

19 Apr 2021: UPSC Exam Comprehensive News Analysis

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B. GS 2 Related

Category: INTERNATIONAL RELATIONS

1. [Myanmar shadow govt. wants invite for ASEAN crisis talks](#)

Context:

Myanmar's shadow government has urged Southeast Asian leaders to give it a seat at the table during [ASEAN](#) crisis talks and **not to recognise the military regime that seized power in a February coup**.

Issue:

- The military has deposed the democratically elected leadership of Myanmar and has taken over the administration.
- **The Army has moved to quell mass protests** against its rule killing at least 730 people.

Read more on this topic covered in [2nd February 2021 Comprehensive News Analysis](#) and [3rd February 2021 Comprehensive News Analysis](#).

- ASEAN members believe the crisis threatens regional stability.

Myanmar's Shadow Government:

- Opponents of Myanmar's ruling junta went on the political offensive declaring they have **formed an interim national unity government** with members of Aung San Suu Kyi's ousted Cabinet and major ethnic minority groups.
- The move comes on the eve of a **diplomatic initiative to solve Myanmar's crisis** by the Association of Southeast Asian Nations.

C. GS 3 Related

Category: ENVIRONMENT AND ECOLOGY

1. U.S., China agree to cooperate with urgency on climate crisis

Context:

The world's two biggest carbon polluters, **the U.S. and China** have agreed to **cooperate to curb climate change with urgency**. Their cooperation is key to the success of global efforts to curb climate change.

Details:

- The pact comes ahead of **Biden's summit with world leaders**.
- 40 world leaders including the Chinese President have been invited to the summit.
- The U.S. and other countries are expected to announce more **ambitious national targets for cutting carbon emissions** ahead of or at the meeting, along with pledging **financial help for climate efforts by less wealthy nations**.

Note:

- **China is the world's biggest carbon emitter, followed by the U.S.**
- The two countries pump out nearly half of the fossil fuel fumes that are warming Earth's atmosphere.

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: POLITY AND GOVERNANCE

1. The ECI cannot be a super government

Context:

- The **ongoing state assembly elections** have brought the focus on the functioning of the [Election Commission of India](#).

Background:

Election Commission of India:

- The Election Commission of India (ECI) is a **constitutional body** that **superintends, directs and controls the conduct of elections**. It is the constitutional duty of the ECI to ensure that the elections held are free and fair.
- The ECI administers elections to the Lok Sabha, Rajya Sabha, State Legislative Assemblies, State Legislative Councils and the offices of the President and Vice President of the country.
- The Election Commission operates under the authority of the Constitution as per **Article 324** and subsequently enacted the [Representation of the People Act](#).

Details:

Powers enjoyed by the Election Commission of India:

- The ECI enjoys wide powers mainly derived from Article 324 of the Constitution.
- The Supreme Court in the **Mohinder Singh Gill vs Chief Election Commissioner** case held that Article 324 contains plenary powers to ensure free and fair elections and these are vested in

the ECI which can take all necessary steps to achieve this constitutional object. All subsequent decisions of the Supreme Court have reaffirmed the judgment in the Mohinder Singh Gill vs Chief Election Commissioner case.

- Besides the [model code of conduct](#), the ECI also issues from time to time directions, instructions and clarifications on a host of issues that crop up in the course of an election.

The model code of conduct:

- The model code of conduct issued by the ECI is **a set of guidelines meant for political parties, candidates and governments to adhere to during an election.**
- This code is **based on consensus among political parties.** The model code is observed by all stakeholders for fear of action by the ECI.
- The code has been issued in exercise of the ECI's powers under Article 324.
- Since it is a code of conduct framed on the basis of a consensus among political parties, it has **not been given any legal backing.**
 - The ECI's opposition to giving legal backing to the model code of conduct is based on the fact that once it becomes a part of law all matters connected with the enforcement of the code will be taken to court, which would delay elections.

Unresolved questions over ECI:

- There exists a considerable amount of confusion about the extent and nature of the powers which are available to the ECI in enforcing the model code of conduct as well as its other decisions in relation to an election.

Enforceability of the model code of conduct:

- Paragraph 16A of the Election Symbols (Reservation and Allotment) Order, 1968 says that the commission may suspend or withdraw recognition of a recognised political party if it refuses to observe the model code of conduct.
- The article expresses doubts on the **legal sustainability** of this above provision.
- The reason is that withdrawal of the recognition of a party recognised under these orders seriously affects the functioning of political parties. Given the fact that the **model code of conduct is itself not legally enforceable, the ECI may not be allowed to resort to a punitive action** such as withdrawal of recognition.

