

NATIONAL SOCIAL ISSUES- WOMEN, POPULATION, URBANISATION, EMPOWERMENT ETC**Laws On Rape and Sexual Crimes**

After the rape and murder of a veterinarian in Hyderabad on November 28 and the burning of a rape survivor in Unnao, Uttar Pradesh, on December 5, there has been a demand to make the criminal justice system tougher.

Indian Penal Code, 1860:

- 'Rape' as a clearly defined offence was first introduced in the Indian Penal Code in 1860.
- The rape law in India even today remains gender specific, as the perpetrator of the offence can only be a 'man'. Section 375 of the IPC made punishable the act of sex by a man with a woman if it was done against her will or without her consent.
- The definition of rape also included sex when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt.
- Also, sex with or without her consent, when she is under 18 years is considered rape. However, under the exception, sexual intercourse or sexual acts by a man with his wife, the wife not being under 15 years of age, is not rape.
- Section 376 provided for seven years of jail term to life imprisonment to whoever commits the offence of rape.
- Section 228A makes it punishable to disclose the identity of the victim of certain offences including rape.

Criminal Law (Amendment) Act in 2013:

- The 2013 Act increased jail terms in most sexual assault cases and also provided for the death penalty in rape cases that cause death of the victim or leaves her in a vegetative state.
- It also created new offences, such as use of criminal force on a woman with intent to disrobe, voyeurism and stalking.
- The punishment for gang rape was increased to 20 years to life imprisonment from the earlier 10 years to life imprisonment.
- It clearly defined offences such as use of unwelcome physical contact, words or gestures, demand or request for sexual favours, showing pornography against the will of a woman or making sexual remarks and allocated punishment.
- Stalking was made punishable with up to three years in jail.
- The offence of acid attack was increased to 10 years of imprisonment.

Criminal Law (Amendment) Act, 2018:

- The Criminal Law (Amendment) Act, 2018, for the first time put death penalty as a possible punishment for rape of a girl under 12 years; the minimum punishment is 20 years in jail.
- Another new section was also inserted in the IPC to specifically deal with rape on a girl below 16 years. The provision made the offence punishable with minimum imprisonment of 20 years which may extend to imprisonment for life.
- The minimum jail term for rape, which has remained unchanged since the introduction of the IPC in 1860, was increased from seven to 10 years.

INDIAN HERITAGE AND CULTURE, HISTORY**Natyashastra**

Recently, a three-day festival on Natyashastra was organised in Chennai (Tamil Nadu).

Natyashastra

- Natyashastra, in full Bharata Natyashastra, is a detailed treatise and handbook on dramatic art that deals with all aspects of classical Sanskrit theatre.
- It is believed to have been written by the mythic Brahman sage and priest Bharata (200 BC – 200 AD).
- Its many chapters contain detailed treatments of all the diverse arts that are embodied in the classical Indian concept of the drama, including dance, music, poetics, and general aesthetics.
- It is also known as the fifth veda as it has been evolved by taking words from the Rigveda, music from the Samaveda, gestures from the Yajurveda and emotions from the Atharvaveda.

CONSTITUTION AND POLITY**Creamy Layer**

The Central government has asked the Supreme Court of India to refer to a seven-judge Bench the question whether the creamy layer concept should apply (or not) to Scheduled Castes and Scheduled Tribes while giving them reservation in promotions.

About:

- The 'means-test and creamy layer' first finds expression in the Supreme Court's landmark judgment in Indra Sawhney versus Union of India, delivered by a nine-judge Bench in 1992.

- The Indra Sawhney judgment had upheld the government's move, based on the Mandal Commission report, to give 27% reservation to Other Backward Classes. But it held that the creamy layer (socially advanced persons) "can be and must be excluded from backward classes".
- The court said "economic criterion could be adopted as an indicium or measure of social advancement" in order to identify members of a creamy layer in a class or a group.
- The court asked the Central government to fix the norms for income, property and status for identifying the creamy layer. In 1993, the creamy layer ceiling was fixed at ₹ 1 lakh. It was subsequently increased to ₹ 8 lakh since 2017.

Nagaraj judgement:

- In 2006, the five-judge Bench, in Nagaraj, laid down three conditions for promotion of SCs and STs in public employment.
- It also held that the creamy layer was applicable to SCs and STs in government promotions.

