

# 26 Feb 2021: UPSC Exam Comprehensive News Analysis

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## I. UPSC Mains Practice Questions

### A. GS 1 Related

#### Category: SOCIAL ISSUES

##### 1. Same-sex marriages will cause havoc, Central govt. tells HC

###### Context:

The Centre opposed any changes to the existing laws on marriage to recognise same-sex marriages.

###### Details:

- The centre argued that living together as partners and having a sexual relationship by same-sex individuals is not comparable with the Indian family unit concept of a husband, a wife and children which necessarily presuppose a biological man as a husband, a biological woman as a wife and the children born out of the union between the two.
- It said that such interference would cause complete havoc with the delicate balance of personal laws in the country.
- The government cautioned that any other interpretation except treating the husband as a biological man and the wife as a biological woman will make all statutory provisions unworkable.
- It said that registration of marriage of same-sex persons also results in a violation of existing personal as well as codified law provisions — such as 'degrees of prohibited relationship'; 'conditions of marriage'; 'ceremonial and ritual requirements' under the personal laws governing the individuals.

###### Note:

- In 2018, a landmark judgment of the Supreme Court decriminalised consensual homosexual sex in India.

To know more about this issue, watch [Explained: The Supreme Court Judgement on Section 377](#)

### B. GS 2 Related

#### Category: POLITY AND GOVERNANCE

##### 1. President's Rule in Puducherry notified

###### Context:

According to the notification by the Ministry of Home Affairs, President's Rule has been imposed in the Union Territory of Puducherry and the Legislative Assembly is placed under suspended animation.

###### Details:

- The Union Cabinet had approved a proposal by the Ministry to dissolve the Assembly and impose President's Rule in the Union Territory.

This topic has been covered in the **25<sup>th</sup> February 2021 Comprehensive News Analysis.**

**Note:**

- Union Territories are administered in accordance with the provisions of Articles 239 to 241 of the Constitution.
- According to the Allocation of Business Rules, 1961, certain subjects pertaining to UTs, namely Legislative matters, Finance and Budget and Services, have been allocated to the Home Ministry.

**2. Govt. to monitor OTT content**

**Context:**

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 have been unveiled.

**Details:**

- Under the ambit of the rules, the government has brought in detailed guidelines for digital content on both digital media and Over The Top (OTT) platforms, while giving itself overriding powers.

**Framework for regulation:**

- It lays down a three-tier grievance redressal mechanism.
  - The first level of the grievance redressal system will be at the level of each OTT provider.
    - Each complaint will have to be addressed within 15 days.
  - If the complaint is not satisfactorily addressed, then the complainant can scale it up to a self-regulatory body collectively established by the OTTs.
    - This body will be headed by a retired judge of the Supreme Court, a High Court, or an independent eminent person from the field of media, broadcasting, entertainment, child rights, human rights or other relevant fields.
    - This self-regulatory body also has censoring powers in case of any incriminating content.
  - At the third tier, the government has equipped itself with overriding powers in the form of an oversight mechanism.
    - An inter-ministerial committee will perform this function.
    - It will largely have the same powers as the collective self-regulatory body of the OTTs.
- Over and above this framework, the government has equipped itself with emergency powers to block public access to any information.
  - As per the rules, in case of emergency nature, the Secretary, Ministry of Information and Broadcasting may, if he is satisfied that it is necessary or expedient and justifiable, give orders to block access.
  - Such orders can be released without giving an opportunity of hearing to the publishing platform.

**Note:**

- It was clarified that no new law had been framed, and that the government already had the power to step in, in case of an emergency under the existing law.
- Recently, India's Internet-based Over-The-Top (OTT) streaming services had operationalised a code of self-regulation.

Read more on this topic covered in the **13<sup>th</sup> February 2021 Comprehensive News Analysis.**

**3. Tighter norms in place for social media**

**Context:**

As a part of The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021, stricter guidelines have been notified for social media intermediaries.

