



06.10.2021 Wednesday



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Current Affairs of the Day

FB whistleblower calls for regulation

'The company intentionally hides vital information from the public, governments around the world'

1. A Facebook whistleblower went before U.S. lawmakers to push them to regulate the social media giant after an outage hit potentially billions of users and highlighted global dependence on its services.

2. Former employee after she leaked reams of internal research to authorities and The Wall Street Journal, which detailed how Facebook knew its sites were potentially harmful to young people's mental health.

3. Facebook's products harm children, stoke division and weaken our democracy. In her testimony, she noted the danger of the power in the hands of a service that is woven into the daily lives of so many people.

Concerns on privacy

1. The company intentionally hides vital information from the public, from the U.S. government and from governments around the world. The severity of this crisis demands that we break out of our previous regulatory frames.

2. U.S. lawmakers for years have threatened to regulate Facebook and other social media platforms to address criticisms that the tech giants trample on privacy, provide a megaphone for dangerous misinformation and damage young people's well-being.

FB whistleblower calls for regulation

The company intentionally hides vital information from the public, governments around the world

AGENCE FRANCE PRESSE
WASHINGTON

A Facebook whistleblower went before U.S. lawmakers on Tuesday to push them to regulate the social media giant, after an outage hit potentially billions of users and highlighted global dependence on its services.

Former employee Frances Haugen testified up Capitol Hill after she leaked reams of internal research to authorities and The Wall Street Journal, which detailed how Facebook knew its sites were potentially harmful to young people's mental health.

She spoke in Senate less than a day after Facebook, its photo-sharing app Instagram and messaging service WhatsApp went offline for roughly seven hours, with "billions of users" impacted, according to tracker Outsidelab. Ms. Haugen warned in a pre-prepared statement of the risk of not



Out in the open: Former Facebook employee Frances Haugen testifies during a Senate Committee hearing. - AP/WIDEWORLD

creating new safeguards for a platform that results little about how it operates. "I believe that Facebook's products harm children, stoke division and weaken our democracy," her statement said. "Congressional action is needed. They won't solve this crisis without your help."

In her testimony, she not-

ed the danger of the power in the hands of a service that is woven into the daily lives of so many people.

Concerns on privacy
"The company intentionally hides vital information from the public, from the U.S. government and from governments around the world," Ms. Haugen's statement said.

"The severity of this crisis demands that we break out of our previous regulatory frames."

U.S. lawmakers for years have threatened to regulate Facebook and other social media platforms to address criticisms that the tech giant tramples on privacy, provide a megaphone for dangerous misinformation

and damage young people's well-being.

Ms. Haugen, a 37-year-old data scientist from Iowa, has worked for companies including Google and Pinterest - but said in an interview on Sunday with CBS news show 60 Minutes that Facebook was "astronomically worse" than anything she had seen before.



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Dictionary-defined 'forests' will be out of forest laws?

Government proposes amendments to the Forest Conservation Act reasoning current laws not encouraging plantation, forest creation and mounting timber import bill

Main Features of Forest(Conservation) Act(1980)

- It is a Regulatory Act, not prohibitory.
- The Act is an interface between conservation and development.
- Permits judicious and regulated use of forest land for non-forestry purposes.
- Prior approval of the Central Government is essential for de-reservation of forest lands and / or diversion of forest lands for non-forestry purposes.

Applicability of Forest (Conservation) Act (1980)

- Earlier, The Act was Applicable to PF , RF and "Deemed to be PF" only
- However, By its order of 1996, the Apex Court (Hon'ble Supreme Court of India) has extended the provisions of the Act to all forests. irrespective of ownership (including "forests" as understood in the dictionary sense)



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Applicability of Forest (Conservation) Act (1980)

- Reserve Forest
- Protected Forest
- Linear Plantation (Declared as PF by the State Govt.)
- Revenue Forest (Zudpi Jungle, Jangal Jhari, etc.)
- "Mangroves in State of Maharashtra" (Orders of Hon'ble Mumbai High Court)
- Area Adjoining "Central Ridge Area in Delhi" (RF??) Having Similar "Morphological Features" (Hon'ble Supreme Court of India Order: May, 1986)
- National Park, Wildlife Sanctuary, Conservation Reserve (Declared Earlier as RF/PF)
- Wildlife Corridor (??)

