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TATHASTU

Institute of Civil Services



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Places in News

Afghan-Iran Border Clashes

News: Recently, deadly clashes broke out between Afghan and Iranian guards at their border raising fears of a new conflict.

Background:

- Following the border violence, Iranian authorities closed the **Milak-Zaranj** border post, an important commercial crossing.
- Despite a treaty in place since 1973 on the sharing of **Helmand River waters**, the two sides have wrangled for decades. The river flows from Afghanistan towards eastern Iran.

About Helmand River:

- The Helmand River, which is more than **1,000km (621-mile) long** and **flows across the border**, is being dammed on the Afghan side to generate electricity and irrigate agricultural land.
- The river originates near Kabul in the western **Hindu Kush mountain range** and flows in a southwesterly direction through desert areas before emptying into **Lake Hamun**, which straddles the Afghanistan-Iran border.



Nova Kakhovka Dam Incident

News: A huge dam in the Russian-controlled area of southern Ukraine has been destroyed, unleashing a flood of water.

About:

- The **Kakhovka Hydroelectric Power Plant** is in the city of Nova Kakhovka in Ukraine's **Kherson region**, which is **currently under Russian occupation**.
- It was built in the Soviet era and is one of six dams that sit along the **Dnipro River**, which stretches all the way from the very north of the country into the sea in the south.
- It's huge - locals call it the Kakhovka Sea as you cannot see the other bank in certain places.

Was the dam attacked?

- It's not yet clear what caused the breach in the dam, but Ukraine's military has accused Russia of deliberately blowing it up. However, Russia's spokesperson has denied any such allegations.



Solar Panels – An eco-disaster?

News: According to the British government, there are tens of millions of solar panels in the UK. But the specialist infrastructure to scrap and recycle them is lacking.

Background:

- Solar panels, hailed as a crucial tool in reducing carbon emissions, face the challenge of disposal and replacement as they only last up to 25 years.

What does a Solar panel consist of?

- A PV module is essentially made up of glass, metal, silicon and polymer fractions. Glass and aluminium, together constituting around 80% of total weight, are non-hazardous. But a few other materials used including **polymers, metals, metallic compounds and alloys** are classified as **potentially hazardous**.

What are the concerns with Solar waste management?

- Lack of comprehensive measures and guidelines addressing the management of solar waste.
- India could generate over 34,600 tonnes of solar waste by 2030.
- Cost of recycling solar panel is high whereas the dumping cost is minimal so the latter is the preferred option. For example, the solar panels are painstakingly taken apart to recover the precious materials inside - such as copper, silicon and silver.
- Solar panels contain toxic metals and minerals that can harm the environment when not properly managed. Discarded solar panels contain valuable materials like silver, copper, and semiconductor-grade quartz.



What steps are taken by the Indian government to address these issues?

- The Ministry of Environment, Forest and Climate Change added **Solar Waste Treatment under E-Waste (Management) Rules, 2022** in November 2022.
- **Green Credit Programme** - It aims to promote green growth and sustainable practices.

What more can be done to promote solar waste management?

- We can mandate module manufacturers to use environmentally sustainable designs and materials with end-of-life in mind.
- Specify the liability and responsibility of each stakeholder for waste management and treatment.
- Lay down rules and standards for PV waste collection, treatment and disposal.
- Invest in recycling infrastructure to reduce the cost of recycling PV waste.
- United Kingdom has a policy that ensures that industry players are responsible for take-back and recycling schemes.

Law Commission's Views on Sedition Law

News: Recently, The Law Commission of India has recommended the retention of the 153-year-old colonial law on sedition in India.

Background:

- This article is in continuation of our coverage of Sedition law this month.
- Earlier in 2022, the SC effectively put on hold the colonial-era penal provision and asked the Centre/states to desist from arresting/prosecuting people under the contentious provision.
- The Union government recently informed the top court that the legislative process of reviewing/reforming the sedition law was in the “final stages”.

What are the views of the Law Commission?

- The sedition law is a **reasonable restriction** under Article 19(2) of the Constitution.
- The report cited threats to India’s internal security, including Maoist extremism, militancy and ethnic conflict in the N-E, and terrorism in J&K.
- Mere fact that a particular legal provision is colonial in its origin does not validate the case for its repeal.
- Jurisdictions like the US, UK, etc., have actually merged their sedition law with counter-terror legislation.

What has the Law Commission recommended?

- To bring about more clarity in the interpretation, understanding, and usage of the provision and to align it with the SC’s 1962 verdict.
- To replace mere inclination to incite violence or cause public disorder with proof of actual violence or imminent threat to violence.
- The commission has proposed to enhance the jail term to up to seven years or life imprisonment. (Earlier it was 3 years or life imprisonment)
- Procedural safeguards to minimise the abuse. For example, Section 154 of the CrPC could be amended to hold that an FIR under Section 124A would be registered only after a police officer conducts a preliminary inquiry.

Adverse Possession

News: The Law Commission of India, recently recommended against any changes to the laws on adverse possession.

What is adverse possession?

- Adverse possession refers to the **occupation of land that one does not own**. The occupation should be continuous, uninterrupted, and peaceful to be declared as adverse possession. The report suggests that an original title holder who neglects to enforce their rights over the land cannot re-enter it after a long time has passed.

What is adverse possession law?

