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DAILY NEWS DIARY

Of

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FOR PRELIMS AND MAINS

Warm Greetings.

- DnD aims to provide every day news analysis in sync with the UPSC pattern.
- It is targeted at UPSC – Prelims & Mains.
- Daily articles are provided in the form of Question and Answers
- To have a bank of mains questions.
- And interesting to read.
- Providing precise information that can be carried straight to the exam, rather than over dumping.

Enjoy reading.

THE HINDU - TH
INDIAN EXPRESS - IE
BUSINESS LINE - BL
ECONOMIC TIMES - ET
TIMES OF INDIA - TOI



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ESSAY PAPER

Editorial

Q- Explain how allowing yearly extensions to heads of CBI, ED will compromise their autonomy and how does the government justify their move?

INTRODUCTION = The new law authorising an extension of the services of the heads of the Central Bureau of Investigation and the Enforcement Directorate until they complete a total tenure of five years will **seriously compromise the autonomy of those agencies** -

1. It goes against the spirit of the Supreme Court judgment in Vineet Narain vs Union of India (1997) which laid down a dictum that the Directors of the CBI and the ED should have a minimum tenure of two years.
2. This was to prevent their sudden transfer out of office if their functioning goes against the interests of the regime of the day.
3. While it did not specifically bar longer terms or extensions, the prospect of getting an annual extension can be an incentive for displaying regime loyalty in the discharge of their duties. **Example** - Significantly, in the case of the present Director of Enforcement, S.K. Mishra, who was appointed for two years in November 2018, his services were extended by an order on November 13, 2020, which amended the original term of appointment from two years to three years. That the changes were brought in through the ordinance route in November raises a doubt whether the Government is keen on retaining him at the helm.
4. Given that the central agencies have drawn much criticism for their focus on personages linked to Opposition parties, such a measure will be seen as a reward for guided functioning instead of a necessity to keep ongoing investigations on track.
5. As it is, the fixed tenure for certain posts means their superannuation within that period will not end their term. In effect, there is an implied extension for an officer appointed to one of these protected posts if the appointment comes within two years of retirement.
6. A further extension that will take the officers' services well beyond superannuation, that too one year at a time, will render the heads of two investigating agencies unacceptably beholden to the Government.

Posts of chiefs of CBI and Enforcement Directorate now added to list of top govt. servants whose term is flexible -

1. The Personnel Ministry issued an order to amend the Fundamental Rules, 1922 adding the two posts to the list whose services can be extended by up to two years beyond the two-year fixed tenure in "public interest".
2. The previous list comprised Defence Secretary, Foreign Secretary, Home Secretary, Director, Intelligence Bureau and Secretary, Research and Analysis Wing.

The protection given by a fixed tenure and the use of a high-ranking committee to recommend appointments and transfers were meant to dilute the 'doctrine of pleasure' implicit in civil service. However, it may be breached, if the extension allowed in exceptional circumstances becomes the rule.

GS 2

❖ Polity

Q- Special courts “can only be offence-centric and not offender-centric”. Comment?

BACKGROUND = The Supreme Court decided to examine questions regarding the legal jurisdiction of the special courts set up to exclusively prosecute Members of Parliament and State Legislative Assemblies for various offences.

2,556 CASES PENDING

- 2,556 cases are pending against sitting MPs & MLAs, which include **174 cases where max punishment is life term**
- **In 352 cases, trial has been stayed** either by SC or HCs
- **SC also reminds HC CJs of 2018 judgment** that had ruled that if an HC stay on trial was over six months old, then trial court could proceed with trial

- The Madras High Court, in a report on October 13 last year through a three-judge Criminal Rules Committee, had raised the **issue of the “constitutional validity” of the special courts** for MPs/MLAs.

- The committee had even said it was **not “legally permissible”** to create such special courts.
- It had said special courts **“can only be offence-centric and not offender-centric”**.
- The High Court committee had flagged how a special court to try an MP/MLA **could override the jurisdiction of a special court already in existence under an Act.**

Other Issues -

1. The court would also examine **whether these special courts deprive the accused of their right to a rung of appeal?**

Here, the argument raised is that some of these cases are triable by magistrates. In the normal course, if an accused has failed before the magistrate, he or she could file an appeal against the decision before the sessions court. In such cases, the trial judge is the magistrate. The sessions court is the first appellate court and the High Court the second appellate court.

2. Petitioners have argued that **a special court would have the powers of a sessions court.** Special court, the accused would lose his right to defend his case before a magistrate and also is stripped of his right to make his first appeal before a sessions court.
3. The issue **raises a “major problem and will affect the right to appeal”**. An administrative order would force a case triable by a magistrate to be prosecuted by a sessions court.

Among the suggestions was whether there should be special magistrate courts along with special sessions court in every jurisdiction.

Snippets

❖ **Governance**

Q- What are the revised Post-Mortem Protocols and Why?

