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# MAINS ANSWERS FOR TEST-22

01/01/2023





## Mains Q& A Test(22)- (01/01/2023)

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### Approach for the Mains Answer Writing

- **Start Your answer briefly introducing the Topic**
- **Discuss the Key points about the Topic with the Context in the Question**
- **Discuss Pro and Cons of the Topic (if applicable)**
- **Quote the Statistics (if there are any )**
- **Draw the Conclusion ( Make Sure your answer doesn't support any particular view and make it look balanced)**

## 1. What is UN high seas treaty and explain its importance and why have countries failed to agree on it. (150 Words)

### Introduction

High seas can be defined as the part of the sea that is not included in the exclusive economic zone, in the territorial sea, or in the internal waters of a coastal state or archipelagic waters of an archipelagic state.

High seas are open to all states for freedom of navigation, freedom of overflight, freedom to construct artificial islands installation, freedom of fishing, and freedom of scientific research.

High seas are reserved for peaceful navigation through international waters. However, regulations have been made to avoid the prevention of slave trade, piracy, seizure of ships, illicit narcotics trafficking, and unauthorized broadcasting.

### Body

#### UN High seas Treaty

Also referred to as the 'Paris Agreement for the Ocean', the treaty to deal with Biodiversity Beyond National Jurisdiction has been under discussion for several years.

It concerns the ocean existing beyond the Exclusive Economic Zones that lie from the coast of a country to about 200 nautical miles, till where it has special rights for exploration. Waters beyond that are known as open seas or high seas.

The treaty was to be negotiated under the United Nations Convention on Laws of the Sea (UNCLOS) of 1982 which governs the rights of countries regarding marine resources.

As there is no treaty for conserving the health of vast swathes of the earth's oceans, a UN resolution in 2017 had decided to rectify this while setting 2022 as the deadline.

Negotiations included establishing marine protected areas to put limits on certain activities, environmental impact assessments or clearances for sustainability of works, financial support to countries and sharing other scientific knowledge.

#### Importance

Includes various aspects of marine conservation

### **Some aspects of negotiations included**

Establishing marine protected areas to put limits on certain activities.

Environmental impact assessment or clearances for sustainability of works.

Financial support to countries and

Sharing other scientific knowledge.

### **Rights of companies engaged in exploration activities in the high seas**

A key aspect of the agreement is deciding on the rights of companies that undertake exploration for biological resources in the high seas.

#### **Reasons why members failed to agree on it**

Ninety percent of global warming is occurring in the ocean, according to the NASA website.

The effects of ocean warming include sea level rise due to thermal expansion, coral bleaching, accelerated melting of Earth's major ice sheets, intensified hurricanes, and changes in ocean health and biochemistry.

Excessive fishing has increased manifold over the years, and a third of species such as sharks and rays are at the risk of extinction, according to the World Wildlife Fund.

Despite acknowledging these threats, members failed to agree on how to deal with these threats.

There have been talks of resistance from countries that engage in deep sea mining of minerals or are heavily invested in fishing.

Although we did make excellent progress, we still do need a little bit more time to progress towards the finish line.

Many institutions such as the International union for conservation of nature (IUCN) are demanding this treaty to be legally binding in order to become more effective

This treaty also has a resistance from the countries who does deep sea mining or the countries who heavily invested in fishing

## 2. Bail is the rule and Jail is the exception. Comment (150 Words)

### Introduction

Bail –is the conditional release of a person from confinement or custody during investigation and trial.

CrPC defines a bailable offence as an offence that is shown as bailable in the First Schedule of the CrPC, or which is made bailable by any other law for the time being in force and a non-bailable offence means any other offence.

While bail is a matter of right in bailable offences, in non-bailable offences, the grant of bail is at discretion exercised by the judge taking note of the factual aspects of the case.

It can also be sought during the appellate stage to prevent endless internment during the pendency of the appeal.

The presumption of innocence is a foundational postulate in India's criminal jurisprudence. This is the main reason why an accused is usually released on bail pending investigation and trial except for a few offences framed under the Penal code as well as offences framed under special statutes like the Unlawful Activities Prevention Act, Narcotic and Psychotropic Substances Act, and the Prevention of Money-laundering Act, all of which impose extremely rigid conditions for the grant of bail.

### Body

#### Grounds of Bail

As declared by Supreme Court the grant or denial is regulated, to large extent, by the facts and circumstances of each particular case.

