

DAILY CURRENT AFFAIRS

18 OCTOBER, 2023

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S.NO.TOPIC1.THE INDIAN HIMALAYAN REGION NEEDS ITS OWN EIA2.CANNOT LEGALISE SAME-SEX MARRIAGE- SUPREME COURT3.SUSTAINABLE DEVELOPMENT GOALS (SDGS)

THE INDIAN HIMALAYAN REGION NEEDS ITS OWN EIA

SOURCE: TH

WHY IN NEWS?

The recent Teesta dam breach in Sikkim suggests that EIA's current approach does not consider the specific ecological needs of the Indian Himalayan Region (IHR) and is not cognizant of its fragility and vulnerability. It is suggested that a different set of environmental standards for projects in the IHR be established to address its unique requirements and vulnerabilities.

UNDERSTANDING ENVIRONMENT IMPACT ASSESSMENT (EIA):

- EIA Significance: EIA is a systematic process that analyses potential environmental impacts of upcoming projects or activities before implementation, assessing how these projects may affect the natural surroundings.
- EIA Emergence: Developed in response to growing concerns about large-scale development projects' environmental impacts during the 1960s and 1970s.
- Indian EIA Legislation: The Union Ministry of Environment and Forests in India issued the first EIA notification under the Environment (Protection) Act 1986 in 1994, mandating Environmental Clearance (EC) for certain projects. Subsequently, the EIA 2006 notification replaced it.
- Legal and Policy Framework: Both national and international legislation govern EIA processes, with specific categories of projects requiring environmental approval.
- Stakeholders in EIA Process: Multiple stakeholders participate in the EIA process, including project proponents, government agencies, experts, local communities, and NGOs.

EIA PROCESS STEPS

1. Screening and Scoping:

- a. Screening determines if a project requires an EIA based on its size, nature, and potential impacts.
- b. Scoping identifies key issues and impacts to be addressed in the EIA study.
- 2. Baseline Data Collection and Impact Prediction:
 - a. Baseline data collection examines existing environmental conditions, including air and water quality, biodiversity, and socio-economic aspects.
 - b. Impact prediction assesses how the project may affect the environment based on baseline data.

3. Mitigation Measures and Alternatives Assessment:

- a. Mitigation measures aim to minimize or eliminate adverse impacts.
- b. Alternatives assessment evaluates project options or locations with fewer environmental impacts.

4. Public Consultation and Participation:

a. Public consultation allows affected communities and stakeholders to provide input and raise concerns, ensuring transparency.

5. Review and Decision-Making:

a. Relevant authorities review the EIA report, consider mitigation measures, public input, and decide whether to approve, reject, or approve the project with conditions.

EIA IMPACT EVALUATION

- > Physical Impacts: Land use changes, habitat loss.
- > **Biological Impacts:** Effects on flora and fauna.
- Social Impacts: Community displacement, livelihood changes.
- > Air Quality Impacts: Emissions of pollutants.
- Water Resource Impacts: Changes in water availability and quality.

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- Soil Quality Impacts: Agricultural productivity and erosion.
- Biodiversity Impacts: Ecosystems, endangered species, habitat fragmentation.
- Socio-Economic Impacts: Local communities, employment, infrastructure, and health.

RECENT DEVELOPMENTS AND FUTURE PROSPECTS

- Recent amendments to the EIA Notification in India, such as the <u>Draft EIA 2020, aimed at streamlining the</u> process but raised debates.
- The Ministry of Environment, Forests, and Climate Change introduced amendments to the EIA Rules. Notably, highway projects near strategic and defence locations (which are 100 km from the Line of Control), thermal power plants with eco-friendly fuel mixes, specific ports related to fish handling, toll plazas, and airport terminal expansions are exempted from environmental clearance under certain conditions. These amendments aim to streamline the clearance process for these projects.

CHALLENGES WITH CURRENT APPROACH:

- "One Size Fits All" Approach: The IHR, as a region of immense ecological importance and a critical source of ecosystem services, is treated uniformly, like any other part of the country.
- Unsuitability of Graded Approach: The current graded approach in India's regulatory system, differentiating risk management based on project locations within forests, national parks, or tiger habitats, doesn't consider the distinctive ecological characteristics of the IHR.
- Unplanned Urbanization: The unregulated urban development obstructs natural water flow, leading to frequent landslides and destabilizing the Himalayan slopes.
- Construction of Dams: Numerous dams constructed without proper environmental impact assessments could submerge arable lands and biodiversity-rich areas, displacing villagers and threatening fish ecology.
- Stressed Ecology: Population growth, industrialization, and commercial activities are stressing the fragile ecology, causing deforestation, soil erosion, and limited land use.
- Vulnerability to Extreme Conditions: The Himalayas are intrinsically susceptible to severe weather conditions like heavy rains, flash floods, landslides, and seismic activity, further exacerbated by climate change.

