

09 Jul 2019: UPSC Exam Comprehensive News Analysis

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Category: POLITY AND GOVERNANCE

1. Uniform Civil Code issue awaits 22nd Law Commission

Context:

- The issue of Uniform Civil Code will be placed before the 22nd Law Commission for consideration once it is constituted.
- The High Court was hearing a plea contending that the government has "failed" to put in place a Uniform Civil Code, as provided under Article 44 of the Constitution.

- The petition stated that Goa has a common civil code since 1965, which is applicable to all of its residents, and it is the only state to have it as of now.

What is a Uniform Civil Code?

- Uniform civil code is the proposal to replace the personal laws based on the scriptures and customs of each major religious community in India with a common set governing every citizen.

2. SC dismisses plea to allow women to enter mosques

Context:

The Supreme Court has dismissed a plea by the State president of the Kerala unit of the Akhil Bharatha Hindu Mahasabha to allow Muslim women to enter mosques for offering prayers and to shed the purdah system.

Details:

- A Bench led by Chief Justice of India Ranjan Gogoi refused to entertain the plea challenging the Kerala High Court’s dismissal of the petition.
- While dismissing the case, the apex court questioned the locus standi of the petitioner.
- “Let a Muslim woman challenge it,” Chief Justice Ranjan Gogoi observed orally.
- “We suspect therefore that this PIL is motivated by a desire of the petitioner for cheap publicity. We are of the view that the proceedings under Article 226 of the Constitution of India cannot be permitted to be misused for such purposes,” it said.
- The High Court had in October last year dismissed the petition, calling it “motivated” and a “cheap publicity” tactic.
- The segregation and discrimination shown against Muslim women by not allowing them to enter and pray in masjids in the main prayer hall along with their male counterparts is against Articles 21 and 14 of the Constitution, the petition said.
- On purdah, it said the “culture and concept of looking at a woman as a personal belonging has led to the purdah system”.
- “In a hot country like ours, it is a cause of discomfort. Moreover, it gives anti-social elements a chance to misuse the apparel to conceal oneself and do anti-social acts,” it argued.

3. SC asks why the delay in setting up rights courts

Context:

The Supreme Court sought a response from the Central government, the States and the Union Territories on the prolonged delay for over a quarter of a century to establish exclusive human rights courts in each district

CONSTITUTIONAL PROVISION

Part IV, Article 44 of the constitution

The State shall endeavor to secure the citizen a Uniform Civil Code throughout the territory of India

However, Article 37 of the Constitution itself makes clear, that the directive principles “shall not be enforceable by any court”.

Nevertheless, they are “fundamental in the governance of the country”. This shows that although our constitution itself believes that a Uniform Civil Code should be implemented in some manner, it does not make this implementation mandatory.

ARGUMENTS IN FAVOR OF UCC

- IT WILL INTEGRATE INDIA**: It will help in bringing every Indian, despite his caste, religion or tribe, under one national civil code of conduct.
- WILL HELP IN REDUCING VOTE BANK POLITICS**: A uniform civil code will also help in reducing vote bank politics that most political parties indulge in during every election.
- PERSONAL LAWS ARE A LOOP HOLE**: By allowing personal laws we have constituted an alternate judicial system that still operates on thousands of years old values. A uniform civil code would change that.
- SIGN OF MODERN PROGRESSIVE NATION**: It will help the society move forward and take India towards its goal of becoming a developed nation.
- MORE RIGHTS TO THE WOMEN**: A uniform civil code will also help in improving the condition of women in India.
- ALL INDIANS SHOULD BE TREATED SAME**: All the laws related to marriage, inheritance, family, land etc. should be equal for all Indians.
- IT PROMOTES REAL SECULARISM**: A uniform civil code doesn't mean it will limit the freedom of people to follow their religion, it just means that every person will be treated the same.
- CHANGE HAS BEEN LAW OF NATURE**: A minority of people should not be allowed to pick and choose the laws they want to be administered under and these personal laws were formulated in specific spatio-temporal context and should not stand still in a changed time and context.
- MORE RIGHTS TO THE WOMEN**: Many provisions of personnel laws violate human rights. Article 25 and 26 guarantee freedom of religion and UCC is not opposed to secularism.
- ALL INDIANS SHOULD BE TREATED SAME**: The codification and unification of the variegated personal laws will produce a more coherent system of laws. This will reduce the existing confusion and enable easier and more efficient administration of laws by the judiciary.

CHALLENGES

- The task of actually devising a set of rules that will govern all communities is a very formidable and tedious one considering the vast range of interests and sentiments to be accounted for.
- Misinformation about UCC - Content of UCC has not been spelt out leading minorities to believe that it is a way of Hinduise them.
- Some sections in Minorities claim it is a way of imposing majority views on them.
- Lack of political will due to the complexity and sensitivity of the issue.
- Change in laws in favour of women like Hindu inheritance Act has neither brought about any change in the percentage of property held by women nor in their status.
- Different religious communities have different personal laws which lead to politicization.

and appointing special public prosecutors in them.

