

25 Aug 2021: UPSC Exam Comprehensive News Analysis

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B. GS 2 Related

Category: POLITY AND GOVERNANCE

1. 'Economic criterion not sole basis for creamy layer'

Background:

- Haryana state government had recently issued two notifications under the Haryana Backward Classes (Reservation in Services and Admission in Educational Institutions) Act of 2016.
- The notification had sub-classified backward classes solely on an economic basis while fixing the criteria for the creamy layer. Backward community members earning above ₹6 lakh annually were to be treated as 'creamy layer' as per the new criterion.
- These two notifications had been challenged through petitions in the Supreme Court.

Details:

- The Supreme Court has held the Haryana state government's notifications as being violative of the law declared in the **Indra Sawhney judgment** by identifying creamy layer only on the basis of income.
 - The Supreme Court in the 1992 Indra Sawhney judgement had declared that the **'creamy layer' in a backward community should be excluded from reservation** so as to ensure that the more deserving candidates are able to avail of reservation benefits.
 - The Supreme Court had also clearly illustrated that 'creamy layer' would include **persons who occupied posts in higher government services** like IAS, IPS and All India Services and had reached a **higher level of social advancement and economic status**.

For detailed information on the 1992 Indra Swahney judgement, refer to the following article:

[Indra Sawhney Case](#)

- The Supreme Court noted that that **economic criterion should not be the sole basis to identify sections of backward communities as 'creamy layer'** and stated that factors such as social advancement, higher employment in government services, etc., too should be accorded equal weightage in deciding whether a person belonged to the creamy layer or not.
- The SC quashed both the notifications and directed the State to issue fresh notifications in three months.

Category: INTERNATIONAL RELATIONS

1. Modi, Putin discuss crisis in Afghanistan

Context:

- Indian Prime Minister and Russian President discussed the recent developments in Afghanistan.

Details:

- Both the leaders discussed the possibility of **charting out a "coordinated" strategy in Afghanistan**.
- Among the particular areas of concern for the two countries are ensuring **regional security, countering radicalisation and spread of extremist ideology**, and the possible **proliferation of drugs**.

- The two leaders also agreed to set up a “**permanent bilateral channel**” on the issue to ensure better coordination between the two countries.

Significance:

- **On the Afghanistan issue, there continues to remain differences between India and Russia** with Russia’s position more closely aligned with that of China.
 - Russia is among the few countries that continue to keep their embassies open in Afghanistan in contrast to India, which has evacuated all diplomatic personnel.
 - Russia has also hosted **Taliban** delegations on a number of occasions unlike India which has refrained from actively engaging with the Taliban regime.
- That the Russian President directly reached out to the Indian Prime Minister indicates the **Russian interest in working with India bilaterally, and multilaterally** at the **United Nations Security Council (UNSC)** and at forums like BRICS, despite the differences on the Afghanistan issue.
 - BRICS can be an important platform to **strengthen political security cooperation** in Afghanistan among its members especially between India on the one hand and Russia and China on the other.
- India could as well use this opportunity to engage with Russia as a **leverage to protect its interests in Afghanistan both in the short as well as long term.**

NSA level talks of BRICS:

- National Security Advisers (NSA) from the five **BRICS** countries met virtually to discuss developments in Afghanistan.
- The meeting reviewed the regional and global political and security scenario in the light of the current developments in Afghanistan, Iran, West Asia and the Gulf.
- The meeting also discussed **emerging threats to national security, such as cybersecurity and terrorism.**
 - The representatives present at the meeting adopted and recommended the **BRICS Counter Terrorism Action Plan.**
 - The BRICS Counter Terrorism Action Plan is aimed at strengthening result-oriented cooperation between BRICS countries in areas such as preventing and combating terrorism, radicalisation, financing of terrorism, misuse of internet by terrorists, curbing travel of terrorists, border control, protection of soft targets, information sharing, capacity building, international and regional cooperation.
 - The BRICS Counter Terrorism Action Plan is one of the **key deliverables during the upcoming BRICS leaders’ summit, which India is chairing.**

