

TABLE OF CONTENTS

A. [GS1 Related](#)

B. [GS2 Related](#)

POLITY

1. [Five-judge statute Bench to decide on Aadhaar validity](#)

2. [Centre gets SC to freeze hearing on Article 35A](#)

3. [Law panel moots life term for torture](#)

4. [Of bureaucracy and emotions](#)

INTERNATIONAL AFFAIRS/BILATERAL RELATIONS

1. [India, Italy vow to fight terror](#)

2. [China to block UN ban on Masood Azhar, yet again](#)

HEALTH ISSUES

1. [Fewer TB deaths in India: WHO](#)

C. [GS3 Related](#)

ENVIRONMENT AND ECOLOGY

1. [Climate change taking a toll on global health: Lancet](#)

D. [GS4 Related](#)

E. [Prelims Fact](#)

F. [UPSC Prelims Practice Questions](#)

G. [UPSC Mains Practice Questions](#)

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Category: POLITY

1. [Five-judge statute Bench to decide on Aadhaar validity](#)

Context:

- Validity of the Aadhaar scheme.

In news:

- The Supreme Court decided to constitute a **five-judge Constitution Bench** to hear petitions from November against the **validity of the Aadhaar scheme**.
- The decision to set up a five-judge Bench comes despite Justice Rohinton Nariman's separate judgment in the nine-judge Bench declaring **privacy as a fundamental right**.

Historic judgment

- The nine-judge Bench of the Supreme Court came out with the historic judgment in favour of the common man's fundamental right to privacy against state intrusions.
- The nine-judge Bench verdict has a crucial bearing in the Aadhaar petitions, which have argued that Aadhaar's use of biometric details like fingerprints and iris scans violate bodily and informational privacy.

Petitioner's contentions:

- The petitioners argue that mandatory requirement of Aadhaar for these schemes "constrict rights and freedoms which a citizen has long been enjoying unless and until they part with their personal biometric information to the government".
- The petitions have termed the **Aadhaar Act of 2016** as **unconstitutional** and contrary to concept of limited and accountable governance.

Basic Information:

Justice K. S. Puttaswamy vs Union Of India case:

- A landmark case by the Supreme Court of India which holds that the right to privacy is protected under Article 21 and Part 3 of the Constitution. It also mentioned that it won't be an Absolute right and will have some reasonable restrictions in matters of national security and mutual interest of the citizens and the state.
- India is the only country with Right to Privacy as a Fundamental right under its Constitution

P. Shah panel- Nine point code:

- The group led by former Delhi High Court chief justice A P Shah was set up by the Planning Commission to identify privacy issues and prepare a document to facilitate the proposed Privacy Act.
- The group was set after concerns were raised about the impact on privacy of individuals with the emergence of

several national programmes such as Aadhar, NATGRID, DNA profiling, Reproductive Rights of Women, privileged communications and brain mapping, most of which will be implemented through information and communication technology (ICT) platforms.

Nine National Privacy Principles:

- A data controller should give prior notice of collection and information to all individuals before taking consent.
- Individuals should be given choice to opt in/out with regard to providing personal information.
- Data collectors should only collect personal information necessary for the purpose identified.
- If there is change of purpose, it must be notified to the individual. After use in identified purpose, data should be destroyed.
- Individuals should have access to personal information for seeking correction, changes, deletion, etc.
- Personal information to third parties should only be disclosed or made public after giving notice and seeking informed consent.
- Data collectors should ensure security safeguards against loss, unauthorized access, destruction, use, etc.
- For openness, information should be made in an intelligible form, using clear and plain language, available to all individuals.
- Data controller should be accountable for complying with privacy measures such as external, internal audits and extending necessary support to privacy commissioners.

2. [Centre gets SC to freeze hearing on Article 35A](#)

Context:

- The Supreme Court hearing on the petitions against **Article 35A** of the Constitution.
- A writ petition filed by NGO, **We the Citizens**, which challenged the validity of both Article 35A and Article 370.

