

4 Jan 2020: UPSC Exam Comprehensive News Analysis

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Category: POLITY AND GOVERNANCE

1. Special provisions likely for J&K residents in jobs, land rights

Context:

Government considering **special status** for the Union Territories of Jammu and Kashmir and Ladakh.

Background:

-
- The Central government had revoked the **special status of Jammu and Kashmir under Article 370 and Article 35A of the Constitution** on 6th August 2019.
- The state of Jammu and Kashmir was bifurcated into two Union Territories of J&K and Ladakh.
- **Article 35A enabled the J&K legislature to decide the “permanent residents” of the State.** It ensured job reservation for its residents and allowed the state to prohibit a non-J&K resident from buying a property in the State.
- Post the revoking of Article 35A, several sections and groups from Jammu and Kashmir had expressed **concerns about losing their special status and apprehension of losing land and jobs to outsiders.**

Details:

- The Centre is considering a proposal to **grant special status to J&K through the provision of Article 371.**
- The proposed move will **provide protection to domiciles of Jammu and Kashmir in government jobs, educational institutions and land rights.**
 - The major provision under consideration involves implementing the mandatory requirement of continuous stay in the region for a minimum of 15 years before applying for a job in the government sector. This will ensure that the locals will be more likely to get government jobs in the state.
 - Special provisions are being examined on the lines of those in **Himachal Pradesh and Uttarakhand with regard to land rights.** The provisions pertain to **regulating ownership and transfer of land** to conserve the limited resources available for development. This will ensure land ownership remains within the residents of the state.

- The proposed regulations will ensure that the State of **Jammu and Kashmir preserves its unique identity.**

Additional Information:

- Apart from Jammu and Kashmir, special provisions have been provided to some other states under the Constitution of India, listed in **Articles 371 and 371(A-J)**. While Articles 370 and 371 have been a part of the Constitution since January 26, 1950, Articles 371(A-J) were incorporated through amendments under Article 368, which lays down the power of the Parliament to amend the Constitution and procedure therefor.

2. All India Judicial Service no panacea, says study

Context:

Report on **The All India Judicial Service** by Vidhi Centre for Legal Policy.

Background:

- **The lower judiciary is plagued by a number of issues like the large pendency in the cases and the poor quality of its judgment** which is more often than not appealed in the higher courts. This is mainly due to a **large number of vacancies in judicial positions, the long delays in the appointment process and lack of transparency in the appointment process.**
- Currently, the appointments of District Judges and Subordinate Judiciary are done by the respective State governments.
- Given the challenges being faced in the lower judiciary, there has been **a growing call for the creation of a unified pan-India judicial service.**
- **The idea for All India Judicial Service (AIJS) was first proposed by the 14th Report of the Law Commission of India in 1958,** aimed at creating a centralised cadre of District Judges.
- **The Vidhi Centre for Legal Policy** in its recent report titled, ‘**A primer on the All India Judicial Service – A solution in search of a problem?**’ has brought forth many arguments against an AIJS.

Arguments for AIJS:

- All India Judicial Service (AIJS) would help **in centralizing the recruitment process.** This would help **attract the best talent from all over the country.**

- AIJS can help in a **faster and timely recruitment process** which would help address the high level of vacancy in the judiciary. It will address the problem of a high level of pendency in cases by helping increase the judges: cases ratio in India.
- The AIJS can be implemented with provisions which will help **address the issue of lack of representation for the marginalised in the judicial services.**

Arguments against AIJS:

- The report by the Vidhi Centre for Legal Policy points out several issues in pitching AIJS as a solution to judicial vacancies.

Vacancy issue:

- The major arguments in favour of the AIJS were that it would help fill the approximately 5,000 vacancies across the District and Subordinate Judiciary in India. However, a closer analysis would reveal the fact that it is **only certain High Courts which account for a majority of the approximately 5,000 vacancies.** AIJS has no role in the appointment process of the High courts.
- Instead of proposing an AIJS as a solution for judicial vacancies, it may be more effective to investigate the reasons and causes for a large number of vacancies in the poorly performing States and **address the issues at the local levels.**

Reservation:

- AIJS has been pitched as a solution to lack of representation for the marginalized in the judiciary. Interestingly **many States are already reserving posts for marginalized communities and women in the appointment process of the lower judiciary.**
- The creation of AIJS and the subsequent reservation would face some backlash given that many of the communities who currently benefit from the State quotas, may oppose the creation of an AIJS. This is because the **communities recognised as Other Backward Classes (OBC) by State governments may or may not be classified as OBCs by the Central government.** This might lead to the disempowerment of a few communities in the state.

