

21 Feb 2020: UPSC Exam Comprehensive News Analysis

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Category: POLITY AND GOVERNANCE

1. SC passes interim order on Mahadayi tribunal's award

Context:

The Supreme Court has passed an interim order allowing an application by the State of Karnataka to notify the Mahadayi Water Dispute Tribunal's award.

Background:

- The Mahadayi water-sharing dispute has the states of Goa, Maharashtra, and Karnataka vying for water from the Mahadayi River.
- The project was proposed by the Bommai Committee.

Dispute:

- Kalasa-Banduri project planned in 1989; Goa raised objection to it.
- Goa filed a complaint seeking setting up of a tribunal in July 2002.
- The Ministry of Water Resources kept the clearance given to Karnataka in abeyance in September 2002.
- Goa moved the [Supreme Court](#) in 2006 seeking the constitution of a tribunal, withdrawing approval for any work in the basin.
- Mahadayi (Mandovi) is a water deficit basin and water diversion could impact the environment.
- The Mahadayi Water Disputes Tribunal was set up in November 2010.

Details:

- The implementation of the award would be subject to the final judgment of the Supreme Court in the civil appeals filed by Karnataka, Goa, and Maharashtra, challenging the allocation of water from the Mahadayi river among them.
- Neither of the two States — Goa and Maharashtra — opposed the plea made by Karnataka to publish the August 2018 tribunal award in the official gazette.
- August 2018 tribunal award had allocated 13.42 TMC water (including 3.9 TMC for diversion into the depleted Malaprabha river basin) from the Mahadayi river basin to Karnataka.
- Maharashtra was allotted 1.33 TMC water while Goa was given 24 TMC in the final decision of the tribunal.
- The Karnataka government had petitioned the tribunal seeking the release of 7.56 TMC of water for the Kalasa-Banduri Nala project.

What is Kalasa-Banduri Nala project?

- The Kalasa-Banduri Nala is a project undertaken by the Government of Karnataka to improve drinking water supply to the Districts of Belagavi, Dharwad, and Gadag.
- It involves building across Kalasa and Banduri, two tributaries of the Mahadayi river to divert 7.56 TMC of water to the Malaprabha river, which supplies the drinking water needs of the said 3 districts, i.e., Dharwad, Belagavi and Gadag.
- It is a canal project undertaken by Karnataka to divert water from the Mahadayi river to the Malaprabha.

River Mahadayi:

- Mahadayi, the west-flowing inter-state river in the Western Ghats, takes birth in Degaon village, Belgaum district.
- The river travels 35 km in Karnataka; 82 km in Goa before joining the Arabian Sea.
- The River Mahadayi is called Mandovi in Goa.

2. CJI alarmed at hasty death warrants

Context:

Chief Justice of India Sharad A. Bobde expressed alarm about trial courts issuing death warrants in undue haste without offering condemned prisoners a chance to exhaust their efforts for commutation or clemency.

Details:

- Heading a three-judge Bench, the CJI sought to know from Solicitor-General, why “black warrants” were being issued in a hurry despite judgments of the Supreme Court specifying that condemned men ought to be allowed the legal and administrative remedies available to them under the Constitution.
- The court referred to its May 2015 judgment, which had quoted a saying ascribed to Emperor Ashoka that the ‘state should not punish with vengeance’.
- It also highlighted the fact that punishment involving death is irreversible.

Background:

- The government has recently asked the court to frame “victim and society centric” guidelines to prevent delays in the execution of condemned prisoners.
- The plea for new guidelines referred to how the convicts in the Nirbhaya case have “misused” the maze-like legal process in death penalty cases to delay the execution of their death sentences.

Black warrant:

- Death warrant, also known as a black warrant, identifies the convict who has been sentenced to death, the case, the day of his or her awarded death penalty and the court that confirmed the punishment.
- The Black Warrant is part of a list of forms in the Code of Criminal Procedure that lays down the procedure for investigating a crime, collecting evidence, determining the innocence or guilt of the accused and handing out punishments.
- The Black Warrant, titled 'Warrant of Execution of a Sentence of Death', is the 42nd form on the list.