'Jarnail Singh' judgement

- In Jarnail Singh, another five-judge Bench led by then Chief Justice of India Dipak Misra upheld the 2006 verdict's reasoning that the creamy layer principle was based on the right to equality.
- The court held that quota benefits should go to the weakest of the weak and not be snatched away by members of the same class who were in the "top creamy layer".

GOVERNANCE- WELFARE SCHEMES, E-GOVERNANCE, SERVICES ETC.

Lokpal

Response to RTI queries have revealed that almost six years after the Lokpal and Lokayuktas Act, 2013, was signed into law, several key provisions needed for the anti-corruption ombudsman to function have still not been operationalised.

Key findings:

- The term Lokpal was coined in 1963 but it was not until January 2014 that the Lokpal and Lokayuktas Act came into force. It was more than five years later, in March 2019, that the first chairperson and members of the Lokpal were appointed.
- More than eight months later, the institution is functioning out of a government-owned hotel in Delhi.
- The Lokpal has not yet notified a format for filing complaints. Despite that obstacle, 1,065 complaints were sent to the Lokpal office.
- The process of constituting the Lokpal's inquiry and prosecution wings has not yet begun, and regulations for how to conduct preliminary investigations have not been made.
- The rules for the disclosure of assets and liabilities by public servants have not been notified either. This is a key provision as the amassing of assets disproportionate to the known sources of income is often the basis for a complaint.

Important Info : Section 60 of the Act gives the Lokpal the power to make regulations on "the manner and procedure of conducting preliminary inquiry or investigation".

INTERNATIONAL AFFAIRS- BILATERAL, GROUPINGS, ORGANISATIONS

19th IORA Council of Ministers Meeting

Recently, the 19th Indian Ocean Rim Association (IORA) Council of Ministers (COM) Meeting was held in Abu Dhabi (UAE) under the theme of "Promoting a Shared Destiny and Path to Prosperity in the Indian Ocean".

- The United Arab Emirates (UAE) has assumed the position of Chair while Bangladesh will be Vice-Chair of the IORA for the period of 2019-2021.
- South Africa was the chair for the period of 2017-2019.
- The meeting was attended by IORA's 22 Member States and nine Dialogue Partners.

Key Points

- It is the only ministerial-level organization that focuses purely on the Indian Ocean region, bound together by growing economic and trade linkages and a shared interest in promoting prosperity, peace and stability.
- In 2014, India hosted the first Indian Ocean Dialogue in Kochi, Kerala bringing together officials, academics and other strategic thinkers to discuss six broad themes – the geo-political contour of the Indian Ocean Region, maritime security challenges, strengthening regional institutions, information sharing, cooperation in disaster relief and management, and economic cooperation. The Kochi Consensus was adopted as its outcome document.
 - The Indian Ocean Dialogue (IOD) is a flagship initiative of IORA, with its origins in the 13th Council of Ministers meeting, held in November 2013 in Perth, Australia.
 - The sixth edition of IOD will be held on 13 December 2019 in New Delhi, India.

India's Role

- India continues to promote its official policy of “coordination, cooperation and partnership” in the regional maritime domain.
- As coordinator to the priority area on disaster risk management, India has published guidelines for IORA. It has also urged partners to join the Coalition for Disaster Resilient Infrastructure launched at the UN in September 2019.
- India has been trying to emerge as the net provider of information in the IOR and in that direction it created the Information Fusion Centre located in Gurugram to assist member countries of IOR with real-time crisis information. Bangladesh, Mauritius, Maldives, Sri Lanka and Seychelles have been part of the information support structure of India.
- Indian policy takes into consideration that IOR is not an India-run maritime domain and that is reflected in the government's Security and Growth for All in the Region (SAGAR) programme, which aims to turn the region more inclusive.

INDIAN ECONOMY

Asset Reconstruction Companies (ARCs)

Reserve Bank of India (RBI) has barred Asset reconstruction companies (ARCs) from bilaterally buying assets from entities sponsoring them.

