

29 Mar 2019: UPSC Exam Comprehensive News Analysis

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B. GS2 Related

Category: INTERNATIONAL RELATIONS

1. U.S. circulates draft resolution on Azhar in Security Council

Context:

The U.S. took the lead in bringing sanctions against Jaish-e-Mohammad (JeM) chief Masood Azhar at the United Nations by circulating a draft resolution among Security Council members.

1267 Sanctions Committee:

Implications of the listing by the 1267 Sanctions committee.

- The 1267 and Al-Qaeda Sanctions Committee was established under the UNSC resolution 1267.
- The listing would result in:
 - Assets freeze: mandating all states to freeze the funds and other financial assets or economic resources of designated individuals and entities.
 - Travel ban: preventing the entry of designated individuals into or transit by all states through their territories.
 - Arms embargo: orders all states to prevent the direct or indirect supply, sale and transfer from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related material of all types, spare parts, and technical advice, assistance, or training related to military activities, to designated individuals and entities.

Details:

- The move comes weeks after the 1267 Sanctions Committee failed to designate Azhar as a terrorist, after China placed a hold on a listing request that the U.S., the U.K., and France had brought before the Committee.
- That listing request — the fourth such unsuccessful one in a decade — followed the February 14 suicide attack on a CRPF convoy in Pulwama in Jammu and Kashmir.
- The draft resolution circulated by the US borrows wording from UNSC press statements.
- It condemns “in the strongest terms the heinous and cowardly suicide bombing in Jammu and Kashmir, which resulted in over 40 Indian paramilitary forces dead and dozens wounded on 14 February 2019, for which a member of JeM has claimed responsibility.”

Responsibility of states

- In a related but separate development, the Security Council passed Resolution 2462 on terrorism financing.
- The resolution stresses “the primary responsibility of Member States in countering terrorist acts and reiterating their obligation to prevent and suppress the financing of terrorist acts as well as its call upon all States to become party to the international counter-terrorism conventions and protocols as soon as possible.”

China slams U.S. move:

China slammed the U.S. for circulating a draft resolution at the. “The U.S. has bypassed the 1267 committee and filed the draft of the resolution to the Security Council. This is not in line with the resolution of the issue through negotiations,” Chinese Foreign Ministry spokesperson said.

Why is China against the move?

- One, given that China and Pakistan are “all-weather friends” Beijing’s efforts are aimed at keeping its ally in South Asia happy. India is seen as a competitor and sometimes even a threat by China.
- Any breakthrough in South Asia in terms of peace with Pakistan or penalising Pakistan with support from other countries would mean India being relatively free to concentrate further afield.
- Pakistan’s support for China within groupings like the Organisation of Islamic Cooperation (OIC) and others like the Non-Aligned Movement where China has no representation could be another reason for Beijing extending support to Pakistan through the UNSC, where it is a powerful veto-wielding member.
- In the past, Pakistan has reportedly shielded China in the OIC against caustic remarks on Beijing’s crackdowns on its Muslim Uyghur community in its restive Xinjiang province.
- Islamabad has also stood up against any inclusion of sharp language against Beijing at the Non

Aligned Movement's meetings on its conduct in the South China Sea. Beijing claims almost all of the South China Sea, disputing claims by countries like the Philippines and Vietnam.

- Another reason could be India's growing proximity to the US that China definitely sees as a major challenge. India's warming relations with the US in the past decade, the high water mark of which was the 2008 civil nuclear deal, has been variously debated and discussed as moves by the US to find a counterweight to China in Asia.
- In the past, China has also opposed India's membership into the elite Nuclear Suppliers Group and the UN Security Council.
- According to analysts, it is also part of power politics – keeping power concentrated within the hands of a few and keeping others out.

Category: POLITY AND GOVERNANCE

1. Centre should address States' concern on GST transfers

Context:

Former RBI Governor Y.V.Reddy stresses on the need for a federal body to ensure there is a stable formula for GST transfers to States.

Details:

- While the Goods and Services Tax (GST) Council was designed as a federal body between the States and the Centre, the complaint of the States is that the Centre is taking advantage of the arrangement and is delaying the dues to be paid to the States longer than is needed, according to Y.V. Reddy, former chairman of the Fourteenth Finance Commission.
- The GST Council is an institution built on the cooperation of the Centre and the States in the matter of taxation," Mr. Reddy said.
- He opined that the Centre is supposed to give money to the States, but that distribution is taking time and accounts are not being finalised.
- The former RBI Governor also pointed out that the empirical evidence showed that, while the transfers mandated by the Finance Commission from the Centre to the States had been to the benefit of the poorer States, the discretionary spending allowed by the Centre had, in fact, only been to the benefit of the richer States.

