

16 March 2019: UPSC Exam Comprehensive News Analysis

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GS1

Nothing here for today!!

GS2

Polity

1. Contempt of Court- Shillong Times editor gets SC relief

Context

- The Supreme Court stayed the conviction and punishment of The Shillong Times editor and publisher by the Meghalaya High Court in a contempt case.

Background

- The newspaper's editor **Patricia Mukhim** and publisher **Shobha Chaudhuri** were found guilty of contempt of court by a Single Judge of the High Court for the publication of an article on the perks and facilities for retired judges and their families.

Orders issues by the Court

- They were made to sit in the corner of the court room as punishment till the judges rose for the day and fined ₹2 lakh each.
- Failure to deposit the amount would result in six months simple imprisonment and the ban of the paper.
- The High Court invoked its powers under Article 215 of the Constitution to sentence the contemnors.

Origin of the issue

- It all began when the State government unilaterally decided to withdraw certain facilities to retired judges **without consulting the court administration**.
- After the matter was not resolved on the administrative side for two months, the **court initiated suo motu proceedings and issued some directions**.
- It was **because of a news item, accompanied by a commentary on the court's directions**, that the contemnors had incurred the court's displeasure.
 - The offending comments appeared to imply that the **directions regarding extending facilities**, including protocol services and domestic help, and reimbursing communication bills up to ₹10,000 a month and a mobile phone

worth ₹80,000, to retired judges amounted to “judges judging for themselves”.

- Courts are indeed empowered to decide whether a publication scandalised or tended to scandalise the judiciary or interfered with the administration of justice but there is no legal provision for an outright ban on it.

Laws governing Contempt

The contempt law in India is governed by the **Contempt of Courts Act, 1971**. The Supreme Court and High Courts by virtue of being courts of record, have the inherent jurisdiction to punish for contempt of court and the Contempt of Courts Act, 1971.

- Under **Section 2(b)** of the Contempt of Courts Act of 1971 defines **civil contempt** as willful disobedience to any judgment, decree, direction, order, writ or other process of a court or willful breach of an undertaking given to a court. .
 - It not only encompasses willful disobedience to any judgment, decree, direction, order etc. of a court, it also takes in its fold a willful breach of an undertaking given to a court
- Under **Section 2(c) of the Contempt of Courts Act of 1971, criminal contempt** has been defined as the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which:
 - Scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court, or
 - Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding, or
 - Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.

Punishment for contempt of court

- Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple **imprisonment for a term which may extend to six months, or with fine** which may extend to two thousand rupees, or with both

Exceptions

The defences available to a contemner are engrafted in **section 3 to 8 in the Contempt of Courts Act, 1971**. Sections 3 to 7 specify the acts which would not be contempt.

- Innocent publication and distribution of matter.³
- Fair and accurate report of judicial proceeding.⁴

- Fair criticism of judicial act.5
- Bona fide complaint against presiding officers of subordinate court.6
- Publication of information relating to proceedings in chambers or in camera in certain cases.7
- Other defences.8

Concerns

- Any court to hold a journalist in contempt of court for their writings, it isn't sufficient that the journalist was critical of the court, or that what they said wasn't flattering to the court. There has to be **falsehood, there has to be inaccuracy, and when it comes to commentary, there has to be unfairness**. It is difficult to see how the articles in The Shillong Times fail to meet this standard.
- Even if they are considered guilty of criminal contempt, the sentence imposed by the high court is not justified. Section 12 of the Contempt of Courts Act says contempt is punishable with up to six months' imprisonment, or a fine of up to Rs 2,000. Justice Sen's order, on the other hand, imposes a fine of Rs 2 lakh each on Mukhim and the other journalist, failing which they are to go to jail for six months. The **court did not have the power to impose a fine beyond that specified in the Act**, which is another thing that makes this order questionable.
- Further, there is **nothing in the Contempt of Courts Act or any other law which allows the court to ban The Shillong Times** if two of its employees fail to comply with contempt orders against them. The Editors Guild has rightly said that the court's order is "intimidatory and undermines press freedom."

