

POLITY AND GOVERNANCE

❖ **Relying on IPC, RPAAct in absence of law on hate speech: EC to SC**

❖ **CONTEXT: The Election Commission told the Supreme Court that there is no law on “hate speech” in India and that it has therefore been relying on provisions of the Indian Penal Code (IPC) and the Representation of the People Act-1951**

❖ **Hate Speech**

- The term hate speech though not defined under the Indian Penal Code, Constitution of India or other laws but can be regulated through Article 19(2) which allows state to impose reasonable restrictions on such speech which may incite violence or disturbs public order and Section 153 and 153A of IPC.
- Reasonable Restrictions under Article 19(2) - Constitution acknowledges that liberty cannot be absolute or uncontrolled and thereby enabled the legislature to impose reasonable restrictions on the exercise of the right to freedom of speech and expression in the interests of
 - The security of the state and sovereignty and integrity of India,
 - Friendly relations with foreign States,
 - Public order,
 - Decency or morality, or in relation to contempt of court,
 - Defamation or incitement to an offence.

• **Under IPCC**

- Section 153A - Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony
 - Whoever by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever
 - disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility
 - organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence against any religious, racial, language or regional group or caste or community
 - And such activity cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.
- Section 153A (2) - Offence committed in place of worship, etc –
 - Whoever commits an offence (as stated above) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

❖ **Steps to define hate speech as a separate offence**

- Ministry of Home Affairs has constituted a committee headed by Prof. (Dr.) Ranbir Singh, to recommend changes in criminal law are seeking to formulate new provisions that will make hate speech a separate offence.
- T.K. Viswanathan Committee (2017) suggested adding two new provisions in IPC - Sections 153C and 505A.
 - Section 153C would target speech that gravely threatens any person or group with intention to cause fear or alarm, or incite violence towards them, and prescribe a sentence of two years in prison and a fine.
 - Section 505A, on the other hand, proposes to punish speech or writing that causes fear or alarm among a group, or provokes violence against it, on grounds of race, religion, gender, sexual orientation, place of birth or disability.

❖ **Link between section 153a & 295a**

- Hate speech can be said to be the violation of Article 19(1)(a) whereby reasonable restrictions clause is attracted and state can take reasonable measures to curb such speech which might disturb public order.
- Section 153A and 295A of Indian Penal Code restricts and punishes various elements of hate speech (done purposely to incite feelings) by explaining the constituents of such activities which might be prejudicial to public harmony or such deliberate or malicious acts which insults religious beliefs.
- However, the problem so far has been the disparity in interpretation of the laws (Section 153A and 295A of Indian Penal Code) and their implementation by administrative authorities.

❖ **Why is it necessary to define hate speech under Indian laws?**

- Increasing instances of hate speech as per NCRB data - while there were only 323 cases registered in 2014, it had increased to 1,804 cases in 2020.

- Incites Hostility and disturbs public order and communal peace
- Increasing use of Section 295A of IPC - Section 295(A) is now usually used to penalise religious dissent, satire, and any comedic content with religious references.
- Section 295(A) used for political ends – The provision is also used to silent dissenters or to achieve political ends leading to further infractions within the society.
- Boundary for Disagreements must be drawn - Democracy thrives on disagreements provided they do not cross the boundaries of civil discourse. Critical and dissenting voices are important for a vibrant society. However, care must be taken to prevent public discourse from becoming a tool to promote speech inimical to public order.
- Indian Regulations do not draw a line between criticism and premeditated hate speech: Failing to articulate these distinctions diminishes fair use of Section 295(A) and makes it more difficult to define and penalise the actual crime of hate speech.
- Protect Vulnerable Sections - Laws strive to harmonise the freedom of expression with right to equality, hence seeks to prevent such speech which marginalizes the vulnerable sections of the society. To protect this group from discriminatory attitudes and practices, it is necessary to curb such forms of expression that have the potential of inciting fear, hatred and violence and such speeches must be regulated by law.
- Grounds to Restrict Hate Speech - Human Rights Council's 'Report of Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on content regulation on internet, expressed that freedom of expression can be restricted on the following grounds
 - Child pornography
 - Hate speech
 - Defamation
 - Direct and public incitement to commit genocide
 - Advocacy of national, racial or religious hatred that
 - Constitutes incitement to discrimination, hostility or violence
- Brij Bhushan v. State of Delhi – Supreme Court in 1950 stated that public order was allied to the public safety and considered equivalent to security of the State. This interpretation was validated by the First Constitution Amendment, when public order was inserted as a ground of restriction under 19(2).

