

April (Week 5)

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Prelims

NATIONAL

Keshavnanda Bharti Case

Context: Exactly 47 years ago, the Supreme Court passed its landmark judgment in *Kesavananda Bharati vs State of Kerala*, considered among the most significant constitutional cases in India's judicial history. By a 7-6 verdict, a 13-judge Constitution Bench ruled that the 'basic structure' of the Constitution is inviolable, and could not be amended by Parliament. The basic structure doctrine has since been regarded as a tenet of Indian constitutional law.

Amending the Constitution

- The Constitution of a country is the fundamental law of the land. It is based on this document that all other laws are made and enforced. Under some Constitutions, certain parts are immune from amendments, and are given a special status compared to other provisions.
- Since the Indian Constitution was first adopted, debates have raged as to the extent of power that Parliament should have to amend key provisions.
- In the early years of Independence, the Supreme Court conceded absolute power to Parliament in amending the Constitution, as was seen in the verdicts in *Shankari Prasad (1951)* and *Sajjan Singh (1965)*.
- The reason for this is believed to be that in those initial years, the apex court had reposed faith in the wisdom of the then political leadership, when leading freedom fighters were serving as Members of Parliament.
- In subsequent years, as the Constitution kept being amended at will to suit the interests of the ruling dispensation, the Supreme Court in *Golaknath (1967)* held that Parliament's amending power could not touch Fundamental Rights, and this power would be only with a Constituent Assembly.

The tussle between Parliament and the judiciary

- In the early 1970s, the government of then Prime Minister *Indira Gandhi* had enacted major amendments to the Constitution (the 24th, 25th, 26th and 29th) to get over the judgments of the Supreme Court in *RC Cooper (1970)*, *Madhavrao Scindia (1970)* and the earlier mentioned *Golaknath*.
- In *RC Cooper*, the court had struck down Indira Gandhi's bank nationalisation policy, and in *Madhavrao Scindia* it had annulled the abolition of privy purses of former rulers.
- All the four amendments, as well as the *Golaknath* judgment, came under challenge in the *Kesavananda Bharati case*— where relief was sought by the religious figure Swami Kesavananda Bharati against the Kerala government vis-à-vis two state land reform laws.
- Since *Golaknath* was decided by eleven judges, a larger bench was required to test its correctness, and thus 13 judges formed the *Kesavananda bench*.
- Noted legal jurists Nani Palkhivala, Fali Nariman, and Soli Sorabjee presented the case against the government.

The judgment in *Kesavananda Bharati*

- The Constitutional Bench, whose members shared serious ideological differences, ruled by 7-6 verdict that Parliament should be restrained from altering the 'basic structure' of the Constitution.
- The court held that under *Article 368*, which provides Parliament amending powers, something must remain of the original Constitution that the new amendment would change.
- The court did not define the 'basic structure', and only listed a few principles — federalism, secularism, democracy — as being its part. Since then, the court has been adding new features to this concept.



- The majority opinion was delivered by Chief Justice of India S M Sikri, and Justices K S Hegde, A K Mukherjea, J M Shelat, A N Grover, P Jaganmohan Reddy, and H R Khanna. Justices A N Ray, D G Palekar, K K Mathew, M H Beg, S N Dwivedi, and Y V Chandrachud dissented.

‘Basic structure’ since Kesavananda

- The ‘basic structure’ doctrine has since been interpreted to include the supremacy of the Constitution, the rule of law, Independence of the judiciary, doctrine of separation of powers, federalism, secularism, sovereign democratic republic, the parliamentary system of government, the principle of free and fair elections, welfare state, etc.
- An example of its application is SR Bommai (1994), when the Supreme Court upheld the dismissal of BJP governments by the President following the demolition of the Babri Masjid, invoking a threat to secularism by these governments.
- Critics of the doctrine have called it undemocratic, since unelected judges can strike down a constitutional amendment. At the same time, its proponents have hailed the concept as a safety valve against majoritarianism and authoritarianism.

The Jio-Facebook Deal

Context: Facebook’s purchase of a nearly 10% stake in Reliance Industries’ digital business unit Jio Platforms brings one of the world’s largest Internet companies on the table with India’s largest telecom player. Further, it not only marks Facebook’s long-pending formal entry into India’s telecom sector but also catapults it to a place among the biggest foreign investors in India’s technology space.

What does the deal mean for Reliance Industries?

- Back in August 2019, while addressing the company’s shareholders at the annual general meeting, Reliance Industries Chairman Mukesh Ambani had said the group had prepared a roadmap for becoming a zero net-debt company within 18 months.
- The Facebook deal significantly contributes to that plan by paring about Rs 43,574 crore from its outstanding debt as of September 2019 of Rs 2.92 lakh crore.
- The other primary contributors to the debt-reduction plan will be a potential \$15 billion (around Rs 1.05 lakh crore) deal with Saudi Aramco for a 20% stake in Reliance Industries’ refining and petrochemicals business and Rs 7,000 crore from a 49% sale in its fuel retail joint-venture to British firm BP.
- However, experts believe the Aramco deal to be under threat on account of the oil prices crash caused by the COVID-19 outbreak.
- Besides the balance sheet de-leveraging, the timing of the deal with Facebook is significant for another reason: online platforms selling essential goods have suddenly witnessed an upsurge in demand. For example, before the outbreak, just 1% of the Rs 80,000-crore grocery market in India was represented by online players.
- After the lockdown, online platforms started to account for 50% of the grocery demand in the country by some estimates before it corrected.
- Experts have said the arrangement among Reliance Retail, Jio Platforms and Facebook-owned WhatsApp to offer consumers the ability to access the nearest kiranas, or grocery stores, which can provide products and services to their homes by transacting with JioMart using WhatsApp, has come at a very opportune time. WhatsApp boasts 400 million users in India.