Conclusion

- Contempt of court is a powerful tool that is meant to be used by the courts to ensure obedience with its directions, and prevent attempts to interfere with the administration of justice. If this provides scope for restricting freedom of speech and expression, it is meant to be exercised reasonably.
- While there may be a need to curb tendentious criticism of the judiciary and self-serving comments on ongoing proceedings in mainstream and social media, there is a compelling case to use the contempt law sparingly, and avoid the impression that it is being used to stifle free speech or dissent.

GS 3

Security

1. Operation Sunrise

Context

- The Indian and Myanmar's armies have, in a coordinated operation, **destroyed at least 10 camps belonging to an insurgent group in Myanmar**, which had become a threat to India's mega Kaladan Project in the neighbouring country.
 - The operation was also undertaken keeping in view the safety of Indian workers engaged in the project.
- The military action, carried out was codenamed **Operation Sunrise**.

Details

- The target was the **Arakan Army**, an insurgent group trained by the **Kachin Independence Army (KIA)**, which is designated as a terrorist outfit by Myanmar.
- KIA is suspected to be supported by China.
- The Indian Army went in for a border strengthening posture where additional troops were deployed along with surveillance equipment
 - The Indian Army also helped the Myanmarese Army by providing them intelligence
 - There were also inputs that some members of the Arakan Army were also planning to sneak into India.

GS 4

Nothing here for today!!

Editorials

Environment and Ecology

1. A fresh warning

Editorial Analysis:

- Experts have opined that the sixth edition of the Global Environment Outlook from the UN Environment Programme has come as another stark warning: ***the world is unsustainably extracting resources and producing unmanageable quantities of waste.***
- Further, the linear model of economic growth depends on the extraction of ever-higher

quantities of materials, leading to chemicals flowing into air, water and land. As a consequence, this causes ill-health and premature mortality, and affects the quality of life, particularly for those unable to insulate themselves from these effects.

UN Report, GEO-6: A Perspective:

- The UN report, GEO-6, on the theme *“Healthy Planet, Healthy People,”* has some sharp pointers for India.
- It notes that East and South Asia have the highest number of deaths due to air pollution; by one estimate, it killed about 1.24 million in India in 2017.
- It is significant that GEO-6 estimates that the top 10% of populations globally, in terms of wealth, are responsible for 45% of GHG emissions, and the bottom 50% for only 13%.

The Way Forward: An Indian Perspective:

- As India’s population grows, it must worry that agricultural yields are coming under stress due to increase in average temperature and erratic monsoons.
- The implications of these forecasts for food security and health are all too evident, more so for the 148 million people living in severe weather ‘hotspots’.
- The task before India is to recognise the human cost of poorly enforced environment laws and demonstrate the political will necessary to end business-as-usual policies.
- That would mean curbing the use of fossil fuels and toxic chemicals across the spectrum of economic activity.
- There are some targeted interventions that only require the resolve to reduce air and water pollution, and which in turn promise early population-level benefits. Aggressive monitoring of air quality in cities through scaled-up facilities would bring about a consensus on cutting emissions of greenhouse gases, and provide the impetus to shift to cleaner sources of energy.
- Pollution impacts are, however, borne more by the poorer citizens. Combating air pollution would, therefore, require all older coal-based power plants in India to conform to emission norms at the earliest, or to be shut down in favour of renewable energy sources.
- Further, transport emissions are a growing source of urban pollution, and a quick transition to green mobility is needed.
- In the case of water, the imperative is to stop the contamination of surface supplies by chemicals, sewage and municipal waste.
- In conclusion, as the leading extractor of groundwater, India needs to make water part of a circular economy in which it is treated as a resource that is recovered, treated and reused. Unfortunately, water protection gets low priority, and State governments show no urgency in augmenting rainwater harvesting. New storage areas act as a supply

source when monsoons fail, and help manage floods when there is excess rainfall.

2. **Astrobatrachus Kurichiyana: Frog species, millions of years old, newly found in Ghats**

What's in the news?

- A tiny frog species has been identified for the first time in the Western Ghats.
- An international research team, with members from IISc, had discovered this new species.
- What makes the “starry dwarf frog” significant is that it is millions of years old but had evaded attention until now.
- The frog, called *Astrobatrachus kurichiyana*, was initially encountered in 2010 by a team from the IISc's Centre for Ecological Sciences during a large-scale survey of the region, but remained unidentified for several years.

