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POLITY & INTERNATIONAL RELATIONS II

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TARGET 2020

POLITY & INTERNATIONAL RELATIONS - II
(JANUARY 2020 TO MARCH 2020)

POLITY

1. RIGHTS ISSUES

1.1 Tulu in VIII Schedule

There is a strong case for adding Tulu, among other languages in the Eighth Schedule of the Indian Constitution.

- **Article 29** of the Constitution provides that a section of citizens having a distinct language, script or culture have the right to conserve the same.
- Both the state and the citizens have an equal responsibility to conserve the distinct language, script and culture of a people.
- Among the legion of languages in India, the Constitution has 22 languages. They are protected in Schedule VIII of the Constitution.
- Many languages that are kept out of this favoured position are in some ways more deserving to be included in the Eighth Schedule.
- For example, Sanskrit, an Eighth Schedule language, has only 24,821 speakers (2011 Census). Manipuri, another scheduled language, has only 17,61,079 speakers.
- However, many unscheduled languages have a sizeable number of speakers: Bhili/Bhilodi has 1,04,13,637 speakers; Gondi has 29,84,453 speakers; Ho, 14,21,418; Khandeshi, 18,60,236; Khasi, 14,31,344, etc.
- **Status of Tulu -** Tulu is a Dravidian language whose speakers are concentrated in two coastal districts of Karnataka and in Kasaragod district of Kerala.
- The Census reports 18,46,427 native speakers of Tulu in India.
- The Tulu-speaking people are larger in number than speakers of Manipuri and Sanskrit, which have the Eighth Schedule status.
- Robert Caldwell, in his book, called Tulu as one of the most highly developed languages of the Dravidian family.
- The cities of Mangaluru, Udupi and Kasaragod are the epicentres of Tulu culture.
- At present, **Tulu is not an official language** in India or any other country.
- Efforts are being made to include Tulu in the Eighth Schedule of the Constitution.

Yuelu Proclamation

- The Yuelu Proclamation, made by the UNESCO in 2018, says that the protection and promotion of linguistic diversity,
    1. Helps to improve social inclusion and partnerships,
    2. Helps to reduce the gender and social inequality between different native speakers,
    3. Guarantee the rights for speakers of endangered, minority, indigenous, non-official languages and dialects to receive education,
    4. Enhance the social inclusion level and social decision-making ability.
- India has a lot to learn from the Yuelu Proclamation.

Advantages

- If Tulu is included in the Eighth Schedule, it would get recognition from the Sahitya Akademi.
- Tulu books would be translated into other recognised Indian languages.
- Members of Parliament (MPs) and Members of State Assemblies (MLAs) could speak in Tulu in Parliament and State Assemblies, respectively.
- Candidates could write all-India competitive examinations like the Civil Services exam in Tulu.
- Placing of all the deserving languages on equal footing will promote social inclusion and national solidarity.
- It will reduce the inequalities within the country to a great extent.
- So, Tulu, along with other deserving languages, should be included in the Eighth Schedule in order to substantially materialise the promise of equality of status and opportunity mentioned in the Preamble.

1.2 Section 188 of IPC

- Section 3 of the Epidemic Diseases Act, 1897, provides penalties for disobeying any regulation or order made under the Act.
- These are according to Section 188 of the Indian Penal Code (Disobedience to order duly promulgated by public servant).
- Under Section 188, there two offences:
    1. Disobedience to an order lawfully promulgated by a public servant, If such disobedience causes obstruction, annoyance or injury to persons lawfully employed. **Punishment:** Simple Imprisonment for 1 month or fine of Rs 200 or both
    2. If such disobedience causes danger to human life, health or safety, etc.**Punishment:** Simple Imprisonment for 6 months or fine of Rs 1000 or both
- According to the First Schedule of the Criminal Procedure Code (CrPC), 1973, both offences are cognizable, bailable, and can be tried by any magistrate.
- There must be evidence that the accused had knowledge of the order with the disobedience of which he is charged.
- Mere proof of a general notification promulgating the order does not satisfy the requirements of the section.
- Mere disobedience of the order does not constitute an offence in itself, it must be shown that the disobedience has or tends to a certain consequence.
- The orders issued to curb the spread of the coronavirus have been framed under the Epidemic Diseases Act, 1897, which lays down punishment as per Section 188 of the Indian Penal Code, 1860.
- In the past, the Act has been routinely enforced across the country for dealing with outbreaks of diseases such as swine flu, dengue, and cholera.
- Its penal provisions are currently being invoked by states to contain the COVID-19 pandemic.

1.3 Sedition Law - Section 124A of the IPC

The Section 124A (Sedition) of the Indian Penal Code (IPC) is being used more often recently.