Way forward:

- On the future roles of the FCs and the NITI Aayog, Mr. Reddy said that there was a need for a body such as the FCs to make sure that there was a stable formula for transfers to the States. There was also a need for a federal body, which is trusted by both the States and the Centre, that would provide a forum for the political bargaining that was behind the allocation of other funds to the States, such as grants in aid.
- "The right way of going about it is that there should be a political forum and expertise also, which will arrive at the criteria for such transfers," the former RBI Governor said.
- "That body should come under the confidence of both the States and the Centre, and not just identify with the Centre. If the NITI Aayog were to occupy this role, then the first thing is for it to get the trust of the States."
- Reddy also weighed in on the controversy surrounding the Terms of Reference for the Fifteenth Finance Commission, saying that the way forward was to use the latest population data available, and then also factor in other factors that would reward the efficiency of the States.
- "Population is the easiest and most quantifiable metric, provided it is the relevant population. It should be population of the period for which you are giving the award. Definitely the outdated data is

not appropriate. The latest data should be used.” He said.

2. Government defends move on Finance Act

Context:

The Constitution Bench is hearing a clutch of petitions, including one by Member of Parliament Jairam Ramesh, challenging certain provisions of the Finance Act, 2017 which modify the terms of appointment and functioning in various statutory tribunals, including the National Green Tribunal.

Details:

- The member of Parliament Jairam Ramesh has Challenged certain provisions of the Finance Act, 2017 which modify the terms of appointment and functioning in various statutory tribunals, including the National Green Tribunal.
- The Centre told the Supreme Court that Finance Bill of 2017 was certified as a Money Bill by the Speaker of Lok Sabha and the judicial review of the decision cannot be done.
- A five-judge Constitution bench headed by chief justice Ranjan Gogoi was told by attorney general K K Venugopal, appearing for the Centre, that petitioners' contention that certification of Finance Bill of 2017 as Money Bill was not right and cannot be a ground for a challenge to the Bill.
- "The Act of 2017 deals with various aspects of finance. Speaker of the House gave the certification that Finance Act was a Money gill. Finance Act of 2017 was passed by the Parliament as a Money gill irrespective of the objections in Rajya Sabha," Venugopal said.
- The attorney general told the bench also comprising justices N V Ramana, DY Chandrachud, Deepak Gupta and Sanjiv Khanna that apex court has repeatedly held in its verdicts that certification cannot be questioned and courts cannot inquire into the decision taken by Parliament "This aspect is consistent with the broad parameters of separation of powers given in the Constitution. Similarly, Parliament cannot interfere with the affairs of judiciary," he said.
- The attorney general countered the contention of petitioners that Finance Act of 2017 cannot be certified as a Money Bill saying, "Certification of a particular Act as a Money Bill is an internal functions of the Parliament. If there is any dispute, the Speaker applies his mind and takes a decision. No one can question the bonafide of the Speaker and all members abide by the decision."
- He said Finance gill comprises of amendments to several Acts and statutes and the petitioners have challenged only one particular aspect saying cannot be termed as Money Bill.

C. GS3 Related

Category: ECONOMY

1. Rajan stresses on focussed targeting of NYAY handout

Context:

While Raghuram Rajan agreed that the NYAY Scheme announced by the Congress will promote growth at the grass root level, he remains sceptical about whether the Indian economy can afford such a scheme.

What is NYAY Scheme?

Rahul Gandhi has promised to give Minimum Income Guarantee (MIG) of ₹72000 to the poor citizens of the country. An amount of ₹72,000 a year -- a standard amount ₹6,000 per month -- is proposed to be transferred to the account of beneficiaries.

- The MIG will cover only the poor rural and urban households in the country.
- This plan will not provide money to all the citizens of the country so it will be a targeted plan unlike the Universal Basic Income Scheme.
- The proposed minimum income guarantee will cover 22-25% of the population (as fixed by Tendulkar) or 29.5 per cent (fixed by Rangarajan).

Details:

- Former Governor of RBI Raghuram Rajan said the ₹72,000 minimum income guarantee scheme for the poor, NYAY, promised by Congress, needed to be targeted well and the fiscal space should be created for it.
- “This is about capability building and not about keeping people out of the workforce and putting them permanently on some kind of dole,” he said.
- “The objective is to provide enough to the poor segments of society to have purchasing power, with which they can build capabilities like better schooling, better healthcare, better nutrition and thereby come to a position where they can be contributing people in society,” he said.
- Rajan said there was lot to be worked out in terms of delivery of NYAY in terms of making it as effective as possible.

2. Data ownership, a bone of contention

Issue:

- The ownership of aggregate data remains a bone of contention between the Department for Promotion of Industry and Internal Trade (DPIIT) and stakeholders, including start-ups and SMEs, in the ongoing consultations over the draft e-commerce policy.
- The issue had come up for discussion during a recent meeting between industry representatives and DPIIT officials.

