

27 Jul 2020: UPSC Exam Comprehensive News Analysis

TABLE OF CONTENTS

A. GS 1 Related

B. GS 2 Related

INTERNATIONAL RELATIONS

1. [Russian Navy will soon get hypersonic n-weapons, says Putin](#)

EDUCATION

1. [Analysing NIRF 2020](#)

HEALTH

1. [Imported vaccines may be fast-tracked](#)

C. GS 3 Related

SECURITY

1. [200 proposals from China wait for security clearance by MHA](#)

ENVIRONMENT AND ECOLOGY

1. [‘Ramesh’s criticism of EIA notification unfounded’](#)

D. GS 4 Related

E. Editorials

POLITY AND GOVERNANCE

1. [The chilling effect of criminal contempt](#)

F. Prelims Facts

1. [Kargil Vijay Diwas](#)
2. [The Istanbul Convention](#)

G. Tidbits

1. [Industrialisation has reduced Nag River to a cursed lady: HC](#)
2. [A revolution in policy mindset](#)

H. UPSC Prelims Practice Questions

I. UPSC Mains Practice Questions

A. GS 1 Related

Nothing here for today!!!

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Category: INTERNATIONAL RELATIONS

1. [Russian Navy will soon get hypersonic n-weapons, says Putin](#)

Context:

Russian President Vladimir Putin has said that the Russian Navy would be armed with hypersonic nuclear strike weapons and underwater nuclear drones.

Details:

- The weapons include:

- The Poseidon underwater nuclear drone, designed to be carried by submarines.
- The Tsirkon (Zircon) hypersonic cruise missile, which can be deployed on surface ships.
- The combination of speed, manoeuvrability and altitude of hypersonic missiles, capable of travelling at more than five times the speed of sound, makes them difficult to track and intercept.
- Testing of “Belgorod”, the first submarine capable of transporting the Poseidon drones, has also begun.

Concerns:

Putin has said Moscow does not want an arms race, but in 2019, threatened to set hypersonic missiles on ships and submarines that go beyond US territorial waters if Washington moved to deploy intermediate-range nuclear weapons in Europe.

Category: EDUCATION

1. Analysing NIRF 2020

Context:

Analysis of National Institutional Ranking Framework.

Details:

- With India witnessing an unprecedented increase in the number of Higher Education Institutions (HEIs) and the volume of students entering them, the quality of education is bound to be impacted.
- Various statutory bodies such as [UGC](#), AICTE, and MCI have made periodic prescriptions to improve the quality of education.
- Apart from the mandatory accreditations, in 2016, the Government of India instituted the National Institutional Ranking Framework (NIRF).

National Institutional Ranking Framework:

- It is an annual report card on the performance of the HEIs.
- It assesses parameters such as teaching and learning, student and faculty strength, use of financial resources, research papers and patents, and graduation outcomes.
- Keeping in mind the social responsibility aspect of education in a developing country, there is a unique provision to judge institutions on inclusivity and outreach measures, including gender, geographical and socioeconomic diversity and the welcoming of differently-abled students.
- All parameters are normalised to keep them size- and age-independent so as to ensure that larger and older institutions do not get any undue advantage.
- While 90% of the parameters in NIRF are completely objective and fact-based, only 10% is based on the subjective parameter of perception by academic peers and employers.

For an in-depth understanding of the parameters covered and the importance of NIRF Rankings, read the topic covered on [9th April 2019 CNA](#).

Category: HEALTH

1. Imported vaccines may be fast-tracked

Context:

According to a guidance document from the Department of Biotechnology (DBT), Indian companies looking to import or test potential COVID-19 vaccines that have been developed internationally, could get some elbow room, in the number of India-specific tests and trials they would need to conduct.

Details:

- However, the Secretary of DBT has said that regulatory approvals would be accelerated but no important stages would be skipped. This would include different stages of vaccine tests being conducted in parallel.
- The application for the clinical trial will be approved subject to 'No objection certificate' from RCGM after examination of data of pre-clinical studies.
 - The RCGM is the Review Committee on Genetic Manipulation.
 - It is a DBT body that approves trial procedures on biological products that involve genetic manipulation. These can include modified vaccine candidates or DNA.
- Normally, a vaccine that has been licensed in another country, would still need to repeat all human safety tests in India.

C. GS 3 Related

Category: SECURITY

1. 200 proposals from China wait for security clearance by MHA

Context:

About 200 investment proposals from China are awaiting security clearance from the Ministry of Home Affairs (MHA).

