

## 22 Jan 2021: UPSC Exam Comprehensive News Analysis

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### B. GS 2 Related

**Category: POLITY**

1. **Kerala Assembly rejects motion to remove Speaker**

### **Context:**

The Kerala Assembly has rejected a motion moved by the Opposition seeking the removal of Speaker P. Sreeramakrishnan alleging his role in the diplomatic channel gold smuggling case and reckless expenditure in the various activities by the Legislature Secretariat.

### **Removal of the Speaker:**

- The Speaker may, at any time, resign from Office by writing under his/her hand to the Deputy Speaker.
- The Speaker can be removed from Office only on a resolution of the House passed by an effective majority.
- Note that during resolution for removal of Speaker, the Speaker is not in a position to cast his vote even if there is a tie.
- Such a resolution has to satisfy some conditions:
  - It should be specific with respect to the charges and it should not contain arguments, inferences, ironical expressions, imputations or defamatory statements, etc.
  - Not only these, but discussions should also be confined to charges referred to in the resolution.
- It is also mandatory to give a minimum of 14 days' notice of the intention to move the resolution.

### **Effective Majority**

- This refers to a majority of more than 50% of the effective strength of the House.
- For example, in the Lok Sabha, out of the total strength of 545, suppose 5 are vacant seats. This means, the effective strength of the House is  $(545 - 5) = 540$ . In this case, the effective majority is 270.
- In the Constitution, an effective majority is mentioned as “all the then members”.
- Instances where an effective majority is needed:
  - Removal of the Chairman (Vice President of India), Deputy Chairman in the Rajya Sabha (Article 67(b)).
  - Removal of the Speaker and the Deputy Speaker of the Lok Sabha and the State Legislatures.

Also read: [Types of Majorities in the Indian Parliament.](#)

## **2. Decision on Rajiv case convict soon, SC told**

### **Context:**

Solicitor-General orally informed the Supreme Court that the Tamil Nadu Governor will take a decision as per the Constitution on a plea for release by A.G. Perarivalan, who is undergoing life imprisonment for the assassination of former Prime Minister Rajiv Gandhi in 1991.

**Article 161 - Power of Governor to grant pardons, etc. and to suspend, remit or commute sentences in certain cases**

- The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.

Read more about the [pardonning power of the Governor](#).

