

## TABLE OF CONTENTS

### A. [GS1 Related](#)

### B. [GS2 Related](#)

#### **POLITY**

1. [Supreme Court refers case of ban on women's entry into Sabarimala temple to Constitution Bench](#)
2. [SC asks Centre to set up expert panel to check Blue Whale game](#)
3. [SC does a re-think on dowry harassment ruling](#)
4. [The legal message](#)

#### **INTERNATIONAL AFFAIRS/BILATERAL RELATIONS**

1. [Rohingyas case: Have to strike a balance between national security and human rights, says Supreme Court](#)
2. [Cross-border terror: India to speak up at Bahamas meeting](#)
3. [Nepal Eminent Persons Group seeks review of 1950 friendship treaty with India](#)

### C. [GS3 Related](#)

#### **ECONOMICS**

1. [To reverse women leaving the workforce, policies must change behaviour before they change beliefs](#)

#### **ENVIRONMENT AND ECOLOGY**

1. [India to build more roads on China border](#)

#### **INTERNAL SECURITY**

1. [The wrong approach to environmental regulation](#)

### D. [GS4 Related](#)

### E. [Prelims Fact](#)

### F. [UPSC Prelims Practice Questions](#)

### G. [UPSC Mains Practice Questions](#)

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**Category: POLITY**

## 1. [Supreme Court refers case of ban on women's entry into Sabarimala temple to Constitution Bench](#)

**In news:**

**Case transferred from three-judge Bench to Constitution Bench:**

- The Supreme Court referred to a five-judge Constitution Bench the question whether the fundamental right of women to pray at the place of their choice can be discriminated against solely based on a biological factor exclusive to the female gender.
- Constitution Bench of the Supreme Court will scrutinise the age-old practice in Kerala's famed Sabarimala temple of restricting entry for women aged between 10 and 50 – that is, those who are in the menstruating age.
- **The Supreme Court questioned:** How a temple managed by a statutory board – the **Travancore Devaswom Board** – and financed out of the Consolidated Fund of Kerala and Tamil Nadu – can indulge in practices violating constitutional principles/ morality.
- **Temple authorities' response:** justified the restriction, saying it is a practice founded in tradition.

**Constitution Bench to decide:**

- Whether the practice of excluding such women constitutes an essential religious practice.
- Whether a religious institution can exclude women as part of its right to manage its own affairs in matters of religion.
- Whether the ban qualifies as an essential religious practice of the Hindu faith, over which the court has no jurisdiction.
- Whether Ayyappa devotees form a separate religious denomination by themselves.
- If a temple managed by a statutory board can indulge in the practice of banning women from entry on moral grounds.

**Key Fact:**

**Rule 3 (b) of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965** : allows a religious denomination to ban entry of women between the age of 10 to 50 years.

## 2. [SC asks Centre to set up expert panel to check Blue Whale game](#)

## In news:

- The Supreme Court asked government to set up a panel of experts to block virtual dare games like **Blue Whale Challenge** which has allegedly led to several suicidal deaths.
- The apex court also sought the government's response on a plea seeking to firewall such life threatening/violent games existing in the cyber world like "Choking game", "Salt and Ice Challenge", "Fire Challenge", "Cutting challenge", "Eyeball challenge" and "Human Embroidery game".
- **What is a Firewall?** Firewall is a system designed to prevent unauthorised access to or from a private network by controlling incoming and outgoing network traffic.
- **The Blue Whale Challenge:** The Blue Whale Challenge is reportedly a suicide game in which the player is given certain tasks to complete over a period of 50 days and the final task leads him or her to commit suicide. The player is also asked to share photos after finishing each challenge.

### 3. [SC does a re-think on dowry harassment ruling](#)

## In news:

- **Previous verdict:**
  - On July 27, the Supreme Court had concluded that **Section 498A (dowry harassment) of the Indian Penal Code** has come under much abuse.
  - Dowry complaints are being filed in the heat of the moment by women over trivial issues.
  - Innocent relatives, including parents of advanced age, siblings and grandparents, suffer harassment.
  - The judgment directed "Family Welfare Committees" to sift the genuine cases of dowry harassment from the trivial ones.
  - Police would take action only on the basis of the committee's report.
  - These committees were directed to be made up of social workers, homemakers, retired persons and other citizens.
  - No arrest should normally be effected on dowry harassment complaints until the committee confirms the genuineness.
- **Absolute U-turn:** Two months after the Supreme Court stopped immediate arrests of accused in dowry harassment cases, the court did a re-think, saying its order dilutes the right of a woman to seek justice against the evil of dowry.