C. GS 3 Related

Category: ECONOMY

1. ‘Open digital systems to unlock \$700-bn opportunities by 2030’

Context:

- NASSCOM unveiled its report titled “**Digital India: The Platformisation Play**” at the NASSCOM Cloud Summit.
 - NASSCOM is a not-for-profit industry association and the premier trade body and chamber of commerce of the tech industry in India and comprises over 3000 member companies including both Indian and multinational organisations that have a presence in India.

Major aspects of the report:

- The report notes major growth potential in the digital sector and estimates that **open digital ecosystems could help unlock more than \$700 billion worth of business opportunities for India by 2030** across sectors such as healthcare, agriculture, MSMEs, education, and e-land records.
- The report commends the performance of **Indian digital platforms like Aadhaar, UPI, and CoWIN** (three of the largest public digital platforms in the world) and notes how they have **helped fast-track India’s pivot to digitalisation**.

Significance of the digital sector:

- Provisions for **e-services** can help make government services available to people in a more efficient and convenient manner. It can also bring in a **higher degree of transparency and accountability in government’s functioning**.
- The digital sector can **help better integrate the various sectors of the government** and break the silos in government departments. This could give effect to **better synergy, efficiency and effectiveness**.
- Given the **economic potential of the sector**, the digital sector is integral to India’s \$5-trillion dollar economy aspiration.
- **Digital education and health services with their ease in access and affordability can also help in bringing out more inclusive development**.
- Large scale adoption of the digital ecosystem will help organise available data with the help of evolving technology such as big data and data mining, AI, etc. This **data can help create tremendous value for all stakeholders and also help in evidence based policy making**.

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: POLITY AND GOVERNANCE

1. Caste counts

The article talks about the need for a fresh caste census in India, for fulfilment of the vision for a just India and not for partisan political gains.

Context:

- There has been a long-pending demand for a caste-based census in India and detailed data and information on the ethnic groups living in the country.

- The call for a fresh caste census is getting louder in the country with most of the political parties supporting the call.

Census in India:

- India got its first census report in 1881. The exercise takes place every 10 years.
- The last time India's population was enumerated on the basis of caste was in 1931, when it was under the British rule.
 - There is a strong argument that the colonial census was about creating and reinforcing caste and religious categories in India rather than recording them in a gentle manner.
- Since 1941, the census of Scheduled Castes and Scheduled Tribes has been done. The rest of the castes and groups, especially the Other Backward Classes (OBCs), do not have a separate census as only religious figures are published in the report.
- The **Socio-Economic and Caste Census (SECC)** was conducted in 2011. It was the largest exercise of the listing of castes and has the potential of finding inequalities at a broader level.
 - The SECC data excluded caste data and was published in 2016.
 - The raw caste data was handed over to the Ministry of Social Justice and Empowerment.

Need For Caste Census:

- Many communities are demanding inclusion in one category or the other.
- As the democratisation of society deepens, questions are being raised regarding the status of Dalits, tribal communities and a large section of the population that is characterised in the Constitution as Socially and Educationally Backward Classes.
- Political representation of these communities has increased and their participation in government jobs has risen.
- It is assumed that particular groups within each category have benefited disproportionately from political and job reservations, and there are demands for sub-quotas.
- Some communities are feeling short-changed by the affirmative action steps of the state.
- With the role of the Government as a big employer diminishing, there is a demand for affirmative action in the private sector.

All these questions are being debated without adequate and reliable data, leading to conflicting and often misleading claims. Supporters of a caste census cite these reasons, while critics fear it will only widen social rifts.