In News:â€™™

- The Centre convinced the Supreme Court to defer hearing on petitions challenging the special status granted to Jammu and Kashmir.
- **Centreâ€™™s response:** it has appointed an interlocutor to commence talks with stakeholders in the State. . The interlocutor has started talks with stakeholders. If the court hears this case, it will affect dialogue process
- The government has appointed Dineshwar Sharma, a former Intelligence Bureau director, as interlocutor.

Article 35A:

- Article 35A is a provision incorporated in the Indian Constitution giving the Jammu and Kashmir State Legislature unlimited discretionary power to decide who are the â€™™ **permanent residentsâ€™™ of the State** and grant them **special right and privileges** in State public sector jobs, acquisition of property within the State, scholarships and other public aid and welfare programmes.
- The provision mandates that no act of the State legislature coming under the ambit of Article 35A can be challenged for violating the Constitution or any other law of the land.
- Article 35A was incorporated into the Constitution in 1954 by an order of President Rajendra Prasad on the advice of the Jawaharlal Nehru Cabinet.
- The Presidential Order was issued under Article 370 (1) (d) of the Constitution. This provision allows the President to make certain â€™™ **exceptions and modifications** â€™™ to the Constitution for the benefit of â€™™State subjectsâ€™™ of Jammu and Kashmir.
- So Article 35A was added to the Constitution as a testimony of the special consideration the Indian government accorded the â€™™permanent residentsâ€™™ of Jammu and Kashmir.

Contention:

- Parliament was not consulted when the President incorporated Article 35A into the Constitution through a Presidential Order issued under Article 370.
- **Article 368** (i) of the Constitution mandates that only Parliament can amend the Constitution by introducing a new Article.

Basic Information:

Article 368. Power of Parliament to amend the Constitution and procedure therefor:

(1) Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article

(2) An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill: Provided that if such amendment seeks to make any change in

(a) Article 54, Article 55, Article 73, Article 162 or Article 241, or

(b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI, or

(c) any of the Lists in the Seventh Schedule, or

(d) the representation of States in Parliament, or

(e) the provisions of this article, the amendment shall also require to be ratified by the Legislature of not less than one

half of the States by resolution to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent

(3) Nothing in Article 13 shall apply to any amendment made under this article

(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article whether before or after the commencement of Section 55 of the Constitution (Forty second Amendment) Act, 1976 shall be called in question in any court on any ground

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article.

3. [Law panel moots life term for torture](#)

IN news:

- Law Commission of India in its 273rd Report recommended the implementation of the **United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment** through Legislation.
- The Commission also submitted a draft **Prevention of Torture Bill** for the consideration of the Government.
- The Commission submitted that there has to be some effective mechanism to protect the interests of the victims of torture, the complainants and the witnesses against ill-treatment, threats or physical and mental violence.
- **Highlight:** "Torture has been a contentious issue having a direct bearing on the **right to life and liberty of an individual**. The Commission is of the opinion that such heinous acts must be curbed through strong legislation providing stringent punishment, will act as a deterrent."
- Based on the analysis of various aspects of torture, the Commission has prepared a draft Bill titled **The Prevention of Torture Bill, 2017**.
- The Commission made the following recommendations to the Government;

While deciding on as to what amounts to torture by a public servant, the

Commission has suggested **definition of torture** wide enough to include inflicting injury, either intentionally or involuntarily, or even an attempt to cause such an injury, which will include physical, mental or psychological injury.

(i) **Ratification of Convention against Torture**

In order to tide over the difficulties faced by the Country in getting criminals

extradited, in the absence of an anti-torture law; and to secure an individual's right to life and liberty, the Commission recommends consideration of the Convention Against Torture for ratification and in the event, the Central Government decides to ratify the Convention, then the Prevention Of Torture Bill 2017 may be considered.