### 4. [The legal message](#)

## Context

- Supreme Court criminalized sex between a man and his minor wife.
- The court refrained from adjudicating on the issue of marital rape, its judgment made reference to the Justice J.S. Verma committee recommendations that explained why the exemption of marital rape must be removed, and that a marital or other relationship is not a defence or justification for a lower sentence.

## Exemption of Marital rape in India:

- The notion that marriage constitutes a contract, which includes the woman's irrevocable consent to sex
- A woman is the property of her husband, and rape is a violation of a man's property rather than a crime against women
- after marriage, a woman's identity becomes part of her husband's.
- The Indian government has consistently resisted a change in the law.
- Even after 2012 Delhi gang rape case that resulted in an amendment to the criminal legislation in India, including the definition and punishment of rape.
- However, the exemption of marital rape was retained, despite recommendations by the Justice Verma committee.
- According to lawmakers if marital rape is brought under the law, the entire family system will be under great stress.
- Recently Delhi High Court has been hearing petitions seeking the inclusion of marital rape under the existing rape law.
- This has been rejected by the government on the grounds that it will be used to harass men and will affect the institution of marriage.
- A greater importance is being given by the government to marriage than women rights.
- Women right activists do not believe in placing rape on a pedestal within the hierarchy of crimes within a marriage. That is, for a woman who is facing domestic violence, it is equally violating if her skull is fractured, her spine is broken, or her vagina is penetrated forcefully. What women object to is the violence involved.
- In cases of non-marital rape, judges have suggested that rape victims marry their rapist for a "happy conclusion", which highlights the notion that forced sex does not amount to rape if it takes place within a marriage.

## Current scenario in USA

- In USA marital rape is treated differently from other forms of rape.
- Although all 50 states had enacted laws against marital rape by 1993, almost half the States still treat it differently from rape outside of marriage.
- In some states, marital rape is a chargeable offence only if the perpetrator uses or threatens to use physical force.
- Proof of marriage is often an easy way to reduce or mitigate the consequences of the offence.
- These kinds of legal distinctions legitimise the perception among law-enforcement agencies that cases of marital rape should be treated as less serious than rape outside of marriage.

## Way Forward

- A narrow focus on sexual violence ignores the multiplicity of suffering faced by women and can result in inadequate attention being paid to their other needs. A broad focused policy approach is needed.
- We need to ensure that law and policy interventions do not inadvertently trivialise non-sexual violence and that steps

- are taken to strengthen compliance and implementation of laws relating to all forms of violence.
- There is a need to recognise that removing the current marital exception, if nothing else, has an important signalling effect.
- In order to prove effective, such a change needs to be accompanied by a deliberate attempt to shift attitudes that normalise violence in the home.
- The strategies must focus on structural factors that prevent the incidence of rape, rather than focussing only on strengthening response mechanisms.
- Since gender socialisation begins young, there is need to focus interventions on children and adolescents through family and societal institutions, popular culture and media. Disruptive and violent environment at home must be prevented.
- In addition to sensitising law enforcement authorities whose attitudes are merely symptomatic of widely-held beliefs about women and gender roles, we need to work with children, parents and the larger community to ensure marital rape is condemned, not condoned.