The right to bail is not to be denied merely because of the sentiments of the community against the accused.

The Primary purposes of bail are-

- ✓ To relieve the accused of imprisonment
- ✓ To relieve the state of the burden of keeping him

- ✓ To keep the accused constructively in the custody of the court, to assure that he will submit to the jurisdiction of the court and be in attendance thereon whenever his presence is required.

Ms Y versus State of Rajasthan & Ors, 2022 –Supreme Court held that reasoning is the lifeblood of the judicial system. That every order must be reasoned is one of the fundamental tenets of our system. A non-reasoned order suffers the vice of arbitrariness.

### **Triple Test**

The grant of bail is usually guided by a triple test-

- The ascertainment of whether the accused is at flight risk
- Possibility of tampering with the evidence
- And influencing witnesses.
- In addition to the above three, it was held by a three-judge bench of the Supreme court in the P.Chidambaram case of 2019 that the gravity of the offence may also be an additional consideration that may be ascertained by the sentence prescribed for the offence alleged to have been committed.

### **Conclusion**

Making an arrest at an FIR stage destroys a person's reputation. A subsequent acquittal cannot heal the scars. So while the investigation is going on and if the accused are cooperating, bail should be allowed to become the norm.

Ultimately, if you are granted bail then you are exempted being in a jail on certain conditions

Hence, Bail is the rule and jail is the exception

### **3.What is dark energy and how it is different from dark matter and explains the theory of general relativity in dark energy. (150 Words)**

#### **Introduction**

Our universe is expanding at an accelerating rate & the reason is unknown. This seemingly contradicts current scientific knowledge of how gravity works & affects the world we live in. The cause of this acceleration is called "Dark Energy" and is a mystery.

NASA scientists are helping probe this enigma by testing gravity. According to the space agency, this phenomenon where the universe is expanding at an accelerating rate is almost as if an apple is thrown in the air and it continued to move upwards faster and faster.

## Body

### **Dark Energy**

More is unknown than is known. We know how much dark energy there is because we know how it affects the universe's expansion. Other than that, it is a complete mystery. But it is an important mystery. It makes up about 68% of the universe.

Dark Energy is a hypothetical form of energy that exerts a negative, repulsive pressure, behaving like the opposite of gravity.

It is causing the rate of expansion of our universe to accelerate over time, rather than to slow down. That is contrary to what one might expect from a universe that began in a Big Bang.

### **How is dark energy different from dark matter?**

Everything we see – the planets, moons, massive galaxies – makes up less than 5% of the universe. About 27% is dark matter and 68% is dark energy.

While dark matter attracts and holds galaxies together, dark energy repels and causes the expansion of our universe.

The existence of dark matter was suggested as early as the 1920s, while dark energy was not discovered until 1998.

### **The Theory of general relativity**

The leading theory, however, considers dark energy a property of space. Albert Einstein was the first to understand that space was not simply empty. He also understood that more space could continue to come into existence. In his theory of general relativity, Einstein included a cosmological constant to account for the stationary universe scientists thought existed.

After Hubble announced the expanding universe, Einstein called his constant his “biggest blunder.”

But Einstein's blunder may be the best fit for dark energy. Predicting that empty space can have its own energy, the constant indicates that as more space emerges, more energy would be added to the universe, increasing its expansion.

#### **4.Terrorism across borders has always been a problem for India. What are the steps taken by the international organisations to combat terrorism? (150 Words)**

##### **Introduction**

India has a very large and complex border covering around 15106.7km, which it shares with Bangladesh, China, Pakistan, Nepal, Myanmar, Bhutan as well as small portion with Afghanistan.

##### **Body**

##### **Challenges in the effective border management particular to some neighbours are:**

**Varied Terrain:** India-China Border as comprising of difficult Himalayan terrain that is reason for difficulty in border management.

**Climatic Condition:** Due to Himalayan polar condition, it is tough to guard border due to adverse climatic conditions. Ex: China, Pakistan

Bitter relations with some of the neighbouring countries. Ex: Pakistan

Porous nature of border with some countries that provides safe route to human traffickers, illegal arms dealers, drug smugglers etc. Ex: Myanmar

##### **Steps taken by the international organisations to combat terrorism**

##### **Financial action task force (FATF)**

Policies largely originate and are modelled upon the report forty recommendations, which was established by the financial action task force (FATF).