Local language and customs:

- **Judges recruited through a centralized process may not know the local languages of the States in which they are posted.** This becomes an important impediment considering the fact that the proceedings

of civil and criminal courts are to be conducted in a language prescribed by the respective State governments which in most of the cases is the state language.

- **The lack of understanding of the local language and customs** are issues that deserve serious consideration since it will **not only lead to longer case disposal times and also may affect the quality of judgments.**

3. BJP MP's plea against Kerala CM awaits RS Chairman's nod

Context:

- Move to introduce a **Privilege Motion** against the Kerala Chief Minister for the Kerala assembly's resolution against CAA.

Background:

- **The Kerala Assembly had passed a resolution terming the Citizenship (Amendment) Act, passed by both Houses of the Parliament, illegal and unconstitutional.**
- Subsequently, there was a move in the **Rajya Sabha to initiate breach of parliament privileges and contempt proceedings** against the Kerala Chief Minister for the resolution.
- The request made by one of the members of the privilege committee of the Rajya Sabha, alleges that the Kerala Chief Minister's statement while introducing the resolution, was in **complete disregard to parliamentary sovereignty** given that the **power to make amendments to the constitution and make new laws rests only within the domain of the parliament.**
- The petitioner claimed that the move of the Kerala assembly and the statement of the Chief Minister was an action **challenging the set constitutional norms** and hence liable to face contempt proceedings.

Details:

- A member of the privilege committee had written to the Rajya Sabha Chairperson, seeking to initiate breach of parliament privileges and contempt proceedings.
- **The Rajya Sabha privileges committee did not take cognisance of the petition moved as it did not follow due procedure.** The petition was not considered primarily on the grounds that it had to be **approved and forwarded by Rajya Sabha Chairperson.**

Additional Information:

- The privileges committee has a total of ten members with members representing the different political parties in the Rajya Sabha.
- The Chairman of the Committee shall be appointed by the Chairman from amongst the members of the Committee. The privileges committee in the Rajya Sabha is headed by Deputy Chairman.
- The committee can consider any petition only after the Chairman's approval, and whenever the matter is taken up, **the member who has moved the petition has to recuse himself from the meeting.**
- The Committee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and **make such recommendations as it may deem fit.**

Category: INTERNATIONAL RELATIONS

1. U.S. kills top Iranian General in airstrike

Context:

The U.S. has killed Iranian Major General Qassem Soleimani, in an airstrike near Baghdad airport.

Background:

- Tensions between Iran and the U.S. have been steadily escalating with Washington **pulling out of the Iran nuclear deal and tightening sanctions and Tehran resuming nuclear activity.**
 - There has been an increasing frequency of **flashpoints in the gulf** like the attacks on the ships and oil tankers, shooting down of drones and attack on Saudi's Oil refineries.
- In April 2019, The U.S. designated the Islamic Revolutionary Guard Corps as a terrorist group.
- Recently there was an attack on the U.S. Embassy in Iraq by pro-Iranian militiamen after a U.S. air raid on a pro-Iranian militia operating in Iraq.

Details:

- Qassem Soleimani was the head of the **elite Quds Force, the external operations wing of Iran's Islamic Revolutionary Guard Corps (IRGC).**
- Qassem Soleimani directed Iran's foreign operation, which was primarily aimed at **extending Iran's influence across its borders throughout West Asia.** The pro-Iran Shia militias formed under Soleimani played key roles in the **Syrian civil war and the war against the Islamic State in Iraq and Syria.**

- The killing of Gen. Soleimani, considered the architect of Tehran's spreading military influence in West Asia, marks a dramatic escalation in the regional shadow war between Iran and the U.S. and its allies, principally Israel and Saudi Arabia.

Concerns:

- This latest escalation may as well lead to a **full-scale war in the West Asian region**, which would not only be detrimental to the already volatile West Asia but the world at large.
- **Oil prices shot up by nearly \$3 a barrel after reports of the airstrike.**
- The impact of the incident was visible in most market segments in India as gold prices spiked, while equities fell, and the rupee plunged to a one-and-a-half-month low.
- India sources more than two-thirds of its oil from West Asia, mainly Saudi Arabia and Iraq, and any retaliation from Iran will affect India's oil imports.