GEOGRAPHY

- ❖ **'Triple dip' La Nina and its impact on India's monsoon**
- ❖ **CONTEXT: The Australian Bureau of Meteorology recently confirmed the occurrence of La Niña phenomenon for the third consecutive year in the Pacific Ocean. The World Meteorological Organisation (WMO) on August 31 had stated that the oceanic and atmospheric phenomenon would last until at least the end of the year, and for the first time this century, span three consecutive northern hemisphere winters to become a 'triple dip' La Nina.**
- The WMO predicted that the current La Nina, which began in September 2020, would continue for six months, with a 70 per cent chance of lasting till September-November 2022, and 55 per cent chance of lasting till December-February 2022/2023.
- It is exceptional to have three consecutive years with a la Niña event. Its cooling influence is temporarily slowing the rise in global temperatures – but it will not halt or reverse the long-term warming trend
- The current La Niña phase has been prevailing since September 2020. Since the 1950s, La Niña lasting for more than two years has been recorded only on six instances, data by the India Meteorological Department shows.
- ❖ **What are El Nino and La Nina?**
- El Nino and La Nina, which mean 'the boy' and 'the girl' in Spanish, are mutually opposite phenomena, during which an abnormal warming or cooling of sea surface temperatures is observed in the Pacific Ocean along the equator, off the coast of South America. Together they constitute what is known as the El Niño-Southern Oscillation system, or ENSO for short.
- ENSO conditions can alter both temperatures and rainfall globally, due to their strong interference on global atmospheric circulations.
- It is a recurring phenomenon and the change in temperature is accompanied by changes in the patterns of upper and lower level winds, sea level pressure, and tropical rainfall across the Pacific Basin.
- Normally, El Nino and La Nina occur every four to five years. El Nino is more frequent than La Nina.
- ❖ **How does La Nina impact India's monsoon?**
- El Niño years in India have witnessed extreme heat and below normal rainfall levels during monsoon, even though El Niño might not be the only factor or even have direct links to them. In 2014, a El Niño year, India received 12 per cent deficient rainfall from June to September.

- On the other hand, La Nina years are known to favour the Indian summer monsoon. This year, India has received 740.3 mm of rainfall, quantitatively 7 per cent higher than the seasonal average till August 30. Among the 36 states and union territories, 30 have received rainfall that is categorised as either 'normal,' 'excess' or 'large excess.'
- Uttar Pradesh, Manipur (-44 per cent each), and Bihar (-39 per cent), however, remain the worst affected states this season.
- ❖ **But why have La Nina conditions continued for three years?**
- According to experts Climate change could be a driving factor behind such uncommon conditions. El Niño has been associated with rising heatwaves and extreme temperatures, such as in parts of the US, Europe and China recently.
- India's Northeast monsoon rainfall remained subdued during past La Niña events, but the 2021 monsoon remains an exception in recent years.
- In 2021, the southern Indian peninsula experienced its wettest recorded winter monsoon since 1901, receiving a whopping 171 per cent surplus of rainfall between October and December, IMD data stated.
- ❖ **La Nina conditions and cyclone formation**
- Intense hurricanes and cyclones have frequently occurred in the Atlantic Ocean and the Bay of Bengal during La Nina years.
- Over the North Indian Ocean as well, the chances of an increased number of cyclones are due to multiple contributing factors, including high relative moisture and relatively low wind shear over the Bay of Bengal.
- The post-monsoon months, from October to December, are the most active months for cyclonic developments over the North Indian Ocean, with November as the peak for cyclonic activity.