FATF works to combat money laundering and the financing of terrorism through creating standardized processes to stop threats to the international financial system. It seeks to increase acceptance of anti-money laundering regulations across the globe. Eg: Pakistan is on grey list for two years.



Following the FATF, world organisations, international financial institutions, and many national governments have pursued CFT initiatives and policies.

### **UNSC-Counter Terrorism Committee**

It was established by Security Council resolution 1373 which was adopted unanimously on 28th September 2001 in the wake of the 9/11 terror attacks in the US.

The Committee was tasked with monitoring implementation of resolution 1373 which requested countries to implement a number of measures aimed at enhancing their legal and institutional ability to counter terrorist activities at home and around the world.

#### **Conclusion**

Terrorism is a complex, non-static phenomenon, its associated motivations, financing and support mechanism, methods of attacks and choice of targets are often evolving, there by compounding the challenges of ensuring the existence of an effective strategy to counter it. In this situation global cooperation is of paramount importance.

India should play a proactive role to neutralize any threat of terrorism. There is need for the world to join hands and take concrete multilateral initiatives to ensure that terror groups are dealt with a heavy hand. Accepting and ratifying the comprehensive convention on International Terrorism (CCIT) proposed by India would be good first step.

### **5.Examine the India's scenario of vehicular pollution and discuss limitations in India's efforts to reduce emissions. (150 Words)**

#### **Introduction**

The **transport sector** accounts for a quarter of overall emissions, with road transport accounting for three-quarters of total emissions (and 15 per cent of the total global CO2 emissions).

Passenger vehicles account for the largest share of this, accounting for around 45 per cent of CO2 emissions. If trends continue, annual GHG emissions in 2050 will be 90% higher than in 2020.

#### **Body**

##### **India's scenario of vehicular pollution**

India is the fifth-largest global car manufacturer with one of the highest compound annual growth rates (10 per cent) of vehicle registration as of 2019.

Due to economic growth, and continued aspiration for vehicle ownership, the annual car sales in India are projected to increase from the current 3.5 million to about 10.5 million — a three times increase — by 2030.

Cars and two-wheelers will dominate the fleet with a share of about 87 per cent. This will increase exposure to vehicular exhaust emissions. This requires not only improvement in emissions standards but also improvement in measurement procedures for emissions testing of vehicles to keep them low-emitting on roads.

In 2023, some major reforms in testing procedures are expected. This needs to be informed well.

In India, vehicle technology is changing rapidly with changes in fuel quality, exhaust treatment systems of the internal combustion engines (ICE), electrification of vehicle segments and steps toward hydrogen-powered vehicles.

But the current and future batches of ICE vehicles are likely to have a substantial share in the on-road fleet till 2040, if not beyond. This not only requires substantial tightening of the emissions standards but also modification of technical parameters for testing of vehicles to reduce the emissions in the real world.

### **Limitations in India's efforts to reduce emissions**

Vehicle technology in India is rapidly evolving, with improvements in fuel quality, exhaust treatment systems for Internal Combustion Engines (ICE), electrification of vehicle segments, and advances toward hydrogen-powered vehicles.

However, the current and future batches of ICE vehicles are expected to have a substantial share of the on-road fleet until 2040, if not beyond.

This will require not only substantial tightening of emissions standards but also modification of technical criteria used to test vehicles to achieve real-world emission reductions.

## **6.As tokens, women are scrutinized more, felt overwhelmed to perform and tended to overachieve or underachieve. Comment (150 Words)**

### **Introduction**

### **Tokenism**

It is an act of doing something to show that a person/company is including people from minority or marginalized groups, but without sincerity & without showing an intent to increase diversity and promote inclusivity.

### **Body**

#### **Origin of the term**

According to Laws, the token is permitted entrance, but cannot fully participate.

All the formal requirements are met for entrance into a group but do not possess the 'auxiliary Characteristics' especially race, sex, and ethnicity that are expected of persons in that position.

Tokens are never permitted by insiders to become full members and may even be ejected if they stray too far from the special niche outlined for them.

Majority of women there remained concentrated in typically female jobs. Among those who did move into management positions, many failed to achieve equality with men.

**As tokens, women are scrutinized more, felt overwhelmed to perform and tended to overachieve or underachieve.**

Being tokens also psychologically impacted women, who either went out of their way to emphasize their outsider status to become insiders without fully succeeding.

### **Counter-Production**

Tokenism is the act of doing something to show that a person/company is including people from minority or marginalized groups, but without sincerity and without showing an intent to increase diversity & promote inclusivity.

