

## 02 Dec 2021: UPSC Exam Comprehensive News Analysis

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## B. GS 2 Related

### Category: POLITY AND GOVERNANCE

#### 1. Examining the federal nature of the Central Bureau of Investigation

**Topic:** Issues and Challenges pertaining to the Federal Structure/Statutory, Regulatory and various Quasi-judicial Bodies

**Prelims:** CBI – Functions, powers and appointment process

**Mains:** Tussle between the states and Union government over the functioning of central agencies

#### Background:

- Eight States — West Bengal, Maharashtra, Kerala, Punjab, Rajasthan, Jharkhand, Chhattisgarh and Mizoram — have withdrawn ‘**general consent**’ to the Central Bureau of Investigation (CBI) for launching investigations in their territory.
- The widespread withdrawal of consent has left the CBI handicapped with regard to the investigation of corruption charges against Central employees and undertakings working within the territorial jurisdiction of various States.
  - Though the withdrawal of general consent does not affect pending investigations or the cases registered in another State in relation to which investigation leads into the territory of the State which has withdrawn general consent; nor does the withdrawal circumscribe the power of the jurisdictional High Court to order a CBI investigation, however, it **disrobes the CBI office’s general status as Police Stations**. It reduces the freedom of action available to CBI while investigating cases.
- The CBI had filed an affidavit in the Supreme Court. A Supreme Court bench has referred this case for the consideration of the Chief Justice of India.

#### Understanding the legal status:

- The CBI is a force constituted for Union Territories as recognised under the **Delhi Special Police Establishment Act of 1946**.
- **Entry 80 of the Union List** which provides for the extension of powers of the police force belonging to one State to any area in another State provides the legal foundation for the functioning of CBI in other states.
- Notably “**Police**” comes under **State List of the Seventh Schedule of the Constitution**. Hence the provision of general consent has been provided to safeguard the domain of the states while providing the necessary avenue for investigation by CBI in corruption cases.
- According to Section 6 of the Delhi Special Police Establishment Act of 1946, the State’s consent is required to extend CBI investigation beyond Union Territories. Hence the CBI can conduct an investigation into the territories of the States only with their consent.

#### Additional information:

- The appointment of the CBI chief is done by a committee consisting of the Prime Minister, the Leader of the Opposition and the Chief Justice of India by consensus.
- India is a signatory to the **United Nations Convention against Corruption**. This requires India to take firm impartial steps to combat corruption at all levels.

## 2. 'Ensure code of ethics is followed on social media'

**Topic: Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation**

**Prelims: The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 – Provisions**

**Mains: Balancing the need for regulation and the right to free speech and expression**

### Context:

- **Report on 'Ethical Standards in Media Coverage'** prepared by the Parliamentary Standing Committee on Communications and Information Technology has been presented in the Parliament recently.

### Details:

- The Parliamentary panel notes that the **growth of social media platforms** such as Facebook, WhatsApp, Instagram and Twitter have allowed normal citizens to function as Journalists as they provide avenues for the citizens to use their personal recording devices including cellphones to capture events and post them on the Internet.
- The report also points out the issue of content made available through **online and OTT (over the top) platforms** without having undergone any sort of regulation. The committee cautions that the information and content portrayed on such platforms can impact viewers, including minor children.
- The panel asks the Government to **ensure a code of ethics is followed in the digital media space while preserving the right to freedom of expression**. The report said that any regulation must have checks and balances to ensure that it is neither misused nor violative of Articles 14, 19 and 21 of the Constitution.
- The panel calls for the robust implementation of '**The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021**' which it feels can ensure transparency and accountability for social media platforms with a robust oversight mechanism by the government.

## Category: INTERNATIONAL RELATIONS

### 1. EU plans €300 billion infra fund to counter China's BRI

**Topic: Bilateral, Regional and Global Groupings and Agreements involving India and/or affecting India's interests**

**Prelims: The Global Gateway plan**

**Mains: China's debt diplomacy and its adverse impacts; Implications for India in its neighbourhood; Recommendations to counter China's plan**

### Background:

#### China's Belt and Road initiative:

- China **Belt and Road initiative** is a flagship project of the country launched in 2013. Officially, it aims to develop land and sea infrastructure to better connect China to Asia, Europe and Africa for trade and development. Many countries have become a part of this initiative.
- There is a growing concern that China is using the BRI as a tool to influence poorer countries. China is being blamed for pushing forward financially unviable infrastructural projects which could push the countries into a debt trap.
- There are also concerns that China's contractual terms ignore abuses of human, labour and environmental rights while also being a major cause of corruption in the recipient countries.