Transfer of officials:

- The **ECI can transfer officials working under State governments** if it receives a report from the observers of the ECI about the conduct of certain officials of the States that could adversely affect the free and fair election in that State.

- Given the fact that the **transfer of an official is within the exclusive jurisdiction of the government**, it is actually not clear whether the ECI can transfer a State government official in the exercise of the general powers under Article 324 or under the model code.
- The article further argues that unbridled power to the ECI to transfer officials without the concurrence of the State governments could bring to a halt the whole state administration.
- In Mohinder Singh Gill's case, the Court had made it abundantly clear that the ECI can draw power from Article 324 only when no law exists which governs a particular matter. It means that the ECI is bound to act in accordance with the law in force. **Transfer of officials, etc. is governed by rules made under Article 309 of the Constitution** which cannot be bypassed by the ECI under the purported exercise of the power conferred by Article 324.

Interference in administrative moves:

- According to the model code, ministers cannot announce any financial grants in any form, make any promise of construction of roads, provision of drinking water facilities, etc. or make any ad hoc appointments in the government departments or public undertakings.
- **The government is not allowed by the ECI to take any action, administrative or otherwise** if the ECI believes that such actions or decisions will affect free and fair elections.
- This allows the ECI unbridled powers in intervening in the administrative decisions of a State government or even the union government.
- This power has been used by the ECI to stop the Government of Kerala from continuing to supply kits containing rice, pulses, cooking oil, etc. The article argues against such a move based on the following aspects.
 - This step could adversely impact the poor and marginalized people's ability to access food, especially in the post-pandemic phase.
 - The Supreme Court in **Subramaniam Balaji vs Govt. of T. Nadu & Ors (2013)** held that the distribution of colour TVs, computers, cycles, goats, cows, etc, done or promised by the government is in the nature of welfare measures and is in accordance with the directive principles of state policy, and therefore it is permissible during an election.
 - Section 123 (2)(b) of the **Representation of the People Act, 1951** says that the declaration of a public policy or the exercise of a legal right will not be regarded as interfering with the free exercise of the electoral right.

Conclusion:

- The ECI, through the conduct of free and fair elections in an extremely complex country like India, has helped maintain the integrity and independence of the electoral process, considered indispensable to the democratic system.
- However, **the unlimited and arbitrary powers enjoyed by the ECI need to be addressed** given the dangers associated with such a scenario.

Category: GEOGRAPHY

1. Normal is good

Context:

- The [India Meteorological Department \(IMD\)](#) has forecast a **‘normal’ monsoon for the current year.**

Details:

- As per the IMD’s norms, a normal monsoon implies that **India will get 96% to 104% of the 88 cm** that it gets from June-September.
 - 88 cm is the **Long Period Average (LPA)**, which is a mean of monsoon rainfall from 1961-2010.
 - The months of July and August account for around two-thirds of the monsoon rains and are the most important months for sowing in India.
- Notably, there is a good chance of ‘above normal’ rain in central and southern India.
- The ‘normal’ monsoon forecast for the current year is primarily predicated on **‘neutral’ surface temperatures in the Central Equatorial Pacific.**
 - A warming **El Niño** is unlikely.
 - **El Niño is the warm phase of the El Niño–Southern Oscillation (ENSO)** and is associated with a band of warm ocean water that develops in the central and east-central equatorial Pacific. The ENSO is the cycle of warm and cold sea surface temperature (SST) of the tropical central and eastern Pacific Ocean. El Niño is accompanied by high air pressure in the western Pacific and low air pressure in the eastern Pacific. **El Niño adversely impacts monsoon rainfall over the Indian subcontinent.**
 - The **Indian Ocean Dipole** is expected to be unfavourable for excess rains.
 - The Indian Ocean Dipole (IOD) is an irregular oscillation of sea surface temperatures in which the western Indian Ocean becomes alternately warmer (positive phase) and then colder (negative phase) than the eastern part of the ocean. The IOD affects the strength of monsoons over the Indian subcontinent.

Changes in IMD’s forecasting:

Dynamic model:

- There has been the IMD’s increasing reliance on **dynamical monsoon models.**

- Unlike the traditional statistical models, which are based on a fixed set of meteorological variables that have historically been correlated with variations in monsoon rainfall, the dynamical models **generate forecasts based on evolving weather patterns**.