Acquisition of financial assets by ARCs from sponsors and lenders:

- RBI has decided that ARCs shall not acquire financial assets from the following on a bilateral basis:
 - a bank/ financial institution which is the sponsor of the ARC;
 - a bank/ financial institution which is either a lender to the ARC or a subscriber to the fund, if any, raised by the ARC for its operations;
 - an entity in the group to which the ARC belongs.
- However, they may participate in auctions of the financial assets provided such auctions are conducted in a transparent manner.
- The firm most likely to be affected by the central bank directive is Asset Reconstruction Company (India), or ARCIL, which is sponsored by State Bank of India, ICICI Bank, Punjab National Bank and IDBI Bank.

Asset Reconstruction Company (ARC):

- An ARC is a special type of financial institution that buys the debtors of the bank at a mutually agreed value and attempts to recover the debts or associated securities by itself.
- The ARCs take over a portion of the debts of the bank that qualify to be recognised as Non-Performing Assets.
- ARCs are registered under the RBI and regulated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act, 2002).

ENVIRONMENT- CONSERVATION, BIO-DIVERSITY AND ISSUES

Deoxygenation Of The Oceans

According to a study by the International Union for Conservation of Nature (IUCN), the world's oceans have less oxygen today than they did up to 1960.

Key findings of the study:

- The levels of oxygen in oceans fell by around 2 per cent from 1960 to 2010.
- The oxygen content of the world's oceans is not uniform. The water in some parts of the tropics had experienced a 40 per cent to 50 per cent reduction in oxygen.
- The deoxygenation of the oceans occurred due to climate change and other human activities (such as the nutrient runoff from farm fertilizers into waterways), the report said.

Impact:

- In many parts of the world fish have been dying en masse.
- The loss of oxygen in the oceans can affect the planetary cycling of elements such as nitrogen and phosphorous which are essential for life on Earth.
- As oceans lose oxygen, they become more acidic, which has resulted in some places in shellfish having their shells degraded or dissolved — the so called “osteoporosis of the sea”.

Tyre Pyrolysis

The Central Pollution Control Board (CPCB) has pulled up 270 tyre pyrolysis units in 19 States for employing technology that is polluting and harmful to the health of the workers employed.

About:

- Tyre pyrolysis refers to a technique of breaking down used tyres in the absence of oxygen. Shredded tyres, at temperatures between 250° C and 500° C, produce liquid oil and gases.

- NGT Ruling (2014): The National Green Tribunal in 2014 prohibited used tyres from being burnt in the open or being used as fuel in brick kilns, because of the toxic emissions. Subsequently, the board issued a set of guidelines, in which pyrolysis was recommended as an acceptable mode.
- Health risks: While this is considered a safer technique than burning tyres, pyrolysis leaves fine carbon matter, pyro-gas and oil as residue and the inadequate management of these by-products poses health risks.

Recent development:

- The CPCB has said that states should be closing down all pyrolysis units that are not compliant and that the import of hazardous substances — these include used tyres — ought to be strictly regulated.
- More than 40% of tyre pyrolysis units were not complying with rules, the NGT observed in April 2019, after it sought a report from the CPCB.

SCIENCE AND TECHNOLOGY- EVERYDAY SCIENCE, SPACE, NUCLEAR, DEFENCE ETC

Measles

The World Health Organization and UNICEF published a report on global scenario of Measles in Morbidity and Mortality Weekly Report (MMWR).

Key findings of the report:

- In 2018, measles caused an estimated 10 million cases and 1,42,000 deaths globally.
- There were nearly 70,000 cases of measles in India in 2018, the third highest in the world.
- At 2.3 million, India has the second highest number of children under one year of age who are not vaccinated against measles. With 2.4 million, Nigeria has the most number of unvaccinated children.
- The WHO recommends 95% coverage using two doses of measles vaccine to prevent outbreaks. In 2018, only 86% of children globally received the first dose through routine immunisation. In the case of second dose, the coverage globally is just 69%.
- India accounted for 47% of the 346 million children across the world who received measles vaccine during mass-immunisation campaigns.

Measles:

- Measles is a highly-contagious virus and spreads rapidly in unvaccinated children, causing symptoms from rash to blindness, pneumonia to death.
- Measles can be prevented through two doses of vaccination.

Frogphone

Researchers have developed a device named 'FrogPhone' that will allow scientists to monitor frogs in the wild.

