



drishti

News Analysis (24 Sep, 2018)

 drishtiias.com/current-affairs-news-analysis-editorials/news-analysis/24-09-2018/print

Treat One-Sided Laudatory News Reports as Paid News: EC to SC

Laudatory news articles by which a political leader appeals for votes in his favour by boasting his record and achievements should be treated as paid news, the Election Commission (EC) has told the Supreme Court.

The Election Commission told Supreme Court that politicians **cannot say** that it is part of their **fundamental right to free speech** to propagate their “motivated propaganda”.

Election Commission's Arguments

- It asked the court to declare whether it amounts to **paid news** if widely circulated daily newspapers cover statements issued by, and in the name of, a candidate that are not only **laudatory of his or her record and achievements** but also are a **direct appeal** to voters by the candidate.
- Any news is expected to be **unbiased** and characterised by **dispassionate coverage** and **proportionate space to other contenders**.
- If such motivated propaganda is allowed in the **garb of free speech** during the election period, candidates with a strong network of connections will have the unequal advantage of encashing such silent services.
- It declared such relationships between candidates and publications an **unholy alliance**.

Background

- The EC has challenged the Delhi High Court verdict quashing the EC's decision to disqualify Madhya Pradesh Minister Narottam Mishra for three years on charges of paid news.

- The EC, in 2017 disqualified Mr. Mishra for **not filing the accounts for money** spent as election expenses on news items.
- Mr. Mishra's membership was revoked under the provision of **the Representation of the People Act, 1951**, which relates to **providing wrong information** to the Commission on **expenses incurred** during the polls.
- The paid news committee constituted by EC had concluded that news items/ articles were "biased, one-sided and aimed at furthering the prospects. They also fit the existing **definition of paid news** as given by the **Press Council of India**.
The Press Council of India (PCI) defines paid news as any news or analysis appearing in print or electronic media for consideration in cash or kind.
- The Division Bench of Delhi HC concluded that the BJP leader was **merely exercising his fundamental right** to freedom of speech and expression.
- It said that EC's sphere **cannot extent to judging content of speech**; it is only to adjudge whether the election expenses incurred by the candidate have been accounted for.
- While, the commission said its powers to **investigate the contents** of such news coverage **should not be thwarted**.

The Issue of Paid News

- Paid news is **not an electoral offence yet**, but there is a case to make it one.
- The EC has recommended to the government that the Representation of the People Act, 1951, be amended to make the publishing, or abetting the publishing, of paid news to further a candidate's prospects or prejudicially affect another's an electoral offence.
- Until this is done, contestants who use paid news can **only be hauled up for failing to include the expenses** involved in their campaign accounts.
- Earlier, an Uttar Pradesh MLA, Umlesh Yadav, was disqualified in 2011 on the same ground, of suppressing expenditure incurred in the publication of paid news.
- In Mr. Mishra's case, the EC has taken the view that even if it were true that he made no payment, he ought to have included an estimated amount in his accounts. Also, candidates cannot simply claim that these reports were not authorised by them. As long as the intention to boost someone's prospects was clear, and there was no objection from the candidate, the EC can rule that there was '**implied authorisation**'.
- Moreover, he must have proof that he distanced himself from such charitable services or news at **the relevant time and not post facto**.
- Mr. Mishra's case pertains to the 2008 election, and by the time the Commission has given its verdict he is into his next term, having been re-elected in 2013. The **enormous delay in adjudicating** such questions is often created by candidates approaching the courts to stall inquiries.
- A legal framework in which electoral issues are **expeditiously adjudicated** must also be put in place if election law is to be enforced in both letter and spirit.

Electoral Reforms

- Apart from making 'paid news' an electoral offence, some of the other electoral reforms **suggested by the EC** are - Decriminalisation of politics, inner party democracy, auditing of parties' accounts, checking use of black money in polls, government-sponsored advertisements and punishment for false affidavit by candidates etc.
- Over the last 25 years, **several panels** have made suggestions to cleanse the poll process and strengthen the EC: Goswami Committee (1990), Vohra Committee (1993), Indrajit Gupta Committee on State Funding of Elections (1998), Law Commission Report on Reform of the Electoral Laws (1999), EC's Proposed Electoral Reforms (2004), Second Administrative Reforms Commission (2008).
- **Supreme Court mandated reforms**- Most of the electoral reforms have happened because of the Supreme Court's interventions. Few Important judgements are:
 - **Union of India (UOI) vs. Association for Democratic Reforms, 2002:** A voter has **right to know candidates' assets**, qualifications liabilities and criminal antecedents, if any.
 - **Ramesh Dalal vs. Union of India, 2005:** A sitting Member of Parliament (MP) or Member of State Legislature (MLA) shall also be subject to disqualification from contesting elections if he is convicted and sentenced to not less than 2 years of imprisonment by a court of law.
 - **Lily Thomas vs. Union of India, 2013:** An MP/MLA convicted of any offence attracting a punishment of **two years or above** will be disqualified immediately. SC declared **unconstitutional Section 8(4)** that allowed a convicted MP/ MLA to continue if he/she appealed within three months.
 - **JULY, 2013: Freebies** promised by political parties in poll manifestos undermines **the electoral process**. SC asks EC to frame guidelines.
 - **People's Union for Civil Liberties vs. Union of India, 2013:** SC gives voters none of the above (**NOTA**) option in **Electronic Voting Machine (EVMs)**.
 - **MARCH, 2014:** SC sets **one year deadline for lower courts** to complete trial in cases involving MPs and MLAs.
 - **FEB, 2015:** A candidate's election can be declared "**null and void**" for not disclosing **criminal antecedents**.
 - **JAN, 2017:** SC rules that if votes are sought in the name of religion, race, caste, community or language it would amount to **corrupt practice** — a ground to set aside elections.

