The Hindu News Analysis – 17th December 2019 – Shankar IAS Academy

<table>
<thead>
<tr>
<th>S. No</th>
<th>News Articles</th>
<th>Page Number*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Centre reneging on Article 371 promise, say Jammu leaders</td>
<td>10 10 12 10</td>
</tr>
<tr>
<td>2</td>
<td>Bengal stops NPR work, civil rights activists welcome move</td>
<td>10 10 12 10</td>
</tr>
<tr>
<td>3</td>
<td>SC gives three months for pilot project on smog tower</td>
<td>- - 3 -</td>
</tr>
<tr>
<td>4</td>
<td>Fight against pollution: painting roads, lasers among options</td>
<td>- - 3 -</td>
</tr>
<tr>
<td>5</td>
<td>Court reserves verdict on plea to remove Governor</td>
<td>4 - - -</td>
</tr>
<tr>
<td>6</td>
<td>Climate of inaction (Editorial)</td>
<td>8 8 10 8</td>
</tr>
<tr>
<td>7</td>
<td>Practice cum Revision - MCQs</td>
<td>@end of the video</td>
</tr>
</tbody>
</table>
Centre reneging on Article 371 promise, say Jammu leaders

‘No proposal under consideration for the Union Territory’

The separate statements of the Union Home Ministry and the J&K administration on not extending Article 371 to the Jammu region have come in for criticism.

“The Jammu region overwhelmingly supported the abrogation of Article 370 and Article 35A and was being assured by the BJP leaders that a ‘J&K council’ would be in the offing to protect their lands, properties and jobs in the form of Article 371,” said J&K National Panthers Party (NPP) chairman Harsh Dev Singh. “But the same has been denied now. The government, in a statement on Sunday, said there was ‘no proposal under consideration regarding extension of Article 371 to the Union Territory of J&K,’ echoing a statement by the Ministry. Sources said the BJP leaders had been directed to restrict their rhetoric to restoration of statehood to J&K and avoid statements on reallocating any special status.

Congress State president G.A. Mir said the Centre should first reveal the names of those who had demanded extension of Article 371. “It seems [to be] a demand which was the BJP, of the J&K and for the J&K,” he said.

PART A—Preliminary Examination

PAPER I—(200 marks)

- Current events of national and international importance
- Indian Polity and Governance—Constitution, Political System, Panchayati Raj, Public Policy, Rights Issues, etc.

PART B—Main Examination

PAPER III

General Studies—II: Governance, Constitution, Policy, Social Justice and International relations.

- Indian Constitution—historical underpinnings, evolution, features, amendments, significant provisions and basic structure.
- Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes; mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.

1378. Temporary provisions with respect to the State of Jammu and Kashmir.—(1)

Notwithstanding anything in this Constitution,—

(a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir;

(b) the power of Parliament to make laws for the said State shall be limited to—

PART XXI

TEMPORARY, TRANSITIONAL AND SPECIAL PROVISIONS

369. Temporary power to Parliament to make laws with respect to certain matters in the State List as if they were matters in the Concurrent List.

370. Temporary provisions with respect to the State of Jammu and Kashmir;

371. Special provision with respect to the States of Maharashtra and Gujarat.

371A. Special provision with respect to the State of Nagaland.

371B. Special provision with respect to the State of Assam.

371C. Special provision with respect to the State of Manipur.

371D. Special provisions with respect to the State of Andhra Pradesh or the State of Telangana.

371E. Establishment of Central University in Andhra Pradesh.

371F. Special provisions with respect to the State of Sikkim.

371G. Special provision with respect to the State of Mizoram.

371H. Special provision with respect to the State of Arunachal Pradesh.

371I. Special provision with respect to the State of Goa.