C. GS 3 Related

Nothing here for today!!!

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: INTERNATIONAL RELATIONS

1. Bracing for global impact after Soleimani's assassination

Context:

The U.S. has killed Iranian Major General Qassem Soleimani, in an airstrike near Baghdad airport.

Background:

- Tensions between Iran and the U.S. have been steadily escalating with Washington pulling out of the Iran nuclear deal and tightening sanctions and Tehran resuming nuclear activity.

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- There has been an increasing frequency of **flashpoints in the gulf** like the attacks on the ships and oil tankers, shooting down of drones and attack on Saudi's Oil refineries.
- In April 2019, The U.S. designated the Islamic Revolutionary Guard Corps as a terrorist group.
- The U.S. has sought to link the operation to a surge in attacks on its assets and personnel in Iraq.

Details:

- Major General Qassem Soleimani, was the Commander of Quds Force of the Iranian Revolutionary Guards Corps (IRGC), formed for extra-territorial operations.
- During the past decade, Qassem Soleimani had managed to leverage the disarray in west Asia to **enhance Iranian influence in Arab countries with a significant Shia population** such as Lebanon, Iraq, Syria and Yemen. He was successful in creating a network of local sympathisers and proxies and waged effective asymmetric wars.
- Mr. Soleimani was also the main architect of Iran's recent foreign operations, mainly in Syria and Iraq, which were crucial in saving the regime of Bashar al-Assad in Syria and defeating the Islamic State (IS) in both countries.

Concerns:

The situation remains highly unpredictable after the recent escalation.

Iran U.S. ties:

- Unlike the other recent targeted assassinations carried out by the U.S. like that of Abu Musaib al-Zarqawi (leader of the al-Qaeda in Iraq), Osama bin Laden (founder of the al-Qaeda) and Abu Bakr al-Baghdadi, (founder of the Islamic State, or the IS), **Gen. Soleimani, was a state actor. Iran might see this as an act of war like any sovereign country would do.**
- Iranian authorities have reacted with predictable anger at Gen. Soleimani's "martyrdom" and **vowed vengeance.**
- The attack has **already taken off even the possibility of renegotiating the nuclear deal**, which alone can bring long-lasting peace to the region at large.

Volatile region:

- The killing of Gen. Soleimani, considered the architect of Tehran's spreading military influence in West Asia, marks a dramatic escalation in the regional shadow war between Iran and the U.S. and its allies, principally Israel and Saudi Arabia. At the outset, it appears as a reckless and unilateral act of provocation by the U.S. that could trigger another full-scale war in West Asia.
- The region is already struggling to cope with multiple conflicts and external interventions.
- Iran has in the past used its foreign proxies, and it might resort to the same in the present scenario. The latest escalation could trigger multiple attacks across the **West Asia region, destabilising it further and causing heavy casualties. This could help the jihadist groups such as al-Qaeda and the IS regroup and re-emerge.**

Worsen the situation in Iraq:

- Gen. Soleimani's assassination in Baghdad is likely to worsen the already bad situation in Iraq. Iraq has been witnessing nearly **three months of youth protests** and is undergoing political chaos under a caretaker government. **The undue foreign interference by both Iran and the U.S. would only complicate the matters more.**
- The event is likely to re-polarise Iraqi society along sectarian lines and intensify the Iran-U.S. competition for influence in Iraq. The situation could turn more volatile providing a fertile ground for the growth of terrorist organizations. The popular Iraqi clamour for political reforms and transparency may be eclipsed by the demand for eviction of the U.S. presence itself.

Oil sector as target:

- There has been a steady increase in skirmishes between Iran and the U.S. and its allies. This latest move by the U.S. will definitely invite a response from Iran given the past precedence. It is widely believed that the latest escalation will have a profound effect on the oil sector.
- An Iranian response **may involve resumed attacks on oil tankers and other easy but high value economic targets, particularly in the oil sector.**
- **The Global oil prices have already seen a 4% rise within hours of the incident due to the fear** that a full scale war in West Asia would severely disrupt the global oil supplies given that a large proportion of oil comes from the gulf.

