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Ethanol Blended Petrol (EBP) Programme

Cabinet approves on Fixation/Revision of ethanol price derived from B heavy molasses / partial sugarcane juice and 100% sugarcane juice under Ethanol Blended Petrol Programme for Ethanol Supply Year 2018-19.

The decision will serve multiple purposes of reducing excess sugar in the country, increasing liquidity with the sugar mills for settling cane farmer's dues and making higher ethanol available for Ethanol Blended Petrol (EBP) Programme. All distilleries will be able to take benefit of the scheme and large number of them is expected to supply ethanol for the EBP programme. Remunerative price to ethanol suppliers will help in reduction of cane farmer's arrears, in the process contributing to minimizing difficulty of sugarcane farmers. Ethanol availability for EBP Programme is expected to increase significantly due to higher price being offered for procurement of ethanol from B heavy molasses / partial sugarcane juice and 100% sugarcane juice for first time. Increased ethanol blending in petrol has many benefits including reduction in import dependency, support to agricultural sector, more environmental friendly fuel, lesser pollution and additional income to farmers.

Note: *It was launched by the Government in 2003 on pilot basis which has been subsequently extended to the Notified 21 States and 4 Union Territories to promote the use of alternative and environmental friendly fuels. It aims at blending ethanol with petrol, thereby bringing it under the category of biofuel and saving millions of dollars by cutting fuel imports. Ethanol Blended Petrol Programme is being implemented by the Ministry or Oil Marketing Companies (OMCs). This intervention also seeks to reduce import dependency for energy requirements and give boost to agriculture sector.*

There has been a consistent shortfall in supply of ethanol in the past, mainly on account of the cyclical nature of the sugarcane harvests in the country. There is "lack of an integrated approach in the EBP across its value chain."



Hurricane Florence

Source: The Hindu, Google.

Hurricane Florence to hit America. Emergency declared for both North Carolina and South Carolina. A hurricane is a type of storm called a tropical cyclone, which forms over tropical or subtropical waters.

Hurricanes are large, swirling storms. They produce winds of 119 kilometers per hour (74 mph) or higher. That's faster than a cheetah, the fastest animal on land. Hurricanes form over warm ocean waters. Sometimes they strike land. When a hurricane reaches land, it pushes a wall of ocean water ashore. This wall of water is called a storm surge. Heavy rain and storm surge from a hurricane can cause flooding.

Note: *A hurricane starts out as a tropical disturbance. This is an area over warm ocean waters where rain clouds are building. A tropical disturbance sometimes grows into a tropical depression. This is an area of rotating thunderstorms with winds of 62 km/hr (38 mph) or less. A tropical depression becomes a tropical storm if its winds reach 63 km/hr (39 mph). A tropical storm becomes a hurricane if its winds reach 119 km/hr (74 mph).*

Source: The Hindu.

U.S. threatens sanctions on ICC

U.S has threatened to prosecute International Criminal Court (ICC) officials if Americans are charged with war crimes committed in Afghanistan.

Hague-based court's response – As a court of law, will continue to do its work undeterred, in accordance with those principles and the overarching idea of the rule of law.

Note: *The Hague-based ICC was set up in 2002 with a jurisdiction to investigate and prosecute the world's worst crimes, including genocide, war crimes and crimes against humanity. The court, however, does not have the capacity to arrest suspects and depends on member states for their cooperation. The United States has not signed up to the court and in 2002, its Congress passed a law enabling Washington to invade the Netherlands to liberate any U.S. citizen held by the court.*

Source: The Hindu.

Mediterranean Black Carbon may be polluting Himalayas

Wadia Institute of Himalayan Geology (WIHG) has studied the impact of black carbon on Himalayas recently.

The study revealed that black carbon coming from Mediterranean countries during the western disturbance may be one of the factors in diminishing snowfall in the region.

Black Carbon

It is formed through the incomplete combustion of fossil fuels, Bio-fuel etc. It has an adverse effect on human health and decreases the Earth's ability to reflect the warming rays of the Sun.

Western disturbance: It is an extra tropical storm originating from the Mediterranean region that brings sudden winter rain to the northwestern parts of the Indian subcontinent.

Study: Data of carbon concentration between January to December 2016 has been taken from Gangotri glacier valley shows high even in winter months. In the month of January and February, there is no human intervention and absence of local factor in this region due to cold, but the study shows, during this time, data of carbon concentration is 4th and 5th highest in 12 months. This shows that black carbon aerosols were being transported during Western Disturbances and wind projections.

Note: *Aerosols like black carbon have been recognized as the second most important anthropogenic agent for climate change. The primary factor for adverse health effects is air pollution. Decreased snow covers area in the region, resulting in lowered albedo which enhances warming in the region. Decreased snow has also led to disappearance of valuable medical herbs in the region.*

Source: The Hindu.

Criminal cases against Law makers

Supreme Court asked 19 states to furnish information about criminal cases pending against MP and MLAs. The petition was filed in Supreme Court, for speedy trial and life time ban on convicted politician in criminal cases.