**Details:**

- It makes it mandatory for platforms such as WhatsApp to help identify the originator of unlawful messages.
- On receiving a court order or being notified by the appropriate government agency, an intermediary will need to remove or disable access to any unlawful information as early as possible, but in no case later than 36 hours.
- Social media platforms have been divided on the basis of the number of users.
  - Smaller platforms are social media intermediaries.
  - The big ones have been classed as significant social media intermediaries.
- Significant social media intermediaries will have to appoint a chief compliance officer, a nodal contact person who will coordinate with law enforcement agencies and a resident grievance officer. All three have to be residents of India.

**Need for regulation:**

- The persistent spread of fake news, abuse of these platforms to share morphed images of women have been issues of concern.
- The guidelines present an oversight mechanism to deal with such issues.

**Concerns:**

- The new rules are likely to have far-reaching implications for digital media and follow a clash with Twitter over the farmers' protest.
- While the guidelines bring clarity on the responsibilities of intermediaries, in the current form, it could undermine the principles of open and accessible Internet and violate the right to privacy and free speech of users.
- It could also lead to an erosion of the safe harbour protection given to intermediaries under Section 79 of the IT Act.

**Category: INTERNATIONAL RELATIONS**

## 1. India, Pakistan agree to adhere to 2003 ceasefire

### Context:

India and Pakistan have issued a joint statement for the first time in years.

### Background:

- India and Pakistan had agreed to a ceasefire on the LoC in November 2003.
- The ceasefire along the borders was first enforced on November 23, 2003, when the then Pakistan Prime Minister Zafarullah Jamali announced the decision on the eve of Eid-ul-Fitr and his then Indian counterpart late Atal Behari Vajpayee immediately reciprocated.
- Though the ceasefire was largely held over the years, it came under strain following the Pulwama attack in 2019 and India's decision to scrap Jammu and Kashmir's special status.
- Troops from the two sides have regularly exchanged fire.

### Details:

- The countries have agreed to a strict observance of all agreements, understandings and cease firing along the Line of Control (LoC) and all other sectors with effect from the midnight of February 24-25, 2021.
- In the interest of achieving mutually beneficial and sustainable peace along the borders, the two Directors General of Military Operations agreed to address each other's core issues and concerns which have the propensity to disturb peace and lead to violence.
- In addition, they would use existing mechanisms of hotlines and flag meetings to resolve any misunderstandings.
- As per the existing mechanism, there is a discussion by officials from the Military Operations directorate every Tuesday but the DGMOs speak only when one side requests for a conversation.
- Political parties in J&K welcomed the decision calling it a step in the right direction.
- They opine that, for the interest of mutually beneficial and sustainable peace in the entire region, India and Pakistan need to address the core concern of J&K in keeping with the aspirations of its people.

### Role of Backchannel diplomacy:

- Experts opine that backchannel diplomacy led to the talks and helped produce a joint statement between the two sides.
- Signs had come against the backdrop of India's region-wide diplomacy regarding COVID-19, in which Pakistan had participated under the umbrella of the [South Asian Association for Regional Cooperation \(SAARC\)](#).
  - While Pakistan had shown reluctance in engaging in bilateral exchanges with India on the global pandemic, it supported Prime Minister Modi's five proposals for collaboration at the South Asian level on containing the pandemic.
- Pakistan PM's latest trip to Sri Lanka was one more instance of softening of attitudes.

- In comparison to the airspace denial that both countries had imposed on each other during and in the aftermath of the Pulwama terror strike, India this week allowed the aircraft carrying Pakistan PM's passage.
- However, it is important to note that during these signs of backchannel talks, both sides have maintained their positions on Kashmir.

**Conclusion:**

- If the 2003 ceasefire is formalised with clear rules and regulations, demilitarized zones, neutral observers and joint commissions, it should reduce the chances of future ceasefire violations.
- However, the success of ceasefires in most conflict situations depends heavily on political will.

## C. GS 3 Related

### Category: ECONOMY

#### 1. Bad bank move will not hit existing ARCs: RBI's Das

**Context:**

Reserve Bank of India Governor said that the bad bank proposed in the [Union Budget](#) will not jeopardise the activity of existing asset reconstruction companies (ARCs).