**Category: INTERNATIONAL RELATIONS**

**1. China defends new village in Arunachal Pradesh**

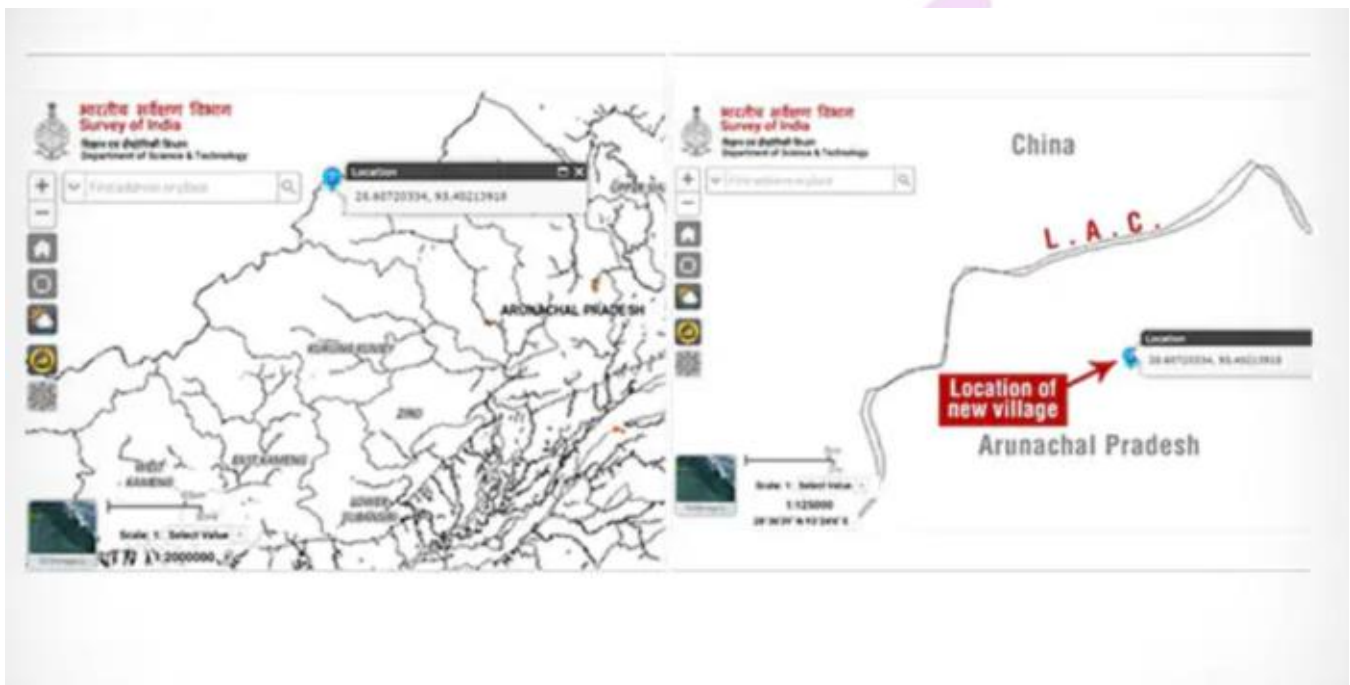
**Context:**

China said that its construction of a village across the Line of Actual Control (LAC) in Arunachal Pradesh was beyond reproach because it had never recognized Arunachal.



**Note:**

- The village was built between November 2019 and November 2020 and located a couple of kilometres across the LAC, beyond what India sees as the border separating Arunachal Pradesh and Tibet, on the banks of the Tsari Chu river in Upper Subansiri district in Arunachal.
- The site of the village is close to where China had attacked an Assam Rifles post in 1959, in what is known as the Longju incident.
- It is at least 2 km south of the McMahon Line, which China doesn't recognise. After the 1962 war, India stopped patrolling the area.
- Another village built last year, called Pangda, was built 2-3 km inside what Bhutan sees as its territory, in another disputed area.



**Background:**

- India's Ministry of External Affairs recently said that it was aware of the construction along the LAC.
- This followed a report showing satellite images of the village.
- Indian officials said this area has been under Chinese control since 1959.

**Details:**

- The construction appeared to be part of a programme by China to build what it calls "poverty alleviation" villages.
- The initiative was launched after a Tibet economic work conference in 2015.
- 600 villages have been built, of which around 100 are in border areas.



**Issue:**

- There are about two dozen spots along the LAC in all sectors where India and China do not agree on its alignment.
  - According to Indian officials, China had earlier built a permanent construction of military barracks in this area.
- Construction along the LAC is seen by analysts as China's move to bolster claim to the area, and part of a broader recent push by China to build civilian settlements in disputed frontier areas.
  - China has done this with Bhutan as well.
- China said that the two countries haven't demarcated the border line of this area yet. So, India cannot accuse China of building a village on the Indian side.
- Also, China has refused to exchange maps showing its LAC perception in the eastern sector, leaving unclear the extent of its claims on what is under its control.
- While the government calls them poverty alleviation villages, some villages in border areas are very remote with little economic activity there, so they appear to have a strategic purpose.

## C. GS 3 Related

**Category: DEFENCE****1. Some defence imports inevitable: Army chief****Context:**

The Chief of the Army Staff, General Manoj Naravane said that considering the quick pace of defence modernisation being undertaken by India's adversaries, the country was lagging behind slightly.

- He said that while continued heavy dependence of the armed forces on imports needed to be addressed through indigenous capability development, India cannot afford to have operational voids when the enemy is at the gates.
- He pointed out that indigenous development alone cannot fill the existing and operational voids due to lack of niche technology and manufacturing capability. And that external dependence on weapons and ammunition created vulnerabilities in times of crisis.
- He asserted that the events of the past year had brought to the fore the vulnerability of global supply chains.
  - 2020 was a unique year with twin challenges to India with the COVID-19 pandemic and the belligerence on the northern borders.

**Way forward:**

- He called for greater flexibility in the interpretation of the procurement process to speed up the process.

- “The need of the hour today is not just a Revolution in Military Affairs (RMA), to fight the modern day war. A Revolution in Bureaucratic Affairs (RBA) is also required to fast track relevant and future capability development,” he pointed out.

**Note:**

- Seventy-five percent of the Army’s Priority-1 projects in the 13th Army Plan, costing over ₹1.5 lakh crore are marked for [Make in India](#) programmes.

## D. GS 4 Related

*Nothing here for today!!!*

## E. Editorials

### Category: GOVERNMENT POLICIES

#### 1. Privacy and surveillance

**Context:**

- WhatsApp has announced that they would delay the new policy launch to May from February after facing a backlash worldwide over its new update policy.