Editorial Analysis:

- The species has been named *Astrobatrachus kurichiyana* for its constellation-like markings and the indigenous people of Kurichiyarmala, the hill range where it was found.
- It is dark brown with a bright orange underbelly, and speckled with pale blue dots.
- The size of a thumbnail, it plunges into leaf litter at the slightest disturbance, hence remaining hidden. Only a few individuals have been found.
- According to a release by the IISc, the team had to undertake a lot of work owing to the frog's confusing colour patterns and strange morphological characteristics before they could announce the discovery of the species.
- The new species, *Astrobatrachus kurichiyana*, is named after the starry spots on its body (*Astrobatrachus*) and the Kuchiriya tribe in Wayanad, where the frog was discovered.
- The IISc report says that the discovery of an entirely new genus and sub-family is rare.
- The frog is known only to be present in the Kurchiyarmala peak of Wayanad.
- It is secretive and remains below leaf litter under the thick tree canopy of the shola forests in the region.
- The report also says that there remains much to be learned, not just about this frog, but also others that might be hiding in these biodiversity-rich forests.

Why it is important?

- *Astrobatrachus Kurichiyana* has been classified as the sole member of an ancient lineage — the newly named subfamily *Astrobatrachinae* that is a long branch on the frog tree of

life.

- The research team found that *Astrobatrachus Kurichiyana*'s closest relatives are the family *Nyctibatrachidae*, a group of nearly 30 species native to India and Sri Lanka. But their last common ancestor could date back tens of millions of years.

International Relations

1. Softer, slower (Brexit)

Note to the Students:

The issue concerning Brexit has been in the news for some time now. This editorial analysis takes into account two articles that have been featured in the press. The first, "Softer, slower", featured in the Hindu on the 16th of March, 2019, and the second, "Brexit turns into theatre of the absurd", featured in the Hindu BusinessLine on the 16th of March, 2019.

Editorial Analysis:

- Experts have opined that with the overwhelming vote on the 14th of March, 2019, to seek a delay to the exit from the EU, Britain's Parliament might have actually given Prime Minister Theresa May another chance to push her existing deal for Brexit.
- A day earlier, a majority of the MPs decided to rule out, under all circumstances, Britain's crashing out of the EU without an agreement.
- With the catastrophic consequences of a hard Brexit option thus foreclosed, from Britain's perspective at least, there is good reason to think that the worst is over, although there is no clue yet to the direction of the exit.
- Both these proposals had been rejected as part of earlier amendments to the draft withdrawal bill, and the votes in the second week of March, 2019; reflect a significant shift in Parliament's stance.
- Yet, a delay to the March 29, 2019 deadline to leave the EU can only bring a temporary respite from uncertainty.
- For one thing, Ms. May's controversial withdrawal agreement was emphatically rejected by the House of Commons for the second time in as many months.
- However, a silver lining for her, despite the setback, was the smaller margin of defeat this time.
- Some die-hard Brexiters who voted down her deal in January, 2019 have since grown increasingly concerned about the prospect of a delayed Brexit or no Brexit at all, and chose to endorse it this recently. The shift has encouraged Ms. May to seek a third vote on her deal next week. The calculation in Downing Street is that with the hardliners' preferred option of a 'no deal' Brexit virtually eliminated and a looming indefinite delay,

more Tories will rally behind her proposals.

- The group to especially watch is Northern Ireland's Democratic Unionist Party, which props up Ms. May's minority government.

A lack of Perspective?

- Some experts have opined that a certain lack of perspective was on display again recently, as some 'Brexiters' attempted to push for a no-deal exit and a transition period to ease businesses in, despite clear signals from the EU all along that this was out of the question.
- Further, it is also evident in Theresa May's continued attempts to reject calls for compromise, and the rather accommodating suggestion by European Council President Donald Tusk that he would be prepared to convince other EU nations were the UK to push for a longer delay to Brexit to sort out what it wanted.
- ***Some experts point out that the combination of double standards, delusion and chaos has been toxic and has rendered the future pretty much impossible to gauge.***
- May's gamble may well pay off and convince enough of her MPs and those of confidence partner, the Democratic Unionist Party of Northern Ireland, to back her eventually. Also buoying her is the fear that too many upsets could finally spell the end of the government and trigger an election, potentially bringing a radically left-wing Labour government to power.
- As a matter of fact, even some of May's sharpest critics have admitted they are even more fearful at that prospect than they are of a no-deal exit.

