

# 05 Sep 2020: UPSC Exam Comprehensive News Analysis

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*Nothing here for today!!!*

## B. GS 2 Related

**Category: POLITY AND GOVERNANCE**

### 1. [Kerala tops in care for children](#)

#### **Context:**

The 'State of the Young Child' in India report was launched by the Vice President of India.

- Two indices have been released as a part of the 'State of the Young Child' in India report.

- It has been brought out by **non-governmental organisation Mobile Creches**.

#### **Young child outcomes index:**

- The young child outcomes index **measures health, nutrition and cognitive growth with the help of indicators such as infant mortality rate, stunting and net attendance at the primary school level**.
- The index has been constructed for two time periods (2005–2006 and 2015–2016) to enable inter-State comparisons as well as provide an idea of change over time.

#### *Key Findings:*

- **Kerala, Goa, Tripura, Tamil Nadu and Mizoram** are among the **top five states** for the well-being of children.
- It identifies **eight states that have scores below the country's average**: they are Assam, Meghalaya, Rajasthan, Chhattisgarh, Madhya Pradesh, Jharkhand, Uttar Pradesh and Bihar.

#### **Young child environment index:**

- The index has been launched to understand the **policy and environment enablers that influence a child's well-being**.
- It uses **five policy enablers** that influence child well-being outcomes, including **poverty alleviation, strengthening primary healthcare, improving education levels, safe water supply and promotion of gender equity**.
- The environment index was constructed for 2015–2016 only due to limitations of data availability.

#### *Key Findings:*

- According to the environment index, **Kerala, Goa, Sikkim, Punjab and Himachal Pradesh secured the top five positions**.
- The eight states that have a below-average score on the outcomes index also fared poorly on this one.

#### **Suggestions and way forward:**

- The report points out that while the budgetary allocation for the Ministry of Women and Child Development has seen a year-on-year increase, all the additional funds have been allocated towards nutrition delivery under the Integrated Child Development Scheme (ICDS).
  - While the population of children under six years of age is 158.8 million, the ICDS covers only 71.9 million children as calculated from the total number of beneficiaries across states.
- According to its analysis on expenses towards child nutrition, healthcare, education and other necessary protection services, India spent ₹1,723 per child in 2018–2019, an amount that is insufficient and fails to reach the entire eligible population.
- The report calls for an **increase in public spending on children**.

### **Category: INTERNATIONAL RELATIONS**

#### **1. UN experts voice concerns over Hong Kong security law**

##### **Context:**

UN human rights experts have told China, a new security law for Hong Kong infringes on certain fundamental rights and voiced concerns that it could be used to prosecute political activists in the former British colony.

Read more about the [Hong Kong security law](#).

**Details:**

- The law allows for **anything China views as subversive or secessionist or as terrorism or collusion with foreign forces to be punished with up to life in prison.**
- The law had already drawn UN criticism before its adoption.
- The experts opine that the provisions of the new law appear to **undermine the independence of Hong Kong's judges and lawyers, and the right to freedom of expression.**
- Critics say the legislation further erodes the wide-ranging freedoms promised to Hong Kong on its return to Chinese rule in 1997 under a "one country, two systems" agreement.
  - At that time, China had agreed to uphold the **International Covenant on Civil and Political Rights** in Hong Kong.
  - It is a landmark treaty that it has signed but has not ratified for the mainland.
- The experts suggest that the law should not be used to restrict or limit protected fundamental freedoms, including the rights to opinion, expression, and of peaceful assembly.
- The group also expressed concern that "many legitimate activities" of human rights defenders in Hong Kong would be redefined as illegal under the broad definitions.

## C. GS 3 Related

### Category: ECONOMY

#### 1. RBI alters priority sector norms to help start-ups, farmers avail loans

**Context:**

The Reserve Bank of India ([RBI](#)) has released **revised priority sector lending guidelines**.

