



News Analysis (04 Aug, 2021)

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Governor's Power to Pardon Overrides Section 433A: SC

Why in News

Recently, the **Supreme Court (SC)** held that the **Governor's power to pardon overrides Section 433A of Code of Criminal Procedure (CrPC)**.

Earlier in January 2021, in a case of **mercy petition**, the SC noted that the **Governor cannot reject the state's recommendation** but **there is no time prescribed** to take a decision.

Key Points

- **Pardoning Power Overrides 433A:**

- SC held that the **Governor of a State can pardon prisoners, even before they have served a minimum 14 years of prison** sentence.
- The Governor's power to pardon overrides a provision in the **CrPC Section 433A** which **mandates that a prisoner's sentence can be remitted only after 14 years** of jail.

Section 433A states that **where a sentence of imprisonment for life is imposed** on conviction of a person **for an offence for which death is one of the punishments** provided by law, or **where a sentence of death imposed on a person has been commuted** under section 433 into one of imprisonment for life, **such person shall not be released from prison unless he had served at least fourteen years of imprisonment.**

- Section 433-A **cannot and does not in any way affect the constitutional power conferred on the President/Governor** to grant pardon under **Articles 72** or 161 of the Constitution.

- **Power Exercised by State Government:**

- The court noted that the sovereign power of a Governor to pardon a prisoner under **Article 161** is actually **exercised by the State government and not the Governor on his own.**
- **The advice of the appropriate government binds the Head of the State.**

- **Order of Commutation:**

The action of commutation and release can thus be **pursuant to a governmental decision and the order may be issued even without the Governor's approval.** However, under the **Rules of Business and as a matter of constitutional courtesy**, it may seek approval of the Governor, if such release is under Article 161 of the Constitution.

- **The state government can frame a policy of grant of remissions either under Section 432 of the CrPC or under Article 161 of the Constitution.**
- **If a prisoner has undergone more than 14 years of actual imprisonment, the state government, as an appropriate Government, is competent to pass an order of premature release.**
- **Section 432** of the Code of Criminal Procedure empowers the Government to remit sentence.

Pardoning Power

- **Pardoning Power of the President in India:**

- **About:**

Under Article 72 of the Constitution, the **President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute** the sentence of any person convicted of any offence where the sentence is a sentence of death.

- **Limitation:**

- The President **cannot exercise his power of pardon independent of the government.**
- In several cases, the SC has ruled that the **President has to act on the advice of the Council of Ministers** while deciding mercy pleas. These include *Maru Ram vs Union of India in 1980*, and *Dhananjoy Chatterjee vs State of West Bengal in 1994*.

- **Reconsideration:**

Although the **President is bound by the Cabinet's advice**, Article 74(1) empowers him to **return it for reconsideration once.** If the Council of Ministers decides against any change, the President has no option but to accept it.

- **Governor's Pardoning Power:**

- Article 161:**

- The Governor of a State shall have the **power to grant pardons, reprieves, respites or remissions of punishment** or to **suspend, remit or commute** the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.

- **Difference Between Pardoning Powers of President and Governor:**

- The **scope of the pardoning power of the President** under Article 72 is **wider than the pardoning power of the Governor** under Article 161 which differs in the following two ways:

- **Court Martial:** The **power of the President** to grant pardon **extends in cases where the punishment or sentence is by a Court Martial** but Article 161 **does not provide any such power to the Governor.**
 - **Death sentence:** The **President can grant pardon in all cases** where the sentence given is the **sentence of death** but the pardoning power of the **Governor does not extend to death sentence cases.**

Terms

- **Pardon:** It **removes both the sentence and the conviction** and completely absolves the convict from all sentences, punishments and disqualifications.
- **Commutation:** It **denotes the substitution of one form of punishment for a lighter form.** For example, a death sentence may be commuted to rigorous imprisonment, which in turn may be commuted to a simple imprisonment.
- **Remission:** It implies **reducing the period of sentence without changing its character.** For example, a sentence of rigorous imprisonment for two years may be remitted to rigorous imprisonment for one year.
- **Respite:** It denotes **awarding a lesser sentence in place of one originally awarded due to some special fact**, such as the physical disability of a convict or the pregnancy of a woman offender.
- **Reprieve:** It implies **a stay of the execution of a sentence** (especially that of death) for a temporary period. Its purpose is to enable the convict to have time to seek pardon or commutation.

Source: TH

SC Judgement on Preventive Detention

Why in News

Recently, the Supreme Court (SC) ruled that a preventive detention order can only be passed if the detenu is likely to adversely affect the maintenance of public order.