**Details:**

- He added that the central bank was in the process of upgrading its regulatory structure.
- He stated that the Budget proposal for setting up a new ARC had been mooted by public sector banks.
- He asserted that there was scope for a strong ARC formed by the banks themselves.
- He made it clear that the new ARC would not be a bad bank but an ARC-type entity that would be set up to take over the stressed assets from the books of public sector banks and try to resolve them like any other ARC.
- It was said that these ARCs would not jeopardise the activity of existing ARCs.

#### Support to banks in Budget 2021-22:

- The Union Budget 2021 -22 had proposed setting up a bad bank under the ARC (asset reconstruction company), AMC (asset management company) and AIF ([alternative investment funds](#)) model to acquire, manage and turnaround bad loans.
- The ARC would acquire bad loans from banks at a negotiated price (at a discount from book value) and pay by way of cash and security receipts.
- The funds for buying the bad loans would come from the sponsors (government and banks, etc.) as well as alternative investment funds.
- Banks will be putting the initial capital (implying that the govt will not have any direct stake in the bank).
- Bad bank would be transferring the NPAs to an entity (Asset Management or Asset Reconstruction Company) and dispose of the assets to Alternate Investment Funds (AIF)



- The AMC will restructure and turnaround the bad loans and charge a fee.
- A similar structure for stressed assets resolution was earlier proposed under Sashakt Scheme in 2018.

## Category: SECURITY

### 1. Pakistan will remain on FATF 'greylist'

#### Context:

The Financial Action Task Force ([FATF](#)) has decided to retain Pakistan on the "greylist" till the next review of its performance during the June 2021 plenary session.

#### Details:

- Pakistan is yet to fully comply with the 27-point action plan it had been presented with in June 2018 when it was first put on the "greylist".
- Three points of the 27-point action plan have not been complied with.
  - They pertain to effective steps in terms of financial sanctions and penalties against terror funding infrastructure and the entities involved.

Read more on this topic covered in the [18<sup>th</sup> February 2021 Comprehensive News Analysis](#).

## D. GS 4 Related

*Nothing here for today!!!*

## E. Editorials

## Category: POLITY AND GOVERNANCE

### 1. The absurdity of the anti-defection law

#### Context:

- Resignation of MLAs from the ruling party in Puducherry that helped lower the numbers required for a no-confidence motion to succeed and bring down the existing government.
- A similar pattern was also seen recently in other states such as Madhya Pradesh and Karnataka.

#### Background:

##### Anti-defection law:

- The [anti-defection law](#) was included in the Constitution as the **Tenth Schedule in 1985**.
- The main purpose was to **preserve the stability of governments** and insulate them from defections of legislators from the treasury benches.
- The law stated that any Member of Parliament (MP) or that of a State legislature (MLA) would be **disqualified from their office if they voted on any motion contrary to the directions issued by their party**. The provision is not limited to confidence motions or [money bills](#) but also applies to

all votes in the House. It even applies to the Rajya Sabha and Legislative Councils, which have no say in the stability of the government.

- The Constitution was consequently amended to ensure that **any person disqualified for defecting cannot get a ministerial position unless they are re-elected.**

#### Details:

- The recent events in Puducherry highlight the concerns associated with the anti-defection law.

#### **Against the concept of representative democracy:**

- The anti-defection provision goes against the concept of representative democracy envisioned in the Indian Constitution which envisages the **MP or MLA as a representative of the people of the electoral constituency.**
- Due to the anti-defection law provisions, an **MP (or MLA) has absolutely no freedom to vote based on their judgement on any issue.** They have to blindly follow the direction of the party.
- The anti-defection law provisions make the MP neither a delegate of the constituency nor a national legislator as envisaged under a representative democracy but make them just an agent of the party.

#### **Reduces the accountability of the government:**

- In a **parliamentary form of government, the legislator is accountable to voters, and the government is accountable to legislators.**
  - The presidential form of government (such as in the United States) has higher stability but lower accountability as the President is elected for four years, and cannot be removed except for proven misdemeanour. In the parliamentary form like India, the government is accountable on a daily basis through questions and motions, and can be removed any time it loses the support of the majority of the members of the Lok Sabha. The Constitution drafting committee believed that India needed a government that was accountable, even at the cost of stability and hence chose the parliamentary form of government for India.
- In India, the chain of accountability has been broken by making legislators accountable primarily to the party. This means that anyone from the party having a majority in the legislature is unable to hold the government to account. Hence, the anti-defection bill weakens the accountability mechanism.