Objective is to decriminalize politics.

Certain provisions of the Representation of People (RP) Act, bar convicted politicians from contesting elections for six years after serving jail term

Special court: According to center affidavit 11 states, and union territory of Delhi have designated special court to prosecute elected politicians in criminal case

Pending cases: The Centre informed the Supreme Court that 1097 criminal cases are pending before 12 special courts against members of parliament and members of State legislatures in 11 states and a Union Territory.

Note: *Election Commission of India (ECI) and the Law Commission favouring lifetime disqualification of politicians convicted in criminal cases.*

Source: The Hindu.

Cabinet clears new procurement policy

The Centre has announced a Rs. 15,053 crore scheme to ensure that farmers growing oilseeds, pulses and copra actually get the minimum support prices (MSP) they are promised for their crops every year.

Current status of MSP and Government procurement

- About one-third of the harvest of the two major food grains, rice and wheat, are procured by the Centre at the MSP for sale in ration shops.
- However, most of the 21 other crops are sold at market prices, often below the MSP, as the government's procurement operations are temporary.
- Over the last two years, the government has increased the procurement of pulses and oilseeds at MSP under the Price Support Scheme.

Source: The Hindu.

EDITORIAL

Section 377: Drawing a curtain on the past

In striking down Section 377, the Supreme Court has recognized the Constitution's extraordinary transformative power

In a rousing address to the Constituent Assembly on November 25, 1949, Dr. B.R. Ambedkar laid out his transformative vision for the Constitution. The document, he said, ought to serve as a lodestar in the Endeavour to make India not merely a political but also a social democracy. He saw liberty, equality and fraternity as principles of life, as a collective "union of trinity". "To divorce one from the other," he said, "is to defeat the very purpose of democracy." Now, 71 years after Independence, these values that Ambedkar saw as integral to India's republic, find new meaning in a remarkable judgment of the Supreme Court in *Navtej Singh Johar v. Union of India*. Not only has the court struck down the wretchedly wicked Section 377 of the Indian Penal Code, insofar as it criminalizes homosexuality, but it has also recognized the Constitution's enormous and extraordinary transformative power. In doing so, the court has provided us with a deep expression of democratic hope. And perhaps we can finally believe, as Nehru said, in his famous midnight speech, that "the past is over, and it is the future that beckons to us now".

Macaulay's shadow

Plainly read, Section 377 punishes with imprisonment for life or for a term of up to 10 years any person who voluntarily has "carnal intercourse against the order of nature with any man, woman or animal". Over the years, the term, "against the order of nature", has been used to persecute members of the LGBTQ community, treating any non-procreative sexual act by them as acts of crime. Thomas Macaulay, the law's drafter, despised the idea of even a debate on the legislation's language. "We are unwilling to insert, either in the text,

or in the notes, anything which could give rise to public discussion on this revolting subject,” he wrote in his chapter on “unnatural offences”. “...We are decidedly of the opinion that the injury which would be done to the morals of the community by such discussion would far more than compensate for any benefits which might be derived from legislative measures framed with the greatest precision.”

Like many other colonial-era laws, therefore, Section 377 was inserted with a view to upholding a distinctly Victorian notion of public morality. But post-Independence, the law remained on the books, as an edict that the Indian state saw as intrinsic to the enforcement of its own societal mores. The criminal law, the government believed, was a legitimate vehicle through which it could impose and entrench in society its own ideas of what constituted a good life. Societal morality, to it, trumped constitutional guarantees of equality and liberty.

Long road to freedom

In July 2009, however, the Delhi High Court, in a judgment delivered by a bench comprising Chief Justice A.P. Shah and Justice S. Muralidhar, rejected this vision, and declared Section 377, insofar as it criminalized homosexuality, unconstitutional. In the court’s belief, the law was patently discriminatory. It offended not only a slew of explicitly guaranteed fundamental rights — in this case, Articles 14, 15, 19 and 21 — but also what the judgment described as “constitutional morality”. “Moral indignation, howsoever strong, is not a valid basis for overriding individual’s fundamental rights of dignity and privacy,” the court wrote. “In our scheme of things, constitutional morality must outweigh the argument of public morality, even if it be the majoritarian view.”

At the time this was a grand statement to make. Indeed, barely four years later, the Supreme Court reversed the findings in *Naz*, and rendered the judgment’s radical vision nugatory. In a shattering verdict, the court, in *Suresh Kumar Koushal*, once again declared homosexuality an offence. LGBTQ persons, to the court, constituted only a “miniscule minority”, and they enjoyed, in the court’s belief, neither a right to be treated as equals nor a right to ethical independence, a freedom to decide for themselves how they wanted to lead their lives.

But now, in *Navtej Singh Johar*, the court has restored both the quotidian and the outstanding glories of the judgment in *Naz*. Unexceptionally, Section 377, it has found, infringes the guarantee of equality in Article 14, the promise against discrimination in Article 15, the right to free expression contained in Article 19, and the pledges of human dignity and privacy inherent in Article 21. But, perhaps, more critically, the court has taken inspiration from *Naz* in bringing to the heart of constitutional interpretation a theory that seeks to find how best to understand what equal moral status in society really demands, a theory that engages profoundly with India’s social and political history.