### Details:

- The European Commission has announced **the Global Gateway plan** to mobilise €300 billion (\$340 billion) between 2021 and 2027 in public and private infrastructure investment around the world.
- It will seek to bring together resources of the EU, member states, European financial institutions and national development finance institutions.
- The EU strategy is an offshoot of a plan by G7 countries to **offer developing countries an alternative to the Belt and Road Initiative**, presented recently at the industrial powers' summit in Cornwall.

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### Category: POLITY AND GOVERNANCE

#### 1. A capital functioning from different regions

**Topic:** Inclusive growth and issues arising from it

**Mains:** Arguments in favour of decentralizing capital functions and urbanization.

**Context:**

- Passage of Andhra Pradesh Decentralisation and Inclusive Development of All Regions Repeal Bill, 2021.

**Details:**

- Recently, the Andhra Pradesh assembly repealed the Andhra Pradesh Decentralisation and Inclusive Development of All Regions Act, 2020.

- The said Act stipulated three capitals for the state with Vishakapatnam, Amaravati, and Kurnool envisaged as executive, legislative and judicial capitals respectively as recommended by the Sivaramakrishnan Expert Committee.
- This was done to ensure decentralization of development as opposed to the concentration of wealth in a few megacities.
- Geographically, Andhra has three major distinct regions –
  - North-eastern region consisting of culturally rich Vizianagaram and Visakhapatnam.
  - Rayalaseema region in the southwest.
  - Nine coastal districts.
- The coastal region is better developed as compared to the North-eastern and South-west. The regional imbalance is reinforced with a similar spatial imbalance of urban settlements.
- Earlier, the then government ignored the advice of the committee and selected the area of Vijayawada which was specifically declared unsuitable by the said committee. Later the government proposed Amaravati as capital but not without losing out on the opportunity to correct spatial imbalances in the state.
- In 2019, the Government of Andhra Pradesh revisited its decision and decided to decentralize capital function in accordance with the view of the committee appointed by it.
- There is a fine-drawn difference between decentralized capitals and decentralizing capital functions. While the former refers to a plurality of capitals, the latter assumes one seat of capital with functions being performed at different locations.
- The Sivaramakrishnan Expert Committee and one appointed by the state government have recommended the latter.
- Such recommendation was founded on two principles – development interventions should be driven by natural endowments of the region and the environment should be considered as a positive constraint in order to protect the natural resource base.

#### **Arguments in favour of decentralization of capital functions:**

- The pandemic has only amplified the need for inclusive and equitable urbanization. This calls for the development of smaller self-sufficient cities rather than one big city.
- The disasters like floods serve as a warning against urbanizing flood plains. Thus smaller and environmentally sustainable cities are the need of the hour.
- Moreover, there have been many examples of effective decentralization of capital functions like Maharashtra, Uttar Pradesh, and Jammu and Kashmir, etc.

#### **Arguments against decentralization of capital functions:**

- Developing infrastructure for three capitals especially after investment done in the Amaravati Mangalagiri complex will only put pressure on already overstretched state funds.
- Such decentralization can create problems for coordination among organs of government especially legislature and executive.

#### **Current status**

- In 2015, the foundation stone of Amaravati was laid. But after the plans of Amaravati were drawn by a Singapore-based consultancy and funds sorted from various sources the incumbent government lost power. The new government stalled work at the site.
- The new three capital plan was announced. This led to massive protests among farmers who gave their land to the government on promised compensation.
- The division bench of the High Court has declared a status-quo on three capitals based on a petition by the farmers of Amaravati challenging laws establishing three capitals.
- As of now, the Chief Minister has promised a more comprehensive bill on the same in the future.

## 2. Errors of Judgment

**Topic: Important legislations in news**

**Prelims: POCSO Act, Criminal Law (Amendment) Act, 2013**

**Mains: Prevention of Sexual Assault against minors, in the context of POCSO**

**Context:**

- Recently, Allahabad High Court has passed a judgment declaring oral sex with minors as 'not a case of aggravated penetrative sexual assault'.

**Background:**

Read about the [POCSO Act](#) in the linked article.

