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1. Greenwashing guidelines: How govt is tackling companies making dubious climate-friendly claims about products

Introduction

Seeking to restrain companies from making false or misleading claims about the environment-friendly nature of their products or services, the Centre recently released new guidelines that make it mandatory for companies to substantiate their claims with scientific evidence.



The Guidelines for Prevention and Regulation of Greenwashing or Misleading Environment Claims were issued by the Central Consumer Protection Authority (CCPA) which works under the Consumer Affairs Ministry. The move is part of the government's crackdown on misleading advertisements. The new norms would complement the existing Guidelines for Prevention of Misleading Advertisements and Endorsement for Misleading Advertisements, framed in 2022, which deal with false or exaggerated claims in advertisements in general.

What is greenwashing?

Although greenwashing as a term has been used in the limited context of advertising in these guidelines, it has a much broader scope. Greenwashing refers to the growing tendency of companies, organisations or even countries to make dubious or unverifiable claims about their

activities, products or services being environment-friendly or climate-friendly. Due to heightened sensitivity to climate change, there is rising pressure on corporations and governments to carry out their activities in a way that causes the least damage to the environment. Many of them also have legal commitments, or targets, to adhere to in this regard.

As a result, companies and governments often make claims that are exaggerated, misleading, or, in some cases, wrong. The 2015 Volkswagen scandal, in which the German car company was found to have been cheating in emissions testing of its supposedly green diesel vehicles, is one of the headline-grabbing examples of greenwashing. Several other big corporations, including Shell, BP, and Coca Cola have faced accusations of greenwashing.

Countries too, are sometimes accused of greenwashing, for example, when they exaggerate their forests' potential to absorb carbon dioxide, and the impact of a new regulation on carbon emissions. Carbon trading mechanisms, an otherwise legitimate exercise, often come under scrutiny because the processes followed in the generation of credits for trade might not be scientifically robust. Similarly, carbon offset practices, in which a carbon-intensive activity such as air travel is sought to be compensated with another activity like planting a certain number of trees, offer ample scope for greenwashing.

Sometimes companies do make genuine mistakes — overestimating the impact of their environment-friendly projects. However, very often they lie, or mislead, and these constitute the more serious cases of greenwashing.

Such unfair practices have become widespread enough that United Nations Secretary-General António Guterres had to call for a zero-tolerance policy for greenwashing a couple of years ago. The UN had also constituted a high-level expert group to suggest measures to curb greenwashing by non-state entities such as corporations, financial institutions, cities or regions that have net-zero commitments to meet.

The expert group gave several recommendations, including that corporations pursuing net-zero targets must not be allowed to make fresh investments in fossil fuels. It also suggested that corporations must be asked to present short-term emission reduction goals on the path to achieving net-zero, and must bring an end to all activities that lead to deforestation. In addition, the corporations were advised not to use offset mechanisms at the start of their journey to net-zero status.

What are the advertising guidelines for preventing greenwashing?

The mandate of CCPA is to protect consumer interest and therefore, its guidelines are limited to curbing greenwashing in advertisements of products or services. They define greenwashing as “any deceptive or misleading practice” that conceals, omits or hides relevant information, or exaggerates, or makes vague or unsubstantiated environmental claims about the product or service. Use of misleading words, symbols or imagery, emphasizing positive environmental attributes while downplaying or concealing negative aspects would constitute greenwashing, according to the guidelines.

However, they allow the use of “obvious hyperboles” or “puffery”, which is central to the advertising business, if these do not amount to deception or misleading practice.

If a company, for example, makes the statement that its growth is based on “sustainable principles”, it would not be treated as a misleading environmental claim for the purposes of these guidelines. But if the company claims that all its products are manufactured sustainably, then it would be examined for greenwashing, the guidelines said.

Thus, generic terms like “clean”, “green”, “eco-friendly”, “good for planet”, “cruelty-free”, “carbon neutral”, “natural”, “organic”, “sustainable”, or similar other descriptions for a product would be allowed only if the company is able to substantiate these with evidence. The company will also have to use “adequate and accurate” qualifiers and disclosures while advertising such descriptions.

When more technical terms such as “environment impact assessment”, “greenhouse gas emissions”, or “ecological footprint”, are used to advertise a product or service, the companies would be mandated to explain their meaning and implications in a “consumer-friendly” language.