Working:

- It is described as the world's first solar-powered remote survey device that can be installed at any frog pond and which receives a 3G or 4G cellular network.
- With FrogPhone, researchers can simply "call" a frog habitat. After a call is made to one of the FrogPhones already on a site, the device will take three seconds to receive it.
- During these few seconds, the device's temperature sensors will get activated, and environmental data such as air temperature, water temperature and battery voltage will be sent to the caller's phone via a text message.
- Because frogs are most active during night, researchers are usually required to make nightly observations in order to monitor them on site.

Benefits:

- The FrogPhone will allow researchers to dial these devices remotely, and analyse the data later. It will reduce costs and risks, including the negative impact of human presence on the field site.
- These devices also allow for monitoring of local frog populations more frequently than before.

ODISHA DEVELOPMENT

Odisha's Jaga Mission Wins Bronze At World Habitat Awards

State government's Odisha Liveable Habitat Mission (OLHM) also known as Jaga Mission has won the bronze medal at the World Habitat Awards on Monday.

- The State government's initiative has been awarded for granting land rights and upgrading slums through state-wide government legislation.
- A few days ago, Odisha had also bagged 'India Geospatial Excellence Award' along with Tata Trusts for technological innovation in empowering the urban poor through Jaga Mission.
- Under the Jaga Mission, Odisha government maps and surveys slums by bringing together the use of pioneering technology and community participation. It then uses this information to assign land rights to eligible residents and upgrades the physical infrastructure with roads, drains, street-lights, sanitation and clean water supplies.

DAILY ANSWER WRITING PRACTICE

Qns: Law has its own limitation in bringing social change. In this context, critically evaluate the efficacy of steps taken to empower women and weaken the grip of patriarchy around them.

Ans:

Law has been the chief instrument of social change in Indian society through the ages. For instance, it has played a role in empowering women through laws like equal pay for equal work, affirmative action through law for political participation etc.

Successes of law in bringing social change in the institution of patriarchy

- **Social and Political Rights:** Under the Constitution, women have equal rights as men, enabling them to take part effectively in the society. Article 14 (equality before law), 15 (prohibition of gender discrimination) and 16 (equal opportunity in the matter of public employment) women have equal constitutional rights as men. Political empowerment of women has been brought by the 73rd and 74th amendments which reserve seats for women in Gram Panchayats and Municipal bodies.
- **Economic Rights:** There has been series of legislations conferring equal rights for women which are denied in patriarchal society. These legislations have been guided by the provisions of the Fundamental Rights and Directive Principles of State Policy. Laws to improve their condition in matters relating to wages, maternity benefits, equal remuneration and property/succession etc. have been enacted to provide the necessary protection in these areas.
- **Social Justice:** Certain areas like domestic violence and sexual harassment of women at the workplace try to address the imbalance created by patriarchal social norms.
 - Pre-Natal Diagnostic Techniques (Prevention of Misuse) Act and the Medical Termination of Pregnancy Act prevent the violation of justice and humanity which begins from the womb.
 - The Dowry Prohibition Act, 1961 was passed to prevent the evil practice of giving and taking of dowry.
- The suppression of immoral traffic act, 1956 more popularly known as “SITA” was enacted to prohibit exploitation of women with a view to earning money. Subsequently, this Act was renamed as the Immoral Traffic (Prevention) Act, 1956 wherein sexual exploitation and abuse of the female for commercial gain was made punishable.
- The central government passed the Sati Prevention Act, 1987 for prevention of the commission of “sati” and its glorification. This enactment came to be passed after the Roop Kanwar case in Rajasthan, when a young widow was burnt alive as a “Sati”. Thus through law act of ‘Sati’ was criminalized which was culturally sanctioned rooted in patriarchy.

Limitations of Law as an instrument of social change

- Women participation in politics is negligible. Their representation in the Lok Sabha is far below the expected numbers. The 73rd constitutional amendment has created new challenges like ‘sarpanch pati’ (Husband of elected women acting as de-facto sarpanch) bring out the limitations of law as social change
- Legal protections like Equal Wages Act have failed to change the status quo. There is significant gender wage gap, on average, women are paid 34 per cent less than men, a recent report by the International Labour Organization (ILO) has found.
- PCPNDT Act has failed to deter foeticide in most of the north Indian states where patriarchy is of highest intensity e.g in Haryana, where sex ratio is only 879.
- Recently, Supreme Court in Sabrimala temple entry case ruled that banning the entry of women into the shrine is gender discrimination and the practice violates the rights of Hindu women. However, the implementation of this decision led to massive protests by conservative section of society, bringing in to light the ineffectiveness of law as instrument of social change to empower women against the institution of patriarchy.