Concluding Remarks:

- Compounding the uncertainty is what the EU will do next? Britain may well ask for a short or a long extension but will the EU grant it? They've said not unless there's a credible reason for doing so — the prospect of something the UK Parliament can rally around. But, at the moment, this of course remains as far off as ever.
- Further, should Ms. May's gambit next week succeed, the government intends to seek from Brussels an extension, until June 2019, to complete the exit formalities.
- Conversely, another failure would risk a delay in the U.K.'s ultimate withdrawal by months.
- The U.K. would then have to hold polls in May 2019, to elect new Members of the European Parliament.
- For EU leaders, the duration of the extension is less of a concern than the potential for a concrete outcome, given the differences within and between the main U.K. parties.
- Donald Tusk, President of the European Council, is on record that he would recommend

a longer extension, to the other 27 heads of EU governments when they meet next week (3rd week of March, 2019).

- Developments this second week of March 2019, have dealt a huge blow to hardline eurosceptics in the U.K., whose narrow nationalist delusions have made them impervious to the economic cost of disengagement from the world's largest single market.
- The harm they have already inflicted on the polity and society must be contained.
- It would be unwise of them to impede the efforts to avoid a hard Brexit.

Indian Economy

1. India has to send out unequivocal signals that it's a reliable trade partner that wants to become part of global supply chain

Note to Students:

This is an important article published in the Indian Express which needs to be understood as it has an important bearing on the bilateral trade relationship between India and the U.S.

What's in the news?

- The US plans to end preferential trade status for India, under a scheme which allows certain products to enter the US duty-free.
- President Donald Trump said India had failed to assure the US it would provide reasonable access to its markets. India said the US move would have a "minimal economic impact".
- It is the latest US attempt to counter what it sees as unfair trade practices. President Trump has pledged to reduce US trade deficits, and has repeatedly criticised India for high tariffs.
- As a result, he directed the US Trade Representative's (USTR) office to remove India from a programme that grants it preferential trade treatment.
- Preferential trade treatment for India currently allows \$5.6bn worth of exports to enter the United States duty free.
- In a letter to Congress, the US president said India had "not assured the United States that it will provide equitable and reasonable access to the markets of India".
- Under the Generalised System of Preferences (GSP) programme, "certain products can enter the US duty-free if the beneficiary developing country meets a set of criteria established by Congress".

Editorial Analysis:

- The recent decision of the US to give notice of its intention to rescind India's export privileges under the Generalised System of Preferences (GSP) has refocused attention on the state of Indian exports.
- Under the GSP programme, the US provides duty-free access to 4,800 different goods from 129 designated countries.

Impact on India:

- The immediate loss for India is preferential access at zero or minimal tariffs to the US market for around 1,900 products, which is over half of all Indian products.
- The ministry of commerce has reacted to the news by asserting that the losses from the GSP withdrawal are going to be minimal.
- This assertion is based on the fact that the actual tariff advantage that India was getting from the programme was a meagre USD 190 million, which is just 0.4 per cent of the USD 50 billion over all Indian exports to the US.

An Important Perspective:

- The government's argument, unfortunately, misses the point that India is competing for market share in the US with a host of other low-income countries, including Mexico.
- It is important to note that in industries where margins are small, a very small increase in the market price can cause a large fall in the quantity exported.
- A potential fall in quantity exported will, of course, imply a much larger cost of losing GSP access.
- If exporters absorb the tariff increase, then their profit margins will fall, potentially inducing some of them to exit this market completely.
- The tariff benefit that India currently enjoys is low simply because average tariffs in the US are low. It cannot be used as an indicator of the potential cost to India of losing its GSP privilege.