**Rule of Lenity: Section 5(m) of POCSO Act**

- The provision of Section 5(m) deals with aggravated penetrative sexual assault, it states that whoever commits penetrative sexual assault on a child below twelve years shall be punished with rigorous imprisonment for at least 20 years or imprisoned for life.
- In the immediate case, the Allahabad High Court applied the Rule of Lenity, which is the literal and strict interpretation of law and declared the act of oral sex as non-conforming to Section 5(m).
- This interpretation has been against the judgment of the Supreme Court recently, when it was held that, "where the language of a statute was clear, the intention of the legislature was to be gathered from the language used.
- Hence, it was pertinent to understand that the intent of the legislature from the statement of objectives of POCSO should not have been read in a restrictive manner. This will also be in line with the Criminal Law (Amendment) Act of 2013.

Also read: [Important Supreme Court Judgements](#)

**Conclusion**

- It is pertinent to note here that the rules against sexual assault on minors are regarded as a heinous offence, the same was discussed by the Hon'ble Supreme Court in the case of the State of Rajasthan v. Vinod Kumar.
- Further, the Constitution under Article 15(3) also allows for special provisions in matters related to women and children, thereby emphasising the need for further protection of children.



- The age of the minor being 10 years old, further requires a reconsideration of the judgment passed by the Hon'ble Allahabad High Court.

### 3. Point of disorder

**Topic: Parliament functioning and conduct of business**

**Prelims: Powers of the speaker/chairman**

**Mains: Concerns with the functioning of the legislatures**

**Context:**

- The Chairman has suspended 12 Opposition Members of Parliament from the Rajya Sabha for the entire winter session of Parliament.
- The reason for the suspension was their unprecedented acts of misconduct, unruly and violent behaviour and intentional attacks on security personnel.
- The incident has raised questions about the “disruption of proceedings” and the ways it is practised as well as the effectiveness of suspension of MPs.

**Withdrawal and suspension of members:**

- Withdrawal of a member: Rule 255
  - The Chairman may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council and any member so ordered to withdraw shall do so forthwith and shall be absent during the remainder of the day's meeting.
- Suspension of a member: Rule 256
  - The Chairman may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the Council by persistently and willfully obstructing the business thereof.
  - If a member is so named by the Chairman he shall forthwith put the question on a motion being made, no amendment, adjournment or debate being allowed, that the member (naming him) be suspended from the service of the Council for a period not exceeding the remainder of the Session: Provided that the Council may, at any time, on a motion being made, resolve that such suspension be terminated.
  - A member suspended under this rule shall forthwith quit the precincts of the Council.

**Concerns:**

- In the past, the decision to suspend Members for their conduct in the last monsoon session and the punishment has worsened the conflict.
- In the wake of debate & disruption, Parliamentary debates must be respected and ideally should be taken in good spirit, by the ruling side and the Opposition.
- But for years, its violation has been observed in India.
- Before 2014, the opposition disrupted the Parliament affecting the functions and lately, the bills are passed in a hurry by skipping the standing committee set-ups as in the case of the farm laws.

- The opposition is expected to serve the parliament as an element of check. However, disruptions as a parliamentary instrument must not hinder the parliamentary proceedings.

#### **Recommendations:**

- Parliament is the platform where matters of public concern seek the Government's attention.
- The Government, in order to restore the function of Parliament, shall consider informal channels of communication with the Opposition as a way and if needed, shall make amends too.

## **Category: INTERNATIONAL RELATIONS**

### **1. In Border Standoff, a manufactured refugee crisis**

**Topic: Effect of Policies and Politics of Developed and Developing Countries on India's interests**

**Prelim: NATO, Nord Stream 2, Minsk Agreement of 2015**

**Mains: International Migrant Crisis affecting Eastern European Geo-political question.**

#### **Context:**

- At the Belarusian-Polish Border, there has been a spill off of the refugees seeking asylum leading to the usage of water cannons and tear gas by Polish authorities.

#### **Background:**

##### **Belarusian politics at play**

- Belarus is accused of allowing lax entry to refugees particularly from Kurd, which has reached the Polish border. The European Union's external boundary is the entry point of Poland.
- Belarusian President has a doubtful electoral past leading to sanctions imposed on his regime by the European Union.
- Since the sanctions, Belarus' President Lukashenko has threatened to cut off the European Union's supply of Russian gas which passes through Belarus into the European Union.
- In a political blame game on both sides, Belarus has accused European Union of exacerbating the migrant crisis by shutting down its borders.

#### **Ramifications for Europe**

- Belarus depends on Russian military and economic resources for its subsistence.
- Germany was asked to receive 2000 refugees and repatriate another 7000 but this plan did not materialise.
- The talks to operationalise Nord Stream 2, a gas pipeline that would bypass Ukraine and Belarus while taking gas from Russia to European Union indicate a transcontinental geopolitical issue.
- Russia has been accused of invading Ukraine illegally and Ukraine has acknowledged NATO support for the same.