DEBT SITUATION OF RIL IN LAST 5 FISCALS

	Gross debt	Cash & cash equitable	Net debt
FY15	1,60,860	84,472	76,388
FY16	1,81,079	86,033	95,046
FY17	1,96,599	77,226	1,19,373
FY18	2,18,763	78,063	1,40,700
FY19	2,87,505	1,33,027	1,54,478
Sept 19	2,91,982	1,34,746	1,57,236

* All figures in Rs crore;

Source: Company annual report and communication



- Further, using WhatsApp's base also allows Reliance Retail to promote its services to users of Jio's rival telecom players.

What does the deal mean for Facebook?

- Facebook has been trying for years to get its finger in the Internet pie. In 2015, it had experimented with Free Basics, which provided free access to basic Internet services as a partnership with service providers. However, criticised for being a walled garden, it soon pulled out of the idea after differential pricing was disallowed by the telecom sector regulator.
- It had even looked at the possibility of beaming free Internet from the air using a solar-powered drone called Aquila, and enabled low cost high-speed Wi-Fi in some remote parts of India with an initiative called Express Wi-Fi.
- But data was expensive in those times, and free access to the Internet was envisioned as the easiest way to bring the next billion users online.
- Then, Reliance Jio happened. It launched with data rates so low that they became the industry standard in one of the largest online markets in the world. Jio alone helped bring 388 million users online, well over a third of what Facebook had planned.
- The partnership with Reliance could also help Facebook navigate the regulatory environment in India, where it has had several skirmishes with the authorities, including for its major initiatives such as WhatsApp Pay.

What does it mean for India's Internet ecosystem?

- The deal also marks Facebook's entry among elite investors in India's technology space, joining the likes of SoftBank, Amazon and Google that have together poured in billions of dollars in Indian tech startups and their own ventures over the years.
- Prior to Jio Platforms, Facebook had invested around \$20-25 million in social commerce platform Meesho in 2019, and participated in a \$110 million funding round for edu-tech company Unacademy earlier this year.
- The deal with Reliance also gives Facebook access to the latter's bouquet of digital apps. These include in-house apps such as Jio Money, Jio TV, etc in addition to the young startups acquired by Reliance or its subsidiaries across categories such as logistics, e-commerce and artificial intelligence.

AarogyaSetu app

Context: Recently, the AarogyaSetu app — for pan-India use and available in 11 languages — was launched as the main contact tracing technology endorsed by the Central government. Developed by the National Informatics Centre under the Ministry of Electronics & Information Technology, the app got its biggest push when Prime Minister Narendra Modi urged the nation to download it while announcing the extension of the national lockdown till May 3. Soon it became one of the most downloaded apps globally, and has crossed the 75 million mark.

How does the app work?

- It is designed to keep track of other AarogyaSetu users that a person came in contact with, and alert him or her if any of the contacts tests positive for COVID-19. It achieves this using the phone's Bluetooth and GPS capabilities.
- The app will keep a record of all other AarogyaSetu users that it detected nearby using Bluetooth, and also a GPS log of all the places that the device had been at 15-minute intervals. These records are stored on the phone till the time any user tests positive or declares symptoms of COVID-19 in a self-assessment survey in the app. In such cases, the records are uploaded to the servers.



- According to the privacy policy of the app, it gives users a colour coding of green and yellow based on their self-assessment. The data of users who fall in the yellow category are uploaded to the server, while that of those in the green category — purportedly the lower risk group — is retained in the app.
- While registering, the app collects a set of personal information such as name, sex, age, phone number, current location and travel history that is uploaded to government servers, which then generates a unique digital identity for that user.
- When the Bluetooths of two AarogyaSetu users sniff each other out, this unique digital identity is exchanged along with the time and location of the meeting. When an app user tests positive, all unique digital identities in his or her records get an alert on the risk they face and instructions on self-isolation and next steps.

Has it been effective?

- The AarogyaSetu app faces the same issue as every other contact tracing technology that has come up during the pandemic period — it is people dependent. It needs widespread usage and self-reporting to be effective.
- Given that any number of total users will be a subset of smartphone owners in India, and there are bound to be variations in the levels of self-reporting, the efficacy is not bulletproof.
- The terms of use of the app also say as much, distancing the government from any failure on the part of the app in correctly identifying COVID-19 patients.

Are there privacy concerns?

- Definitely.
- First of all, the app exists in the privacy law vacuum that is India. With no legislation that spells out in detail how the online privacy of Indians is to be protected, AarogyaSetu users have little choice but to accept the privacy policy provided by the government.
- The policy goes into some detail on where and how long the data will be retained, but it leaves the language around who will have access to it vague. As per the policy, “persons carrying out medical and administrative interventions necessary in relation to COVID-19” will have access to the data.
- According to a working paper from the Internet Freedom Foundation, this “suggests interdepartmental exchanges of people’s personal information” and is “more excessive than countries like Singapore and even Israel”.
- Beyond the legal loopholes, there are technical loopholes as well. The unique digital identity in AarogyaSetu is a static number, which increases the probability of identity breaches.
- A better approach would be constantly-changing digital identification keys like what Google and Apple deploy in their joint contact tracing technology.
- The abundance of data collected is also potentially problematic. AarogyaSetu uses both Bluetooth and GPS reference points, which could be seen as an overkill. Other apps such as TraceTogether make do with Bluetooth.
- Another issue that forums such as the Internet Freedom Foundation and the Software Freedom Law Center have raised is that the AarogyaSetu app is something of a black box. There is no documentation publicly available on the app.
- The advocacy groups argue that there should be more transparency on the inner workings of an app that is being promoted by the government and which is asking for the personal details of millions of citizens.

