

POLITY AND GOVERNANCE

- ❖ **Live streaming of SC proceedings: the rationale and the concerns**
- ❖ **CONTEXT:** The Supreme Court in a full court held on September 20, 2022 decided to live stream its proceedings in crucial Constitution Bench cases that will be heard from September 27, 2022. The decision comes nearly four years after a plea was made in the interest of transparency.
- ❖ **History of the case**
 - On August 26, 2022 on the day of former Chief Justice of India (CJI) N V Ramana's retirement, the Supreme Court streamed its proceedings live. But the first steps towards the decision were taken in 2018, when a three-judge Bench comprising then CJI Dipak Misra, Justice A M Khanwilkar, and Justice D Y Chandrachud agreed to hear a public interest litigation seeking live streaming of judicial proceedings on matters of constitutional and national importance.
 - The petitioners, who cited the principle of open access to justice, included Senior Advocate Indira Jaising. In March 2018, the court issued notice to the Attorney General of India K K Venugopal, seeking his views on the issue.
- ❖ **Recommended by A-G**
 - In his response to the court, Venugopal recommended introducing live streaming as a pilot project in Court No.1, which is the CJI's court, and only in Constitution Bench cases.
 - According to AG the success of this project will determine whether or not live streaming should be introduced in all courts in the Supreme Court and in courts pan India. The A-G cited de-congestion of courts and improving physical access to courts for litigants who have to otherwise travel long distances to come to the SC in support of his recommendation.
 - The Supreme Court approved a set of guidelines suggested by the A-G, which included allowing transcripts and archiving the proceedings.
 - However, the A-G suggested that the court must retain the power to withhold broadcasting, and to also not permit it in cases involving:
 - Matrimonial matters,
 - Matters involving interests of juveniles or the protection and safety of the private life of the young offenders,
 - Matters of National security,
 - To ensure that victims, witnesses or defendants can depose truthfully and without any fear. Special protection must be given to vulnerable or intimidated witnesses. It may provide for face distortion of the witness if she/he consents to the broadcast anonymously,
 - To protect confidential or sensitive information, including all matters relating to sexual assault and rape,
 - Matters where publicity would be antithetical to the administration of justice, and
 - Cases which may provoke sentiments and arouse passion and provoke enmity among communities.
- ❖ **Live streaming in HCs**
 - Following the SC's decision, Gujarat High Court began live streaming its proceedings in July 2021. Currently, the Jharkhand, Karnataka, Madhya Pradesh, Orissa, and Patna High Courts live stream their proceedings. Allahabad High Court is learnt to be considering doing the same.
- ❖ **What happens elsewhere?**
 - **United States of America:** While the US Supreme Court has rejected pleas for broadcast of its proceedings, it has since 1955 allowed audio recording and transcripts of oral arguments.
 - **Australia:** Live or delayed broadcasting is allowed but the practices and norms differ across courts.
 - **Brazil:** Since 2002, live video and audio broadcast of court proceedings, including the deliberations and voting process undertaken by the judges in court, is allowed. A public television channel, TV Justiça, and a radio channel, Radio Justiça, were set up to broadcast video and audio. Separately, dedicated YouTube channels hold discussions and commentaries on the judicial system, apart from broadcasting proceedings live.
 - **Canada:** Proceedings are broadcast live on Cable Parliamentary Affairs Channel, accompanied by explanations of each case and the overall processes and powers of the court.
 - **South Africa:** Since 2017, the Supreme Court of South Africa has allowed the media to broadcast court proceedings in criminal matters, as an extension of the right to freedom of expression.
 - **United Kingdom:** In 2005, the law was amended to remove contempt of court charges for recording proceedings of the Supreme Court. Proceedings are broadcast live with a one-minute delay on the court's website, but coverage can be withdrawn in sensitive appeals.
- ❖ **Concerns around live streaming**