For In-depth analysis about the Death Penalty, watch the Youtube video on the link below:

<https://www.youtube.com/watch?v=onZnRh6rsjw&t=1>

3. ‘Centre won’t dilute Article 371’

Context:

Union Home Minister has allayed fears in the northeast that Article 371 would meet the same fate as Article 370.

What is Article 371?

- Article 371 of the Constitution includes “special provisions” for 11 states, including six states of the Northeast.
- Articles 370 and 371 were part of the Constitution at the time of its commencement on January 26, 1950; Articles 371A through 371J were incorporated subsequently.
- The Article includes certain provisions for Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram and Arunachal Pradesh besides Maharashtra, Gujarat, Goa and Karnataka.
- Most of the states that have been accorded special provisions under Article 371 are in the northeast and the special status aims to preserve their tribal culture.

Article 371:

- Article 371A confers special status on Nagaland.

- Under this provision, no law made by Parliament in relation to Naga customary law and procedure, including civil and criminal justice matters, and ownership or transfer of land and resources will apply to Nagaland, unless the Legislative Assembly of Nagaland decides so.
 - The protection of Naga laws and customs was written into the Constitution following the July 1960 agreement between the Centre and the Naga People's Convention, under which the State was later created.
 - Further, the Governor of Nagaland has a 'special responsibility' regarding law and order in the State.
- Article 371B contains a special provision for Assam under which a committee of legislators from the tribal areas was formed to look after their interest.
 - The tribal areas later became Meghalaya.
- Under Article 371C, the Hill Areas of Manipur ought to have a committee of legislators.
 - The Governor has a special responsibility to make an annual report to the President on the administration of the Hill Areas.
 - The Centre is empowered to give directions to the State as far as these areas were concerned.
- Article 371D is a detailed provision under which the President can pass an order to provide equitable opportunities and facilities to people belonging to different parts of Andhra Pradesh in public employment and education.
 - In particular, the President can create local cadres in various classes of employment and allot civil posts to specified local cadres only.
 - The President can specify any part of the State as a 'local area' for this purpose.
 - To give effect to this arrangement, an Administrative Tribunal has been set up.
 - No court, other than the Supreme Court, has any power of superintendence over this tribunal.
- Article 371F incorporates special provisions after the addition of Sikkim to India.
 - One major objective was to grant protection to existing laws in Sikkim so that they are not declared unconstitutional after being brought under the Constitution of India.
- Article 371G contains special provisions to preserve the religious and social practices of Mizos in Mizoram and their customary law and procedure and administration of criminal and civil justice, besides ownership of land.
- Article 371H vests a special responsibility on the Governor of Arunachal Pradesh with respect to law and order.
 - It makes clear that the Governor shall discharge this function after consulting the Council of Ministers, but exercise his individual judgment as to the action taken.

Read more about [Article 370](#).

C. GS 3 Related

Nothing here for today!!!

D. GS 4 Related

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E. Editorials

Category: HEALTH

1. Gearing up to fight the next big viral outbreak

The editorial talks about the need for Indian States to regularly test their preparedness to not just diagnose and treat diseases, but also to prevent them.

Global Health Security Index:

- The GHS Index is the first comprehensive assessment of global health security capabilities in 195 countries.
- The World Health Organization (WHO)'s Global Health Security Index finds that no country is adequately prepared.
- It assesses 195 countries across six categories — prevention, early detection, rapid response, health system quality, standards, and the risk environment.
- India is ranked 57th. The U.S. is ranked first and China 51st.
- That the country scores around the global average is no comfort, because the global average is a low 40.2 out of 100, and India's score is 46.5.