MPLAD Scheme

Context: *Recently, the government suspended the Member of Parliament Local Area Development (MPLAD) Scheme so that these funds would be available for its COVID-19 management efforts.*



What is the MPLAD Scheme?

- MPLAD is a central government scheme, under which MPs can recommend development programmes involving spending of Rs 5 crore every year in their respective constituencies. MPs from both Lok Sabha and Rajya Sabha, including nominated ones, can do so.
- States have their version of this scheme with varying amounts per MLA. Delhi has the highest allocation under MLALAD; each MLA can recommend works for up to Rs 10 crore each year. In Punjab and Kerala, the amount is Rs 5 crore per MLA per year; in Assam, Chhattisgarh, Maharashtra and Karnataka, it is Rs 2 crore; in Uttar Pradesh, it was recently increased from Rs 2 crore to Rs 3 crore.
- Suspension of the MPLAD Scheme will make Rs 7,800 crore available to the government. For comparison, this is only 4.5% of the Rs 1.70 lakh crore relief package for the poor announced under the Pradhan Mantri Garib Kalyan Yojana.

How does the scheme work?

- MPs and MLAs do not receive any money under these schemes. The government transfers it directly to the respective local authorities. The legislators can only recommend works in their constituencies based on a set of guidelines.
- For the MPLAD Scheme, the guidelines focus on the creation of durable community assets like roads, school buildings etc. Recommendations for non-durable assets can be made only under limited circumstances. For example, last month, the government allowed use of MPLAD funds for the purchase of personal protection equipment, coronavirus testing kits etc.
- The guidelines for use of MLALAD funds differ across states. For example, Delhi MLAs can recommend the operation of fogging machines (to contain dengue mosquitoes), installation of CCTV cameras etc.
- After the legislators give the list of developmental works, they are executed by the district authorities as per the governments financial, technical and administrative rules.

When did the scheme start?

- Prime Minister P V Narasimha Rao announced the scheme on December 23, 1993 in Lok Sabha. He mentioned that it was being started at the request of MPs across parties. Opposition to the proposal came from CPI(M) MPs Nirmal Kanti Chatterjee and Somnath Chatterjee.
- This happened during a tumultuous year for Rao's minority government. Earlier that month, Parliament was agitated that the government was trying to clip Election Commissioner T N Seshan's wings by converting the EC into a multi-member body.
- Months earlier, the government had survived a controversial trust vote in Lok Sabha. And in May that year, Lok Sabha witnessed the first impeachment proceedings in India's history, against High Court Judge Justice V Ramaswami. These events led some commentators to suggest that the scheme was an attempt by the minority government to appease MPs.

SVAMITVA Scheme

Context: *The Union Minister of Rural Development & Panchayati Raj issued guidelines regarding the SVAMITVA scheme, a new initiative of the Ministry of Panchayati Raj.*

Details:

- SVAMITVA scheme, a collaborative effort of the Ministry of Panchayati Raj, State Panchayati Raj Departments, State Revenue Departments and Survey of India, aims to provide an integrated property validation solution for rural India, engaging the latest Drone Surveying technology, for demarcating the inhabited land in rural areas.
- The program is currently being implemented in six states – Haryana, Karnataka, Madhya Pradesh, Maharashtra, Uttar Pradesh and Uttarakhand.
- Under this, mapping of rural housing land can be done using the latest survey methods and drones.



- This scheme will help in streamlining planning and revenue collection in rural areas and ensuring clarity on property rights.
- The scheme will also enable the creation of better-quality Gram Panchayat Development Plans engaging Drone Surveying technology.
- The aim of this scheme is to provide people in the rural areas with the right to document their residential properties so that they can use their property for economic purposes.

Active Response and Expenditure Support Programme (CARES Programme)

Context: *India signed \$1.5 billion loan with the ADB to support India's COVID-19 immediate response.*

Details:

- This move focuses on immediate priorities such as disease containment and prevention, as well as social protection for the poor and economically vulnerable sections of the society, especially women and disadvantaged groups.
- The loan was granted under the Asian Development Bank's COVID-19 Active Response and Expenditure Support Programme (CARES Programme).
- Earlier, the ADB's Board of Directors approved the loan to provide budget support to the government to counter and mitigate the adverse health and socio-economic impact of the pandemic.
- Building on the CARES Programme, ADB is also in dialogue with the government for further possible support for stimulating the economy, support strong growth recovery, and to build resilience to future shocks.
- This includes the support for the affected industries and entrepreneurs, particularly micro, small, and medium-sized enterprises (MSMEs), by facilitating their access to finance through credit guarantee schemes, MSME integration into global and national value chains through enterprise development centres, and a credit enhancement facility for infrastructure projects.
- Strengthening of public service delivery will be another important agenda, including the extension of comprehensive primary health services in urban areas, and of secondary and tertiary health care systems through PPP modalities.