Concerns:

- The petition argues that in order to uphold and protect the basic and fundamental rights of an individual it is an indispensable obligation upon the State to provide affordable, effective and speedy trial of offences related to violation of human rights which can only be achieved by setting up special courts in each district as provided under the Act.
- From 2001 to 2010, the National Human Rights Commission (NHRC) recorded that 14,231 persons died in police and judicial custody in the country.
- It includes 1,504 deaths in police custody and 12,727 deaths in judicial custody from 2001-2002 to 2009-2010, and a large majority of these deaths being a direct consequence of torture in custody.

Details:

- The Human Rights Act had called for the establishment of special courts in each district to conduct speedy trial of offences arising out of violation and abuse of human rights.
- Section 30 of the Act envisages that a State government, with the concurrence of the Chief Justice of High Court, by notification, specify for each district a court of session as a court of human rights for the speedy trial of violation of rights.
- Whereas Section 31 of the Act provides the State government to specify and appoint a special public prosecutor in that court.

India Human Rights Report 2018:

- The recent India Human Rights Report 2018, published by the Country Reports on Human Rights Practices for 2018, United States Department of State, Bureau of Democracy, Human Rights and Labour provide a deep reality into the sad state of affairs in India.
- The report threw light on various rights violations such as police brutality, torture and excess custodial and encounters deaths, horrible conditions in prisons and detention centres, arbitrary arrests and unlawful detention, denial of fair public trial.

Category: INTERNATIONAL RELATIONS

1. UN report 'legitimises' terror, says India

Context:

Office of the U.N. High Commissioner for Human Rights (UNCHR) has made an update to the report on Kashmir released last year, where it claims that neither India nor Pakistan have taken any concrete steps to address the numerous concerns raised.

Details:

- Last year, the Office of UNCHR released its first-ever report on Kashmir, urging action by both countries to reduce tensions.
- The recent report, on the situation in Kashmir and Pakistan-occupied Kashmir from May 2018 to April 2019, says the number of civilian casualties reported over the 12-month period may be the highest in over a decade.
- The report says, In Kashmir, accountability for violations committed by members of the Indian security forces remains virtually non-existent.
- It said that India continues to use pellet-firing shotguns as a crowd control tool and criticised various

laws that used for detention and arrest of political activists and civil society figures in Kashmir.

- The update made wide ranging recommendations to the governments of India and Pakistan, and urged the Human Rights Council (HRC) to explore possibilities of setting up an international commission of inquiry into the allegations of human rights abuse in Kashmir.
- In a detailed section on Pakistani activities, the OHCHR report also elaborated on denial of rights by the Pakistani state and violent groups in the Pakistan Occupied Kashmir (PoK).

India slams the report:

- Ministry of External Affairs Spokesperson said that the assertions in the report are in violation of India's sovereignty and territorial integrity and ignore the core issue of cross-border terrorism.
- India asserted that it is merely a continuation of the earlier false and motivated narrative and ignores the core issue of cross-border terrorism emanating from Pakistan.
- India has registered a strong protest regarding the update with the Office of the High Commissioner for Human Rights.
- “It is a matter of deep concern that this update seems to accord a legitimacy to terrorism that is in complete variance with UN Security Council positions,” said External Affairs Ministry spokesperson.
- The update refers to terror outfits such as Jaish-E-Mohammed as armed groups. Earlier, the UN Security Council had blamed the group for the February 14, 2019 Pulwama terror attack that led to deterioration in India-Pakistan ties.
- India also said the update has distorted its policy on the Kashmir issue and failed to recognise that the Indian state ensured justice through a strong judiciary and national human rights mechanism.

C. GS3 Related

Category: ECONOMY

1. RBI board finalises ‘Utkarsh 2022’

Context:

The Reserve Bank of India (RBI) board, has finalised a three- year roadmap to improve regulation and supervision, among other functions of the central bank.

Details:

- The medium term strategy named Utkarsh 2022 is in line with the global central banks’ plan to strengthen the regulatory and supervisory mechanism.
- An internal committee was formed, which was headed by outgoing Deputy Governor Viral Acharya, to identify issues that needed to be addressed over the next three years.
- While around a dozen areas were identified by the committee, some board members felt that areas could be filtered and lesser number of areas can be identified for implementation in the next three years.
- The idea is that the central bank plays a proactive role and takes pre-emptive action to avoid any crisis like IL&FS debt default issue and the crisis of confidence the non-banking financial sector.
- The board also approved the RBI’s budget for the July 2019—June 2020 period, and discussed other matters relating to currency management and payment systems.

2. SEBI gets teeth to probe new-age cases

Context:

The Securities and Exchange Board of India (SEBI) has been given new powers by the Finance Bill 2019, to act against entities that tamper or destroy electronic databases or fail to furnish information when sought.