## Category: **INTERNATIONAL AFFAIRS/BILATERAL RELATIONS**

### 1. [Rohingyas case: Have to strike a balance between national security and human rights, says Supreme Court](#)

#### Context:

- Deportation of Rohingyas

#### In news:

- The Supreme Court sounded a warning to all the states with regards to the stance adopted against Rohingyas in India .
- The Supreme Court has also asked them to proceed with caution, citing the presence of women and children among the refugee groups that have settled in the country.
- **Supreme Court's observation :**
  - "We have to strike a balance. It is not an ordinary case. The issue involves human rights of many."
  - National security is an important issue and cannot be secondary, but at the same time, human rights of Rohingyas should be kept in mind.
  - "If you (Centre) take any kind of contingency plan, you need to inform this court,"
- **Key Fact:**
  - There are about 11 lakh Rohingyas (mostly Muslims) in Myanmar but they suffer discrimination and are denied citizenship.
  - Some 3,79,000 Rohingyas have fled Myanmar since violence against them in Rakhine state started on August 25, after Rohingya militants attacked police posts there.

### 2. [Cross-border terror: India to speak up at Bahamas meeting](#)

#### Context:

- Commonwealth Law Ministers Meeting
- Venue: islands of the Bahamas.

#### Key Points:

- India will strongly articulate the need to strengthen counter terrorism measures and prevent radicalisation of youth through information and communication technology (ICT) at the Commonwealth Law Ministers Meeting .

#### Main Agenda:

- Addressing the issue of using ICT and social media platforms to recruit terrorists and radicalise youth is also part of the agenda.
- Cyber crimes, climate change, the practice of child marriage, and the need for effective laws, to deal with these issues are also important items on the agenda.

### 3. [Nepal Eminent Persons Group seeks review of 1950 friendship treaty with India](#)

#### In news:

- The government had **appointed Eminent Persons Group (EPG)** to review the **1950 India-Nepal Friendship Treaty** .
- The group held discussion on "regulation" of movement of people across the border.
- Nepali sources confirmed that at the latest meeting of the EPG held on 8 October, the Nepali delegation brought proposals seeking changes required in the friendship treaty and the need for border policing to stop cross border crimes and trafficking.
- **Group's mandate:** To take a serious look at a possible review of the friendship treaty which was concluded decades ago.
- **Better border policing:** The border between two sides is already delineated and the border posts are already in place but many of these markers are damaged indicating poor maintenance. There is an urgent need to police the border better to stop cross border crime and ensure regulated movement of people.

## Category: **ECONOMICS**

### 1. [To reverse women leaving the workforce, policies must change behaviour before they change beliefs](#)

#### Context:

- In most countries, higher numbers of educated women have resulted in the improvement of their societal status and economic participation
- But in women's participation in economic sector is very low

### **Women participation in economic spheres:**

- Only 27 per cent of working-age women in India work
- The number fell sharply in the last decade from 43 per cent to 27 per cent
- Nepal and Bangladesh are way ahead, leaving only the Arab countries and Pakistan behind India

### **The World Bank report, "Precarious Drop: Reassessing Patterns of Female Labour Force Participation in India"**

- According to the report, participation of women in economic sector depends on their marital-status, age, education, family labour composition and whether in rural or urban India
- Stability in family income levels also lead to women dropping out of the workforce
- Other factors include lower levels of job creation, availability of very low paying jobs in the informal sector, poor infrastructure, safety issues, and boys outnumbering girls in technical and professional education
- The study concludes that "education skilling and legal provisions may not be sufficient"

### **Acceptable norms:**

- In a heterogeneous country like India, "acceptable" norms of work may differ based on income, caste, rural/urban and informal/formal sector
- One belief is allpervasive: women are primarily homemakers and men breadwinners

### **Key points:**

- Research in neuroscience states that deep-seated "typical" beliefs regarding race, caste, gender and other social categories get embedded or hardwired in the brain
- Inaccurate to start with, the brain finds it difficult to "unlearn" them even when the reality has changed. It interprets new data in a biased manner to confirm originally held beliefs (confirmatory bias)

### **Can behavioural changes counter these stereotypes?**

- Research in behavioural design provides evidence that this is indeed possible and has been successfully pursued in many countries
- There are "behavioural insights" groups advising governments in the US, Britain, Australia and Germany

### **Misguided policies**

- Government and corporate sector policies, instead of taking steps to encourage and hasten this permeability, have been misguided
- The flawed legislation introduced recently increasing maternity benefits from three to six months is a case in point
- For ensuring that women don't opt out of work, it reinforces gendered norms and unwittingly places women at a disadvantage
- What could have helped instead is a combination of maternity and paternity leave, on a "use it or it lapses" basis