Jal Shakti Abhiyan

Context: *Jal Shakti Abhiyan gears up for monsoon.*

About the Jal Shakti Abhiyan:

- The scheme was launched in 2019 and it covered 256 water stressed districts across the country.
- This 'Abhiyan' is a mass movement to bring all the stakeholders under one ambit of water conservation drive.
- Under this Abhiyan, more than six and a half crore people became part comprising of State Govts, Central Govt, Civil Society Organisations, Panchayati Raj Institutions and Communities.
- More than seventy five lakh traditional and other water bodies and tanks were renovated and around a crore water conservation & rainwater harvesting structures were created.
- **Focus areas of the Jal Shakti Abhiyan:**
 - Water conservation and rainwater harvesting
 - Renovation of traditional and other water bodies
 - Reuse of water and recharging of structures
 - Watershed development
 - Intensive afforestation

National Infrastructure Pipeline (NIP)

Context: *The Task Force on National Infrastructure Pipeline (NIP) submitted its Final Report on NIP for FY 2019-25 to the Union Minister for Finance & Corporate Affairs.*

About NIP:

- NIP is a first-of-its-kind, whole-of-government exercise to provide world-class infrastructure across the country, and improve the quality of life for all citizens.
- It aims to improve project preparation, attract investments (both domestic and foreign) into infrastructure, and will be crucial for achieving the target of becoming a \$5 trillion economy by FY 2025.
- The NIP has been made on a best effort basis by aggregating the information provided by various stakeholders including line ministries, departments, state governments and private sector across infrastructure sub-sectors identified in the Harmonised Master List of Infrastructure.
- To draw up the NIP, a bottom-up approach was adopted wherein all projects (Greenfield or Brownfield, Under Implementation or Under Conceptualisation) costing greater than Rs 100 crore per project were sought to be captured.
- The final report identifies and highlights recent infrastructure trends in India as well as global in all sectors of infrastructure.
- It also captures sector progress, deficits and challenges. In addition to update existing sectoral policies, the Final Report also identifies and highlights a set of reforms to scale up and propel infrastructure investments in various sectors throughout the country.
- The report also has suggested ways and means of financing the NIP through deepening Corporate Bond markets, including those of Municipal Bonds, setting up Development Financial Institutions for infrastructure sector, accelerating Monetisation of Infrastructure Assets, Land monetisation, etc.
- The Task Force has recommended that three Committees be set up:
 - A Committee to monitor NIP progress and eliminate delays;
 - A Steering Committee in each infrastructure ministry level for following up implementation; and
 - A Steering Committee in DEA for raising financial resources for the NIP.
- The NIP project database would be hosted on the India Investment Grid (IIG) to provide visibility to the NIP and help in its financing with prospective investors; domestic and foreign, able to access updated project level information.
- Each line Ministry/State would further add new projects and update their respective project details at pre-defined time intervals so that updated data is available to prospective investors.

Electrostatic Disinfection Technology

Context: *Electrostatic Disinfection Technology transferred for commercialization.*

Details:

- CSIR-Central Scientific Instruments Organisation (CSIR-CSIO), Chandigarh, has designed and developed an innovative technology for effective disinfection and sanitization to fight the coronavirus pandemic.
- CSIR-CSIO has transferred this technology to a Nagpur-based company, Rite Water Solutions Pvt. Ltd., for commercialization and large-scale production.
- This technology has been found very efficient and effective to stop the spread of coronavirus and pathogens.
- Electrostatic Disinfection Machine is developed based on the electrostatic principle.
- It produces uniform and fine spray droplets of disinfectants in the size range of 10-20 micrometre to kill microorganisms and viruses.



- Due to the small size of droplets, the surface area of spray droplets increases thereby enhancing the interaction with harmful microorganisms and coronavirus.
- The machine uses very less disinfection material as compared to conventional methods, which helps to save natural resources with negligible increase of chemical waste in the environment.

India's Permanent Mission to the United Nations

Context: India has appointed diplomat T S Tirumurti, currently serving as Secretary in the Ministry of External Affairs, as its Permanent Representative to the United Nations. A 1985-batch Indian Foreign Service officer, Tirumurti succeeds Syed Akbaruddin who is credited with effectively presenting India's position on a range of crucial issues at the global body's headquarters in New York for the last several years.

Permanent Missions to the United Nations

- The Permanent Mission is the diplomatic mission that every member state deputed to the United Nations, and is headed by a Permanent Representative, who is also referred to as the "UN ambassador".
- According to Article 1 (7) of the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character, a "Permanent Mission" is a: "... mission of permanent character, representing the State, sent by a State member of an international organization to the Organization".
- The UN General Assembly resolution 257(III) of 3 December 1948 addresses the term as follows:
 - "Considering that the presence of such permanent missions serves to assist in the realization of the purposes and principles of the United Nations and, in particular, to keep the necessary liaison between the Member States and the Secretariat in periods between sessions of the different organs of the United Nations..."
- UN Permanent Representatives are assigned to the UN headquarters in New York City, and can also be appointed to other UN offices in Geneva, Vienna, and Nairobi.

The Indian Permanent Mission at the UN

- According to the website of the Permanent Mission of India in New York, there are currently eight Indians in senior leadership positions at the United Nations at the levels of Under Secretary General and Assistant Secretary General.
- The first Indian delegates at the United Nations included statesman Arcot Ramasamy Mudaliar, and freedom fighters Hansa Mehta, Vijayalakshmi Pandit, and Lakshmi Menon. Mehta and Pandit were among the 15 women members of the Indian Constituent Assembly.
- India was among the select members of the United Nations that signed the United Nations Declaration at Washington on January 1, 1942. India also participated in the historic UN Conference of International Organization at San Francisco from April 25 to June 26, 1945.
- The Mission in New York is housed in a 27-story building designed by the noted architect Charles Correa in 1993, and is decorated with MF Hussain paintings.

Kashmir saffron gets GI tag

Context: Kashmir saffron, which is cultivated and harvested in the Karewa (highlands) of Jammu and Kashmir, has been given the Geographical Indication (GI) tag by the Geographical Indications Registry.

Details:

- The spice is grown in some regions of Kashmir, including Pulwama, Budgam, Kishtwar and Srinagar.