A Look at Some Specifics: Contrasting India and China

- Despite the overwhelming attention that Indian service sector exports receive, around 63 per cent of total Indian exports are still of goods.
- It is true that the Indian service sector's share of world services exports rose sharply from 0.5 per cent in 1990 to 3.7 per cent in 2017.
- However, this performance is hardly earth-shattering. The much less discussed Chinese service sector's share of world service sector exports more than tripled from 0.9 per cent in 1992 to 3.8 per cent in 2017.

- Further, the big disparity between China and India is goods exports.
- India's share of world goods exports rose from 0.5 per cent in 1990 to 1.7 per cent in 2017 while China's rose from 1.8 per cent to 12.8 per cent during the same period.
- Indeed, this has been one of the key vehicles for the rapid Chinese growth take-off.
- Rapid growth of the large-scale, low-tech, labour intensive merchandise goods export sector created a simultaneous increase in demand for relatively unskilled Chinese labour as well as an increase in demand for the rapid infrastructure rollout that China invested in.
- The labour demand soaked up the labour being released from agriculture while the infrastructure demand implied that the infrastructure investment was cost-effective.
- The Indian export portrait, however, looks very different from the Chinese export landscape.
- Merchandise exports in India are concentrated in eight industries which collectively account for 85 per cent of India's merchandise exports.
- Amongst these top-8 industries are textiles, chemicals, machinery, vehicles and parts etc.
- Factories in these industries are mostly small, employing 100 or fewer workers. The productivity levels in these manufacturing establishments are also low. Though exporters tend to be larger and more productive than non-exporters, these are low by international standards.

Problems in India's Export Sector: The Way Forward

- The problem with the Indian export sector appears to be two-fold.
- The first is the general malaise afflicting the manufacturing sector. Existing labour and land laws make growing in scale a difficult proposition for firms.
- In addition, the infrastructure support that is needed to sustain production and distribution at scale is often missing. These include transport connectivity and reliable power supply. Firms find it optimal to stay small and operate with old technologies.
- Fixing this requires concerted action on multiple fronts. Addressing just a subset of these constraints is unlikely to work.
- The second important issue is the trade regime. India has to send out unequivocal signals that it is a reliable trade partner that wants to become part of the global supply chain.
- To achieve this, India has to avoid falling back on discredited policies such as raising import tariffs under various guises like furthering the 'Make In India' initiative or addressing current account imbalances.

- It is important to note that the withdrawal of GPS by the US is partly a response to these kinds of protectionist moves.
- Lastly, the EU is a bigger entity than even the US. Negotiations on a free trade agreement with the EU have been ongoing since 2007.
- The textile industry in Bangladesh has benefited at India's expense over the last decade due to the absence of such a trade agreement. Experts have suggested that it is high time India concludes an agreement with the EU.

Concluding Remarks:

- The GSP development, though, provides a good opportunity for India to introspect on the general state of Indian exports.
- The raw fact of the matter is that India's share of world exports has been stuck at around 2 per cent for some time now.
- Essentially, our exports have been growing at the same rate as the rest of the world.
- For a country that has consistently been one of the fastest growing economies in the world, India's exports should be growing much faster.

This is what one saw with China and the other East Asian economies over the last 30 years and with Japan earlier. This is clearly something which India would need to take a cue from.

Titbit

1. France slaps sanctions on JeM chief Azhar

- France has sanctioned Masood Azhar, chief of the Pakistan-based Jaish-e-Mohammad, as a global terrorist and has taken steps to stop the outfit from accessing French financial resources.
- A French government statement said the JeM claimed responsibility for the Pulwama attack, in which over 40 CRPF jawans were killed.
- France has decided to sanction Masood Azhar at the national level by freezing his assets in application of the Monetary and Financial Code. A joint decree of the Ministries of the Interior and Economy and Finance was published in the Official Gazette
- It is understood that the decision was aimed at imposing a national ban on Azhar as this is necessary for barring him from accessing any EU territory.
- External Affairs Minister Sushma Swaraj called it a sign of "worldwide support" for India's fight against terror.