Arguments in Favour of Caste Census:

- It will help in designing development programmes, government policies and schemes.
- It will show which ethnic groups are under-developed and still need an uplift.
- The government will get to know the actual economic, social and educational status of different ethnic groups in the country.
- A major argument is that if the SC-ST census is done, then why should other groups be left out.

Arguments against Caste Census:

- It is feared that the caste census could further widen the social gaps prevalent in the society.
- The exercise could encounter a multitude of practical problems.
- Inequitable distribution of power and wealth would endanger the stability of any society.
- Partisan political gains might turn out to be the motivation for a fresh census.
- As India tries to weaken the notion of caste, a caste census will give rise to further caste division and will only strengthen it.

A renewed vision for a just and united India, where all divides are reduced must guide the discussion on a caste census. The government must look beyond caste and work towards the upliftment of marginalised, illiterate and poor sections of the population. Emphasis must be on economic division, education, health, etc. rather than the caste division.

Category: INTERNATIONAL RELATIONS

1. The legal challenges in recognising the Taliban

Issue:

- The Taliban's takeover of Afghanistan has triggered a new debate in international law on the issue of recognising an entity that claims to be the new government of the country.
- This debate assumes significance as China and Russia (2 of the 5 permanent UNSC members) have shown readiness to recognise a Taliban-led government.
- The questions of recognition arise as the change of government happened through extra-legal methods like ousting the sitting government using unconstitutional means.

Government versus state:

- In the Afghanistan context, the issue is not about the recognition of Afghanistan, whose legal personality remains intact.
- The recognition of the government must not be confused with the recognition of the state under international law.
- Malcolm Shaw writes, "a change in government, however, accomplished, does not affect the identity of the State itself."

Why recognise the government?

Recognition of governments under international law is important to know who the governing authority of the state is, who has the responsibility for effectually carrying out domestic and international legal obligations ranging from pursuing diplomatic relations to the protection of human rights, etc.

Tests in international law:

Whether countries recognise the Taliban regime or not will depend on their political considerations and geo-strategic interests. Certain criteria that have evolved in international law on deciding the issue of recognition of governments must be looked at.

1. *Theory of Effective Control:*

- Traditionally, 'effectiveness' is the test used in international law to make a decision about the recognition of a new government.
 - To recognise a government means to determine whether it effectively controls the state it claims to govern.
 - It implies checking if the government has effective control over the state's territory (or a part of it), a majority of the population, national institutions, the banking and monetary system, etc. with a reasonable possibility of permanence.
- The assumption is that effective control means the people of the country accept the new regime; if they did not, they would overthrow it.
- Under this doctrine, it is immaterial how the new government occupied office.
- Since the Taliban now effectively controls Afghanistan, as per this test, it would be recognised as Afghanistan's government for international law and thus, international relations.

2. Theory of Democratic Legitimacy:

- The end of the **Cold War**, the subsequent spread of democracy in the world, and the growing demand for universal respect for human rights have given an impetus to this doctrine.
- According to this doctrine, recognition of a government also depends on whether it is the legitimate representative of the people it claims to govern.
- The governments that capture power through non-democratic means should not be recognised by states.
- This doctrine has led many countries to bestow legal recognition on governments in exile in place of governments exercising effective control. For example:
 - Many countries recognised Yemen's Abdrabbuh Mansur Hadi government in exile since 2015 on the grounds that the rebellious separatists acquired power in Yemen through illegal means.
 - Nicolás Maduro government in Venezuela is not recognised by several countries due to the alleged lack of democratic legitimacy.

The Afghanistan Scenario:

- Despite exercising effective control over Afghanistan, the Taliban regime lacks democratic legitimacy.
- Therefore, it would fail to be recognised as the legitimate representative of Afghanistan if the doctrine of democratic legitimacy is applied.
- Things would become even more complicated if the Afghan President, Ashraf Ghani, who fled the country when the Taliban entered Kabul, were to announce a government in exile.
- While governments may rely on the doctrine of democratic legitimacy to refuse de jure recognition of the Taliban, there is no binding legal obligation on countries to withhold recognition of the Taliban on the grounds that it does not enjoy democratic legitimacy.
- If Russia and China were to formally recognise the Taliban regime due to its effective control of Afghanistan, it would be consistent with international law.

