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Editorial Discussion & Analysis (EDA)

23rd & 24th July 2021

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Note -

- The Newspaper clippings pasted in PDF are important from Mains point of view as it contains the fodder material for Mains Answer Writing.
- Also watch DND video lectures everyday @ 4 PM on Sleepy’s YouTube channel in order to understand how to get the most out of everyday’s Newspaper .

Click [here](#) to watch the following topics on YouTube

1. Governance (Accountability & Transparency)

1.1.The “Us” in Pegasus

- Context- The Majority is not always right

What holds more power In contemporary times?

- Information is Power- In the 21st century, it's not merely about money or ammunition, but rather the real weapon, one of limitless potential and even greater propensity for harm – information.

What has The NSO said in its stand against the “alleged” conspiracy?

- The NSO has stated that only governments, specifically law enforcement and intelligence organizations, are its customers, and not private entities.
- Software is designed to be insidious
- Uses a “zero-click” attack which allows the device to be taken over remotely by exploiting software and hardware vulnerabilities.

Conflict With Constitutional Values

- The Constitution guarantees citizens of India the freedom of thought, speech, expression, and recently the Supreme Court declared the right to privacy a fundamental right.
- Stifling of voices of bearers of information, of dissent and of opinions is Anti- Democratic.
- History shows that it is always subtle and insidious encroachments made ostensibly for a good cause that imperceptibly but surely corrode the foundations of liberty (Maneka Gandhi Vs Union Of India)
- The alleged use of Pegasus to illegally hack into persons' lives, listen in on private conversations, are all outside the boundaries of the law.

What are the safeguards present in Law to protect our Rights?

- Sections 43 and 66 of the Information Technology Act, 2000 criminalize hacking.
- If Proven that the Indian government used the Pegasus software to hack into the phones of its citizens, it would be a watershed moment, akin to Watergate.

Way forward

- Government should be able to take constructive criticism and hear the voice of the people based on their problems rather than to simply silence dissent and the minority.
- The Data Protection Bill (yet to be passed by Parliament), must ensure data security for citizens. In its present form it offers no protection in respect of surveillance.

Conclusion

- The government barging into closed doors and private conversations is deplorable.
- The majority is not always right. A democracy has the indelible right to question, to demand answers and explanations.

- Uncontrolled Surveillance can hamper a person's ability to freely make their own decisions and pander to the majority.

1.2.Limits of Co-Operation

Issue

- The Supreme Court on Tuesday struck down certain provisions of the Constitution (97th Amendment) Act, 2011 in so far as it introduced clauses dealing with the working of cooperative societies working within a state.
- Subject matter fell in the state list and "belongs wholly and exclusively to the State legislatures to legislate upon"
- Any change would require the ratification by at least one-half of the state legislatures as per Article 368(2) of the Constitution.
- There was a 2-1 split in the bench on the point whether Part IX B will survive with respect to multi-state co-operative societies.
- Part IXB of the Constitution of India is operative only in so far as it concerns multi-State co-operative societies both within the various States and in the Union territories of India (Article 243 ZR)
- Constitution (97th Amendment) Act 2011 will be valid and operational with regard to multistate cooperative societies which relate to cooperative societies existing across many states or union territories.

What are the types of Amendments in the Constitution?

- Amendment by simple majority of the Parliament
- Amendment by special majority of the Parliament
- Amendment by special majority of the Parliament and the ratification of at least half of the state legislatures.

Constitution (Ninety Seventh Amendment) Act 2011

- Part IX-B was inserted. Part IX-B extended from Article 243ZH to Article 243ZT.
- Amended Article 19(1) C by inserting, after the words 'or unions' the words 'or Co-operative Societies
- Inserted Article 43B in Part IV of the Constitution as "The State Shall endeavor to promote Voluntary formation, autonomous functioning, democratic Control and professional management of the Co-operative societies".

Observations

- The recent Supreme Court verdict holding the amendment unconstitutional to the extent it applied to cooperative societies under the control of the States is a reminder that even well-intentioned efforts towards reforms cannot be at the cost of the quasi-federal principles underlying the Constitution
- Part IXB delineated the contours of what State legislation on cooperative societies ought to contain (Against the spirit of Federalism)
- This includes provisions on the maximum number of directors in each society, reservation for seats for SCs, or STs, and women, besides the duration of the terms of elected members.

- 97th Amendment impacted the legislative domain of the State Legislatures and, therefore, required ratification by half the legislatures, in addition to the required two-thirds majority in Parliament.
- Part IX B, which consists of Articles 243ZH to 243ZT, has “significantly and substantially impacted” State legislatures’ “exclusive legislative power” over its co-operative sector under Entry 32 of the State List.

