

## 10 Apr 2021: UPSC Exam Comprehensive News Analysis

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#### Category: POLITY AND GOVERNANCE

1. [People are free to choose religion: SC](#)

**Context:**

The Supreme Court said that the people are free to choose their religion.

**Background:**

- A [public interest petition](#) filed claimed that there is mass religious conversion happening across the country.
- It alleged that the court should direct the Centre and the States to control black magic, superstition and religious conversion being done through threats, intimidation or bribes.
- “Incidents are reported every week throughout the country where conversion is done by intimidating, threatening, luring through gifts and monetary benefits,” the petition alleged.

**Details:**

- The bench, led by Justice Rohinton F. Nariman, said people have a right under the Constitution to profess, practise and propagate religion.
- It lashed out at a “very, very harmful kind” of public interest petition.
- Justice Nariman said every person is the final judge of his/her choice of religion or who their life partner should be. Courts cannot sit in judgment of a person’s choice of religion or life partner.
- Religious faith is a part of the fundamental right to privacy.
  - And a Constitution Bench in its judgment had upheld the inviolability of the right to privacy, equating it with the rights to life, of dignity and liberty.

**Article 25:**

- Fundamental right under [Article 25](#) of the Constitution guarantees the freedom of conscience and free profession, practice and propagation of religion, subject to public order, morality and health.
- It further provides that this article shall not affect any existing law and shall not prevent the state from making any law relating to:
  - Regulation or restriction of any economic, financial, political, or any secular activity associated with religious practice.
  - Providing social welfare and reform.
  - Opening of Hindu religious institutions of public character for all the classes and sections of the Hindus. (The term ‘Hindus’ includes individuals who profess Sikh, Jain or Buddhist religion).

**Category: INTERNATIONAL RELATIONS****1. Bhutan, China to schedule boundary discussions soon****Context:**

Bhutan and China have agreed to set up the next round of boundary talks between them.

**Areas of Dispute:**

- The talks have thus far focused on two areas of dispute:
  - Pasamlung and Jakarlung valleys to the north of Bhutan.
  - Doklam to the west of Bhutan, along the tri-junction with India.
- However, at a UN environmental meeting in June 2020, China raised an objection to a grant for Bhutan's Sakteng Sanctuary to the east frontier as well, saying that it was disputed.

**This topic has been covered in the 6<sup>th</sup> July 2020 Comprehensive News Analysis.**

**Details:**

- The countries also discussed a roadmap for expediting the boundary resolution.
- The upcoming talks, (the 25th round of the boundary talks mechanism) will be the first since the Doklam standoff in 2017.
- It would also be the first since China made new claims on Bhutan's eastern boundary bordering Arunachal Pradesh in 2020.

**Note:**

- Their annual boundary talk mechanism had begun in 1984, and was followed by two agreements on the maintenance of peace and tranquillity along the border areas in 1988 and 1998.

**2. India protests U.S. naval exercise**

**Context:**

India said that it has protested the U.S. decision to conduct a patrol in the Indian [Exclusive Economic Zone \(EEZ\)](#) in the western Indian Ocean.

**Background:**

- In a rare public statement, the U.S. Navy announced that its ship, USS John Paul Jones, had carried out Freedom of Navigation Operation (FONOP) in the Indian EEZ.
- It added that its operations had challenged what the U.S. called India's excessive maritime claims.
- As per the annual FONOP reports released by the U.S. Department of Defence for each fiscal year, the U.S. carried out multiple FONOPs every year challenging excessive Indian maritime claims.
- USS John Paul Jones asserted navigational rights and freedoms approximately 130 nautical miles west of the Lakshadweep Islands, inside India's exclusive economic zone, without requesting India's prior consent.
- India requires prior consent for military exercises or manoeuvres in its exclusive economic zone or continental shelf.
  - The US Navy asserts that this claim is inconsistent with international law.

**Details:**

- India rejected the U.S.'s claim that India's domestic maritime law was in violation of international law.

- The Ministry of External Affairs (MEA) said that the Government of India's stated position on the United Nations Convention on the Law of the Sea (UNCLOS) is that the Convention "does not authorise other States to carry out in the EEZ and on the continental shelf, military exercises or manoeuvres, in particular those involving the use of weapons or explosives, without the consent of the coastal state".

**Note:**

While India ratified the United Nations Convention on the Law of the Sea in 1995, the U.S. has failed to do it so far.

Read more on **UNCLOS**.