- With very little chances of de-escalation visible, **the oil prices might only rise to cause economic stress in any oil importing countries.** The oil producers in West Asia will also suffer due to loss of revenue in case of infrastructure damage of the oil sector.

Potential fallout in India:

- India has already had considerable difficulties in adapting to the U.S.-Iran cold war. Now that the conflict has escalated, its adverse impact on India could only magnify.

Oil imports:

- The U.S. withdrew from the Iran nuclear deal and has been steadily increasing the **sanctions on Iran.** This has involved asking other countries to limit economic transaction with Iran to isolate it economically.
- Iran has traditionally been one of the major sources of oil for India. **The price and the payment options that Iran offers India has been the best deal for India in terms of oil purchasing.** India has been pressurized into stopping oil imports from Iran post the American sanctions.
- Given India's huge dependence on imported oil, the reduced basket of oil exporters to India and the possibility of the disrupted supply chain will definitely lead to a rise in India's import bill and difficulty in procuring oil.

Geostrategic reasons:

- India's ties with Iran, apart from being "civilisational", have their own geostrategic significance.
- The much touted **Chabahar port** in Iran is very important for India geostrategically, given the growing strength of the Chinese in the region. The Chabahar port of which India is a major player would suffer from the delays as a result of any escalations.
- **Iran has the capacity to influence the U.S.-Taliban peace process in Afghanistan,** a neighbouring country. The derailment of the peace process in Afghanistan would have adverse effects on India.

Indian Diaspora:

- Though Iran hosts very few Indians, given the fact that the Iran-US escalation will not be limited to the two nations and would spread out to the entire West Asian region, the safety of an estimated eight million Indian expatriates in the Gulf may be affected.

- India is a large recipient of remittances and a large share of this is accounted by West Asia. Any turbulence in West Asia will adversely affect remittance flow and the Indian foreign reserves.

Domestic factors:

After Iran, India has perhaps the largest number of the world's Shia population. The killing of Soleimani has resulted in widespread anger among the Shia community and the possibility of some of them being **radicalized by this event** cannot be ruled out. This will pose an additional challenge to the anti-terror apparatus in India.

Category: POLITY AND GOVERNANCE

1. Missing the wood

Context:

- The Kerala Assembly had passed a resolution calling upon the Centre to repeal the Citizenship (Amendment) Act, 2019.

Details:

Resolution is allowed:

- The principal objection that citizenship being a matter concerning the Union, it is not open to State Assemblies to give their opinion on it, is not valid. If a State government believes that a parliamentary law is not constitutional, it is possible for the State legislature to call for its repeal.
- Some states have also come out in support of the resolution holding that such a resolution **reflects the popular will of the people**.
- A resolution is not legislation, and is not governed by the principle of legislative competence. It is only an expression of a political opinion which the states are free to express.
- The passing of a resolution is considered **an internal matter of the state assembly** where the House Speaker decides on admitting a resolution and hence due process was followed in the passing of the resolution.
- There have been **past precedents** where in Tamil Nadu assembly had passed several resolutions concerning India's foreign policy such as asking for a war crimes probe against Sri Lanka and even a referendum on 'Tamil Eelam'.

Resolution not right:

- Union Law Minister and Kerala Governor have denounced the adoption of such a resolution by the Kerala Assembly.
- Subsequently, there was a move in the **Rajya Sabha to initiate breach of parliament privileges and contempt proceedings** against the Kerala Chief Minister for the resolution.
- There have been questions raised on **whether a State Assembly is competent to question the law on a matter under the Union government's domain**. The resolution is said to be against the **principle of parliamentary sovereignty**.
- There have also been arguments that **all States have a constitutional duty to implement central laws**. Failure of which can be acted against by imposing president's rule in such states.
- There is a technical problem on the resolution's admissibility given that **Kerala Assembly Rules states that matters pending before a court or those that do not concern the State should not be admitted in the form of a resolution**. Given that several petitions are pending against the CAA in the Supreme Court the resolution goes against the rules framed for Kerala assembly.

Concerns:

- The CAA protests and the subsequent move by Kerala assembly may set the stage for a wider confrontation between the Centre and States that have expressed their disinclination to give effect to the Centre's policy regarding the Citizenship (Amendment) Act, 2019.
- There has been growing politicization of the issue with the political parties trying to use the issue electorally.