“Specific environmental claims such as compostable, degradable, free-of, sustainability claims, non-toxic, 100 per cent natural, recyclable, refillable, renewable, plastics-free, plastic-positive, climate-positive, net-zero and similar claims must be supported by disclosure about credible certification, reliable scientific evidence, internal verifiable evidence, certificates from statutory or independent third-party verification,” the guidelines say.

The guidelines will apply to all environmental claims made by manufacturers, service providers or traders whose goods, products or services is the subject of an advertisement, or to an advertising agency or endorser whose service is availed for the advertisement of such goods, products or services.

“No person to whom these guidelines apply shall engage in greenwashing and misleading environmental claims,” the guidelines said.

The government began drafting these guidelines in November 2023 when it formed a committee. The committee held three meetings and submitted a draft earlier this year. The government released the draft guidelines, seeking public comments, after which it released the final guidelines.

Relevance: GS Prelims & Mains Paper III; Environment

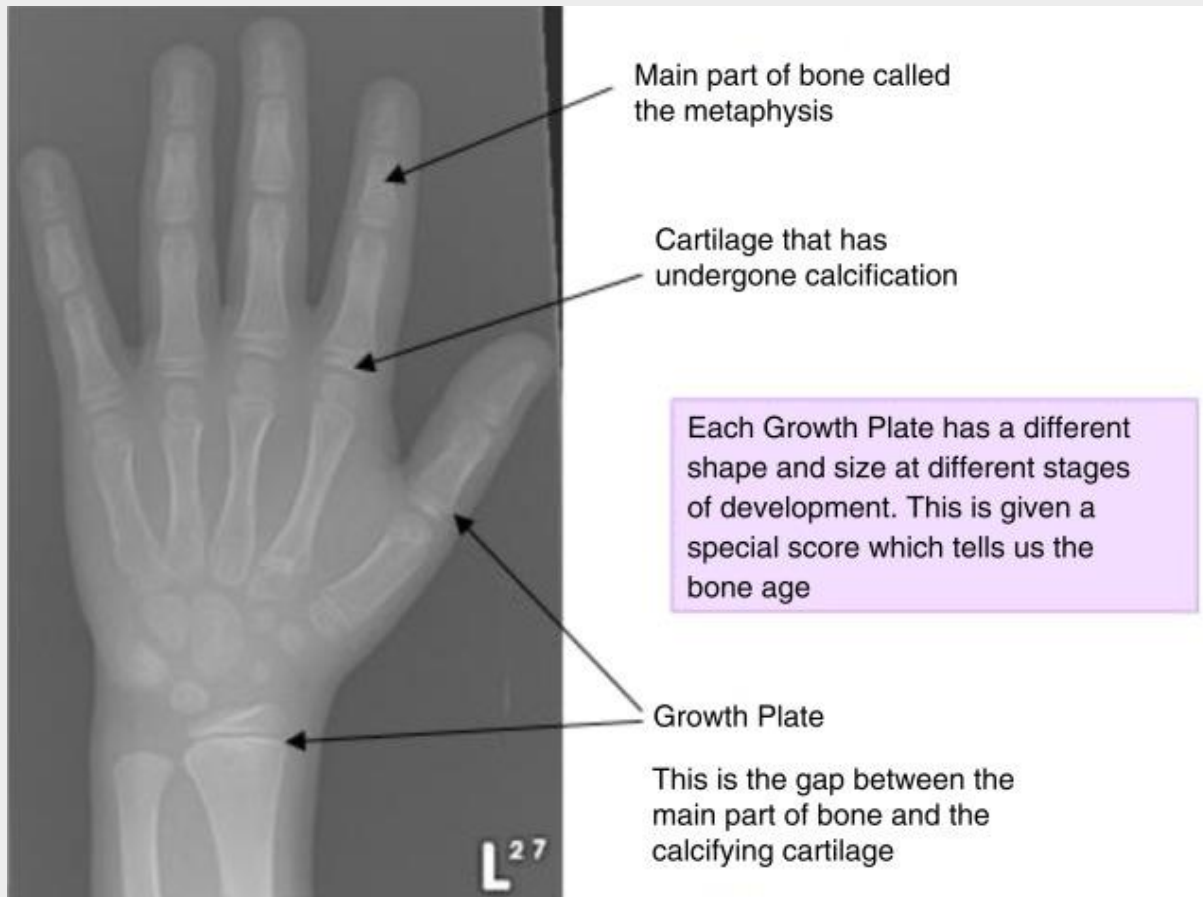
Source: Indian Express

2. How bone ossification test works, and its application in law

Introduction

One of the accused in the murder of former Maharashtra MLA Baba Siddique claimed before a court in Mumbai that he was 17 years old — and should thus be tried under the Juvenile Justice Act. The Mumbai Police Crime Branch, which sought custody of the accused, said an Aadhaar card found on the individual showed his age as 19.

