

28 May 2021: UPSC Exam Comprehensive News Analysis

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Category: INTERNATIONAL RELATIONS

1. **U.S.-China engagement era has come to an end: top U.S. official**

Context:

Changing U.S. – China relationship.

Details:

- A top official (**Coordinator for Indo-Pacific Affairs**) of the **Biden administration** has said “More than three-decade long era of engagement between the United States and China that saw the world’s two largest economies develop closely interdependent relations has come to an end”.
- He said **competition would henceforth be the dominant paradigm** and **U.S. policy would work under a new set of strategic parameters.**
- The comments **underline the shift in U.S. views on China from the time of the Obama administration** as well as the broadly bipartisan consensus on the current direction of relations, following four turbulent years for the relationship under the previous Trump administration.
- He said that the U.S. believed that the **best way to engage a more assertive China is to work with allies, partners and friends.**
- He said that the **Chinese policies** under President Xi **are in large part responsible for the shift in U.S. policy**, citing **clashes on China’s border with India**, an **economic campaign against Australia** and the **rise of China’s ‘wolf warrior’ diplomacy.**

Wolf-warrior diplomacy

- It is a new approach inside China and **reinforces a presumed transition of Chinese diplomacy from conservative, passive, and low-key to assertive, proactive, and high-profile.**
- Wolf Warrior and Wolf Warrior II are Chinese action blockbusters that highlight agents of Chinese special operation forces. They have boosted national pride and patriotism among Chinese viewers.
- “**Wolf-warrior diplomacy,**” named after these movies, **describes offensives by Chinese diplomats to defend China’s national interests, often in confrontational ways.**
- Many Chinese believe the Western media portrayal of China is highly biased, often with ideological and racist tinges. Wolf-warrior diplomacy is part of the Chinese government’s endeavour to “tell the China story.”

Category: POLITY AND GOVERNANCE

1. SC had cautioned govt. on privacy

Context:

Recently, **WhatsApp** has approached the Delhi High Court **challenging the Central government's** new [Information Technology Rules, 2021](#).

Read more: [UPSC Exam Comprehensive News Analysis. May 27th, 2021 CNA.](#)

Background:

- In September 2019, hearing a petition filed by Facebook, the top court showed **deep concern at the utilisation of social media for committing crimes.**
- It said the medium had become a **source for pornography, criminals** to run weapons, drugs and contraband. The court had even felt that some messages on social media may even **threaten national sovereignty.**
- It was in this context the court had called for a **properly framed regime to allow the government to get information about the first originators of messages from significant social media intermediaries with end-to-end encryption technology.**
 - However, the court had exercised restraint, too. It warned that **de-encryption, if easily available, could defeat the [fundamental right](#) to privacy.**
- The court had clarified that the **government should ensure that the privacy of the individual is not invaded.** The order had also underlined that **traceability should be restricted to specific circumstances.**
- **In the Puttuswamy Case, the SC had said** “The essential role of the test of proportionality is to enable the court to determine whether a legislative measure is disproportionate in its interference with the fundamental right... In determining this, the court will have regard to whether a less intrusive measure could have been adopted consistent with the object of the law and whether the impact of the encroachment on a fundamental right is disproportionate to the benefit which is likely to ensue.

Issue:

- The new rules compel the **social media platforms to compulsorily enable “the identification of the first originator of the information”** in India **upon government or court order.**
- But **WhatsApp finds traceability under the new rules “disproportionate”.** The privacy of each one of its users would be compromised as there was no way to predict which message would be subject to a tracing order from the government.
- In its petition before the Delhi High Court, it said that it would have to **build an ability to identify the first originator of every message, to be served up to the government forever.** This means even **legal users and their messages would be under watch.** It would have a **chilling effect on free speech.**

2. Yet to receive draft regulation: govt.

Context:

Policies introduced by Lakshadweep Administrator Praful Khoda Patel in Lakshadweep have sparked protests in the union territory.

- Patel was made administrator of Lakshadweep in December 2020.
- He took over as the Administrator after the passing of Dineshwar Sharma, former Director, Intelligence Bureau.