The members of a group whether women or black people or people from lower castes are hired only because of their difference from other dominant members like men, white people, and higher castes.

For instance, in a company hiring more women is an easy, temporary fix to a structural problem & gives the company evidence of no discrimination in the workplace.

In such scenarios, the hires or tokens become mere props or symbols.

Tokenistic acts can be dangerous and counter-productive for the tokens like they do not change prejudices about the community in question; on contrary, they may reaffirm them.

### Conclusion

### Fighting Tokenism

To be inclusive, requires effort, time & long-term view.

While symbolic gestures like replacing a word in the anthem, are important, they are far from sufficient. Symbols must be backed by concrete action.

Portraying a gay character in a film or series is mere tokenism unless that character is well written with a definite arc like the other characters and has a purpose in the story.

Tokenism can be felt at the individual level, the institutional level and the systemic level.

Unless there are efforts, both short & long term, at all three levels, true diversity and inclusivity will remain a chimaera.

## 7. Discuss the need for consolidating data laws to reassure the right to privacy of the Individual in the light of the Pegasus attack in India (150 Words)

### Introduction

The recent digital security breach by a spyware called Pegasus compromised phones of multiple activists, journalists, and lawyers in India. The spyware was able to track multiple user applications like messages, emails, audio calls, browser history, contacts including end-

to-end encrypted data. The whole incident brought forward the issue of digital security and the ways to achieve it with minimum loopholes.

## Body

### **Pegasus**

It is a spyware developed by the Israeli cyber arms firm NSO Group Technologies. It mainly uses exploit links, clicking on which installs Pegasus on the target's phone.

Citizen Lab which has investigated several cases of Pegasus infections showed through its research that social engineering is a very common strategy to deliver the most sophisticated spyware.

Pegasus does so by exploiting vulnerabilities in the phone's operating systems (OS).

Lookout, which is a cybersecurity company, had partnered with Citizen Lab to investigate Pegasus and found that it had exploited three zero-day vulnerabilities in iOS to successfully attain all the user access of the phone.

A zero-day vulnerability is a flaw in a software or hardware that is previously unknown to the party responsible.

In WhatsApp case, a specially crafted call was used to trigger a buffer overflow, which in turn was used to take control of the device.

Pegasus is state-of-the-art spyware and NSO charges an exorbitant sum for its product and services.

### **Need for consolidating data laws to reassure the right to privacy**

Multiple ways and various technologies like social engineering, exploiting user apps and then using the vulnerabilities make this issue hard to solve.

The Google Play Store and the Apple App store have thousands of apps with undiscovered vulnerabilities that could potentially be exploited by firms such as NSO to target individual users.

By mainly targeting WhatsApp only the focus is shifted from other potential means through which it can be used further and leave a far bigger impact.

Lack of awareness and specialists in digital security makes this a vulnerable sector.

Terrorists and other anti-social elements have started using more of cyberspace which provides them with more getaways.

So there is need to consolidate data laws to reassure the right to privacy.

### Conclusion

The need of the hour for the Indian government is to develop core skills in data integrity and data security fields, while also setting stringent cybersecurity standards to protect individuals and institutions of national importance, to make sure that the unity of the nation and the integrity of the individuals stay safe and secure.

## 8.What are stable coins and discuss its role in the crypto ecosystem (150 Words)

### Introduction

#### Stable Coins

A stable coin is a digital currency whose value is pegged to a stable asset, such as the U.S dollar or gold.

The best-known stable coin in the crypto ecosystem today is arguably Tether (USDT), Whose market cap is close to \$66 billion, putting it below Ethereum, the Second largest cryptocurrency in existence.1 USDT is meant to be worth 1 USD, though market factors can take prices slightly above or below this mark.

Other stable coins such as USD Coin (USDC) and Binance USD (BUSD) are also pegged to the U.S. dollar and are known for their high market cap values.

Tether also recently launched a stable coin pegged to the British pound.

Stable coins are not authorised for use by country lawmakers or central banks, which means that investors take on considerable legal and financial risk to hold them.

### Body

#### Role of stable coins in crypto ecosystem

For Cryptocurrency traders, tracking stablecoin flows can help them gauge the state of the market or even make educated guesses about future cryptocurrency price movements.

For example, When the stablecoin supply on crypto exchanges spikes, it might be a sign that investors are cashing in their stablecoins to buy cryptocurrencies such as Bitcoin (BTC), Ether (ETH) or even other altcoins.