Background:

- In April 2020, new rules making prior government approval mandatory for foreign direct investments (FDI) from countries which share a land border with India were notified by the Department for Promotion of Industry and Internal Trade (DPIIT).
- Investors from countries that are not covered by revised FDI policy are only required to inform the Reserve Bank of India after the completion of a transaction. They do not have to seek prior clearance from the administrative ministry.

Read more about amendments to the FDI Policy covered in [19th April 2020 Comprehensive News Analysis](#).

- The amendment was aimed at preventing “opportunistic takeovers” of Indian companies amid the COVID-19 pandemic.
- Recently, the Centre amended the General Financial Rules, 2017.
 - The amendment was to enable the imposition of restrictions on bidders from countries which share a land border with India in relation to public procurement for reasons of national security and other factors directly or indirectly related to the country’s defence.

Issue:

- Earlier, these proposals did not require MHA's nod as **FDI** is allowed in non-critical sectors through the automatic route.
 - For investments in critical sectors such as defence, media, telecommunication, satellites, private security agencies, civil aviation and mining and any investments from Pakistan and Bangladesh, security clearance from MHA was required.

Concerns:

- With the delays in approval and the proposals remaining in the pipeline for months, it is possible that many might withdraw due to the delay or stringent conditions put in place.
- Foreign investment in India has proved to be a game-changer in many sectors like automobiles, pharmaceuticals, aviation, real estate, and fintech, providing employment, transmitting technology, and adding value to the economy.
- Sectors like automobiles, construction, real estate, other service sectors, that are already stressed due to decelerating demand, tepid lending, and India's inherent weakness in capital formation could further face severe consequences.
- This could also result in fewer potential buyers, depressing the value of Indian firms that need immediate capital infusions.

Category: ENVIRONMENT AND ECOLOGY

1. 'Ramesh's criticism of EIA notification unfounded'

Context:

Union Environment Minister has dismissed the criticism of the proposed Environment Impact Assessment Notification, 2020, by Jairam Ramesh, former Environment Minister and Chairman, Parliamentary Standing Committee on Environment, as unfounded and based on misrepresentation.

This topic has been covered in 26th July 2020 Comprehensive News Analysis. [Click here](#) to read.

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: POLITY AND GOVERNANCE

1. The chilling effect of criminal contempt

Context:

- Initiation of **proceedings for criminal contempt of court** against lawyer-activist Prashant Bhushan.

Background:

- Prashant Bhushan had recently put out a tweet with a photograph where he criticised the current Chief Justice of India (CJI), S.A. Bobde for riding an expensive motorcycle at a time when the Court is under lockdown.
- A three-Judge Bench of the [Supreme Court of India](#), headed by Justice Arun Mishra, **took suo motu notice** of the tweet and issued a notice of contempt of Court to Mr Bhushan. Mr Prashant Bhushan's actions were considered **undermining the dignity and authority of the Institution of Supreme Court in general, and the office of the Chief Justice of India.**
- The Bench has also taken note of earlier tweets by Mr Bhushan in which he was seen criticizing the previous 4 CJIs. Another citation of contempt has been listed against Mr Bhushan based on a 2009 statement where he alleged that half of India's last 16 Chief Justices were corrupt.

Types of contempt in India:

- **Civil Contempt:** As per the **Contempt of Courts Act of 1971**, civil contempt has been defined as wilful disobedience to any judgment, decree, direction, order, writ or other processes of a court or wilful breach of an undertaking given to a court.
- **Criminal Contempt:** As per the Contempt of Courts Act of 1971, criminal contempt has been defined as the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which:
 - **Scandalises or tends to scandalise**, or lowers or tends to lower the authority of, any court, or
 - **Prejudices, or interferes** or tends to interfere with the **due course of any judicial proceeding**, or
 - Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.

Origin of the contempt law:

- India derives the provision of criminal contempt from the English system.
- The King of England used to deliver judgments himself and the need to uphold the authority of the King led to the provision of "respecting the authority and dignity of the court". In contemporary times, when the judges look after the administration of justice, the law intended to maintain a sense of respect around the judiciary system.

Argument in favour of the contempt law:

- The provision of criminal contempt helps prevent attempts to scandalise the judiciary as well as interference in the administration of justice and overt threats to judges.
- The contempt provision **insulates the judiciary from unfair attacks** and prevents a sudden fall in the judiciary's reputation in the public eye.
- The objective of contempt law is to **safeguard the interests of the public**. If the authority of the Court is diminished and public confidence in the administration of justice is weakened, then the judicial system and its ability to dispense justice are adversely impacted thus affecting the citizenry indirectly.