NEED FOR A SEPARATE EIA:

- Recent Natural Disasters: Events like the Teesta dam breach in Sikkim and recent floods and landslides in Himachal Pradesh highlight the destructive impact of our development model on mountainous environments.
- Assessment of Development: It is vital to evaluate the environmental consequences of significant development projects.
- Neglect of Himalayan Region's Needs: Despite the recognition of the unique requirements and fragility of the Indian Himalayan Region (IHR) at all government levels, these aspects have not been addressed separately.

WAY FORWARD & RECOMMENDATIONS FOR ADDRESSING MOUNTAINOUS REGION NEEDS:

- Comprehensive EIA Integration: The specific requirements of mountainous regions should be considered throughout all four stages of the EIA process: screening, scoping, public consultation, and appraisal.
- **Tailored Criteria for Environmental Clearance:** Criteria for projects and activities requiring Environmental Clearance in mountainous regions must align with the ecological demands of these areas.
- Region-Specific Clauses: In addition to general conditions stipulated for all projects, the notification could include clauses pertaining to the Indian Himalayan Region (IHR) or mountainous regions above a designated altitude or with specified characteristics that intensify the project proponent's responsibilities.
- Leveraging EIA as a Regulatory Tool: When employed effectively, the EIA can serve as a powerful regulatory instrument within the realm of environmental governance in the IHR, promoting the vision of sustainable development in India.
- Disallowing development in remote mountain communities would be an injustice, but the paramount concern remains the pursuit of environmentally sustainable development.

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CANNOT LEGALISE SAME-SEX MARRIAGE- SUPREME COURT

SOURCE: THE HINDU

WHY IN NEWS?

The Supreme Court has rejected petitions to legalize same-sex marriage, highlighting the Special Marriage Act, **1954**, as a focal point of examination.

OBSERVATIONS OF THE SUPREME COURT (SC):

TATHAST

- A Constitution Bench ruled 3:2 against granting constitutional validity to same-sex marriages.
- > It emphasized that it's Parliament's responsibility to formulate laws regarding same-sex marriages.
- While acknowledging that marriage is not static, the SC held that queer individuals have the right to enter into a "union."
- However, all five judges on the Bench agreed that there is no fundamental right to marry under the Constitution.



- Chief Justice and Justice Kaul supported extending a "civil union" to same-sex couples.
- > The Bench did not reach a consensus on legally recognizing "civil unions" between same-sex couples, despite unanimous agreement that discrimination against such couples should end.

DIFFERING OPINIONS ON LEGAL RECOGNITION:

- Chief Justice D.Y. Chandrachud, along with Justice Sanjay Kishan Kaul, declared that queer people have a fundamental right to form relationships, and the State should grant legal status to such unions.
- Justices S.R. Bhat and Hima Kohli, supported by Justice P.S. Narasimha, formed the majority judgment, stating that legal recognition of such unions must come through enacted law.
- The Supreme Court has decided that the legislature should enact a law to allow same-sex marriages or civil unions.

LEGALITY OF SAME-SEX MARRIAGES IN INDIA:

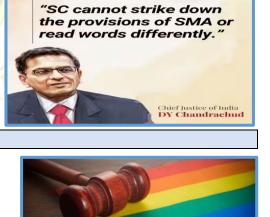
- The right to marry is not explicitly recognized as a fundamental or constitutional right but as a statutory right.
- Previously, Judicial decisions have contributed to the recognition of marriage as a fundamental right.
- > Earlier judgments emphasized the right to marry as integral to Article 21 of the Constitution and the equal protection of law.
- Jurisdiction of Parliament:
 - ✓ The Chief Justice of India (CJI) concluded that the court does not have the authority to modify or extend the scope of the Special Marriage Act (SMA) 1954 to encompass same-sex unions.
 - ✓ The Supreme Court emphasized that the **responsibility to create laws regarding same-sex** marriages lies with Parliament and the state legislatures.
 - ✓ There could be potential unintended consequences in law and the complexity of dealing with the various permutations and combinations of genders falling under the LGBTQIA+ community (which has 72 categories).
- \triangleright Analysing the Law