**Details:**

- The new update on WhatsApp prompted millions of users to switch to alternatives such as Telegram and Signal — around 25 million new users signed up for Telegram in just three days, and Signal became the number one app in its category in many parts of the world.
- The Facebook-owned service has been forced to postpone the date for users to accept its new privacy policy terms to May 15.

**Story so far**

- WhatsApp has around 459 million users and is the leading instant messaging platform for most Indians.
- The point of contention is the ability of WhatsApp to share user metadata and mobile information with its parent company Facebook; WhatsApp was acquired by Facebook for \$19 billion.
- Facebook Inc., which also owns Instagram, envisages integrating the data from WhatsApp, Instagram and Facebook. WhatsApp is seen as a medium to secure payments for services and ads posted on Facebook and Instagram, beyond its primary use as a messaging service.

- The triumvirate of Facebook, Instagram and WhatsApp are commonly used platforms by millions of people. Thus it provides a means to monetize their everyday use by consumers and what is to be noted here is that Facebook's revenue model uses data on its platform to allow advertisers to target ads towards users. The algorithms would benefit from the WhatsApp data as well.

### **Data transfer regulation**

- The data transfer as explained previously from WhatsApp to Facebook is not possible in regions such as the European Union, where data protection laws place stringent restrictions on storage and transfer of user data.
- The differential in data sharing has caught the eye of the Ministry of Electronics and IT. WhatsApp has been sent a series of queries from MeitY, including on why Indian users would be sharing information with Facebook, unlike in Europe.
- But what is prompting such efforts on behalf of Facebook is the absence of domestic legislation that puts in place checks and balances in data sharing.

### **The Personal Data Protection Bill, 2019**

- The draft Bill proposed by the government in 2019 diluted some of the provisos, for example, by limiting data localisation in proposing that only sensitive personal data needed to be mirrored in the country, and not all personal data as mandated by the committee.
- But data localisation as put forth by the Srikrishna committee may not necessarily pave way for better data privacy, as it carries the possibility of domestic surveillance over Indian citizens.

Read more on the [Data Protection Bill, 2019](#) in the linked article.

### **General Data Protection Regulation (GDPR)**

- The General Data Protection Regulation (GDPR) is an EU law on data protection and privacy for all individual citizens of the European Union (EU) and the European Economic Area (EEA).
- GDPR is a regulation that requires businesses to protect the personal data and privacy of EU citizens for transactions that occur within EU member states. And non-compliance could cost companies dearly.
- The General Data Protection Regulation (GDPR) sets a new standard for consumer rights regarding their data.
- GDPR protects privacy data like
  - Basic identity information such as name, address and ID number.
  - Web data such as location, IP address, cookie data and RFID tags
  - Health and genetic data
  - Biometric data
  - Racial or ethnic data
  - Political opinions
  - Sexual orientation

## **Conclusion**

- GDPR serves as a template on which Indian policymakers can work upon in drafting a Personal Data Protection legislation.
- Privacy will be better addressed by stringent contractual conditions on data sharing and better security tools being adopted by the applications that secure user data.
- The proposed Bill has some of these features, similar to Europe's General Data Protection Regulation, but it also requires stronger checks on state surveillance before it takes the form of an Act.

## **Category: POLITY**

### **1. A case to dispose of mercy petitions swiftly**

#### **Context:**

- The Supreme Court has asked the Centre to decide by January 26 Balwant Singh Rajoana's plea for commuting the death penalty awarded to him in former Punjab Chief Minister Beant Singh's assassination case.
- The Supreme Court had previously termed the prolonged detention of death row convicts in prison as inhuman and against the canons of justice.

#### **Background:**

- In the case of Shatrughan Chauhan v. Union of India, a three-judge bench of the Indian Supreme Court delivered a landmark judgment on the death penalty.
- It declared that an excessive delay in carrying out the death sentence was valid grounds for seeking commutation.

#### **Details:**

- The convict, Balwant Singh Rajoana, has been in jail for over 25 years after being convicted for triggering a bomb blast that killed former Punjab Chief Minister Beant Singh in August 1995.
- Balwant Singh Rajoana was sentenced to death in 2007 by a special CBI court. His mercy petition was filed in 2014 by the Shiromani Gurudwara Prabhandhak Committee.
- In 2019, the Ministry of Home Affairs sent a letter to the Punjab Government to commute Rajoana's death sentence. The reasoning behind the move was also explained.
- The Ministry of Home Affairs said it had decided to commute the death sentence as a "humanitarian gesture" ahead of the 550th birth anniversary celebrations of Guru Nanak Dev.
- However, its decision could not be implemented because the Cabinet did not send the file to the President.



