

## 15 Apr 2021: UPSC Exam Comprehensive News Analysis

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### B. GS 2 Related

## Category: EDUCATION

### 1. State obliged to facilitate access to education: SC

#### What's in News?

In a judgement, the Supreme Court has said that **access to professional education is not government largesse (charity)**.

#### Issue:

- Two students from Ladakh were nominated by the Union Territory administration for MBBS studies. They were allocated seats in the prestigious Lady Hardinge and Maulana Azad Medical Colleges. However, they were not admitted.
  - It was government policy to allot one seat each at Lady Hardinge and Maulana Azad medical colleges from the Central pool.
- The students moved the SC for justice, saying their **fundamental right** to education was at the whims and fancies of the government authorities.
- The court ordered that the students be admitted within a week.
- SC further recommended the appointment of a nodal officer to ensure that students duly nominated under the Central pool seats were admitted in their chosen course of study.

#### Verdict:

- The court said the State has an **affirmative obligation to facilitate access to education at all levels**. "This obligation assumes far greater importance for students whose background (by virtue of such characteristics as caste, class, gender, religion, disability and geographical region) imposes formidable obstacles on their path to accessing quality education.
- The bench highlighted that while the **right to pursue higher (professional) education has not been spelt out as a fundamental right in Part III of the Constitution**, it bears emphasis that access to professional education is not a governmental largesse.

#### Details:

- The court referred to the vision envisaged by the **Committee on Economic, Social and Cultural Rights**.
- One of the Committee's clauses states "As an empowerment right, education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities".
- The court noted that **India was a signatory to the United Nations International Covenant on Economic, Social and Cultural Rights**.
- The court noted "Pursuant to these obligations, which India has undertaken by being a signatory to the covenant, the Union shall ensure proper coordination so that students allocated colleges under the Central pool seats are not put to hardship in enrolling once they have been duly allocated their seats,".

## Category: INTERNATIONAL RELATIONS

## 1. 'NATO to exit Afghanistan along with U.S.'

### Context:

Foreign troops under [NATO](#) command will withdraw from Afghanistan in coordination with a U.S. pull-out by September 11, 2021.

- **September 11** is a **highly symbolic date** as it will be **20 years since Al-Qaeda attacked the U.S.** with hijacked airliners, **triggering military intervention in Afghanistan.**

### Background:

- President Joe Biden announced, "It's time to end America's longest war with the unconditional withdrawal of troops from Afghanistan, where they have spent two decades in a bloody, largely fruitless battle against the Taliban".
- He said the **U.S. will begin its final withdrawal from Afghanistan on May 1, 2021.**

### Details:

- Around **7,000 non-U.S. forces from mainly NATO countries**, also from Australia, New Zealand and Georgia, outnumber the **2,500 U.S. troops in Afghanistan.**
- A key **reason for a coordinated withdrawal** is the fact that **NATO relies on U.S. airlift capabilities** and shipping to move valuable equipment in and out of landlocked Afghanistan.
- After withdrawing, the U.S. and NATO aim to rely on Afghan military and police forces, which they have developed with billions of dollars in funding, to maintain security though peace talks are struggling and the insurgency is resilient.

### Resolute Support:

- An integral part of NATO's current mission, **Resolute Support**, is to **train and equip Afghan security forces fighting the Islamist [Taliban](#).**
  - **Taliban was ousted from power** by a U.S. invasion in late **2001** and has since **waged an insurgency.**
- With non-U.S. troop numbers reaching as high as 40,000 in 2008, Europe, Canada and Australia have moved in tandem with the U.S., also providing long-term funding to rebuild Afghanistan despite the resurgence of Taliban-led violence and endemic official corruption in the country.

## 2. 'Hope India reviews stand on pacts'

### Context:

Singapore's Foreign Minister said that he hoped India would reassess its stand on regional trading agreements such as the Regional Comprehensive Economic Partnership ([RCEP](#)) pact that India withdrew from in 2019.

### Details:

- He asserted that **India had a crucial role to play in helping the region build an inclusive architecture at a time of increasing global instability.**

- He was **making a plea for India to revisit RCEP and even the CPTPP** [Comprehensive and Progressive Agreement for Trans-Pacific Partnership].
- **India withdrew from the RCEP largely because of concerns it would open it up to Chinese goods** amid an already wide trade imbalance with China, and the failure of the agreement to adequately open up to services.

