The Hindu News Analysis – 06th August 2019 – Shankar IAS Academy

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*C – Chennai; B – Bengaluru; D – Delhi; T – Thiruvananthapuram
J&K loses its special status, divided into two UTs

State of Jammu & Kashmir:

- Own Constitution
- Matters in residual list - Legislative Assembly can make laws
- Permanent residents
  - State Subject on May 14, 1954
  - Resident residing for 10 years before May 14, 1954

Part A—Preliminary Examination

- Current events of national and international importance.
- Indian Polity and Governance-Constitution, Political System, Panchayati Raj, Public Policy, Rights Issues, etc.

Part B—Main Examination

Paper I - (200 marks)

General Studies - II: Governance, Constitution, Polity, Social Justice and International relations.

- Indian Constitution—historical underpinnings, evolution, features, amendments, significant provisions and basic structure.
- Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein.
Objects & Reasons of the Bill:
- UT of Ladakh
to fulfill demand - for development
- UT of J & K
keeping in view the internal Security Situation, fuelled by cross border terrorism

Article 370 (3) of Indian Constitution
- President, by public notification, may declare Article 370 to be inoperative - Before issuing notification, prior recommendation of State legislative assembly SHALL be necessary

India briefs envoys on J&K move
“Senior NSA officials are briefing the envoys of sever- al countries, including per- manent members of U.N., on proposals related to Arti- cle 370 of the Indian Constitu- tion and administrative reorganisation of Jammu and Kashmir that were intro- duced in Parliament to- day,” said a source, indicat- ing that the envoys were told that the legislative pro- cedure was an “internal” af- fair of India.

Pakistan to exercise all possible options to counter the ‘illegal’ steps as party to the dispute
Pakistan calls for international mediation
Will continue to extend support for the ‘Right to Self- determination’ of people of J&K

India:
* Legislative procedure - internal affair of India
* Measures aimed at
  - good governance
  - promoting social justice
  - ensuring economic development

Pakistan’s response with respect to developments in Jammu & Kashmir:
- India’s move - unacceptable
- Territory- continues to remain an international dispute
Australian cancer patient first to use assisted dying law

AGENCE FRANCE-PRESSE

Kerry Robertson died in July, three months after the mother of two ceased treatment for metastatic breast cancer, the support group Go Gentle Australia said. The State of Victoria passed a law in 2017 to legalise the practice, which went into effect this June. Other states are now expected to follow suit.

Kerry Robertson

Diagnosed with breast cancer in 2010—which then spread into her bone, lung, brain, and liver—she decided to stop receiving treatment in March when the side effects of chemotherapy were no longer manageable and took medication to end her life after a 26-day approval process, the charity said. Euthanasia had previously been legal in Australia’s Northern Territory, but those laws were overturned in a contentious move by the federal government in 1997.

News:

* Cancer patient diagnosed with breast cancer in 2010 took medication to end her life

⇒ Euthanasia - Mercy killing
   - Patient with incurable disease

a) Active Euthanasia:
   - Doctor / Patient / Other person - deliberately act upon person’s desire to die - lethal injections or drugs
   - Legal in - Belgium, Netherlands, Canada, etc.

b) Passive Euthanasia:
   - Life supporting mechanism is removed - legal in Switzerland, Germany, etc.

Status of Euthanasia in India:

* 2011 SC Judgement - Aruna Shanbaug case

Verdict:

⇒ Upheld 'right to die with dignity' as a fundamental right
⇒ Right to life under Article 21 - inclusive of right to die with dignity

* 2014 - Govt endorsed SC judgement - no law regulating passive euthanasia till today
Sc guidelines on passive euthanasia

1) 'Living Will' - legally valid enforceable
   - person lays down instructions to take
     actions regarding their health in future

2) Discontinue life support - decision by parents/
   spouse/relatives - if absent, friend or doctor-
   approval from HC

Sc judgement in favour of passive euthanasia+
Law Commission recommendation to legalise

* Govt brought in "The Medical Treatment of
  Terminally Ill Patients (Protection of Patients
  and Medical Practitioners) Bill, 2016"
  - Protection of patients and doctors -
    liability from withholding life support
  - decision of patient binding on doctor-
    provided decision on free will
  - Active euthanasia - still illegal

Debate on Euthanasia in India:

1) Right to Life - Article 21 - Inclusive of right to
   die

2) SC decision in Aruna Shanbaug case - 2011

3) Terminally ill patients - free from agony

4) Organ transplantation
Prisoners do not have voting rights, EC tells HC

The Election Commission of India on Monday informed the Delhi High Court that prisoners do not have voting rights under the Representation of People's Act.

