

Prelim Bits 21-09-2022 | UPSC Daily Current Affairs

Joymala's Case

The ongoing dispute between the Tamil Nadu and Assam has brought into focus the prevailing lacunae over private ownership of elephants in India.

- Joymala, an elephant leased by Assam to Tamil Nadu, was reported to be mistreated and legal battles are underway at Madras and Gauhati High Courts.
- India has about 2,675 captive elephants according to an RTI filed in 2019.
- A majority of these elephants, about 1,821, are under private ownership and are used for entertainment, tourism and religious purpose.
- The ownership of at least one out of every four captive elephants held by private individuals was not supported by the relevant documentation.
- It is illegal to buy or sell elephants in India and the rules only allow for elephants to be exchanged or donated to temples or between private individuals.
- Tamil Nadu reportedly has only one elephant without an ownership certificate.

Kerala, Uttar Pradesh, Karnataka, Assam, Tripura and Madhya Pradesh account for 96% of elephants in captivity without ownership certificates

- Assam is home to the highest number of elephants without any ownership certificates, with 335 out of 905 captive elephants not having any documents to prove ownership.
- Also, in many cases, one ownership certificate is used multiple times for different animals when they are transported within the country.
- DNA profiling of the captive elephants needed to be undertaken so that they could be identified and tracked.

Reference

<https://www.thehindu.com/sci-tech/energy-and-environment/joymalas-case-throws-light-on-trafficking-of-elephants-from-northeast/article65903708.ece#:~:text=Rules%20only%20allow%20for%20elephants,to%20the%20Wildlife%20Prevention%20Act>

Super Earths

Super-Earths are bigger, more common and more habitable than Earth itself

- Super Earths are a class of planets unlike any in our solar system.

- They are more massive than Earth yet lighter than ice giants like Neptune and Uranus.
- It can be made of gas, rock or a combination of both.
- They are between twice the size of Earth and up to 10 times its mass.
- Most Super Earths' orbit cool dwarf stars, which are lower in mass and live much longer than the Sun.
- Based on current projections, about a third of all exoplanets are super-Earths, making them the most common type of exoplanet in the Milky Way.
- They are much easier to detect and study than Earth-sized planets and are ideal targets in the search for life.
- To detect life on distant exoplanets, astronomers will look for biosignatures, byproducts of biology that are detectable in a planet's atmosphere.
- NASA's James Webb Space Telescope is not optimised for exoplanet research.
- But the best chances for finding signs of life in exoplanet atmospheres will come with the next generation of giant, ground-based telescopes including
 - The 39-meter Extremely Large Telescope
 - The Thirty Meter Telescope
 - the 24.5-meter Giant Magellan Telescope
- These telescopes are all under construction and set to start collecting data by the end of the decade.

Reference

1. <https://www.thehindu.com/sci-tech/science/astronomers-are-discovering-more-super-earth-that-are-bigger-more-habitable-than-earth-itself/article65913003.ece>
2. https://exoplanets.nasa.gov/what-is-an-exoplanet/planet-types/super-earth/#otp_key_fact

Bench Strength and binding nature of judgments

- *A Constitution Bench has recently decided that a decision delivered by a Bench of largest strength is binding on any subsequent Bench of lesser or coequal strength.*
- The Supreme court stated that the majority decision of a bench of larger strength would prevail over the decision of a bench of lesser strength, irrespective of the number of judges constituting the majority.
- It is the strength of the Bench and not number of Judges who have taken a particular view which is said to be relevant.
- However, a Bench of lesser quorum cannot disagree or dissent from the view of law taken by a Bench of larger quorum.
- Quorum means the bench strength which was hearing the matter.

Reference

<https://www.thehindu.com/news/national/judgment-by-bench-of-larger-quorum-will-prevail-s/article65911573.ece>

National Assessment and Accreditation Council (NAAC)

- The NAAC is an autonomous body under the University Grants Commission (UGC).
- It assesses and certifies Higher-level Educational Institutions (HEIs) with gradings as part of accreditation.
- Only higher education institutions that are at least six years old, or from where at least two batches of students have graduated, can apply for NAAC accreditation.
- The accreditation is valid for five years.
- The ratings of institutions range from A++ to C.
- If an institution is graded D, it means it is not accredited.
- The major problem with the ratings is the current approach of assessment is “input-based”.
- In other words, NAAC relies heavily on self-assessment reports of applicant institutions.
- The data is then validated by NAAC expert teams, followed by peer team visits to the institutions.
- It is alleged that the education institutions influence the peer review teams.

Reference

<https://indianexpress.com/article/explained/the-controversy-over-naacs-system-for-assessing-higher-education-8160859/>

Child Welfare Committee Norms

Union Government introduces new rules for Child Welfare Committee panel members and Chairpersons.

- Juvenile Justice (Care and Protection Amendment) Model Amendment Rules 2022 was implemented recently.
- It bars a person associated with an organisation receiving foreign funds to be a Chairperson or member of the Child Welfare Committees (CWC).
- The rules also says that any person working in the implementation of the Juvenile Justice Act, 2015 in any NGO or organisation will also be ineligible to be on a CWC.
- It adds that those who have “any family member” or “close relation” working for an NGO will also be disqualified to be on a CWC.
- A person representing someone running a child care institution or member of the Board or Trust of any NGO can also not be on a CWC.
- Retired judicial officers have also been omitted from the category of persons who can be considered for appointment to a CWC.

Child Welfare Committees

- CWCs are constituted by the State government under the Juvenile Justice Act, 2015.
- It was tasked with giving necessary directions for care and protection of children who are abused, exploited, abandoned or orphaned.
- It can also order an inquiry to ensure their safety and well-being and give an order for

their rehabilitation either in family-based care such as through restoration to family or guardian, adoption, foster care or send them to child care institutions.

- According to the JJ Act, 2015, the CWC will function as a Bench.
- It shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or a Judicial Magistrate of First Class.
- But, experts opined that these rules will reduce the pool of human resource available for appointments to CWC.

Reference

<https://www.thehindu.com/news/national/foreign-funds-relatives-in-ngos-will-now-exclude-on-e-from-cwc-appointment/article65903355.ece>