Case study: Thailand:

- Thailand is ranked sixth in the Health Security Index.
- It is the highest-ranking for an Asian country. This ranking says a great deal about the country's track record in disease prevention, early detection, and rapid response linked to investments in its public health system.
- When the deadly Middle East Respiratory Syndrome (MERS), also caused by a coronavirus, broke out in 2015, Thailand quickly notified the WHO of its first confirmed case and acted transparently to arrest the spread.
- The steps taken by Thailand are in stark contrast to delayed notification by China's officials of the recent outbreak.

The Indian Scenario:

- Health expenditure by the government in India is less than 1.5% of the Gross Domestic Product, which is low for a middle-income country. Spending at that level limits, among other things, the availability of health professionals during crises.
- According to WHO, India has only 80 doctors per 1,00,000 people.
- Indian States should regularly test their preparedness to not just diagnose and treat diseases, but also to prevent them.
- The influenza A (H1N1) outbreaks since 2009 in Rajasthan, Maharashtra, Tamil Nadu and other States have acutely underscored the need for better detection, awareness of symptoms and quarantining.
- The Pune-based National Institute of Virology has been designated as a WHO H5 reference laboratory. Yet, clearer protocols for all three types of surveillance are needed in all States, and these protocols need to be communicated to health professionals at all levels and the public in local languages.
- Each State in India should do stress tests to expose crucial gaps in areas such as adequacy and supply of diagnostic equipment, health facilities, hygienic practices, and prevention and treatment protocols.
- Alarming scenes of queues for medical products in Hong Kong and China highlight the need for strong supply chains for products that people need during health emergencies.

4-point health agenda:

The prospect of new outbreaks puts four items on the health agenda in the spotlight that require both immediate and longer-term action:

1. Early detection and prevention.

2. Better collaboration across health service providers.
3. More investment in health systems, outcomes, and education.
4. Better care of the environment and biodiversity, that directly affects people's health safety.

Collaboration:

- China is realising, at a chilling cost to the safety of its health workers, the difficulty of ensuring enough supplies so that it can avert panic buying.
- This is where partnership can come in — partnerships between private and public sectors, and between countries — that can sustain supply chains and bolster the medical capacity of countries struggling to cope.
- In Asia, collaborative approaches exist, for example, for combating tuberculosis, AIDS and malaria. But more is needed to tackle health emergencies on the scale of the recent outbreak, particularly on funding.
- There could be an emergency loan facility, with a deferred drawdown option as the World Bank uses for disasters, natural or health, that can help augment own resources in times of a public health catastrophe.
- But the best defence of all is to invest more, and more efficiently, in health and education to prepare populations and strengthen health services.

Conclusion:

One lesson of the 2008 global financial crisis was the need for countries to conduct regular stress tests on their financial systems, an exercise that has proved valuable. Countries need to do the same for their preparedness to deal with health emergencies.

2. ART of life

Context:

The Union Cabinet has approved the Assisted Reproductive Technology (ART) Regulation Bill, 2020 to monitor medical procedures used to assist people to achieve pregnancy.

Legislations upholding reproductive rights and choices of women:

Together, the ART Bill; the Surrogacy Bill; the amendment to the Medical Termination of Pregnancy Act; and the older Pre-Conception and Pre-Natal Diagnostic Techniques Act present a bouquet of legislation that will have a positive impact on the reproductive rights and choices of women in India.

Need for regulation of Assisted Reproductive Technology (ART):

- The ART Bill, to regulate clinics offering fertility treatments, was first presented publicly in 2008.
- India has a rich history of employing ART, though the initial years went officially undocumented at that time.
- Since the 1970's the industry has seen phenomenal growth, as infertility rates went up.
- A market projection (by Fortune Business Insights) said the size of the ART market is expected to reach \$45 billion by 2026.
- Among Asian countries, India's ART market is pegged at third position.
- A lack of regulation and the consequent laxity in operations drove a lot of traffic from other nations to India.
- Along with the relatively low costs, this led to the mushrooming of ART clinics across the country.