Takeaway from the Judgment

- The judgment may mean that the concern expressed by some about the adverse implications of the formation of a new Ministry of Cooperation on federal principles could be true.
- No denying that the scope for democratising the functioning of cooperative societies and enhancing their autonomy remains unchanged.
- A key principle from the judgment is that the ratification requirement will apply if there is any attempt to interfere in the State legislatures in any way while enacting a law in their own domain.
- When it comes to Multi state Co-operative Societies with objects not confined to one State, the legislative power would be that of the Union of India which is contained in Entry 44 List I (Union List).

1.3.E- Commerce Next Steps

Context- E- Commerce presents a legitimate case for intervention, but government should proceed with caution as it comes with risks.

Open Network for Digital Commerce (ONDC)

- Open Network for Digital Commerce (ONDC) project that is aimed at curbing “digital monopolies”.
- Step in the direction of making e-commerce processes open source, thus creating a platform that can be utilized by all online retailers.

What processes are expecting to be open-sourced with this project?

- On boarding of sellers, vendor discovery, price discovery and product cataloguing could be made open source on the lines of Unified Payments Interface (UPI).
- Making a software or a process open-source means that the code or the steps of that process is made available freely for others to use, redistribute and modify it.
- If the ONDC gets implemented and mandated, it would mean that all e-commerce companies will have to operate using the same processes.

Legitimacy for Government Intervention?

- India’s approach of standardising the digital infrastructure layer, either as its creator or facilitator, is unique and offers learnings for other countries.
- The e-commerce sector is ripe for such disruption. The market is dominated by a few players who are facing investigations for unfair trade practices in many countries.
- Small players who individually do not have the muscle to have an equitable bargain with e-commerce companies.
- Economists call this a “market failure”, and it presents a legitimate case for intervention.

- In general, governments should intervene in markets only when there is a clearly identifiable market failure or massive societal benefits

What are the Three layers of an Open Digital Ecosystem?

Tech Layer

- Should be designed for minimalism and decentralization
- Government should restrict its role to facilitating standards and protocols that provide open access
- Platform should be built on “privacy by design” principles
- It should collect minimal amounts of data (especially personal data)

Governance Layer

- Should allay business fears of excessive state intervention in e-commerce.
- law or regulation that lays out the scope of the project
- If collection of personal data is envisaged, passing the data protection bill and creating an independent regulator should be a precondition.

Community Layer

- Foster a truly inclusive and participatory process
- Making civil society and the public active contributors by, for example, making recordings or minutes of the meetings of this committee public
- Principles of the open-source movement – transparency, collaboration, release early and often, inclusive meritocracy, and community.
- Quick and time-bound Grievances Redressal Mechanism

2. Environment & Biodiversity

2.1. The Ganga's Message

Context- Micro-Plastic Pollution In Ganga

- In recent times River Ganga has become a conduit for sewage, solid waste, industrial effluents and other pollutants.
- New study by an NGO has found evidence of a modern-day scourge, micro plastics, in the river, with the highest concentrations in Varanasi and Kanpur, followed by Haridwar.
- Presence of plastic filaments, fibres, fragments, micro beads, with their composition pointing to both industrial and secondary broken-down plastics from articles of everyday use.
- **Microscopic particles invisible to the naked eye at below 300 micrometers to 5 millimetre.**
- Example- Micro plastics from tyres, clothing, food packaging, bags, cosmetics with micro beads, garland covers and other municipal waste

Why is this Alarming?

- This raises a question of the progress of two high priority, well-funded missions
 - ✓ Swachh Bharat, to deal with solid waste
 - ✓ Namami Gange, to rid the river of its pollution
- Official data indicate that 97 Ganga towns may be discharging about 750 million litres of untreated sewage a day into the river.

Micro Beads

- Micro beads are manufactured solid plastic particles of less than one millimeter in their largest dimension.
- They are deliberately added to cleaning products, skincare products and cosmetics to give exfoliating properties.
- Micro beads are a type of Micro plastic, which are very tiny pieces of manufactured polyethylene plastic.