Arguments against the contempt law:

Asynchronous law:

- The law for criminal contempt is completely **asynchronous with the modern democratic system** which recognises [freedom of speech](#) and expression as a fundamental right.
- The contempt law may be trampling upon the **civil liberties** of the people.
- The extreme deference to judges does not augur well for the idea of a democracy.

Lack of judicial accountability:

- The provision of criminal contempt is often used to prevent any criticism of the judiciary. This is an indication of the judiciary's unwillingness to suffer any kind of criticism, regardless of how true the criticism may be.
- The fear of contempt proceedings **restrains much of the media and the public from a more rigorous examination of the functioning of the judiciary.**

International practice:

- The criminal contempt law has become **practically obsolete in most foreign democracies.**
 - Canada evaluates the applicability of criminal contempt to real, substantial and immediate dangers to the administration.
 - The U.S. courts no longer use the law of contempt in response to comments on judges or legal matters.
 - The U.K. Law Commission in a 2012 report recommended the abolition of the law of contempt. **In England, the legal position on contempt law has evolved.** There has been a perceptible change in the attitude of the judiciary in deciding against the use of contempt proceedings for comments on them.

Concerns:

High usage:

- The **definition of criminal contempt in India is extremely wide, and can be easily invoked.**
- It was only in 2006, through an amendment to the Contempt of Courts Act that truth and good faith were recognised as valid defences in the criminal contempt cases. Despite this, there have been numerous previous instances in India where the judiciary has used the criminal contempt law to punish people, despite truth and good faith raised as defences.

Timing of the proceedings:

- COVID-19 has brought forth a standstill of the judiciary which has been dealing with a large volume of cases already.
- There are **many urgent and pressing issues** that desperately need the Supreme Court's attention.
- It is disappointing that instead of taking up matters of absolute urgency in these difficult times, the Supreme Court chose to take note of social media comments on the judiciary.

Wrong approach:

- **The Supreme Court may be harming its own reputation and credibility** through the contempt proceedings.
- It would be wrong to believe that silencing criticism will harbour respect for the judiciary. On the contrary, efforts to prevent free speech will only worsen the situation further by **engendering resentment and suspicion of the judiciary.**
- The judiciary needs to base its authority and dignity on public confidence rather than seeking to cover it under the law of contempt.

Way forward:

Evaluate the need for the law:

- There is the need for an evaluation of the necessity for retaining the law of contempt in these contemporary times.

- Across international jurisdictions, a far **more liberal view** is taken with respect to criminal contempt.
- Though it is important to curb unsubstantiated criticism of the judiciary and self-serving comments on mainstream and social media, there is also a need to **use the contempt law sparingly**, and avoid the impression that it is being used to stifle free speech.

Evaluating the provisions of the law:

- Besides needing to revisit the need for a law on criminal contempt, even **the test for contempt needs to be evaluated**. Such a test should evaluate whether the contemptuous remarks in question actually obstruct the Court from functioning.
- There may be a need to revisit select clauses in the contempt law like that part of the contempt law which criminalises anything that “scandalises or tends to scandalise” the judiciary or “lowers the court’s authority”.

Judicial accountability:

- The contempt law should not be allowed to be used as a means to prevent any and all criticism of the judiciary.
- The judiciary is well advised to **give space for publicly voiced criticism and strident questioning of the court’s ways and decisions**. The judiciary should appear to be concerned about accountability.
- There is an urgent need to usher in judicial accountability by **examining the serious allegations through impartial and transparent probes**.

For more related information, refer to:

[CNA dated March 16, 2019](#)

F. Prelims Facts

1. Kargil Vijay Diwas

The year 2020 marks the 21st anniversary of the successful culmination of Operation Vijay wherein brave soldiers of the Indian Army overcame seemingly insurmountable odds, hostile terrain, weather, and a determined enemy occupying dominating height, to win the Kargil war.

Kargil War:

- Kargil War was an armed conflict between India and Pakistan.
- The war ended with a decisive Indian victory.
- It took place between May-July 1999 in Kargil district.
- In India, this war is also referred to as Operation Vijay, the name of the Indian operation to clear the Kargil sector.
- During the Kargil war, the Indian Air Force (IAF) had conducted Operation Safed Sagar as a part of Operation Vijay of the Indian Army.

Read more about [Kargil Vijay Diwas](#).

2. The Istanbul Convention

What's in News?

Poland is set to take steps to withdraw from a European treaty on violence against women – the Istanbul Convention.