The Forest (Conservation) Act, 1980

1. The Union Ministry of Environment, Forest and Climate Change (MoEFCC) released the proposed amendments to the Forest (Conservation) Act, 1980 for public consultation.
2. The 'public consultation paper' has focused on the coverage of the FCA besides aspects like what constitutes non-forestry activities and thus, could be taken out of the law's purview.
3. FCA is the nodal legislation that regulates deforestation in India. This law in force prohibits the felling of forest trees for non-forestry purposes without the approval of the Union government.

TN Godavarman Thirumulpad case

1. The legal definition of a forest — which also decides the application of the FCA — has been a contentious issue since December 1996.
2. Before December 12, 1996, both state and Union governments extended the coverage of FCA to those forests notified under the Indian Forest Act, 1927, or any other areas as notified by other local laws.
3. On December 12, 1996, the Supreme Court in the TN Godavarman Thirumulpad case extended the applicability of FCA to those areas that



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could be defined as forests in the clinical dictionary meaning, irrespective of ownership.

4. Later, using this definition, plantations in non-forest areas like privately-owned plots and even land with shrubs and trees were also treated as forests, attracting the provisions of the FCA.
5. The proposed amendments to the FCA will keep areas now deemed forests using the "dictionary" meaning out of the purview of the regulations.

Problem with dictionary law:

1. Identification of such land is subjective and arbitrary to some extent. This leads to ambiguity and has been observed to result in a lot of resentment and resistance, particularly from private individuals and organisations.
2. Considering any private area as the forest would restrict the right of an individual to use his / her own land for any non-forestry activity.
3. Once the FCA treats a private-owned area as forests, like lands with tree cover, the owner has to compensate for the equal area if he/she wants to take up any non-forestry activities. This is called compensatory afforestation and is legally binding.
4. This has further led to the development of a tendency to keep most of the private land devoid of vegetation, even if the land has scope for planting activities.
5. MoEFCC cites the increasing import bill for timber as one of the prime reasons for easing private lands with trees out of the FCA purview.
6. The other reason for encouraging plantation and forest growth on private land is to meet the National Forest Policy target of bringing 33 per cent of the country's area under forests and tree cover. Currently, 24.56 per cent of geographical areas are under forests.

Environment Acts of India



Wildlife Protection Act, 1972

National Tiger Conservation Authority
National Board for Wildlife
Central Zoo Authority
Wildlife Crime Control Bureau



Environment Protection Act, 1986

Environment impact assessment
Genetic engineering Appraisal Committee
Coastal regulation Zone
Ecological Sensitive areas



Biological Diversity Act, 2002

National Biodiversity authority
State Biodiversity Boards
Biological Management committee
Biological Heritage sites

LifeofRam - environmental notes



THE HINDU

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Explained: The anti-defection law, and how it has often failed to discourage defection

Anti-Defection Law

The anti-defection law came into being with the **inclusion of the Tenth Schedule in the Constitution in 1985, through the 52nd Amendment Act**

According to the law, if a member of Parliament or state legislature **gives up his membership of a political party or votes or abstains from a vote contrary to the directions of his party, he can be disqualified**

The 1985 Act allowed for one-third or more of the **elected members of a party to**

merge with another party without being disqualified

Since an amendment in 2003, the **minimum number required for a merger is two-thirds of the elected members of a party**

The law has been criticised for impinging on the **rights of elected representatives to take a position different from their party's**

The law has not been very **effective in curbing defections**

'FINISH PROCEEDINGS IN 3 MTHS'

➤ SC sets **three months as the outer limit** for Speakers to **conclude disqualification proceedings** against defectors

➤ Recommends that Parliament should amend Constitution to set up a permanent tribunal to decide cases. Tribunal can be **headed by retired SC judge or HC CJ**

➤ SC emphasises that **ensuring purity of anti-defection law** under

the 10th Schedule is vital to democracy's functioning

➤ SC decision came in a case related to **Manipur Congress MLA T Shyam Kumar**, who switched to BJP and became a minister after the party formed govt in 2017

➤ A dozen pleas seeking Shyam's disqualification were filed but Speaker sat over them. SC asks Speaker to **decide in four weeks**

The anti-defection law punishes individual MPs/MLAs for leaving one party for another. It allows a group of MP/MLAs to join (i.e. merge with) another political party without inviting the penalty for defection.



