

04 Jul 2020: UPSC Exam Comprehensive News Analysis

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B. GS 2 Related

Category: **HEALTH**

1. [ICMR looks at vaccine launch by Aug. 15](#)

Context:

The vaccine candidate called Covaxin developed by the Hyderabad-based Bharat Biotech India Ltd (BBIL) has got approvals from the Drug Controller General of India for phase-1 and phase-2 trials.

Details:

- The potential vaccine in question is a SARS-CoV-2 strain sourced from the ICMR-National Institute of Virology.
- The trials are done on groups of people and are meant to test if the vaccine is safe on humans and

produces protective antibodies.

This topic has been covered in the 30th June 2020 Comprehensive News Analysis. [Click here](#) to read.

Category: INTERNATIONAL RELATIONS

1. 'India won't import power equipment from China'

Context:

The Union Power Minister has said that India will not import power equipment from China, saying that the sector, being strategic and essential, was vulnerable to cyberattacks.

- The announcement comes amidst rising tensions between India and China owing to the standoff at the Line of Actual Control in Ladakh.
- Any import of equipment from prior reference countries will require prior permission of the government, the Minister said, even as he reiterated that such permission won't be available for either China or Pakistan.

Concerns:

- China has over the last few years been a major source of power equipment for India, with a share of roughly a third of the total imported machines in terms of value.
- Imports of these capital-intensive machines have been rising at a fast rate despite sufficient, if not surplus, domestic capacity and India being a serious exporter of such equipment.
- China constituted close to 30 percent of the total imports in the electrical equipment segment in FY19.
- The Minister highlighted the need for self-reliance in the sector.

India's progress in the power sector:

- A lot has been achieved in the power sector, including capacity addition of 15,000 MW a year since 2014, and connecting the entire nation through one grid.
- However, a major challenge is to make the distribution companies viable and the country self-reliant in equipment manufacture.

2. Will accept marines case ruling: Centre

Context:

The Centre informed the [Supreme Court](#) that it has decided to accept and abide by the international tribunal's ruling that the Italian marines accused of killing two fishermen off the coast of Kerala in 2012 enjoy immunity and are outside the jurisdiction of Indian courts.

Details:

- The award is a substantial victory for India inasmuch as:
 - Concurrent jurisdiction was recognized, but immunity clause was applied to take the trial out

- of India.
 - The compensation claim was allowed.
 - Counterclaim for compensation by Italy was denied.
- India is bound by the award of the arbitral tribunal formed under the United Nations Convention on the Law of the Sea (UNCLOS). The award is final and without appeal, as India is a party to the U.N. Convention.

This issue has been covered in the 3rd July 2020 Comprehensive News Analysis. [Click here](#) to read.

3. 'Japan against unilateral action that changes status quo along LAC'

Context:

“Japan opposes unilateral action that changes the status quo along the Line of Actual Control (LAC) between India and China”, said Japanese Ambassador Satoshi Suzuki in a discussion with Foreign Secretary Harsh Vardhan Shringla on the India-China standoff in eastern Ladakh.

Details:

- The discussion follows a joint exercise held by the two countries in the Indian Ocean.
- The exercise in the Indian Ocean is significant as China is trying to increase its military presence in this region.
- There is growing talk of the possibility of the emergence of a joint front of India, Japan, the US and Australia (Quad) to counter the threat of the Chinese Navy in the region.
- There is also growing tension between Japan and China over the Senkaku islands.
- Japan had backed India during the Doklam standoff with China and has also expressed condolences on the death of 20 Indian soldiers in Galwan Valley during a clash with Chinese soldiers.

C. GS 3 Related

Nothing here for today!!!

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: INTERNATIONAL RELATIONS

1. Italian Marines Case (Enrica Lexie incident)

Context

- The Permanent Court of Arbitration at The Hague has said that India is entitled to get compensation in the Italian Marines case but can't prosecute them; they will not be tried in India, and will face

criminal proceedings in Italy.

Background

- Known as the Enrica Lexie incident, it took place in 2012, when the **Italian oil tanker Enrica Lexie**, traveling off the coast of Kerala was approached by an Indian fishing vessel.
- Two Italian marines onboard fired what Italy contends were warning shots at the ship. Two Indian fishermen, from Kerala, were killed.

India's View

- India says the vessel was fired at without notice.

Italy

- Italian marines returned from India to Italy.
- Italy had approached the International Tribunal for the Law of the Sea, an arbitral tribunal under the [International Court of Justice](#) in 2015, and the matter was heard by the Permanent Court of Arbitration in July 2019.