The SC also gave **direction to governments and to other courts**, for dealing with detention under preventive detention.

Key Points

- **Preventive Detention for Public Order:** The court held that it cannot seriously be disputed that the **Detenu may be a ‘white collar offender’** and if set free, will continue to cheat gullible persons.
 - **However, a Preventive Detention Order can only be passed if his activities adversely affect or are likely to adversely affect the maintenance of public order.**
- **Clarity on the Term ‘Public Order’:** Preventive detention is a **necessary evil** only to prevent public disorder, but a **liberal meaning cannot be given** to the expression public order in the context of preventive detention statute.
 - Contravention of law, such as indulging in cheating or criminal breach of trust, **certainly affects ‘law and order’.**
 - However, before it can be said to affect ‘public order’, **it must affect the community or the public at large.**
- **Direction to the Government:** The State **should not arbitrarily resort to “preventive detention”** to deal with all and sundry “law and order” problems, which could be dealt with by the ordinary laws of the country.
- **Directions to the Courts : One of the questions** the courts must ask in deciding the legality under a preventive detention should be:
 - **Was the ordinary law of the land sufficient to deal with the situation?** If the answer is in the affirmative, the detention order will be illegal.
 - For example, the court said two drunks fighting on a road was a law and order problem, and not ‘public disorder’. The solution here was not preventive detention.
- **Preventive Detention Undermines Liberty:** Liberty of a citizen is a most important right won by our forefathers after long, historical and arduous struggles.
 - If the power of preventive detention is not narrowed down to limits, the right to liberty will become nugatory (of no value or importance).
 - Therefore, Preventive detention must fall within the ambit of **Article 21** (due process of law) and read with **Article 22** (safeguards against arbitrary arrest and detention) and the **statute in question.**

White Collar Crime vs Blue Collar Crime

White Collar Crime: The term "white collar crime" refers to **financially motivated, nonviolent crime** committed by individuals, businesses and government professionals.

- These crimes are characterized by deceit, concealment, or violation of trust.
- Examples of white-collar crimes include **securities fraud, corporate fraud, and money laundering, Ponzi and pyramid schemes, etc.**
- White-collar crime has been associated with the **educated and affluent.**
- The term was first coined in **1949 by sociologist Edwin Sutherland.**
- **Blue Collar Crime:** These crimes are **primarily small scale**, for immediate beneficial gain to the individual or group involved in them.
- This can also include personal related crimes that can be **driven by immediate reaction**, such as during fights or confrontations.
- These crimes may include Narcotic production or distribution, sexual assault, theft, burglary, assault or murder.

Preventive Detention

Constitutional Provisions:

- **Article 22 grants protection to persons who are arrested or detained.**
Detention is of two types, namely, **punitive and preventive.**
 - Punitive detention is to punish a person for an offence committed by him after trial and conviction in a court.
 - Preventive detention, on the other hand, means detention of a person without trial and conviction by a court.
- Article 22 has two parts—**the first part deals with the cases of ordinary law** and the **second part deals with the cases of preventive detention law.**

Rights Given Under Punitive Detention

Right to be informed of the grounds of arrest.

Rights Given Under Preventive Detention

- The detention of a person cannot exceed three months unless an advisory board reports sufficient cause for extended detention.
- The board is to consist of judges of a high court.

Right to consult and be defended by a legal practitioner.

- The grounds of detention should be communicated to the detenu.
 - However, the facts considered to be against the public interest need not be disclosed.
-

Right to be produced before a magistrate within 24 hours, excluding the journey time.

The detenu should be afforded an opportunity to make a representation against the detention order.

Right to be released after 24 hours unless the magistrate authorises further detention.

These safeguards are not available to an enemy alien.

This protection is available to both citizens as well as aliens.

Note: The **44th Amendment Act of 1978** has reduced the period of detention without obtaining the opinion of an advisory board from three to two months. However, this **provision has not yet been brought into force**, hence, the original period of three months still continues.

- **The preventive detention laws made by the Parliament are:**
 - Preventive Detention Act, 1950. Expired in 1969.
 - Maintenance of Internal Security Act (MISA), 1971. Repealed in 1978.
 - Conservation of Foreign Exchange and Prevention of Smuggling Activities Act (COFEPOSA), 1974.
 - **National Security Act (NSA), 1980.**
 - Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act (PBMSECA), 1980.
 - Terrorist and Disruptive Activities (Prevention) Act (TADA), 1985. Repealed in 1995.
 - Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act (PITNDPSA), 1988.
 - Prevention of Terrorism Act (POTA), 2002. Repealed in 2004.
- **Issues related to Preventive Detention Laws in India:**
 - No democratic country in the world has made preventive detention as an integral part of the Constitution as has been done in India.
 - The governments sometimes use such laws in an extra-judicial power. Also, there remains a fear of arbitrary detentions.

