



## Current Affairs of the Day

### Can courts stay laws made by the legislature?

**The story so far:** The Supreme Court's recent order, staying the implementation of three farm laws, has been criticised in some quarters. Laws made by the legislature should not be ordinarily stayed, as there is a presumption of constitutionality in favour of the laws. Any action against the law should have been preceded by checking its constitutionality first.

#### When a stay is Justified

1. Interim orders could be passed if an enactment is ex facie unconstitutional or contrary to the law laid down by the Supreme Court.
2. Moreover, the Supreme Court observed that a stay on the farm laws' implementation may assuage the hurt feelings of farmers and encourage them to come to the negotiating table.

#### What are the court's powers in regard to staying enacted law?

1. Under the broad framework of judicial review under the Constitution, the Supreme Court and High Courts have the power to declare any law unconstitutional, either because it is ultra vires (or, contrary to any provision of the Constitution) or it violates any of the fundamental rights, or invalid because it is repugnant to a central law on the same subject or has been enacted without legislative jurisdiction.
2. However, interim orders staying or suspending laws enacted by the legislature are frowned upon by constitutional courts and legal scholars.
3. The general argument is that unless there are compelling reasons such as flagrant lack of constitutional validity, or absence of legislative competence (that is, the legislative body concerned lacks the jurisdiction to enact the law in question), a law ought not to have stayed.

#### What precedents are cited against judicial interference at an interim stage?

In one case, the court observed that "the operation of statutory provisions cannot be stultified by granting an interim order except when the Court is fully convinced that the particular enactment of the rules are ex facie unconstitutional and the factors, like, the balance of convenience, irreparable injury and public interest are in favour of passing an interim order.



## Consent form mandatory for Covaxin shot

India began its COVID-19 vaccination drive on Saturday with two approved vaccinations — Serum Institute of India's Covishield, developed by Oxford-AstraZeneca, and Bharat Biotech's Covaxin.

### Highlights:

1. Those receiving Covaxin have been asked to sign a consent form before being vaccinated as the vaccine "has been allowed by the government in clinical trial mode".
2. The form adds that compensation for serious adverse events will be paid by the company if it is proven to be causally related to the vaccine.
3. The clinical efficacy of Covaxin is yet to be established and it is still being studied in phase 3 clinical trials. Hence, it is important to appreciate that receiving the vaccine does not mean that other precautions related to COVID-19 need not be followed.
4. The Central Licensing Authority has granted permission for Covaxin for restricted use in emergency situations in public interest... in clinical trial mode," the form says.
5. The consent form, however, states that in phase 1 and phase 2 clinical trials, COVAXIN<sup>TM</sup> has demonstrated the ability to produce antibodies against COVID-19.
6. The recipients will be handed over a fact sheet and a form to report adverse effects, in which they have to note down symptoms like fever, pain within seven days.
7. Currently, beneficiaries don't have a choice of vaccine and several Central government hospitals in Delhi — AIIMS, Safdarjung, Ram Manohar Lohia hospital, Kalawati Saran Children Hospital — administered Covaxin to its staff under the first round of vaccination.

## Report finds 'brazen class bias' in govt. policies during pandemic

A report highlighting the experience of vulnerable groups in accessing citizenship, early childhood care and education, public employment and protected wages in 2019 and 2020, till the early days of the COVID-19 pandemic, was released on Saturday.



## Highlights:

1. The India Exclusion Report 2019-2020 of the Centre for Equity Studies, reveals that there was “brazen class bias” in the government’s policies, including imposing a harsh lockdown at short notice, that affected the lives of the poor, while the middle class supported the measure.
2. The report found that the condition of migrant workers was particularly vulnerable during the pandemic.
3. Public employment was necessary (during the pandemic) for securing social goods, including security, justice, health, sanitation and education. Public employment can be a major way of improving the quality of life for all citizens by providing essential public services.
4. The importance of public workers to ensure essential health services, to monitor labour rights and assist workers and to provide a range of other essential services is now apparent to all,” according to report.

