

31 Jan 2020: UPSC Exam Comprehensive News Analysis

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Nothing here for today!!!

B. GS 2 Related

Category: POLITY AND GOVERNANCE

1. SC rejects curative plea in Nirbhaya case

Context:

Details:

- A curative petition is a rare remedy devised by a Constitution Bench of the court in its judgment in the Rupa Ashok Hurra case in 2002.
- A party can take only two limited grounds in a curative petition:
 1. He was not heard by the court before the adverse judgment was passed.
 2. The judge was biased.
- A curative petition, which follows the dismissal of a review petition, is the last legal avenue open for convicts in the court.

This topic has been covered in the 10th January 2020 Comprehensive News Analysis. [Click here](#) to read.

C. GS 3 Related

Category: ENVIRONMENT

1. 4 hydro projects violate Ganga flow norms: CWC

Context:

A report by the [Central Water Commission \(CWC\)](#) states that, over a year after the government made it mandatory for hydropower projects on the upper reaches of the river Ganga's tributaries to release minimum quantities of water through the year, 4 of the 11 projects are flouting norms.

Background:

- The Centre's e-flow notification came into effect in October 2018 and gave companies three years to modify their design plans, if required, to ensure that a minimum amount of water flowed during all seasons.
- The government advanced this deadline, from October 2021 to December 2019.
- This was after the CWC undertook field visits to hydropower sites and reported that most of the power projects there could begin implementing the norms right away and didn't need three years.

This topic has been covered in the 22nd October 2019 Comprehensive News Analysis. [Click here](#) to read.

Details:

- The e-flow notification specifies that the upper stretches of the Ganga — from its origins in the glaciers and until Haridwar — would have to maintain 20% of the monthly average flow of the preceding 10-days between November and March, which is the dry season; 25% of the average during the 'lean season' of October, April and May; and 30% of monthly average during the monsoon months of June-September.
- The CWC is tasked with measuring the flow and ensuring that plants comply with the law.
- It is the designated authority for supervision, monitoring and regulation of flows. Power projects will be assessed by the CWC quarterly for compliance after December 2019.
- The central government through the [National Mission for Clean Ganga \(NMCG\)](#) may direct the release of additional water in the river Ganga to meet special demands as and when required.

Non-compliant projects:

- The non-compliant ones are Maneri Bhali Phase 2, Vishnuprayag Hydroelectric project; Srinagar Hydroelectric project and the Pashulok barrage project.
- The Vishnuprayag and Srinagar projects are on the Alaknanda river, the Maneri Bhali on the Bhagirathi and the Pashulok is on the Ganga mainstream.

Category: ECONOMY

1. In 'leaked email', pilot 'questions' IndiGo ban

Context:

The commander of the IndiGo flight on which stand-up comic Kunal Kamra allegedly confronted journalist Arnab Goswami has reportedly written to the management questioning the rationale for the airline's ban on Mr. Kamra, saying that the comedian had not indulged in actions that would qualify him as a "Level 1 unruly passenger".

The issue has been covered in detail in the 30th January 2020 Comprehensive News Analysis. [Click here](#) to read.

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: SOCIAL ISSUES

1. Medical Termination of Pregnancy (Amendment) Bill, 2020

Context

- The Union Cabinet has approved the Medical Termination of Pregnancy (Amendment) Bill, 2020, to amend the Medical Termination of Pregnancy Act, 1971.

What was the need for a new bill on abortion?

- **Section 3** of the Medical Termination of Pregnancy (MTP) Act, 1971, capped the abortion limit at 20 weeks.
- Under **Section 5**, a woman could undergo abortion beyond 20 weeks only if her life was endangered by the pregnancy.
 - But there remained no provision for fetuses that were diagnosed with severe life-

threatening defects.

- Most **birth defects** are diagnosed between 16 to 18 weeks of pregnancy. But some anomalies of the brain and spine can be detected only after 20 weeks.
- The **MTP Act, 1971 was replete with unclear language**, which resulted in doctors refusing to perform abortions even within the stipulated 20-week gestation limit fearing criminal charges.
 - Women had to seek the approval of the judiciary, which, by most accounts, did not always come in time.
 - “As a result”, notes a 2015 study in the India Journal of Medical Ethics, “10 to 13 per cent of maternal deaths in India are due to unsafe abortions”.
 - Given the delays in the judicial system, the 20-week mark often passed, leaving many, including rape survivors, with unwanted pregnancies.