Background:

- These new powers assume significance as the SEBI is in the midst of probing the leak of sensitive data through WhatsApp and also recently passed fresh orders on the National Stock Exchange (NSE) co-location matter, which had been challenged at the Securities Appellate Tribunal (SAT).
- Incidentally, the WhatsApp leak case or even the NSE co-location matter deal with the data being leaked through electronic means and unauthorised access to exchange data, which forms the base in most regulatory probes.

Details:

- SEBI can now also impose penalties of up to Rs.1 crore on brokers for certain violations.
- As per the Finance Bill, a new section — 15HAA — has been inserted in the SEBI Act that says if a person tampers with information to obstruct or influence an investigation, destroys regulatory data or tries to access data in an unauthorised manner then the entity could be penalised up to Rs. 10 crore or three times the unlawful gains, whichever is higher.
- The Centre has also explicitly allowed SEBI to impose a fine of up to Rs.1 crore on brokers if they fail to issue a contract note to clients in the format as laid down by the exchanges. Earlier, only the lower limit of Rs. 1 lakh was prescribed.
- The new section that has been inserted imposes penalty on unauthorised access to regulatory data and system databases though it is not yet clear whether 'regulatory data' and 'database' as mentioned in the section refers only to SEBI data or even those maintained by exchanges, depositories and clearing corporations.

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E. Editorials

Category: INTERNATIONAL RELATIONS

1. A shot at economic logic

Background:

A Note on the African Union (AU):

- The African Union (AU) is a continental body consisting of the 55 member states that make up the countries of the African Continent.
- It was officially launched in 2002 as a successor to the Organisation of African Unity.
- In May 1963, 32 Heads of independent African States met in Addis Ababa Ethiopia to sign the Charter creating Africa's first post-independence continental institution, The Organisation of African Unity (OAU).
- **The OAU was the manifestation of the pan-African vision for an Africa that was united, free and in control of its own destiny** and this was solemnised in the OAU Charter in which the

founding fathers recognised that freedom, equality, justice and dignity were essential objectives for the achievement of the legitimate aspirations of the African peoples and that there was a need to promote understanding among Africa's peoples and foster cooperation among African states in response to the aspirations of Africans for brother-hood and solidarity, in a larger unity transcending ethnic and national differences.

- The guiding philosophy was that of Pan-Africanism which centred on African socialism and promoted African unity, the communal characteristic and practices of African communities, and a drive to embrace Africa's culture and common heritage.
- The main objectives of the OAU were:
 1. to rid the continent of the remaining vestiges of colonisation and apartheid;
 2. to promote unity and solidarity amongst African States;
 3. to coordinate and intensify cooperation for development;
 4. to safeguard the sovereignty and territorial integrity of Member States and to promote international cooperation.

The launch of the African Union:

- The African Union (AU) was officially launched in July 2002 in Durban, South Africa, following a decision in September 1999 by its predecessor, the OAU to create a new continental organisation to build on its work.
- The decision to re-launch Africa's pan-African organisation was the outcome of a consensus by African leaders that in order to realise Africa's potential, there was a need to refocus attention from the fight for decolonisation and ridding the continent of apartheid, which had been the focus of the OAU, towards increased cooperation and integration of African states to drive Africa's growth and economic development.
- The AU is guided by its vision of "An Integrated, Prosperous and Peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena."

A Note on the African Continental Free Trade Agreement (AfCFTA)

- The African Continental Free Trade Agreement (AfCFTA) was signed by 44 African countries in Kigali, Rwanda, in March 2018, and is meant to create a tariff-free continent that can grow local businesses, boost intra-African trade, rev up industrialization and create jobs.
- The agreement creates a **single continental market** for goods and services as well as a customs union with free movement of capital and business travellers.
- Countries joining AfCFTA must commit to removing tariffs on at least 90% of the goods they produce.
- If all 55 African countries join a free trade area, it will be the world's largest by number of countries, covering more than 1.2 billion people and a combined GDP of \$2.5 trillion, according to the UN Economic Commission for Africa (ECA).
- The ECA adds that intra-African trade is likely to increase by 52.3% by 2020 under the AfCFTA.
- Economists believe that tariff-free access to a huge and unified market will encourage manufacturers and service providers to leverage economies of scale; an increase in demand will instigate an increase in production, which in turn will lower unit costs.
- Consumers will pay less for products and services as businesses expand operations and hire additional employees.

What's in the news?

The 12th Extra-Ordinary Summit of the African Union (AU) which was recently concluded at Niamey, the capital of the Niger Republic, saw **54 of 55 of its member states signing the African Continental Free**

Trade Agreement (AfCFTA) for goods and services.