#### **Eroding legislatures:**

- An important consequence of the anti-defection law is the hollowing out of our legislatures.
- Since the MP or MLA has no freedom to take decisions on policy and legislative proposals, he/she will have no incentive to understand the different policy choices and their outcomes.
- Hence, the **core role of an MP to examine and decide on policy, bills and budgets is side-lined.**

#### **Using loopholes in the provisions of the anti-defection law:**

- The anti-defection law was intended to end the evil of political defection and hence help ensure the stability of elected governments. However, the **anti-defection law has failed to even provide stability.**



- The political system has found novel ways to topple governments by exploiting the loopholes in the existing anti-defection law provisions.
  - This includes methods like reducing the total membership through resignations. The Constitution was amended to ensure that any person disqualified for defecting cannot get a ministerial position unless they are re-elected. **In order to escape the disqualification, sitting MLAs and MPs are resorting to resignation rather than voting against the party.**
  - In some instances, the **Speaker — usually from the ruling party — has delayed taking a decision on the disqualification.** This has led to members who continue to be part of the main Opposition party becoming Ministers (Andhra Pradesh in the term of the last Assembly).

#### **Flawed argument:**

- The premise that the anti-defection law is needed to punish legislators who betray the mandate given by the voters seems to be flawed.
- If voters believe that they have been betrayed by the defectors, they can vote them out in the next election. However, many of the defectors in States such as Karnataka and Madhya Pradesh were re-elected in the by-polls, which were held due to their disqualification.

#### **Wrong solution:**

- The issue with anti-defection law is that it **attempts to find a legal solution to what is essentially a political problem.**
- If the stability of government is an issue due to people defecting from their parties, the answer is for parties to strengthen their internal systems to ensure greater exit barriers. This has not been possible with many of the political parties which continue to **encounter a large number of defections despite the anti-defection law.**

#### **Not in line with international practice:**

- India's anti-defection law stands in stark contrast with other democracies.
  - The **U.S. system has a more liberal view** of legislators not in line with the party's stand. In the recent vote on the impeachment of former U.S. President Donald Trump, seven members from his party in the U.S. Senate, the Republicans, voted to convict him. This would not lead to any legal repercussion on the republican senators. However, the party is free to take action. Also, voters may decide to reject the legislator for re-election, in line with the core design element of representative democracy.

#### **Conclusion:**

- The anti-defection law has been **detrimental to the functioning of the legislatures** as deliberative bodies which hold the executive to account on behalf of citizens. The anti-defection law has turned the legislature into just a forum to endorse the decision of the government on Bills and budgets.
- The law has **not been able to fulfil the intended objective of ensuring the stability of the governments** by ending the practice of political defections.
- The **Tenth Schedule to the Constitution must be reviewed.**

## Category: GOVERNANCE

### 1. Should governments regulate online platforms?

#### Context:

- Australia's new News Media and Digital Platforms Mandatory Bargaining Code.

#### Details:

- The main provisions of Australia's new News Media and Digital Platforms Mandatory Bargaining Code are as follows:
  - Australia's new code will force platforms like Facebook and Google to pay local media outlets and publishers to link their content in news feeds or search results.
  - The proposed code would require Facebook and Google to open up their algorithmic black boxes, and their datasets that underpin the advertising market, to **regulatory scrutiny**.
  - It would enable the Australian Competition and Consumer Commission to compel Google and Facebook to **carry certain news services** for a yet-to-be specified fee.

#### **Regulation of tech giants:**

- The Australian law is being seen as an initial **attempt to regulate tech giants** to take back some of the control they have on global communications. The Australian process is one of many taking place around the world in the last three to five years, including in India.
- The days of voluntary self-regulatory efforts from the large platforms seem to be ending with many countries **preferring mandated regulatory requirements**.

#### Concerns:

- There are questions on whether this code could provide an ideal regulatory model for regulating big tech.