Way forward:

- The government should consider the major concerns against CAA and address them. The major concerns being raised are that the CAA may be in violation of the equality norm and secular principles enshrined in the Constitution.
- Voicing support for the CAA and also opposing CAA are both valid political opinions, but these should not translate into the politicization of the issue. **The concerns and remedy should be sought through legitimate constitutional methods** like the judicial review of the CAA in the Supreme Court.

F. Tidbits

Nothing here for today!!!

G. Prelims Facts

1. State to present a plan on women's cyber safety

- **India presently has councils for each of the five zones: North, Central, Eastern, Southern and Western.** Zonal Councils are advisory councils and are made up of the states of India that have been grouped into five zones to foster cooperation among them.
- The five zonal councils created **under the States Re-Organization Act, 1956**, are advisory bodies that discuss and make recommendations with regard to any matter of common interest for economic and social planning between the Centre and States, border disputes, linguistic minorities, inter-State transport or matters connected with the reorganization of States under this Act.
- The councils function under the aegis of the Ministry of Home Affairs' Inter-State Council Secretariat. The North-Eastern states are not covered by any of the Zonal Councils and their special problems are addressed by another statutory body, the North Eastern Council, created by the North Eastern Council Act, 1971.
- Andaman and Nicobar Islands, Lakshadweep are not members of any of the Zonal Councils. However, they are presently special invitees to the Southern Zonal Council.
- The Western council comprises Goa, Gujarat, Maharashtra, the Union Territories of Daman and Diu, and Dadra and Nagar Haveli.

H. UPSC Prelims Practice Questions

1. Which of the following states have been accorded special provisions under Article 371 of the Indian Constitution:

1. Sikkim
2. Karnataka
3. Tripura
4. Maharashtra
5. Mizoram
6. Nagaland

Options:

- a. 1,3,5 and 6
- b. 1,5 and 6
- c. 1,2,4,5 and 6
- d. 1,2,4 and 6

Answer:

Option c

Explanation:

- Special provisions have been provided to some states under the Constitution of India, listed in Articles 371 and 371(A-J). While Articles 370 and 371 have been a part of the Constitution since January 26, 1950, Articles 371(A-J) were incorporated through amendments under Article 368, which lays down the power of the Parliament to amend the Constitution and procedure therefor.
- Maharashtra, Gujarat, Nagaland, Assam, Manipur, Present Telangana, Sikkim, Mizoram, Arunachal Pradesh, Goa and Karnataka have provisions of special status under Article 371 of the Constitution.

2. Which of the following statements are correct?

- 1. The Chairperson of the Rajya Sabha nominates the members of the privileges committee of Rajya Sabha.
- 2. The Privileges committee of Rajya Sabha consists of ten members.

Options:

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer:

Option c

Explanation:

Self-explanatory

3 which of the following statements are correct?

- 1. The six zonal councils in India have been created under the States Re-Organization Act, 1956.

2. The councils function under the aegis of the Ministry of Home Affairs' Inter-State Council Secretariat.

Options:

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer:

Option b

Explanation:

- India presently has councils for each of the five zones: North, Central, Eastern, Southern and Western.
- The five zonal councils created under the States Re-Organization Act, 1956, are advisory bodies.
- The North-Eastern states are not covered by any of the Zonal Councils and their special problems are addressed by another statutory body, the North Eastern Council, created by the North Eastern Council Act, 1971.

4 Arrange the following ports from north to south:

- 1. Krishnapatnam port
- 2. Vishakapatnam port
- 3. New Mangalore port
- 4. Mormugao port
- 5. Ennore port

Options:

- a. 2,4,1,5,3
- b. 2,1,4,3,5
- c. 2,4,1,3,5
- d. 1,2,4,3,5

Answer:

Option a

Explanation:

Arranging the ports from north to south:

- Vishakapatnam port
- Mormugao port
- Krishnapatnam port
- Ennore port
- Mangalore port

I. UPSC Mains Practice Questions

1. The recent U.S. assassination of Iranian Major General Qassem Soleimani, in an airstrike has serious consequences not just for the West Asian region alone but also for India. Comment. (10 marks, 150 words)
2. The recent move of the Kerala Assembly to pass a resolution calling upon the Centre to repeal the Citizenship (Amendment) Act, 2019 has found both supporters and detractors. Comment. (10 marks, 150 words)