

UPSC 2017: Comprehensive News Analysis – October 30

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Category: GEOGRAPHY

1. [NMDC planning to exploit beach sand in Krishna, Guntur](#)

In news:

- The National Mineral Development Corporation (NMDC) is contemplating exploring minerals available along the coast of Krishna and Guntur districts.
- The Geological Survey of India has confirmed the presence of beach sand minerals – **ilmenite, rutile, zircon, garnet and sillimanite** – on the coastline of the two districts and its feasibility is under study.
- In beach sand mining, the sand collected from the beach is dumped in the same area after extracting the minerals without leading to any adverse impact on the coast.

Basic Information:

National Mineral Development Corporation (NMDC):

- Incorporated in 1958 as a Government of India fully owned public enterprise. NMDC is under the administrative control of the Ministry of Steel, Government of India.
- Since inception involved in the exploration of wide range of minerals including iron ore, copper, rock phosphate, lime stone, dolomite, gypsum, bentonite, magnesite, diamond, tin, tungsten, graphite, beach sands etc.
- NMDC is India's single largest iron ore producer, presently producing about 30 million tonnes of iron ore.

Category: POLITY

1. [Set up centres for vulnerable victims under all High Courts: SC](#)

Vulnerable witnesses deposition centres:

- **Supreme Court observation** : Vulnerable witnesses in criminal cases, often minor survivors of rape or victims of sex abuse, should testify without fear or intimidation in a conducive environment.
- Concerned at the trauma these victims of crime face in conventional courtrooms, the Supreme Court has ordered the setting up of at least two vulnerable witnesses deposition centres in the jurisdiction of every High Court across the country within the next three months.
- The order upholds the right of vulnerable witnesses to be protected while testifying in court and is in consonance with international norms in these matters.

The case of vulnerable victims:

- Vulnerable witnesses are often treated like any other witness of the State in a criminal trial.
- Victims often end up being ill-treated by the very system they had approached in the hope of justice.
- Delay and intimidating questions during trial in a hostile environment lead to fewer convictions.

Guidelines for Recording the Evidence of Vulnerable Witnesses in Criminal Matters :

- The Supreme Court suggested that other high courts should adopt the Delhi HC's Guidelines for Recording the Evidence of Vulnerable Witnesses in Criminal Matters, with required modifications.
- The Delhi HC's guidelines are filtered from the best practices followed by other countries and the police and precedents of the apex court and high courts.
- The practices include a screen or some arrangement by which the victim does not see the body or face of the accused; reducing cross-examination questions to writing and handing them over to the judge to be put to the victim in a language that is clear and not embarrassing; and sufficient breaks for victims of child abuse or rape while testifying.

2. [Law panel wants more autonomy for tribunals](#)

Context:

- Highlights of the report titled "Assessment of Statutory Frameworks of Tribunals in India", submitted to the Law Ministry, by the Law Commission of India.

Law commission of India recommendations:

- **Key Fact:** the disposal rate of the tribunals in comparison to the filing of cases per year had been remarkable "94%" the pendency remains high.
- Appointments to tribunals and their functioning should remain independent of the executive's influence
- A Committee led by the Chief Justice of India should be in charge of the appointments of Chairman, Vice-Chairman and Judicial Members of the various central tribunals, which form a pillar of the country's justice delivery system.
- Every order emanating from the tribunal or its appellate forum, wherever it exists, attains finality
- Reappointment of chairman and others compromises the independence and fairness of the tribunal.
- The Commission has suggested a **common nodal agency**, possibly under the Law Ministry, to both monitor the working of the tribunals and to ensure uniformity in the appointment, tenure and service conditions for the Chairman, Vice-Chairman and members.
- **Present context:** As of now, tribunals function under the very government department which may be a litigant before them, and probably, against which they may have to pass orders.

HC power to review

- In a marked departure from its earlier stand, the Commission recommended the restoration of the High Courts' power of judicial review over the decisions of the tribunals.
- It said parties should be allowed to challenge a tribunal order before the Division Bench of the high court having territorial jurisdiction over the tribunal or its appellate forum.
- **Present Context:** Presently, parties are deprived of an opportunity to move high courts concerned against the orders of some tribunals and have to move the Supreme Court directly.

Location of the Tribunal:

- The Commission said tribunals must have benches in different parts of the country so that people of every geographical area may have easy access to justice
- Ideally, the benches of the tribunals should be located at all places where the high courts situate. In the event of exclusion of jurisdiction of all courts, it is essential to provide for an equally effective alternative mechanism even at grass root level. This could be ensured by providing State-level sittings looking to the quantum of work of a particular tribunal. Once that is done, the access to justice will stand ensured.

3. [Devaluing high courts](#)

Context:

- The interference in the power of High Courts by tribunals.