- This also led to a plethora of legal, social and ethical issues.
- It is at this juncture that the ART Bill has seen a fitting revival.

Important provisions:

- It seeks to regulate and monitor ART procedures.
- Mandates the establishment of a National Board and State Boards to lay down rules for implementation.
- It honours a long-pending demand for the creation of a national registry, and registration authority.
- The Bill already sets a comprehensive framework to operate on. Most significantly, the Bill recommends punishment, even jail time, for violations of the provisions.

This topic has been covered in the 20th February 2020 Comprehensive News Analysis. [Click here](#) to read.

Way forward:

- Having come this far to ensure the reproductive rights of women, the state now has the thriving ART industry on a leash, and the Bill is its best chance to eliminate exploitation in the field.
- The Assisted Reproductive Techniques Bill is a much-needed complement to Surrogacy Bill.
- Since it does impinge on surrogacy too, the government must work on ensuring synchrony in both Bills.

Conclusion:

It is largely opined that the Assisted Reproductive Techniques (ART) Bill, came after the Surrogacy Bill that it should have preceded. Sometimes, the leash follows the dog, but given the importance of control, the sequence can seem insignificant. It only matters that there remains a good hold over the circumstances.

F. Prelims Facts

1. Indian Tent Turtle

- Indian Tent Turtle (*kachuga tecta tecta*) is a species of turtle that gets its name from its tent-like appearance.
- *Kachuga tecta* is found in parts of northern India, Pakistan, Nepal and Bangladesh, along the plains of Ganga, Indus, and Brahmaputra rivers.
- It is listed in schedule I of the [Wildlife Protection Act, 1972](#).
- This omnivorous species inhabits slow-running rivers and stagnant water bodies such as ponds, puddles, tanks, roadside ditches.
- Possession of this species of turtles is strictly prohibited as it is a scheduled species as per the Wildlife Protection Act, 1972.

2. Foreign Contribution Regulation Act (FCRA)

What's in News?

The Union government has granted the Foreign Contribution Regulation Act (FCRA) licence this year to more than 20 non-governmental organisations (NGOs).

- In 2014, the FCRA licences of more than 16,000 NGOs were cancelled on account of various violations.
- In 2017, 2018 and 2019, the number of new FCRA registrations stood at 1012, 521 and 683, respectively.

Note:

- Any NGO or association that intends to receive foreign funds has to compulsorily register under the FCRA, monitored by the Union Home Ministry.
- Under the 2010 Act, registered NGOs can receive foreign contributions for five purposes — social, educational, religious, economic and cultural.

Read more about [Foreign Contribution Regulation Act \(FCRA\)](#)

G. Tidbits

1. NEET applies to UG courses too, says SC

What's in News?

The Supreme Court upheld the validity of applying the National Eligibility cum Entrance Test (NEET) for admission to under-graduate courses under the Union Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homoeopathy (AYUSH).

- The Court agreed with the government that admissions to BAMS, BUMS, BSMS and BHMS would require candidates to score minimum qualifying marks for NEET.
- The court declared this in a judgment challenging notifications issued by the Central Council of Indian Medicine and Central Council of Homoeopathy prescribing an-all India NEET for admission to the under-graduate courses (BAMS, BUMS, BSMS and BHMS) and minimum qualifying marks in the examination from the academic year 2019-2020.
- However, as a one-time measure and in view of the admission of a large number of students to the AYUSH, the court has permitted them to continue provided they were admitted prior to the last date of admission. The same direction is applicable to students admitted to the post-graduate courses.

2. World's second-biggest control centre for goods trains set to roll

What's in News?

The world's second-biggest Operation Control Centre for goods trains, built in India by the Dedicated Freight Corridor Corporation of India (DFCCIL) is ready to begin operations, and is likely to be inaugurated soon.