Source: IE

Panchayat Extension to Scheduled Areas (PESA) Act, 1996

Why in News

The **Adivasi self-governance system** has **disappeared from most of the areas in Jharkhand**.

- During most of the time in history, most of the Adivasis (**India's tribal communities**) had their own federal governance system. However, the **administrative systems during the colonial period and after independence affected the Adivasi governance system** to a great extent.
- The **Panchayat Extension to Scheduled Areas (PESA) Act, 1996** was supposed to uphold the traditional decision-making process.

Key Points

- **Case Study - Tribal Governance System of Jharkhand:**

- Jharkhand was carved out as the **28th state of India** from the Southern part of Bihar in 2000.

This part was distinctively different from the northern part of Bihar in terms of geography and social composition.

- It has 32 different tribes, including the nine **Particularly Vulnerable Tribal Groups (PVTG)**.

According to Census 2001, **Santhal (34%), Oraon (19.6%), Munda (14.8%)** and **Ho (10.5%)** are among the major tribes in terms of numbers.

- The entire social system was organised into **three functional levels** across major tribal communities in the state.

The first one is at the village level; the second at the cluster of five-six village levels and the third at community levels.

- These decision-making processes were considered **people-centric and democratic**, although women were mostly not allowed to participate in such processes.
- They had their **own system of governance**, which was, **unlike the caste system, non-hierarchical**. Every tribal village had a village council as the basic unit for self-governance.
- These forums used to act as the decision-making bodies for all matters related to **administration, the Parliament and judiciary**.
 - The **administrative matters** were related to maintenance of village commons (such as lands, forests and water bodies), labour sharing, agriculture activities, religious events and festivals, etc.
 - The **parliamentary matters** were related to upholding and interpreting norms and unwritten laws and traditional values.
 - The **judiciary matters** were related to managing conflict, disciplinary actions, etc guided by unwritten norms and values.
- **Gradual Collapse of the System:** After the introduction of the **Bihar Panchayat Raj System (BPRS) in 1947**, these Adivasi traditional governance systems became weak.
 - BPRS was formed keeping the non-Adivasi areas in view.
 - As a result, due to the non-priority and neglect, the process of the traditional governance system was affected.
 - This was aggravated by industrialisation, displacement of Adivasis and urbanisation.

- **About Panchayat Extension to Scheduled Areas (PESA) Act, 1996:**
 - To promote local self-governance in rural India, the **73rd constitutional amendment** was made in 1992.
 - Through this amendment, a **three-tier Panchayati Raj Institution** was made into a law.
 - However, its application to the scheduled and tribal areas under **Article 243(M)** was restricted.
 - After the **Bhuria Committee recommendations** in 1995, **Panchayat Extension to Scheduled Areas (PESA) Act 1996** came into existence for ensuring tribal self-rule for people living in scheduled areas of India.
 - The PESA conferred the **absolute powers to Gram Sabha**, whereas **state legislature has given an advisory role** to ensure the proper functioning of Panchayats and Gram Sabhas.
 - The power delegated to Gram Sabha cannot be curtailed by a higher level, and there shall be independence throughout.
 - The PESA is considered to be the **backbone of tribal legislation in India**.
 - PESA recognises the traditional system of the decision-making process and stands for the **peoples' self-governance**.
 - Following powers and functions have been provided to the Gram Sabhas:
 - **Right to mandatory consultation in land acquisition**, resettlement and rehabilitation of displaced persons.
 - **Protection of traditional belief**, the culture of the tribal communities
 - Ownership of **minor forest products**
 - Resolution of the **local disputes**
 - Prevention of **land alienation**
 - Management of village markets
 - Right to control production, distillation, and prohibition of liquor
 - Exercise of control over money-lending
 - Any other rights involving the Scheduled Tribes.
- **Issues Related to PESA:**
 - The **state governments are supposed to enact state laws** for their Scheduled Areas in consonance with this national law.
 - This has resulted in the **partially implemented PESA**.
 - The partial implementation has worsened self-governance in Adivasi areas, like in Jharkhand.
 - Many experts have asserted that PESA did not deliver due to the **lack of clarity, legal infirmity, bureaucratic apathy, absence of a political will, resistance to change in the hierarchy of power**, and so on.
 - Social audits conducted across the state have also pointed out that in reality different developmental schemes were being **approved on paper by Gram Sabha**, without actually having any meeting for discussion and decision making.