371J. Special provisions with respect to the State of Karnataka.
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<thead>
<tr>
<th>Intention for the special provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To meet aspirations of people of backward regions in the states</td>
</tr>
<tr>
<td>• To protect cultural and economic interest of tribal people in the states</td>
</tr>
<tr>
<td>• To deal with disturbed law and order condition in parts of the states</td>
</tr>
<tr>
<td>• To protect the interest of local people in states</td>
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<td>• Originally not present in Constitution</td>
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<td>4) incorporated through amendments</td>
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<td>- reorganisation of states</td>
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<td>- conferment of statehood to UTs</td>
</tr>
</tbody>
</table>
Bengal stops NPR work, civil rights activists welcome move

Activities on upgrade of register stayed, says govt. order

In a major boost to the civil rights movement in West Bengal, the State government withdrew activities related to the National Population Register (NPR) on Monday. The notice issued by the Census Cell of the Home and Hill Affairs Department automatically revokes an earlier order when the government departments were instructed to list the names of junior officials to compile the NPR.

Civil rights activists welcomed the government's decision, underscoring that the NPR has "nothing to do" with the usual Census process in 2022. Monday's order, with a subject line "Stay on NPR process", noted that "all activities regarding the preparation and upgrade of the NPR was "stayed" in the State. "No activity regarding NPR may be taken up without prior clearance" from the government, the order noted.

The Association For Protection of Democratic Rights (APDR), which with other organisations carried on an anti-NPR campaign in the State against the government, welcomed the order. APDR member Ranjit Sar described the NPR as the "first step to initiate the National Register of Citizens (NRC)" in the State.

"In the NPR it was stated that doubtful citizens will be identified but it was never indicated what makes a person a doubtful citizen, which was our first objection," Mr. Sar said.

BJP criticises decision

BJP's State president Dilip Ghosh questioned the State government's move.

"The fact that the ( Mamata Banerjee) is trying to prevent it means how important the exercise was for West Bengal," he said.

News

- West Bengal Govt. withdrew activities of National Population Register
  - Protestors are NPR first step to initiate NRC in the state
  - Provision regarding doubtful citizens

National Population Register (NPR)

- Register of usual residents of the country
- Comprehensive identity database
- Will be maintained by Registrar General and Census Commissioner of India (MHA)

Demographic particulars

- Database
- Biometric particulars
- Aadhaar details (UID)

First step towards preparation of National Register of Indian Citizens (NRIC)

- Prepared under provisions
  - The Citizenship Act, 1955
  - The Citizenship (Registration of Citizens and issue of National Identity Cards) Rules, 2003
• Need database would help in better
targeting of benefits and services
under schemes/programmes
  → improve planning
  → strengthen security

• Different than census

• National Identity Cards → will be issued in phasized manner

• Deduplication and issue of UID no’s
  → UIDAI
SC gives three months for pilot project on smog tower

**SPECIAL FEATURE OF TIMES:**

The Supreme Court on Monday gave three months' time to the Centre and Delhi government to implement a plan to install a pilot project of smog towers in New Delhi to deal with the problem of air pollution, while overlooking a request seeking six months for the same. No decision was taken on the plea that six months is not enough.

The apex court had on June 28, 2019, directed the government to install a smog tower in New Delhi to reduce air pollution within a month of the judgement. 

Chief Justice Dattu, however, added that if the Centre fails to install a smog tower in New Delhi by June 28, the court will take suo moto cognizance of the issue.

Fight against pollution: painting roads, lasers among options

**Nitin M Misra**

Painting roads with photoluminescent technology, firing its smoke to reduce dust pollution and setting up of 400-metre-high “smog tower” with air purifiers are some of the options suggested by a high level committee which informed the Supreme Court that it is seeking a solution to control air pollution in Delhi and NCR.

Officials said that the project can be carried out in two or three months.

**Part A—Preliminary Examination**

**Paper I - (200 marks)**

- **Current events of national and international importance.**
- **General issues on Environmental ecology, Bio-diversity and Climate Change - that do not require subject specialization.**
- **General Science.**

**Part B—Main Examination**

**PAPER-IV**

**General Studies-III: Technology, Economic Development, Bio diversity, Environment, Security and Disaster Management**

- Science and Technology- developments and their applications and effects in everyday life.
- Awareness in the fields of IT, Space, Computers, robotics, nano-technology, bio-technology and issues relating to intellectual property rights.
- Conservation, environmental pollution and degradation, environmental impact assessment.