More forecasts:

- Up until now, the IMD used to follow a two-stage monsoon forecast system, wherein after the prognosis in April, it used to give an updated estimate in late May or early June.
- This year onwards **there will be forecasts for June and September too**, to be given in May and August, respectively. Historically, predicting rain for June and September is challenging as it **corresponds to the monsoon's entry and exit**.

Forecasts for monsoon core zone:

- The IMD forecasts used to include an estimate of how much rain is likely in: northwest India, northeast India, central India and the southern peninsula.
- Now onwards, there will also be forecasts for what is called the monsoon core zone, which represents most of the rainfed agriculture region in the country.

Way forward:

- The forecasts apart from their emphasis on the agricultural sector should now **get urban-focused too** because of the natural disasters that accompany even 'normal' monsoons in Indian cities. The forecast should form a critical aspect of **India's disaster preparedness**.
- There should be more focus on incorporating the IMD forecasts down to municipal and block-level planning.
- The IMD must continue to widen its focus to aid business and services sectors that are in need of weather products.

Category: SCIENCE AND TECHNOLOGY

1. An obituary for the IP Appellate Board

Context:

- The **Tribunal Reforms (Rationalisation and Conditions of Service) Ordinance, 2021**, has resulted in shutting down the Intellectual Property Appellate Board (IPAB).

Intellectual Property Appellate Board:

- The **Intellectual Property Appellate Board (IPAB)** was India's specialist tribunal for determining disputes relating to intellectual property (IP) rights.
- Historically, appeals from the Intellectual Property Office (IPO), rectification and revocation applications were heard by the various High Courts. However, the **Patents (Amendment) Act of 2002** divested these powers from the High Courts and extended them to the IPAB.
- The IPAB was initially established under the Trade Marks Act of 1999, later its jurisdiction was extended to hear patent cases after the Patents (Amendment) Act of 2002.

Lacunae with respect to the functioning of IPAB:

- The IPAB has been plagued by challenges ever since its inception.

Understaffed:

- It has remained perennially understaffed.
- It has functioned **without a full-time head** for almost two years.
- The appointment of the **technical member** for patents, who brings the much-needed technical expertise that patent cases usually demand, was delayed.

Poorly funded:

- Not only was the IPAB understaffed, with its administrative staff often being on deputation, it was also grossly underfunded, which resulted in **very poor infrastructure for it**.
- The IPAB had sittings in five different cities, with just one chairperson who had to fly between them at times.

Less emphasis on patent side functions:

- The IPAB's jurisdiction of cases was split between trademarks, patents, copyright, and geographical indication, where the predominant business pertained to trademarks.
- The **IPAB has not been performing its adjudicatory function on the patent side regularly** due to administrative reasons.
- Though the patents side of the IPAB existed in theory since 2002, the Central government notified its functioning only in April 2007 after a rebuke from the Madras High Court.

Poor disposal rate:

- The disposal rate for patents at the IPAB was very poor.
- **The patents bench saw a paltry disposal rate of about 20 patent cases a year.** Nearly 70% of the patent cases filed were either pending at some stage or yet to be taken up for hearing. Going

by this disposal rate, it would have taken another decade to dispose of the pending applications, leave alone the new ones.

- Notably, the tribunals were established with the primary aim of speedy disposal of cases by specialised experts.

Other issues:

- The IPAB has been the subject matter of judicial review before the various High Courts. These cases include a **challenge to the constitutionality of the IPAB**.
- One of the former chairpersons had publicly raised concerns regarding the **judicial and institutional independence of the IPAB**.

Concerns:

Impact on the innovation ecosystem:

- The functioning of the IPAB is critical for the innovation ecosystem.
- Every patent granted by the Patent Office is a potential subject matter in appeal before the IPAB. An unjustified patent grant at the Patent Office, by error or oversight, can only be corrected in appeal.
- Thus the shutting down of the IPAB adversely impacts the innovation ecosystem in India.

Missed opportunity:

- India has done relatively well with respect to legislation regarding patents. It has offered the world a host of **TRIPS-compliant flexibilities** in its statute.
- **Retraction of product patents** for pharmaceuticals and chemicals.
- **Anti-evergreening** provisions.
- Robust **compulsory licensing regime**.
- The tenure of the IPAB will be remembered as a missed opportunity to develop the home-grown **jurisprudence on patent law**– case laws from the highest courts on how these provisions will be worked.