- In India, most of the tribes are collectively identified under **Article 342 (1&2)** as **“Scheduled Tribes”**.
- Their right to self-determination is guaranteed by **Part X: The Scheduled and Tribal Areas – Article 244: Administration of Scheduled Areas and Tribal Areas**.
- That is, **Fifth and Sixth Schedules** of the Indian Constitution.
- The **Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996** or PESA.
- **The Tribal Panchsheel Policy**.
- **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006** concerns the rights of forest-dwelling communities to land and other resources.

Way Forward

- PESA, if it is implemented in letter and spirit, will rejuvenate the dying self-governance system in the tribal area.
- This will also give an opportunity to correct the loopholes in the traditional governance system and make it a more gender-inclusive and democratic space.

Source: DTE

Eighth Schedule of the Indian Constitution

Why in News

Recently, the **Union Minister of Education** has informed in the **Lok Sabha** about the various **steps taken** by the government **to promote the Languages in Eighth Schedule**.

Key Points

- **Eighth Schedule:**

- **About:**

- It lists the **official languages of the republic of India**. **Part XVII of the Indian constitution** deals with the official languages in **Articles 343 to 351**.
 - The Constitutional provisions related to the **Eighth Schedule** are:
 - **Article 344:** Article 344(1) provides for the **constitution of a Commission by the President on expiration of five years** from the commencement of the Constitution.
 - **Article 351:** It provides for the **spread of the Hindi language** to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India.
 - However, It can be noted that there is **no fixed criteria** for any language to be considered for inclusion in the Eighth Schedule.

- **Official Languages:**

- The Eighth Schedule to the Constitution consists of the **following 22 languages:**
 - Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Sindhi, Tamil, Telugu, Urdu, Bodo, Santhali, Maithili and Dogri.
 - Of these languages, **14 were initially included in the Constitution**.
 - Sindhi language was added by the **21st Amendment Act of 1967**.
 - Konkani, Manipuri, and Nepali were included by the **71st Amendment Act of 1992**.
 - Bodo, Dogri, Maithili, and Santhali were added by the **92nd Amendment Act of 2003** which came into force in **2004**.

- **Classical Languages:**

- **About:**

Currently there are **six languages** that enjoy the '**Classical**' status in **India:**

- Tamil (declared in 2004), Sanskrit (2005), Kannada (2008), Telugu (2008), Malayalam (2013), and Odia (2014).
- All the **Classical Languages** are listed in the **Eighth Schedule of the Constitution.**

- **Guidelines:**

The **Ministry of Culture** provides the guidelines regarding Classical languages which are as given below:

- **High antiquity of its early texts/recorded history** over a period of 1500-2000 years;
- A body of **ancient literature/texts**, which is considered a valuable heritage by generations of speakers.
- The **literary tradition is original** and not borrowed from another speech community.
- The classical language and literature being **distinct from modern**, there may also be a discontinuity between the classical language and its later forms or its offshoots.

- **Benefits for Promotion:** Once a language is notified as a Classical language, the **Human Resource and Development Ministry** provides certain benefits to promote it:

- **Two major annual international awards** for scholars of eminence in classical Indian languages.
- A **Centre of Excellence for studies in Classical Languages** is set up.
- The **University Grants Commission** is requested to create, to start with at least in the **Central Universities**, a certain number of **Professional Chairs for the Classical Languages so declared.**

Source: PIB

Medical Termination of Pregnancy (MTP) Amendment Act, 2021

Why in News

Recently, the **Delhi High Court** has **allowed the medical termination of pregnancy** of a woman who had **completed 22 weeks of gestation** as the foetus was suffering from multiple abnormalities.

- **Gestation is the foetal development period** from the time of conception until birth.

- In India, the **Medical Termination of Pregnancy (MTP) Act stipulates a ceiling of 20 weeks**, for termination of pregnancy, beyond which abortion of a foetus is statutorily impermissible.

Key Points

About MTP Act:

- The **Medical Termination of Pregnancy Act, 1971 (“MTP Act”)** was passed due to the progress made in the field of medical science with respect to safer abortions.
- In a historic move to provide universal access reproductive health services, **India amended the MTP Act 1971** to further empower women by providing comprehensive abortion care to all.
- The **new Medical Termination of Pregnancy (Amendment) Act 2021** expands the access to safe and legal abortion services on therapeutic, eugenic, humanitarian and social grounds to ensure universal access to comprehensive care.