- Broadcasting court proceedings is a step in the direction of transparency and greater access to the justice system, but there are concerns around the impact of live streaming both on judges and the people watching the proceedings.
- Video clips of proceedings from Indian courts are already on YouTube and other social media platforms with sensational titles and little context, such as “HIGH COURT super angry on army officer”. There are fears that irresponsible or motivated use of content could spread disinformation among the public.
- A 2018 paper by Felipe Lopez titled ‘Television and Judicial Behavior: Lessons from the Brazilian Supreme Court’ that studied the Brazilian Supreme Court concluded that justices behave like politicians when given free television time, they act to maximize their individual exposure.
- There are also studies that investigated the effects on the behaviour of politicians on the introduction of C-SPAN in the US House of Representatives and the US Senate, which concluded that broadcast of proceedings, corresponded with a growth in the frequency of filibustering.
- However, sometimes positive systemic corrections have been made possible due to the broadcast of court proceedings.
- A 2017 study by researchers at Northwestern University of archives of the audio proceedings of the US Supreme Court showed that “judicial interactions at oral argument are highly gendered, with women being interrupted at disproportionate rates by their male colleagues, as well as by male advocates”.
- In 2021, SCOTUS Justice Sonia Sotomayor said that the gendered disruptions identified by the study had been addressed, and now Justices ask questions according to seniority instead of interrupting in a random way.

❖ **Rules for identifying criminals**

❖ **CONTEXT:** On September 19, 2022 the Ministry of Home Affairs (MHA) notified the rules governing The Criminal Procedure (Identification) Act, 2022. The Act was passed in March 2022 by the Parliament. Until rules are notified, an Act cannot be implemented or come into force. The legislation would enable police and central investigating agencies to collect, store and analyse physical and biological samples including retina and iris scan of arrested persons.

❖ **What is the legislation about?**

- The Act seeks to repeal the Identification of Prisoners Act, 1920, which is over 100-years-old. The old Act’s scope was limited to capturing of finger impression, foot-print impressions and photographs of convicted prisoners and certain category of arrested and non-convicted persons on the orders of a Magistrate.
- The Statement of Objects and Reasons of the bill when it was introduced in Parliament said that new “measurement” techniques being used in advanced countries are giving credible and reliable results and are recognised world over.
- It said that the 1920 Act does not provide for taking these body measurements as many of the techniques and technologies had not been developed then. The Act empowers a Magistrate to direct any person to give measurements, which till now was reserved for convicts and those involved in heinous crimes. It also enables the police up to the rank of a Head Constable to take measurements of any person who resists or refuses to give measurements.
- As per the rules, “measurements” include finger-impressions, palm-print, footprint, photographs, iris and retina scan, physical, biological samples and their analysis, behavioural attributes including signatures, handwriting or any other examination referred to in Section 53 or Section 53A of the Code of Criminal Procedure, 1973 (2 of 1974). Though it has not been specified, analysis of biological samples could also include DNA profiling.

❖ **What about concerns that the Act will be misused?**

- When the Bill was debated in Parliament in March 2022, the Opposition members termed it “unconstitutional” and an attack on privacy as it allowed the record of samples of even political detainees.
- However, the rules notified on September 19 state that samples of those detained under preventive Sections such as 107, 108, 109, 110, 144, 145 and 151 of the CrPC shall not be taken unless such person is charged or arrested in connection with any other offence punishable under any other law. It can also be taken if a person has been ordered to give security for his good behaviour for maintaining peace under Section 117 of the said Code for a proceeding under the said Sections.
- The rules do not mention the procedure to be adopted for convicted persons.

❖ **Who will be the repository of the data?**

- The National Crime Records Bureau (NCRB) under MHA will be the one-stop agency for storing and preserving the data of arrested persons.
- The State governments can also store the data, but it shall provide compatible application programming interfaces for sharing the measurements or record of measurements with the NCRB. The rules state that the

NCRB will issue Standard Operating Procedure (SOP) for collection of measurements which would include specifications of the equipment or devices to be used, specifications and the digital and physical format of the measurements etc.

