

## 04 Aug 2021: UPSC Exam Comprehensive News Analysis

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*Nothing here for today!!!*

## B. GS 2 Related

### Category: POLITY AND GOVERNANCE

#### 1. Governor's pardon power overrides 433A: SC

##### Context:

- A Supreme Court Bench considering the feasibility of remission policies in Haryana.

##### Background:

##### Pardoning powers in India:

- The Indian Constitution grants **pardoning powers to the President of India as well as the governors of each state.**
- **Article 72** says that the president shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offense.
- There are five different types of pardoning.
  - **Pardon:** It removes both the sentence and the conviction and completely absolves the convict from all sentences, punishments and disqualifications.
  - **Commutation:** It means changing the type of punishment given to the guilty into a less harsh one. Here the nature of punishment also changes.
  - **Reprieve:** It implies a stay of the execution of a sentence for a temporary period. It aims to provide time for a guilty person to apply for Presidential Pardon or some other legal remedy to prove his/her innocence.
  - **Respite:** It means reducing the quantum or degree of the punishment in view of some special circumstances, like pregnancy, mental condition, etc.
  - **Remission:** It means changing the quantum of the punishment without changing its nature, for example, reducing twenty-year rigorous imprisonment to ten years.
- A similar and parallel power vests in the governors of each state under **Article 161**.
- However, there are some **differences between the pardoning powers of the President and the Governor.**
  - The powers of the governor are limited to offences against the law relating to a matter to which the executive power of the State extends.
  - The President can grant pardon in all cases where the sentence given is the sentence of death but the **pardoning power of the Governor does not extend to death sentence cases.**
  - The power of the President to grant pardon extends in cases where the punishment or sentence is by a Court Martial **but Article 161 does not provide any power to the Governor with respect to Court Martial cases.**

For more related information refer to the following article:

## Pardoning Power of the Governor of the State – Article 161

### Details:

#### Section 433A of the Code of Criminal Procedure:

- The Supreme Court has held that the **Governor of a State can pardon prisoners, including those on death row, even before they have served a minimum of 14 years of the prison sentence.**
  - Section 433A of the [Code of Criminal Procedure](#) mandates that a prisoner's sentence can be remitted only after 14 years of jail.
- The SC has noted that the constitutional power conferred on the President/Governor to grant pardon under Articles 72 or 161 of the Constitution overrides the provisions under Section 433A of the Code.

#### Binding nature of aid and advice of the government:

- The court also noted that the sovereign power of a Governor to pardon a prisoner under Article 161 is actually exercised by the State government and not the Governor on his own as the **Governor is bound to act on the aid and advice of the State Government.**

## C. GS 3 Related

### Category: ECONOMY

#### 1. Insolvency code has strayed from intent: Parliament panel

##### Context:

- 'Implementation of Insolvency and Bankruptcy Code (IBC) — pitfalls and solutions' report tabled in the Parliament.

##### Background:

For detailed information on IBC, refer to the following article:

#### [Insolvency And Bankruptcy Code \(IBC\)](#)

##### Concerns over the implementation of IBC:

- The Standing Committee has pointed out the **low recovery rates, long delays in the resolution process and the high number of vacancies in the [National Company Law Tribunals \(NCLTs\)](#).**
  - **The IBC has been plagued by low recovery rates with haircuts as much as 95%.**
  - There have been inordinate delays in the resolution process with more than 71% of cases pending with NCLT for more than 180 days.
  - The NCLT has been functioning without a President, and 34 members short of its sanctioned strength of 62.
- The standing committee has expressed apprehensions over **fresh graduates being appointed as Resolution Professionals (RPs)**. Also, the high proportion of disciplinary actions initiated against RPs points to gross misconduct.

**Committee recommendations:**

- Given that the IBC has undergone six amendments since its introduction in 2016, the Committee is of the view that the operationalization of these amendments may have altered the basic design of the IBC statute and in this direction has called for a **thorough review of the design and implementation of the IBC.**
- The Committee has suggested a **benchmark to be put in place for the quantum of “haircuts” to be taken by creditors.**

**2. ‘Improve social security for workers’**

**Context:**

- Parliamentary Standing Committee on Labour’s **report on the impact of the pandemic on rising unemployment.**