- Of these countries, 27 have already ratified it.
- Actual cross-border free trade could start by July 2020 with an elimination of custom duties on 90% of the tariff-lines.
- If taken to its logical conclusion, this audacious project would eventually **create an African Common Market of 1.2 billion people and a GDP of over \$3.4 billion**. As a matter of fact, these metrics are comparable to India's.
- The AfCFTA would be the world's largest FTA, and in a world dependent on African markets and commodities, it would have global impact.

Editorial Analysis:

Reasons to be sceptical of the viability of the AfCFTA:

- Experts point out that there are three main reasons to be sceptical about the viability of the AfCFTA.
- Firstly, the African Union (founded as the Organisation of African Unity in 1963) has been largely ineffective in dealing with the continent's myriad problems such as:
 1. decolonisation,
 2. underdevelopment,
 3. Islamic terrorism and
 4. the Arab Spring.
- The AU's grand plans, including the Muammar Qadhafi-funded Africa Unity project, have been spectacular flops.
- It is, therefore, natural to take the AfCFTA, which is also the AU's most ambitious project so far, with a ladleful of salt.
- Secondly, serious political, organisational and logistical challenges to the AfCFTA notwithstanding, **the national economies in Africa are generally weak with a low manufacturing base**.
- They also lack competitiveness and mutual complementarity.
- As a matter of fact, only a sixth of Africa's current total trade is within the continent.
- Thirdly, **the AfCFTA seems to be countercyclical to the ongoing global protectionist trends** as seen in the U.S.-China trade conflict, Brexit and the stalemates at the World Trade Organisation and the United Nations Conference on Trade and Development.
- It is important to note that world trade is likely to grow only by 2.6% in 2019, which is a quarter of the figure in the year 2018.
- Commodity prices are stagnant and globalisation is often being reversed.
- An important question arises: With Africa accounting for only 3% of global trade, can the AfCFTA defy the contrarian global tendencies?

Reasons to be Optimistic:

- There are reasons to be cautiously optimistic.
- Given the strong global headwinds including a cooling Chinese ardour for Africa, greater collective self-reliance through African economic integration makes eminent sense.
- Further, the AfCFTA can build upon the experience of the continent's five regional economic blocks.
- While the AU Commission is not famous for efficient planning, it has prepared an extensive road map towards the AfCFTA with preliminary work on steps such as incremental tariff reduction, elimination of non-tariff barriers, supply chains and dispute settlement.
- In December 2018, it organised the first Intra-African Trade Fair in Cairo with 1,086 exhibitors signing \$32 billion in business deals.
- As a matter of fact, a new breed of African transnational corporations such as Dangote, MTN,

Ecobank and Jumia have continental ambitions.

- Indeed, the logistical and financial networks across the continent are poor and customs formalities raise apprehension, but these **can be eventually overcome with stronger political will**.
- Moreover, vigorous “informal” trade across porous national borders is already a fact of African life.
- Thus, by adopting the AfCFTA, African leaders are only following the economic logic.
- Looking into the future, a recent UN projection showed that nearly half the world’s population growth between now and 2050 would come from sub-Saharan Africa, the population of which would double to nearly two billion. This surge in consumer base would make the proposed AfCFTA even more important.

Looking at the Indian Perspective:

- Africa is already an important economic partner for India with total annual merchandise trade estimated at \$70 billion or nearly a tenth of our global trade.
- India is Africa’s third largest trading partner.
- Importantly, while India’s global exports have been largely stagnant, those to Africa have surged.
- For instance, exports to Nigeria in 2018-19 grew by over 33% over the previous year.
- Africa still has unfulfilled demand for Indian commodities, especially foodstuff, finished products (automobiles, pharmaceuticals, consumer goods) and services such as IT/IT-Enabled Service, health care and education, skilling, expertise in management and banking, financial services and insurance.
- Experts opine that India needs to anticipate the AfCFTA’s likely impact on its interests and try to influence and leverage it to enhance India-African economic ties.
- In principle, African economies becoming more formalised and transparent would be in India’s interest.
- While local manufactured items and services may ultimately compete with Indian exports, **Indian firms can co-produce them in Africa**.
- If handled in a proactive manner, the AfCFTA is likely to open new opportunities for Indian stakeholders in fast-moving consumer goods manufacturing, connectivity projects and the creation of a financial backbone.
- It is important to note that **India donated \$15 million to Niger to fund the Niamey AU Summit**. As the next step, New Delhi can help the AU Commission prepare the requisite architecture, such as common external tariffs, competition policy, intellectual property rights, and natural persons’ movement.
- It can also identify various African transnational corporations which are destined to play a greater role in a future continental common market and engage with them strategically.
- The cross-linkages of a three million strong Indian diaspora spread across Africa can also be very valuable.