#### **Against free speech:**

- The regulation of the platforms could affect free speech.
- Requiring the platforms to compulsorily carry some content amounts to **compelled speech** and goes against the ideal of free speech.
- Sir Tim Berners-Lee, the creator of the web, has testified to Australian legislators that the proposed code breaks the web and **goes against the spirit of the internet which envisions free flow of information**.

#### **Liabile to misuse:**

- The provision requiring the platforms to compulsorily carry some content **could be misused by the state authority**.
- If the platforms are required to carry official speech, they can be used by the state to spread their ideology.

#### **Significance of internet platforms:**

- The regulation of internet platforms could have a detrimental impact on the effectiveness of these platforms.
- Social media has been an **important platform for voices not heard in the mainstream media given its easy accessibility**. Social media's role in the #BlackLivesMatter and #MeToo movement signifies the efficacy of social media platforms.

#### Counterview:

- Arguments in favour of regulation of big tech are based on the following aspects.

#### **Need to counter growing inequity in the sector:**

- There are concerns being raised that the **Internet has been hijacked by a small group of companies that are rewiring it**.
- These companies control the critical audience data and also enjoy a substantial share of online advertising.
  - Most countries including Australia have a highly concentrated Internet with Google accounting for a large share of search queries. Google and Facebook account for a large share of online advertising.

#### **Increasing power and influence of internet platforms:**

- The recent case of Twitter permanently suspending the account of U.S. President, Mr. Donald Trump is an example of the power being wielded by these platforms which allowed a private corporate actor the power to de-platform the most powerful politician. Though there are arguments both in favour of and against this move, the lack of clear cut guidelines in such a scenario enables such platforms to **misuse their control on users for vested interests**.
- The increasing reach of the platforms also provides them with **greater influence among the masses**. This could be used to their advantage.

Australian Prime Minister Scott Morrison's quote on tech companies: "They may be changing the world, but that doesn't mean they should run it."

#### **Dangers posed by internet platforms:**

- The internet platforms can also be misused for **disinformation operations**, and to fan the flames of political polarisation, hate speech, misogynistic abuse, terrorist propaganda.
- A conception of **freedom of speech** that does not draw boundaries around assaults on democracy amounts to a fundamentally wrong approach to freedom of speech.
- An institutional arrangement like the proposed code can help regulate the misuse of internet platforms.

#### **Need to ensure fair carriage of news:**

- One cannot label must-carry laws as compelled speech. Though making platforms common carriers is not a good idea, it would help move towards fair carriage of news.
- This would also help ensure that **certain public interest-oriented journalism is also carried on the internet platform** This idea may not be antithetical to democratic ideals.

#### Conclusion:

- **Reasonable regulation is democratic**, but the moral panic around big tech needs to be avoided.
- The European-Canadian international human rights standards for freedom of expression and opinion which recognize the **inherent right of freedom of speech and expression but subject to limits established through the rule of law**, which is compatible with that of a democratic society may serve as the right model for regulation of the internet platforms.

## F. Prelims Facts

*Nothing here for today!!!*

## G. Tidbits

### 1. INCOIS to go for aerial mapping of ocean floor

#### What's in News?

The [Indian National Centre for Ocean Information Services \(INCOIS\)](#) is planning a bathymetric study.

#### Details:

- INCOIS is planning to take the help of the National Remote Sensing Centre (NRSC) for aerial mapping of the Andaman and Nicobar Islands and Lakshadweep to get a better picture of the ocean floor.
  - NRSC is under the Ministry of Earth Sciences.
- NRSC has already done a similar high-resolution topographic Airborne Laser Terrain Mapping (ALTM) for the entire coastal areas of the country.
  - It is in the process of integrating the data for a 3D multi-hazard mapping of both the east and west coastline for a more precise picture of the ocean floor.
- NRSC had also identified gaps across the coast of Andhra Pradesh and Odisha for installing more tide gauges for better monitoring of the sea and more accurate prediction of impending disasters like cyclones.
- There are 36 already installed tide gauges in the Bay of Bengal.

#### Need for bathymetric study:

- Such a study has become imperative in view of the tsunamis of the Indonesian coasts.
- During the disaster, more than the quake-related high waves, the damage was due to landslides under the sea beds causing sudden wave surges leading to much damage without giving sufficient time to alert people.