(ii) **Amendment to Existing Statutes**

The commission has come to the conclusion that the Criminal Procedure Code, 1973 and the Indian Evidence Act, 1872 require amendments to accommodate provisions regarding compensation and burden of proof, respectively.

Criminal Procedure Code, 1973

The Commission recommends amendment to section 357B to incorporate payment of compensation, in addition to payment or fine, as provided under section 326A or section 376D of the Indian Penal Code, 1860.

Indian Evidence Act, 1872

Requires insertion of section 114B : this will ensure that in case a person in police custody sustains injuries, it is presumed that those injuries have been inflicted by the police, and the burden of proof shall lie on the authority concerned to explain such injury.

(iii). Punishment for acts of torture: In order to curb the menace of torture and to have a deterrent effects on acts of torture , the Commission recommends stringent punishment to the perpetrators of such acts. The draft Bills provides for punishment extending up to life imprisonment and fine.

(iv) Compensation to victims

The Courts will decide upon a justiciable compensation after taking into

account various facets of an individual case, such as nature, purpose, extent and manner of injury, including mental agony caused to the victim. The Courts will bear in mind the socio-economic background of the victim and will ensure that the compensation so decided will suffice the victim to bear the expenses on medical treatment and rehabilitation.

(v) Protection of Victims, Complainants and witnesses

The Commission recommends that an effective mechanism must be put in place in order to protect the victims of torture, the complainants and the witnesses against possible threats, violence or ill treatment.

4. [Of bureaucracy and emotions](#)

Context:

- Recently, a woman died of starvation in Jharkhand's Simdega district

- Her ration card was not Aadhaar card-linked, preventing her from receiving any food ration from the Public Distribution System (PDS) for several weeks

Main Reason behind the issue: Insensitive bureaucracy.

Evolution of bureaucracy: Our society runs on paperwork . Bureaucracy came into being after the birth of scripts in ancient civilization . When a large amount of administrative data was created, a system was needed to retrieve the stored knowledge . And this gave rise to archiving, cataloguing and classifying. More than writing, it was this method of retrieval that led to efficiency

People's connection with bureaucracy: Bureaucracy is new in developing countries.

And we must realise that institutionally, people are not "bureaucracy-receptive"

Bureaucracy and India:

- The Indian villager accesses the state through a local leader. Everyone knows everyone else and independent bureaucracy cannot be executed in the web of interdependent informal relationships among the stakeholders
- When the state creates a new bureaucratic framework that trumps local networks (on which informal societies such as India are built), citizens become confused and find themselves at a loss to negotiate their space

Customs and norms in India:

- Societies carry a historical burden of norms and customs
- Mostly informal in nature, these institutions cannot be changed overnight
- New laws and regulations introduced in any society must recognise the informal social norms society is predicated upon
- In societies such as India, citizen-state interaction is historically built on patronage and personal relations; bureaucratic forms of engagement are recent
- Western societies that are individualised, are prepared to function bureaucratically, and can successfully build independent regulatory bodies
- But collectivist societies like India cannot, and may be should not, try this

The way forward

- In diverse societies, bureaucracies have to be contextual, and therefore emotional
- They must be designed for everyone, and not just for the urban elites
- Regulations force people to change their behaviour and dynamics instantly
- If the bureaucracy is not empathetic to those who are slow in responding, it will be hugely damaging to society as a whole
- It will leave so many of us distressed, some of us dead, and even worse, most of us devoid of compassion

Category:Â INTERNATIONAL AFFAIRS/BILATERAL RELATIONS

1. [India, Italy vow to fight terror](#)

Context:

Italian Prime Minister Paolo Gentiloni visit to India.