### **The way forward**

- Involving women in the decisionmaking process and in leadership roles, rather than providing benefits passively, can have far-reaching benefits
- Behavioral design, when complemented by a judicious mix of legislation and incentives, can go a long way in resetting norms sooner

## **Category:Â ENVIRONMENT AND ECOLOGY**

### **1. [The wrong approach to environmental regulation](#)**

#### **Context:**

Recent SC order banning the sale of firecrackers in Delhi and the National Capital Region (NCR), which has expectedly turned into a controversy

#### **Two Issues:**

**The scope of the state's regulatory power vis-À-vis a religious celebration:** On this account, the matter is relatively clear

- The bursting of firecrackers releases a heavy dose of carcinogens in the atmosphere, presenting a public health challenge for the entire city
- As soon as it is clear that bursting of firecrackers by one person presents a health challenge to another, any argument of religion cannot reign supreme in a constitutional, secular republic

#### **The agency of the state that such regulation should vest with**

- The more difficult question is the choice between regulation
- The decision requires numerous inputs from scientific organizations, regulatory institutions, public policy experts and civil society

- Since a court of law does not have in-house expertise in these domains, it should leave such matters to the executive
- The Supreme Court delivered its arguments in the broader framework of the “right to breathe clean air” and the “right to health”
- But it went about dismissing the commercial considerations of the firecracker industry.
- These considerations could have equally been framed in terms of the right to livelihoods of thousands who depend heavily on the sale of firecrackers during Diwali

### Creditability of SC:

#### Bans are rarely effective

- It is difficult to imagine that no firecracker sale will happen in the entire territory of Delhi and NCR as a result of the SC order
- If the police fail to enforce the order, the credibility of the SC, particularly in cases of environmental regulation, will suffer immensely

#### Dealing of this matter by the SC

- The manner in which the SC has dealt with this particular case also raises a number of concerns
- It first passed an order on 11 November 2016 (after Diwali) banning the sale of firecrackers
- Then it partially lifted the ban on 12 September 2017
- To make matters worse, the court has ordered suspension of all the temporary licences issued after its 12 September 2017 verdict which allowed the grant of these licences

**Not a new issue:** In an earlier instance, the SC had increased the entry tax on trucks entering Delhi without factoring in the demand elasticity of goods (carried in those trucks) transported to Delhi

#### The way forward

- The elected government is in the best position to elicit scientific and economic inputs and take a call, even if it involves expending political capital
- The governments at the Centre and the states should involve different agencies like the Petroleum and Explosives Safety Organisation and the pollution control boards and invest in setting regulatory standards
- This can solve environment issues, better than Judiciary

### Category: INTERNAL SECURITY

#### 1. [India to build more roads on China border](#)

##### In news:

- The Ministry of Defence has decided to significantly enhance infrastructure along the **Sino-Indian border** including near Doklam, where the militaries of both sides were engaged in a two-month standoff.
- The decision was taken at the Army’s commanders conference from October 9 to 15 which extensively deliberated on the recent face-off with China, besides analysing all possible security challenges on the northern border, according to official sources.
- Four passes Niti, Lipulekh, Thangla and Tsangchokla have been decided to be connected by 2020 on priority.

**Nothing here for Today!!!**

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### F. Practice Questions for UPSC Prelims Exam

#### G. UPSC Mains Practice Questions

##### GS Paper III

1. What do you know by Internet “of” things? Discuss its various applications in everyday life?

##### GS Paper IV

1. One of the scientists working in the R & D laboratory of a major pharmaceutical company discovers that one of the company’s bestselling veterinary drugs, B has the potential to cure a currently incurable liver disease that is prevalent in tribal areas. However, developing a variant of the drug suitable for human beings entailed a lot of research and development having a huge expenditure to the extent of 50 crores rupees. It was unlikely that the company would recover the costs as the disease was rampant only in poverty-stricken area having very little market otherwise.  
If you were the CEO, then—  
(a) Identify the various actions that you could take;  
(b) Evaluate the pros and cons of each of your actions.