- Kashmir saffron is a very precious and costly product. Iran is the largest producer of saffron and India is a close competitor. With the GI tag, Kashmir saffron would gain more prominence in the export market.
- Kashmir saffron is renowned globally as a spice. It rejuvenates health and is used in cosmetics and for medicinal purposes.
- It has been associated with traditional Kashmiri cuisine and represents the rich cultural heritage of the region.
- The unique characteristics of Kashmir saffron are its longer and thicker stigmas, natural deep-red colour, high aroma, bitter flavour, chemical-free processing, and high quantity of crocin (colouring strength), safranal (flavour) and picrocrocin (bitterness).
- It is the only saffron in the world grown at an altitude of 1,600 m to 1,800 m AMSL (above mean sea level).
- The saffron available in Kashmir is of three types — ‘Lachha Saffron’, with stigmas just separated from the flowers and dried without further processing; ‘Mongra Saffron’, in which stigmas are detached from the flower, dried in the sun and processed traditionally; and ‘Guchhi Saffron’, which is the same as Lachha, except that the latter’s dried stigmas are packed loosely in air-tight containers while the former has stigmas joined together in a bundle tied with a cloth thread.



INTERNATIONAL

Diplomatic tensions in the South China Sea

Context: *In the middle of the global coronavirus pandemic, China has been busy increasing its presence in the South China Sea. This time the focus of its acquisitory attention are the two disputed archipelagos of the Spratly Islands and the Paracel Islands in the middle of the South China Sea waters, between the territory of Vietnam and the Philippines.*

What is the Spratly Islands dispute about?

- There has been an ongoing territorial dispute between China, Taiwan, Vietnam, the Philippines, and Malaysia concerning the ownership of the Spratly Islands archipelago and nearby geographical features like corals reefs, cays etc.
- Since 1968, these nations have engaged in varying kinds of military occupation of the islands and the surrounding waters, with the exception of Brunei, that has contained its objections to the use of its maritime waters for commercial fishing.
- Although the Spratly Islands are largely uninhabited, there is a possibility that they may have large reserves of untapped natural resources.
- However, due to the ongoing dispute, there have been few initiatives to explore the scale of these reserves and hence the amount of natural resources that the islands may have, are based on speculation and extrapolation by studying resources available in nearby islands.
- In the 1970s, oil was discovered in neighbouring islands, specifically off the coast of Palawan. This discovery ramped up territorial claims by these countries.
- Over the years, US government agencies have claimed that there is little to no oil and natural gas in these islands, but these reports have done little to reduce the territorial dispute.

What is the Paracel Islands dispute about?

- The Paracel Islands dispute is slightly more complex. This archipelago is a collection of 130 islands and coral reefs and is located in the South China Sea, almost equidistant from China and Vietnam.
- Beijing says that references to the Paracel Islands as a part of China sovereign territory can be found in 14th century writings from the Song Dynasty.
- Vietnam on the other hand, says that historical texts from at least the 15th century show that the islands were a part of its territory.
- These islands also find mention in records starting from the 16th century by explorers who led expeditions to the East — the Portuguese, British, Dutch, French and Spanish, have all written about the Paracel Islands in various texts. Colonial powers of the French-Indochina further accelerated the tensions with regard to the Paracel Islands due to their colonial policies in the 20th century.
- By 1954, tensions had dramatically increased between China and Vietnam over the archipelago. In January 1974, China and Vietnam fought over their territorial disputes after which China took over control of the islands. In retaliation, in 1982, Vietnam said it had extended its administrative powers over these islands. In 1999, Taiwan jumped into the fray laying its claim over the entire archipelago.
- Since 2012, China, Taiwan and Vietnam have attempted to reinforce their claims on the territory by engaging in construction of government administrative buildings, tourism, land reclamation initiatives and by establishing and expanding military presence on the archipelago.

What was the most recent dispute about?

- Following the recent establishment of new administrative districts on both Spratly and Paracel Islands, China's Ministry of Natural Resources and the Ministry of Civil Affairs jointly announced that the Chinese government had "named" 80 islands, reefs and other geographical features around the two archipelagos with Chinese names.



- The last time China had unilaterally engaged in a similar initiative was in 1983 where 287 geographical features had been renamed in the disputed chain of islands.
- In the past few years, China has stepped up military aggression and has created artificial islands for military and economic purposes in the South China Sea, drawing criticism from neighbouring countries and other western powers.
- A few weeks ago, Vietnam had lodged a complaint at the UN stating that China had illegally sunk a fishing trawler near Paracel Islands, killing eight people on board. In March, China built two research stations on territory claimed by the Philippines.
- Following China's renaming of the islands, the US sent in an assault ship and a guided missile cruiser into the waters near Spratly and Paracel Islands, off the coast of Malaysia. Soon after, Chinese and Australian warships also entered the fray.
- Following the arrival of American warships, regional observers expressed concern that the US's presence may only serve to heighten tensions. The US has no territorial claims in the South China Sea, but is known to send its naval force into the waters each time there are provocative developments in the waters, particularly angering China.

Ozone hole over Arctic

Context: *The ozone hole's closing was because of a phenomenon called the polar vortex, and not because of reduced pollution levels due to Covid-19 lockdowns around the world. The hole in the North Pole's ozone layer, which was first detected in February, had since reached a maximum extension of around 1 million sq km.*

The importance of the ozone layer

- Ozone (chemically, a molecule of three oxygen atoms) is found mainly in the upper atmosphere, an area called the stratosphere, between 10 and 50 km from the earth's surface.
- Though it is talked of as a layer, ozone is present in the atmosphere in rather low concentrations. Even at places where this layer is thickest, there are not more than a few molecules of ozone for every million air molecules.
- But they perform a very important function. By absorbing the harmful ultraviolet radiations from the sun, the ozone molecules eliminate a big threat to life forms on earth. UV rays can cause skin [cancer](#) and other diseases and deformities in plants and animals.