- According to the rule in case any measurement is collected in physical form or in a non-standard digital format, it shall be converted into standard digital format and thereafter uploaded in the database as per the SOP. Only authorised users could upload the measurements in the central database in an encrypted format.
- ❖ **What are the provisions for destruction of records in case a suspect is acquitted?**
- The procedure for destruction and disposal of records are yet to be specified by the NCRB. The rules state that any request for destruction of records shall be made to the Nodal Officer who is to be nominated by the respective State Government. The nodal officer will recommend the destruction after verifying that such record of measurements is not linked with any other criminal cases.

PRELIMS

1. Pradhan Mantri Kisan Sampada Yojana (PMKSY)

CONTEXT: As part of Azadi Ka Amrit Mahotsav, Union Minister Shri Narendra Singh Tomar and Shri Pashupati Kumar Paras launched the convergence module between the Agriculture Infrastructure Fund (AIF) scheme of the Ministry of Agriculture and Farmers Welfare, Pradhan Mantri Micro Food Enterprises Upgradation Scheme (PMFME) and Pradhan Mantri Kisan Sampada Yojana (PMKSY) of the Ministry of Food Processing Industries.

- In the year 2016, MoFPI had introduced an umbrella Scheme Called “Agro-Marine Processing and Development of Agro-Processing Clusters” or SAMPADA, which was proposed to be implemented with an allocation of Rs 6,000 crore for the period of 2016-20.
- In the year 2017, the government renamed the SAMPADA scheme as Pradhan Mantri Kisan Sampada Yojana (PMKSY).
- It is a Central Sector Umbrella Scheme.
- **Objective:**
 - Creation of modern infrastructure for food processing mega food parks/ clusters and individual units
 - To create effective backward and forward linkages - linking farmers, processors and markets
 - To create robust supply chain infrastructure for perishables
- **Components:**
 - Mega Food Parks, Integrated Cold Chain and Value Addition Infrastructure, Infrastructure for Agro-Processing Clusters, Creation of Backward and Forward Linkages, Creation/Expansion of Food Processing & Preservation Capacities, Food Safety and Quality Assurance Infrastructure, and Human Resources Institutions.
- **Grants-in-aid:**
 - Under PMKSY, capital subsidy in the form of grants-in-aid ranging from 35% to 75% of the eligible project cost subject to a maximum specified limit is provided to investors under the various schemes for undertaking infrastructure, logistic projects and setting up of food processing units in the country.
- **Benefits:**
 - The sanctioned projects across the country under component schemes of PMKSY are estimated to benefit about 34 lakh famers on completion.
 - In an evaluation study, NABARD (National Bank for Agriculture and Rural Development) in Year 2020, estimated that captive projects under the scheme have resulted in an increase in farm-gate prices by 12.38% and each project is estimated to benefit more than 9500 farmers.

2. Scheme on ‘Promotion of Agricultural Mechanization for In-Situ Management of Crop Residue in the States of Punjab, Haryana, Uttar Pradesh and NCT of Delhi’

CONTEXT: The Centre asks State Governments of Punjab, Haryana, Uttar Pradesh and NCT of Delhi to strive for achieving Zero Stubble Burning in very near future.

- The scheme was introduced in 2018-19, with the aim of addressing air pollution in Delhi and National Capital Region due to stubble burning in the adjoining States of Punjab, Haryana and Uttar Pradesh and to subsidize machinery required for in-situ management of crop residue.
- Under this scheme financial assistance for purchase of crop residue management machines is provided at 50% of the cost to individual farmers and at 80% of the project cost to Cooperative Societies of farmers, PFOs and Panchayats for establishment of Custom Hiring Centres of Crop Residue Management Machines.
- Funds are also provided to the States and ICAR for undertaking Information, Education & Communication (IEC) activities for mass awareness of farmers and other stakeholders.
- The Scheme promote the usage of machines such as Super Straw Management Systems, Happy Seeder, Super Seeder, zero till seed cum fertilizer drill, Mulcher, Paddy Straw Chopper, hydraulically reversible mould board plough, Crop reapers and Reaper binders for in-situ management of crop residue and Balers &

Rakes which are used for straw collection in the form of bales for other ex-situ uses of straw. 'Smart Seeder' machine has been newly added for promotion under the scheme.

