central Pollution Control Board's
     National Ambient Air Quality Monitoring
     (NAAQM) Network which was started in 1984-85 and covers 344 cities/towns in 29 states and 6 UTs.
  - **National Clean Air Programme**: Launched in 2019, it is a comprehensive pan-India air pollution abatement scheme for 102 cities.
  - National Air Quality Index (AQI): It focuses on health effects one might experience within a few hours or days after breathing polluted air.
  - National Ambient Air Quality Standards: They are the standards for ambient air quality with reference to various identified pollutants notified by the Central Pollution Control Board under the <u>Air (Prevention and Control of</u> <u>Pollution) Act, 1981.</u>
  - **Breathe**: It is a 15 point action plan to fight air pollution by **NITI Aayog**.
  - **Pradhan Mantri Ujjwala Yojana (PMUY)**: It aims at providing clean-cooking fuel to the poor households and bringing in qualitative charges in the living standards.

#### Source:TH

# **Hyderabad: Tree City of the World**

# Why in News

**Hyderabad city** (Telangana's Capital) has been recognised as a **'2020 Tree City of the World'** by the **Arbor Day Foundation** and the <u>Food and Agriculture Organisation</u> of the United Nations (FAO).

• Hyderabad has **earned recognition in the Foundation's second year of the programme along with 51 other cities** in the world (during 2020 & cumulative 120 cities from 63 countries).

Most of the cities were from countries – USA, UK, Canada, Australia etc.

• It is the only City in India to get this recognition so far.

### • Tree Cities of the World Programme:

- About:
  - It is an international effort to recognize cities and towns committed to ensuring that their urban forests and trees are properly maintained, sustainably managed, and duly celebrated.
  - At the 2018 World Forum on Urban Forests in Mantova, Italy, world leaders issued the Mantova Green Cities Challenge and a call-for-action that included joining the Tree Cities of the World programme.

The programme intends to connect cities around the world in a new network dedicated to sharing and adopting the most successful approaches to managing community trees and forests.

## • Organisations Involved:

It is a programme partnership between the Arbor Day Foundation and the FAO.

## • 5 Standards for Evaluation:

A city is evaluated on five standards - Establish Responsibility, Set the Rules, Know What You Have, Allocate the Resources, and Celebrate the Achievements.

# • Hyderabad's Recognition:

- Hyderabad is the **only city in India** to have been selected for this recognition in response to its commitment to growing and maintaining **urban forestry** through **Haritha Haram programme** and **Urban Forest Parks.**
- Haritha Haram programme
  - Aim: Haritha Haram is a flagship programme of the Telangana government to increase the green cover of the State from the present 25.16 to 33% of the total geographical area.
  - Approach: The objective is sought to be achieved by a multi-pronged approach of rejuvenating degraded forests, ensuring more effective protection of forests against smuggling, encroachment, fire, grazing and intensive soil and moisture conservation measures following the watershed approach.
  - Urban Forest Parks (UFP): The Forest blocks in and around cities are developed into Urban Forest Parks (UFP) under this programme.

These Urban Forest Parks will not only provide the whole some healthy living environment but also contribute to the growth of smart, clean, green, sustainable and healthy cities in the state.

### **Arbor Day Foundation**

- The Arbor Day Foundation is a nonprofit conservation and education organization founded in 1972 in Nebraska, United States, by John Rosenow.
- It is the largest nonprofit membership organization dedicated to tree planting.

• Its vision is to help others understand and use trees as a solution to many of the global issues we face today, including air quality, water quality, a changing climate, deforestation, poverty, and hunger.

# Source:TH