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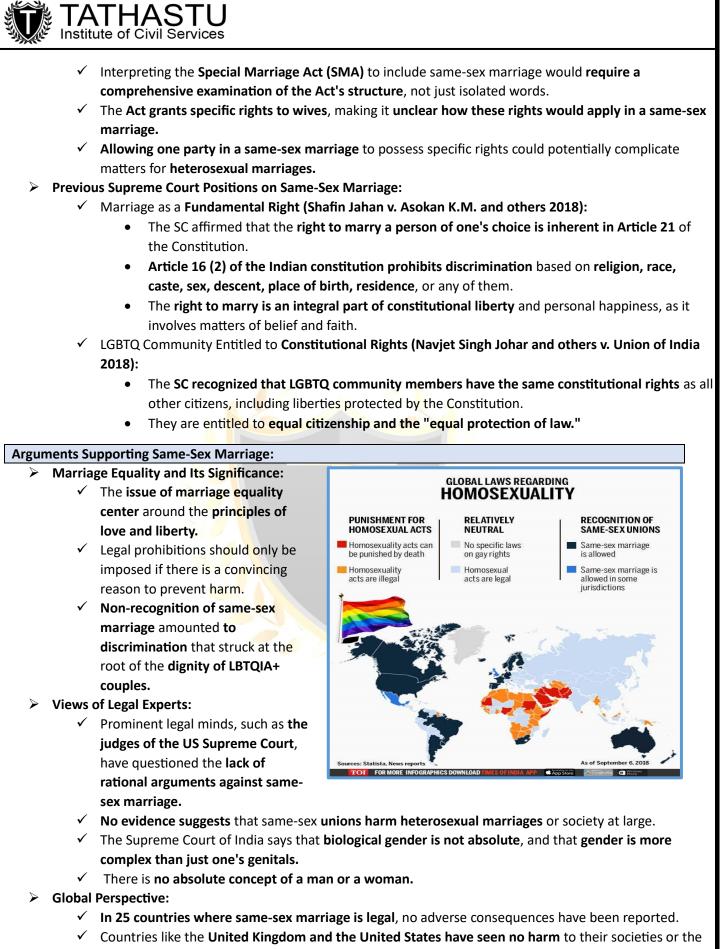
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SC verdict on same sex marriage



legitimacy of traditional marriage due to legalizing same-sex marriage.

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✓ The assertion that legalizing same-sex marriage leads to societal harm is unfounded and contradicted by the experiences of nations that have embraced marriage equality.

Arguments in opposed of Same-Sex Marriage:

- Opposing Same-Sex Marriage on Religious and Moral Grounds:
 - ✓ Opponents view the debate on same-sex marriage as a theological rather than democratic discussion.
 - Many individuals, particularly in India, are against it, deeming it barbaric, uncouth, and immoral.
 - ✓ Some opponents cite their religious beliefs and faith in natural justice as the basis for their stance.
- > Reproduction and Religious Perspective:
 - ✓ Some argue against same-sex marriage because it doesn't lead to reproduction.
 - ✓ They reference religious beliefs, such as the story of Adam and Eve, as evidence against same-sex unions.
 - There's a sentiment that marriage and societal structure are traditionally based on the partnership of men and women.

Concerns About Marriage Norms and Tradition:

- Opponents raise concerns about preserving traditional marriage norms.
- They question why, if same-sex marriage is allowed, other unconventional forms of marriage wouldn't be permitted.
- There's a belief that upholding traditional marriage is essential for maintaining societal structure and adhering to long-standing commandments and rules.

It's a 21st century feeling

33 countries recognise same-sex marriage and civil unions

The **Netherlands** was the first, in **2001**

Momentum is growing — 2022 has seen Chile, Slovenia, Switzerland and Mexico join the club

In November, the US Senate passed a samesex marriage protection bill with bipartisan support

— **70% of Americans** now support same-sex marriage

Also in November, Singapore's parliament decriminalised sex between men. Its Section 377A grew especially untenable after Indian SC read down Section 377 Japan is the only G7 country that does not allow same-sex marriage. But recently a Tokyo district court underlined the infringement of the human rights of same-sex families

Taiwan is the only Asian country to have legalised samesex marriage. Its parliament approved the landmark decision in 2019. Its constitutional court struck down the Civil Code's definition of marriage as being only between a man and a woman in 2017