## C. GS 3 Related

*Nothing here for today!!!*

## D. GS 4 Related

*Nothing here for today!!!*

## E. Editorials

### Category: INTERNATIONAL RELATIONS

#### 1. India does have a refugee problem

**Context:**

- Over 1000 Myanmarers have crossed over to Mizoram since the military seized power in Myanmar.
- The current plight of the Myanmarers has been preceded by that of the Rohingya (another group of Myanmarers).
- Also, the refugee debate was dominated by the [Citizenship \(Amendment\) Act, 2019](#) and its impact on those seeking refuge in India, even though new refugees would not be benefited by the law since the cut-off year of the CAA is 2014.

These events have again revived the domestic debate about refugee protection in India. Refugee flows to India are unlikely to end any time soon given the geopolitical, economic, ethnic and religious contexts of the region. The article talks about the urgent need to clinically address the issue of refugee protection in India and put in place appropriate legal and institutional measures.

**Refugees versus immigrants:**

**Note:**

- Immigrants and refugees are both foreigners that travel to a new country.
- Immigrants generally travel voluntarily because of economic opportunity while refugees travel because of fear of persecution.
- A refugee is a displaced person who has been forced to cross national boundaries and who cannot return home safely.

- Such a person may be called an asylum seeker until granted refugee status by the contracting state.
- India has emphatically argued over time that illegal immigration from the neighbouring countries to India must come to an end.
- Illegal immigration is a threat to the socio-political fabric of any country.
- Illegal immigration has potential security implications.
- While much of the debate in the country is about the illegal immigrants, not refugees, the two categories tend to get bunched together.
- And because the two issues have been jumbled up over time, the policies and remedies to deal with these issues suffer from a lack of clarity as well as policy utility.

#### **Ambiguity in the framework:**

- The main reason why our policies towards illegal immigrants and refugees is confused is because as per Indian law, both categories of people are viewed as one and the same and are covered under the Foreigners Act, 1946.
  - It offers a simple definition of a foreigner as a person who is not a citizen of India.
- There are fundamental differences between illegal immigrants and refugees.
- But, India is legally ill-equipped to deal with them separately due to a lack of legal provisions.
- Also, India is not a party to the 1951 Refugee Convention and its 1967 Protocol, the key legal documents pertaining to refugee protection.

#### **Issue:**

- The absence of such a legal framework leads to policy ambiguity whereby India's refugee policy is guided primarily by ad hocism having its own political utility.
- It increases the possibility of the domestic politicisation of refugee protection and complicates its geopolitical faultlines.
- It opens the door for geopolitical considerations while deciding to admit refugees or not.
  - For example: in the most recent case of Myanmarese refugees fleeing to India for protection from the junta, New Delhi's concern is that if it takes a decision that irks the Generals in Naypyitaw, Beijing would get closer to the junta and use the opportunity to hurt India's interests in Myanmar.
  - If New Delhi had a domestic legislation regarding refugees, despite not being a signatory to the relevant international conventions, it could have tempered the expectations of the junta to return the fleeing Myanmarese.
- India's traditional practice of managing these issues with ambiguity and political expediency has become deeply counterproductive.
  - It neither protects the refugees nor helps stop illegal immigration into the country.

#### **Legal, moral complexities:**

- India, for the most part, has had a stellar record on the issue of refugee protection. This moral tradition has come under great stress of late.
- New Delhi has been one of the largest recipients of refugees in the world in spite of not being a party to the 1951 Refugee Convention and its 1967 Protocol.
- Whether or not India should be a party to these international legal instruments has been a matter of debate.
- It is apparent from proper interpretation of the text of the 1951 Convention and the western practice of refugee protection that a country like India, given its track record of refugee protection as well as a vulnerable geopolitical and socio-economic situation, need not unreservedly accede to the convention and the protocol in the way they currently stand.

### **What other options does India have to respond to the refugee situation?**

- The answer perhaps lies in a new domestic law aimed at refugees.
- The CAA, however, is not the answer to this problem primarily because of its discriminatory nature.
- A domestic refugee law should allow for temporary shelter and work permit for refugees.
- A domestic refugee law is crucial because in the absence of proper legal measures, refugee documentation, and work permit, refugees may end up becoming illegal immigrants using illicit means.
- The absence of a refugee law incentivises illegal immigration into the country.
- A distinction must be made between temporary migrant workers, illegal immigrants and refugees and deal with each of them differently through proper legal and institutional mechanisms.

## **2. Time tests ties**

### **Context:**

Russian Foreign Minister Sergei Lavrov's recent visit to Delhi saw both he and External Affairs Minister S. Jaishankar reaffirming traditional India-Russia ties.

- Lavrov's trip was to make preparations for the upcoming visit of Russian President Vladimir Putin for the annual summit.