PRELIMS

1. Annabhau Sathe

- ❖ **CONTEXT:** Maharashtra's Deputy Chief Minister Devendra Fadnavis unveiled a statue of Lok Shahir (balladeer) Annabhau Sathe at the All-Russia State Library for Foreign Literature in Moscow. An oil painting of Sathe, who passed away in 1969, was also unveiled at Moscow's Indian consulate. The programme is part of events being held to mark 75 years of Indian Independence, and to also celebrate India-Russia relationship.
- **Sathe's work was immensely inspired by the Russian revolution and the Communist ideology. He was a member of the Communist Party of India (CPI), and featured among the selected authors from India whose work was translated in Russian.**
- ❖ **Who was Annabhau Sathe?**
- Tukaram Bhaurao Sathe, who later came to be known as Annabhau Sathe, was born in a Dalit family on August 1, 1920 in Maharashtra's Wategaon village in Satara district.
- In 1930, his family left the village and came to Mumbai. Here, he worked as a porter, a hawker and even a cotton mill helper. In 1934, Mumbai witnessed a workers' strike under the leadership of Lal Bawta Mill Workers Union in which he participated. During his days at the Matunga Labour Camp, he got to know R B More, an associate of Dr Babasaheb Ambedkar in the famous 'Chavdar Lake' satyagraha at Mahad, and joined the labour study circle. Being a Dalit, he was denied schooling in his village. It was during these study circles that he learned to read and write.
- ❖ **How did he start writing songs, ballads and books?**
- Sathe wrote his first poem on the menace of mosquitoes in the labour camp.
- He formed Dalit Yuvak Sangh, a cultural group and started writing poems on workers' protests, agitations. The group used to perform in front of the mill gates.
- Progressive Writers Association was formed at the national level at the same time with the likes of Premchand, Faiz Ahmad Faiz, Manto, Ismat Chughtai, Rahul Sankrutyayan, Mulraj Anand as its members.
- The group would translate the Russian work of Maxim Gorky, Anton Chekhov, Leo Tolstoy, Ivan Turgenev into Marathi, which Sathe got hooked on. It not only had an ideological impact on him, but inspired him to write street plays, stories, novels etc. In 1939, he wrote his first ballad 'Spanish Povada'.
- ❖ **How popular was his work?**
- Sathe and his group travelled across Mumbai campaigning for workers' rights. Out of the 49 years that he lived, Sathe, who began writing only after the age of 20, churned out 32 novels, 13 collections of short stories, four plays, a travelogue and 11 povadas (ballads).
- Several of his works like 'Aklechi Goshta,' 'Stalingradacha Povada,' 'Mazi Maina Gavavar Rahili,' 'Jag Badal Ghaluni Ghav' were popular across the state. Almost six of his novels were turned into films and many translated into other languages, including Russian.
- His 'Bangalchi Hak' (Bengal's Call) on the Bengal famine was translated into Bengali and later presented at London's Royal Theatre. His literature depicted the caste and class reality of Indian society of that time.

- In 1943, he along with Amar Sheikh and Datta Gavhankar, formed the Lal Bawta Kala Pathak. The group toured across Maharashtra presenting programmes on caste atrocities, class conflict, and workers' rights.
- He dedicated his most famous novel Fakira to Dr Ambedkar.
- In 1943, he was part of the process that led to the formation of the Indian Peoples Theatre Association (IPTA). He became its national president in 1949. Sathe's work was influenced by Marxism, but at the same time he brought out the harsh realities of the caste system.

❖ **What was his Russian connection?**

- Famous Marathi poet Baburao Bagul once called Sathe the Maxim Gorky of Maharashtra. Sathe was immensely inspired by Gorky's 'The Mother' and the Russian revolution, which was reflected in his writings. According to language experts Sathe's literature is closely related to the then Communist Russian literature which was a mixture of reality and art.
- The then Russia used to have representative Indian literature translated into Russian. Sathe's novels like Chitra or his famous Stalingradcha Povada on the battle of Stalingrad battle were translated then. Sathe travelled to Russia in 1961 along with a group of other Indians.
- In his travelogue 'Maza Russiacha Pravas' (My Travel to Russia), he writes that workers had come to see him off and how they wanted him to go and see slums of Russia and describe them after his return home. He was already famous because of his translated work and received a heartwarming reception in Russia.

❖ **Is there a reason why the statue was unveiled now?**

- Sathe belonged to the Matang community among Dalits. With the Left failing to claim his artistic legacy, Sathe is now restricted as a symbol of a particular community. The BJP is angling to claim the credit for making Sathe a global icon. Installing Sathe's oil painting at the Indian consulate at Moscow also shows that the central government is using this occasion to increase cultural dialogue between two countries.