The MTP Act 1971 and The MTP Act Amendments 2021

	MTP Act 1971	The MTP Amendment Act 2021
Indications (Contraceptive failure)	Only applies to married women	Unmarried women are also covered
Gestational Age Limit	20 weeks for all indications	24 weeks for rape survivors Beyond 24 weeks for substantial fetal abnormalities
Medical practitioner opinions required before termination	One RMP till 12 weeks Two RMPs till 20 weeks	One RMP till 20 weeks Two RMPs 20-24 weeks Medical Board approval after 24 weeks
Breach of the woman's confidentiality	Fine up to Rs 1000	Fine and/or Imprisonment of 1 year

- **Key Provisions of the MTP Amendment Act, 2021:**
 - **Termination due to Failure of Contraceptive Method or Device:**

Under the Act, a **pregnancy may be terminated up to 20 weeks** by a married woman in the case of failure of contraceptive method or device. It **allows unmarried women** to also terminate a pregnancy for this reason.
 - **Opinion Needed for Termination of Pregnancy:**
 - Opinion of **one Registered Medical Practitioner (RMP)** for termination of pregnancy up to **20 weeks of gestation**.
 - Opinion of **two RMPs** for termination of pregnancy of **20-24 weeks of gestation**.
 - Opinion of the **State-level medical board** is essential for a pregnancy to be terminated **after 24 weeks** in case of substantial foetal abnormalities.
 - **Upper Gestation Limit for Special Categories:**

Increases the upper gestation limit from 20 to 24 weeks for special categories of women, including **survivors of rape, victims of incest and other vulnerable women** (differently abled women, minors, among others).
 - **Confidentiality:**

The “name and other particulars of a woman whose pregnancy has been terminated shall not be revealed”, except to a person authorised in any law that is currently in force.
- **Significance:**
 - The new law **will contribute towards ending preventable maternal mortality** to help **meet the Sustainable Development Goals (SDGs)** 3.1, 3.7 and 5.6
 - SDG 3.1** pertains to **reducing maternal mortality ratio** whereas **SDGs 3.7 and 5.6** pertain to **universal access to sexual and reproductive health and rights**.
 - The amendments **will increase the ambit and access of women to safe abortion services** and will ensure dignity, autonomy, confidentiality and justice for women who need to terminate pregnancy.

- **Issues:**
 - **Different opinions on Termination:**
 - One opinion is that terminating a **pregnancy is the choice of the pregnant woman** and a part of her reproductive rights while the other is that the **state has an obligation to protect life, and hence should provide for the protection of the foetus.**
 - Across the world, countries set varying conditions and time limits for allowing abortions, based on foetal health, and risk to the pregnant woman.
 - **Not allowed beyond 24-weeks:**
 - The Act allows **abortion after 24 weeks only** in cases where a **Medical Board diagnoses substantial foetal abnormalities.**
 - This implies that for a case requiring abortion due to rape, that exceeds 24-weeks, the only recourse remains through a **Writ Petition.**
 - **Abortion to be performed by doctors:**

The Act require **abortion to be performed only by doctors with specialisation in gynaecology or obstetrics.**

As there is a 75% shortage of such doctors in community health centers in rural areas, pregnant women may continue to find it difficult to access facilities for safe abortions.

Way Forward

- It is commendable that the **Central Government has taken such a bold stand** while balancing the diverse cultures, traditions and schools of thought that our country maintains, however the amendment **still leaves women with various conditionalities**, which in many cases become **an impediment in access to safe abortion.**
 - In *Justice K.S. Puttaswamy (Retd.) vs. the Union Of India And Others (2017)*, the court **recognized the constitutional right of women to make reproductive choices, as a part of personal liberty under Article 21 of the Indian Constitution**, which, despite laying a robust jurisprudence on reproductive rights and the privacy of a woman, does not translate into a fundamental shift in power from the doctor to the woman seeking an abortion.
- The government **needs to ensure that all norms and standardised protocols** in clinical practice to facilitate abortions are followed in health care institutions across the country.
- Along with that, the **question of abortion needs to be decided** on the basis of **human rights, the principles of solid science, and in step with advancements in technology.**
- Since it has now become an act, one can be assured that the **country is on the road to advancement, addressing women issues more fiercely than ever.**

Source: TH

Social Security Measures for Informal Workers

Why in News

Recently, the **Parliamentary Standing Committee** on Labour has released a report on the impact of the **Covid-19 pandemic** on rising unemployment and job loss.

The panel called on the government to improve social security measures and take measures like **Direct transfer of money** and **urban employment guarantee scheme** for informal sector workers.