❖ **Pusa Decomposer:**

- A microbial consortium of fungal species (both in liquid and capsule forms) developed by Indian Council of Agricultural Research (ICAR) has been found effective for rapid in-situ decomposition of paddy straw.
- During the year 2021, decomposer has been used in the States of Punjab, Haryana, Uttar Pradesh and NCT of Delhi in an around 5.7 lakh hectare area which is equivalent to about 3.5 million tonnes of straw managed. Through satellite imaging and monitoring, it was observed that the 92% area of the decomposer sprayed plots has been managed through decomposition and only 8% area in these plots was burned.

3. SPARSH: System for Pension Administration Raksha initiative

❖ **CONTEXT: Ministry of Defence signs MoU with Bank of Baroda and HDFC Bank to expand the reach of SPARSH initiative**

- SPARSH is a web-based system for processing the pension claims and crediting the pension directly into the bank accounts of defence pensioners without any external intermediary.
- It is an integrated system for automation of sanction and disbursement of defence pension.
- This web-based system processes pension claims and credits pension directly into the bank accounts of defence pensioners without relying on any external intermediary.
- A Pensioner Portal is available for pensioners to view their pension related information, access services and register complaints, if any.
- SPARSH envisages establishment of Service Centres to provide last mile connectivity to pensioners who may be unable to directly access the SPARSH portal.
- The banks dealing with defence pensioners – State Bank of India (SBI) and Punjab National Bank (PNB) – have been co-opted as Service Centres, HDFC and Bank of Baroda
- One Rank One Pension (OROP) scheme: It provides the payment of the same pension to military officers for the same rank for the same length of service, irrespective of the date of retirement.

4. National Commission for Minorities(NCM)

❖ **CONTEXT: The Chairman, National Commission for Minorities, Shri Iqbal Singh Lalpura holds a meeting of the Commission in New Delhi**

- In 1978, setting up of the Minorities Commission (MC) was envisaged in the Ministry of Home Affairs Resolution.
- In 1984, the MC was detached from the Ministry of Home Affairs and placed under the newly created Ministry of Welfare, which excluded linguistic minorities from the Commission's jurisdiction in 1988.
- In 1992, with the enactment of the NCM Act, 1992, the MC became a statutory body and was renamed as the NCM.
- In 1993, the first Statutory National Commission was set up and five religious communities viz the Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified as minority communities.
- In 2014, Jains were also notified as a minority community.

❖ **Composition:**

- NCM consists of a Chairperson, a Vice-Chairperson and five members and all of them shall be from amongst the minority communities.
- Total of 7 persons to be nominated by the Central Government should be from amongst persons of eminence, ability and integrity.
- Tenure: Each Member holds office for a period of three years from the date of assumption of office.

❖ **Functions:**

- Evaluation of the progress of the development of minorities under the Union and States.
- Monitoring of the working of the safeguards for minorities provided in the Constitution and in laws enacted by Parliament and the state legislatures.
- Ensures that the Prime Minister's 15-Point Programme for the Welfare of Minorities is implemented and the programmes for minority communities are actually functioning.
- Making recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the central or state governments.
- Looking into specific complaints regarding deprivation of rights and safeguards of minorities and taking up such matters with the appropriate authorities.
- Investigates matters of communal conflict and riots

ANSWER WRITING

Q. "The USA is facing an existential threat in the form of China, that is much more challenging than the erstwhile Soviet Union." Explain.

The last few decades have seen an exponential rise of China as a competitor of the US on the global stage. In the present scenario, the experts are debating on the cold war conditions prevailing between the two biggest economies of the world (US-China).

After the Second World War, the US faced a challenge from the erstwhile USSR. While today the US is facing the same threat from China, it is not same as the erstwhile USSR:

- In the last few decades China has become the manufacturing hub of the world. Its economy has grown at a rapid pace and forms a special knot in the global supply chain. This is opposed to the USSR, which had a crippled economy and could not compete with the US over the period.
- The Soviet Union and the United States were hardly interdependent either economically or politically. Although there are divergences and disputes, China and the United States are the two largest economies in the world and share a wide range of interests, especially in the economic sphere. To illustrate, the US and China have a trade of over 500 billion with each other.
- Today's global economy is more integrated as compared to the cold war era. Even after two countries are not on good terms with each other, they are still dependent on each other.
- In the face of internal and external problems, the Soviet Union often repelled, but China has constantly reformed. China outpaced the USSR in governance models and is now challenging the US as a global power.