#### **Minsk Agreement and Eastern European Question**



- In 2015 the Minsk Agreement was signed to resolve the conflict in Donbas province. It provided for the provincial elections, and restoration of socio-economic relations between Kiev and other rebel breakaway provinces.
- However, in 2019 Russia extended citizenship to Donbas residents attempting to integrate them as a de-facto Russian satellite state.

### **Migrant Crisis and the Way Forward**

- The far-right wing politics in Poland has led to a rising sentiment of xenophobia against migrants and asylum seekers. The global trend in countries such as the United States, Britain, India has been an aversion to taking in any refugees. This has further exacerbated the issue. Various suitable measures can be opted to resolve the migrant crisis globally and assuage the damage to humanity.
  - The institutional mechanism under United Nations Refugee Convention is to be devised and implemented.
  - The responsibility of the States should be decided in taking in or repatriating the refugees in an equitable and differentiated manner.
  - Focusing on building safe spaces for the asylum seekers at their homes by initiating global dispute resolution practice. The priority should not be to merely provide for permanent immigration.

## **F. Prelims Facts**

### **1. Butterfly species record increase**

#### **Context:**

- **Butterfly survey** conducted in the **Peechi-Vazhany, Chimmony, and Chulannur Wildlife Sanctuaries, Kerala.**

#### **Details:**

- The survey notes a remarkable increase in the Butterfly species' numbers.
- **Southern Birdwing, the largest butterfly in India, and Grass Jewel, the smallest,** were found during the survey. Buddha Peacock, the State butterfly of Kerala, was also recorded.
- Other notable species noted were Nilgiri Grass Yellow, Travancore Evening Brown, Malabar Flash, Orange Tailed Awl, Southern Spotted Ace and Common Onyx.

## **G. Tidbits**

### **1. '1,160 elephants killed in a decade'**

- As per information provided by the Union Ministry of Environment, Forest and Climate Change (MoEFCC), around 1,160 elephants have died in India in the last 10 years for reasons other than natural causes.
- The major causes of such deaths include **electrocution, train hits, poaching and poisoning.**
- This development is a major cause of concern given that elephants function as a **keystone species** in their habitat.

- A keystone species is an organism that helps define an entire ecosystem. Without its keystone species, the ecosystem would be dramatically different or cease to exist altogether. A keystone species thus **has a disproportionately large effect on its natural environment relative to its abundance**.
- Keystone species have **low functional redundancy**. Low ecological redundancy implies that functional traits are rapidly lost from a system as diversity declines.

## 2. India-China trade deficit was \$30 bn in April-Sept.

- Imports from China have marked an increase of 7.94% over the last six years, while the exports have remained mostly static. This has led to an **increase in India's trade deficit with China**.
- In this regard, there is the need for sustained efforts to achieve a more balanced trade with China, including bilateral engagements to **address the non-tariff barriers on Indian exports** to China and **strengthening of the domestic production capabilities** through schemes such as the **production-linked incentive scheme** which aims to promote domestic manufacturing capacities.

## 3. 'Cyberattacks hit 26,000 Indian sites in 10 months'

- As per information provided by the Minister of State for Electronics and IT in Parliament, CERT-In has reported that **almost 26,000 Indian websites have been hacked into in the last 10-month period**.
  - The **Indian Computer Emergency Response Team (CERT-In)** is mandated to track and monitor cybersecurity incidents in India.
- This marks a substantial rise in the number of cyberattacks on Indian sites and points out the **threat of cyber insecurity and its economic implications** as well as the **use of cyber warfare as a non-traditional weapon**.

## 4. Debt-to-GDP ratio of States worrying: RBI

- The **Reserve Bank of India (RBI)** in its 'State Finances: A Study of Budgets of 2021-22' report, expresses concerns over the **high level of debt-to-GDP ratio of states**.
  - The combined debt-to-GDP ratio of states is expected to remain at 31% by end-March 2022, which is worryingly higher than the **target of 20% to be achieved by 2022-23, as per the recommendations of the FRBM review committee**.
- The central bank noted in the report that as the impact of the second wave of the Coronavirus pandemic subsides, state governments need to take credible steps to **address debt sustainability concerns**.
- According to the report, in the medium term, improvements in the fiscal position of state governments will be contingent upon **reforms in the power sector** as recommended by Finance Commission and specified by the Centre like creating transparent and hassle-free provision of power subsidy to farmers, **preventing leakage and improving the fiscal health of power distribution companies**.