**Smog Towers**

(a) Smog-free tower

- Designed by Dutch Designer
- Air-purifier
- Located in Beijing, China
- Part - 1
  - Inhales polluted air
  - Cleans at Nano level (Positive Ionization Technology)
  - Releases clean air around the tower
- Part - 11
  - Carbon particles from polluted air are burned into diamonds (Artificial process)

- Captures 50% PM 2.5; 70% PM 10
- 360° coverage
(b) Smog tower project by China

- Set up in Xian, China
- 100 metres tall tower
- How it works?

- Release of clean air
- Filters
- Series of green houses (Suck + Heat the polluted air)

Suggestions by the High Level Committee (HLC)

1. Setting up of 20 metre-high ‘smog tower’ with air purifiers
   - Benefits
     - 65% reduction in pollution on an area of 700 m from the tower
     - will influence air quality of > 2 km in the downwind direction

2. Paint roads with photocatalytic coating to clean air
   - Photocatalytic coating
     - Remove pollutants from the air in the presence of sunlight & Ultraviolet (UV) rays

- Harmful Pollutants $\rightarrow$ Harmless substances
  \[
  \text{Washed off} \\
  \text{[Water flush/Rain]}
  \]

- Catalyst - Titanium dioxide (TiO$_2$)

- HLC suggested a pilot study to check for the effectiveness of photocatalytic paints
- Production of harmful substances that can cause adverse health impacts
3. To use anti-smog guns at construction sites to reduce dust pollution

4. Device that sprays nebulised water droplets through high pressure propellers into the air

4. Helps to settle down the polluted air particles.

4. Using of wireless sensors and laser methods for monitoring pollution
Court reserves verdict on plea to remove Governor

HC takes exception to 'unchartable' remarks against Banwarilal Purohit

The Madras High Court on Monday reserved orders on a plea to remove Governor Banwarilal Purohit from the constitutional post for not having taken any decision on the State Cabinet's September 9, 2008 recommendation to release all seven life convicts in former Prime Minister Rajiv Gandhi assassination case.

Justices M. Venkataraman and R. Hemalatha deferred their verdict after hearing arguments advanced by advocates S. Ramana and V. Ramaswamy representing the petitioner M. Kamalakrishnan, Thiruvarur Bharathi Ramar Kothakatt (FIRPA). The petitioner had accused Mr. Purohit of having failed in his constitutional duty.

Immediately after the hearing commenced, the senior judge in the bench wanted to know the constitutional provisions that the Governor had allegedly failed to comply with. To this, counsel claimed that he had violated Article 303 of the Constitution which requires a Governor to act in the aid and advice of the Council of Ministers.

The judge pointed out that no law prescribes a time limit within which a Governor was supposed to act. Further, in a case filed by S. Vimal on one of the seven convicts, another coordinate bench had held that the court was not empowered to issue a direction to the Governor to act upon the Cabinet recommendation within a stipulated period. The judge wondered how could the petitioner seek a direction to the home Ministry to remove Mr. Purohit when Article 166 (1) of the Constitution clearly states that a Governor shall hold office during the pleasure of the President.

Mr. Venkataraman intervened and said the President too could act only upon the aid and advice of the Union Cabinet.

Justice Venkataraman also dismissed of certain remarks made by the petitioner against the Governor attributing his actions to the delay in deciding on the release of the seven convicts. He termed such remarks unacceptable.

Governor

- Article 193: There shall be a Governor for each state
- Article 154: Executive power of state shall be vested in Governor
- Part of State Executive
- Chief Executive Head of the State
- Dual role
  (a) Constitutional head of State
  (b) agent of Centre in the state
- Appointment
  - appointed by President based on Centre's recommendation

Qualifications

- Constitutional
  - a citizen of India
  - completed the age of 35 years
- Conventional
  - an outsider
  - consult CM of the state
- Conditions laid down by Constitution
  1. Should not be a Member of Parliament or State Legislature
  2. Should not hold any office of profit
     - Emoluments, Allowances, Privileges - determined by Parliament
  3. - can not be diminished during her term of office

- Term of office → Article 156
  1. Usually for 5 years - subject to pleasure of President
  2. Constitution gives no provision for removal by President → No security of tenure
  3. Can resign at any time

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**News Article**

- Petition in Madras HC to remove Governor of T.N.
  1. Governor - 'failed in his Constitution duty'
  2. Article 163 - Council of Ministers and Chief Minister to aid & advice Governor
  3. No time limit on Governor
     → court is not empowered to put a time limit
Climate of Inaction

India should not take comfort from the status quo, as a per capita carbon emitter.