**Note:**

- The **RCEP came into force in November 2020** without India.
- It is the **world's largest trading agreement**, covering the 10 ASEAN nations, China, Japan, South Korea, Australia and New Zealand.
- The **CPTPP, the successor of the Trans-Pacific Partnership (TPP)** which the U.S. withdrew from, includes Singapore, Brunei, Malaysia and Vietnam from ASEAN, along with Australia, New Zealand, Japan, Canada, Mexico, Chile and Peru.

## C. GS 3 Related

### Category: ECONOMY

#### 1. 'India's public debt level among highest in emerging economies'

**Context:**

Moody's Investors Service has said that India's public debt level is among the highest in emerging economies with a quantitative easing programme underway, while its debt affordability is among the weakest.

**Details:**

- India's debt affordability rated **Baa3 negative** is among the weakest.

**Public Debt:**

- Government debt or public debt is the **total amount of debt owed** at a point in time by a **government to lenders**. Government debt can be owed to **lenders within the country** or owed to **foreign lenders**.
- Government debt contrasts to the annual government budget deficit, which is a flow variable that equals the difference between government receipts and spending in a single year.
- Public debt is the **total liabilities of the central government contracted against the Consolidated Fund of India**.
- It **excludes liabilities contracted against Public Account**.

**Public Debt Management:**

- It is the process of establishing and executing a **strategy for managing the government's debt** in order to raise the required amount of funding, achieve its risk and cost objectives, and to meet any other debt management goals of the government.

- The governments should seek to ensure that both the **level and rate of growth** in their public debt is **fundamentally sustainable**, and **can be serviced** under a wide range of circumstances while meeting cost and risk objectives.

#### Why is Public Debt Management important?

- **Poorly structured debt** in terms of maturity, currency, or interest rate composition and large and unfunded contingent liabilities have **induced economic crises** in many countries.
  - The European debt crisis was a result of excessive debt piled up on government books which became unsustainable.
- This highlights the importance of **sound debt management practices** and the need for an efficient and sound capital market.

#### Debt-to-GDP Ratio:

- The debt-to-GDP ratio indicates **how likely the country can pay off its debt**.
- Investors often look at the debt-to-GDP metric to **assess the government's ability to finance its debt**.
- The NK Singh Committee on **FRBM** had envisaged a debt-to-GDP ratio of **40 per cent for the central government** and **20 per cent for states** aiming for a **total of 60 per cent general government debt-to-GDP**.

## D. GS 4 Related

*Nothing here for today!!!*

## E. Editorials

### Category: INTERNATIONAL RELATIONS

#### 1. Why less may be more for India and China

##### Context:

- **Track-II dialogue** held between India and China in early April.

##### Background:

- India and China have witnessed a **troubled relationship** in the recent past.
- The Galwan valley clash marked the worst violence on the border since 1967. The border crisis has led to a tense relationship between the two neighbours.

##### Details:

- The Track-II dialogue brought together former ambassadors and military officials from both countries.
  - Track II diplomacy or “backchannel diplomacy” is the practice of “non-governmental, informal and unofficial contacts and activities between private citizens or groups of individuals, sometimes called ‘non-state actors’”.

- It contrasts with the track I diplomacy, which is official, governmental diplomacy that occurs inside official government channels.
- It is possibly the first of its kind to be held after the border crisis between India and China.

#### **Core issues for resolution:**

- The shared view during the recent dialogue was that the key to arriving at a new, more realistic state of relations will be managing **three issues — the boundary question, trade, and the increasing impact of third-party and multilateral engagements** on the two-way relationship.
- The dialogue emphasized the need to **focus on limited goals** which may end up paying rich dividends.

#### **Boundary dispute:**

- Despite the progress seen in terms of **disengagement on the north and south banks of Pangong Lake**, there has been an apparent stalemate even after the eleventh round of talks between Corps Commanders.
- The Chinese behaviour seems to be suggestive of a lack of appetite in China at the moment for a final settlement of the boundary question. That is also the view of most Chinese experts, who suggest the boundary question to be left for later ages to be negotiated.
- Though this may mean a prolonged period of **continued uncertainty on the borders due to the unclarified LAC**, it is significant to note that the absence of a permanent peace need not necessarily mean a conflict.
- There is a need to take small steps to restore the shattered trust between the two neighbours.
- If delineation of the LAC is not possible at the present moment, the two countries should at least, **clarify the most sensitive spots, and arrive at understandings, such as coordinated patrolling either by time or area**. These are small steps that have, in the past, helped cool down the temperatures.