SAME-SEX MARRIAGE UNDER PERSONAL LAWS IN INDIA

Aspect	Description
Cultural and Social Significance	 Weddings have cultural and social significance, often viewed as sacraments. Lesbian couples have conducted ceremonies within their cultural and religious contexts.
Examples of Acceptance	 ✓ In 1988, a Hindu marriage occurred between two policewomen, even though it was not legally registered. ✓ Many homosexual partnerships exist, including those among non-English-speaking communities not directly linked to the LGBTQ+ movement.
Religious Backgrounds	 ✓ Hindu, Christian, Muslim, and other Indian religious laws govern marriages. ✓ Hindu laws typically require marriage between two individuals of the same religion.
Age Requirements	 Hindu marriage laws set age requirements of 21 for women. Christian marriage laws specify a individual age as 20 and a man's age as 18. Muslim marriages prioritize procreation, with no formal age requirements.
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Gender Roles

- Indian personal marriage laws often reflect patriarchal structures and traditional gender roles.
- ✓ Same-sex couples may attempt to fit within these traditional frameworks, which can be challenging.

SAME-SEX MARRIAGE UNDER THE SPECIAL MARRIAGES ACT

The Special Marriages Act	Details
Special Marriage Act (SMA)	The SMA of 1954 is a secular law in India designed to facilitate marriages between people of different religions or those who prefer a non-religious ceremony.
<i>Current Heteronormative Provisions</i>	The SMA, as currently written, implies marriage between a man and a woman, specifying that men should be 21 years old, and women should be 18 years old.
Proposal for Inclusion	Changing the SMA to accommodate same-sex marriages is possible . A simple modification to Section 4(c) is suggested to allow individuals to marry at age 21 if male and 18 if female.
Inclusive Partnership	The suggested change would make the SMA inclusive and lawful for same-sex couples , thereby granting them equal marriage rights under this act.
Political Challenges	While amending the SMA is a practical legal solution, political challenges might arise. The ruling BJP party supports it, while the Congress and CPI(M) have expressed support for decriminalizing homosexuality.

WAY FORWARD

- > The Democratic and Religious Debate
 - ✓ The issue of same-sex marriage in India revolves around a democratic vs. religious debate.
- Homosexuality Is Not a Crime
 - The conclusion is that homosexuality is not a crime, but rather a way to express love, physical fulfillment, and happiness.
- The Need for Equality
 - ✓ Same-sex couples deserve the same rights and security as heterosexual couples, including the institution of marriage.
- Love Knows No Gender
 - ✓ The essence of love and commitment transcends gender, and allowing same-sex couples to marry does not harm the institution of marriage.
- Historical Perspective
 - Homosexuality is not a new or foreign concept in Indian culture; it has existed in various forms throughout history.
- A Comprehensive Approach
 - ✓ Addressing same-sex marriages in India is a complex matter that requires a comprehensive strategy.
- Human Rights and Progress
 - ✓ Many argue that not legalizing same-sex marriages fails to support the rights of homosexuals and society as a whole, necessitating progress toward legalization.

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<u>Prelims Specific</u>

SPECIAL MARRIAGE ACT (SMA) 1954

- Marriage Registration Options:
 - ✓ Marriages in India can be registered under specific personal laws, such as the Hindu Marriage Act, 1955, Muslim Personal Law Application Act, 1937, or the Special Marriage Act, 1954.
- Protection of Rights:
 - ✓ The **judiciary is responsible for safeguarding** the rights of both spouses in a marriage.
- Secular Marriage Act:
 - The Special Marriage Act, 1954, provides provisions for civil marriages in India, available to all Indian nationals, regardless of their religious beliefs.
- > Not Governed by Personal Laws:
 - Marriages conducted under this law are not governed by personal laws but rather by the Special Marriage Act.
- > Procedure for All Religions:
 - ✓ Lays out the procedure for both solemnization and registration of marriages for couples where one or both spouses are not Hindus, Buddhists, Jains, or Sikhs.

<u>SECTION 377</u>

- **Background**:
 - ✓ A provision of the Indian Penal Code 1860, dating back to British colonial rule.
 - ✓ Prohibits "carnal intercourse against the order of nature" with a man, woman, or animal.
- Prohibition of Same-Sex Activity:
 - ✓ Historically, this law criminalized private, consensual sexual acts between adults of the same sex.
- Recent Changes:

Following a recent Supreme Court judgment, Section 377 still applies in specific cases:

- ✓ **Non-consensual carnal intercourse** with adults.
- ✓ All forms of carnal intercourse involving minors.
- ✓ Cases of bestiality.
- > Impact:

✓ While private consensual same-sex acts between adults are no longer criminalized, Section 377 remains applicable in cases involving non-consensual acts, minors, and bestiality.