- Section 124A IPC states that whoever brings or attempts to bring hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India shall be punished.
- The punishment may involve imprisonment of 3 years to life term, to which a fine may be added; or, with fine.
- Section 124A has been challenged in various courts in specific cases.
- The validity of the provision itself was upheld by a Constitution Bench of the Supreme Court (SC) in 1962, in Kedarnath Singh vs State of Bihar.
- That judgment went into the issue of whether the law on sedition is consistent with the fundamental right under Article 19 (1) (a).

- [Article 19(1)(a) guarantees freedom of speech and expression].
- The SC laid down that every citizen has a right to say or write about the government by way of criticism or comment.
- It also added that this comment shouldn't incite people to violence against the government established by law or with the intention of creating public disorder.
- The SC ruled that casual raising of slogans, once or twice by two individuals alone cannot be said to be aimed at exciting or attempt to excite hatred or disaffection by the government.
- **Maharashtra circular -** In a 2015 circular, the Maharashtra government laid down the preconditions to its police personnel before invoking sedition.
- The circular came during the hearing of a public interest litigation (PIL) in the Bombay High Court, after a cartoonist was booked for sedition.
- The sedition charge was subsequently dropped by the police; a PIL was filed in 2015 on the alleged arbitrary application of the charge.
- **High Court order -** In 2015, the HC referred to the Kedarnath judgment and said there was a need to lay down parameters for the invocation of Section 124A.
- Otherwise a situation would result in which an unrestricted recourse to Section 124A resulting in a serious encroachment of guarantee of personal liberty conferred upon every citizen of a free society.
- However, the court said it did not feel the need to dwell on the subject further.
- It said so due to the fact that the then state government had proposed that it would issue guidelines in the form of a circular to all its police personnel for the invocation of Section 124A.
- **State guidelines -** The circular was issued, and its guidelines included preconditions to be kept in mind while invocation of 124A.
- The preconditions were that the words, signs or representations must,
    1. Bring the government into hatred or contempt or
    2. Cause or attempt to cause disaffection, enmity or disloyalty to the government.
- Along with these, it must also inciting violence or tend to create public disorder or a reasonable apprehension of public disorder.
- The comments expressing criticism of the government with a view to change the government by lawful means without any of the above are not seditious under Section 124A.
- To ensure that the section is used arbitrarily, the circular directed that a legal opinion from the district law officer should be taken by the public prosecutor addressing fulfilment of these conditions.
- **Instances of Misuse -** Police are pursuing a complaint about a play performed by children of the age 9 to 12 of a private school in Bidar district of Karnataka, which is an instance of the misuse of the sedition provision under Section 124A of the IPC.
- The police have taken **action for an allegedly seditious play** against the Citizenship (Amendment) Act.
- A teacher who supervised the performance and the parent of a child who added words to the script of the play were arrested.
- The primary school children are subjected to sustained harassment with utter disregard for child-friendly legislations.
- These actions are clear case of misuse of the power to arrest, as it is merely a verbal offence and doesn't require custodial interrogation.
- The police have deemed the opposition to the amendment act as something against the state.

1.4 Uniform Civil Code

- It is a generic set of governing laws for every citizen without taking into consideration the religion.
- Article 44 of the Constitution says that there should be a Uniform Civil Code. According to this article, "The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India".
- Since the Directive Principles are only guidelines, it is not mandatory to use them.
- Indian laws do follow a uniform code in most civil matters – Indian Contract Act, Civil Procedure Code, Sale of Goods Act, Transfer of Property Act, Partnership Act, Evidence Act etc.
- States, however, have made hundreds of amendments and therefore in certain matters, there is diversity even under these secular civil laws.
- As of now all Indian states do not follow a Uniform Civil Code, the Law Commission even concluded that a Uniform Civil Code is neither feasible nor desirable.

1.5 Famous Cases on Fundamental rights

- In 1965 - Sajjan Singh case, the Supreme Court held that the Parliament can amend any part of the Constitution including fundamental rights.
- In 1967, the verdict of the Golaknath case said that the fundamental rights cannot be amended.
- In 1973, in the Kesavananda Bharati case, SC held that although no part of the Constitution, including Fundamental Rights, was beyond the Parliament's amending power, the "basic structure of the Constitution could not be abrogated even by a constitutional amendment - Judiciary can strike down any amendment passed by Parliament that is in conflict with the basic structure of the Constitution.
- In 1981, the Supreme Court reiterated the Basic Structure doctrine - It also drew a line of demarcation as April 24th, 1973 i.e., the date of the Kesavananda Bharati judgement, and held that it should not be applied retrospectively to reopen the validity of any amendment to the Constitution which took place prior to that date.
- In 2020, SC has ruled that reservation in the matter of promotions in public posts is not a fundamental right and a state cannot be compelled to offer the quota, if it chooses not to (Articles 16(4) and 16(4A) of the Constitution give states the power to make such reservations) and No mandamus can be issued by the court directing state governments to provide reservations.