Details:

- While the draft e-commerce policy stated, “India and its citizens have a sovereign right to their data... Even after anonymisation (valuable tool that allows data to be shared, whilst preserving privacy), the interests of the individual cannot be completely separated from the derivatives that may be obtained by analysing and drawing inferences from a certain set of data,”.
- Some of the technology firms said that they invest capital and resources to collect this data. Hence, so saying that it also belongs to the citizens is unfair.
- Concerns were raised over government reserving the right to seek disclosure of source code and algorithms.
- The technology firms said that they have sought that the government should only have the right to seek aggregated data, source code and algorithms only in case of law and order or investigation situations and they have taken note of it.

Draft E-commerce Policy:

The government had released the draft e-commerce policy. The policy focuses on six broad issues of the e-commerce sector, which includes data, infrastructure development, e-commerce marketplaces, regulatory issues, stimulating domestic digital economy and export promotion through e-commerce. The government put out the draft e-commerce policy in February and had invited comments from all stakeholders till March 29.

D. GS4 Related

Nothing here for today!!!

E. Editorials

Category: SCIENCE AND TECHNOLOGY

1. Power in space

Larger Background:

What was the test?

- On March 27, 2019 India conducted Mission Shakti, an anti-satellite missile test, from the Dr. A P J Abdul Kalam Island launch complex. This was a technological mission carried out by DRDO. The satellite used in the mission was one of India's existing satellites operating in lower orbit.
- The test was fully successful and achieved all parameters as per plans. The test required an extremely high degree of precision and technical capability.
- The significance of the test is that India has tested and successfully demonstrated its capability to interdict and intercept a satellite in outer space based on complete indigenous technology.
- With this test, India joins an exclusive group of space faring nations consisting of USA, Russia and China.

Which satellite was used?

- The satellite used was an Indian satellite.

Which Missile/Interceptor was used?

- The DRDO's Ballistic Missile Defence interceptor was used, which is part of the ongoing ballistic missile defence programme.

There are other ways to demonstrate ASAT capabilities such as "fly-by tests" and Jamming. Why has India used the particular technology of Kinetic Kill?

- This is a technology where we have developed capability. Space technologies are constantly evolving. We have used the technology that is appropriate to achieve the objectives set out in this mission.

Does the test create space debris?

- The test was done in the lower atmosphere to ensure that there is no space debris. Whatever debris that is generated will decay and fall back onto the earth within weeks.

Why did we do the test?

- India has a long standing and rapidly growing space programme. It has expanded rapidly in the last five years. The Mangalyaan Mission to Mars was successfully launched. Thereafter, the government has sanctioned the Gaganyaan Mission which will take Indians to outer space.
- India has undertaken 102 spacecraft missions consisting of communication satellites, earth

observation satellites, experimental satellites, navigation satellites, apart from satellites meant for scientific research and exploration, academic studies and other small satellites.

- India's space programme is a critical backbone of India's security, economic and social infrastructure.
- The test was done to verify that India has the capability to safeguard our space assets. It is the Government of India's responsibility to defend the country's interests in outer space.

Why was the test done now?

- The tests were done after we had acquired the required degree of confidence to ensure its success, and reflects the intention of the government to enhance India's national security.
- India has seen an accelerated space development programme since 2014.

Is India entering into an arms race in outer space?

- India has no intention of entering into an arms race in outer space.
- We have always maintained that space must be used only for peaceful purposes. We are against the weaponisation of Outer Space and support international efforts to reinforce the safety and security of space based assets.
- India believes that Outer space is the common heritage of humankind and it is the responsibility of all space-faring nations to preserve and promote the benefits flowing from advances made in space technology and its applications for all.
- India is a party to all the major international treaties relating to Outer Space.
- India already implements a number of Transparency and Confidence Building Measures (TCBMs) – including registering space objects with the UN register, pre-launch notifications, measures in harmony with the UN Space Mitigation Guidelines, participation in Inter Agency Space Debris Coordination (IADC) activities with regard to space debris management, undertaking SOPA (Space Object Proximity Awareness and COLA (Collision Avoidance) Analysis and numerous international cooperation activities, including hosting the UN affiliated Centre for Space and Science Technology Education in Asia and Pacific.
- India has been participating in all sessions of the UN Committee on the Peaceful Uses of Outer Space.
- India supported UNGA resolution 69/32 on **No First Placement of Weapons on Outer Space**.
- We see the No First Placement of weapons in outer space as only an interim step and not a substitute for concluding substantive legal measures to ensure the prevention of an arms race in outer space, which should continue to be a priority for the international community.
- India supports the substantive consideration of the issue of Prevention of an Arms Race in Outer Space (PAROS) in the Conference on Disarmament where it has been on the agenda since 1982.

What is the international law on weapons in outer space?

- The principal international Treaty on space is the **1967 Outer Space Treaty**. India is a signatory to this treaty, and ratified it in 1982. The Outer Space Treaty prohibits only weapons of mass destruction in outer space, not ordinary weapons.
- India expects to play a role in the future in the drafting of international law on prevention of an arms race in outer space including inter alia on the prevention of the placement of weapons in outer space in its capacity as a major space faring nation with proven space technology.
- India is not in violation of any international law or Treaty to which it is a Party or any national obligation.