- The Council of Europe Convention on preventing and combating violence against women and domestic violence is better known as the Istanbul Convention.
- It is the first legally-binding instrument which “creates a comprehensive legal framework and approach to combat violence against women” and is focussed on preventing domestic violence, protecting victims and prosecuting accused offenders.
- Only European countries have signed this convention. It has been signed by 45 countries and the [European Union \(EU\)](#).
- In 2012, Turkey became the first country to ratify the Convention.
- The Convention came into force on 1st August 2014.

G. Tidbits

1. Industrialisation has reduced Nag River to a cursed lady: HC

What's in News?

- The Nagpur Bench of the Bombay High Court recently noted that the Nag river has turned into a stinking channel of sewage, filth and industrial waste.

Details:

- It is a part of the Kanhan-Pench river system.
- Nagpur derives its name from the river.
- The river serves as drainage for Nagpur and as a result, its ecosystem is heavily polluted by urban waste from the city.

2. A revolution in policy mindset

- The pandemic has adversely impacted the [Sustainable Development Goals \(SDGs\)](#).
 - The Sustainable Development Goals (SDGs), a collection of **17 global goals** are a commitment to achieve sustainable development, globally, by 2030.
- Several countries in Asia and the Pacific are developing ambitious new strategies for green recovery and inclusive approaches to development in the post-pandemic world.
 - **South Korea has announced a New Deal based on the two pillars of digitisation and decarbonisation.**
 - **Countries in the Pacific are focusing on “blue recovery,”** to promote more sustainable approaches to fisheries management.
 - Recently, India announced the largest solar power plant in the region.

H. UPSC Prelims Practice Questions

Q1. Consider the following statements with respect to Istanbul Convention:

1. It is a Convention on preventing and combating violence against women and domestic violence.
2. India has signed and ratified the Convention.
3. Turkey was the first country to ratify the Convention.

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

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

CHECK ANSWERS:-

Answer: d

Explanation:

- The Council of Europe Convention on preventing and combating violence against women and domestic violence is better known as the Istanbul Convention.
- Only European countries have signed this convention. It has been signed by 45 countries and the European Union (EU).
- In 2012, Turkey became the first country to ratify the Convention.

Q2. Consider the following statements with respect to River Gandak:

1. It is a right-bank tributary of the Ganga.
2. Kali Gandak and the Trishuli are its tributaries.
3. The Burhi Gandak flows parallel to and east of the Gandak River.

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

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

CHECK ANSWERS:-

Answer: c

Explanation:

- River Gandak is a left-bank tributary of the Ganga.
- Kali Gandak and the Trishuli are its tributaries.
- The Burhi ("Old") Gandak flows parallel to and east of the Gandak River in an old channel. It joins the Ganges northeast of Munger.

Q3. "Operation Safed Sagar" refers to:

- a. The world's largest dairy development program and a landmark project of India's National Dairy Development Board.

- b. The codename assigned to the Indian Air Force's strike to support the ground troops during the Kargil War of 1999.
- c. Campaign launched for popularising Blue Revolution in India.
- d. Indian military's capture of the majority of Siachen Glacier.

CHECK ANSWERS:-

Answer: b

Explanation:

During the Kargil war in 1999, the Indian Air Force (IAF) had conducted Operation Safed Sagar as a part of Operation Vijay of the Indian Army.

Q4. Consider the following statements with respect to the National Institutional Ranking Framework (NIRF) :

1. It ranks higher educational institutions across India.
2. 90% of the parameters in NIRF are completely objective and fact-based, while only 10% is based on the subjective parameter of perception by academic peers and employers.

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

CHECK ANSWERS:-

Answer: d

Explanation:

- National Institutional Ranking Framework (NIRF) ranks higher educational institutions in India based on 9 categories: Overall Ranking (1), Category-Specific Rankings (2 – Universities and Colleges) and Domain-Specific Rankings (6- Engineering, Management, Law, Pharmacy, Architecture and Medical).
- 90% of the parameters in NIRF are completely objective and fact-based, while only 10% is based on the subjective parameter of perception by academic peers and employers.

I. UPSC Mains Practice Questions

1. Analyze the concerns associated with the criminal contempt law in India. Suggest suitable remedial measures to address these concerns. (15 marks, 250 words) (GS paper 2/Polity and Governance)
2. Enumerate the major goals of the Sustainable Development Goals (SDGs) and evaluate India's progress in meeting the set targets. (10 marks, 150 words) (GS paper 2/Polity and Governance)