To determine whether the accused was a minor, the magistrate ordered a bone ossification test, which was carried out at the state-run J J Hospital. After the report established that the accused, Dharmaraj Kashyap, was not a minor, the court remanded him in police custody until October 21.



What is a bone ossification test, and how does it determine the age of a person?

Ossification is the natural process of bone formation. This starts from the early developmental stage of the foetus and continues until late adolescence, but differs slightly from individual to individual. Based on the stage of development of the bones, experts can determine the approximate age of the person.

In a bone ossification test, X-rays of a few bones, such as those of hands and the wrists, are conducted to determine skeletal and biological development. The images may be compared with X-rays of standard development, which can assist in determining the age.

The analysis could be also based on a scoring system that looks at individual bones on the hands and wrists and their growth, and compares them with the standard of maturation of bones among a certain population.

Why is age determination significant in the criminal justice system?

In India, a person who is below 18 years of age is considered a minor. The criminal law differentiates between a child and an adult when it comes to procedure, correction and rehabilitation, and punishment.

Anyone below the age of 18 is governed by the Juvenile Justice (Care and Protection of Children) Act, 2015. A child who is found to be in conflict with the law cannot be sent to a prison meant for adults, and is instead sent to an observation home.

Instead of a court, the child is brought before a Juvenile Justice Board (JJB) comprising a magistrate and two social workers with experience in working with children. After an inquiry, the Board may direct the child to be let off with an admonition, community service, or a maximum of three years in a special home, among other options.

Following an amendment to the JJ Act in 2021, in cases where "a child above the age of sixteen years" has been apprehended for a "heinous offence" (for which the minimum punishment is seven years' imprisonment), the JJB must "conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence" before deciding whether the child should be tried as an adult.

What have courts said about the bone ossification test?

Under Section 94 of the JJ Act, "where it is obvious...based on the appearance...that the said person is a child", the Board can proceed without confirmation of age. But if there are "reasonable grounds for doubt", the Board must "undertake the process of age determination". Evidence has to be obtained from "the date of birth certificate from the school", or "the matriculation or equivalent certificate from the concerned examination board". If these are not available, a birth certificate issued by a corporation, municipal authority, or a panchayat may be considered.

"Only in the absence of [these], age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board," says the Act. In an order passed in March this year, the Supreme Court also said that tests such as ossification must be the last in the order of priorities to determine age.

Courts have held that the test cannot override documentary evidence on the age of an accused person. In some cases, courts have rejected pleas by accused seeking a test, when documentary evidence is already present.

How reliable are bone ossification tests?

Variability in observing the maturation of bones could impact the accuracy of the test. Also, the slight differences in development among individuals leaves some scope for error.

Ossification tests give a range — say, 17-19 years. Courts have dealt with the question of margin of error in the range, and considered whether to accept the age at the lower or the upper end of the range.

The Delhi High Court said this year that in POCSO (Protection of Children from Sexual Offences) Act cases where the age of the victim is determined through an ossification test, the upper age in the test's reference range should be considered, and a "margin of error of two years is required to be applied".

Relevance: GS Prelims; Science & Technology

Source: Indian Express

3. What does the Global Hunger Index 2024 state about India?

Introduction

The Global Hunger Index for 2024 states that a 'serious' level of hunger is prevalent in India. It ranks India 105th among 127 countries, giving it a score of 27.3. A score below 9.9 indicates low levels of hunger, 10-19.9 moderate, 35-49.9 alarming and above 50 extremely alarming.

India ranked 105th out of 127 countries in Global Hunger Index 2024

The report notes a slight increase in the prevalence of undernourishment in India in recent years.



What does it state about India?

The score is based on four broad parameters, that is, child stunting (share of children under five with lower height proportional to their age, reflecting chronic undernutrition), undernourishment (share of population with insufficient caloric intake), child wasting (share of children under five with lower weight proportional to their height) and child mortality (share of children who die before their fifth birthday). The report traced 13.7% of the population to be undernourished, 35.5% of children as stunted, 18.7% of children wasted and 2.9% of children dying before their fifth birthday. As per the survey, India has the highest child wasting rate globally.