**Impact of the pandemic:**

- The COVID-19 crisis in India had come in the backdrop of **pre-existing high and rising unemployment.**
- The report notes the devastating **impact of the pandemic on the labour market.**
  - The PLFS quarterly bulletin for April-June 2020 showed the unemployment rate in urban areas for those above 15 years at 20.8%, an increase from 9.1% in January-March 2020.
- This would have **led to job losses and significant income losses particularly in the informal sector** threatening the survival of millions of workers and their families.
  - As per the [Periodic Labour Force Survey \(PLFS\)](#), **90% of workers were in the informal sector**, which is 419 million of the 465 million workers.
- The report has noted that the pandemic has made matters worse for women, the young, **self-employed, migrants and workers with low and medium skills.**

**Recommendations:**

- **Income support** to the poor to compensate for the loss of jobs/employment through direct transfer of money into their bank accounts.
- Budgetary allocation for MGNREGA should be increased.
- **Urban employment guarantee scheme** on the lines of the [MGNREGA](#) should be implemented.
- Strengthening of **social security measures for workers.**
  - Universal healthcare should be made a legal obligation.
- Developing a national database of unorganised workers.

## D. GS 4 Related

*Nothing here for today!!!*

## E. Editorials

## Category: INTERNATIONAL RELATIONS

### 1. Getting back in business in the Indo-Pacific

#### Context:

- **High profile visits of senior U.S. officials to the Indo-Pacific region.**

#### Details:

- Senior officials like Deputy Secretary of State, Secretary of Defense and Secretary of State have made official visits to many crucial countries in the Indo-Pacific region.

#### **East Asia:**

- The countries in focus were **Japan, South Korea, Mongolia and China.**
  - The visiting Deputy Secretary of State emphasized **deepening the U.S.'s relations with Japan and South Korea** and participated in a trilateral meeting involving Japan and South Korea, perhaps in a bid to smoothen tensions afflicting the two East Asian neighbours. The U.S. reiterated its commitment to **working with allies and partners for the promotion of peace and prosperity and upholding a 'rules-based order'**, the code word critical of China's behaviour.
  - The visit to Mongolia marked the first such high profile visit since 2016. The visit gains all the more importance given the fact that Mongolia enjoys a close relationship with China.
  - In the China visit, Deputy Secretary of State conveyed that the U.S. welcomed competition but did not seek confrontation with China. She discussed the dismal **human rights situation in Xinjiang** while also **discussing logistics for a possible Biden-Xi Jinping meeting at the upcoming G20 summit in Rome.**

#### **Southeast Asia:**

- The Secretary of Defense covered three important ASEAN member-states — **Singapore, Vietnam and the Philippines** — during the trip.
  - In a joint statement, Singapore and the U.S. agreed that America's presence in the region is "vital for its peace, prosperity and stability". The **defence agreements** (Singapore's logistical support to U.S. military aircraft and vessels and U.S.'s air force fighter training facilities for Singapore) between the two countries were appreciated.
  - The U.S. encouraged **Vietnam to develop closer defence cooperation with the U.S.**
  - The **Philippines agreed to full restoration of the Visiting Forces Agreement with the U.S.**
    - Visiting Forces Agreement provides the legal foundation for the U.S. military presence in the Philippines.
- The visiting Secretary of Defense lashed out at the **Chinese claim on the South China Sea and aggression against India.** The Secretary of Defense made it clear that while the U.S. did not seek confrontation with China it would be forced to take necessary actions to defend its interests and that of its allies.

## South Asia:

- The U.S. Secretary of State made a **crucial visit to India** and held meetings with the Indian Prime Minister, the National Security Adviser and the External Affairs Minister.
- It sought to bring out the fact that the **areas of convergence between the two nations are expanding and the areas of divergence are shrinking**. On the **Indo-Pacific strategy** the two Foreign Ministers agreed to cooperate on a range of geopolitical and geo-economic issues. The two countries also sought to work together on the **Quad platform**.
- The Secretary of State statement that its friendship with India is one of the closest that the U.S. has is indicative of the importance that the U.S. attaches to India in its Indo-Pacific strategy.

For more information on this topic refer to the following article:

[UPSC Comprehensive News Analysis of 30th July 2021](#)

### The takeaways:

- The article tries to draw inferences from the above high profile visits and the U.S.'s intentions in this regard.