Many traders believe this can lead to upward price moves.

On the other hand, if the stablecoin supply on crypto exchanges suddenly drops, one might conclude that traders are buying relatively steadier assets.

This could mean traders want to hedge against future risk and volatility or are driven by fear.

### **The use cases of Stable Coins**

Across the world, stablecoins can serve as lifelines.

In countries such as Turkey, Nigeria, and Argentina where the local currency is rapidly losing value, converting funds to stablecoins is one way for residents to try and safeguard their earnings.

In Taliban-occupied Afghanistan, with remittance channels choked by U.S. Sanctions, stablecoin transfers have helped a few cryptos users live to see another day.

For this reason, a large section of the crypto community does not want stablecoins to be controlled by centralised laws or standards.

### **Conclusion**

The risks within the stablecoin ecosystem are very high. Now as regulators step in, the market is expected to make traders more fearful. Terra is not the first or only fault line in the stablecoin market and it will not be the last.

## **9.What is Cantillon effect and discuss its impact on relative prices (150 Words)**

### **Introduction**

Cantillon effect refers to the idea that changes in the money supply in an economy cause redistribution of purchasing power among people, disturb the relative prices of goods and services and lead to the misallocation of scarce resources.

The Cantillon effect is named after the 18 th century French economists Richard Cantillon who published his ideas in the 1755 book Essay on the Nature of Trade in General.

### **Body**

#### **Cantillon Effect**

When the money supply is expanded, the fresh money does not get evenly distributed across the economy all at once

The fresh money is injected into particular sections of the economy first and thus people in these sections of the economy are enriched when compared to people in the rest of the economy

In other words, when the money supply is expanded, the purchasing power of people who first receive the freshly created money is enhanced at the cost of the rest of society.

When the first recipients of freshly created money spend their money on certain goods and services, the prices of these goods and services begin to rise before the prices of other goods and services.

This is because the freshly created money takes time to percolate through the wider economy and causes the prices of all goods and services to rise proportionately.

Thus, there is a disturbance in relative prices of goods as fresh money is injected into the economy and contrary to what economists have traditionally assumed.

### **Impact on Relative Prices**

Relative prices play a crucial role in the allocation of scarce resources in an economy. Prices act as important signals to entrepreneurs in the allocation of scarce resources towards various ends of society and changes in relative prices can thus affect how scarce resources are allocated.

Changes in money supply can also lead to the misallocation of savings in the credit market as investors may allocate savings based on the signals sent by relative prices that are outdated and false.

The Cantillon effect has been widely cited by economists who are critical of expansionary central bank policy to tackle economic downturns.

Mainstream economists believe that recessions are the result of a drop in aggregate spending, which can be sorted out by expansionary monetary policy that compensates for the drop in aggregate demand. Critics argue that when a central bank increases the money supply, it can have a real effect on the economy

Cantillon's contributions to monetary theory encouraged economists to see that changes in money supply even by central banks can have real effects on the economy.



## 10. In the context of India what does the law say about guardianship how do courts grant child custody (150 Words)

### Introduction

A Parliamentary panel has recommended conferring equal rights on mothers as guardians under the Hindu Minority and Guardianship Act (HMGA) 1956, instead of treating them as subordinates to their husbands and has called for joint custody of children during marital disputes. It has also proposed allowing the LGBTQI community to adopt children

### Body

#### Indian laws about Guardianship

Indian laws accord superiority to the father in case of guardianship of a minor. Under the religious law of Hindus, or the Hindu Minority and Guardianship Act, HMGA 1956, the natural guardian of a Hindu minor in respect of the minor's person or property "is the father and after him, the mother: provided custody of a minor who has not completed the age of five years shall ordinarily be with the mother.

The Muslim Personal Law (Shariat) Application Act, 1937 says that the Shariat or the religious law will apply in case of guardianship according to which the father is the natural guardian, but custody vests with the mother until the son reaches the age of seven and the daughter reaches puberty though the father's right to general supervision and control exists.

The concept of Hizanat in Muslim law states that the welfare of the child is above all else. This is the reason why Muslim law gives preference to the mother over the father in matters of custody of children in their tender years.

### Conclusion

GBTQI people who seek adoption face institutional discrimination because of stigma. Therefore, the law should be amended to include them as eligible candidates including when they apply as non-single parents such as when they are in civil unions or married.