Concluding Remarks:

- Finally, once the AfCFTA is accepted as beneficial game changer, the African elite could perhaps contemplate crossing another Rubicon: **an India-African FTA**.
- Before Africa was “discovered” by the West, it had a thriving overland trade.
- Large camel caravans ferried commodities such as ivory, gold, mineral salt, precious stones and slaves across prosperous trading centres such as Timbuktu, Ghana, Kano, Burnu, Agadez, Edo, Zinder, Ghat, Addis Ababa, Dar es Salaam and Cairo.
- Subsequent colonialism and mercantilism destroyed internal trade routes, replacing them with an ecosystem in which Africans had better links with their foreign “mentors” than among themselves.
- By the AfCFTA, the Africans are only trying to correct this historic distortion.

2. Towards a free trade agreement

Editorial Analysis:

- Experts point out that trade turmoil has been putting at risk the U.S.'s strategic partnership with India.
- For instance, in recent developments, the U.S. has withdrawn from India preferential tariff benefits under its Generalized System of Preferences (GSP) programme, and India has imposed retaliatory tariffs in response to tariffs that the U.S. applied in the year 2018 on steel and aluminium.

Instances of friction in Trade:

- Conflict and disputes are not new to the U.S.-India relationship.
- They have ranged from trade in jute and almonds in the period of the General Agreement on Tariffs and Trade to poultry and solar panels under the World Trade Organization (WTO).
- But this moment is different because the conflict may run deeper with more serious implications.
- If India and the U.S. fail to relieve the building tension, a tit-for-tat trade war mimicking that between the U.S. and China may follow.
- It is important to note that **the U.S. is India's single most important export market**. India is a huge and growing market for U.S. investment and exports.
- An escalating series of retaliation and counter-retaliation could undermine efforts to advance what might be the most consequential bilateral relationship in the 21st century.

Resolving differences:

- On the positive side, a serious effort by both to solve some trade problems could even lead to a new and exciting set of opportunities.
- However, this will require moving from effective management of current tensions to thinking big for the future. Assuming the two sides can come together to resolve outstanding issues such as the GSP, U.S. tariffs on steel and aluminium and India's retaliatory tariffs, and differences on e-commerce, **they can set the stage for building a trade relationship that better complements the strategic one.**
- A starting point would be to empower the Office of the U.S. Trade Representative and the Ministry of Commerce and Industry to develop some problem-solving cooperative efforts under the existing Trade Policy Forum on issues such as digital trade, regulatory coherence, and intellectual property rights, matching their earlier successes on the WTO Trade Facilitation Agreement.
- This future work would be better advanced if India created a new career trade staff that reports directly to the Prime Minister's Office.
- The U.S. administration has experienced trade staff, even at senior levels, who build negotiating skills over their careers and relationships of rapport and trust with their foreign counterparts.
- India could better serve its trade interests with the same kind of approach.
- This is a scenario that could evolve into a new relationship of common purpose on trade.
- As a matter of fact, trade disputes will continue to crop up, as they do even in the healthiest of relationships, but these would be best pursued through the WTO.

Concluding Remarks:

- However, even this scenario is a limited one; the U.S.-India strategic partnership deserves higher aspirations on trade.
- The goal should be a more comprehensive platform for expanding trade and investment through the progressive elimination of trade and investment barriers, from protectionist regulatory measures to tariffs and restrictions on trade in services.
- This might even lead some day to the negotiation of a free trade agreement, which is the ultimate example of economic integration in a trade relationship.
- It is important to note that neither country has been particularly successful at negotiating free trade

agreements compared to others around the world.

- Each has a strong but messy democracy with many voices against free trade agreements.
- Each is a tough negotiator with a passionate commitment to its national interests.
- But both nations can dream big together and trade should be central to those dreams.

Category: ECONOMY

1. A myopic view of foreign-made generic drugs

Background:

- Recently, India had outrightly rejected allegations in a US report about the country being a chief source of counterfeit medicines to the world and said it is an attack on low cost generic drugs — crucial to make healthcare affordable.
- The ‘Special 301 Report’ by United States Trade Representative (USTR) slammed India and China as leading sources of counterfeit medicines distributed globally with 20% of all pharmaceutical products sold in the Indian market estimated to be counterfeits.

A Note on India’s Pharma Sector:

- Maintaining its legacy of being a pioneer in the field of pharmacology, India today enjoys the exalted position of being the ‘Pharmacy to the world’.
- The Pharma industry has posted a robust, double-digit growth over the last few years. The industry was worth US \$36.7 Billion in 2017 and is projected to grow to US \$55 Billion by 2020.
- The pharma exports stood at \$ 17.27 billion in 2017-18.
- While India is exporting to over 200 countries, the major market, however, is the USA.
- India is the largest provider of generic drugs globally and 80 per cent of the anti-retroviral drugs used worldwide to combat AIDS are supplied by Indian pharma companies.
- Thus, India is rendering a yeoman service in developing countries by providing access to life saving medicines at affordable prices.
- As a matter of fact, with Indian companies producing the drugs at economical rates, the cost of HIV/AIDS treatment has gone down from \$ 12,000 to \$400 per year.
- Further, generic drugs export has been growing at a very impressive rate of around 24% per year for the last four years.
- India also has a large pool of talented scientists and engineers who have the potential to lead the industry ahead to greater heights.
- Pharmaceuticals are one of the fastest growing contributors to the “Make in India” campaign since its inception.
- The Government of India has taken up a number of initiatives to create an ecosystem that fosters manufacturing and have identified a few key areas.
- Pharmaceuticals are one of those priority areas. There is immense scope for technology, innovation and research in pharmaceuticals.
- India already has the second highest number of US FDA approved facilities and labour costs in India are significantly lower than other manufacturing hubs.