### Strategic refocus:

- The article describes these high profile visits as a **U.S. diplomatic outreach to the Indo-Pacific region**.
- This marks a **deliberate strategic re-focus** on the part of the U.S., away from West Asia and **towards maritime Asia** and the challenges posed by China to its global dominance. Thus America's China policy and the Rest of the Indo-Pacific policy will run in tandem.
- The high profile visits intend to mould the geopolitical equations in the region in the U.S.'s favour.

### Multi-pronged approach vis-a-vis China:

- While the U.S. aims to adopt a tough attitude towards China, it still is open to the idea of engaging with China for dialogue. The relationship with China would continue to be marked by three characteristics — **adversarial, competitive and cooperative**.

### Integrated deterrence:

- The U.S. is seeking "integrated deterrence" against China. The U.S. will be seeking **full engagement of and contribution by the like-minded states of the region in its endeavour to counter China**.

## Category: GOVERNANCE

### 1. Providing horizontal quota: the Bihar way

#### Context:

- The **Bihar government has announced 33% horizontal reservation for women in State engineering and medical colleges**.



### Background:

#### **Vertical Reservation:**

- Reservation for Scheduled Castes, Scheduled Tribes, and Other Backward Classes is referred to as vertical reservation. It applies separately for each of the groups specified under the law.

#### **Horizontal Reservation:**

- It refers to the reservation provided to other categories of **beneficiaries such as women, veterans, the transgender community, and individuals with disabilities**, cutting through the vertical categories.
- **The horizontal quota is applied separately to each vertical category, and not across the board.**

#### **Constitutional provisions related to reservation for women:**

- While Article 15 of the Indian Constitution bars discrimination on the basis of sex, **clause (3) of Article 15** specifically provides that nothing in Article 15 shall prevent the State from making any **special provision for women and children.**

### Details:

- Bihar currently has 60% reservation in the state higher educational institutions.
- The newly announced reservation for women in engineering and medical seats will be distributed across the existing vertical categories, including the non-reserved 40% seats open to all.

### Significance:

#### **Improve the FLFP:**

- Initiatives like reservation of seats for women could become an important driver for **improving the rather low female labour force participation (FLFP) rate.**
  - India's female labour force participation (FLFP) rate is low and has been declining consistently. **As per the World Bank data, FLFP has come down to 21% in 2019 from 31.79% in 2005.**
  - Bihar in particular has a very poor FLFP rate compared to the all-India average. Only 6.4% and 3.9% women in Bihar were employed in the urban and rural areas compared to the all-India figures of 20.4% and 24.6% respectively.

#### **Boost to the economy:**

- Economic experts have pointed out that **increasing women's participation in the workforce to the level of men boosts the economy.**
  - As per the joint paper prepared by IMF Chief Christine Lagarde, raising women's participation in the labour force to the same level as men can boost India's GDP by 27 per cent.

#### **Aid women in overcoming social barriers:**

- Welfare initiatives like this can go a long way in **challenging the patriarchal mindset and systemic gender discrimination prevalent in the society.**
- This will provide an impetus to the women to overcome the social barriers to their entering the mainstream society and go a long way in reducing gender disparity in the country.

### Recommendations:

#### **Extending the model:**

- This initiative should be **adopted across sectors, departments and States.**
  - The reservation for women should be extended to all institutions of higher education, including private colleges and universities. Also, the quota should be gradually increased to 50%.
  - Other State governments and the Union government should follow the Bihar government's lead and introduce a horizontal quota for women.

#### **Addressing related aspects:**

- While the initiative is no doubt a step in the right direction, **issues such as the low female literacy rate and FLFP rate could render the current initiative ineffective** in truly empowering women. Hence the related aspects will need to be addressed.
  - The administration should work towards **reducing the female dropout rate and ensure quality education at the primary and secondary levels.**
  - One of the important factors for the low FLFP rate is the lack of employment opportunities for women even after matriculation and graduation. The administration needs to **ensure adequate job opportunities for women in the government sector**, by filling up pending vacancies in the health sector, police force, teaching and other government departments.

#### **Other women-oriented initiatives taken in Bihar:**

- Various initiatives to empower women and improve their representation in various fields have been taken in Bihar.
  - In 2006 Bihar became the first State to **reserve 50% seats for women in Panchayati Raj institutions.**
  - In 2013, Bihar made a provision for **50% reservation for women in cooperative societies** and **reserved 35% seats for them in police recruitment.** In 2016, the government extended the 35% reservation for women to all government jobs in Bihar for which direct recruitment is made.