F. Prelims Facts

1. Bat with sticky discs found in Meghalaya

What's in News?

Meghalaya has yielded India's first bamboo-dwelling bat with sticky discs.



- The **disc-footed bat** (*Eudiscopus denticulus*) was recorded in **Meghalaya's** Lailad area near the **Nongkhylllem Wildlife Sanctuary**.
- It is a small bat with disc-like pads in the thumb and bright orange colouration.
- It has a **flattened skull** and **sticky pads** that enable the bats to roost inside cramped spaces, clinging to smooth surfaces such as bamboo internodes.
- While there are other **bamboo dwelling species of bats in India**, the extent of adaptation for bamboo habitat in this species is not seen in the others.
- It is found to be **genetically very different** from all other known bats bearing disc-like pads.

Note:

- There are **130 species of bats in India**.
- The disc-footed bat has raised the variety of **bat species in Meghalaya to 66**.
 - This is the **most for any state in India**.

Facts:

- Meghalaya has **three wildlife sanctuaries**. These are the **Nongkhylllem Wildlife Sanctuary**, the **Siju Sanctuary**, and the **Baghmara Sanctuary**.
- Baghmara Sanctuary is the home of the **insect-eating pitcher plant** (*Nepenthes khasiana*).

2. Sukanya Samriddhi Yojana

- Sukanya Samriddhi Yojana is a **personal finance scheme** for the **girl child**, launched in 2015, **under the Beti Bachao, Beti Padhao campaign**.
- It is a **small deposit scheme** for the girl child that provides an **income tax rebate**.
- The scheme is jointly governed by the **Ministry of Women and Child Development, the Ministry of Health and Family Welfare, and the Ministry of Human Resource Development**.
- The scheme focuses on encouraging the parents of the female child for building a fund for their future education and marriage expenses.
- The account will remain operative for **21 years from the date of opening of the account** or marriage of the girl child **after attaining 18 years of age**.
 - To meet the requirement of higher education expenses, partial withdrawal of 50 per cent of the balance would be allowed after the girl child has attained 18 years of age.

Read more on [Sukanya Samriddhi Yojana](#).

3. Is compensation received for land acquired by govt. taxable?

- Compulsory acquisition of land by a government agency is construed as a transfer under Income Tax Act, and requisite Capital Gains Tax is attracted, which is computed as per the provisions laid.

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013:

- Shortly known as **RFCTLARR Act**, it came into effect on **January 1, 2014**.
- Section 96 of the RFCTLARR Act states that 'No Income Tax' or 'Stamp Duty' shall be levied on any award or agreement made under RFCTLARR Act when lands are being acquired by appropriate government (including government companies and trusts/AOPs/societies controlled by government), except under Section 46, wherein Section 46 deals with land purchase by non-government/private parties through RFCTLARR Act.
- **Enhanced compensation as awarded by courts is taxable under the head 'Capital Gains'**.
- **Interest on compensation** as awarded by the courts **will be taxable** in the year of receipt of such enhanced compensation under the head 'Income from Other Sources'.

4. Industrial O2 use restricted

What's in News?

The Centre has **banned the supply of oxygen for industrial purposes.**

- Supply for industries that make ampoules and vials, pharmaceuticals, refineries, steel plants, nuclear energy facilities, oxygen cylinder, wastewater treatment plants, food and water purification would continue.

Industrial applications of oxygen:

- Multi-industry uses are gas welding, gas cutting, oxygen scarfing, flame cleaning, flame straightening, etc.
- It is used in **steel production**. Oxygen is used for **decarburization** (the process of decreasing the level of carbon in metals) and the conversion of hot metal formed in a blast furnace to liquid steel.
- In the **petroleum industry**, it finds application in coal gasification, manufacture of ethylene oxide, propylene oxide, synthesis gas, etc.
- Oxygen is used **in the conversion of air-fuel combustion systems into oxy-fuel combustion systems** for high efficiency and reduction of emissions of oxides of nitrogen.
- Oxygen is used as a **bleaching chemical in paper manufacturing** (pulp bleaching).

5. Lingaraj Temple

- Lingaraj temple at Bhubaneswar in Odisha is an 11th-century temple.



- It is a symbol of Kalinga style architecture built in red stone.
- The temple was built by King Jajati Keshari, who belonged to Soma Vansh.