Social Security

- According to the **International Labour Organisation (ILO)**, Social Security is a comprehensive approach designed to prevent deprivation, give assurance to the individual of a basic minimum income and to protect the individual from any uncertainties.
- It is also comprised of **two elements**, namely:
 - **Right to a Standard of Living** adequate for the health and well-being, including food, clothing, housing and medical care and necessary social services.
 - **Right to Income Security** in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond any person's control.

Key Points

- **Need for Social Security Measures:**

- Citing the **Periodic Labour Force Survey** (PLFS), the report said **90% of workers were in the informal sector**, which is 419 million of the 465 million workers.

Informal workers in rural and urban areas have been hit the most due to the pandemic, because of the seasonality of their employment and lack of formal employee-employer relationship.

- **No survey data are available as yet on the impact of the second wave** which has undisputedly been more severe than the first.
 - However, anecdotal evidence suggests that there would have been **significant income losses particularly in the informal sector**, pushing the vulnerables deeper into crisis.
 - Moreover, the Covid-19 crisis in India has come in the backdrop of pre-existing high and rising unemployment.
- The consequential effects on **loss of jobs, rising unemployment, indebtedness, nutrition, health and education of unorganised workers** and their family members have the potential to cast a long shadow and irreparable damage.

- **Highlights of the Report:**

- The **Ministry of Labour delayed responding to the migrant crisis** when Covid-19 struck.
- The **pandemic has devastated the labour market**, denting the employment scenario and threatening the survival of millions of workers and their families.
- In this scenario, the committee recommended:

- **Direct Benefit Transfer:** Putting money in the bank accounts of the informal workers during adverse conditions like Covid-19.

It also suggests converting loans granted to street vendors under the **PM-SVANidhi Scheme** to direct cash grants.

- **Universal Healthcare:** **Universal healthcare** should be made a legal obligation of the government. This can be provided by mandatory health insurance to informal workers.
- **MGNREGA Reforms:** The budgetary allocation for **MGNREGA** should be increased and an urban jobs guarantee scheme on the lines of the MGNREGA should be implemented.

It suggests increasing maximum days of work guaranteed under **MGNREGA from 100 days to 200.**

- **Enhancing Employment Opportunities:** Leveraging investments into the traditional sectors, strengthening the 'Make in India' mission and intensifying further infusion of technology into various sectors would provide enhanced local and pan-India employment opportunities.

- **Initiatives Already Taken to Support Informal Sector:**

- **Supreme Court Judgement in Welfare of Informal Sector Workers:**
 - **Registration of Migrant Workers:** The SC has directed the Central Government and the State Governments to complete the registration process of unorganized workers so that they can avail the welfare benefits given under various government schemes.
 - **Ruling on ONORC System:** The SC directed all states and Union Territories (UT) to implement the One Nation, One Ration Card (ONORC) system by 31st July 2021.

The scheme allows migrant labourers covered under the National Food Security Act (NFSA) to access food at any fair price shop with his or her ration card in any part of the country.

Way Forward

- The Labour Ministry should take up the issue of **timely completion of the PLFS** with the Statistics and Programme Implementation Ministry.
- A **comprehensive plan and roadmap** is required to address the deteriorating condition of employment much aggravated by the pandemic, and widening disparities in the job market in the organised sector.
- There is a need to **develop a national database of unorganised workers**.
- Further, **formalising the sector, increasing its productivity, strengthening existing livelihoods, creating new opportunities and fortifying social security measures** are major thrust areas to mitigate the impact of Covid-19.

Source: IE

Net Zero Carbon Targets and Climate Change: Oxfam Report

Why in News

Recently, a **report (Tightening the Net)** published by **Oxfam International** has said that announcing **Net Zero Carbon Targets** may be a **dangerous distraction from the priority of cutting carbon emissions**.

- Many countries like New Zealand, UK, US, China and the European Union have set net-zero targets on greenhouse gas emissions to tackle climate change.
- The report emphasises that **reducing emissions cannot be considered a substitute for cutting emissions**.
- **Oxfam International** is a group of independent non-governmental organisations formed in 1995.

Key Point

- **Net-zero:**

- Net-zero, also means carbon neutrality, is a state in which a **country's emissions are compensated by absorption and removal of greenhouse gases** from the atmosphere.

It does not mean that a country would bring down its emissions to zero.

That would be **gross-zero**, which means reaching a state where there are no emissions at all, a scenario hard to comprehend.

- One way by which carbon can be absorbed is **by creating carbon sinks**. This way, it is even possible for a country **to have negative emissions, if the absorption and removal exceed the actual emissions**.
 - Until recently, the Amazon rainforests in South America, which are the largest tropical forests in the world, were carbon sinks. But eastern parts of these forests have started emitting CO₂ instead of absorbing carbon emissions as a result of significant deforestation.
 - **Bhutan has negative emissions**, because it absorbs more than it emits.