The poll panel said the right to vote is a statutory right enshrined under Section 62 of the RP Act and the law is settled that the 'right to vote being a statutory right is subject to the restrictions prescribed in the RP Act'.

The EC filed its affidavit before a High Court bench on a petition filed by three law students seeking to grant and facilitate voting rights to all persons lodged in jails across the country.

The EC referred to a 1997 judgment of the Supreme Court in which it was held that the effect of sub-section (3) of section 62 of the act is that no person who is confined in prison while serving a sentence of imprisonment on his conviction for any offence or is under lawful confinement in a prison or in a police custody for any reason is not entitled to vote in an election.

But this restriction does not apply to a person subjected to any kind of preventive detention, the judgment said.

The petition has challenged the constitutionality of Section 62(3) of the RP Act, which deprives prisoners of their right to vote.

News - Voting rights of Prisoners

* Election Commission of India (ECI) to Delhi High Court
  
  Prisoners do not have voting rights under Representation of People's Act, 1951 (RPA, 1951)
  
  Right to Vote - Statutory right
  
  * As per Section 62 of RPA, 1951
  
  * Section 62(3):
    Every person who is entered in the electoral roll of any constituency for the time being shall be entitled to vote in that constituency, except as provided in this act.

* Section 62(5):

Any person who is confined in a prison is not eligible to vote, except those persons who are subjected to preventive detention

* Prisoners:
  - Remand prisoners
  - Under-trial prisoners
  - Convicted prisoners
  - Detenues

* ECI reply based on petition filed by three law students
  - Voting rights for all persons lodged in jails across the country.
Govt. unveils draft e-com norms

Guidelines forbid influencing price of goods, services

To protect the interest of online shoppers, the Department of Consumer Affairs has released draft guidelines on e-commerce that state that an e-commerce entity cannot directly or indirectly influence the price of the goods or services.

As per the draft, an e-commerce firm cannot falsely represent themselves as consumers or post reviews about goods and services in their names.

Besides, it proposes to make it mandatory for firms to display terms of contract with the seller relating to returns, refund, exchange, warranty/insurance, delivery, shipment, mode of payments, and grievance redressal mechanism to enable consumers to make informed decisions. The draft also proposes that no e-commerce firm can come up with any counterfeit product, and if the seller is unable to provide any evidence that the product is genuine, the firm has to take down the listing and notify the consumers of the same.

**News:**

- Department of Consumer Affairs - draft guidelines on e-commerce

**Objectives:**

- To protect interests of Customers
- Holistic growth of Sector

**Applicable to all B2C (Business to Consumer) e-commerce firms - selling goods & services directly to end users

**Guidelines:**

1. Protect personally identifiable information of customers - Comply with Information Technology Act

2. E-commerce firms - register as legal entities

3. E-commerce firm - can't influence price of goods & Services

4. Display terms of contract with seller - return, refund, exchange, warranty, etc. - more transparency

Civilspedia Team - Powered by Shankar IAS Academy
Guidelines (Contd.):

5. Fake product - Seller not able to prove genuineness - take down and notify consumers
   * addressing counterfeit goods
6. Firms cannot post false reviews on goods & services - integrity of reviews
7. 14 day deadline - effect refund
8. Publish name, contact - grievance redressal officer on website - resolve complaints

Analysis of Guidelines:

- Address important issues in e-commerce
  * disclose seller details
  * address fake products
  * integrity of reviews
  * Customer complaint redressal

Potential of Indian e-commerce market:
- Indian e-commerce market - explosive growth
  Reasons:
  * ↑ no. of online users
  * ↑ penetration of smartphones
  * ↑ popularity of social media platforms
- Morgan Stanley Report 2019
  * India - adding one internet user every 3 Seconds
  * e-commerce sector in India - USD 230 billion by 2028

PRACTICE QUESTIONS
DISCUSSION
Practice Question – Prelims

Q1. Consider the following statements:

1. The Right to Vote has been explicitly mentioned in the Indian Constitution.

2. The Right to Vote, as of now, cannot be exercised by the persons confined in prisons with the exception of those who are subjected to preventive detention under any law for the time being in force.

Which of the above statements is/are correct?

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

Practice Question – Prelims

Q2. Which of the following statements is/are correct with reference to the Article 370 of Indian Constitution.

1. It deals with the temporary provisions with respect to the State of Jammu and Kashmir only.

2. The President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications.

Which of the above statements is/are correct?

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

Practice Questions – Answers

06 – 08 – 2019

Q1. Option ‘b’ – 2 only
Q2. Option ‘c’ – both 1 and 2