### 2. SC plans exclusive courts for cheque cases

### What's in News?

The Supreme Court is considering the creation of additional courts to exclusively hear and decide cheque bounce cases.

- The Bench was hearing a suo motu case registered last year to evolve a “concerted” and “coordinated” mechanism for expeditious disposal of cheque cases.
- Over 35 lakh cheque bounce cases were pending in various courts across the country.
- This constitutes more than 15 percent of the total criminal cases pending in district courts.
- Even if additional courts were set up by the government, it would still have to streamline the procedure for the conduct of these cases.

### 3. LPG cylinder to cost ₹25 more

### What's in News?

Liquefied petroleum gas (LPG) cylinder price has been increased by ₹25 each.

- The price hike is the third revision in February 2021.
- LPG prices are determined based on the international prices of propane and butane, as well as the U.S. dollar-rupee exchange rates.

## H. UPSC Prelims Practice Questions

**Q1. Consider the following statements with respect to Krishnadevaraya of the Vijayanagara empire:**

1. He belonged to the Tuluva dynasty.
2. He is the author of Amuktamalyada and Jambavati Kalyan.
3. He founded Vijayanagar City on the southern banks of River Tungabhadra.

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

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

**Answer: b**

**Explanation:**

- Krishnadeva Raya of the Tuluva dynasty was the most famous king of the Vijayanagar Empire.
- Krishnadevaraya published several works – Amuktamalyada, Madalsa Charitra, Jambavati Kalyan, etc. He is said to have been a master of several languages.

- Harihara and Bukka founded Vijayanagar City in 1336 CE on the southern banks of the Tungabhadra.
- They made Hampi the capital city.
- They served under Vira Ballala III, the Hoysala King.

**Q2. Consider the following statements with respect to Financial Action Task Force (FATF):**

1. It is the global money laundering and terrorist financing watchdog.
2. FATF works to stop funding for weapons of mass destruction.
3. The FATF Secretariat is located at the Organisation for Economic Co-operation and Development (OECD) Headquarters in Paris.

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

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

**Answer: a**

**Explanation:**

- The Financial Action Task Force (FATF) was established in July 1989 by a Group of Seven (G-7) Summit in Paris, initially to examine and develop measures to combat money laundering.
- In October 2001, the FATF expanded its mandate to incorporate efforts to combat terrorist financing, in addition to money laundering.
- In April 2012, it added efforts to counter the financing of the proliferation of weapons of mass destruction.

**Q3. Consider the following statements with respect to Indian National Centre for Ocean Information Services (INCOIS):**

1. It is an autonomous body under the Ministry of Earth Sciences (MoES).
2. It has an in-house Indian Tsunami Early Warning Centre to provide round-the-clock monitoring and warning services for the coastal population on tsunamis.
3. It is tasked with providing Potential Fishing Zone Advisories.

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

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



**Answer: d**

**Explanation:**

All the statements are correct.

**Q4. Consider the following statements with respect to Liquefied Petroleum Gas:**

1. It contains propane and butane.
2. It is used as an aerosol propellant and a refrigerant.
3. It is a colourless odourless flammable mixture of hydrocarbon gases.

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

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

**Answer: c**

**Explanation:**

- Liquefied petroleum gas (LPG or LP gas) is a flammable mixture of hydrocarbon gases used as fuel in heating appliances, cooking equipment, and vehicles.
- It is completely odourless and is made from refining petroleum or natural gas.
- Varieties of LPG bought and sold include mixes that are mostly propane ( $C_3H_8$ ), mostly butane ( $C_4H_{10}$ ), and, most commonly, mixes including both propane and butane.

## I. UPSC Mains Practice Questions

1. The anti-defection law in India has been detrimental to the functioning of the legislatures and has also not been able to fulfil the intended objective of ensuring the stability of the governments by ending the practice of political defections. Analyze. (10 marks, 150 words) [GS-2, Polity and Governance]
2. Australia's new code for regulation of tech giants has drawn mixed reactions. Discuss the arguments both in favour of and against the bill in the context of global efforts at regulating big tech. (15 marks, 250 words) [GS-2, Governance]