Given the high degree of interdependence and the prevalence of globalisation, the so called cold war situation between the US and China may not result in a full-fledged war. Nevertheless, both the countries, in particular, and the global community, in general, must strive to keep the conflicts at minimum and avoid any situation that may precipitate into violent clashes.

MCQs

1. Recently terms like Operation Octopus, Operation Double Bull, Operation Thunderstorm and Operation Chakarbandha often mentioned in media are related to which of the following?
 - a) Narcotic Operations in Punjab and Haryana
 - b) Anti- Naxal Operations in Odisha, Jharkhand, and Bihar regions**
 - c) Anti Piracy operations in northern Arabian sea region by Indian Coast Guard
 - d) Anti- human trafficking operations by Railway Protection Forces
2. Consider the following statements:
 1. Attorney General of India and Solicitor General of India are the only officers of the Government who are allowed to participate in the meetings of the Parliament of India.
 2. According to the Constitution of India, the Attorney General of India submits his resignation when the Government which appointed him resigns.
 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. With reference to India, consider the following statements:
 1. When a prisoner makes out a sufficient case, parole cannot be denied to such prisoner because it becomes a matter of his/her right.
 2. State Governments have their own Prisoners Release on Parole Rules.
 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. PMKSY is an umbrella central sector scheme which incorporates all ongoing schemes of the Union Ministry of Food Processing Industries (MoFPI).
 2. In India there is 100% Foreign Direct Investment (FDI) through automatic route in the food processing sector.
 3. Food & agro-based processing units and cold chain infrastructure has been classified as agriculture activity for Priority Sector Lending (PSL).
 Choose the correct statement/s using the codes given below
 - a) 1 and 2 only
 - b) 2 and 3 only
 - c) 1 and 3 only
 - d) 1,2 and 3**

5. Consider the following statements with reference to stubble burning in India.
1. Stubble burning releases harmful gases including nitrogen oxide and carbon monoxide into the atmosphere
 2. The PUSA Decomposer is a set of four tablets made by extracting animal strains that help the Paddy straw to decompose at a much faster rate than usual.
- Select the correct statement/s using the codes given below
- a) **1 only**
 - b) 2 only
 - c) Both 1 and 2
 - d) Neither 1 nor 2
6. Consider the following:
1. Carbon monoxide
 2. Methane
 3. Ozone
 4. Sulphur dioxide
- Which of the above are released into atmosphere due to the burning of crop/biomass residue?
- a) 1 and 2 only
 - b) 2, 3 and 4 only
 - c) 1 and 4 only
 - d) **1, 2, 3 and 4**
7. SPARSH initiative often mentioned in news is related to which of the following ministry?
- a) Ministry of Education
 - b) Ministry of Women and Child Development
 - c) **Ministry of Defence**
 - d) Ministry of Railway
8. Recently central government organised the first ever “floating” photo exhibition organized in which state?
- a) Assam
 - b) **Manipur**
 - c) Mizoram
 - d) Tamil Nadu
9. With reference to National Commission for Minorities consider the following statements
1. It governs matters which the central government refers to.
 2. The commission works under Ministry of Home Affairs.
- Select the correct statement/s using the codes given below
- a) **1 only**
 - b) 2 only
 - c) Both 1 and 2
 - d) Neither 1 nor 2
10. With reference to Ambedkar Circuit consider the following pairs
1. Delhi – Mahaparinirvana Bhoomi
 2. Mumbai- Deeksha Bhoomi
 3. Mhow- Janma Bhoomi
 4. Nagpur- Chaitya Bhoomi
- Which of the above pairs are correctly matched?
- a) 1 and 2 only
 - b) 2 and 3 only
 - c) 3 and 4 only
 - d) **1 and 3 only**