- The Supreme Court has thus urged the Centre to decide on an eight-year-old mercy plea of a death row convict in two weeks.

### **Abolishing capital punishment**

- The Supreme Court in its judgement in the case of Shatrughan Chauhan v. Union of India has held that any delay in carrying out the death penalty is one of the reasons to review India's position on capital punishment.
- The debate on the efficacy of the death penalty has been ongoing for several decades together, wherein there is no substantial evidence to suggest that capital punishment has been able to deter and prevent crimes.
- A few years ago, the issue of abolishing capital punishment was raised in the Rajya Sabha but was rejected by a voice vote. Through its report in 2015, the Law Commission of India proposed abolishing the death penalty and sought to elicit the views of the states and the union territories on the same.
- However, the response from the states has been lackadaisical, with only 14 States responding by 2018. Of these, 12 States rejected the proposal, while Karnataka and Tripura concurred.

### **Experiences worldwide**

- India finds itself among 56 nations in the world that have retained the death penalty, while 142 have abolished it either by practice or by law.
- In 2019, the Sri Lankan government decided to execute four drug offenders, thus ending its four-decades-long moratorium on capital punishment. The then Government of Sri Lanka claimed that the execution would put an end to the addiction problem in the country.
- As per the Amnesty International reports, thousands of Chinese are executed in that country every year, though such executions are classified as secret information.
- In 2018, Iran executed 253 convicts and Saudi Arabia executed 149. However, the total number of executions across the world came down in 2018 to 690 from 993 in 2017.

### **Justification**

- At the heart of the argument is the idea that keeping a death row convict under the shadow of death for years is a form of cruel, inhuman and degrading punishment that no civilized society (whether or not it allows capital punishment) should inflict upon human beings.
- The inevitable mental agony that accompanies waiting for inevitable death, demeans individual dignity.
- Insofar as the Court has interpreted Article 21's guarantee of the right to life to include treating all individuals with dignity, the judgment reaffirms the humanism that is the foundation the Constitution, and that whatever the crime might have been, human beings continue to have a legitimate claim to be treated with dignity under the Constitution.

### **Setting a time frame**

- The debate on the efficacy and the need for capital punishment in today's time and age will continue to engage people on both sides, however, there is no denying that a delay in the execution of death row convicts coupled with long years of solitary confinement leads to psychological trauma for them.
- The prolonged detention of death row convicts in prison is against the human right jurisprudence and also against the canons of justice. Thus, it does not come as a surprise that the judiciary has been pushing for a reduction in the sentence when such cases of prolonged years of detention come before them.
- In India, 102 convicts were awarded the death sentence in 2019, raising the total number of death row prisoners to 378. Death row convicts have suffered imprisonment up to 25 years.

### **Swift execution**

- The former President Pranab Mukherjee was appreciated for his swift disposal of mercy petition cases, his track record of the disposal of 34 mercy petitions that were pending for years was commendable.
- While 30 were rejected, four were given reprieves, while the fact that he rejected 30 mercy petitions can be up for a debate, but the crux of the matter is that he dealt with the petitions swiftly.

### **Conclusion**

- A time frame needs to be fixed for the President to dispose of mercy petitions. The lack of accountability of various officials in the government and the courts have adversely affected our criminal justice system.
- Delays in investigations, court hearings and administrative steps to be taken after the final verdict need to be inquired into, and responsibility fixed.
- The *Shatrughan* judgment is a progressive step in Indian death penalty jurisprudence, it will ensure that human rights are non-negotiable and cannot be watered down on account of delay in execution of the convict.

## **Category: ECONOMY**

### **1. Getting it wrong on India's level of agricultural support**

#### **Context:**

- The farmers' agitations over the recently enacted farm laws have brought in focus and attention regarding the level of agricultural support to Indian farmers.

#### **Details:**

- The recent media reports have suggested that the support provided to Indian agriculture is extremely low or negative, and, therefore, net taxed.
- This observation has been based upon the data by the Organisation for Economic Co-operation and Development ([OECD](https://www.oecd.org/)).

- Contrastingly, Central and State governments support agriculture through a plethora of central and state-designed schemes and programmes, this divergence will have to be examined.