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SUSTAINABLE DEVELOPMENT GOALS (SDGS)

SOURCE: THE HINDU

WHY IN NEWS?

- At the recent SDG Summit in New York on September 18 and 19, world leaders expressed their concern about the slow progress in achieving the Sustainable Development Goals (SDGs).
- They acknowledged that the world is currently on track to achieve only 15% of the 169 targets that constitute the 17 SDGs.

WHAT IS SUSTAINABLE DEVELOPMENT?

IATHASTU nstitute of Civil Services

- Sustainable development is defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."
- This widely accepted definition was provided by the Brundtland Commission in its report "Our Common Future" in 1987.
- Sustainable development aims to build an inclusive, sustainable, and resilient future for both people and the planet.

Core Elements of Sustainable Development

- Economic Growth:
 - ✓ Balancing economic growth, social inclusion, and environmental protection is essential.
 - ✓ Sustainable economic growth requires achieving livelihoods and employing suitable technology.

Environmental Sustainability:

✓ Focuses on preserving and responsibly using natural resources, including environmental conservation, renewable energy investment, water conservation, sustainable mobility, and innovations in sustainable construction.

Social Sustainability:

- Aims for global gender equality, human and community development, and the preservation of diverse cultures.
- ✓ It strives for a reasonably distributed quality of life, healthcare, and education.
- Economic Sustainability:
 - ✓ Seeks equal economic growth that benefits all without harming the environment.
 - ✓ It involves fair economic resource distribution and efforts to eradicate poverty in all its forms.

UN AGENDA 2030 – SUSTAINABLE DEVELOPMENT GOALS (SDGS)

- SDGs, established by the United Nations General Assembly in 2015 through the "2030 Agenda" resolution, consist of 17 global goals and 169 targets.
- Their overarching objectives include the elimination of all poverty forms and the realization of universal human rights and gender equality.



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Goal	Description
<u>Goal 1:</u> No Poverty	 ✓ End poverty in all forms by ensuring equal rights to resources, essential services, and economic opportunities. ✓ Build resilience to disasters.
<u>Goal 2:</u> Zero Hunger	 End hunger, achieve food security, and promote sustainable agriculture. Increase agricultural productivity, maintain seed diversity, and prevent trade restrictions.
<u>Goal 3</u> : Good Health and Well- Being	 Ensure healthy lives and well-being for all. Reduce maternal and child mortality, combat diseases, promote mental health, and provide universal health coverage.
<u>Goal 4:</u> Quality Education	 ✓ Ensure inclusive, equitable, and quality education. ✓ Provide free access to education, expand scholarships, and increase the number of qualified teachers.
<u>Goal 5:</u> Gender Equality	 Achieve gender equality and empower women and girls. Eliminate discrimination and violence, end harmful practices, ensure equal rights to resources and economic opportunities, and promote women's participation in leadership.
<u>Goal 6:</u> Clean Water and Sanitation	 ✓ Ensure sustainable water management. ✓ Provide safe drinking water, end open defecation, improve water quality, and protect ecosystems.
<u>Goal 7</u> : Affordable and Clean Energy	✓ Ensure access to affordable, reliable, and sustainable energy by increasing the share of renewable energy.
<u>Goal 8:</u> Jobs and Growth	 ✓ Promote sustained, inclusive, and sustainable economic growth. ✓ Enhance resource efficiency, provide full employment with equal pay, prevent modern slavery and child labor, protect labor rights, and ensure access to financial services.
<u>Goal 9:</u> Industry, Innovation, and Infrastructure	 ✓ Build resilient infrastructure, promote inclusive industrialization, and foster innovation. ✓ Enhance access to financial services, support technology development, and ensure universal access to ICT.
<u>Goal 10:</u> Reduced Inequality	 ✓ Reduce income inequality within and among countries. ✓ Promote inclusion, equal opportunities, and effective regulation of financial markets.
<u>Goal 11:</u> Sustainable Cities and Communities	 ✓ Make cities inclusive, safe, resilient, and sustainable. ✓ Provide affordable housing, protect cultural and natural heritage, reduce disaster risks, and promote green and public spaces.
<u>Goal 12:</u>	 ✓ Ensure sustainable consumption and production patterns. ✓ Manage natural resources efficiently, reduce food waste, and manage chemicals and wastes responsibly.
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Responsible Consumption and Production	
<u>Goal 13:</u> Climate Action	 ✓ Combat climate change and its impacts by regulating emissions and promoting renewable energy. ✓ Strengthen resilience, integrate climate measures, and enhance knowledge and capacity. ✓ Implement the UN Framework Convention on Climate Change.
<u>Goal 14:</u> Life Below Water	 Conserve and sustainably use oceans, seas, and marine resources. Reduce marine pollution, support sustainable fishing, and end overfishing subsidies.
<u>Goal 15:</u> Life on Land	 ✓ Protect, restore, and promote sustainable use of terrestrial ecosystems. ✓ Conserve ecosystems, combat desertification, protect biodiversity, and eliminate poaching and invasive species. ✓ Increase resources for sustainable forest management.
<u>Goal 16:</u> Peace, Justice, and Strong Institutions	 ✓ Promote peaceful societies, provide access to justice, combat crime and corruption, and build effective institutions. ✓ Protect children, ensure rule of law, and develop transparent and responsive institutions.
<u>Goal 17</u> : Partnership for the Goals	 ✓ Strengthen means of implementation and global partnerships for sustainable development. ✓ Assist in debt sustainability, invest in least-developed countries, promote knowledge sharing and sustainable technologies, and remove trade barriers for the least-developed countries