Editorial Analysis:

- Allegations of widespread fraud concerning generic drugs manufactured overseas, especially in India, were recently highlighted in the U.S.
- As a matter of fact, much focus was on the contamination found in one drug made by Ranbaxy.
- It is important to note that the strategy of raising fears of ‘contaminated’ foreign generics has successfully prejudiced Americans against valid generic drugs, even though they have remained a

viable option.

- This frenzy about contamination of drugs is due partly to the expansion of the **Food Safety Modernization Act (FSMA)** to include global inspections.
- One objective in thus empowering the **Food and Drug Administration (FDA)** was to work with regulators of foreign countries and create a universal **Current Good Manufacturing Practice (CGMP)** system for drugs.

FDA's regulatory overreach:

- Experts point out that the FDA has positioned itself as a 'global regulator'.
- For example, in a recent statement, it mentioned that it inspects all brand-name and generic manufacturing facilities around the world based on information from whistleblowers or out of concern for drug safety.
- Arguably, this amounts to regulatory overreach as there is no international instrument standardising American CGMP practices as the global standard.
- Further, under the FSMA, if a foreign facility refuses inspection, the FDA's power is limited to refusing the food/drug entry into the U.S.
- America's interest in good manufacturing practices to protect its citizens is commendable, however, given Washington's current zeal to propel exports, **if India or China pass legislation to inspect U.S. food or drug manufacturing facilities, U.S. companies may not readily welcome the move.**

A prejudiced dialogue:

- In 2018, out of the 4,676 human pharmaceutical sites inspections that the FDA conducted worldwide, 61% were of foreign-based facilities.
- Similarly, out of 1,365 human drug CGMP surveillance inspections conducted, 55% were conducted at facilities outside the U.S.
- The FDA's publicising of its 'global vigilante experience' paints a picture of foreign-manufactured drugs as 'defective' or 'contaminated' while not fully acknowledging some of the regulatory failures within America.
- To lend a perspective, the '**drug recall list**', which is a list of drugs deemed defective in spite of having cleared FDA regulatory approvals for the last 14 years, runs into over 149 pages. It is important to cite this to merely highlight that **a prejudiced dialogue that does not capture all perspectives can create imprecise impressions.**
- As such, when the FDA inspects production facilities, there are both smaller and bigger issues that will come up. There is no scale to determine whether the problems portrayed in the final report are simple ones, such as one tap not working, or more impactful ones, such as use of contaminated water.
- As a matter of fact, the absence of a proper scale provides a loophole, enabling the regulator to cherry-pick and treat all instances of non-compliance as egregious violations.

No Proper Legal Definition for the term 'contaminated drugs':

- In addition, in the U.S., there is no proper legal definition of the oft-used term 'contaminated drugs'.
- Section 351 of Title 21 of the U.S. Code defines 'adulterated drugs' and when a drug is deemed 'adulterated' for being contaminated, the regulator needs to specify whether the adulteration relates to the manner of preparation, the packaging standards or the manufacturing practices.

Concluding Remarks:

- For India, the discussion in the U.S. is notable not only because it houses generic manufacturing facilities but also because **India is a nation on the verge of breaking into the innovation market.**
- Thus, it is time India took a more robust role to ensure public availability of facts on both the

importance of generics and their limitations.

- India needs to create strong voices and partnerships that can highlight the benefits and pitfalls alike to create a robust space for innovation that can coexist with access to medication.
- After all, innovation and policy failings need not be an excuse to deny access to lifesaving medication to productive workforces.