**Details:**

- The altered guidelines include funding to **segments including start-ups and agriculture.**
- Bank finance of **up to ₹50 crore to start-ups, loans to farmers** both for **installation of solar power plants for solarisation of grid-connected agriculture pumps**, and for **setting up compressed biogas (CBG) plants** have been included as fresh categories eligible for finance under the priority sector.
- **Higher weightage** has been assigned to **incremental priority sector credit** in 'identified districts' where priority sector credit flow is comparatively low.
- **Loan limits for renewable energy** have been doubled.
- A higher credit limit has been specified for **Farmers Producers Organisations (FPOs)** and **Farmers Producers Companies (FPCs)** undertaking farming with assured marketing of their produce at a pre-determined price.

**Significance:**

The RBI's revision in priority sector lending guidelines will **incentivise credit flow to specific segments** like **clean energy, weaker sections, health infrastructure** and **credit deficient geographies**.

### **Priority Sector Lending**

- It includes those sectors which the Government of India and Reserve Bank of India consider as important for the development of the basic needs of the country and are to be given priority over other sectors.
- The banks are mandated to encourage the growth of such sectors with adequate and timely credit.
- This is essentially meant for all-round development of the economy.

## **2. 'Piped gas suppliers may gain from norms on force majeure'**

### **Context:**

With the Petroleum and Natural Gas Regulatory Board (PNGRB) **issuing guidelines on force majeure considerations**, City Gas Distribution (CGD) entities are likely to save on penalties for work delays triggered by the pandemic.

### **What is a force majeure clause?**

- The fundamental norm of the law of contracts is that the parties must perform the contract.
- When a party fails to perform its part of the contract, the loss to the other party is made good.
- However, **there are exceptions in the law** when the performance of the contract becomes impossible to the parties.
- A **force majeure clause is one such exception** that releases the party of its obligations to an extent **when events beyond their control take place** and leave them unable to perform their part of the contract.
- When the clause is triggered, **parties can decide to break from their obligations temporarily or permanently without necessarily breaching the contract**.

### **"Act of God" v/s Force Majeure Clause:**

- Generally, an "Act of God" is understood to include **only natural unforeseen circumstances**.
- Force majeure is wider in its ambit **and includes both naturally occurring events and events that occur due to human intervention**.
- However, both concepts elicit the same consequences in law.

## **Category: ENVIRONMENT AND ECOLOGY**

### **1. Kaziranga set to be expanded by 3,053 hectares**

### **Context:**

The Assam government has approved the addition of 30.53 sq. km to the 884 sq. km-Kaziranga National Park.

### **Details:**

- The additional area would make the **Kaziranga National Park and Tiger Reserve (KNPTR)** grow to **1085.53 sq km**.
- The **core area** of the KNPTR is **430 sq km**.

#### **Significance:**

- The three additions are **habitat corridors** and would help provide **connectivity to Orang and Nameri National Parks across river Brahmaputra**.
- It also provides connectivity to the **hills of Karbi Anglong to the south of the park**, where the rhino, tiger, deer and other animals take refuge during the floods.
- The additions include **encroachment-evicted areas** and suitable wildlife habitat on river islands (sandbars) that are **vulnerable to encroachment**.
- It is a move to **consolidate the wildlife areas anticipating better wildlife conservation and reduction in human-wildlife negative interactions** in the future.

Read more about [Kaziranga National Park](#).

## **D. GS 4 Related**

*Nothing here for today!!!*

## **E. Editorials**

### **Category: SECURITY**

#### **1. Appropriate strategy: On India banning more China apps**

##### ***Context***

- The Indian government has banned more than hundred China-based apps including one of the most popular mobile games PUBG Mobile.

##### ***Why was it banned?***

- It was banned under section 69A of the Information Technology Act.
- The government said that it has “decided to block mobile apps since in view of the information available they are engaged in activities which are prejudicial to sovereignty and integrity of India, defence of India, security of the state and public order.”
- The release further notes that the IT Ministry has received many complaints from various sources about the misuse of some mobile apps available on Android and iOS platforms for stealing and surreptitiously transmitting users’ data in an unauthorized manner to servers that have locations outside India.