Options for India:

- Considering the Taliban's brutal past, its extremist ideology, and absence of democratic legitimacy, India has the right to withhold de jure (legal) recognition of the Taliban regime.
- But, given India's huge investments in Afghanistan and stakes in the South Asian region, India will have to find a way to engage with the Taliban.
- India should adopt a clear policy that it will deal with the Taliban simply because it is the de facto government, not because it is a legitimate one.
- This principle should be followed for bilateral relations and also for multilateral dealings such as within the [South Asian Association for Regional Cooperation](#).

Category: SECURITY

1. The ugly face of a crime-fighting move

The article talks about the safeguards that need to be in place, prior to the implementation of the National Automated Facial Recognition System in India.

Background:

- In June 2021, the Joint Committee examining the [Personal Data Protection Bill \(2019\)](#) was granted a fifth extension by Parliament.

Read more on Personal Data Protection Bill and related issues covered in [April 12th, 2021 CNA](#).

- The Government is also exploring the potential of facial recognition technology.

Facial Recognition Technology (FRT):

- Facial recognition is a biometric technology that uses distinctive features on the face to identify and distinguish an individual.
- Facial recognition technology has been introduced primarily for two purposes:
 - As a compare and contrast tool meant for identification based on existing information or,
 - To create a repository on the basis of which the process of identification can be enhanced.

Read more on the concerns related to Facial Recognition Technology covered in [December 31st, 2020 CNA](#).

Concern:

- Policing and law and order being State subjects, some Indian States have started the use of new technologies without fully appreciating the dangers involved.
- Facial recognition does not return a definitive result. It identifies or verifies only in probabilities (e.g., a 70% likelihood that the person shown on an image is the same person on a watch list).
- Though the accuracy has improved over the years due to modern machine-learning algorithms, the risk of error and bias still exists.
 - There is a possibility of producing 'false positives' (incorrect match) resulting in wrongful arrest.
- Research suggests facial recognition software is based on pre-trained models.
 - Therefore, if certain types of faces (such as female, children, ethnic minorities) are under-represented in training datasets, then this bias will negatively impact its performance.

- With the element of error and bias, facial recognition can result in profiling of some overrepresented groups (such as Dalits and minorities) in the criminal justice system.

Use of FRT in other countries:

- The Federal Bureau of Investigation in the United States uses facial recognition technology for potential investigative leads.
- Police forces in England use facial recognition to tackle serious violence.
- China uses facial recognition for racial profiling and mass surveillance — to track Uighur Muslims.

However, owing to its adverse impact on civil liberties, some countries have been cautious with the use of facial recognition technology.

- The Court of Appeal in the United Kingdom ruled the use of facial recognition technology by South Wales as unlawful in the absence of clear guidelines.
- In the United States, the Facial Recognition and Biometric Technology Moratorium Act of 2020 was introduced in the Senate to prohibit biometric surveillance without statutory authorisation.
- Privacy watchdogs in the European Union have called for a ban on facial recognition.

Use of FRT in India – National Automated Facial Recognition System (NAFRS):

- India approved the implementation of NAFRS.
 - It is aimed at facilitating the investigation of crime and detection of criminals in a quick and timely manner.
 - On implementation, it will function as a national-level search platform that will use FRT to facilitate investigation of crime or for identifying a person of interest (E.g. a criminal) regardless of face mask, makeup, plastic surgery, beard or hair extension.
- The technology is intrusive. It captures the faceprint.
 - The computer algorithms map unique facial landmarks (biometric data) such as the shape of the cheekbones, contours of the lips, distance from forehead to chin, and convert these into a numerical code (faceprint).
- The system then compares the faceprint generated with a large existing database of faceprints for the purposes of ‘verification’ or ‘identification’.
 - This will typically be made available to law enforcement agencies.