Major highlights of the talks:

- India and Italy agreed to coordinate efforts at the **multilateral level** to counter global terrorism.
- Italian Prime Minister described India as an "Asian superpower" and said Italy was in favour of an **EU-India free trade agreement** .
- Six agreements between Italy and India, covering **energy cooperation, diplomatic training and railways**.
- Italy supported India's quest to bring Pakistan-based terror masterminds Masood Azhar, Dawood Ibrahim and others to justice.
- The leaders agreed to strengthen cooperation to take decisive and concerted actions against Al Qaeda, ISIS (Daesh) and their affiliates and all other UN-designated globally proscribed terrorists and terror entities

2. [China to block UN ban on Masood Azhar, yet again](#)[China to block UN ban on Masood Azhar, yet again](#)

In news:

- **Citing a lack of "consensus,"** China has said that it is once again not designating Masood Azhar, head of Pakistan-based militant group Jaish-e-Mohammad, as an international terrorist.
- The Chinese position, expressed by its Foreign Ministry spokesperson, Hua Chunying, came ahead of Thursday's meeting of the 1267 **committee of the United Nations Security Council** , where Azhar's status would be discussed.

Background Information:

- China had repeatedly imposed a "technical hold" on India's application for banning Azhar, who has been accused of masterminding last year's attack on an Indian Air Force base.
- In January, the United States filed a fresh application, backed by Britain and France after India's filing on Azhar's listing had lapsed last year.

Category:Â HEALTH ISSUES

1. [Fewer TB deaths in India: WHO](#)

In news:

- Death from tuberculosis in India saw a 12% decline from last year.
- The number of new cases saw a 5% increase.
- With 1.7 million new cases in 2016, **India continued to be the largest contributor to the global burden with up to a quarter of the 6.3 million new cases of TB** (up from 6.1 million in 2015).
- In spite of this year's dip, India accounts for about 32% of the number of people worldwide who succumbed to the disease.
- **Key fact:**
- Rise in cases was due to greater surveillance and the dip in mortality from 480,000 to 423,000 in 2016, due to improved drug management.
- Globally, the TB mortality rate is falling at about 3% per year.
- TB incidence is falling at about 2% per year and 16% of TB cases die from the disease.

Key Inference: "Overall, the latest picture is one of a still high burden of disease, and progress that is not fast enough to reach targets or to make major headway in closing persistent gaps."

Category: ENVIRONMENT AND ECOLOGY

1. [Climate change taking a toll on global health: Lancet](#)

Key highlights of the New research paper-

- **"The Lancet Countdown: Tracking Progress on Health and Climate Change" published by The Lancet:**
- The Lancet report talks of the various ways climate change has started affecting the health of people across the planet.
- On an average there has been a 5.3% fall in productivity for rural labour estimated globally since 2000, as a result of rising temperatures around the world.
- In 2016, this took more than 9,20,000 people globally out of the workforce, with 4,18,000 of them in India alone.
- China, Bangladesh, India and Indonesia are the countries that have registered the highest number of deaths linked to air pollution.

Anthropogenic effect

- The research builds on the work of the 2015 Lancet Commission on Health and Climate Change, which concluded that anthropogenic climate change threatens to undermine the last 50 years of gains in public health.
- The report said that over one billion people globally will be faced with a need to migrate within 90 years, due to a rise in sea level caused by ice shelf collapse, unless action is taken.
- The research found that 87% of a random sample of global cities are in breach of WHO air pollution guidelines.
- The world has seen a 46% global increase in weather related disasters since 2000, the report pointed out. The total value of economic losses resulting from climate-related extreme weather events was estimated at \$129 billion in 2016.

Key Findings: "The findings show that climate change is affecting the health of all populations, today. These impacts are disproportionately felt by communities least responsible for climate change and those who are the most vulnerable in society."

Nothing here for Today!!!

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F. Practice Questions for UPSC Prelims Exam

G. UPSC Mains Practice Questions

GS Paper I

1. How does the cryosphere affect global climate?

GS Paper IV

1. Examine the scope of Fundamental Rights in the light of the latest judgment of the Supreme Court on Right to Privacy.