However, the analysis states that India has demonstrated "significant political will" to transform the food and nutrition landscape — pointing to the National Food Security Act, Poshan Abhiyan (National Nutrition Mission), PM Garib Kalyan Yojna (PMGKAY) and National Mission for Natural Farming. But the report argues there exists room for improvement. To illustrate a solution, the report points to the co-relation between the poor nutritional status of mothers being transferred onto their children. There exists an 'intergenerational pattern of undernutrition' where the factors driving India's high child wasting rate entail mothers inflicted with insufficient weight gain during pregnancy and low birth weight among infants.

What about India's GDP growth?

The report states that the relationship between per capita GDP growth and low levels of hunger is "not always direct or guaranteed". In other words, GDP growth alone does not result in improved food and nutritional security for the entire populace. Thus, the report puts forth the imperative for policies to emphasise pro-poor development alongside addressing social/economic inequalities.

What solutions does it propose?

Broadly, the report proposes a multifaceted approach such as improved access to social safety nets, addressing complementary factors relating to well-being and nutrition, alongside dedicated approaches to assessing and provisioning nutritional needs. The first of the proposed measures entail improved access to safety nets and cash transfers. These, the report states, involve improving access to programs such as the Public Distribution Scheme (PDS),

PMGKAY and Integrated Child Development Services (ICDS). Other than this, it proposes investments in agriculture and a holistic food systems approach which promotes diversified, nutritious and ecological food production including nutri-cereals such as millets.

Other dedicated approaches include making effective investments in mother and child health. It recommends a set of factors such as improved water, sanitation and hygiene, among other things. Finally, the report also seeks interventions to consider links between food and nutrition, gender and climate change.

What is the debate about data collection methodology?

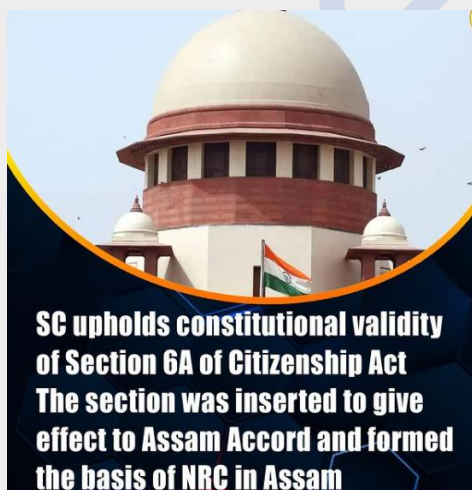
The previous year, the Ministry of Women and Child Development had expressed concerns about the data not being accessed from their ICT application 'Poshan Tracker'. The Ministry pointed out that UNICEF, WHO and the World Bank have acknowledged the tracker as a "game-changer". It observed child wasting being consistently below 7.2% on a month-on-month basis as compared to the 18.7% stated in the 2023 index. However, researchers have maintained that they use survey estimates that have been vetted for inclusion in the Joint Malnutrition Estimates and/or the WHO Global Database on Child Growth and Malnutrition. It argues that using the same data source ensures that the numbers are produced using comparable methodologies. "Introducing exceptions to this process for any country would compromise the comparability of the results and the ranking," it states.

Relevance: GS Prelims & Mains Paper II; International Organisations

Source: The Hindu

4. SC upholds Section 6A of Citizenship Act: what is the provision, why it was challenged

Introduction



Assam accord 1985 SC Verdict: In a landmark verdict, the Supreme Court on Thursday (October 17), upheld the constitutional validity of Section 6A of the Citizenship Act, 1955, which granted citizenship to immigrants who entered Assam before March 24, 1971.

A five-judge Bench headed by Chief Justice of India DY Chandrachud delivered the judgement. While reading out the verdict, the CJI said that while four judges, including himself, formed part of the majority verdict, Justice JB Pardiwala penned a dissent.

Section 6A was added to the statute in 1985 following the signing of the Assam Accord between the Rajiv Gandhi government at the Centre and the All Assam Students' Union (AASU), after a six-year-long agitation against the entry of migrants from Bangladesh into Assam.

The petitioners include the NGO Assam Public Works, the Assam Sanmilita Mahasangha, and others who claim that setting a different cut-off date for citizenship in Assam is a discriminatory practice.

What does Section 6A of the Citizenship Act provide?

A key element of the Assam Accord was determining who is a foreigner in the state. Clause 5 of the Assam Accord states that January 1, 1966 shall serve as the base cut-off date for the detection and deletion of "foreigners" but it also contains provisions for the regularisation of those who arrived in the state after that date and up till March 24, 1971.