## Gujarat rivers remain highly polluted

**Death of a river:** Effluents continue to be dumped in Sabarmati and Mahisagar

### Highlights:

1. The unchecked flow of untreated industrial effluent into rivers in Gujarat has led to increasing pollution in the Sabarmati, Mahisagar, Narmada, Vishwamitri and Bhadar.
2. According to data from the Ministry of Environment and Forest (MoEF), the Sabarmati is among the most polluted rivers in the country.
3. Gujarat ranks fourth among the top five States with highly polluted rivers, with as many as 20 rivers in the critically polluted category.
4. Both treated and untreated effluent is released into the estuary of the Mahisagar and Gulf of Cambay, flouting the guidelines of the Central Pollution Control Board (CPCB).

## Migratory birds flock to Punjab wetland

Winter migratory waterbirds using the central Asian flyway have started making a beeline to Punjab’s Harike wetland, offering a delight for bird lovers.



## Highlights:

1. Birds such as the Eurasian coot, greylag goose, bar-headed goose, gadwall and the northern shoveler are the prominent ones that could be sighted at Harike. Among others species, common pochard, spot-billed duck, little cormorant, pied avocet, great cormorant, ferruginous pochard and common teal have been spotted.

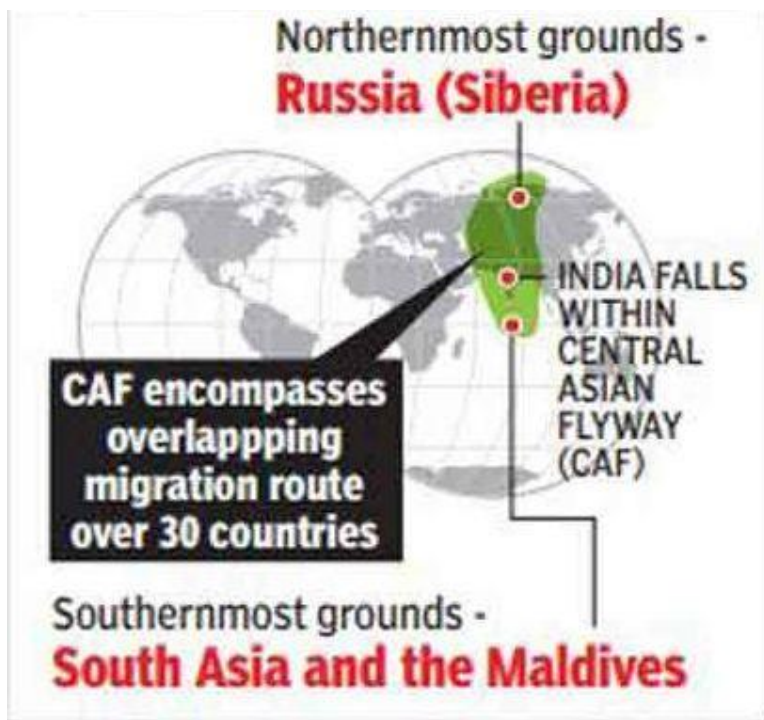
## Additional Information:

The government has launched a national action plan for the conservation of migratory birds along the Central Asian Flyway.

The Central Asian Flyway (CAF) covers a large continental area of Eurasia between the Arctic and Indian Oceans and the associated island chains. The Flyway comprises several important migration routes of waterbirds, most of which extend from the northernmost breeding grounds in the Russian Federation (Siberia) to the

southernmost non-breeding (wintering) grounds in West and South Asia, the Maldives and British Indian Ocean Territory. The birds on their annual migration across the borders of several countries. Geographically the flyway region covers 30 countries of North, Central and South Asia and Trans-Caucasus. CAF migration routes include the steppes and cold deserts of Central Eurasia, and much of the Himalayan chain, where unique, high-altitude migrations such as those of the Bar-headed Goose, *Anser indicus*, take place.

The CAF covers at least 279 populations of 182 migratory waterbird species, including 29 globally threatened and near-threatened species, which breed, migrate and winter within the region. Many waterbird populations are declining rapidly and the wetlands, grasslands and other habitats upon which they depend





are seriously threatened along with the CAF due to uncontrolled hunting, habitat degradation, unsustainable water management, and lack of law enforcement and conservation capacity.

## Ramsar Wetlands in Punjab

Earlier, Punjab had three wetlands designated as Ramsar sites — Harike (notified in 1990), Ropar (2002) and Kanjli (2002). Now, three more — Keshopur, Nangal and Beas River — have been added to the list. Of these six, the Beas is the first river in the country to be included in the list.

A Ramsar Site is a wetland designated to be of international importance under the Ramsar Convention — an intergovernmental treaty that provides the framework for conservation and wise use of wetlands and their resources.