High courts:

- For the framers of our Constitution, high courts, occupied a central position
- They were conceived as a forum for adjudicating disputes under the Constitution, Central and State statutes before they moved to the Supreme Court
- HC's jurisdiction was more extensive than the SC's
- Parliament has inflicted damage on high courts with rampant tribunalisation
- Tribunals have replaced high courts for disputes under the Companies Act, Competition Act, SEBI Act, Electricity Act, Consumer Protection Act among others
- Any person aggrieved by an order of an appellate tribunal can directly appeal to the SC, side-stepping the high court
- Three main issues related to rampant Tribunalisation

First:

- These tribunals do not enjoy the same constitutional protection as high courts
- The appointment process and service conditions of high court judges are not under the control of the executive
- The enormous institutional investment to protect the independence of high courts is dispensed with when it comes to tribunals
- Many tribunals still owe allegiance to their parent ministries
- Tribunals are also not as accessible as high courts
- For example, there are just four benches of the Green Tribunal for the whole country
- In comparison, high courts were easily accessible for environmental matters

Second:

- Conferring a direct right of appeal to the Supreme Court from tribunals has changed the Supreme Court from being a constitutional court to a mere appellate court
- It has become a final clearing house for every appeal under every statute
- The Supreme Court should be a court of last resort deciding cases of the moment, and not a final forum with an all-embracing jurisdiction over disputes ranging from a custody battle to the scope of a municipal by-law
- If high courts were to exercise appellate jurisdiction over orders of tribunals, they would act as filters
- Enabling the Supreme Court to confine itself to those substantial questions where there is divergence among high courts

Third:

- The high courts are the training grounds for future SC judges
- When high court judges deal with several cases under a particular area of law, they carry with them the benefit of their experience and insights to the SC
- When high courts are side-stepped in favour of tribunals, Supreme Court judges hearing appeals from tribunals would have to deal with the finer nuances of disputes under specialised areas of law for the very first time
- This is not ideal for a court of last resort

Original jurisdiction of the SC

- The jurisdiction of high courts is also undermined by the SC when it directly entertains various writ petitions
- When the Supreme Court exercises original jurisdiction, it deprives the citizen and the state of the right to challenge potentially erroneous orders
- A classic instance is the Supreme Court's ruling in the 2G case
- To overcome this ruling, the President had to invoke the advisory jurisdiction of the SC
- The ordinary citizen enjoys no such privilege
- This difficulty becomes even more acute when the SC takes on a legislative role by framing guidelines in the larger public interest
- Neither the individual nor the state has an effective remedy to challenge these norms

The way forward

- It has been asserted that when the Supreme Court decides an issue, it avoids conflicting judgments of the high court
- This is untrue. The SC is in a better position to resolve a dispute when it is confronted with two conflicting high court rulings on the same issue
- If high courts lose their prominence, India's justice delivery system will be the principal loser

Category: INTERNATIONAL AFFAIRS/BILATERAL RELATIONS

1. [India ships wheat to Afghanistan via Chabahar](#)

In news:



- India began shipment of wheat to Afghanistan through the **Iranian port of Chabahar**.
- A press release from the Ministry of External Affairs (MEA) noted that the consignment would be the first to use the new route via Chabahar to access Afghanistan.
- The transfer was part of India's commitment to send **1 million tonnes** of wheat to **Afghanistan** on grant basis.
- The move is significant as it indicates India remains firm in delivering on its **regional commitment through partnership with Iran**, despite Tehran's ongoing tension with the United States.

Chabahar port:

- Operationalisation of the Chabahar port is an alternative, reliable and robust connectivity for Afghanistan.
- Operationalisation will open up new opportunities for trade and transit from and to Afghanistan and enhance trade and commerce between the three countries (India, Iran and Afghanistan) and the wider region

Earlier instances:

- India had earlier sent goods through the **Iranian port of Bandar Abbas in 2003** as Pakistan had not eased land access to Afghanistan.

India & Afghanistan:

- India to continue its support **for reconstruction, capacity-building and socio-economic development of Afghanistan** under the framework of the **New Development Partnership**.

Basic Information:

TRILATERAL AGREEMENT FOR TRANSPORT AND TRANSIT CORRIDOR: During the visit of Prime Minister to Iran in May 2016, India, Iran and Afghanistan signed a Trilateral Agreement to establish an International Transport and Transit Corridor through the Chabahar port.

Category:Â INTERNAL SECURITY AND DEFENSE RELATED DEVELOPMENTS

1. [Army finalises plan to modernise weapons](#)

Context:

- Modernization of weapons.

In news:

- The Army has finalised one of its biggest procurement plans for infantry modernisation under which a large number of light machine guns (LMGs), battle carbines and assault rifles are being purchased at a cost of nearly â,140,000 crore to replace its ageing and obsolete weapons.
- **Security threats:** The worldâ€™s second largest standing Army has been pressing for fast-tracking the procurement of various weapons systems considering the evolving security threats.
- The Army has also finalised the specifications for a **new 7.62 mm assault rifle** . and the **Defence Acquisition Council (DAC)**, the defence ministryâ€™s highest decision making body on procurement, is expected to give the go-ahead for the much needed procurement soon.

Nothing here for Today!!!

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F. Practice Questions for UPSC Prelims Exam

G. UPSC Mains Practice Questions

GS Paper I

1. Early Buddhist Stupa-art, while depicting folk motifs and narratives, successfully expounds Buddhist ideals. Elucidate.

GS Paper II

1. With a brief background of quality of urban life in India, introduce the objectives and strategy of the â€˜Smart City Programmeâ€™ .