- Adverse possession laws have their roots in the Hammurabi Code of 2000 BC. But modern laws inherited from colonial India’s interpretation of the Property Limitation Act, of 1874.
- The 1963 Limitation Act further refined these laws in India, shifting the burden of proof to the person claiming adverse possession.
- Under the Limitation Act, of 1963, any person in possession of private land for over 12 years or government land for over 30 years can become the owner of that property. It means the original title holder must claim the land within the mentioned time period.

What did SC say?

- SC in **Hemaji Waghaji Jat v. Bhikhabhai Khengarbhai Harijan** case, observed that the law of adverse possession “ousts an owner on the basis of inaction within limitation” and is “irrational, illogical, and wholly disproportionate”.
- Following this observation, the Law Commission was asked by the Ministry of Law and Justice to examine the matter. While the Commission’s conclusion was to maintain the status quo on the law of adverse possession, two of its ex officio members disagreed.
- Two ex officio members argued that the law promotes false claims and doesn’t stand judicial scrutiny. They recommended law should be removed.

Higgs Boson Decay

News: Physicists at CERN, working with the Large Hadron Collider (LHC), have reported detecting a rare decay process where a Higgs boson decayed into a Z boson and a photon.

What is Higgs Boson?

- The Higgs boson is a subatomic particle that is integral to our understanding of mass. The strength of a particle's interaction with the Higgs boson determines its mass.
- The LHC creates a Higgs boson by accelerating protons into a high-energy collision, resulting in a release of energy that forms different particles.

Recent Findings:

- As the Higgs boson is a heavy particle, it is unstable and decays into lighter particles
- As per the Standard Model of physics, it is predicted that a Higgs boson will decay into a Z boson and a photon 0.1% of the time. This means the LHC needed to have created at least 1,000 Higgs bosons to have been able to spot one of them decaying to a Z boson and a photon.
- This rare decay process was detected by physicists at the LHC.
- Two detectors at the LHC, ATLAS and CMS, have combined their data from 2015 to 2018, improving the statistical precision of their searches. However, the data does not yet confirm this decay pathway with 100% certainty.

Significance:

- The properties of the Higgs boson and how particles interact with it can provide insights into the universe.
- Its decay process can help test the predictions of the Standard Model of physics. It is because even after the success of this model, it can't answer the questions like what dark matter is or, in fact, why the Higgs boson is so heavy. By testing its predictions with precision, physicists are looking for possible inconsistencies or "cracks" in the Standard Model, which may validate new theories in physics.

Facts for Prelims

Duty-Free Quota-Free Scheme

News: According to a report by the LDC Group at the World Trade Organization (WTO), approximately 85% of the 11,000 products offered at zero tariffs by India to least developed countries (LDCs) under the duty-free quota-free (DFQF) scheme remain unutilized.

About:

- The Scheme requires all developed and developing country members to provide preferential market access for all products originating from all LDCs.
- The decision to provide duty-free quota-free (DFQF) access for LDCs was first taken at the WTO Hong Kong Ministerial Meeting in 2005.
- India became the first developing country to extend this facility to LDCs in 2008, providing market access to 85% of India's total tariff lines to better integrate LDCs into the global trading system and improve their trading opportunities.
- The scheme was expanded in 2014, providing preferential market access on over 98% of India's tariff lines to LDCs. India offers 11,506 preferential tariff lines to LDCs, of which 10,991 are duty-free.

Why Low utilization?

- Lack of awareness among exporters about the scheme and its benefits.
- Incomplete or inaccurate data regarding utilization rates.
- Significant amounts of LDC exports entering India under non-preferential (most favoured nation) tariff route, despite being covered by DFQF.

Indian Opinion

News: An exhibition was launched at the Phoenix Settlement to commemorate the 120th anniversary of Mahatma Gandhi's 'Indian Opinion' newspaper.

Background:

- Phoenix Settlement was established by Mahatma Gandhi in South Africa (in 1904). It served as a communal living experiment and a centre for his Satyagraha movement.

About:

- The 'Indian Opinion' newspaper was started by Mahatma Gandhi (in 1903) during his time in South Africa as a young lawyer.
- It served as a mass communication mechanism for the **Natal Indian Congress**, fighting against oppressive laws of the government at the time.
- The 'Indian Opinion' continued to be published by Gandhi's son and wife after his return to India until its final edition in 1962.
- Other publications of Gandhiji - Harijan, Young India, Satyagraha, Hind Swaraj (a Book which explores Gandhi's vision for India's independence and self-governance), Navjivan (Gujarati weekly).

Securities Appellate Tribunal

News: Recently, the Securities Appellate Tribunal (SAT) quashed the order passed by the Securities and Exchange Board of India (SEBI) cancelling Brickwork Ratings' licence as a credit rating agency.

About:

- It is a **statutory body** established under the provisions of the Securities and Exchange Board of India Act, 1992.
- It hears and disposes of appeals against orders passed by the Securities and Exchange Board of India, the Pension Fund Regulatory and Development Authority (PFRDA) and the Insurance Regulatory Development Authority of India (IRDAI).
- It has the **same powers as vested in a civil court** under the code of civil procedure while trying a suit.

Composition:

- It consists of a **Presiding Officer & Two other members**.
- The Presiding officer shall be appointed by the Central Government in consultation with the Chief Justice of India or his nominee.