Ozone holes

- The 'ozone hole' is not really a hole — it refers to a region in the stratosphere where the concentration of ozone becomes extremely low in certain months.
- The 'ozone holes' most commonly talked about are the depletions over Antarctica, forming each year in the months of September, October and November, due to a set of special meteorological and chemical conditions that arise at the South Pole, and can reach sizes of around 20 to 25 million sq km.
- Such holes are also spotted over the North Pole, but owing to warmer temperatures than the South Pole, the depletions here are much smaller in size. Before this year, the last sizable Arctic ozone hole was reported in 2011.

Why this year's Arctic ozone hole was massive

- This year, the ozone depletion over the Arctic was much larger. Scientists believe that unusual atmospheric conditions, including freezing temperatures in the stratosphere, were responsible.
- As per a European Space Agency report, cold temperatures (below -80°C), sunlight, wind fields and substances such as chlorofluorocarbons (CFCs) were responsible for the degradation of the Arctic ozone layer.



- Although Arctic temperatures do not usually fall as low as in Antarctica, this year, powerful winds flowing around the North Pole trapped cold air within what is known as the polar vortex— a circling whirlpool of stratospheric winds.
- By the end of the polar winter, the first sunlight over the North Pole initiated this unusually strong ozone depletion—causing the hole to form. However, its size is still small compared to what can usually be observed in the southern hemisphere.
- Scientists believe that the closing of the hole is because of the same polar vortex and not because of the lower pollution levels during the coronavirus lockdown.

Ozone recovery

- As per the Scientific Assessment of Ozone Depletion data of 2018, the ozone layer in parts of the stratosphere has recovered at a rate of 1-3 per cent per decade since 2000.
- At these projected rates, the Northern Hemisphere and mid-latitude ozone is predicted to recover by around 2030, followed by the Southern Hemisphere around 2050, and polar regions by 2060.

International Labour Day

Context: *May 1 is May Day, also known as International Workers' Day and as Labour Day in different parts of the world. It is an occasion that commemorates the contributions of workers and the historic labour movement.*

Details:

- While observed as an ancient northern hemisphere spring festival, May 1 became associated with the labour movement in the late 19th century, after trade unions and socialist groups designated it as a day in support of workers.
- It was decided to do so in memory of the Haymarket affair of 1886, in Chicago in the United States, in which a peaceful rally in support of workers led to a violent clash with the police, leading to the deaths of 4 civilians and 7 police officers.
- Many of the agitationists, who were protesting workers' rights violations, straining work hours, poor working conditions, low wages and child labour, were arrested and served terms of life imprisonment, death sentences, etc., and those who died were hailed as "Haymarket Martyrs". The incident is believed to have given the workers' movement a great impetus.
- The US recognised Labor Day as a federal holiday in 1894, where it continues to be celebrated every year on the first Monday of September. Soon, Canada also adopted the practice.
- In 1889, The Second International, an organisation created by socialist and labour parties, declared that May 1 would be commemorated as International Workers' Day from then on.
- Finally in 1916, the US began to recognise eight-hour work timings after years of protests and uprisings.
- In 1904, the International Socialist Congress at Amsterdam called on "all Social Democratic Party organisations and trade unions of all countries to demonstrate energetically on the First of May for the legal establishment of the 8-hour day, for the class demands of the proletariat, and for universal peace," and made it "mandatory upon the proletarian organisations of all countries to stop work on May 1, wherever it is possible without injury to the workers."
- After the Russian Revolution in 1917, the celebration was embraced by the Soviet Union and the Eastern bloc nations during the Cold War— becoming a national holiday in many of them. Parades were a part of the celebration— the one at Moscow's Red Square was attended by top Communists leaders, and displayed Soviet military might.
- In India, May Day was first celebrated on May 1, 1923, after the Labour Kisan Party of Hindustan initiated and Comrade Singaravelar (Singaravelu Chettiar) helmed the celebrations.
- In two meetings — one at Triplicane beach and the second at the beach opposite Madras High Court — the Comrade, known for being one of the leaders of Self Respect movement in the Madras Presidency

and for his fight for the rights of backward classes, passed a resolution stating the government should allow everybody a national holiday on Labour Day.





PERSON IN NEWS

Basaveswara Jayanti

Context: PM pays homage to Lord Basaveshwara on Basava Jayanthi. Basava Jayanthi is an annual event celebrated in the honour of the birth of Vishwaguru Basaveshwara, the 12th century philosopher and social reformer.

Details:

- He is also known as Bhaktibhandari/ Basavanna.
- Basava was a 12th century Indian philosopher, Kannada poet in the **Shiva-focussed Bhakti movement** and a social reformer during the reign of the **Kalachuri-dynasty king Bijjala I in Karnataka**.
- His life and ideas are narrated in the sacred text of the south Indian **Hindu Lingayat community, the Basava Purana**.
- Basava spread social awareness through his **poetry, popularly known as Vachanaas**.
- Basava **rejected gender or social discrimination, superstitions and rituals such as the wearing of sacred thread**, but introduced **Ishtalinga necklace, with an image of the Shiva Linga**, to every person regardless of his or her birth, to be a constant reminder of one's bhakti (devotion) to Shiva.
- Vachana is a prosaic form well known in the Kannada literature which propagates values of universal brotherhood.