Is the test directed against any country?

- The test is not directed against any country. India's space capabilities do not threaten any country

and nor are they directed against anyone.

- At the same time, the government is committed to ensuring the country's national security interests and is alert to threats from emerging technologies. The capability achieved through the Anti-Satellite missile test provides credible deterrence against threats to our growing space-based assets from long range missiles, and proliferation in the types and numbers of missiles.

Editorial Analysis:

- Recently, India has entered an elite space club with the Defence Research and Development Organisation blowing up a satellite in a Low Earth Orbit into smithereens.
- Such Indian capability to take out moving objects has never really been in doubt: the DRDO announced it as early as in 2011.
- It is important to note that India has been in the business of testing long-range missiles for years, although public attention on the space programme has been mostly on its civilian and scientific aspects.
- The military dimension, though always latent, had not seen a verifiable demonstration as in the case of Mission Shakti, the **Anti-Satellite (ASAT) missile test**.
- The display of technological prowess through the test accentuates the military dimension and brings into play an overwhelming assurance of what the Ministry of External Affairs describes as a 'credible deterrence' against attacks on India's growing number of space assets.
- Although only three other countries, the U.S., Russia, and China, have previously demonstrated this capability, it is possible to surmise that countries with long-range missiles could do the same with equal effectiveness. But India, surely, is staking a forward claim as a space weapons power.

Concluding Remarks:

- Experts opine that while India celebrates the test as a scientific achievement, it must also dwell on the possibility that this might goad its none-too-friendly neighbour Pakistan into a competitive frenzy.
- Also, in the absence of a credible threat to India's space assets from China or any other country with Anti-Satellite missile capabilities, whether the 'deterrence' sought to be achieved by this test would lead to a more stable strategic security environment is not certain.
- There are other questions that need to be answered as well. **Will the test spur space weaponisation?**
- It is important to note that Prime Minister Narendra Modi, while announcing the success of the test, was clear that India wanted to maintain peace rather than indulge in warmongering. And, by targeting a low-orbit satellite, the missile test did the utmost possible to minimise space debris, which is an issue of international concern.
- **But, within India, the timing of the test, when the country is already in election mode, does raise concerns whether this was aimed at the domestic constituency.**
- The Election Commission of India is now seized of the question whether the Prime Minister might have violated the Model Code of Conduct. If it does find the timing amiss, the Modi government could be in for some serious embarrassment.
- Ideally, the test should not have been a matter for a partisan political debate, but given the hypernationalist political plank of the Bharatiya Janata Party, Mission Shakti might have more reverberations on the ground than it has had in space.

Category: ECONOMY

1. The shape of an urban employment guarantee

What's in the news?

- India is in the midst of a massive jobs crisis. The unemployment rate has reached a 45-year high (6.1%) in 2017-18 as per leaked data from the Periodic Labour Force Survey (PLFS) report of the National Sample Survey Office (NSSO).

Editorial Analysis:

- According to the PLFS report, the unemployment problem is especially aggravated in India's cities and towns. Aside from unemployment, low wages and precarity continue to be widespread.
- In urban India, the majority of the population continues to work in the informal sector. Hence, India cannot ignore the crisis of urban employment.

Reviving India's towns

- Some experts opine that both State and Central governments tend to treat towns as “engines of growth” for the economy rather than spaces where thousands toil to make a living.
- Programmes such as the **Swarna Jayanti Shahari Rozgar Yojana (1997)** that included an urban wage employment component have made way for those focussed on skilling and entrepreneurship.
- Critics point out that India's small and medium towns are particularly ignored in the State's urban imagination.
- As per Census 2011, India has 4,041 cities and towns with an urban local body (ULB) in the form of a Municipal Corporation, Municipal Council or Nagar Panchayat. However, national-level urban programmes such as the Smart Cities Mission and the Atal Mission for Rejuvenation and Urban Transformation (AMRUT) only benefit a fraction of them.
- Most ULBs are struggling to carry out basic functions because of a lack of financial and human capacity. Further, with untrammelled urbanisation, they are facing more challenges due to the degradation of urban ecological commons.
- Hence, we need new ways to promote the sustainable development of India's small and medium towns. In the context of the present employment crises, it is worthwhile considering to introduce an employment guarantee programme in urban areas.
- Along with addressing the concerns of underemployment and unemployment, such a programme can bring in much-needed public investment in towns to improve the quality of urban infrastructure and services, restoring urban commons, skilling urban youth and increasing the capacity of ULBs.
- The idea of an urban employment programme is gaining traction in political and policy debates. According to multiple reports, it could be a key agenda of a possible Common Minimum Programme of the Opposition parties for the 2019 general election. In Madhya Pradesh, the new State government has launched the “**Yuva Swabhiman Yojana**” which provides employment for both skilled and unskilled workers among urban youth.
- What shape an urban employment guarantee programme should take can be widely debated.