2. E-Waste

- ❖ **Context:** National Human Rights Commission (NHRC) chairperson Justice Arun Kumar Mishra (retd.) expressed concern over the dumping of e-waste in developing countries by developed countries. While addressing the annual meeting of the Asia Pacific Forum of national human rights institutions of countries in the region, he called for a stop to the practice in order "to universally ensure human rights for a healthy sustainable environment". A multi-pronged strategy was needed to combat climate change in a time-bound manner by all countries.

❖ **E-Waste:**

- E-waste, or electronic waste, refers to all electronic equipment that's been discarded by users with no intentions of reuse. This includes everything from smaller items like lamps and phones to larger appliances like televisions, refrigerators and washing machines.

❖ **Basel Convention:**

- The Basel Convention came into force in 1992, intends to reduce trans-boundary movements of hazardous waste, including e-waste, from developed to less developed countries (LDCs), and ensure their safe disposal as closely as possible to the source of generation.
- Secretariat location: Basel, Switzerland
- Parties: 187 (Haiti and the United States have signed the Convention but not ratified it).
- It does not address the movement of radioactive waste.
- To implement and restrict the trade of hazardous waste between more developed countries and less developed countries an organization is formed which is known as Basel Action Network (BAN)
- The United States is the only developed country that has not ratified this treaty, which means it does not have to abide by its rules and regulations.
- The provisions of the Convention center around the following principal aims:
 - The reduction of hazardous waste generation and the promotion of environmentally sound management of hazardous wastes, wherever the place of disposal.
 - The restriction of transboundary movements of hazardous wastes except where it is perceived to be in accordance with the principles of environmentally sound management.
 - A regulatory system applying to cases where transboundary movements are permissible.

3. Pandemic preparedness fund

- ❖ **Context:** To counter financial obstacles, weak infrastructure, scarcity of healthcare, etc, the World Bank Board of Directors has approved setting up a Financial Intermediary Fund (FIF) for Pandemic Prevention, Preparedness, and Response (PPR).

❖ **What is a Financial Intermediary Fund (FIF)?**

- Financial Intermediary Funds (FIFs) provide the global development community with independently governed multi-contributor collaboration platforms.

- Typically focused on specific themes, FIFs are designed to mobilize significant financial support and engender collective action for development priorities, often contributing to global public goods.
- At the heart of each FIF is a type of trust fund for which the World Bank serves as trustee.
- ❖ **Why is there a need for a FIF on pandemic prevention, preparedness and response (PPR)?**
- The new FIF on PPR will help focus and sustain much-needed high-level attention on strengthening health systems.
- The fund will provide long-term financing to low or middle-income countries to bridge the gaps that they face during a pandemic. It will help such countries at regional, national, and global levels.
- As per the WHO, FIF will help in building PPR capacity in zoonotic disease surveillance, emergency communication, management, laboratories, community engagement, critical health workforce, etc.
- ❖ **Who developed the plan?**
- The FIF for pandemic PPR is put forward by G20 in the presidency of Italy.
- During a G20 Summit in 2021, under Italy's presidency, it was decided to establish G20 Joint Finance-Health Task Force for pandemic preparedness.
- The FIF is also established by the strong support of the G20 nations and beyond.
- At present, calls for the proposal for investments funded by the FIF will open in November 2022.
- Officially launched in September 2022, the FIF have commitments from India, the USA, the UK, Australia, Canada, China, the European Commission, Republic of Korea, France, Germany, Indonesia, Italy, Japan, New Zealand, Norway, Singapore, South Africa, Spain, the United Arab Emirates, the Bill & Melinda Gates Foundation, the Rockefeller Foundation, and Wellcome Trust.

ANSWER WRITING

Q. How do the melting of the Arctic ice and glaciers of the Antarctic differently affect the weather patterns and human activities on the Earth? Explain.

Many glaciers around the world have been rapidly melting. Human activities are at the root of this phenomenon. Specifically, since the industrial revolution, carbon dioxide and other greenhouse gas emissions have raised temperatures, even higher in the poles, and as a result, glaciers are rapidly melting, calving off into the sea and retreating on land.