Features of the bill

- The bill proposes to permit the **termination of pregnancy up to 24 weeks from the existing 20 weeks.**
 - It aims to expand access for women to safe and legal abortion services on therapeutic, eugenic, humanitarian or social grounds.
- The amendments proposed in the bill are the **requirement for the opinion of one doctor for the termination of pregnancy up to 20 weeks** of gestation, and introducing the requirement of the opinion of **two doctors for the termination of pregnancy of 20-24 weeks of gestation.**
- The bill also proposed enhancing the upper gestation limit from 20 to 24 weeks for **special categories of women, which will be defined in the amendments to the MTP Rules** and would include vulnerable women including survivors of rape, victims of incest and other vulnerable women (like differently-abled women, minors), etc.
- **Upper gestation limit will not apply** in cases of substantial foetal abnormalities diagnosed by **Medical Board.**
 - The composition, functions and other details of the Medical Board are to be prescribed subsequently in Rules under the Act.
- **Name and other particulars of a woman** whose pregnancy has been terminated shall not be revealed except to a person authorized in any law for the time being in force.

Significance

- The extension of limit would ease the process for women, allowing the mainstream system itself to take care of them, **delivering quality medical attention.**
- It has a provision to protect the **privacy** of the person seeking abortion.
- The proposed increase in gestational age will ensure dignity, autonomy, confidentiality and justice for women who need to terminate a pregnancy.
- The extension will help victims of rape, girls with disabilities as well as minors, who may not realize they are pregnant until later.

Issue Area

- MTP will be extended till 24 weeks only for certain categories of women, there is also a provision that says that pregnancies with foetal abnormalities can be terminated only **after being approved by medical boards.**
- Medical boards often delay medical interventions required and often do not have the right kind of specialists.

Way forward

- The Government needs to ensure that all norms and standardized protocols in clinical practice to

facilitate abortions are followed in health care institutions across the country.

- The government should also learn from the experiences of the 1971 Act: the new piece of legislation should be worded in a manner that removes frequent appeals to the judiciary.

Category: POLITY AND GOVERNANCE

1. Should restrictions on free speech be reviewed?

Brandenburg v. Ohio (1969)

- In this case, the ‘**clear and present danger**’ test was expanded, and the ‘imminent lawless action’ test was laid down by the U.S. Supreme Court, which the court has followed since.
- This test states, “The constitutional guarantees of **free speech and free press do not permit the state to forbid or proscribe advocacy** of the use of force or of law violation, except where such advocacy is directed to inciting or producing **imminent** lawless action”.
 - **Imminent** means ‘likely to happen very soon,’ ‘at hand,’ or ‘fast approaching.’

Initially, Indian courts explicitly rejected the “clear and present danger” test, arguing that the **doctrine cannot be imported into the Indian Constitution because of “reasonable restrictions”**, but subsequently we see the courts adopting tests similar to the US ones, and even affirming the Brandenburg test, as in the case of **Arup Bhuyan** [Arup Bhuyan vs State of Assam, (2011)].

- The [Supreme Court](#) said, citing the Brandenburg test, “We respectfully agree and are of the opinion that they apply to India too, as our fundamental rights are similar to the Bill of Rights in the U.S. Constitution”.

Shreya Singhal vs Union of India, (2013)

How do we differentiate between advocacy and incitement? The Shreya Singhal judgment offers a very clear exposition of the difference between advocacy and incitement.

- The court held that three concepts are fundamental to understanding the scope of free speech. For them “The first is **discussion**, the second is **advocacy**, and the third is **incitement**.”
- Mere discussion or even advocacy of a particular cause howsoever unpopular is at the heart of Article 19(1)(a).
- It is only when such discussion or **advocacy reaches the level of incitement that Article 19(2) kicks in**”.

They cited Brandenburg’s case: “The wide difference between advocacy and incitement, between preparation and attempt, between assembling and conspiracy, must be borne in mind. In order to support a finding of clear and present danger it must be shown **either that immediate serious violence was to be expected or was advocated**, or that the past conduct furnished reason to believe that such advocacy was then contemplated.”

Category: HEALTH

1. Why coronavirus virus could hit Indian pharma industry?

Context

- India has reported its first confirmed case of coronavirus in the Thrissur district of Kerala.
- The patient is a student studying at Wuhan University, China and had recently returned to India.
- The central and state governments will be expected to try to ensure that its response system is strong, quick, and proactive in order to prevent the infection from spreading any further.