Category: POLITY AND GOVERNANCE

1. A regrettable conviction

Background:

- The **Law Commission** had suggested that sedition charges should be invoked only in cases where the intention behind an act is to **disrupt public order or overthrow the government with violence, and that it should not be used for merely expressing a thought that is not in consonance with the policy of the government.**
- The Commission made the suggestion in a 35-page "Consultation Paper on Sedition".
- The paper said: **In a democracy, singing from the same songbook is not a benchmark of patriotism. People should be at liberty to show their affection towards their country in their own way. For doing same, one might indulge in constructive criticism or debates.**
- It went on to add that **expressions used in such thoughts might be harsh and unpleasant to some, but that does not render the actions to be branded seditious. Section 124 A should be invoked only in cases where the intention behind any act is to disrupt public order or to overthrow the government with violence and illegal means.**
- It also said that **every irresponsible exercise of right to free speech and expression cannot be termed seditious. For merely expressing a thought that is not in consonance with the policy of the government of the day, a person should not be charged under the section.**
- For example, an expression of frustration over the state of affairs, for instance, calling India "no country for women", or a country that is "racist" for its obsession with skin colour as a marker of beauty are critiques that do not 'threaten' the idea of nation, said the paper, adding that **berating the country or a particular aspect of it, cannot and should not be treated as sedition.**
- It suggested if the country is not open to positive criticism, there lies little difference between the pre and post-independence eras.
- The paper said that sedition law should not be misused as a tool to curb free speech in the name protecting national integrity.
- Importantly, it said that **dissent and criticism are essentially ingredients of a robust public debate on policy issues as part of vibrant democracy. Therefore, every restriction on free speech and expression must be carefully scrutinized to avoid unwarranted restrictions.**

What does Section 124A of the Indian Penal Code say?

- Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

What's in the news?

- Prominent pro-LTTE politician Vaiko was recently convicted on the charge of sedition, based on a typically impassioned speech he had made in Chennai a decade ago.

- Experts have opined that this is a worrying development.

Editorial Analysis:

- Even though Section 124A, the IPC section that makes sedition an offence, attracts either a three-year term or imprisonment for life, **the trial court sentenced him to a somewhat lenient one-year jail term.**
- Yet, experts opine that it is a matter of concern that political speeches are criminalised to the point of being deemed an offence against the state.

Sedition: A Means to quell political dissent?

- The timing of a political leader being found guilty of sedition is quite inopportune.
- In recent years, there has been an alarming rise in sedition charges being used to quell political dissent.
- Experts opine that this conviction will needlessly send out a message that such provisions are necessary to protect the government against being brought into hatred and contempt.
- Also, it comes at a time when demands to scrap the section is gaining momentum.

The Relevance of Section 124A:

- There is greater recognition now than in the past that **Section 124A is neither relevant nor needed today.**
- As a matter of fact, its definition of sedition as **anything that excites disaffection against the government, or brings it under hatred and contempt, is too wide and can take in its fold not only incitement to taking up arms but also harmless, even if strident, criticism.**
- It is important to note that in 1962, **the Supreme Court limited its scope to acts that show actual intent or a tendency to create disorder or foment violence.**
- The Law Commission released a consultation paper highlighting arguments for its reconsideration.
- There is a body of opinion that a modern democracy does not need a free speech restriction based on political concepts such as disloyalty and disaffection towards the state.
- As a matter of fact, **Britain, which introduced the offence of sedition in India in 1870 to check the use of speech and writing to criticise its colonial administration, has abolished it.**
- It is true that Mr. Vaiko had unleashed a diatribe against the Union government by accusing it of betraying the Sri Lankan Tamil cause, and holding it responsible for the death of Tamil civilians in large numbers. However, **whether his harshly worded indictment amounts to incitement of violence against the government is debatable.**
- The speech was made at a function to mark the release of the Tamil version of a book that accused the Congress-led regime of complicity in Sri Lanka's military campaign.
- **The court ruled that his allegations would sow the seeds of disaffection and hatred towards the government.**
- Some experts point out that regrettably, the court has held that anyone who heard Mr. Vaiko's speech would develop hatred towards the government; that **"mere advocacy" is the essence of the crime,** and there need not be actual violence as a consequence.

Concluding Remarks:

- Higher courts will have the final say on whether he was guilty, but the case for abrogating Section 124A just became stronger.

1. Italy's Prosecco hills join UNESCO Heritage list

- Italy's Prosecco hills, which have been cultivated for centuries, have been added to the UNESCO World Heritage list.
- "The landscape is characterised by 'hogback' hills, ciglioni-- small plots of vines on narrow grassy terraces, forests, small villages and farmland.
- The grapes grown on Conegliano and Valdobbiadene hills produce the famous prosecco wine.
- The new World Heritage Site status is expected to promote awareness, encourage tourism and boost the local economy.
- The Hills of Conegliano and Valdobbiadene are the eighth UNESCO World Heritage site in the Veneto region, the 55th site in Italy, and the 10th site in the world to be registered under the category of "cultural landscape" in recognition of their unique interaction between man and the environment.
- In terms of its number of UNESCO sites, Italy outranks any other country.

2. IIT design helps rural women in fabrication of beads

- Rural women beads in Rajasthan's Bharatpur district, engaged in the fabrication of tulusi mala have received support from a technical design intervention by the Indian Institute of Technology, Delhi.
- IIT Delhi has helped them improve their old machines. The new apparatus has increased production two-fold and added innovative features for designing and polishing.
- IIT-Delhi's Rural Technology Action Group (RuTAG) took up a project with the help of the Bharatpur-based Lupin Foundation in 2012 for improving old devices used by women and evolved a new machine.
- In its latest initiative, RuTAG has made major changes in the apparatus by enhancing its speed, added new features and helped in its operation with a comfortable sitting posture.