### **Estimates and elements**

- Agricultural support is defined as the annual monetary value of gross transfers to agriculture from consumers and taxpayers arising from government policies that support agriculture, regardless of their objectives and economic impacts.
- The OECD estimates the support to the farmers in terms of producer support estimates (PSE), which broadly consists of two elements:
  - Market price support and
  - Budgetary payments.
- According to the OECD data, the estimated negative support that the Indian farmers receive is around minus ₹2.36-lakh crore and minus ₹1.62-lakh crore in 2010 and 2019, respectively.
- The support to farmers was consistently negative during the time interval 2000-2019, except in the year 2000.
- The negative support of minus ₹1.62-lakh crore as estimated by the OECD surprisingly turned out to be higher than the total budgetary allocation of the Ministry of Agriculture at ₹1.09-lakh crore in 2019.

### **Substantive expenditure**

- The total negative support hasn't led to any cut in the public expenditure by the Central and State governments on agriculture, it has, in fact, increased significantly since the turn of the millennium.
- The support has increased from ₹1.61-lakh crore in 2015 to ₹3-lakh crore in 2019, indicating an 85% growth, this is largely owed to the expenditure incurred through Central Government interventions like the Pradhan Mantri Kisan Sammann Nidhi, or [PM-KISAN](#), the National Food Security Mission, crop insurance, input subsidies such as fertilizer and electricity (these are some of the measures covered under the 2019 OECD estimates).
- However, the expenditure related to the operation of minimum support price and general services is not included.
- The massive negative market price support to the producers of different products has resulted in the total negative producer support, overshadowing the increase in the budgetary support over the years. The negative market price support was estimated at minus ₹4.62-lakh crore in 2019.
- The OECD methodology employs a different method, wherein the market price support of a commodity is calculated by multiplying its total production with the gap between the domestic price and international prices in a relevant year.
- The total market support for India is calculated by adding the market price support of the agricultural commodities of about 20 crops such as wheat, rice, cotton, milk, etc.

### **The consequences**

- This OECD methodology is based on the assumption that in case there is no government intervention in the agriculture market, then the domestic and international price of a product will converge, resulting in no gap in prices.

- What are the consequences of the OECD methodology?
  1. First, if the domestic price for a product is less than its international price, then support for that product would be negative.
    - To illustrate this, in respect of rice and milk, the domestic price was less than the international price, which led to negative support of minus ₹46,605 crore and minus ₹2.17-lakh crore in 2019. For the same year, the support for wheat and cotton was ₹4,034 crore and ₹4,414 crores, respectively.
  2. Second, a negative market price support for a product in one year can turn into huge positive support in another year due to the relative movement of domestic and international prices.
    - The example of cotton in 2018: the domestic price of cotton was lower than the international price, resulting in negative support of minus ₹5,102 crores. However, in the subsequent year, the domestic price exceeded the international price, and the support turned positive to the extent of ₹4,414 crores.
  3. Third, even in the event of no additional support by the government in a particular year when seen in comparison with the previous year, the level of support calculated by the OECD can change.
    - This will occur if there is a change in either the gap between the domestic price and international price for a commodity, or its production, in the two years.

### **Prices and the gap**

- The OECD assumes that government interventions lead to a gap between international and domestic prices. However, it is not wise to rule out the possibility of a gap in the absence of government intervention, the gap can still emerge owing to domestic and international factors.
- The supply chain disruptions and demand conditions in the domestic and international market, courtesy unforeseen events like the COVID-19 pandemic, weather conditions, depressed international price due to subsidies given by other countries, among other factors, can pave way for a gap.

### **Question the methodology**

- Given the unpredictability in the inherent data, the total support can rise from huge negative to huge positive.
- India has witnessed a decline in negative support as a percentage of the total value of agriculture production in recent years.
- The OECD methodology presents a very simplistic picture of the Indian agrarian setup, which is far from reality. This methodology is surely going to give ammunition for the developed countries to target India's support measures.
- However, the amount of subsidy depends on the methodology adopted for calculating it. Rather than being swayed by the OECD numbers suggesting negative support, farmers, policymakers, and other stakeholders need to understand the pitfalls and limitations in the underlying methodology. This will help in providing a more correct perception of the level of support to agriculture in India.

## **F. Prelims Facts**

## 1. Co-WIN platform gets upgrade

### What's in News?

An enhancement in Co-WIN software has been introduced to cater to the creation of more session sites, more sessions per site, and a change in site location, which is now allowed.

- The enhanced version also allows planning and scheduling the sessions for an entire week and works for the enhanced safety of the beneficiaries, tagging of contraindications.
- These new features are being enabled in the vaccinator module.