##### ***Impact on sales of gaming-focused smartphones***

- Smartphone makers have launched or were planning speciality phones aimed at attracting PubG players.

- Asus ROG Phone 3, Nubia RedMagic and BlackShark are among the gaming-focused phones that come with overclocked processors, high-refresh-rate screens and features tailored for gaming such as liquid cooling or internal fans.
- Most of this market is for the hardcore PUBG users with the game clocking over 33 million active users in India.
- The ban will certainly have an impact on sales of gaming-centric phones.
- The effect of the ban could be felt on **chipmakers like Qualcomm and MediaTek** who have been aggressively marketing AI-infused mobile System-on-Chip (SoC) designed specifically for gaming smartphones.
  - Both companies in recent days have launched chips optimised for mobile gaming — the Snapdragon 732G and Helio G95 respectively.

### ***Inference***

- Escalating tensions between India and China along the border is allowing India to send a clear message to China that it will not shy away from leveraging its position as a massive market for technology in dealing with potentially dangerous geopolitical issues.
- India has warned China of “consequences” if the status quo ante is not restored on the border. Beijing has not backed down yet, despite the military movements, diplomatic warnings and trade measures already taken. Multiple points of pressure need to be applied on many levels and over a long period of time. Digital action is only one of them.

### ***China's Response***

- China said that the move is neither beneficial to the Indian users or the Chinese businesses.
- China, which is known for censorship of information, keeping foreign apps off its internet, has found a rare chance to take the moral high ground.

### ***Strategy that could have been employed by India***

- The Indian approach should have followed due process, where the focus was on ensuring compliance with the Indian law.

### ***Issue Area***

- India as a country aspires to hold the global leadership on technology, working on rules and networking. The last thing India needs is to be compared with China as far as its Internet regulation goes.

### ***Conclusion***

- Going forward India needs a more considered approach to tech regulation.
- China must decide if it wants to rescue the relationship or ruin it.
- This also presents a significant opportunity for local companies, particularly those operating in the e-commerce, social media and gaming sectors to come up with Indian alternatives.

### **Mental health of gaming addicts**

The sudden ban on the online game may lead to a drastic shift in behaviour and mood of gaming addicts.

- They may suffer from bouts of depression, irritation and even aggression and may experience functional impairment in different areas of their lives.



- As per the [World Health Organization](#), gaming disorder is defined as a pattern of gaming behaviour (“digital-gaming” or “video-gaming”) characterized by impaired control over gaming, increasing priority given to gaming over other activities to the extent that gaming takes precedence over other interests and daily activities, and continuation or escalation of gaming despite the occurrence of negative consequences.

## Category: ECONOMY

### 1. What counts as ‘Act of God’?

This editorial has been taken from the Indian Express.

#### Context

- Attributing the shortfall in GST collections to disruptions due to Covid-19, the Finance Minister said the economy is facing an Act-of-God-like situation.
- Businesses are also looking towards a legal provision — the force majeure or “Act of God” clause that has its origins in the Napoleonic Code — to cut losses.

#### "Force majeure"

- It is a French term.
- The term "force majeure" has been defined in Black's Law Dictionary as 'an event or effect that can be neither anticipated nor controlled'.
  - The term includes both acts of nature (e.g. floods and hurricanes) and acts of people (e.g. riots, strikes and wars).

#### Force Majeure Clause (FMC)

- It is a clause that is present in most commercial contracts and is a carefully drafted legal arrangement in the event of a crisis.
- When the clause is triggered, parties can decide to break from their obligations temporarily or permanently without necessarily breaching the contract.
- Companies in such situations use the clause as a safe exit route, sometimes in opportunistic ways, without having to incur the penalty of breaching the contract.
  - A company thus absolves itself from liability in the event it cannot fulfill the terms of a contract (or if attempting to do so will result in loss or damage of goods) for reasons beyond its control.