Important Facts for Prelims (24th September 2018)

Citizen Science Initiative to Save Hornbills

- Recently a citizen science initiative of documenting Indian hornbills has been taken to provide valuable inputs for the conservation of Hornbills.
- Citizen Science is a collective, public participatory effort to collect data when people make their own voluntary contributions to the progress of science from home.
- Four common features of citizen science practice:
 - anyone can participate
 - participants use the same protocol and methods so data can be combined and be high quality
 - data can help real scientists come to real conclusions
 - a wide community of scientists and volunteers work together and share data to which the public, as well as scientists.
- The data on hornbill presence outside protected areas would be crucial in identifying and protecting their habitats from possible threats and development projects
- People can record the observation of a live hornbill, note its call or report a dead, hunted or captive bird.
- India has nine hornbill species, of which four are found in the Western Ghats: Indian Grey Hornbill (endemic to India), the Malabar Grey Hornbill (endemic to the Western Ghats), Malabar Pied Hornbill (endemic to India and Sri Lanka) and the widely distributed Great Hornbill
- It is the **state bird of Arunachal Pradesh and Kerala.**
- Vulnerable or near threatened species such as the rufous-necked hornbill, Austen's brown hornbill including the great hornbill are found in several states in northeastern India.
- India also has one species that has one of the smallest ranges of any hornbill: endangered Narcondam Hornbill found only on the island of Narcondam (part of Andaman islands)

Golden Globe Race 2018

- Recently, Indian Navy launched a search and rescue operation for Navy Commander Abhilash Tomy, who was stranded in his sailing vessel, INSV Mhadei, more than 2500 nautical miles south of Kanyakumari.
- He was participating in Golden Globe Race 2018 (GGR) from India.
- In the GGR, participants are required to sail around the world, single-handed and non-stop in a non-motorised boat.
- The uniqueness of the race is that boat designs and technology participating in the race should not be newer than 1968. Hence the use of the Global Positioning System (GPS), satellite communication and navigational aids are forbidden. Participants have to rely over traditional means of navigation, looking at stars and using physical maps, as they sail through rough seas in the 30,000-mile journey.

- The Golden Globe Race is being conducted by Sir Robin Knox Johnston of the U.K. who was the first person to complete circumnavigation of the earth in 1968 onboard the Indian-built boat, Suhaili.

Successful Night Test of Ballistic Missile Defence System

- Defense Research and Development Organisation (DRDO) conducted a successful night test of two-layer Ballistic Missile Defence (BMD) System.
- The BMD consists of two interceptor missiles, the Prithvi Defence Vehicle (PDV) for exo-atmospheric ranges and the Advanced Area Defence (AAD) missile for endo-atmosphere or lower altitudes.
- Exo-atmospheric Missile system is capable of intercepting missiles at an altitude of 50-80 Km. While the Endo-atmospheric system is capable of intercepting missiles up to an altitude of 30 km.
- India is the fifth nation in the world to have a robust Ballistic Missile Defence system after US, Russia, Israel, and China.

Ballistic Missile Defence System

- The Ballistic Missile Defence programme aims to provide an effective missile shield against incoming enemy ballistic and nuclear missiles both inside (endo-) and outside (exo-) the earth's atmosphere.
- A hostile missile needs to be intercepted at boost (launch) point, mid-course (flight through space), or terminal phase (during atmospheric descent).
- The BMD is a two-tier fully automated system which comprises of:
 - Over-lapping network of early warning and tracking radars.
 - Reliable command and control posts.
 - Land and sea-based batteries of advanced interceptor missiles.

Cyber-Trivia App

- The government has launched the 'Cyber-Trivia' app for children to counter incidents of cybercrime against children due to dangerous games like 'Blue Whale' and 'Momo Challenge'.
- The app will have multiple choice questions and children will be rewarded points based on their answers.
- It is an attempt to teach the children in a fun way what should be done if they are contacted by a stranger on the Internet who might ask them for their pictures or ask them to do things.
- The app is developed by Cyber Peace Foundation in collaboration with the National Commission for Protection of Child Rights (NCPCR).

- Cyber Peace Foundation is an apolitical civil society organization and think tank of cyber security and policy experts.
-