### **Details:**

- On the bilateral front, both sides appeared to make progress on strategic cooperation, cooperation in energy, nuclear and space sectors, and on talks on a free trade agreement with the Eurasian Economic Union (EAEU).
- More agreements on military-technical cooperation for the joint production of India-made Russian weapons were discussed highlighting that Russia is the only partner supplying India with cutting-edge military technology.
- They reaffirmed their commitment to their defence partnership.
  - However, neither side referred to the upcoming delivery of the \$5 billion S-400 missile defence system directly.

- Countering America's Adversaries Through Sanctions Act (CAATSA) can affect India-Russia joint defence ventures.
- [CAATSA](#) is a United States Federal Law that has imposed sanctions against Iran, Russia and North Korea. This act prevents trade partners of the United States from entering into bilateral contracts with these three nations.
- Avenues for more investment in connectivity including the International North-South Transport Corridor and the Chennai-Vladivostok Eastern Maritime Corridor were discussed.

#### **Divergence in views:**

- The areas of divergence over their worldview seemed to emerge during their public remarks.
- Jaishankar referred to the "rebalanced nature" of international relations. Mr. Lavrov's praise of Russia-China ties was clearly not shared by Mr. Jaishankar.
- While India's external affairs minister referred repeatedly to India's "Indo-Pacific" strategy his Russian counterpart preferred the more continental reference to the "Asia-Pacific" region.
- The Russian push for bringing the Taliban into a power-sharing arrangement in Kabul seemed to come up against India's consistent push for a "democratic Afghanistan".

#### **Issue:**

- New Delhi and Moscow are not as much on the same page as they have traditionally been.
- Lavrov's first visit to Pakistan in nine years is a clear message of deepening ties.
  - It was asserted that Russia was ready to strengthen Pakistan's counterterrorism efforts with the supply of relevant equipment.

Read more on this topic covered in [8<sup>th</sup> April 2021 Comprehensive News Analysis](#).

#### **Conclusion:**

The deep, traditional and time-tested relations of the kind that India and Russia have shared for decades cannot be taken for granted despite the fact that both the countries have successfully addressed divergences between them earlier. The two sides should move quickly to dispel the notion that those ties are under any strain.

### **Category: POLITY AND GOVERNANCE**

#### **1. A disturbing order**

##### **Context:**

A civil court in Varanasi ordered that the [Archaeological Survey of India \(ASI\)](#) should conduct a survey to ascertain whether the Gyanvapi mosque was built over a demolished Hindu temple.

##### **Concerns:**

- This unconscionable intervention would open the floodgates for another prolonged religious dispute.
- The order, apparently is in gross violation of the explicit legislative prohibition on any litigation over the status of places of worship.

- The order has been issued despite the fact that the Allahabad High Court reserved its order on the maintainability of the suit and is yet to pronounce its ruling.

#### **Details:**

- By an order in 1997, the civil court had decided that the suit was not barred by the Places of Worship (Special Provisions) Act, 1991, which said all pending suits concerning the status of places of worship will abate and that none can be instituted.
- The 1991 Act froze the status of all places of worship, barring the then disputed site in Ayodhya, as on August 15, 1947.
- There was another exception — any place of worship that was an archaeological site or ancient monument covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

#### **Conclusion:**

- This concerns peace and harmony in the country.
- Regardless of the merits of either side's case, it ought to be clear that the attempt to resurrect disputes buried by law is a serious setback to the cause of secularism and peaceful coexistence.
- New challenges emerging to the wisdom of Parliament in giving a statutory expiration to disputes over religious sites is deeply disturbing.

Read more on this issue covered in **29<sup>th</sup> March 2021 Comprehensive News Analysis.**

## **F. Prelims Facts**

*Nothing here for today!!!*

## **G. Tidbits**

### **1. China, Pakistan to back each other's 'core interests' at UN**

#### **What's in News?**

China and Pakistan have pledged to back each other's core and major interests in the United Nations after holding bilateral consultations on UN affairs.

- In a joint statement, the two countries said they would “firmly safeguard multilateralism and support the central role of the United Nations in international affairs.”
- The countries, which describe their relationship officially as one of “all-weather partners” and “iron brothers”, have in recent months stepped in to provide crucial support to the other on issues they see as sensitive.
- Beijing has raised the Kashmir issue at the UN Security Council and Islamabad backed China on Hong Kong and Xinjiang.
- China and Pakistan also agreed to strengthen their cooperation on the UN and other multilateral platforms and to support each other on each side's core and major interests, work toward the political and peaceful resolution of regional and international hotspot issues, and jointly safeguard peace and stability of the world, especially in Asia.