A Recent Proposition Made on Urban Employment Guarantee:

- Recently, a team of experts have offered one proposition in the policy brief “Strengthening Towns through Sustainable Employment” (<https://bit.ly/2utJIL0>), which was published recently by the Centre for Sustainable Employment, Azim Premji University.
- Such a programme would give urban residents a statutory right to work and thereby ensure the right to life guaranteed under Article 21 of the Constitution.
- Further, to make it truly demand-driven, this team of experts have proposed that the ULB receives funds from the Centre and the State at the beginning of each financial year so that funds are available locally. Wages would be disbursed in a decentralised manner at the local ULB.
- Also, given the State's relative neglect of small and medium towns and to avoid migration to big cities, such a programme can cover all ULBs with a population less than 1 million.

- Also, since it is an urban programme, it should have a wider scope than the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA); this would provide employment for a variety of works for people with a range of skills and education levels.
- The team of experts emphasise that it would not come at the expense of MGNREGA but rather the two would go hand-in-hand.
- These experts believe that urban informal workers with limited formal education would benefit from this programme.
- They can undertake standard public works such as building and maintenance of roads, footpaths and bridges for a guaranteed 100 days in a year, at ₹500 a day. In the proposal, a new set of “green jobs” which include the creation, restoration/rejuvenation, and maintenance of urban commons such as green spaces and parks, forested or woody areas, degraded or waste land, and water bodies have also been proposed.
- Further, a set of jobs that will cater to the “care deficit” in towns by providing child-care as well as care for the elderly and the disabled to the urban working class have also been included.

Skilling and apprenticeship: A Perspective

- Another novel aspect in the proposal is the creation of a skilling and apprenticeship programme for unemployed youth with higher education who can sign up for a contiguous period of 150 days (five months), at ₹13,000 a month for five months to assist with administrative functions in municipal offices, government schools, or public health centres, and for the monitoring, measurement, or evaluation of environmental parameters.
- While the first category of work is aimed at providing additional employment opportunities and raising incomes for those in low-wage informal work, the second category is to provide educated youth experience and skills that they can build-on further.
- The team of experts estimate that such a programme will cost between 1.7-2.7% of GDP per year depending on design, and can provide work opportunities to around 30-50 million workers.
- These experts add that in light of the 74th Amendment, this programme should be administered by the ULB in a participatory manner by involving ward committees.

Concluding Remarks:

- In conclusion, the proposal provides strong transparency and accountability structures — proactive disclosure of information based on Section 4 of the RTI Act, proactive measures through mandatory periodic social audits, public hearing and reactive measures through a “Right to Timely Grievance Redressal” for workers.
- Lastly, it is important to note that an urban employment guarantee programme not only improves incomes of workers but also has multiplier effects on the economy.
- It will boost local demand in small towns, improve public infrastructure and services, spur entrepreneurship, build skills of workers and create a shared sense of public goods.
- Hence, the time is ripe for an employment guarantee programme in urban India.

Category: INTERNATIONAL RELATIONS

1. Dangerous precedent

What’s in the news?

Recently, U.S. President Donald Trump decided to recognise Israel’s sovereignty over the occupied Golan Heights.

Editorial Analysis:

- Experts opine that U.S. President Donald Trump's decision to recognise Israel's sovereignty over the occupied Golan Heights hardly came as a surprise given his administration's blatant pro-Israel stance.
- As a matter of fact, experts point out the irony in the fact that a President who promised to facilitate a deal between Israelis and Palestinians has turned out to be the most pro-Israel President in U.S. history.
- **It is important to note that Mr. Trump has already recognised as Israel's capital Jerusalem, a city it captured in parts in the 1948 and 1967 wars and which is claimed by both Israelis and Palestinians.**
- Before he announced his intention to recognise Israeli sovereignty over Golan, a State Department report had dropped the word 'occupied' in references to Golan Heights and the Palestinian territories of Gaza and the West Bank, hinting at where the administration stood on the issue.

A Brief Look at History:

- Israel captured Golan, a strategically important plateau beside the Sea of Galilee, from Syria in the 1967 war.
- Among the territories it captured in the war, Israel has returned only the Sinai Peninsula, to Egypt.
- It annexed East Jerusalem and Golan Heights and continues to occupy the West Bank and the Gaza Strip.
- In 1981, as it passed the **Golan annexation legislation**, the Security Council passed a resolution that said, "the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect".

Perspective on Syria:

- Unlike Egypt in the 1970s, Syria has had neither the military ability nor the international clout to launch a campaign to get its territory back.
- President Bashar al-Assad tried to kick-start a U.S.-mediated peace process with Israel during the Obama presidency, but it failed to take off.
- And now, the Syrian government, after fighting eight years of a civil war, is debilitated and isolated, and the U.S. move is unlikely to trigger any strong response, even from the Arab world.
- However, that is the least of the problems. Mr. Trump's decision flouts international norms and consensus, and sets a dangerous precedent for nations involved in conflicts.
- It is important to note that the modern international system is built on sovereignty, and every nation-state is supposed to be an equal player before international laws irrespective of its military or economic might.
- Further, the U.S., by recognising the sovereignty of Israel over a piece of land that the latter captured from Syria 52 years ago, is challenging this and normalising occupation. The decision also overlooks the wishes of the inhabitants of the territory.
- Most of the Druze population that has been living in Golan for generations has resisted Israel's offer of citizenship and remained loyal to Syria. This they did even amidst Israel's settlement activities.