## **Category: POLITY AND GOVERNANCE**

### **1. Circumscription**

#### **Context:**

Authorities in Kashmir's Criminal Investigation Department (CID) have directed its officers to deny security clearance to the persons who are involved in law & order, stone-pelting cases, joining street protests in the past and other crimes "prejudicial to the security of the state".



- The police have now issued a circular aimed at gathering details and denying security clearance to those involved in such activities.

#### **Legality of the circular:**

- The decision to subject applicants for passports and jobs to scrutiny is not illegal.
  - Under the Passports Act, 1967, passports can be denied to applicants for various reasons, including their likelihood of engaging in activities prejudicial to the country's sovereignty and integrity, or detrimental to its security.
  - Also, it can be refused to those convicted in the preceding five years, or against whom proceedings are pending before any criminal court.
- However, they have legal recourse. The Act allows them to approach the trial court for a 'No Objection' certificate to get a passport.

#### **Details:**

- Reports suggest that the official list of street protesters increased drastically between 2008 and 2017 to include nearly 20,000 people.
- The recent circular suggests that the administration is serious about preventing those with a likely link to protests in the past from either entering government service or travelling abroad.

#### **Concerns:**

- Such a move could result in serious prejudice to the aspirations of many young men and women.
- There is a danger that it may reignite alienation among the youth that led to the stone-pelting incidents in 2008 and 2010, and the wave of disaffection following the killing of militant leader Burhan Wani.
- It also might lead to the widening of the trust deficit between the youth in the union territory and the government.

#### **Conclusion:**

- According to the government, the change in J&K's status in August 2019 has ushered in a new era of development and prosperity, and it is now time to strengthen grassroots democracy.
- It is evident that the leaders of the Union Territory's political parties are disappointed that the restoration of statehood is unlikely to be considered until after the Legislative Assembly elections.
- In this situation, all efforts should be directed towards building on current gains in the Union Territory.
- Any decision that points that collective punishment is on the way might reverse the trust-building process in Kashmir.

## **F. Prelims Facts**

### **1. 'Payments banks can act as investment bankers'**

#### **Payments Bank:**

- A payments bank is like any other bank, but operating on a smaller scale without involving any credit risk. In simple words, it **can carry out most banking operations but can't advance loans or issue credit cards**. It can accept demand deposits, offer remittance services, mobile payments/transfers/purchases and other banking services like ATM/debit cards, net banking and third-party fund transfers.
- **Nachiket Mor committee** to study 'Comprehensive financial services for small businesses and low income households' suggested the introduction of specialized banks or 'payments banks' to cater to the lower-income groups and small businesses.
- The main objective of payments banks is to **widen the spread of payment and financial services to small businesses, low-income households, migrant labour workforce** in a secured technology-driven environment.

**Context:**

- In order to help provide easy access to investors to participate in public and rights issues by using various payment avenues, **SEBI has allowed non-scheduled payments banks which have prior approval of the RBI to carry out activities of investment bankers**.

**2. Withdraw anti-dumping duty on viscose: DGTR**

**Anti-dumping duty:**

- An anti-dumping duty is a tariff imposed by the domestic government on foreign imports that it believes are **priced below fair market value**.
- Dumping is a process wherein a company exports a product at a **price that is significantly lower than the price it normally charges in its home (or its domestic) market**.
- The aim of the anti-dumping duty is to protect domestic businesses and the local economy.

**Context:**

- The **Directorate General of Trade Remedies (DGTR)** has suggested the withdrawal of anti-dumping levy on viscose staple fibre originating in or exported from Indonesia or China and imported by India.
- Viscose staple fibres (VSF) or artificial cotton fibres are natural and biodegradable. These fibres are obtained from wood pulp and cotton pulp.

## G. Tidbits

**1. Lok Sabha passes two key Bills without debate**

- The Lok Sabha has passed the **Essential Defence Services Bill, 2021** and the **Tribunals Reforms Bill, 2021** by voice vote.
  - The Essential Defence Services Bill, 2021 seeks to prohibit any agitation and strike by anyone engaged in essential defence services.
  - **The Tribunals Reforms Bill, 2021 seeks to abolish tribunals or authorities under various laws** by amending the Cinematograph Act, 1952; the Copyrights Act, 1957; the Customs Act, 1962; the Patents Act, 1970; the Airport Authority of India Act, 1994; the Trade

Marks Act, 1999; and the Geographical Indications of Goods (Registration and Protection) Act.