#### **Trade:**

- The tension along the LAC has resulted in **growing calls for “decoupling” of the economic relations between the two countries**.
- Though the unresolved political problems do not seem to support the idea of economic partnership with China, the calls for complete disengagement on the trade front too are unrealistic.
- Despite the biggest border crisis in decades between the two countries in 2020, **trade reached \$87.6 billion between India and China**.
  - **China was India’s largest trading partner**, with India importing \$66.7 billion worth of machinery and medical equipment.
  - India exported a record \$20 billion to China, mostly ores to China’s industries.
- Given the fact that jettisoning all activity with China is neither realistic nor prudent, there is the need for recognizing possible areas of cooperation that would not have any associated security concerns. **Infrastructure development, clean energy may be some of the potential areas for cooperation**.

### Third country and external engagements:

- Both India and China need to have a clear conversation on how **third parties and external engagement are an increasing factor in bilateral relations.**
  - **China is viewing relations with India through the prism of its relations with the United States.** China has been unequivocal over its concerns over the U.S. backed **Quad** and India's participation in it.
  - India has its own concerns with **China's increasing support to Pakistan** and its growing influence in South Asia and the Indian Ocean littoral countries.
- Instead of letting their engagements with third countries impact their bilateral relations, India and China would be better served by having an open conversation about what could be the red lines in such third country engagements.
- Also as relations stabilise, India and China could start **injecting more energy into their own shared platforms such as BRICS.** They could also revive their bilateral cooperation in Afghanistan.

### Conclusion:

- Given the fact that the chequered history of India-China relations is rife with examples of how misplaced expectations have burdened the relationship, there is the need to restrain the temptation of high expectation and aim for modest goals.
- A conversation driven by hard talk and finding shared interests, even if modest ones, may be more rewarding in restoring the strained bilateral relationship between India and China.

## 2. Navigation with permission

### Context:

- The U.S.'s freedom of navigation operation in India's **Exclusive Economic Zone** near Lakshadweep.

This issue has been discussed previously in the following article:

[UPSC Comprehensive News Analysis of 12th Apr 2021](#)

### Background:

#### FONOP exercise:

- On April 7, the U.S.'s 7th Fleet Destroyer, the USS John Paul Jones, conducted a '**Freedom of Navigation Operation**' 130 nautical miles west of the Lakshadweep Islands inside India's Exclusive Economic Zone (EEZ).
- This exercise was conducted **without requesting India's consent as required by Indian laws.**

#### Differing stands:

- The two countries have expressed two different positions on the issue.
- While the U.S. has asserted that India's requirement of prior consent is "inconsistent with international law", India has asserted that the UN Convention on the Law of the Sea (**UNCLOS**)

“does not authorize other States to carry out in the Exclusive Economic Zone 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”.

#### Details:

- The article evaluates the legal position of the stand taken by the two countries.

#### **UNCLOS law:**

- UNCLOS binds all its signatories and customary international law binds all states, subject to exceptions like the doctrine of persistent objector.
- As per the UNCLOS, **EEZ is an area adjacent to the territorial waters of a coastal state where the sovereign coastal state has rights and duties** relating to the management of natural resources; establishment and use of artificial islands, installations and structures; marine scientific research; and protection of the marine environment.