- It is dedicated to Lord Shiva.
- The temple is built in the **Deula style** that has four components namely, **vimana** (structure containing the sanctum), **jagamohana** (assembly hall), **natamandira** (festival hall) and **bhoga-mandapa** (hall of offerings), each increasing in height compared to its predecessor.
- The central deity of the temple, Lingaraja, is worshipped both as Shiva and Vishnu.
- The harmony between the two sects of Hinduism, Shaivism, and Vaishnavism, is seen in this temple where the **deity is worshipped as Harihara, a combined form of Vishnu and Shiva**.
- Odisha temples are a distinct **sub-style of the Nagara style** called **Kalinga Style**.

G. Tidbits

Nothing here for today!!!

H. UPSC Prelims Practice Questions

Q1. Consider the following:

1. The 11th-century temple located in Odisha built in red stone is a symbol of Kalinga style architecture.
2. The temple was built by King Jajati Keshari belonging to Soma Vansh.
3. The central deity of the temple is worshipped both as Shiva and Vishnu.

The temple being talked about is:

- a. Lingaraj temple
- b. Shree Jagannath Temple
- c. Konark Sun Temple
- d. Siddheswara Mahadeva temple

Answer: a

Explanation:

- Lingaraj temple at Bhubaneswar in Odisha is an 11th-century temple.
- It is a symbol of Kalinga style architecture built in red stone.
- The temple was built by King Jajati Keshari, who belonged to Soma Vansh.
- It is dedicated to Lord Shiva.
- The central deity of the temple, Lingaraja, is worshipped both as Shiva and Vishnu.
- The harmony between the two sects of Hinduism, Shaivism, and Vaishnavism, is seen in this temple where the deity is worshipped as Harihara, a combined form of Vishnu and Shiva.

Q2. Consider the following statements with respect to the industrial applications of Oxygen:

1. It is used as a bleaching chemical in paper manufacturing.
2. It is used for decarburization in steel production.
3. It is used as a raw material in the manufacturing of urea.

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

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

Answer: d

Explanation:

- Oxygen is used as a bleaching chemical in paper manufacturing (pulp bleaching).
- It is used in steel production. Oxygen is used for decarburization (the process of decreasing the level of carbon in metals) and the conversion of hot metal formed in a blast furnace to liquid steel.
- Raw materials used to manufacture urea are liquid ammonia - NH_3 and liquid carbon dioxide - CO_2 .
 - Carbon dioxide (CO_2) is prepared by the decomposition of limestone (CaCO_3). When CaCO_3 is heated, it decomposes to CaO and CO_2 .

Q3. Consider the following statements:

1. Meghalaya has the highest number of species of bats in the country.
2. The disc-footed bat is endemic to Nongkhylllem Wildlife Sanctuary in Meghalaya.

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:

- There are 130 species of bats in India. The disc-footed bat has raised the variety of bat species in Meghalaya to 66 making the state the one with the highest number of species of bats in the country.
- The disk-footed bat is a species of vesper bat in the Vespertilionidae family found in Laos and Myanmar.
- Recently, the disc-footed bat was recorded in the northeastern Indian state's Lailad area near the Nongkhylllem Wildlife Sanctuary. It is about 1000 km west of the bats' nearest known habitat in Myanmar.

Q4. Consider the following statements:

1. Panchayati Raj was constitutionalised through the 74th Constitutional Amendment Act.
2. Rajasthan was the first state to introduce the panchayat system in India after independence.
3. Ashok Mehta Committee recommended the establishment of a 3-tier structure Panchayati Raj system.

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

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

Answer: c

Explanation:

- Panchayati Raj was constitutionalised through the 73rd Constitutional Amendment Act of 1992
- The scheme of Panchayati Raj was first established in Rajasthan and inaugurated on October 2, 1959.
- Rajasthan was followed by Andhra Pradesh and other states.
- Balwant Rai Mehta Committee recommended the establishment of a 3-tier structure Panchayati Raj system.
- Ashok Mehta Committee recommended that the three-tier Panchayati Raj system should be replaced with a two-tier system.

I. UPSC Mains Practice Questions

1. India has done relatively well with respect to legislation regarding patents by offering the world a host of TRIPS-compliant flexibilities in its statute. Elucidate. (10 marks, 150 words) (GS Paper 3/Science and Technology)

2. Though the Election Commission of India, through the conduct of free and fair elections has helped maintain the integrity of the electoral process, the unlimited and arbitrary powers enjoyed by it need to be addressed given the dangers associated with such a scenario. Comment. (15 marks, 250 words) (GS Paper 2/Polity)