- The centre, built at Prayagraj in Uttar Pradesh, will be the 'nerve-centre' of the over 1,800 km-long eastern dedicated freight corridor.
- The control centre has a theater that measures 1560 sq.m, with a video wall of more than 90 m and will be used as a one-stop-shop for controlling and monitoring rail systems, including train operations and the power supply system.

- The Dedicated Freight Corridor, touted as one of the biggest infrastructure projects in the country, is a 3,360 km stretch consisting of the Eastern and Western corridors.
- The Eastern corridor, which is being funded by the World Bank, will run from Ludhiana in Punjab to Dankuni near Kolkata, traversing Haryana, Uttar Pradesh, Bihar and Jharkhand.

H. UPSC Prelims Practice Questions

Q1. Consider the following statements with respect to Kalasa-Banduri Nala project:

1. It is a canal project undertaken by Karnataka to divert water from the Malaprabha river to the Mahadayi river.
2. Kalasa and Banduri are two tributaries of River Malaprabha.

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

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

Answer: c

Explanation:

- The Kalasa-Banduri Nala is a project undertaken by the Government of Karnataka to improve drinking water supply to the Districts of Belagavi, Dharwad and Gadag.
- It involves building across Kalasa and Banduri, two tributaries of the Mahadayi river to divert 7.56 TMC of water to the Malaprabha river, which supplies the drinking water needs of the said 3 districts, i.e., Dharwad, Belagavi and Gadag.
- It is a canal project undertaken by Karnataka to divert water from the Mahadayi river to the Malaprabha.

Q2. Consider the following statements with respect to Foreign Contribution Regulation Act (FCRA), 2010:

1. All the NGOs or associations intending to receive foreign funds have to compulsorily register under the FCRA.
2. FCRA is monitored by the Ministry of Finance.
3. The registered NGOs are barred from receiving contributions for religious and economic purposes.

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

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

Answer: b

Explanation:

Any NGO or association that intends to receive foreign funds has to compulsorily register under the FCRA, monitored by the Union Home Ministry. Under the 2010 Act, registered NGOs can receive foreign contributions for five purposes — social, educational, religious, economic and cultural.

Q3. Consider the following statements with respect to Indian Tent Turtle:

1. Indian Tent Turtle is endemic to India.
2. It is listed in Schedule I of the Wildlife Protection Act, 1972.
3. It is a herbivorous species and inhabits slow-running rivers and stagnant water bodies.

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

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

Answer: b

Explanation:

- Indian Tent Turtle (*Kachuga tecta tecta*) is a species of turtle that gets its name from its tent-like appearance.
- *Kachuga tecta* is found in parts of northern India, Pakistan, Nepal and Bangladesh, along the plains of Ganga, Indus, and Brahmaputra rivers.
- It is listed in schedule I of the Wildlife Protection Act, 1972.
- This omnivorous species inhabits slow-running rivers and stagnant water bodies such as ponds, puddles, tanks, roadside ditches.
- Possession of this species of turtles is strictly prohibited as it a scheduled species as per the Wildlife Protection Act, 1972.

Q4. Article 371 of the Indian Constitution includes special provisions for which of the following states?

1. Maharashtra
2. Karnataka
3. Tripura
4. Assam
5. Manipur

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

Answer: d

Explanation:

- Article 371 of the Constitution includes “special provisions” for 11 states, including six states of the Northeast.
- The Article includes certain provisions for Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram and Arunachal Pradesh besides Maharashtra, Gujarat, Goa and Karnataka.

I. UPSC Mains Practice Questions

1. Is India prepared to deal with the new strain of coronavirus (SARS-CoV-2) that is causing worldwide panic? Comment on the preparedness of the Indian States in dealing with health emergencies. (15 Marks, 250 Words).
2. The Assisted Reproductive Techniques Bill is a much-needed complement to Surrogacy Bill. Discuss. (10 Marks, 150 Words)