#### **Freedom of navigation:**

- **Article 58 (1)** provides that in the EEZ, all States enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in Article 87 of navigation and overflight and of the laying of submarine cables and pipelines as well as other internationally lawful uses of the sea.
- **Article 87 provides for freedom of the high seas under which all states have the freedom of navigation.**

#### **Regulation:**

- Despite the freedoms conferred by Article 87 of UNCLOS, it is to be noted that the freedom of navigation is subject to the conditions laid down under the UNCLOS and other rules of international law.
- Notably, Article 58 (3) notes that “In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the **laws and regulations adopted by the coastal State...**”

#### **India's 1995 declaration:**

- **The Indian law – Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones of India Act, 1976** under Section 7 sub-section 9 recognises the freedom of navigation of the ships of all States but makes them subject to the exercise of rights by India within the zone.
- **India in its declaration in 1995** noted that its understanding of the provisions of the Convention is that it does not authorize other States to carry out in the exclusive economic zone 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.
- It is important to note the legal effect of such declarations. **Article 310 of the UNCLOS does permit states to make declarations in order to explain the relationship between the Convention and their own laws**, but such declarations should not “purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State”.



### Conclusion:

- A conjoint reading of Articles 58, 87 and 310 of the UNCLOS, makes it clear that freedom of navigation cannot be read in an absolute and isolated manner.
- Also given that **non-consensual military activities hinder the lawful enjoyment of EEZ rights of the concerned country** and that military exercises and manoeuvres pose a risk to its coastal communities, its installations or artificial islands, as well as the marine environment, any state which wishes to conduct such exercises must do so only in consultation with the coastal state.
- Any state which wishes to conduct military exercises in an exclusive economic zone must first consult the coastal state.

## Category: SOCIAL ISSUES

### 1. It's time to enact a Siras Act

#### Context:

- The article argues for an ex post facto pardon to those who were convicted under Section 377 of the [Indian Penal Code \(IPC\)](#).

#### Background:

##### Section 377 of the IPC:

- **Section 377 dealing with unnatural offences** notes that whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
- While the statute criminalises all anal sex and oral sex, including between opposite-sex couples, it largely affected same-sex relationships.

##### Naz Foundation case:

- The Delhi High Court's verdict in Naz Foundation v. Govt. of NCT of Delhi (2009) resulted in the **decriminalisation of homosexual acts involving consenting adults**.
- The Court held that [Section 377](#) offended the guarantee of equality enshrined in **Article 14 of the Constitution** because it creates an unreasonable classification and targets homosexuals as a class.

##### Supreme Court's stand:

###### *Suresh Kumar Koushal case:*

- The Supreme Court, in Suresh Kumar Koushal vs. Naz Foundation (2013), **reinstated Section 377 in the IPC**.

###### *Navtej Singh Johar case:*

- The SC's judgment in Navtej Singh Johar & Ors. v. Union of India (2018) is a landmark decision of the Supreme Court of India that **decriminalised all consensual sex among adults, including homosexual sex**. The Supreme Court of India ruled that the application of Section 377 of the IPC to

consensual homosexual behaviour between adults was “unconstitutional, irrational, indefensible and manifestly arbitrary”. The verdict was hailed as a landmark decision for LGBT rights in India.

- Elements of Section 377 relating to sex with minors, non-consensual sexual acts such as rape, and bestiality remain in force.

#### Details:

- The article argues for an **ex post facto pardon to those who were convicted under Section 377 of the Indian Penal Code (IPC)**. The author argues that such an enabling law would help do justice to those convicted in the LGBTQ+ community under Section 377 of the IPC.
- Also notably such a law would be in line with international practice in some countries like the U.K which has enacted the Alan Turing law.
  - The **U.K.’s Alan Turing law** grants amnesty and pardon to those convicted of consensual same-sex relationships. The Alan Turing law provides not only a posthumous pardon but also an automatic formal pardon for living people.
- The Indian state could enact a ‘Siras Act’ on the lines of the Alan Turing law. Ex post facto pardon may be a novel concept in India, but it would do justice, even though delayed, to the prisoners of sexual conscience.

## F. Prelims Facts

*Nothing here for today!!!*

## G. Tidbits

### 1. ‘India can be hardware manufacturing hub’

#### What’s in News?

Microsoft president has suggested that there is an **opportunity for India to become a hardware manufacturing location** as the world’s technology majors have been moving their supply chains out of China.

- Terming the recent **spate of cyberattacks** a wake-up call for tech companies as well as governments, he emphasised the need to **train more professionals to cope with cyber threats**.
- He also urged India and the U.S. to join **the Paris Call for Trust and Security in Cyberspace** that now has 75 countries on board to deal with new cybersecurity threats facing the world.
- He emphasised the need for **a global initiative** to really accelerate all kinds of **training to put more cybersecurity professionals in place**.