- The Union Health Ministry revised the post-mortem protocols to allow for conducting the procedure after sunset.
- Apart from aiding the family of the deceased, the revision was also aimed at promoting organ donation and transplant as organs could be harvested in the stipulated time window after the procedure.
- It noted that the change followed multiple references received from various sources and in line with the government’s commitment to promoting ease of living by reducing the burden imposed due to compliance of government processes.
- In view of the rapid advancement, especially the availability of required lighting and infrastructure, performing night-time post-mortem was now feasible.

- The protocol stipulated that post-mortem for organ donation be taken up on priority and conducted even after sunset at the hospitals that have the infrastructure for conducting such procedure on a regular basis.
- The fitness and adequacy of infrastructure etc. shall be assessed by the hospital in charge to ensure that there was no dilution of evidentiary value.
- It was also to be ensured by the facility that video recording shall be done for all such post-mortem at night to rule out any suspicion and preserved for future reference for legal purposes.
- However, cases under categories such as homicide, suicide, rape, decomposed bodies and suspected foul play should not be subjected for post-mortem during night unless there was a law and order situation.



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Union Health Ministry notifies new protocol for Post-Mortem procedure

**Post-Mortem can now be preformed after Sunset in Hospitals with
adequate infrastructure**

Move to benefit those mourning the deceased and organ receivers

New Delhi, 15th November, 2021

In response to the multiple references that have been received by the Union Health Ministry from various sources and in line with the Government's commitment to promote ease of living by reducing burden imposed due to compliance to government processes, changes have been made in the post-mortem protocols to allow for the procedure to be conducted after sunset effective from today. Apart from friends and relatives of the deceased, this new procedure also promotes organ donation and transplant as organs can be harvested in the stipulated time window after the procedure.

These aforementioned representations to the Ministry in this regard were examined by a technical committee in the Directorate General of Health Services, Union Ministry of Health & Family Welfare. It was ascertained that some institutes are already performing night-time post-mortem. In view of the rapid advancement and improvement in technology, especially availability of required lighting and infrastructure required for post-mortem, performing night time post-mortem in hospitals is now feasible. The protocol stipulates that post-mortem for organ donation be taken up on priority and be conducted even after sunset at the hospitals which have the infrastructure for conducting such post-mortem on a regular basis.

The fitness and adequacy of infrastructure etc., shall be assessed by the hospital-in-charge to ensure that there is no dilution of evidentiary value. It is also to be ensured by

the facility that video recording of post-mortem shall be done for all post-mortem conducted in the night, to rule out any suspicion and preserved for future reference for Legal purposes.

However, cases under categories such as homicide, suicide, rape, decomposed bodies, suspected foul play should not be subjected for post-mortem during night time unless there is a law and order situation.

All concerned Ministries/Departments and all State Governments and Union Territories have been notified of the change in protocol.

GS 3

❖ Economic Development

Q- Discuss the Key Giveaways of the meeting between the Centre and States, held to figure out ways to sustain the economic recovery after the second COVID-19 wave?

BACKGROUND = The Centre will remit ₹95,082 crore to States next week, double the funds due to them from the shareable pool of taxes this month to enable them to deploy more money on capital spending.

The context of the meeting was that after the second wave, we are seeing a robust growth. However, it's also a time where we are looking at ways to sustain the growth, take it as close as possible to a double-digit growth for which the Centre and States have to work together -

- Through facilitating **investment attractiveness and expediting ease of doing business measures and undertake power sector reforms.**
- States were also nudged to **smoothen land acquisition and create land banks for investors** as land is one of the major bottlenecks for investment projects. Moreover, with the Centre taking up monetisation of public assets, States were asked to consider doing the same.



Booster shot: Union Finance Minister Nirmala Sitharaman briefing the media in New Delhi on Monday. ■ PTI

In most of the issues related to investment, development and manufacturing activities, it is the States who are doing work at the forefront. The support from the Centre is always there. But we also wanted to make sure that the States' understanding and the issues they want to discuss must be heard and that's the reason this meeting was called

NIRMALA SITHARAMAN

GST Devolution Issue -

Several States requested the Centre for early release of funds to speed up capital spending just as it had front-loaded the remittance of their GST compensation dues for this year.

Accordingly, on November 22, instead of the normal monthly instalment of devolution amount which is normally ₹47,541 crore, **the Centre will release another ₹47,541 crore, so a total of ₹95,082 crore will be given to the States.**

Normally, the Centre shares States' 41% share of revenues over 14 instalments during the year, with one instalment falling due this month on November 20.

Other Issues -

1. Assam Chief Minister Himanta Biswa Sarma said he requested the Finance Minister to review the North East Industrial & Investment Promotion Policy and highlighted the need for timely release of central sector scheme funds, and early approval of externally aided projects worth ₹15,000 crore to Assam.
2. His Karnataka counterpart Basavaraj Bommai sought a transparent mechanism to share leads about potential investors and a clear policy on forest and environmental clearances.
3. The entire reduction of ₹10 and ₹5 per litre of diesel and petrol, is from the non-shareable portion of excise which means the entire reduction is borne by the central government. There is no revenue loss to the States because of this.

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