Background

[Check CNA dated Jan 23, 2020](#)

Impact on the pharma industry

- The density of population in India, low levels of public awareness, and vulnerabilities in the healthcare network present strong challenges to controlling outbreaks of communicable diseases.
- India is vulnerable also because it is **heavily dependent on China for components** used to make products across industries, including essential medicines.
- The lockdown in China to control the outbreak has the potential to **disrupt global supply chains of various essential products and consumer goods**. If the situation does not improve soon, several industries in India and, ultimately, its citizens, could be impacted.
- According to government data, **bulk drugs used to manufacture medicines** were among the top 10 imports from China between 2015 and 2019. While an impact is expected across the board if the situation does not improve, experts feel pharmaceuticals may be among the sectors to be hit the hardest.
- **China supplies nearly 70% of the total bulk drugs and intermediates** (raw materials) imported to make medicines in India. Some 354 drugs and drug ingredients were imported from China in 2017.
- Experts said that supplies of **fermentation-based ingredients used to make most antibiotics and vitamins** would be the most impacted in case a shutdown of operations in China continues, or if the infection spreads to major manufacturing hubs.

Impact on patients

- Industry executives fear that if the situation does not improve soon, the cost of materials used to make medicines in India will rise regardless of the therapeutic category.
- In the case of products that are under price control, the prices that customers pay should not be impacted.
- In the past, increasing prices of key therapeutic ingredients used to make drugs have led to shortages of medicines in the country.

2. What makes WHO declare a disease outbreak a public health emergency?

Introduction

- The World Health Organization (WHO) has not yet declared the novel coronavirus infection a Public Health Emergency of International Concern (PHEIC).
- Instead, the WHO has encouraged “all countries to enhance their surveillance for severe acute respiratory infections (SARI), to carefully review any unusual patterns of SARI or pneumonia cases and to notify WHO of any suspected or confirmed case of infection with novel coronavirus.”

What criteria does the WHO follow to declare PHEIC?

- PHEIC is declared in the event of some “serious public health events” that may endanger international public health.
- Under the International Health Regulations (IHR), a public health emergency is defined as “an extraordinary event which is determined, as provided in these Regulations: to constitute a public health risk to other States through the international spread of disease; and to potentially require a coordinated international response”.
- The responsibility of declaring an event as an emergency lies with the Director-General of the WHO and requires the convening of a committee of members.

What are the implications of a PHEIC being declared?

- In the past decade, WHO has declared public health emergencies for outbreaks including swine flu, polio and Ebola.
- There are some implications of declaring a PHEIC for the host country, which in the case of the coronavirus is China. Declaring a PHEIC may lead to restrictions on travel and trade.
- However, several countries have already issued advisories to their citizens to avoid traveling to China, while others are airlifting their citizens from it.

F. Tidbits

1. Country’s first coronavirus infection confirmed in Kerala

- India has reported its first positive case of the novel coronavirus (nCoV) from Kerala with a girl student, who was studying in Wuhan University and had travelled to India, testing positive for the virus.
- At least 15 countries have confirmed nCoV cases.
- The World Health Organization’s International Health Regulations Emergency Committee is yet to decide whether the current coronavirus outbreak constitutes a ‘public health emergency of international concern’.

Read more on the Novel Coronavirus, also known as the [Wuhan Coronavirus](#).

2. Use of chemicals to ripen fruits amounts to poisoning consumers

What’s in News?

The Delhi High Court has observed that the use of pesticides and chemicals to ripen fruits amounts to poisoning the consumer while noting that invoking penal provisions against the culprits would have a deterrent effect.

- The Bench was hearing a petition initiated by the court to monitor use of pesticides on fruits and vegetables.
- Chemicals, such as calcium carbide, are used to ripen fruits, like mangoes. It is hard to detect the presence of the chemical as its presence can only be tested in laboratories with the help of proper equipment and additional chemicals.

Concern:

A report by amicus curiae had stated that due to excessive usage of pesticides in fruits and vegetables, various countries have banned the import of Indian vegetables and fruits and many more are under scrutiny.

G. Prelims Facts

1. HAL products to hog limelight at DefExpo

What's in News?

Homegrown military aircraft, helicopters and a host of products will be the highlight of displays at DefExpo-2020 at Lucknow.

- HAL, the lead organiser and national exhibitor at the event, said it would showcase models of its products:
 1. The Light Combat Aircraft or LCA 'Tejas'
 2. The Light Combat Helicopter LCH
 3. The multi-purpose Advanced Light Helicopter
 4. The Dornier-228 civil plane
 5. The advanced jet trainer Hawk
- Other HAL products include avionics, accessories, assemblies, devices such as the Indigenous Digital Map Generator, Engine & Flight Display Unit, Gas Turbine Electrical Generator, Air Producer Engine, a glass cockpit for Do-228, Automatic Target Recognition and its Digital Sand Rapid Prototyping Technology.