Consequences of melting:

- The Arctic and Antarctic act like the world's refrigerator. They balance out other parts of the world that absorb heat. The loss of ice and the warming waters will affect sea levels, salinity levels, and current and precipitation patterns.
- The global average sea level has risen by about 7-8 inches since 1900, and it's getting worse. Rising seas endanger coastal cities and small island nations by exacerbating coastal flooding and storm surge.
- Permafrost in the Arctic region (ground that is permanently frozen) stores large amounts of methane, which is a greenhouse gas that contributes to climate change. As more quickly the ice is lost, more rapidly permafrost will melt. This will result in a vicious cycle that may result in a climate catastrophe.
- The melting of ice also puts the region's vibrant biodiversity under serious threat. Many land and sea animals rely on glaciers as their natural habitats and as they disappear, so does the rich ecological life they shelter.

The solution to all of this is obvious. Climate change mitigation policies need to be implemented stringently. If CO₂ emissions can be reduced over the next ten years, then glaciers can still be saved. More targeted measures may also be required.

MCQs

1. Consider the following statements
 1. In general, it refers to words whose intent is to create hatred towards a particular group, that group may be a community, religion or race
 2. RPA Act defines "Hate speech".
 Choose the correct statement using the codes given below
 - a) 1 only
 - b) 2 only
 - c) Both 1 and 2
 - d) Neither 1 nor 2
2. Consider the following statements:
 1. According to the Constitution of India, a person who is eligible to vote can be made a minister in a State for six months even if he/she is not a member of the Legislature of that State.
 2. According to the Representation of People Act, 1951, a person convicted of a criminal offence and sentenced to imprisonment for five years is permanently disqualified from contesting an election even after his release from prison.

Which of the statements given above is/are correct?

- a) 1 only
 - b) 2 only
 - c) Both 1 and 2
 - d) Neither 1 and 2**
3. "Financial Intermediary Fund (FIF)" sometimes seen in media is an initiative of which of the following?
 - a) G7
 - b) G20**
 - c) UNDP
 - d) Asian Development Bank
 4. In India, 'extended producer responsibility' was introduced as an important feature in which of the following?
 - a) The Bio-medical waste (Management and Handling) Rules, 1998
 - b) The Recycled Plastic (Manufacturing and Usage) Rules, 1999
 - c) The e-waste (Management and Handling) Rules, 2011**
 - d) The Food safety and Standard Regulations, 2011
 5. Due to improper/indiscriminate disposal of old and used computers or their parts, which of the following are released into the environment as e-waste? (2013)
 1. Beryllium
 2. Cadmium
 3. Chromium
 4. Heptachlor
 5. Mercury
 6. Lead
 7. Plutonium

Select the correct answer using the codes given below:

- a) 1, 3, 4, 6 and 7 only
 - b) 1, 2, 3, 5 and 6 only**
 - c) 2, 4, 5 and 7 only
 - d) 1, 2, 3, 4, 5, 6 and 7
6. With reference to E-Waste Management In India, consider the following statements
 1. The First E-waste Clinic is set up in Bhopal, Madhya Pradesh.
 2. India is the 2nd largest E-Waste generator in world.
 3. Under, Extended Producer Responsibility, producer is entrusted with the responsibility of finance related to recycling.

Select the correct statement.

- a) 1 and 2 only
 - b) 2 and 3 only
 - c) 1 and 3 only**
 - d) All of the above
7. Shri Naresh Kumar recently passed away was associated with which sports?
 - a) Table tennis
 - b) Tennis**
 - c) Chess
 - d) Badminton
 8. Recently 'BLO e-Patrika' a new digital publication released by which of the following?
 - a) NITI Ayog
 - b) NCPCR
 - c) CACP
 - d) Election Commission of India**
 9. Recently "Shoonya campaign" completed one year was initiated by which of the following?
 - a) NITI Ayog**
 - b) CPCB
 - c) Ministry of Education
 - d) Ministry of Finance
 10. Arrange the following countries in increasing order of export destination of India?
 1. USA
 2. China
 3. UAE
 4. Bangladesh

Select the correct answer using the code given below.

- a) 2-1-3-4
- b) 1-3-2-4**
- c) 3-2-1-4
- d) 1-2-3-4