Issues with NAFRS:

- As NAFRS will collect, process, and store sensitive private information for long periods, it will impact the right to privacy.
- The Supreme Court, in the [K.S. Puttaswamy judgment](#) provided a three-fold requirement to safeguard against any arbitrary state action.
 - Any encroachment on the right to privacy requires the existence of ‘law’ (to satisfy legality of action);
 - There must exist a need, in terms of a ‘legitimate state interest’;

- The measure adopted must be 'proportionate' (there should be a rational nexus between the means adopted and the objective pursued) and it should be 'least intrusive.'
- Unfortunately, NAFRS fails each one of these tests.
- To satisfy the test of proportionality, benefits for the deployment of this technology have to be sufficiently great, and must outweigh the harm.
 - For NAFRS to achieve the objective of 'crime prevention' or 'identification', it will require the system to track people on a mass scale. This will result in everyone becoming a subject of surveillance, which is a disproportionate measure.
- Additionally, NAFRS lacks legitimacy. It does not stem from any statutory enactment.
 - It was merely approved by the Cabinet Committee on Economic Affairs in 2009.

In the absence of a strong data protection law or clear guidelines, NAFRS will indeed do more harm than good.

Way Forward:

- Anonymity is the key to the functioning of liberal democracy, unregulated use of facial recognition technology will disincentivise independent journalism or the right to assemble peaceably without arms, or any other form of civic society activism.
- Facial recognition being an intrusive technology has an impact on the right to privacy.
- While the Constitution of India does not explicitly mention the right to privacy, a nine-judge Bench of the Supreme Court, in Justice K.S. Puttaswamy vs Union of India (2017) recognised it as a precious fundamental right.
 - Since no fundamental right can be absolute, even in respect of privacy, the state may impose reasonable restrictions on the grounds of national integrity, security of the state, public order, etc.
 - However, it is crucial to examine whether its implementation is arbitrary and thus unconstitutional.
- It must be examined if the use of FRT is legitimate, proportionate to its need and least restrictive.

Conclusion:

Without adequate safeguards such as penalties that are sufficiently deterrent, police personnel may routinely use FRT. Even if FRT is needed to tackle modern-day criminality in India, without accountability and oversight, it has strong potential for misuse and abuse. In the interest of civil liberties and to save democracy from turning authoritarian, it is important to impose a moratorium on the use of such a technology until a strong and meaningful data protection law is enacted in addition to statutory authorisation of NAFRS and guidelines for deployment.

F. Prelims Facts

1. 'India pips U.S. as hub for manufacturing'

- **Global Manufacturing Risk Index, 2021** brought out by real estate consultant Cushman & Wakefield has ranked **India as the second-most sought-after manufacturing destination globally**.
 - The first spot is occupied by China.
- The index assessed the most advantageous locations for manufacturing among 47 countries.
- The rankings are determined based on four parameters: the country's capability to restart manufacturing, business environment, operating costs, and the risks.

- **Operating cost competitiveness** has been India's biggest strength in the assessment.

G. Tidbits

1. T.N. launches Rs.100 cr. urban employment scheme

- The **Tamil Nadu government is planning to implement an urban employment scheme** along the lines of the Mahatma Gandhi National Rural Employment Guarantee Scheme (**MGNREGS**).
 - Notably, Tamil Nadu has 53% of its total population living in urban areas. This number is growing fast and as per available estimates, it would reach 60% of the total population by 2036.
- Under the scheme, workers will be used for activities such as desilting of water bodies and maintenance of public parks and other places.
- The objective of the programme is to **provide employment to the urban poor, who had lost their jobs because of the COVID-19 pandemic**. Thus the scheme will help improve the livelihood opportunities for the urban poor.