Major bone of contention between India and Italy

- **India** argued that it had jurisdiction over the case as the fishermen killed were Indian, and hence the case must be tried as per Indian laws.
- **Italy** had argued that the shooting took place outside Indian territorial waters (a claim challenged by India) and its marines were on-board a ship with an Italian flag. Hence, Italy argued, it enjoys the jurisdiction.
 - The Italian contention was also that they were in international waters and acted to protect an Italian oil tanker as part of an anti-piracy mission.

NIA takes over the case

- The [National Investigating Agency \(NIA\)](#) had invoked the Suppression of Unlawful Acts against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002 to assume jurisdiction over the case after the Home Ministry asked it to prosecute the marines.
- The Suppression of Unlawful Act carries the maximum punishment of death penalty.
- However, the Italian Government had objected to the Home Ministry's sanction to the NIA to prosecute the marines along with other counts under the IPC.

Case strained Italy-India relations

The marines spent years in detainment in India on charges of murder before being allowed to go back to Italy.

- One marine returned to Italy for medical reasons in 2014 while the second went back in 2016, also for medical reasons.
- The case had strained relations between India and Italy to the extent that Rome had threatened to withdraw its ambassador from New Delhi.
- It also caused a diplomatic furor as the Suppression Act provided for the death penalty. The EU threatened to impose trade sanctions. Ultimately, it took time for these charges to be dropped.

Ruling

- The Permanent Court of Arbitration (PCA) in The Hague admitted that both India and Italy had concurrent jurisdiction in the matter but concluded that the marines' immunity precluded India's jurisdiction.

In favor of India

- PCA rejected a key argument by Italy that India, by leading the Italian vessel into its territory and arresting the marines, violated its obligation to cooperate with measures to suppress piracy under Article 100 of [UNCLOS](#).
- Acknowledging the breach of freedom of navigation, it said, "As a result of the breach, India is entitled to payment of compensation in connection with loss of life, physical harm, material damage to property and moral harm suffered by the captain and other crew members of the Indian fishing boat St. Anthony."

In favor of Italy

- The Arbitral Tribunal has agreed on the Italian position that the marines, being members of the Italian armed forces in the official exercise of their duties, cannot be tried by Indian courts.
- The tribunal ruled that the Italian marines enjoyed diplomatic immunity as Italian state officials under the United Nations Convention on the Law of Sea.
- Taking note of the "commitment expressed by Italy" to resume its criminal investigation into the incident, the tribunal said India must cease to exercise its jurisdiction.

Conclusion

- The PCA's award, which is final and has been accepted by India, is a huge setback for the expectation that the two marines would face a criminal trial in India. In the end, Italy succeeded in taking the matter out of India's hands.
- The takeaway for India should be the lessons, in the legal and diplomatic domains that can be drawn from the experience.

Article 100 - Duty to cooperate in the repression of piracy

- All States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

Category: GOVERNANCE

1. Police violence and how some lives do not matter

Background

[Check CNA dated June 2, 2020](#)

Key Stats

- In the last three years, the [National Human Rights Commission \(NHRC\)](#), India, has received nearly 5,300 complaints of custodial deaths (police and prison), and the actual number of such deaths can be

more.

- If reporting such deaths is difficult, the legal process to investigate, prosecute and fix accountability has even more hurdles.
 - This is evident from the fact that while government data recorded 1,727 deaths in police custody between 2000 and 2018, only 26 police officials were convicted.

Concerns

1. Lack of domestic law
 - Rise in custodial deaths and police torture is no secret. In spite of these issues surfacing periodically, we still do not have a domestic law that enables torture prosecution. The criminal justice system fails in this regard.
2. Law Commission of India's advice not considered
 - Despite a suggestion by the [Law Commission of India](#) that if a person dies in police custody, the **burden should be on the police to show that they are not responsible for it**, the law still requires the prosecution to prove that the police caused the death.
3. Failure to ratify the UN Convention against Torture
 - India has not ratified the UN convention thereby putting itself in the list of only 19 countries to have not adopted it.
4. Why torture continues?
 - The use of torture is also often justified by police personnel as being required to teach 'hardened criminals' on behalf of society.
 - The system incentivizes torture by seeking convictions without modernizing the police force.
5. 2015-2016 NHRC Annual Report states:
 - Custodial violence and torture continue to be rampant in the country. It represents the worst form of excesses by public servants entrusted with the duty of law enforcement.
6. Munshi Singh Gautam and others vs the State of Madhya Pradesh (SC)
 - The dehumanizing torture, assault and death in custody which have assumed alarming proportions raise serious questions about the credibility of the rule of law and administration of the criminal justice system.