3. India-made Vikrant to be delivered by 2021

- India's first Indigenous Aircraft Carrier (IAC) - Vikrant, is in advanced stage of construction and will be delivered to the Navy in 2021 for advanced trials
- Vikrant weighs 40,000 tonnes.
- It is being built by Cochin Shipyard Limited.
- It works on Short Take-Off But Arrested Recovery (STOBAR) mechanism similar to the present carrier INS Vikramaditya with an angular ski-jump.
- The ship is powered by four General Electric (GE) gas turbines.
- It will operate Russian origin MiG-29K fighters, which also fly from Vikramaditya.

4. 'Safe Drive' campaign has reduced road deaths: CM

- West Bengal Chief Minister has said that the Safe Drive, Save Life campaign of the State government has resulted in reduction of road accidents and fatalities.
- From 407 fatalities in 2016, the number has dropped to 294 in 2018 in the Kolkata Police area, which is a decline 27.7%.
- Across the State, the number of fatalities in road accidents in 2016 was 6,951 and dropped to 5,711 in 2018, recording a decline of 17.8%.

5. National repository of photographs mooted

- The Central government has expressed its plans to create a repository of photographs of criminals in the country and put a system in place to track missing children and unidentified dead bodies, through facial recognition.
- The National Crime Records Bureau (NCRB) has invited bids for Automated Facial Recognition System (AFRS) that would even capture face images from CCTV feed and generate alerts if a

blacklist match is found.

- To begin with, a repository of 1.5 crore criminals is being planned.
- The data protection law is yet to be passed by Parliament but the bid document referred to this aspect.
- The primary objective was to track missing children and identify unclaimed bodies through the photo records
- The repository shall act as a foundation for a national level searchable platform of facial images and the data needs to be protected against following threats — unauthorised access to database or application, accidental modifications or deletions, confidentiality, integrity and availability breaches of data during data transport and physical storage, encryption/decryption engine.
- The system would also enable handheld mobile with applications to capture a face on the field and get the matching result from the backend server.
- The system is expected to be able to add photographs obtained from newspapers, raids, sent by people, sketches etc. to the criminal's repository tagged for sex, age, scars, tattoos, etc. for future searches.
- The system is also expected to have option to upload bulk subject images and generate alerts if any of the subject images matches with the registered faces in the database.

G. Prelims Facts

Nothing here for today!!!

H. Practice Questions for UPSC Prelims Exam

Q1. Which of the following is/are included in the UNESCO Natural World Heritage list?

1. Great Himalayan National Park
 2. Western Ghats
 3. Manas Wildlife Sanctuary
- a. 1 only
b. 1 and 2 only
c. 2 and 3 only
d. 3 only

Answer: d

Explanation:

Following is the list of UNESCO Natural World Heritage Sites:

- Great Himalayan National Park
- Kaziranga National Park
- Keoladeo National Park
- Khangchendzonga National Park (mixed natural and cultural)
- Manas Wildlife Sanctuary
- Sundarbans National Park
- Nanda Devi and Valley of Flowers National Parks
- Western Ghats

Q2. Chief Justice and other Judges of the Supreme Court are appointed by:

- a. Prime Minister
- b. President
- c. Vice – President
- d. Law Minister

Answer: b

Explanation:

Chief Justice of India and every Judge of the Supreme Court shall be appointed by the President of India.

Q3. Which of the following countries divided by Radcliffe Line?

- a. India and Nepal
- b. India and Bangladesh
- c. India and China
- d. India and Pakistan

Answer: d

Explanation:

The Radcliffe Line was the boundary demarcation line between the Indian and Pakistani portions of the Punjab and Bengal provinces of British India. It is named after its architect, Sir Cyril Radcliffe, who, as the joint chairman of the two boundary commissions for the two provinces, received the responsibility to equitably divide the territory.

Q4. Which of the following are not correctly matched?

- 1. Lushai Hills : Assam
- 2. Mikir Hills: Mizoram
- 3. Abor Hills: Meghalaya

Choose the correct answer:

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

Answer: d

Explanation:

The Lushai Hills (or Mizo Hills) are a mountain range in Mizoram and Tripura, India. Mikir Hills are a group of hills located to the south of the Kaziranga National Park, Assam. The Abor Hills is a region of Arunachal Pradesh in the far northeast of India, near the border with China.

I. UPSC Mains Practice Questions

- 1. The automated facial recognition system is opaque, vague and prone to misuse. Critically comment. (15 Marks, 250 Words)

2. Witness protection scheme to be introduced in Odisha should act as a template to other states.
Discuss. (10 Marks, 150 Words)