#### **Paris Call for Trust and Security in Cyberspace:**

- The Paris Call for Trust and Security in Cyberspace is a **nonbinding declaration**.
- It calls for states, the private sector, and civil society organizations to work together to **promote security in cyberspace, counter disinformation, and address new threats endangering citizens and infrastructure**.

### 2. ‘Quad navies enjoy high degree of interoperability’

### What's in News?

Navy chief Admiral Karambir Singh's comments at the **Raisina Dialogue**.

- According to the Navy chief, the **Quad navies** of India, the U.S., Japan and Australia already **enjoy a high degree of interoperability and have the capability and capacity to come together** in an "almost plug and play mechanism" if the opportunity arises.
- He stated that it would not be surprising to see a **Chinese naval expansion in the Indian Ocean region**.
  - The Chinese Navy has seen a massive expansion in recent years, with the rapid addition of frontline warships. It has two aircraft carriers and a more capable one is under construction.
  - In 2017, China opened its **first overseas base at Djibouti in the Horn of Africa**.

## H. UPSC Prelims Practice Questions

Q1. Koundiya wildlife sanctuary is located in:

- a. Karnataka
- b. Tamil Nadu
- c. Kerala
- d. Andhra Pradesh

**Answer: d**

**Explanation:**

- Kaundinya Wildlife Sanctuary is a wildlife sanctuary and an elephant reserve situated in Andhra Pradesh.
- It is the only sanctuary in Andhra Pradesh with a population of Asian elephants, which migrated after 200 years from neighbouring regions.

Q2. Consider the following statements with respect to Uranium:

1. Natural uranium consists of nearly 99% U-238 and only around 0.7% of U-235.
2. U-235 is a fissile material that can sustain a chain reaction in a nuclear reactor.
3. Nuclear reactors require Highly Enriched Uranium with enrichment of up to 90% or more.

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

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

**Answer: b**

**Explanation:**

- Natural uranium consists of nearly 99% U-238 and only around 0.7% of U-235.
- U-235 is a fissile material that can sustain a chain reaction in a nuclear reactor.
- Enrichment of up to 3-4% is required for nuclear reactors, which is known as Low Enriched Uranium.
- Enrichment of up to 90% or more is required for nuclear weapons. This is known as Highly Enriched Uranium or weapons-grade uranium.

**Q3. Consider the following statements with respect to public debt:**

1. It is the total liabilities of the central government contracted against the Consolidated Fund of India.
2. It excludes liabilities contracted against Public Account.
3. Government securities (G-Secs) and treasury bills are sources of public debt.

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

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

**Answer: c**

**Explanation:**

- The Union government classifies its liabilities into two broad categories.
- The debt contracted against the Consolidated Fund of India is defined as public debt and includes all other funds received outside Consolidated Fund of India under Article 266 (2) of the Constitution, where the government merely acts as a banker or custodian.
- The second type of liabilities is called public account.
- Public debt excludes liabilities contracted against Public Account.
- Government securities (G-Secs), treasury bills, external assistance, and short-term borrowings are sources of public debt.

**Q4. Consider the following statements with respect to International Covenant on Economic, Social and Cultural Rights (ICESR):**

1. It is part of the International Bill of Human Rights, along with the Universal Declaration of Human Rights (UDHR).
2. India is not a signatory to ICESR.

**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:**

- The ICESCR is part of the International Bill of Human Rights, along with the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).
- India is a signatory to ICESCR.
- The Committee on Economic, Social and Cultural Rights (CESCR) was set up in 1985 by the Economic and Social Council (ECOSOC) of the United Nations.
- It was constituted with an aim to monitor on its behalf the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

## I. UPSC Mains Practice Questions

1. In the light of the recent Track-II dialogue held between India and China, discuss the criticality of managing the three issues of the boundary question, trade, and the increasing impact of third-party and multilateral engagements on the two-way relationship to arrive at a new and more realistic state of relations between the two emerging powers. (15 marks, 250 words)[GS-2, International Relations]
2. Discuss the Supreme Court's judgment in the Navtej Singh Johar & Ors. v. Union of India case and evaluate its significance in protecting the right to equality of homosexuals. (10 marks, 150 words)[GS-1, Social Issues]