Conclusion

- Law is a powerful instrument to bring social change however its efficacy is dependent upon the ability to implement the law by state authorities.
- Further, cultural component of social change is a slow and evolving process, rapid social change tend to produce social conflicts which was visible in protests against Sabrimala verdict.

DAILY CURRENT AFFAIRS MCQs

1. Which of the following diseases are caused by Bacteria?
1. Cholera 2. Tuberculosis
3. Measles 4. Chickenpox
Select the correct answer using the code given below:
(a) **1 and 2 only** (b) 2 and 4 only
(c) 2 only (d) 1, 2, 3 and 4
2. With reference to the Natyashastra, consider the following statements:
1. It deals with Indian classical dances only.
2. It is also known as the fifth Veda.
Which of the statements given above is/are correct?
(a) 1 only (b) **2 only**
(c) Both 1 and 2 (d) Neither 1 nor 2
3. World Health Organization and UNICEF, consider the following statements:
1. At 2.3 million, India has the second highest number of children under one year of age who are not vaccinated against measles.
2. With 2.4 million, Nigeria has the most number of unvaccinated children.
Which of the statements given above is/are correct?
(a) 1 only (b) 2 only
(c) **Both 1 and 2** (d) Neither 1 nor 2
4. Consider the following statements:
1. According to Criminal Law (Amendment) Act in 2013, stalking is not punishable offence.
2. The Criminal Law (Amendment) Act, 2018, for the first time put death penalty as a possible punishment for rape of a girl under 12 years; the minimum punishment is 20 years in jail.
Which of the statements given above is/are correct?
(a) 1 only (b) **2 only**
(c) Both 1 and 2 (d) Neither 1 nor 2
5. Jarnail Singh v Lachhmi Narain Gupta case, 2018 and M Nagaraj v Union Of India case, 2006 were related to:
(a) **Promotion of SCs and STs in public employment.**
(b) Right to Privacy.
(c) Allowing entry of women of all age to Sabarimala temple.
(d) To conduct 'vote of confidence' on the floor of the Legislative Assembly.
6. With reference to the 'FrogPhone', consider the following statements:
1. It will allow scientists to monitor frogs in the wild.
2. It is described as the world's first solar-powered remote survey device that can be installed at any frog pond and which receives a 3G or 4G cellular network.
Which of the statements given above is/are correct?
(a) 1 only (b) 2 only
(c) **Both 1 and 2** (d) Neither 1 nor 2
7. With reference to a study by the International Union for Conservation of Nature (IUCN) on deoxygenation of the oceans, consider the following statements:
1. The levels of oxygen in oceans fell by around 2 per cent from 1960 to 2010.
2. The oxygen content of the world's oceans is uniform.
Which of the statements given above is/are correct?
(a) **1 only** (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2
8. Tyre pyrolysis refers to a technique of breaking down used tyres in the absence of:
(a) Carbon dioxide (b) **Oxygen**
(c) Nitrogen (d) Hydrogen
9. With reference to the Lokpal, consider the following statements:
1. The process of constituting the Lokpal's inquiry and prosecution wings has not yet begun, and regulations for how to conduct preliminary investigations have not been made.
2. Section 60 of the Act gives the Lokpal the power to make regulations on "the manner and procedure of conducting preliminary inquiry or investigation".
Which of the statements given above is/are correct?
(a) 1 only (b) 2 only
(c) **Both 1 and 2** (d) Neither 1 nor 2
10. With reference to the Asset reconstruction companies (ARCs), consider the following statements:
1. It is a special type of financial institution that buys the debtors of the bank at a mutually agreed value and attempts to recover the debts or associated securities by itself.
2. They are registered under the SEBI and regulated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act, 2002).
Which of the statements given above is/are correct?
(a) **1 only** (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2