Contribution to society

- He had promoted a culture of collective discussion which was called 'Anubhav Mantapa'. This is remembered as one of the **world's first parliaments** where people were encouraged to speak their mind irrespective of their social status.
- This was also a unique experiment of **gender equality** as women were also encouraged to take part in discussions and express their views.
- He discarded his brahminical identity and argued for a **non-hierarchical society**. His message was inclusive and argued for a diverse society and rejected an exclusive State favouring one caste or one religion.
- Basavanna encouraged men and women from the lowest of the lower castes to practice social equality and actively participate in building and contributing to a healthy society.

Raja Ravi Varma

Context: April 29 was the birth anniversary of the famed Indian painter Raja Ravi Varma (1848-1906), remembered for giving Indians their western, classical representations of Hindu gods and goddesses.

Details:

- Through his printing press, Varma's humanised depiction of Hindu pantheon travelled beyond the surfaces of costly canvases, and into the prayer and living rooms of working-class homes.
- His most famous works include Damayanti Talking to a Swan, Shakuntala Looking for Dushyanta, Nair Lady Adorning Her Hair, and Shantanu and Matsyagandha.
- Varma was born into aristocracy at Kilimanoor in the erstwhile Travancore state of present-day Kerala, and was closely related to its royal family.
- At an early age, Varma showed a keen interest in drawing, and would draw on the walls of Kilimanoor palace, where he lived. His uncle, Raja Raja Varma, noticed the younger Varma's talent, and gave the latter initial lessons in painting.
- At the age of 14, Varma was patronised by Ayilyam Thirunal, the then ruler of Travancore, and went on to receive training in watercolours from Ramaswamy Naidu, the royal painter. Later, Varma studied oil



painting with the British painter Theodore Jensen. Apart from Travancore, Varma also worked for other wealthy patrons such as the Gaekwad of Baroda.

- Varma worked on both portrait and landscape paintings, and is considered among the first Indian artists to use oil paints. Apart from painting Hindu mythological figures, Varma also made portraits of many Indians as well as Europeans.
- Varma is also known for having mastered the reproduction of his work on the lithographic press—through which his paintings spread far and wide. He continues to be regarded as the most important representative of the Europeanised school of painting in India.
- His 1873 painting, Nair Lady Adorning Her Hair, won Varma prestigious awards including Governor's Gold Medal when it was presented in the Madras Presidency, and Certificate of Merit at an exhibition in Vienna.
- In 1904, the British colonial government awarded Varma with the Kaiser-i-Hind Gold Medal. In 2013, a crater on the planet Mercury was named in his honour.

Mains

GS II

Privacy concerns during a pandemic

Context: *Today we live in the midst of a grave public health crisis. There is little doubt that the government is best placed to tackle the COVID-19 pandemic. Doing so requires it to take extraordinary actions. This is why the efforts of the Central and State governments to maintain a nationwide lockdown, to enforce norms of physical distancing and to restrict movement, have been met with support.*

Justice Khanna Judgment

- In his now-legendary dissenting judgment, delivered at the height of Indira Gandhi's Emergency, Justice H.R. Khanna, invoking Justice Brandeis of the U.S. Supreme Court, wrote that "[the] greatest danger to liberty lies in insidious encroachment by men of zeal, well-meaning but lacking in due deference for the rule of law."
- Justice Khanna was not speaking about the crushing of freedom at the point of a bayonet.
- He was concerned, rather, about situations where the government used the excuse of a catastrophe to ignore the rule of law. Quoting Brandeis, he said, "experience should teach us, "to be most on our guard to protect liberty when the Government's purposes are beneficent."
- It can be tempting in these circumstances to argue that the executive's powers are limitless; that, if the government so chooses, fundamental rights can be suspended at will. The pandemic, the argument goes, is an existential threat and the paramount need to save lives takes precedence over all other interests.
- Appealing though it is, this argument is not only wrong but also dangerous, for precisely the reasons that Justice Khanna outlined: when faced with crises, governments — acting for all the right reasons — are invariably prone to overreach.
- Any temporary measures they impose have a disturbing habit of entrenching themselves into the landscape and creating a 'new normal' well after the crisis has passed.
- Paying close attention to civil rights, therefore, becomes critical, not to impede the government's efforts, but to ensure that rights — fragile at the best of times, and particularly vulnerable in a crisis — are not permanently effaced.

Data and public health

- The state's most significant responses to the pandemic have been predicated on an invasive use of technology, that seeks to utilise people's personal health data. While the measures deployed intuitively sound reasonable, the mediums used in implementing the programme overlook important concerns relating to the rights to human dignity and privacy.
- Broadly, technology has been invoked at three levels. First, in creating a list of persons suspected to be infected with COVID-19; second, in deploying geo-fencing and drone imagery to monitor compliance by quarantined individuals; and third, through the use of contact-tracing smartphone applications, such as AarogyaSetu.
- Each of these measures has induced a miasma of despair. In creating a list of infected persons, State governments have channelled the Epidemic Diseases Act of 1897. But this law scarcely accords the state power to publicise this information.
- What's more, these lists have also generated substantial second-order harms. As the director of the All India Institute of Medical Science, Dr. Randeep Guleria, pointed out, the stigma attached to the disease has led to an increase in morbidity and mortality rates, since many with COVID-19 or flu-like symptoms have refused to go to hospitals.