## 2. India, China hold talks again

### What's in News?

The 11th round of the Corps Commander talks is underway between India and China to work out an agreement for the second phase of disengagement in Eastern Ladakh.

- In February 2021, the two sides completed the first phase of disengagement on the north and the south banks of Pangong Tso based on a written agreement.

This topic has been covered in the **16<sup>th</sup> February 2021 Comprehensive News Analysis**.

- Pangong Tso has been the major issue since the standoff began, after the Chinese troops made ingress into Indian territory at several locations in Eastern Ladakh.
- With Pangong Tso having been resolved, the focus now is to work out a phased disengagement plan for the other friction areas. They include Gogra, Hot Springs, Depsang and Demchok.
- After this, the de-escalation along the Line of Actual Control (LAC) would be taken up to pull back the thousands of troops deployed by both sides.

Read more on **India-China Border Clash**.

## H. UPSC Prelims Practice Questions

Q1. Consider the following statements:

1. Neutrinos are fundamental particles belonging to the lepton family.
2. Neutrinos have a higher mass than neutrons.

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

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

**Answer: a**

**Explanation:**

- In particle physics, a lepton is an elementary particle of half-integer spin that does not undergo strong interactions.
- Two main classes of leptons exist: charged leptons (also known as the electron-like leptons or muons), and neutral leptons (better known as neutrinos).
- Neutrons have a higher mass than neutrinos.

Q2. Consider the following statements:

1. The Constitution guarantees the freedom of conscience and free profession, practice and propagation of religion as the Fundamental Right of an individual.
2. The right to freedom of religion is, in general, subject to public order, morality, health and the other provisions of the Constitution.
3. Despite the right to religious freedom, the State can pass laws providing for social welfare and reform.
4. The state can regulate or restrict any secular activity associated with religious practice.

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

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

**Answer: d**

**Explanation:**

- Fundamental right under Article 25 of the Constitution guarantees the freedom of conscience and free profession, practice and propagation of religion, subject to public order, morality and health.
- It further provides that this article shall not affect any existing law and shall not prevent the state from making any law relating to:
  - Regulation or restriction of any economic, financial, political, or any secular activity associated with religious practice.
  - Providing social welfare and reform.

Opening of Hindu religious institutions of public character for all the classes and sections of the Hindus. (The term 'Hindus' includes individuals who profess Sikh, Jain or Buddhist religion).

**Q3. Consider the following statements with respect to United Nations Convention on the Law of the Sea (UNCLOS):**

1. It defines a distance of 12 nautical miles from the baseline as Territorial Sea limit and a distance of 200 nautical miles as Exclusive Economic Zone limit.
2. An Exclusive Economic Zone is an area of the sea over which a sovereign state has full sovereignty over the waters.
3. Both India and the U.S are signatories to UNCLOS.

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

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

**Answer: a**

**Explanation:**

- United Nations Convention on the Law of the Sea (UNCLOS) defines the distance of 12 nautical miles from the baseline as Territorial Sea limit and a distance of 200 nautical miles as Exclusive Economic Zone limit.
- EEZ is an area of the sea in which a sovereign state has special rights regarding the exploration and use of marine resources, including energy production from water and wind.
- “Territorial Sea” confers full sovereignty over the waters, whereas “Exclusive Economic Zone” is merely a sovereign right that refers to the state’s rights below the surface of the sea.
- While India ratified the United Nations Convention on the Law of the Sea in 1995, the U.S. has failed to do it so far.

**Q4. Consider the following statements with respect to NanoSniffer:**

1. It is the world’s first microsensor based Explosive Trace Detector (ETD).
2. It is a 100% Made in India product in terms of research, development & manufacturing.

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

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

**Answer: c**

**Explanation:**

- NanoSniffer is the world’s first microsensor based Explosive Trace Detector (ETD) developed by NanoSniff Technologies, an IIT Bombay incubated startup.
- NanoSniffer is a 100% ‘Made in India’ product in terms of research, development & manufacturing. The core technology of NanoSniffer is protected by patents in the U.S. & Europe.
- NanoSniff has passed tests conducted by DRDO’s High Energy Materials Research Laboratory (HEMRL), Pune; and by the National Security Guard (NSG) as well.

## I. UPSC Mains Practice Questions

1. India needs to clinically address the issue of refugee protection and introduce appropriate legal and institutional measures. Discuss. (15 Marks, 250 Words) [GS-2, International Relations]
2. Examine how Places of Worship (Special Provisions) Act enforces our commitment to secularism. What are the issues surrounding the law? (15 Marks, 250 Words) [GS-2, Polity and Governance]