Issues:

- The **Draft Lakshadweep Development Authority Regulation 2021 (LDAR)** gives the administrator **powers to remove or relocate islanders from their property, for town planning or any developmental activity.**
- The draft regulation proposes **seven years' imprisonment for the consumption or the sale of beef.**
- Under the **Prevention of Anti-Social Activities Act (PASA)**, introduced in January 2021, **a person can be detained without any public disclosure for a period of up to one year.**
- As per a draft panchayat notification, **a member with more than two children is disqualified from being a member.**

Details:

- The draft Lakshadweep Development Authority Regulation (LDAR), 2021 **will require ratification from the Union Home Ministry and the Cabinet before it is implemented.**
- The Union Home Ministry is the **administrating authority for the Union Territory of Lakshadweep.**
- Any **proposed change** to the laws in Lakshadweep is **to be brought through regulations, instead of a Bill** as is the case in other UTs with a legislature such as Delhi and Puducherry.
- These **regulations are then put up for public consultation** and once the response is received, it is sent to the Union Home Ministry.
- The **Ministry will examine the regulations**, and only after it clears them will the **draft be sent to the Union Cabinet for approval.**

C. GS 3 Related

Nothing here for today!!!

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: POLITY AND GOVERNANCE

1. Nine-pin bowling aimed at free speech, privacy

The editorial talks about **concerns relating to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.**

Background:

- In February 2021, the **government notified guidelines: The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021.**

This issue has been covered in the [UPSC Comprehensive News Analysis of 28th Feb 2021.](#)

Positive aspects of the guidelines:

The Rules mandate duties such as:

- **Removal of non-consensual intimate pictures** within 24 hours.
- Publication of **compliance reports** to increase transparency.
- Setting up of a **dispute resolution mechanism** for content removal.
- Adding a **label to information for users** to know whether the content is **advertised, owned, sponsored or exclusively controlled.**

Concerns:

While there are positive aspects about the guidelines, there are some glaring ambiguities that are **not in line with the prior precedents** such as the Supreme Court (SC) judgement in [K.S. Puttaswamy case.](#)

Ambiguities and Privacy Issues:

- If the social media platforms do not comply with the rules, they would be deprived of their safe harbour immunity.
 - Generally, these intermediaries/social media platforms **do not have editorial control over the content.**

- Therefore, countries are encouraged to enact safe harbour protections which offer immunity to intermediaries from criminal liability.
 - In India, the safe harbour provisions have been defined under Section 79 of the [IT Act](#).
- According to the new rules, **in case due diligence is not followed by the intermediary, the safe harbour provisions would not apply to them.**
- An intermediary is supposed to **take down content within 36 hours** upon receiving orders from the Government.
 - Owing to a strict timeline, the intermediary is **deprived of fair recourse** in the event that it disagrees with the Government's order.
- In addition, the Government is placed as the ultimate adjudicator of objectionable speech online. This might adversely **impact free speech.**
- It is argued that democracy stands undermined in direct proportion to every attack made on the citizen's right to have a private conversation, to engage in a transaction, to dissent, to have an opinion and to articulate the same without any fear of being imprisoned.
- The rules **undermine the right to privacy** by imposing a traceability requirement.

Gagging a right:

- In Life Insurance Corpn. Of India vs Prof. Manubhai D. Shah (1992) case, the SC had elevated **'the freedom to circulate one's views as the lifeline of any democratic institution'**.
 - It said **'any attempt to stifle, suffocate or gag this right would sound a death knell to democracy'** and would **'help usher in autocracy or dictatorship'**.

Information Technology ultra vires to the IT Act:

- The **rules were framed** by the Ministry of Electronics and Information Technology (**MeiTY**).
- The Second Schedule of the Business Rules, 1961 does not empower MeiTY to frame regulations for 'digital media.'
 - **This power belongs to the Ministry of Information and Broadcasting.**
- In this case, although MeiTY has said that these rules shall be administered by the Ministry of Information and Broadcasting, **this action violates the legal principle of 'colourable legislation'** where the **legislature cannot do something indirectly if it is not possible to do so directly.**
- The **Information Technology Act, 2000, does not regulate digital media.** Therefore, the **new IT Rules** which claim to be a piece of **subordinate legislation of the IT Act**, are **beyond the rule-making power** conferred upon them by the IT Act.
- This makes the Rules ultra vires to the Act.

Financial Burden:

- Rules create additional operational costs for intermediaries by requiring them to have Indian resident nodal officers, compliance officers and grievance officers.
- Intermediaries are also required to have offices located in India.
 - This makes profit-making a far-fetched goal for multinational corporations and start-up intermediary enterprises.