- **Countries that have announced net-zero Targets (Some Examples):**

- The **European Union** has a plan, called "Fit for 55", to deliver the carbon neutrality goal.
- **China** also announced that it would become net-zero by the year 2060 and that it would not allow its emissions to peak beyond what they are in 2030.
- The International Energy Agency's (IEA) has released its **Net Zero Emissions (NZE) Roadmap - named 'Net Zero by 2050'**.

- **Findings of the Report:**

- **A very big area is needed to control energy sector emissions:**

If the entire energy sector-whose emissions continue to soar- were to set similar 'net-zero' targets, it would require an area of land nearly the size of the Amazon rainforest, equivalent to a third of all farmland worldwide.

- **More Forests required:**

If the challenge of change is tackled only by way of planting more trees, then about 1.6 billion hectares of new forests would be required to remove the world's excess carbon emissions by the year 2050.

- **Land- Based Methods can raise food crises:**

- Currently, countries' plans to cut emissions will only lead to a 1% reduction by the year 2030.
- Significantly, if only land-based methods (Forestation) to deal with climate change are used, food crises are expected to rise even more. Oxfam estimates that they could rise by 80% by the year 2050.

- **Need to cut emissions significantly:**

To limit global warming below 1.5°C and to prevent irreversible damage from climate change, the world needs to collectively be on track and should aim to cut emissions by 45% by 2030 from 2010 levels, "with the sharpest being made by the biggest emitters."

- **Analysis (Net-Zero vs Climate Change):**

- **'Net-Zero' Reduces the Responsibility of 'Biggest Emitters':**

- Many governments and companies are adopting net zero climate targets as they recognize the urgency of the climate crisis.
- Without clear definition, however, these targets risk being reliant on using vast swathes of land in low-income countries to capture carbon emissions, allowing the biggest emitters to avoid making significant cuts in their own emissions.

- **May Increase the Demand for Land:**

It could also lead to an explosion in demand for land which, if not subject to careful safeguards, **might risk increasing hunger and fueling land inequality.**

Way Forward

Net zero should be a pathway to real and transformative climate action and not greenwash. Carbon emissions need to be reduced now, and land-based climate solutions must center 'food-first' approaches that help achieve both zero emissions and zero hunger.

Source: IE

Red Tide

Why in News

Florida has been battling outbreaks of red tide, caused by the algae *Karenia brevis*, for several years.

- This year's bloom may have been aggravated due to the release of contaminated water into Tampa Bay earlier.
- Tampa Bay, arm of the Gulf of Mexico, indenting the west coast of Florida, US.



Key Points

- **About:**
 - **Harmful Algal Blooms, or HABs, occur when colonies of algae grow out of control and produce toxic or harmful effects on people, fish, shellfish, marine mammals and birds.**
 - **While many people call these blooms 'red tides,' scientists prefer the term harmful algal bloom.**
 - **One of the best known HABs in the US occurs nearly every summer along Florida's Gulf Coast.**
 - This type of bloom is caused by a species of dinoflagellate known as *Karenia brevis*.**
 - **On the other hand, blooms in freshwater lakes and reservoirs are most commonly caused by blue-green algae (also known as cyanobacteria).**
 - Blue-green algae blooms have a direct relation to agricultural and urban runoff.** Nutrient pollution encourages the growth of cyanobacteria.

- **Causes of Algal Blooms:**

- **Eutrophication:**

Nutrients promote and support the growth of algae and Cyanobacteria. The **Eutrophication (nutrient enrichment)** of waterways is considered as a major factor.

- **Temperature:**

Blooms are more likely to happen in summer or fall but can occur any time of year.

- **Turbidity:**

- Turbidity is caused by the presence of suspended particles and organic matter in the water column.
- When turbidity is low, more light can penetrate through the water column. This creates optimal conditions for algal growth.

- **Implications of Algal Bloom:**

- Produce **extremely dangerous toxins** that can sicken or kill people and animals.
 - Fish contaminated with the algae and eaten by other organisms, including humans, can be harmful to them.
 - Algal blooms can also impact aquaculture, or the farming of marine life.
- There have also been complaints of respiratory distress in humans due to red tide.
- Algal Blooms deprive aquatic organisms of Sunlight and oxygen and negatively impact a variety of species that live below the water surface.
- Create **Dead Zones** in the water.