### CoWIN:

- COVID Vaccine Intelligence Network (CoWIN) system is a digitalised platform to be used to effectively roll out and scale up the mechanism for COVID Vaccine Distribution System, nationally.
- It is a digital platform launched by MoHFW to help agencies keep a track of Covid-19 vaccination and allow Indians to apply for the vaccine.
- It is a repurposed version of Electronic Vaccine Intelligence Network (eVIN).

## G. Tidbits

## 1. China calls for 'better angels' to prevail in reset with Biden's U.S.

### What's in News?

China congratulated the U.S. President Joe Biden on his inauguration and called for a reset in relations between Beijing and Washington after a corrosive period of diplomacy under Donald Trump.

- Beijing welcomed the news that the U.S. would rejoin the World Health Organization and the Paris climate accord.
- It is expected that the new U.S. President is expected to remain tough on the superpower rival but soften the tone and commit to international cooperation after Mr. Trump's divisive "America First" approach.
- It was highlighted by the Chinese Foreign Ministry spokeswoman that "unity" mentioned several times in the new President's inauguration speech was precisely what was needed currently in U.S.-China relations.

## H. UPSC Prelims Practice Questions

Q1. Which of the following pairs are correctly matched?



Instance	Majority
1. Election of the Speaker to Lok Sabha	Simple Majority
2. Removal of the Speaker	Special Majority
3. Removal of Rajya Sabha Chairman	Effective Majority

**Choose the correct option:**

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

**Answer: b**

**Explanation:**

- Instances where a simple majority is needed:
  - To elect the Speaker and Deputy Speaker of the Lok Sabha
  - To declare a financial emergency
  - To declare President's Rule (state emergency)
  - Constitution Amendment Bill under Article 368 which needs to be ratified by the states needs only a simple majority at the State Legislatures.
- Instances where an effective majority is needed:
  - Removal of the Chairman (Vice President of India), Deputy Chairman in the Rajya Sabha (Article 67(b)).
  - Removal of the Speaker and the Deputy Speaker of the Lok Sabha and the State Legislatures.

**Q2. Consider the following statements with respect to the Question Hour:**

- 1. Questions cannot be directed at the private members during this hour.
- 2. There is no Question Hour on the day the President addresses MPs from both Houses in the Central Hall.
- 3. It is not mentioned in the parliamentary rules book.
- 4. Question Hour is not scheduled on the day the Finance Minister presents the Budget.

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

- a. 1 and 4 only
- b. 2, 3 and 4 only
- c. 1 and 3 only
- d. None of the above

**Answer: c**

**Explanation:**

- During the Question hour, Members of Parliament ask questions to ministers and hold them accountable for the functioning of their ministries.
- The questions can also be asked to the private members (MPs who are not ministers).
- There is no Question Hour on the day the President addresses MPs from both Houses in the Central Hall.
- Question Hour is not scheduled on the day the Finance Minister presents the Budget.
- Question Hour is mentioned in the Rules of Procedure of the House.

**Q3. Consider the following pairs:**

Martial Art forms	State
1. Kalaripayattu	Kerala
2. Gatka	Rajasthan
3. Thang Ta	Arunachal Pradesh

**Which of the given pairs are correctly matched?**

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

**Answer: b****Explanation:**

- Kalaripayattu, also known simply as Kalari, is an Indian martial art that originated in modern-day Kerala.
- Gatka is the name of an Indian martial art associated with the Sikhs of Punjab who practise an early variant of the martial art.
- Thang Ta is the popular term for the ancient Manipuri Martial Art.

**Q4. Consider the following statements with respect to General Data Protection Regulation (GDPR):**

- 1. It was drafted and passed by the European Union (EU).
- 2. It imposes obligations onto organizations anywhere, so long as they target or collect data related to people in the EU.
- 3. The GDPR provides for the 'right to be forgotten'.

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

- a. 1 and 2 only
- b. 2 and 3 only

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

**Answer: c**

**Explanation:**

- The General Data Protection Regulation (GDPR) is a tough privacy and security law in the world though it was drafted and passed by the European Union (EU).
- It imposes obligations onto organizations anywhere, so long as they target or collect data related to people in the EU.
- 'Right to be forgotten' is provided by the EU's General Data Protection Regulation (GDPR).

## I. UPSC Mains Practice Questions

1. Discuss the pardoning powers of the President and compare them with the pardoning powers of the Governor. (15 marks, 250 words) [GS-2, Polity]
2. Critically examine the salient features of 'The Personal Data Protection Bill, 2019'. (10 marks, 150 words) [GS-2, Polity]