## The sustained fight against trans fats

**The story so far:** On December 29, 2020, the Food Safety and Standards Authority of India (FSSAI) reduced the permissible limit of trans fatty acids (TFA) in oils and fats to 3% for 2021 and 2% by 2022, against the earlier cap of 5%. The decision was formalized by an amendment to the Food Safety and Standards (Prohibition and Restriction on Sales) Regulations. The new rules apply to edible refined oils, vanaspati (partially hydrogenated oils), margarine, bakery shortenings, and other cooking media like vegetable fat spreads and mixed fat spreads. In 2018, the World Health Organization (WHO) had called for the global elimination of industrially-produced TFAs by 2023.

### What are trans fats and why are they harmful?

1. All-natural fats and oils are a combination of monounsaturated, polyunsaturated and saturated fatty acids or trans fatty acids.
2. Our body needs the first two categories of 'healthy' fats as apart from being a major source of energy, they help absorb some vitamins and minerals and build cell membranes and the sheaths surrounding nerves.
3. These fats are free-flowing, unlike saturated fatty acids or trans fats, which are considered harmful as they clog arteries and result in hypertension, heart attacks, and other cardiovascular issues.

### Two types of trans fats

1. There are two broad types of trans fats found in foods: naturally-occurring and artificial trans fats.



2. Artificial trans fats, which are considered harmful, are created in an industrial process that adds hydrogen to liquid vegetable oils to make them more solid, increase their shelf life, and for use as an adulterant as they are cheap.

### **Morbidity, mortality and industrially produced TFAs**

1. Cardiovascular diseases are the leading cause of death globally, causing over 1.8 crore deaths every year. The WHO estimates that over 5 lakh people with cardiovascular issues die globally every year due to the consumption of industrially produced TFAs.
2. As per FSSAI, about 77,000 deaths take place annually in India due to TFAs.

### **Action Taken on Non- communicable Diseases**

1. In 2018, the WHO called for the elimination of industrially-produced TFAs by 2023, and brought out a step-by-step guide called 'REPLACE' to help countries frame policies.
2. This prompted accelerated action by member states and other stakeholders. However, threats posed by non-communicable diseases started gaining attention much earlier in the 1980s, following which Denmark became the first country to ban TFAs in 2003.

### **What next?**

A bigger challenge will be implementation, which is a State subject. The FSSAI will need to pursue local governments to improve surveillance, an inspection of food premises, sampling of food products, regular training of officers, up-gradation of food labs, etc., which are also among concerns raised by a Parliamentary panel on the regulator's ineffectiveness.

## **'Refine quality of expenditure to aid fiscal sustainability'**

**Crux:** Maintaining and improving the quality of expenditure would help address the objectives of fiscal sustainability while supporting growth.

### **Highlights:**

1. Global public debt is said to have reached 100% of GDP in 2020. As a result, most economies are expected to emerge from the pandemic with higher deficits and debt vulnerabilities.
2. Although the scale of fiscal spending was expected to breach the quantitative targets of fiscal prudence across most economies in the short-run, it was



crucial in the context of the pandemic from the perspective of the welfare aspect of public expenditure.

3. Expenditure on physical and social infrastructure including human capital, science and technology is not only welfare-enhancing, but it also paves the way for higher growth through their higher multiplier effect and enhancement of both capital and labour productivity.

### Quality of expenditure matters

1. Going forward, it becomes imperative that fiscal road maps are defined not only in terms of quantitative parameters like fiscal balance to GDP ratio or debt to GDP ratio, but also in terms of measurable parameters relating to the quality of expenditure, both for the Centre and States.
2. While conventional parameters of fiscal discipline will ensure medium- and long-term sustainability of public finances, measurable parameters of quality of expenditure would ensure that welfarism carries significant productive outcomes and multiplier effects.

## U.S. & Section 230

**The story so far:** In the U.S., Section 230 of the Communications Decency Act (CDA) regulates online publication and liability. Specifically, the 1996 law states: “No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.”

### Why was the law passed?

The law grants Internet platforms immunity for almost all content posted by users — it is because of Section 230 of the CDA that Twitter is not normally liable for the content of tweets posted by its users.