"Dead zone" is a more common term for hypoxia, which refers to a reduced level of oxygen in the water.
- Raise **treatment costs for drinking water**. Hurt industries that depend on clean water.

- **Mitigating Risks from HAB:**
 - **Multiple treatment of effluent:**
 - Simple treatment options are not effective; multiple treatment steps are typically needed to remove algae toxins.
 - Using tertiary sewage treatment methods to remove phosphate and nitrate before discharging the effluent into rivers and lakes.
 - **Nitrogen testing & modelling:**

N-Testing is a technique to find the optimum amount of fertilizer required for crop plants. It will reduce the amount of nitrogen lost to the surrounding area.
 - **Encouraging organic farming:**

Reducing the overuse of fertilizers in agriculture and encouraging organic farming can reduce the bulk flow of runoff and can be effective for reducing severe algal blooms.
 - **Reduction in nitrogen emission** from vehicles and power plants.
 - **Reducing the use of phosphates** as builders in detergents.
- **Measures to cope with Algal Bloom in India:**
 - **Algal Bloom Information Service:** ABIS provides timely information on harmful algal blooms, which are detrimental to coastal fisheries, water quality and also tend to induce respiratory problems within the coastal population from time to time.
 - **ISRO's Oceansat-2 satellite** launched in 2009 can cover larger areas and provide global ocean colour.

Source: DTE

NASA's Boeing Starliner Spacecraft

Why in News

Recently, the launch of **Boeing's uncrewed Starliner Orbital Flight Test-2 (OFT-2)** has been postponed once again.

- The spacecraft, which is called the **Crew Space Transportation-100 (CST-100)**, is part of an uncrewed test flight to the **International Space Station (ISS)**.
- The mission is part of **NASA's Commercial Crew Program**.

Key Points

- **About CST-100:**
 - The spacecraft has been designed to accommodate **seven passengers or a mix of crew and cargo for missions to low-Earth orbit**.
 - For **NASA service missions to the ISS**, it will carry up to four NASA-sponsored crew members and time-critical scientific research.
 - The Starliner is supposed to **carry more than 400 pounds of NASA cargo and crew supplies**.
 - The Starliner has an innovative, weldless structure and is reusable up to 10 times with a six-month turnaround time.
- **Purpose:**
 - When this test flight takes off, it **will check** the capabilities of the spacecraft from launch, docking, atmospheric re-entry and a landing at a desert in the US.
 - The spaceflight will also **help NASA to ascertain and certify the transportation system** to carry astronauts to and from the space station in the future.
- **NASA's Commercial Crew Program:**
 - Its main objective is to **make access to space easier in terms of its cost**, so that cargo and crew can be easily transported to and from the ISS, **enabling greater scientific research**.
 - Through this program, NASA plans to **lower its costs** by sharing them with commercial partners such as **Boeing and SpaceX**.
 - It is also planning to give the companies incentive to design and build the **Commercial Orbital Transportation Services (COTS)**.
 - COTS was a **NASA program**, announced in 2006 to **coordinate the delivery of crew and cargo** to the **International Space Station (ISS)** by private companies.
 - By encouraging private companies such as Boeing and SpaceX to provide crew transportation services to and from low-Earth orbit, **NASA can focus on building spacecraft and rockets meant for deep space exploration missions**.
 - **Crew-2 mission** is the second crew rotation of the **SpaceX Crew Dragon** and the first with international partners.
 - Crew-2 astronauts joined the members of Expedition 65 (65th long duration expedition to the ISS).
 - In **May 2020**, **NASA's SpaceX Demo-2** test flight lifted off for the ISS carrying two astronauts.
 - The **aim of this test flight** was to see if **SpaceX capsules could be used on a regular basis** to ferry astronauts to and from the ISS.

International Space Station (ISS)

- It is a **habitable artificial satellite** - the single largest man-made structure in low earth orbit. Its first component was launched into orbit in 1998.
- It circles the **Earth in roughly 92 minutes** and completes 15.5 orbits per day.

- The ISS programme is a **joint project between five participating space agencies**: NASA (United States), Roscosmos (Russia), JAXA (Japan), ESA (Europe), and CSA (Canada) but its ownership and use has been established by intergovernmental treaties and agreements.
- It serves as a microgravity and space environment research laboratory in which crew members conduct experiments in biology, human biology, physics, astronomy, meteorology, and other fields.
- Continuous presence at ISS has resulted in the longest continuous human presence in low earth orbit.
- It is **expected to operate until 2030**.
- Recently, the **Russian Space Agency Roscosmos** launched its **biggest space laboratory named Nauka** to the International Space Station (ISS).

Source: IE