Read more about [DefExpo 2020 at PIB dated Jan 24, 2020.](#)

2. A.P. flags off country's first 'fruit train'

What's in News?

A 'fruit train', said to be the first of its kind in the country, was flagged off from Tadipatri Railway Station in Andhra Pradesh.

- The fruit train was carrying a load of 980 metric tonnes of locally grown bananas to the Jawaharlal Nehru Port in Mumbai, from where the consignment will be exported to Iran.
- This is the first time in India that an entire train is being sent to the gateway port (JNPT) for export.
- This helps save both time and fuel as 150 trucks would have been required to send a consignment of this size by road to JNPT, which is over 900 km away, before the temperature-controlled containers are loaded on ships.
- The bananas are being exported under the brand name 'Happy Bananas'.
- Farmers from the Putlur region in Anantapur and Pulivendula in Kadapa district are exporting 'Green Cavendish' bananas to many international markets.

H. UPSC Prelims Practice Questions

Q1. Which of the following statement/s about calcium carbide is/are correct?

1. It is used as a deoxidizer during the manufacture of steel.
2. It is used as a ripening agent.
3. It is used in the removal of sulfur from iron.

Options:

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

Answer: d

Explanation:

All three statements are correct. Calcium carbide is a chemical compound widely used to ripen fruits such as mangoes. Calcium carbide is also known as calcium acetylide. Its main use industrially is in the production of acetylene and calcium cyanamide. It is used in the removal of sulfur from iron. The removal of sulfur from any material is called desulfurization. It is used as a deoxidizer during the manufacture of steel. The Delhi High Court has observed that the use of pesticides and chemicals to ripen fruits amounts to poisoning the consumer, while noting that invoking penal provisions against the culprits would have a deterrent effect.

Q2. Madhav National Park recently seen in news is in which state?

- a. Madhya Pradesh
- b. Rajasthan
- c. Uttarakhand
- d. Maharashtra

Answer: a

Explanation:

- The **Madhav National Park** is situated in the Shivpuri district of Gwalior division, Madhya Pradesh.
- The Sakhya and Madhav Sagar Lake, located in the centre of the forest, support a rich variety of migratory birds.
- It was named after Madho Rao Scindia, the Maharaja of Gwalior belonging to the Scindia dynasty of the Marathas.

Q3. Consider the following statements:

1. Vishnuprayag Hydro-electric project: River Alaknanda
2. Maneri Bhali Hydro-electric project: River Ganga
3. Pashulok Hydro-electric project: River Bhagirathi

Which of the given pair/s is/are correctly matched?

- a. 1 only

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

Answer: a

Explanation:

The Vishnuprayag Hydro-electric project is on the Alaknanda River, the Maneri Bhali on the Bhagirathi and the Pashulok is on the Ganga River mainstream.

Q4. The World Health Organization (WHO) has in the past, declared Public Health Emergency of International Concern (PHEIC) for the outbreak/s of which of the following diseases?

- 1. Polio
- 2. Ebola
- 3. H1N1 Swine Flu

Choose the correct option:

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

Answer: c

Explanation:

Public Health Emergency of International Concern (PHEIC) is declared in the event of some “serious public health events” that may endanger international public health. Under the International Health Regulations (IHR), a public health emergency is defined as “an extraordinary event which is determined, as provided in these Regulations: to constitute a public health risk to other States through the international spread of disease; and to potentially require a coordinated international response”. The responsibility of declaring an event as an emergency lies with the Director-General of the WHO and requires the convening of a committee of members. The last time WHO declared a global health emergency was in 2019 for the Ebola outbreak in eastern Congo that killed more than 2,000 people. The agency also declared global emergencies for the 2016 Zika virus, the 2009 H1N1 swine flu, and the 2014 polio and Ebola outbreaks.

I. UPSC Mains Practice Questions

- 1. The higher judiciary must be the guardian of citizens' constitutional rights when there is an onslaught on liberty and freedom of speech. Illustrate with relevant case laws the difference between advocacy and incitement. (15 marks, 250 words)
- 2. Explain in detail how the coronavirus impacts the Indian Pharma Industry and the economy. What steps should be taken by the Government to reduce human losses? (10 marks, 150 words)