### Internet regulation: Conservatives and Liberals Demand

Republicans oppose Section 230 because, for long, they have accused social media giants of silencing or stifling conservative voices. Democrats oppose it because they want greater policing of the Internet to tackle extremism, abuse and misinformation.

### Problem

1. A newspaper like the Hindu can't write something you know to be false and be exempt from being sued. But Facebook can.



2. Section 230's sweeping immunity (or any law in any country providing immunity to intermediaries like Facebook, WhatsApp, Twitter)) enable Big Tech company's bad behaviour
3. On the internet, elections can be rigged and incitement to violence can take place with de facto immunity
4. Repealing the law would lead to increased censoring of online content, which may be politically motivated and end up stifling free speech.
5. Also, it would mean only well-funded tech giants would survive.

### The industry reaction to the opposition

1. In general, the tech industry has said any changes to the law must consider the impact on First Amendment rights (free speech), business and innovation.
2. Zuckerberg had earlier said that the level of regulation for social media companies should fall somewhere between regulation levels for telecom companies and newspapers.

### What lies ahead?

Following the attack on the Capitol on January 6, Facebook suspended Mr Trump's account indefinitely. Twitter also did the same, on grounds of 'risk of further incitement of violence'. It also suspended more than 70,000 accounts related to QAnon, a right-wing conspiracy theory group.

Throughout the election, Twitter had labelled as '**misleading**' numerous tweets in which Mr Trump called the election fraudulent. With Mr Biden stepping into the White House, the law may be modified, but it is not clear how.

## WhatsApp pushes policy rollout to May 15

**News:** Following a severe backlash over the latest update to its privacy policy, Facebook-owned WhatsApp on Saturday said it has pushed back the policy rollout by three months to May 15.

### Highlights:

1. WhatsApp, it said, was built on a simple idea: what you share with your friends and family stays between you, while stressing that users' personal conversations are end-to-end encrypted so that neither WhatsApp nor Facebook can see these private messages.





2. The company said it will also do a lot more to clear up the misinformation around how privacy and security work on WhatsApp and then go to people gradually to review the policy at their own pace before new business options are available on May 15
3. It's why we don't keep logs of who everyone's messaging or calling. We also can't see your shared location and we don't share your contacts with Facebook. WhatsApp adds that with the recent update, this will not change.
4. Instead, the update will include new options people will have to message a business on WhatsApp, and provides further transparency about how the platform collects and uses data.

### Messaging for Businesses and Confusion

1. WhatsApp is end-to-end encrypted, meaning only a message's sender and the recipient can read it, and those messages are not stored on Facebook servers.
2. Experts who have been studying WhatsApp's updated privacy policy have underlined points around the changes in how the platform now identifies the location and differentiates business messages.
3. One of the major changes in the policy relates to how users interact with 50 million-odd businesses using the platform. Some 15 million businesses are using the business feature in India.
4. The significant changes brought about in this revision are to "Business Interactions" via WhatsApp and new provisions dealing with transactions and payments data.
5. WhatsApp is pushing aggressively into messaging for businesses. The updated privacy policy was intended to alert users that some businesses would soon be **using Facebook-owned servers to store messages with consumers.**
6. While not everyone shops with a business on WhatsApp today, we think that more people will choose to do so in the future and its important people are aware of these services.
7. The main difference (in new Update) lies not in data sharing with Facebook, but in their clarification that IP and phone number information is used to estimate general location even if precise location sharing (using GPS, etc.) is disabled. But fears that location data will be shared with Facebook are unfounded.



8. Facebook has said that it will not access those messages for any type of ad targeting, but the language in the updated terms of service concerned many users who worried that Facebook would suddenly see their private messages.
9. WhatsApp said that isn't true, and that all private messages between friends and family members will remain end-to-end encrypted.

## Traders' body moves SC over WhatsApp's new privacy policy

The Confederation of All India Traders on Saturday moved the Supreme Court seeking a direction to the government to stop online instant messaging platform WhatsApp from sharing user data with "any entity", including Facebook or its other "family companies", in furtherance of its new and controversial privacy policy.

### Highlights:

1. On January 4, WhatsApp introduced a privacy policy through which it scrapped users' 'opt-out policy'. Users would have to compulsorily consent to share data with Facebook and its group.
2. The petition pointed out that Ministers, Members of Parliament, judges, senior bureaucrats, defence personnel and crores of traders and well-known businessmen used WhatsApp for sharing confidential and personal information.