Way Forward:

- **Defining what constitutes fake news** within the **ambit of the rules** must be the first step to eliminating the fake news **rather than hurriedly taking down** whatever an arbitrary, biased **authority may deem as fake news.**
- **Regulations in the absence of data protection** would make the data from conversations **vulnerable to attack from ill-intentioned third parties.** It would pose threats of invasion and deprivation from a safe space.
- There is an urgent need to **critically scrutinise the recent barriers** being imposed via these Rules **against the right to free speech and expression.**

2. Incorporating limits

The article talks about the **proposed hate speech provisions under the [Indian Penal Code \(IPC\)](#).**

Free Speech:

- Besides not containing abuse, defamation or incitement to violence, responsible speech is increasingly seen as an expression that tends **not to discriminate against or incite hatred towards groups based on race, gender, caste, religious belief, sexual orientation, nationality or immigration status.**
- The world sees a free speech doctrine as the one that **discourages the targeting of any vulnerable section.**
- In modern democracies, the **right to free speech is restricted.** While **speech is free, the freedom comes with responsibility.**
- The **term ‘hate speech’** and calls for framing laws that seek to punish ‘hate speech’ arise from the **basis on which speech is restricted in modern democracies.**

Including ‘hate speech’ in the Indian Penal Code:

- **In 2020, the Home Minister** called for a **revamp of the criminal justice system** and sought views of the states on changes that may be required in four key criminal justice laws—the Indian

Penal Code (IPC), Code of Criminal Procedure (CrPC), Arms Act and the [Narcotics Drugs and Psychotropic Substances Act \(NDPS\)](#).

- Consequently, there were **proposals to incorporate provisions against hate speech in the penal law**. This move has been largely welcomed.
- A committee has been appointed by the Home Ministry for recommending changes in criminal law.
 - This committee is seeking to formulate new provisions that will make **hate speech a separate offence**.
- While the term 'hate speech' may not be used, the panel is examining **recommendations made by the Law Commission and the Expert Committee headed by T.K. Viswanathan (which dealt with cybercrimes especially online hate speech)**, on adding Sections 153C and 505A to the IPC.
 - The proposed **Section 153C** would target speech that **gravely threatens any person or group** with the intention to cause fear or alarm, or incite violence towards them, and prescribe a sentence of two years in prison and a fine.
 - Section 505A proposes to punish speech or writing that causes fear or alarm among a group, or provokes violence against it, **on grounds of race, religion, gender, sexual orientation, place of birth or disability**.
- But, the Committee for Reforms in Criminal Laws has attracted criticisms questioning its ability to gather a wide range of opinion during the pandemic and for not being inclusive.

Way Forward:

- A **comprehensive revamping of the criminal justice system** can provide measures to check hate speech.
- In the context of the hate speech provisions, the committees' efforts must be directed towards **narrowly defining the sections it proposes to formulate and avoid using vague and overbroad terms**.
 - Example: Section 66A of the Information Technology Act was struck down by the Supreme Court because it **failed to define some terms that sought to criminalise** offensive and annoying messages.
- New sections (if any) should be clear about **what is sought to be punished as incitement to violence or advocacy of hatred, posing an imminent threat to public order or a targeted group**. Only then will it be a valid curb on free speech.

Category: HEALTH

1. Addressing vaccine hesitancy

This topic has been covered in [UPSC Exam Comprehensive News Analysis. March 17th, 2021 CNA.](#)

F. Prelims Facts

Nothing here for today!!!

G. Tidbits

1. IBF to cover streaming platforms

What's in News?

The **Indian Broadcasting Foundation (IBF)** - the apex body of broadcasters will expand its purview to cover digital streaming platforms.

- The body will be **renamed the Indian Broadcasting and Digital Foundation (IBDF)**.
- This move would **bring broadcasters and OTT (over-the-top) platforms under one roof**.
 - IBDF is in the process of forming a new wholly-owned subsidiary to handle all matters of digital media.
- The IBDF would also form a **self-regulatory body**, the **Digital Media Content Regulatory Council (DMCRC)**, for digital OTT platforms.

2. Uncertainty, risks cloud outlook: RBI

What's in News?

Reserve Bank of India (RBI) in its annual report for 2020-21 has said that the **global, as well as the domestic outlook, has turned grim** - overcast with **extreme uncertainty** and downside risks in the backdrop of the pandemic, mutant strains of the virus, the slow pace of vaccination.

- It asserted that a durable **revival in private consumption and investment demand** together would be critical for a self-sustaining GDP growth trajectory post-COVID-19 as **they account for around 85% of GDP**.
- It asked the banks to **closely monitor bad loans** and **prepare for higher provisioning**.

- The gross non-performing assets ratio of scheduled commercial banks has declined owing to **prudent provisioning - resulting in an improvement in the provision coverage ratio.**

3. Gaza attack may constitute 'war crimes'

What's in News?

The UN rights chief Michelle Bachelet has said that **Israel's recent deadly airstrikes on Gaza may constitute a war crime.**

- At a special session of the [United Nations Human Rights Council](#), the chief expressed deep concern about the high level of civilian fatalities and injuries from the attacks on Gaza.
- It was stressed that the **rockets fired by Hamas were indiscriminate and fail to distinguish between military and civilian objects**, and were a clear violation of international humanitarian law.