National Police Commission (NPC) Recommendations

It was appointed by the Government of India in 1977 with wide terms of reference covering the police organization, its role, functions, accountability, relations with the public, political interference in its work, misuse of powers, evaluation of its performance, etc.

1. Complaints against the police
 - According to the NPC, any arrangement for inquiry into complaints against the police should be acceptable both to police and public as fair and just. The Commission felt that a large number of

complaints against the police should be looked into and **disposed of by the supervisory ranks in the police hierarchy.**

- The Commission, however, recommended that a **judicial inquiry** should be made mandatory in the following categories of complaints against the police:
 - The alleged rape of a woman in police custody;
 - Death or grievous hurt caused while in police custody; and
 - Death of two or more persons resulting from police firing in the dispersal of unlawful assemblies.

2. Judicial Inquiry

- It should be held by an Additional Session's Judge nominated for this purpose in every district by State Government in consultation with the High Court. He will be designated as the District Inquiry Authority (DIA) and be assisted by an assessor.
- The DIA shall send the report of the inquiry to the State Government.

F. Prelims Facts

1. M.P. Ministry exceeds size limit: Cong.

What's in News?

Rajya Sabha member has said that the Congress will move the court as the strength of the Council of Ministers in Madhya Pradesh exceeds the prescribed limit.

- 20 Cabinet Ministers and 8 Ministers of State were included in the Ministry, expanding it to 34.
- At present, the number of members in the Madhya Pradesh Legislative Assembly is 206.

Article 164 (1A):

- Article 164 (1A) provides for limiting the number of ministers in the state cabinets.
- It prescribes that the total number of ministers, including the Chief Minister, in the Council of Ministers in a State shall not exceed 15% of the total number of members of the Legislative Assembly of that State.
- It was inserted in the Constitution on the recommendation of the National Commission for Review of the Working of the Constitution headed by former Chief Justice of India, M.N. Venkatachaliah on misuse and drainage of public money to put a ban on over-sized cabinets.

G. Tidbits

Nothing here for today!!!

H. UPSC Prelims Practice Questions

Q1. Consider the following statements with respect to Nagarhole National Park:

1. It is a part of the Nilgiri Biosphere Reserve.
2. It is also a tiger reserve.

3. River Kabini separates Bandipur National Park from Nagarhole National Park.

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

- 2 and 3 only
- 1, 2 and 3
- 1 and 3 only
- 2 only

CHECK ANSWERS:-

Answer: b

Explanation:

- Nagarhole National Park is a part of the Nilgiri Biosphere Reserve.
- In 1999, it was declared as the 37th tiger reserve of India.
- River Kabini separates Bandipur National Park from Nagarhole National Park.

Q2. Consider the following statements with respect to the Tiwa tribe:

- They are recognized as Scheduled Tribes in Assam and Meghalaya.
- They follow the “Slash and Burn” method of farming.
- Wanchuwa festival is one of the most important celebrations for the Tiwa tribe.

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

- 1 and 2 only
- 1, 2 and 3 only
- 2 and 3 only
- 1 and 3 only

CHECK ANSWERS:-

Answer: c

Explanation:

- Tiwas are recognized as a Scheduled tribe within the state of Assam. But they still do not have the ST status in the state of Meghalaya.
- They follow the “Slash and Burn” method of farming.
- Wanchuwa festival is one of the most important celebrations for the Tiwa tribe.

Q3. “Dharma Guardian” is

- A bilateral annual military exercise between India and Japan.
- A bilateral annual naval exercise between India and the U.S.
- An annual military exercise between India, Japan, Australia and the U.S.
- An annual naval exercise between India, Japan and the U.S.

CHECK ANSWERS:-

Answer: a

Explanation:

Dharma Guardian is a Joint Military Exercise between India and Japan being conducted in India since 2018.

Q4. 'Prerak Dauur Samman' awards are announced as a part of:

- a. Swachh Survekshan
- b. Atma Nirbhar Abhiyaan
- c. Atal Innovation Mission
- d. Uchhatar Avishkar Yojana

CHECK ANSWERS:-

Answer: a

Explanation:

- A new category of awards titled 'Prerak Dauur Samman' has been announced as part of Swachh Survekshan 2021.

Read more about 'Prerak Dauur Samman' covered in [3rd July 2020 PIB Summary and Analysis](#).

I. UPSC Mains Practice Questions

1. What lessons can India learn on the legal and diplomatic domains from its experience in the Italian Marines Case? (10 Marks, 150 Words)
2. Ghastly acts of violence perpetrated by the Police speaks volumes about the lack of institutional checks and balances. In the light of the above statement, elucidate the recommendations of various committees and the Judiciary on Police reforms. (15 Marks, 250 Words)