- The use of geo-fencing and drone technologies is similarly unsanctioned. While cell-phone based surveillance might be plausible under the Telegraph Act of 1885, until now the orders authorising surveillance have not been published.
- Moreover, the modified surveillance drones used are equipped with the ability to conduct thermal imaging, night-time reconnaissance, and also — as some private vendors have claimed — the ability to integrate facial recognition into existing databases such as Aadhaar.
- Contrary to regulations made under the Aircraft Act of 1934, the drones deployed also do not appear to possess any visible registration or licensing. Indeed, many of the models are simply not permitted for use in India.
- Most concerning amongst the measures invoked is the use of contact-tracing applications that promise to provide users a deep insight into the movements of a COVID-19 carrier. The purported aim here is to ensure that a person who comes into contact with a carrier can quarantine herself.
- Although the efficacy of applications such as these have been questioned by early adopters, such as Singapore, the Union government has made AarogyaSetu, its contact-tracing application, its signal response to the pandemic.
- Thus far, details of the application's technical architecture and its source code have not been made public. The programme also shares worrying parallels with the Aadhaar project in that its institution is not backed by legislation.
- Like Aadhaar it increasingly seems that the application will be used as an object of coercion. There have already been reports of employees of both private and public institutions being compelled to download the application.
- Also, much like Aadhaar, AarogyaSetu is framed as a necessary technological invasion into personal privacy, in a bid to achieve a larger social purpose. But without a statutory framework, and in the absence of a data protection law, the application's reach is boundless. One shudders to think how the huge tranches of personal data that it will collect will be deployed.

The importance of civil rights

- The Supreme Court's judgment in *K.S. Puttaswamy v. Union of India* (2017) is renowned for its incantation, that each of us is guaranteed a fundamental right to privacy.
- But the Court also recognised that the Constitution is not the sole repository of this right, or indeed of the right to personal liberty. For these are freedoms that inhere in all of us. The Court additionally thought it important, as Justice S.K. Kaul wrote, that the majority opinions of Justice Khanna's brethren be buried "ten fathom deep, with no chance of resurrection."
- To be sure, the right to privacy is not absolute. There exist circumstances in which the right can be legitimately curtailed. However, any such restriction, as the Court held in *Puttaswamy*, must be tested against the requirements of legality, necessity and the doctrine of proportionality.
- This will require government to show us, first, that the restriction is sanctioned by legislation; second, that the restriction made is in pursuance of a legitimate state aim; third, that there exists a rational relationship between the purpose and the restriction made; and fourth, that the State has chosen the "least restrictive" measure available to achieve its objective.
- In this case, not only are the government's technological solutions unfounded in legislation, there is also little to suggest that they represent the least restrictive measures available. A pandemic cannot be a pretext to abnegate the Constitution. *Inter arma silent leges*, said Cicero: "For among [times of] arms, the laws fall mute".
- But our fight against COVID-19 is no war. Even if it were, our Constitution is intended for all times — for times of peace and for times of crises.



Limitations of online learning

Context: *Universities and colleges were in the middle of the second semester of their academic year when the lockdown was enforced. This prompted a number of local initiatives like online learning. A few universities made arrangements for teachers to hold their classes virtually through video conferencing services such as Zoom. The transition to virtual modes was relatively less difficult for those institutions that had, even prior to the lockdown, adopted learning management system platforms. All the above were well-meaning attempts to keep the core educational processes going through this period.*

Strategy to enhance enrolment

- An April 13 report quoted the UGC Chairman as saying that to maintain social distancing, e-education was the only way out. This was clearly meant to prepare the higher education community for the exigencies of a protracted period of closure of campuses.
- However, close on the heels of this, he was also quoted as saying that online education was likely to be adopted as a strategy to enhance the gross enrolment ratio in higher education. This prompts many questions about the appropriateness of what may be an effective contingency measure to tide over the pandemic crisis to be deployed as a long-term strategy for enhancing enrolment in higher education.
- One, how far will online education help support greater access to and success in higher education among those who are on the margins? Two, how equipped are digital forms of education to support the depth and diversity of learning in higher education? Three, is there an unstated political motivation for this shift in strategy?
- Higher education has an influx of students who are first-generation aspirants. They have no cultural capital to bank on while struggling their way through college. Access is not merely enrolment. It also includes effective participation in curricular processes, which includes negotiating through language and social barriers.
- These students are also from the other side of the digital divide which makes them vulnerable to a double disadvantage if digital modes become the mainstay of education. Unless they receive consistent hand-holding and backstopping, they tend to remain on the margins and eventually drop out or fail.
- It is therefore necessary to think deeply and gather research-based evidence on the extent to which online education can be deployed to help enhance the access and success rates.

What learning involves

- Acquisition of given knowledge that can be transmitted didactically by a teacher or a text constitutes only one minor segment of curricular content. It is this segment that is largely amenable to online and digital forms of transaction.
- But learning in higher education means much more than this. It involves development of analytical and other intellectual skills, the ability to critically deconstruct and evaluate given knowledge, and the creativity to make new connections and syntheses.
- It also means to acquire practical skills, inquire, seek solutions to complex problems, and learn to work in teams. All these assume direct human engagement – not just teacher-student interaction, but also peer interactions.
- Deconstructing given knowledge in relative isolation is never the same as doing it in a group. Arguably, some of this can, to some extent, be built on to a digital platform. But curricular knowledge has a tendency to adjust its own contours according to the mode of transaction and the focus of evaluation.
- It gets collapsed into largely information-based content when transacted through standard structures of teaching-learning and examination. While digital forms of learning have the potential to enable students to pursue independent learning, conventional and digital forms of education should not be considered mutually exclusive.
- Online learning needs to be understood as one strand in a complex tapestry of curricular communication that may still assign an important central role to direct human engagement and social learning.

- Institutions of open and distance learning (ODL), established during the mid-1960s to 1980s, were a consequence of explorations for less expensive models for provisioning access to higher education.
- ODL may also have been considered by governments at that time “as a safe strategy (in the light of instances of campus turbulence) for managing mass aspirations for higher education without necessarily effecting large congregations on campuses” (Menon, 2016).
- One wonders whether there is a similar motivation behind the enthusiasm for online education.