#### What happens when a force majeure clause is triggered?

- If a party to a contract believes that the other party has invoked the force majeure clause in an unjustified situation, it can move the court seeking the performance of the contract.
- Courts read the wording of the clause closely to allocate risks between the parties. Court rulings have established that force majeure cannot be invoked when the performance of the contract has become difficult, but only when it has become impossible.

### Decisions of the Court

- In a 2017 case, the Supreme Court cited a 1961 House of Lords decision that ruled that the closure of the Suez Canal, although unforeseen, had not rendered a contract to ship goods from Africa impossible since a longer route around the Cape of Good Hope existed.
  - Vaguely indicating that the 'pandemic failed the contract' would face a legal challenge.
- The Bombay High Court in April 2020 did not accept the force majeure argument in a case where the petitioner argued that Covid-19-related lockdowns had frustrated a contract for the supply of steel.
  - Although the decision factored in other arguments, the vague construction of the pandemic reason did not cut ice with the court.

### Are there other global precedents dealing with pandemics and force majeure?

- In **China**, where the Covid-19 outbreak originated, the Council for Promotion of International Trade is issuing force majeure certificates to businesses.
  - China's Supreme People's Court had recognised the 2002 SARS outbreak as a force majeure event.
- **Singapore** enacted the Covid-19 (Temporary Measures) Act in April to provide relief to businesses that could not perform their contractual obligations due to the pandemic.
- The **Paris Commercial Court** in July 2020 ruled that the pandemic could be equated to a force majeure event.

### International Chamber of Commerce has developed a Model Code on the force majeure clause

- The Code states that the impediment triggering the operation of the force majeure clause must be beyond the party's reasonable control; and that it could not reasonably have been foreseen at the time of the conclusion of the contract; and that the effects of the impediment could not reasonably have been avoided or overcome by the affected party.

## Category: POLITY

### 1. Parliament stifled, business, and a word of advice

For more information, refer to:

[CNA dated Sep 4, 2020: A politics of avoidance that must be questioned](#)

[CNA dated June 4, 2020: India's Parliament is missing in action](#)

## Category: INTERNATIONAL RELATIONS

### 1. A new dimension

For more information, refer to:

[CNA dated June 20, 2020: Make the right call on 'Malabar' going Quad](#)



## F. Prelims Facts

*Nothing here for today!!!*

## G. Tidbits

### 1. Railways may decriminalise begging

#### What's in News?

As part of an exercise to decriminalise/rationalise penalties under the provisions of the Railway Act, 1989, the **Ministry of Railways has proposed to decriminalise begging on trains or railway premises.**

- Section 144(2) of the Act punishes begging and prescribes imprisonment for a term that may extend to one year, or with a fine that may extend to ₹2,000, or with both.
- The Railways now proposes to amend the section stating that “No person shall be permitted to beg in any railway carriage or upon any part of the Railway”.

#### Note:

Earlier, the Delhi High Court, while **quashing provisions in the law that made begging in the national capital a punishable offence**, said: “Criminalising begging is a wrong approach to deal with the underlying causes of the problem... **The State simply cannot fail to do its duty to provide a decent life to its citizens** and add insult to injury by arresting, detaining and, if necessary, imprisoning persons who beg in search for essentials of bare survival.”

### 2. Massive efforts on to douse oil tanker blaze off Sri Lanka coast

#### What's in News?

A massive **oil tanker carrying crude from Kuwait to India burst into flames** off the eastern coast of Sri Lanka.

- The oil tanker on fire is being towed out to sea amid fears of a major new oil spill in the Indian Ocean.
- The **Panamanian-registered vessel is carrying about 270,000 tonnes of crude oil.**
- Naval vessels from India and Sri Lanka are continuing their efforts to douse the fire.
- Under the inter-governmental, **South Asia Co-operative Environment Programme, the ICG has taken the lead in the efforts.**
- The Indian Coast Guard (ICG) ship **Shaurya is coordinating the firefighting** and rescue operation with the master of the burning vessel.
- To augment the ongoing efforts, the ICG has deployed **additional ships with pollution response equipment.**
- Two **Dornier aircraft** have also been deployed from India to assist the efforts.