# H. UPSC Prelims Practice Questions

Q1. Consider the following statements with regards to the allocation of Election symbols in

India:

1. The Election Symbols (Reservation and Allotment) Order, 1968 empowers the Election Commission to recognize political parties and allot symbols.
2. EC can decide disputes among rival groups or sections of a recognized political party staking claim to its name and symbol.
3. The EC is the only authority to decide issues on a dispute or a merger under the order.

**Choose the correct statements.**

- a. 1 & 2 only
- b. 2 & 3 only
- c. 1 & 3 only
- d. All of the above

**Answer: d**

**Explanation:**

- **Statement 1 is correct.** The power to register and recognize political parties is with the Election Commission of India. It also has the power to allocate symbols that are regulated under the Election Symbols (Reservation and Allotment) Order, 1968.
- **Statement 2 is correct.** Under Para 15 of the Election Symbols (Reservation and Allotment) Order, 1968, the power to decide disputes among rival sections of a recognized political party is with the Election Commission of India.
- **Statement 3 is also correct.** EC is the only authority to decide issues arising out of a merger although it may be challenged in court.

**Q2. Which amongst the following is not correct with regards to the GIFT City?**

- a. It will not have any residential facilities.
- b. It will be India's first greenfield city.
- c. The central government is offering a range of tax exemptions for setting up international operations at the GIFT city.
- d. Singapore Arbitration Centre has been set up at the GIFT city for dispute resolution.

**Answer: a**

**Explanation:**

- **Statement a is incorrect** as the built-up area is proposed to be divided with 22% constituting residential space, 67% for commercial, and 11% for social space.
- **Statements b, c, and d are correct.** The government has provided various kinds of incentives and exemptions like tax incentives for the relocation of foreign funds. Also, it is attracting many international financial services.

**Q3. Recently seen in the news, 'Southern Birdwing' and 'Grass Jewel' are-**

- a. Largest and smallest butterflies found in India respectively.
- b. Species of butterflies that recently became extinct from India.
- c. Migratory birds that are hunted in Nagaland.
- d. Recently discovered frog species from the Western Ghats.

**Answer: a**

**Explanation:**

- Southern Birdwing is the largest butterfly in India. It is seen up to a height of 3,000 ft in the Western Ghats limits. Karnataka has declared it as the state butterfly.
- The grass jewel is the smallest butterfly found in India. It is found in Africa, Arabia (United Arab Emirates, Oman, Saudi Arabia), southern Europe (Bulgaria and Greece), India.

**Q4. With reference to the G20, which amongst the following correctly defines 'Troika'?**

- a. Three-member nations with the largest GDP sizes
- b. Three-member nations that will hold the presidency in the next three years
- c. Three-member nations comprising current, previous, and upcoming presidencies of G20
- d. Top three resolutions adopted after the G20 meeting

**Answer: c**

**Explanation:**

India is assuming the G20 presidency for the year 2022-2023. Troika refers to the top grouping in G20 which consists of current, previous, and incoming presidencies. So, India joined Troika this year.

**Q5. With reference to land reforms in independent India, which one of the following statements is correct?**

- a. The ceiling laws were aimed at family holdings and not individual holdings.
- b. The major aim of land reforms was providing agricultural land to all the landless.
- c. It resulted in the cultivation of cash crops as a predominant form of cultivation.
- d. Land reforms permitted no exemptions to the ceiling limits.

**Answer: b**

The major weakness of land ceiling laws was that they were aimed at individual holdings. It allowed many zamindars to transfer land notionally to their relatives and thus escape the ceiling. The reason for land reforms was providing land to all landless people (redistribution) because landlessness was considered as one major reason for poverty and exploitation. Cultivation of cash crops requires much more inputs than the mere availability of holdings.

Cash crops, during British time, were induced by force while in post-independence India, major transformation for cash crops has happened where the capital, market access, technology and irrigation are available. After the Second Plan, a large number of exemptions kicked in for certain categories of land – tea/rubber plantations, orchards, dairying, etc. to promote certain kinds of capitalist expansion in place of absentee landlordism.

## I. UPSC Mains Practice Questions

1. Tensions have flared in Eastern Europe and on the Belarus-Poland border with thousands of asylum seekers attempting to enter EU territory. In this context, examine the complex geopolitical issues that underlie this manufactured refugee crisis. (250 words; 15 marks)[GS-2, International Relations]
2. The use of disruption of proceedings as a parliamentary tactic by opposition MPs and their suspension represents a worrying trend for parliamentary democracy. Critically evaluate. (250 words; 15 marks)[GS-2, Polity and Governance]