Section 6A was inserted into the Citizenship Act to facilitate this. All persons of "Indian origin" who entered the state before January 1, 1966 and have been "ordinarily resident" in Assam ever since "shall be deemed to be citizens of India". Additionally, it provides that anyone who entered and resided in Assam after January 1, 1966 but before March 24, 1971 who has been "detected to be a foreigner" would have the opportunity to register themselves according to rules made by the Central Government.

Following such registration, they would be granted the rights of citizens except that they would not be included in electoral rolls for the purposes of voting in elections for a period of 10 years. Those entering after March 24, 1971, would be considered illegal immigrants.

The verdict may also have an effect on the National Register for Citizens (NRC) in Assam. In 2019 a two-judge bench led by then CJI Ranjan Gogoi passed an order stating "We make it clear that subject to orders as may be passed by the Constitution Bench in Writ Petition (C) No.562 of 2012 and Writ Petition (C) No.311 of 2015, National Register of Citizens (NRC) will be updated."

What did the court decide?

The majority opinion delivered by Justice Surya Kant (signed by Justices M M Sundresh and Manoj Misra) held that Parliament has the power to grant citizenship under different conditions so long as the differentiation is reasonable.

As the migrant situation in Assam was unique in comparison to the rest of India at the time, it was justified to create a law to specifically address it and doing so would not violate the right to equality under Article 14 of the Constitution. CJI Chandrachud pointed out in his separate but concurring opinion that the impact of immigration in Assam was higher in comparison to other states so "singling out" the state is based on "rational considerations."

Both the majority and CJI Chandrachud also held that the petitioners did not provide any proof to show that the influx of migrants affected the cultural rights of citizens already residing in Assam. Article 29(1) gives citizens the right to 'conserve' their language and culture. CJI Chandrachud stated that "Mere presence of different ethnic groups in a state is not sufficient to infringe the right guaranteed by Article 29(1)".

The majority also held that the cut-off dates of January 1, 1966 and March 24, 1971 were constitutional as Section 6A and the Citizenship Rules, 2009 provide 'legible' conditions for the grant of citizenship and a reasonable process.

Justice Pardiwala on the other hand, in his dissenting opinion, held that the provision was unconstitutional and suffered from “temporal unreasonableness” as it does not prescribe a time limit for detecting foreigners and determining whether they were citizens. This, he held, relieves the government of the burden of identifying immigrants and deleting them from the electoral rolls which goes against the objective of providing citizenship while protecting the cultural and political rights of the people of Assam.

Further, he noted that there is no process for an immigrant to voluntarily be detected so if they fall in the timeframe provided under Section 6A. They must wait for the government to identify them as a “suspicious immigrant” before being referred to a foreigner tribunal for a decision, which Justice Pardiwala called “illogically unique”.

Why was Section 6A challenged?

The petitioner claim that the cut-off date provided in Section 6A is discriminatory and violates the right to equality (Article 14 of the Constitution) as it provides a different standard for citizenship for immigrants entering Assam than the rest of India — which is July 1948. The Assam Sanmilita Mahasangha (ASM), one of the lead petitioners in the case, argued that the provision is “discriminatory, arbitrary and illegal”.

They also claim that the provision violates the rights of “indigenous” people from Assam. Their petition, which was filed in 2012, states that “the application of Section 6A to the State of Assam alone has led to a perceptible change in the demographic pattern of the State and has reduced the people of Assam to a minority in their own State. The same is detrimental to the economic and political well-being of the State and acts as a potent force against the cultural survival, political control and employment opportunities of the people.”

During the hearings, the petitioners argued that changing demographics in the state will affect the rights of “indigenous” Assamese people to conserve their culture under Article 29 of the Constitution of India.

What were the arguments in defence of Section 6A?

The Centre on the other hand has relied on Article 11 of the Constitution which gives Parliament the power “to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship”. It argued that this gives Parliament the power to make laws on citizenship including for a “particular object” without violating the right to equality.

Other respondents, including the NGO Citizens for Justice and Peace, argued that if Section 6A is struck down a large swathe of current residents will be rendered “stateless” and be considered foreigners after enjoying citizenship rights for over 50 years. They also argued that the demographic pattern of the state changed in response to geo-political events even before Section 6A was introduced and that Assam has long since been a multi-lingual and diverse state.

Relevance: GS Prelims & Mains Paper II; Governance

Source: Indian Express

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