## 2. 'Steep decline in cross-border firing'

- According to the Ministry of Home Affairs (MHA), there has been a **steep decline in cross-border firing by Pakistan in Jammu and Kashmir** till June 2021 as compared to the number of ceasefire violations reported in 2020.

## H. UPSC Prelims Practice Questions

Q1. Which of the given statements with respect to project CHAMAN is/are correct?

1. It is a pioneer project to provide strategic development to the horticulture sector in order to increase farmer's income.
2. Crops such as Rice, Wheat, Mustard and Jute are assessed under CHAMAN project using remote sensing technology and satellites.

### Options

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

**Answer: a**

### Explanation:

- Coordinated Horticulture Assessment and Management using geo-informatics (CHAMAN) is a pioneer project to provide strategic development to the horticulture sector in order to increase farmer's income.
- The project was launched for crop production forecasting of horticulture crops.
- The seven crops assessed under the project are Potato, Onion, Tomato, Chilli, Mango, Banana and Citrus.

Q2. Which of the given statements is/are INCORRECT?

1. The Battle of Pollilur and the Battle of Porto Novo were fought as a part of the Third Anglo-Mysore war.
2. As per the Treaty of Mangalore signed after the Third Anglo-Mysore War, Tipu Sultan had to surrender two of his sons as surety to the British till he paid his due.
3. Mysore entered into a Subsidiary Alliance with the British after the Third Anglo-Mysore War.

### Options:

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

**Answer: c**

**Explanation:**

- The Battle of Pollilur and the Battle of Porto Novo were fought in 1781 as a part of the Second Anglo-Mysore War.
- It was as per the Treaty of Srirangapatnam signed after the Third Anglo-Mysore War that Tipu Sultan had to surrender two of his sons as surety to the British till he paid the war indemnity as agreed upon in the treaty.
- Mysore entered into a Subsidiary Alliance with the British after the Fourth Anglo-Mysore War.

**Q3. Consider the following statements with respect to Saubhagya Scheme:**

1. The scheme was launched to provide free electricity to all households (both APL and poor families) in rural areas and poor families in urban areas.
2. Rural Electrification Corporation (REC) is the nodal agency for the scheme.
3. Beneficiary households for free electricity connections under the scheme are identified using SECC 2011 data.

**Which of the given statements is/are INCORRECT?**

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

**Answer: a**

**Explanation:**

- The scheme was launched to provide free electricity connections to all households (both APL and poor families) in rural areas and poor families in urban areas.
- Rural Electrification Corporation (REC) is the nodal agency for the scheme.
- Beneficiary households for free electricity connections under the scheme are identified using SECC 2011 data.

**Read more: [Pradhan Mantri Sahaj Bijli Har Ghar Yojana – Saubhagya Scheme](#)**

**Q4. Which among the following are applications of Coir geo-textiles?**

1. Rainwater Harvesting
2. Promoting quick vegetation
3. Improvement of sub-grade soil strength in road pavements
4. Stabilization of side slopes to check soil erosion
5. Construction of roads

**Options:**

- a. 1, 2, 3 and 4 only
- b. 2 only
- c. 2, 4 and 5 only
- d. 1, 2, 3, 4 and 5

**Answer: d**

**Explanation:**

All of the given options are applications of Coir geo-textiles.

**Q5. Consider the following pairs:**

**Community sometimes mentioned in the news: In the affairs of**

1. Kurd: Bangladesh
2. Madhesi: Nepal
3. Rohingya: Myanmar

**Which of the pairs given above is/are correctly matched? [UPSC 2016]**

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

**Answer: c**

**Explanation:**

- Kurds are an Iranian ethnic group that is native to southeastern Turkey, northwestern Iran, northern Iraq, and northern Syria.
- The term Madhesi people is used for people of Indian ancestry residing in the Terai of Nepal.
- The Rohingya people predominantly follow Islam and reside in Rakhine State in Myanmar.

## I. UPSC Mains Practice Questions

1. Examine the evolving American strategy in the Indo-Pacific. How does it impact Indian interests? (250 words; 15 marks)[GS-2, International Relations]

2. Illustrate the differences between horizontal and vertical reservation, while making a case for reservations for women and transgender persons in government jobs and education. (250 words; 15 marks)[GS-3, Polity and Governance]