2. YONO Cash

Context

- The State Bank of India has launched the YONO Cash service for its customers which will allow them to withdraw cash from ATMs without their debit cards.

Details

- It is part of SBI's digital banking platform; **You Only Need One (YONO)** is the cardless cash withdrawal service
- The initiative will address concern of using debit card at the ATMs for cash withdrawals by **eliminating possible risk associated with it.**
- Through YONO, the endeavor is to create a **digital universe by integrating the entire transactions ecosystem under one platform in the next 2 years**

How it works?

- SBI customers can use the YONO app on their smartphones to withdraw cash from SBI ATMs, or YONO Cash Points, without using their debit and credit cards.
- Once a request for withdrawing cash is placed, a 6-digit code will be sent to the user's phone via SMS, which will then have to be entered into a YONO Cash Point.

3. SC issues notice to EC on plea to verify at least 50% VVPATs

- THE Supreme Court on a plea by leaders from 21 political parties has issued notice to the Election Commission (EC), who wanted the poll body to randomly verify at least 50 per cent Electronic Voting Machines (EVMs) using their Voter Verifiable Paper Audit Trail (VVPAT) slips in the upcoming elections.
- This would be a “50% randomized verification in each assembly constituency / assembly segment is a reasonable sample size to both
 - allay the fears of the general public with regard to EVM tampering and;
 - be a statistically significant sample size to ensure that EVMs are working properly

UPSC Prelims Practice Questions

The windiest capital in the world is

- a) London
- b) Wellington
- c) Washington
- d) Canberra

Ans: b

- Wellington in New Zealand is ranked as the world's windiest city.

Cook Strait separates

- Java Sea & Indian Ocean
- Gulf of Mexico and Caribbean Sea
- Adriatic Sea & Ionian Sea
- North and South Islands of New Zealand

Ans: d



Consider the following about India Energy Modelling Forum (IEMF)

- This is an initiative of Ministry of Power
- It has been envisaged as a pan-stakeholder platform for debating ideas, scenario-planning & discussing the India's energy future

Which of the above statements are correct?

- 1 only
- 2 only
- Both
- None

Ans: b

India Energy Modelling Forum (IEMF)

Context

- The NITI Aayog and the United States Agency for International Development (USAID) organized the **first workshop on development of the India Energy Modelling Forum (IEMF)**, which has been envisaged as a pan-stakeholder platform for **debating ideas, scenario-planning & discussing the India's energy future.**

- It was being held with the support of the Pacific Northwest National Laboratory (PNNL), was organized under the Sustainable Growth Pillar of the India-U.S. Strategic Energy Partnership.

Details

- The Forum aims to improve cooperation and coordination between modeling teams, the Government of India, knowledge partners and think-tanks, build capacity of Indian institutions, and identify issues for joint modeling activities and future areas of research.
- The IEMF seeks to provide a platform for leading experts and policy makers to study important energy and environmental issues and ensure induction of modelling and analysis in informed decision making process.

With reference to West Nile Fever, which of the following statements are incorrect?

- 1) It is a bacterial Infection
- 2) Mosquitoes become infected when they feed on infected birds

Options:

- a) 1 only
- b) 2 only
- c) Both
- d) None

Ans: a

West Nile fever

- It is a viral infection typically spread by Culex mosquitoes
- West Nile virus transmits to humans through bites from infected mosquitoes.
 - In addition to humans, WNV can also cause severe disease and death in horses and donkeys.
- Mosquitoes become infected when they feed on infected birds
- Symptoms include fever, headache, tiredness, and body aches, nausea, vomiting, occasionally with a skin rash on the trunk of the body, and swollen lymph glands.
- Infection can also happen through blood transfusion or organ/tissue/cell transplants.
- There is no specific treatment for WNF in humans other than symptomatic therapy. This often involves hospitalization, intravenous fluid therapy and respiratory support.

UPSC Mains Practice Questions

- 1) Women's day Celebration is an acknowledgment of Achievements of Women but what they also need is reforms in reality for empowerment and not roses of Corporate Consumerism. Illustrate with examples.
- 2) Discuss the contrasting views of Gandhi and Ambedkar on Caste System. Also suggest measures to control the growing myopic view on Caste System.