Concluding Remarks:

- In conclusion, this is a conflict that needs to be settled between Israel and Syria at some point of time under international mediation.
- Finally, Mr. Trump is making the possibility of any future peaceful settlement difficult by recognising Israel's sovereignty, just as he made any future Israeli-Palestinian settlement complicated with his decision to move the U.S. embassy to Jerusalem from Tel Aviv.

Category: POLITY AND GOVERNANCE

1. Case of the 'imported' embryo: the how, the why, and what the law says

Larger Background:

- The Surrogacy (Regulation) Bill, 2016 was introduced in Lok Sabha on November 21, 2016.
- The Bill regulates altruistic surrogacy and prohibits commercial surrogacy.

How is surrogacy regulated under the Bill?

- The Bill defines surrogacy as a practice where a woman gives birth to a child for an eligible couple and agrees to hand over the child after the birth to them.
- The Bill allows altruistic surrogacy which involves a surrogacy arrangement where the monetary reward only involves medical expenses and insurance coverage for the surrogate mother.
- Commercial surrogacy is prohibited under the Bill.

What is the eligibility criteria for couples intending to commission surrogacy?

- In order to be eligible, the couple intending to commission a surrogacy arrangement must be a close relative of the surrogate mother. In addition, the couple has to prove that they fulfil all of the following conditions:
 - They are Indian citizens who have been married for at least five years;
 - They are in the age group of 23-50 years (female partner) and 26-55 years (male partner);
 - A medical certificate stating that either or both partners are infertile;
 - They do not have any surviving child (whether biological, adopted or surrogate), except if the surviving child is mentally or physically challenged or suffers from a fatal illness;
 - A court order concerning the parentage and custody of the child to be born through surrogacy;
 - Insurance coverage for the surrogate mother.
 - Additional eligibility conditions that the intending couple need to meet may be specified by regulations. It could be argued that the qualifying conditions for surrogacy should be specified in the Bill and not be delegated to regulations.

Who is eligible to be a surrogate mother?

The surrogate mother, apart from proving that she is a close relative of the couple intending the surrogacy, also has to prove all the following conditions:

- She was or is married and has a child of her own;
- She is 25 to 35 years old;
- She has not been a surrogate mother before;
- She possesses a medical certificate of her fitness for surrogacy.

What will be the legal status of a surrogate child?

- The Bill states that any child born out of a surrogacy procedure shall be the biological child of the intending couple and will be entitled to all rights and privileges that are available to a natural child.

What is the process for commissioning a surrogacy?

- The intending couple and the surrogate mother can undergo a surrogacy procedure only at surrogacy clinics that are registered with the government.

- To initiate the procedure, the couple and the surrogate mother need to possess certificates to prove that there are eligible.
- These certificates will be granted by a government authority if the couple and the surrogate mother fulfill all the conditions mentioned above.

What is the penalty for engaging in commercial surrogacy under the Bill?

- The Bill specifies that any person who takes the aid of a doctor or a surrogacy clinic in order to conduct commercial surrogacy will be punishable with imprisonment for a minimum term of five years and a fine that may extend to five lakh rupees.
- Offences such as (i) undertaking or advertising commercial surrogacy; (ii) exploiting or abandoning the surrogate mother or child; and (iii) selling or importing human embryo or gametes for surrogacy will attract a minimum penalty of 10 years and a fine up to 10 lakh rupees.

A Few More Salient Points:

- Under this Bill, homosexuals, single parents, and live-in couples are also not entitled to surrogacy.
- Also, couples who already have children will not be allowed to go for surrogacy, though they would be free to adopt a child under a separate law.
- The Bill entitles only Indian citizens to avail of surrogacy. Foreigners, Non-Resident Indians and Persons of Indian Origin are not allowed to seek surrogacy in the country.

What's in the news?

- In the month of March, 2019, the Directorate of Revenue Intelligence (DRI) arrested a Malaysian national who was allegedly attempting to import a nitrogen canister containing a frozen human embryo.
- The arrest, first of its kind in India, led to a search at a fertility clinic in Mumbai.