### 3. Venkaiah for two-year fixed tenure for House committees

#### What's in News?

The Rajya Sabha Secretariat is considering changing the **rules governing the standing committees' tenure**.

- It is being considered to **change the tenure to two years from the present one** so that the panels have enough time to work on the subjects selected by them.
- The tenure of all standing committees end on September 11, 2020, and they can't hold deliberations till new panels are formed.
- Two options are being looked at:
  - To **extend the term of the panels for a year**.
  - To **form new committees with a fixed tenure of two years**.

## H. UPSC Prelims Practice Questions

Q1. Consider the following statements regarding the North Atlantic Treaty Organization (NATO) :

1. It is an intergovernmental military alliance established by the Brussels Treaty.
2. It is headquartered in Brussels, Belgium.
3. Montenegro is the latest to join NATO as its member.

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

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

**CHECK ANSWERS:-**

**Answer: c**

**Explanation:**

- It is an intergovernmental military alliance established by the Washington Treaty.
- It is headquartered in Brussels, Belgium.
- It has 30 members.
- Montenegro joined NATO in 2017. North Macedonia is the latest to join NATO (2020).

Q2. India is a signatory to which of the following convention/s?

1. Convention on Narcotic Drugs, 1961
2. Convention on Psychotropic Substances, 1971
3. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

**Choose the correct option:**

- a. 3 only
- b. 1 and 3 only

- c. 1, 2 and 3
- d. None of the above

**CHECK ANSWERS:-**

**Answer: c**

**Explanation:**

India is a signatory to:

1. The Single Convention on Narcotic Drugs 1961, as amended by the 1972 Protocol
2. The Convention on Psychotropic Substances, 1971
3. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

**Q3. Consider the following statements with respect to Orang National Park:**

1. Orang National Park is located on the northern bank of the Brahmaputra River.
2. Rivers Pachnoi, Belsiri and Dhanshiri border the park.
3. It has also been declared a tiger reserve.

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

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

**CHECK ANSWERS:-**

**Answer: d**

**Explanation:**

- Orang National Park is located on the northern bank of the Brahmaputra River.
- Orang National Park was declared a tiger reserve in 2016.
- Pachnoi river, Belsiri river and Dhansiri River border the park and join the Brahmaputra river.

**Q4. Consider the following statements with respect to the Collective Security Treaty Organisation (CSTO):**

1. The organization supports arms sales and manufacturing as well as military training and exercises.
2. Afghanistan, Serbia and Uzbekistan are among its member nations.
3. The CSTO is headquartered in Moscow, Russia.

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

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

**CHECK ANSWERS:-**

**Answer: c**

**Explanation:**

- The CSTO has its origins in the Collective Security Treaty, which took effect in 1994 and included Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan.
- Afghanistan and Serbia hold observer status. Uzbekistan was a member from 2006 to 2012.
- The organization supports arms sales and manufacturing as well as military training and exercises.
- Beyond mutual defence, the CSTO also coordinates efforts in fighting the illegal circulation of weapons among member states and has developed law enforcement training for its members in pursuit of these aims.
- Members also use the organization to counter cyber warfare, narcotics trafficking, the illegal circulation of weapons, transnational crime, and terrorism.
- The CSTO is headquartered in Moscow, Russia.

## I. UPSC Mains Practice Questions

1. Explain how the Indian government's decision to ban Chinese apps upset China's ambitious goal of becoming a digital superpower. (10 Marks, 150 Words) (GS 2 IR)
2. What do you understand by Force Majeure? Discuss when it can be invoked and its implications. (10 Marks, 150 Words) (GS 3 Economy)