H. UPSC Prelims Practice Questions

Q1. In the efforts to meet the goals of the Paris Agreement, the 'Climate Action and Finance Mobilization Dialogue' (CAFMD) is a part of the partnership between India and

- a. European Union
- b. United Kingdom
- c. United States of America
- d. Australia

Answer: c

Explanation:

- Union Minister of Environment of India recently held a conversation with U.S. Special Presidential Envoy for Climate (SPEC), Mr. John Kerry, to discuss Climate Action and Finance Mobilization Dialogue (CAFMD) Track under India-US Climate and Clean Energy Agenda 2030 Partnership.
- This partnership is expected to mobilize finance and speed clean energy deployment.

Q2. Which of the given statements with respect to Global Manufacturing Risk Index is/are correct?

1. It is published annually by the World Bank.
2. India has become the second most desired manufacturing destination according to the Global Manufacturing Risk Index 2021.
3. The Index ranks 190 countries against each other assessing costs, risks and conditions impacting manufacturing.

Options:

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

Answer: b

Explanation:

- Global Manufacturing Risk Index, 2021 brought out by real estate consultant Cushman & Wakefield has ranked India as the second-most sought-after manufacturing destination globally.
 - The first spot is occupied by China.
- The index assessed the most advantageous locations for manufacturing among 47 countries.
- The rankings are determined based on four parameters: the country's capability to restart manufacturing, business environment, operating costs, and the risks.
 - Operating cost competitiveness has been India's biggest strength in the assessment.

Q3. Consider the following statements with respect to Nidhi companies:

1. It is a type of company in the Indian non-banking finance sector, recognized under section 406 of the Companies Act, 2013.
2. Its core business involves lending and borrowing money between its members or shareholders.
3. Nidhi company does not require a license from the Reserve Bank of India (RBI) to operate.

Which of the given statements is/are correct?

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

Answer: d

Explanation:

- Nidhi company is a type of company in the Indian non-banking finance sector, recognized under section 406 of the Companies Act, 2013. They are also known as Permanent Fund, Benefit Funds, Mutual Benefit Funds and Mutual Benefit Company.
- Its core business involves lending and borrowing money between its members or shareholders.
- Nidhi companies are governed by Nidhi Rules, 2014. They are incorporated in the nature of Public Limited company.
- No RBI approval is necessary to register the company, as RBI has specifically exempted this category of NBFC in India to comply with its core provisions such as registration with RBI, etc. Hence, Nidhi company does not require a license from the Reserve Bank of India (RBI) to operate.

Q4. Which of the given statements with respect to Lebanon is/are INCORRECT?

1. It opens out to the Mediterranean Sea to the West.
2. It borders Israel, Syria and Jordan.
3. It touches the West Bank area.

Options:

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

Answer: b

Explanation:

- Lebanon opens out to the Mediterranean Sea to the West.
- It borders Israel and Syria and not Jordan. It does not border the West Bank area, it is Jordan that borders the West Bank area.



Q5. In the context of the developments in Bioinformatics, the term ‘transcriptome’, sometimes seen in the news, refers to [UPSC 2016]

- a range of enzymes used in genome editing
- the full range of mRNA molecules expressed by an organism
- the description of the mechanism of gene expression
- a mechanism of genetic mutations taking place in cells

Answer: b

Explanation:

- A transcriptome is the full range of messenger RNA or mRNA molecules expressed by an organism. The term “transcriptome” can also be used to describe the array of mRNA transcripts produced in a particular cell or tissue type.

I. UPSC Mains Practice Questions

1. The implementation of the National Automated Facial Recognition System in India lacks adequate safeguards. Comment. (15 marks, 250 words)[GS-2, Polity and Governance]
2. Partisan political gains should not be the motivation for a fresh census. A renewed vision for a just and united India, where all divides are reduced must guide the discussion on a caste census. Justify. (15 marks, 250 words)[GS-2, Polity and Governance]