Note:

Member states of the [Organization of Islamic Cooperation](#) have called upon the UN Human Rights Council to set up a **permanent commission to report on human rights violations in Israel, Gaza and the West Bank.**

International Criminal Court

- The International Criminal Court (ICC) is an **independent judicial body** with jurisdiction over persons charged with genocide, crimes against humanity and war crimes.
- The Court was established by the **Rome Statute.**
- This **treaty was negotiated within the UN**; however, it created an **independent judicial body** – ICC, distinct from the UN.
- Although the Court's expenses are funded primarily by States Parties, it also receives voluntary contributions from governments, international organisations, individuals, corporations and other entities.

Q1. Colour-coded notices such as red, blue, green, yellow, etc. are issued by which international organisation?

- a. World Trade Organisation
- b. World Bank
- c. Interpol
- d. UNEP

Answer: c

Explanation:

INTERPOL Notices are international requests for cooperation or alerts allowing police in member countries to share critical crime-related information.

- **Red Notice:** To seek the location/arrest of a person wanted by a judicial jurisdiction or an international tribunal with a view to his/her extradition.
- **Blue Notice:** To locate, identify or obtain information on a person of interest in a criminal investigation.
- **Green Notice:** To warn about a person's criminal activities if that person is considered to be a possible threat to public safety.
- **Yellow Notice:** To locate a missing person or to identify a person unable to identify himself/herself.
- **Black Notice:** To seek information on unidentified bodies.
- **Orange Notice:** To warn of an event, a person, an object or a process representing an imminent threat and danger to persons or property.
- **Purple Notice:** To provide information on modus operandi, procedures, objects, devices, or hiding places used by criminals.

Q2. What does CARICOM, often seen in news, refer to?

- a. Private communication satellite developed by Indian students
- b. Regional organisation representing the Caribbean nations
- c. UN financing mechanism for disaster risk reduction
- d. Intelligence gathering and sharing arrangement of NATO countries

Answer: b

Explanation:

- The Caribbean Community and Common Market (CARICOM) is a group of countries in the Caribbean.
- It is an economic and political community that works together to shape policies for the region and encourages economic growth and trade.
- The organisation was established in 1973.
- The secretariat headquarters is in Georgetown, Guyana. CARICOM is an official United Nations Observer.

Q3. Which of the following statements about Rabindranath Tagore is/are correct?

1. Rabindranath Tagore was ideologically opposed to the Non-cooperation movement.
2. He wrote an essay - 'The Cult of the Charkha' - which offered a critique on the Gandhian ethic of "charkha-spinning" as an activity that could rejuvenate the Indian masses during the Indian independence movement.

Options:

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

Answer: c

Explanation:

- Rabindranath Tagore was ideologically opposed to the Non-cooperation movement.
- He opined that it presented a more isolationist view of India. Rabindranath Tagore argued that violent nationalism (burning foreign clothes) would destroy civilization itself. Rather he supported the creative programmes.
- He wrote an essay - 'The Cult of the Charkha' - which offered a critique on the Gandhian ethic of "charkha-spinning" as an activity that could rejuvenate the Indian masses during the Indian independence movement.

Q4. The State of the Global Climate Report is brought out by -

- a. World Meteorological Organization
- b. United Nations Framework Convention on Climate Change
- c. Intergovernmental Panel on Climate Change
- d. United Nations Environment Programme

Answer: a

Explanation:

- State of the Global Climate Report is published by the [World Meteorological Organization](#).

Q5. In a given year in India, official poverty lines are higher in some States than in others because: (UPSC 2019)

- a. poverty rates vary from State to State
- b. price levels vary from State to State
- c. Gross State Product varies from State to State
- d. quality of public distribution varies from State to State

Answer: b

Explanation:

- In a given year in India, official poverty lines are higher in some States than in others because price levels vary from State to State.
- Poverty lines are measured based on the minimum consumption cost incurred by the people in a particular region as per the Tendulkar Committee recommendations.
- The minimum consumption cost differs from state to state as the price levels vary for each of the states.

I. UPSC Mains Practice Questions

1. The Information Technology Rules, 2021 go against landmark judicial precedents that uphold key rights. Evaluate. (250 words; 15 marks) (GS 2 Polity and Governance)
2. Speech is free, but it is a freedom that comes with responsibility. In the light of this statement, examine the proposed hate speech provisions under the IPC. (250 words; 15 marks) (GS 2 Polity and Governance)