Interpreting the Constitution

The question of how to interpret a constitution, any constitution, is an age-old one. The Indian Constitution couches its guarantee of fundamental rights in abstract terms. For instance, the Constitution doesn’t expressly tell us what equality, in Article 14, means. Does it mean merely a formal equality, or does it promise a more substantive equality, demanding the state’s proactive participation?

Until now, in the absence of a coherent theory of interpretation, judges have vacillated in answering such questions. But the four separate opinions in *Navtej Singh Johar*, written respectively by Chief Justice of India Dipak Misra and Justices R.F. Nariman, D.Y. Chandrachud and Indu Malhotra, collectively espouse an interpretive model that gives to India’s history its full consideration. The Constitution “was burdened with the challenge of ‘drawing a curtain on the past’ of social inequality and prejudices,” Justice Chandrachud wrote, invoking Professor Uday Mehta. The document, therefore, was an “attempt to reverse the socializing of prejudice, discrimination and power hegemony in a disjointed

society.” Or, as Chief Justice Misra put it: “The adoption of the Constitution was, in a way, an instrument or agency for achieving constitutional morality and [a] means to discourage the prevalent social morality at that time. A country or a society which embraces constitutional morality has at its core the well-founded idea of inclusiveness.” The idea, therefore, is, similar to what the South African courts have held, to eliminate all forms of discrimination from the social structure, and to usher society from degrading practices of the past into an egalitarian future.

There is a danger, many believe, that this theory of interpretation could allow judges to turn into philosopher-kings, allowing them to impose their moral convictions on society. But, as Ronald Dworkin has observed, a strategy of interpretation which partakes a consideration of both text and history is really a “strategy for lawyers and judges acting in good faith, which is all any interpretive strategy can be”.

Future disputes will certainly have to be guided by the court’s general rule prescribed in *Navtej Singh Johar*. The court has already reserved its judgment in a number of cases that will tell us how it intends on applying this theory. Its decision in cases concerning the entry of women into the Sabarimala temple, on the practice of female genital mutilation of minor girls in the Dawoodi Bohra community, on the validity of the Indian Penal Code’s adultery law, will all prove telling. Yet, much like the challenge to Section 377, the issues at the core of these cases are scarcely controversial as a matter of pure constitutional interpretation. Ultimately, therefore, the true value of *Navtej Singh Johar* will only be seen when the court sees this theory as integral to its ability to judge clashes between the naked power of the state and personal liberty, to cases such as the challenge to the Aadhaar programme, which seek to reverse the transformation that the Constitution brings. There too, as Chief Justice Misra has written, the court must be “guided by the conception of constitutional morality”.

MAINS QUESTION

Q: SAARC countries have a shared history and have close socio cultural & linguistic linkages. Explain.

PRELIMS QUESTIONS

1. Consider the following statements regarding ICC

- a. ICC is an independent organization functioning under the UN.
- b. The court has automatic jurisdiction only for crimes committed on the territory of a state which has ratified the treaty; or by a citizen of such a state; or when the United Nations Security Council refers a case to it.
- c. India has neither signed nor ratified the Rome Statute on the International Criminal Court (ICC).

Which of the above statements are not true?

- a. 1 only.
- b. 2 only.
- c. 3 only.
- d. None of the above.

Answer: A

Explanation: ICC is the first permanent court set up to try individuals for genocide, war crimes and other major human rights violations. The Rome Statute of the International Criminal Court was established in 1998, and the treaty entered into force on July 1, 2002. US opposed the creation of the ICC, fearing it would be used for politically

motivated prosecutions of its citizens. India has neither signed nor ratified the Rome Statute on the International Criminal Court (ICC). The reason is that Rome Statute on the International Criminal Court (ICC) defines war crimes including the 'armed conflict not of an international character'.

2. **The greatest damage to life and property from a hurricane is due to**
- Storm surge.
 - Torrential rains.
 - Strong winds in the hurricane.
 - Both a and b.

Answer: A

Explanation: While both strong winds and torrential rains cause damage, the greatest damage is due to the storm surge. Storm surge is an abnormal rise of water generated by a storm, over and above the predicted astronomical tides.

3. **Which of the following areas is/are best suited for formation of air masses?**
- An extensive area with broadly uniform surface of earth.
 - Areas having cyclones.
 - Hot deserts in tropical regions.

Select the correct answer using the codes given below.

- 1 and 2 only
- 1 and 3 only
- 1 only
- 1, 2 and 3 only

Answer: B

Explanation: Areas having cyclones have converging air flow and are therefore not suited for formation of air masses. Air masses are formed over an extensive area with broadly uniform surface of earth like hot desert region in tropical areas. Anticyclone over an area also helps in formation of air masses as they have divergent air flow.