Micro plastic pollution- a Global Ecological Hazard

- Micro-plastics, recorded in recent times in the remotest of places – Mount Everest, Arctic snow, Icelandic glaciers, the French Pyrenees, and the depths of the Mariana Trench.
- This poses a hazard as plastics production outpaces the ability of governments to collect and manage waste.
- Despite Waste Management rules present, the intent on implementing the same is not efficient.
- State Governments have also been ineffective in executing the objectives as far as Solid Waste Management rules are concerned which involves
 - ✓ Ending single use plastics,

- ✓ Waste segregation,
- ✓ Recycling labels on packaging,
- ✓ Extended producer responsibility for manufacturers

Way forward

- Growing plastic waste will far exceed the capacity of governments to manage it, given that recycling has its limit.
- Swachh Bharat, therefore, is just not about keeping waste out of sight, achieved through costly dumping contracts.
- The Principle of reduced generation, full segregation and recycling must be followed while managing Solid Waste.
- **Plastic waste around the world is threatening the food web and the crisis demands a new global treaty.**

Microbeads and Marine Ecology

- The United Nations Environment Programme (UNEP) defines micro plastics as plastic particles smaller than 5 millimetre.
- Many organisms in the oceans remain starved due to presence of such particles in their digestive tracts damaging the stomach lining.
- Daily use of personal care products (cosmetics) that contain micro beads pose serious harm to us.
- Countries such as the United States, Canada and South Korea have banned the use of micro beads in the production of exfoliating materials and abrasives in personal care and cosmetic products.

How India plans to get rid of single-use plastic by 2022

- The 2021 draft rules have proposed to prohibit the manufacture, import, stocking, distribution and sale of certain single-use plastics from January 1, 2022
- The first category of single-use plastic items proposed to be phased out are plastic sticks used in balloons, flags, candy, ice-cream and ear buds and thermocol that is used in decorations.
- The second category proposed to be banned from July 1, 2022, includes items such as plates, cups, glasses and cutlery such as forks, spoons, knives, straws, trays.
- A third category of prohibition is for non-woven bags below 240 microns in thickness. This is proposed to start from September 30, 2022.
- Industry must voluntarily start putting a label on the personal care and cosmetic products (PCCPs) that mentions that their products contain intentionally added micro plastics.

2.2. Empowering Nature with Bio-centric Jurisprudence

Context- Biocentrism vs Anthropocentrism

- Great Indian Bustard, a gravely endangered species, with hardly about 200 alive in India today, came under the protective wings of the Supreme Court of India.

- In the recent judgement (M.K Ranjitsinh & Others vs UOI) cases where the overhead lines in power projects exist, the governments of Rajasthan and Gujarat shall take steps forthwith to install bird diverters.

What is the conflict between overhead power lines and GIB?

- They have become a threat to the life of these species as these birds frequently tend to collide with these power lines and get killed.
- The Great Indian Bustard (GIB) lacks frontal vision. Due to this, they cannot detect power lines ahead of them.
- They are heavy birds, they are unable to manoeuvre across power lines within close distances.

Biocentrism

- The philosophy of biocentrism holds that the natural environment has its own set of rights which is independent of its ability to be exploited by or to be useful to humans.
- Biocentrism often comes into conflict with its contrarian philosophy, namely anthropocentrism.
- Anthropocentrism argues that of all the species on earth humans are the most significant and that all other resources on earth may be justifiably exploited for the benefit of human being.
- Biocentrism states that nature does not exist simply to be used or consumed by humans, but that humans are simply one species amongst many.
- **All species have inherent value, and that humans are not "superior" to other species in a moral or ethical sense.**

Conflict with Nature

- About 50 years ago, there were 4,50,000 lions in Africa. Today, there are hardly 20,000.
- Indiscriminate Monoculture farming in the forests of Borneo and Sumatra is leading to the extinction of orangutans.
- Rhinos are hunted for the so-called medicinal value of their horns and are slowly becoming extinct.
- International Union for Conservation of Nature lists about 37,400 species that are gravely endangered; and the list is ever growing.

Constitutional Provisions

- The Constitution is significantly silent on any explicitly stated, binding legal obligations we owe to our fellow species and to the environment that sustains us.
- Credit to Judiciary which has fished out enduring principles of sustainable development and read them, inter alia, into the precepts of Article 21 of the Constitution.

International Experience of Legislation for Nature

- In September 2008, Ecuador became the first country in the world to recognize "Rights of Nature" in its Constitution.
- Bolivia has also joined the movement by establishing Rights of Nature laws too.

- November 2010, the city of Pittsburgh, Pennsylvania became the first major municipality in the United States to recognize the Rights of Nature

Conclusion

- Laws empower people in a community to “step into the shoes” of a mountain, stream or forest ecosystem and advocate for the right of those local communities.
- Laws for Nature, like the Constitution of the countries that they are part of, are still works in progress.
- Supreme Court’s judgment in M.K. Ranjithsinh upholding the biocentric principles of coexistence is a shot in the arm for nature conservation.