INDIA'S ACHIEVEMENTS OVER SDGS

- Since 2018, NITI Aayog has been releasing the SDG India Index every year." Last edition was in 2021.
- This index has been consistently tracking and ranking the progress made by different States and Union Territories in India concerning the achievement of the Sustainable Development Goals (SDGs).
- Over the years, this index has become a crucial tool for monitoring SDG progress within the country.
- It has also encouraged a healthy sense of competition among the various States and Union Territories as they strive to make progress on the SDGs.

Goal-wise ranking of	Promotes competition among the States/ UTs in line with NITL Asuco's approach of competitive federalism	Enable States/ UTs to learn from peers
First comprehensive	measure of SDG performance and localisation wi	th national and State/UT ranking
Monitoring	progress of localization: SD	G India Index

Goal-wise ranking of States/ UTs and overall ranking based on performance on all goals	Promotes competition among the States/ UTs in line with NITI Aayog's approach of competitive federalism Supports States/ UTs in identifying priority areas		Enable States/ UTs to learn from peers Highlights gaps in statistical systems
13 goals		16 goals + qualitative analysis on goal 17	16 goals + qualitative analysis on Goal 17
39 targets		54 targets	70 targets
62 indicators		100 indicators	115 indicators
Goal-wise ranking on States/ UTs		Goal-wise ranking on States/ UTs + State/ UT profiles	Goal-wise ranking on States/ UTs + State/ UT profiles
Preceded National Indicator Framework (NIF)		Aligned with NIF: 68 indicators completely aligned, 20 refined, 12 new to cover goals 12, 13, and 14	Aligned with NIF: 76 indicators completely aligned, 31 refined, 8 in consultation with the line ministries

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<u>Prelims Specific</u>

<u>PYQs</u>

Q. The Partnership for Action on Green Economy (PAGE), a UN mechanism to assist countries in transition towards greener and more inclusive economies, emerged at (2018)

(a) The Earth Summit on Sustainable Development 2002, Johannesburg

(b) The United Nations Conference on Sustainable Development 2012, Rio de Janeiro

(c) The United Nations Framework Convention on Climate Change 2015, Paris

(d) The World Sustainable Development Summit 2016, New Delhi

Answer: b)

Q. With reference to 'Agenda 21', sometimes seen in the news, consider the following statements: (2016) It is a global action plan for sustainable development.

It originated in the World Summit on Sustainable Development held in Johannesburg in 2002.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Agenda 21 came out as a part of Earth Summit 1992. Answer: a) 1 only

Q. Consider the following statements: (2016)

The Sustainable Development Goals were first proposed in 1972 by a global think tank called the 'Club of Rome'. The Sustainable Development Goals have to be achieved by 2030.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: b) 2 only

UPSC Mains PYQ

Q Define the concept of carrying capacity of an ecosystem as relevant to an environment. Explain how understanding this concept is vital while planning for sustainable development of a region. (2019)

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