Editorial Analysis:

Why store embryos

- In medical terms, the unborn offspring is an embryo from the day of fertilisation until the eighth week of pregnancy; after that, it is a foetus. Following in vitro fertilisation (outside the body), some couples choose to freeze embryos that are left over.
- This would allow patients to conceive at a later time.
- As a matter of fact, embryos are frozen from the second day of fertilisation, using techniques to halt physiological or biological development. The embryo is stored in liquid nitrogen or nitrogen vapour at a temperature below -190°C .
- In 2017, a 24-year-old frozen embryo made headlines after it was used to give birth in the US.
- Until five years ago, facilities for embryo freezing were limited in India. Several couples stored embryos abroad and imported them when they wanted to conceive. Today, India has many embryo freezing banks at par with those in the West.
- Some experts point out that one possible reason for importing embryos could be to meet demands from Indian couples for a baby with “non-Indian looks”. As a matter of fact, some doctors in India often get requests for European gametes from couples.
- In this particular case, experts suspect that it is also possible that a Malaysian couple had commissioned illegal surrogacy in India. Malaysia does not allow surrogacy.
- In India, the Surrogacy (Regulation) Bill, 2016, passed by Lok Sabha in 2018, bans commercial surrogacy but permits altruistic surrogacy. However, India offers cheaper IVF procedures, at costs one-half to one-third of those in the US.
- In 2017, a Thai national was arrested for smuggling six tubes of semen stored in liquid nitrogen to

Laos for surrogacy. Embryos or gametes were getting routed to surrogacy clinics, ART clinics and IVF clinics.

- DRI officials alleged that the arrested Malaysian national, Partheban Durai, had smuggled embryos at least eight times to Mumbai, after declaring these as stem cells. This time, he carried the nitrogen canister- as large as a mini gas cylinder- in his hand luggage and did not put it for X-ray screening, officials said. It was allegedly meant for delivery at the Indo-Nippon IVF Fertility Centre.

Indian laws: A Perspective

- In October 2015, the Director General of Foreign Trade moved the import of human embryos from the 'restricted' to the 'prohibited' category, except for research purposes.
- Further, the very next month, the Ministry of Home Affairs banned commercial surrogacy for foreign nationals in India. Since then, the Indian Council of Medical Research (ICMR) has stopped giving no-objection-certificates for the import of embryos or gametes.
- Export is allowed on a case basis for couples who froze their embryos or gametes in India before the surrogacy ban was enforced, and wish to continue IVF in another country.
- IVF experts have urged for regulation rather than prohibition. "There are lots of Indian couples who froze their eggs or embryos abroad while living there. Now that they have migrated to India, they wish to continue IVF here," said Dr Jaideep Malhotra, current ISAR president.
- Alternatively, those with terminal illness may travel abroad for treatment and preserve their healthy gametes before initiating radiation or chemotherapy. Once the treatment is over, they may wish to bring it back to India. "These are genuine problems that Indians face and the government must allow import in such cases," said IVF expert Dr Duru Shah.
- In a draft regulation submitted to Director General of Foreign Trade and Ministry of Health and Family Welfare, the ICMR has suggested ways to regulate import of embryos and gametes – matching of DNA of embryo with that of importing couple, justifiable reasons for import, a mandatory check on exporting and importing clinic. "This is to ensure foreign couples do not send their embryo for surrogacy," said Dr R S Sharma, senior director at ICMR, who was involved in drafting the guidelines.

F. Tidbits

1. Punjab & Haryana HC bars stating of caste in proceedings

- The Punjab and Haryana High Court has instructed Punjab, Haryana and Chandigarh not to mention the caste of the accused, victims or witnesses in proceedings before the court.
- It was noted that the caste system was profoundly illogical and was also against the basic tenets of the Constitution.
- "...it would be pertinent to mention here that during the course of investigation, the police have used the caste of the accused, witnesses as well as of the victim. This is not permissible. Mentioning of the caste status separately in the criminal proceedings is a colonial legacy and requires to be stopped forthwith...The Constitution guarantees a casteless and classless society. All are born equal," observed the court.
- The court has directed the Secretaries (Home) of the governments to issue instructions to all investigating officers not to mention the caste of the accused, victims or witnesses in recovery memos, FIRs, seizure memos, inquest papers and other forms prescribed under CrPC and Punjab Police Rules.

2. Handbook to spread green message

- In a bid to spread the green message and make elections an eco-friendly affair, the Haritha Keralam Mission has released a handbook to guide the public.

- The book, in Q&A format, with pictures is all about how to follow the green protocol during the Lok Sabha polls.
- “The book is an attempt to give political parties and the public a clearer picture as they might have many doubts in the area. The basic idea is to increase awareness of the importance of plastic-free polls,” says S. Issac, district coordinator, Haritha Keralam Mission.
- The book explains how to substitute all plastic and other non-biodegradable material with eco-friendly options during electioneering.

G. Prelims Facts

1. cVIGIL

“cVIGIL” is a user-friendly and easy to operate Android application to report the violations of Model Code of Conduct during the elections. The app was launched by the Chief Election Commissioner in July 2018. Upon successful completion of the trial, the application will be made available for general use, starting with the forthcoming Assembly elections in the States of Rajasthan, Mizoram, Madhya Pradesh and Chhattisgarh. The practical use of the app during these Assembly polls would serve as a pilot initiative before it is put to extensive use during the 2019 General Elections.