What is the anti-defection law, and what is its purpose?

1. The anti-defection law punishes individual MPs/MLAs for leaving one party for another. It allows a group of MP/MLAs to join (i.e. merge with) another political party without inviting the penalty for defection.
2. It does not penalise political parties for encouraging or accepting defecting legislators.
3. Parliament added it to the Constitution as the Tenth Schedule in 1985. Its purpose was to bring stability to governments by discouraging legislators from changing parties.
4. It was a response to the toppling of multiple state governments by party-hopping MLAs after the general elections of 1967.

1. Anti-defection law:

- 52nd amendment in 1985 inserted **10th schedule** (anti-defection law)
- Grounds for disqualification are mentioned in **Article 102(2) & 191(2) for MP's and MLA's**

Defected:

1. Elected member (gives up & voting)
2. Independent member
3. Nominated member

Exceptions:

1. Speaker or chairman
2. Party could be merged into another (2/3 majority)

- **Presiding Officer** decides on the question of disqualification
- Issue is – SC interpretation in **G Vishwanathan judgment** in 1996 case (unattached member) → Amar Singh(MP)

Advantages

- **Stability and party discipline**

Disadvantages

- **Members freedom gets affected**

What constitutes defection? Who is the deciding authority?

1. The law covers three kinds of scenarios. One is when legislators elected on the ticket of one political party “voluntarily give up” membership of that party or vote in the legislature against the party's wishes.



2. A legislator's speech and conduct inside and outside the legislature can lead to deciding the voluntarily giving up membership.
3. The second scenario arises when an MP/MLA who has been elected as an independent joins a party later.
4. The third scenario relates to nominated legislators. In their case, the law specifies that they can join a political party within six months of being appointed to the House, and not after such time.
5. Violation of the law in any of these scenarios can lead to a legislator being penalised for defection. The Presiding Officers of the Legislature (Speaker, Chairman) are the deciding authorities in such cases.
6. The Supreme Court has held legislators can challenge their decisions before the higher judiciary.

POWER OF SPEAKER UNDER ANTI-DEFECTION LAW.

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- The speakers of various States while exercising their powers under the anti-defection law have shown scant regards to the orders of the Court.
- Under the anti-defection law the Speaker had power to decide whether or not a legislator was disqualified under the above law.
- His decision is final/supreme decision.

How long does it take for deciding cases of defection?

1. The law does not provide a time frame within which the presiding officer has to decide a defection case.
2. There have been many instances when a Speaker has not determined the case of a defecting MLA until the end of the legislature term.

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3. Last year, the Supreme Court dismissed a minister in Manipur when the Speaker did not decide the defection petition against him even after three years. The court held that ideally, Speakers should take a decision on a defection petition within three months.

Has the anti-defection law ensured the stability of governments?

1. No. Parties often have to sequester MLAs in resorts to prevent them from changing their allegiance or getting poached by a rival party or an opposing faction of their party. Recent examples are Rajasthan (2020), Maharashtra (2019), Karnataka (2019 and 2018), and Tamil Nadu (2017).
2. Parties have also been able to use the anti-defection law to their advantage. In 2019 in Goa, 10 of the 15 Congress MLAs merged their legislature party with the BJP.

Have any suggestions been made to improve the law?

1. Some commentators have said the law has failed and recommended its removal. Former Vice President Hamid Ansari has suggested that it apply only to save governments in no-confidence motions.
2. The Election Commission has suggested it should be the deciding authority in defection cases. Others have argued that the President and governor should hear defection petitions.
3. And last year, the Supreme Court said Parliament should set up an independent tribunal headed by a retired judge of the higher judiciary to decide defection cases swiftly and impartially.

<p>MAINS DAWP</p>	<p><i>Q. Ensuring equity and making up for learning loss due to pandemics are the two most formidable challenges for school reopening after the pandemic. Elaborate.</i></p>
<p>Practice MCQs</p>	<p><i>Q. Anti defection law is applicable to</i></p> <ol style="list-style-type: none"> 1. Independent members joining a party post-election 2. Nominated members joining the political party after 6 months of their nomination 3. A member voluntary leaving his party <p><i>Select the correct answer from the codes given below</i></p> <ol style="list-style-type: none"> a. 1 and 2 only b. 2 and 3 only c. 1 and 3 only d. 1, 2 and 3