The climate change is the defining issue of the century, but the current consensus is that half measures and dangerous action are all we are capable of doing. The next decade is the most critical for action, so the time is urgent and the evidence is overwhelming.

The latest UN report presents a stark message: if we don’t act now, the global temperature will rise by 3°C by 2100, leading to irreversible damage. Without action, the world will face extreme heatwaves, droughts, and famines.

Part A—Preliminary Examination

Paper I — (200 marks)

- Current events of national and international importance.
- General issues on Environmental ecology, Bio-diversity and Climate Change - that do not require subject specialization.

Part B—Main Examination

PAPER-IV


- Conservation, environmental pollution and degradation, environmental impact assessment.

Conference of Parties - 25 [COP-25]

- @Madrid; 2nd Dec 2019 to 13th Dec 2019.
- Key objective of the COP-25 was to complete several matters with respect to the full operationalization of the Paris Climate Change Agreement
- failed to finalize the ‘rule book’ for the implementation of the Paris Agreement
- failed to frame the rules for carbon trading under Article 6 of the Paris deal

Clean Development Mechanism

- It allows a country with an emission reduction or emission limitation commitment under the Kyoto Protocol to implement emission-reduction projects in developing countries.
- It is the first global, environmental investment and credits scheme.
- The projects under CDM can earn saleable certified emission reduction [CER] credits
- One CER Credit = One tonne of CO₂
**European Green Deal**

- To make the 28 countries in the EU as climate neutral by 2050
- It raises the 2030 target to 50% reductions and sets the 2050 target at 100%.

**Suggestion**
- To minimise the impact of the consequences of the climate change.
- Should raise about $100 bn a year by 2020 for developing countries.
- Creating a strong framework to address loss and damage from climate events.
- Transferring technology to poorer nations.

**Conclusion**
- Outcome of COP-25 → desultory.
Practice Question – Prelims
Q. The Part XXI of Constitution of India deals with the Temporary, Transitional and Special Provisions. Which among the following are granted Special Provisions under Article 371 to Article 371J of Part XXI?
1. All the North Eastern States
2. Jammu and Kashmir
3. Karnataka, Andhra Pradesh and Telangana
4. Gujarat and Maharashtra
5. All the Union Territories
Select the correct answer using the code given below.
 a) 1, 2 and 5
 b) 2, 3 and 4
 c) 3 and 4 only
 d) 1 and 5 only

Practice Question – Prelims
Q. Consider the following statements with reference to the National Population Register (NPR).
1. It is the first step towards the preparation of National Register of Indian Citizens.
2. It is prepared under the provisions of Constitution.
Which among the above statements is/are correct?
 a) 1 only
 b) 2 only
 c) Both 1 and 2
 d) Neither 1 and 2

Practice Question – Prelims
Q. Which of the following statements is incorrect regarding the Governor of a State?
 a) Governor is the constitutional head of the State and part of the State executive.
 b) A same person can be appointed as the governor for two or more States.
 c) The Governor is appointed by the President with a security of tenure of 5 years.
 d) As per the Constitution, the person appointed as Governor should not hold an office of profit.

Practice Question – Prelims
Q. Consider the following statements with reference to Clean Development Mechanism (CDM) as per Kyoto Protocol.
1. It allows a country with an emission reduction or emission limitation commitment to implement emission reduction projects in developing countries.
2. The projects under CDM can earn saleable Certified Emission Reduction (CER) credits and each CER credit is equivalent to 1000 tonnes of CO2.
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

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Practice Question – Mains
GS-III
Q. “From smog hanging over the cities to smoke inside the home, air pollution poses a major threat to health and climate.” In the context of the above statement, suggest specific measures to reduce air pollution in Delhi. (150 words, 10 marks)

Practice Question – Prelims
Answers
1. Option (c) – 3 and 4 only
2. Option (a) – 1 only
3. Option (c) – The Governor is appointed by the President with a security of tenure of 5 years.
4. Option (a) – 1 only