Read more about [cVIGIL Mobile Application](#).

H. Practice Questions for UPSC Prelims Exam

Q1. Consider the following statements with respect to the disease “Kala-azar”:

1. It is a parasitic infection transmitted by mosquitoes.
2. It belongs to Neglected Tropical Disease (NTD) family.
3. It is the first largest parasitic killer in the world.
4. India accounts for half the global burden of Kala-azar disease.

Which of the statement/s given above is/are correct?

- a. 1 only
- b. 2 and 4 only
- c. 3 and 2 only
- d. 1, 2, 3 and 4

Answer: b

Explanation: Kala-azar or visceral leishmaniasis (VL), also known as black fever and Dumdum fever is most severe form of leishmaniasis. It is zoonotic (or parasitic infection transmitted by sand fly (*Leishmania donovani*), a blood-sucking pest, which is one-third size of mosquitoes and found in moist (humid) mud, sand and in close proximity to livestock. Kala-azar belongs to Neglected Tropical Disease (NTD) family of diseases which affect poorest populations. It is second-largest parasitic killer in world after Malaria. It is endemic to Indian subcontinent in 119 districts in four countries (Bangladesh, Bhutan, India and Nepal). India accounts for half the global burden of Kala-azar disease.

Q2. Consider the following about Convention on the Conservation of Migratory Species of Wild Animals (CMS):

1. CMS is an international treaty concluded under the aegis of United Nations Environment Programme

(UNEP)

2. Its headquarters are in Bonn, Germany
3. It is for the second time that the summit is being hosted in India.

Which of the statement/s given above is/are INCORRECT?

- a. 1 only
- b. 3 only
- c. 1 and 3
- d. 2 and 3

Answer: b

Explanation: The United Nations Environment Programme (UNEP) has announced that India will host next Convention on the Conservation of Migratory Species of Wild Animals (CMS) Conference of Parties 13 (CMS COP13) in year 2020. CMS COP is also known as a Global Wildlife Conference. It was signed in 1979 in Bonn (hence the name), Germany and entered into force in 1983. Its headquarters are in Bonn, Germany. The announcement was made during 12th Meeting of the Conference of the Parties 12 (COP12) to CMS held in Manila, Philippines. This was for first time the summit was held in Asia.

Q3. Which of the following air pollutants are considered for determining the Air Quality Index?

1. Ozone
 2. Carbon dioxide
 3. Sulphur dioxide
 4. Nitrogen dioxide
 5. Carbon monoxide
 6. Particulate Matter
- a. 1, 2, 3, 4, 5
 - b. 1, 3, 4, 5, 6
 - c. 2, 3, 4, 5, 6
 - d. 1, 2, 3, 5, 6

Answer: b

Explanation: The AQI is an index for reporting daily air quality. It tells how clean or polluted the air is, and what associated health effects might be. The AQI focuses on health effects one may experience within a few hours or days after breathing polluted air. EPA calculates the AQI for five major air pollutants regulated by the Clean Air Act: ground-level ozone, particle pollution (also known as particulate matter), carbon monoxide, sulfur dioxide, and nitrogen dioxide. For each of these pollutants, EPA has established national air quality standards to protect public health. Ground-level ozone and airborne particles are the two pollutants that pose the greatest threat to human health in this country.

Q4. Albedo is defined as:

- a. UV radiations sent out by the SUN
- b. A substance contained in the upper atmospheric layers of the earth, which is responsible for the reflection of/a part of solar radiations
- c. Celestial bodies in earth's atmosphere which add to the greenhouse effect
- d. The amount of insolation reflected back to space by the top of the atmosphere, by clouds and ice-covered

areas of the Earth's surface

Answer: d

Explanation:

Albedo is the fraction of solar energy (shortwave radiation) reflected from the Earth back into space. It is a measure of the reflectivity of the earth's surface. Ice, especially with snow on top of it, has a high albedo: most sunlight hitting the surface bounces back towards space.

Q5. Consider the following statements:

1. Andaman and Nicobar islands are located close to equator and thus, experience equatorial type of climate and also have thick forest cover.
2. The Barren Island in the Andaman is the only volcanic Island of the country.

Which of the statement/s given is/are correct?

- a) 1 only
- b) 2 only
- c) Both a and b
- d) None of the above

Answer: a

Explanation:

- Andaman and Nicobar islands are located close to equator and thus, experience equatorial type of climate and also have thick forest cover.
- The Barren Island in the Andaman is not the only volcanic Island of the country but also country has other islands like Narcondam volcanic Island.

I. UPSC Mains Practice Questions

1. Explain the measures taken by the government to make coastal regions more resilient against the extreme weather events in the backdrop of climate change. Comment. (10 Marks)
2. India has been placing huge importance to renewable energy and has taken various steps in this regard. Explain (10 Marks)