Mandamus

- Mandamus is among the "prerogative writs", that means extraordinary writs or orders granted by the sovereign when ordinary legal remedies are inadequate.
- These are habeas corpus, mandamus, prohibition, certiorari, and quo warranto.
- In India, the Supreme Court can issue prerogative writs under Article 32 of the Constitution, and the High Courts under Article 226.
- Mandamus literally means 'we command'. When issued to a person or body, the writ of mandamus demands some activity on their part.
- It orders the person or body to perform a public or quasi-public duty, which they have refused to perform, and where no other adequate legal remedy exists to enforce the performance of that duty.
- The writ cannot be issued unless the legal duty is of public nature, and to whose performance the applicant of the writ has a legal right.
- The remedy is of a discretionary nature — a court can refuse to grant it when an alternative remedy exists.
- However, for enforcing fundamental rights, the alternative remedy argument does not hold as much weight, since it is the duty of the Supreme Court and the High Courts to enforce fundamental rights.
- The writ can also be issued against inferior courts or other judicial bodies when they have refused to exercise their jurisdiction and perform their duty.
- Under Article 361, mandamus cannot be granted against the President or Governor of a State, "for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties".

- The writ also cannot be issued against a private individual or body, except where the State is in collusion with the private party for contravening a provision of the Constitution or a statute.

1.6 Doctrine of Severability

- It is a doctrine that protects the fundamental rights enshrined in the Constitution.
- It is mentioned in Article 13, according to which all laws that were enforced in India before the commencement of the Constitution, inconsistent with the provisions of fundamental rights shall to the extent of that inconsistency be void.
- This implies that only the parts of the statute that is inconsistent shall be deemed void and not the whole statue.
- Only those provisions, which are inconsistent with fundamental rights, shall be void.

1.7 Doctrine of Eclipse

- This doctrine states that any law that violates fundamental rights is not null or void ab initio, but is only non-enforceable, i.e., it is not dead but inactive.
- This implies that whenever that fundamental right (which was violated by the law) is struck down, the law becomes active again (is revived).
- Another point to note is that the doctrine of eclipse applies only to pre-constitutional laws (laws that were enacted before the Constitution came into force) and not to post-constitutional laws.
- This means that any post-constitutional law which is violative of a fundamental right is void ab initio.

1.8 Project 39A

- Project 39-A is unique initiative of National Law University, Delhi.
- Project 39A is inspired by Article 39-A of the Indian Constitution, a provision that furthers the intertwined values of equal justice and equal opportunity by removing economic and social barriers.
- The fourth edition of 'The Death Penalty in India: Annual Statistics' is published by Project 39A.
- According to the report, the number of death sentences awarded for murders involving sexual offences in 2019 was at the highest in four years.

1.9 CARES Fund

- The government has set up the Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund (PM-CARES Fund) to deal with any kind of emergency or distress situation like posed by the COVID-19 pandemic.
- This Fund has been set up owing to a number of requests made by the people to support the government in the wake of the COVID-19 emergency.
- The Fund is a public charitable trust with the Prime Minister as its Chairman.
- Other Members include Defence Minister, Home Minister and Finance Minister.
- The Fund enables micro-donations as a result of which a large number of people will be able to contribute with the smallest of denominations.
- The Fund will strengthen disaster management capacities and encourage research on protecting citizens.
- The Ministry of Corporate Affairs has clarified that contributions by companies towards the PM-CARES Fund will count towards mandatory Corporate Social Responsibility (CSR) expenditure.

1.10 Balance between Excellence in Education & the Minorities' Right

Supreme Court recently held that the state is well within its rights to introduce a regulatory regime in the "national interest" to provide minority educational institutions with well-qualified teachers in order for them to "achieve excellence in education."

- Referring to the 11-judge Bench decision in the *TMA Pai Foundation* case, the court said Article 30(1) (right of minorities to establish and administer educational institutions of their choice) **was neither absolute nor above the law.**
- An objection can certainly be raised if an unfavourable treatment is meted out to an educational institution established and administered by minority.
- But if ensuring of excellence in educational institutions is the underlying principle behind a regulatory regime and the mechanism of selection of teachers, the matter may stand on a completely different footing.
- The court explains how to strike a "balance" between the two objectives of excellence in education and the preservation of the minorities' right to run their educational institutions.
- To strike a balance the advocates certain measures.
- It broadly divides education into two categories – secular education and education "directly aimed aeta or dealing with preservation and protection of the heritage, culture, script and special characteristics of a religious or a linguistic minority."
- When it comes to the latter, the court advocated "maximum latitude" (maximum freedom) to be given to the management to appoint teachers.
- However, where the curriculum was "purely secular", the intent must be to impart education availing the best possible teachers.
- The judgment came on a challenge to the validity of the West Bengal Madrasah Service Commission Act of 2008.
- The State Act mandated that the process of appointment of teachers in aided madrasahs, recognised as minority institutions, would be done by a Commission, whose decision would be binding.
- The apex court upheld the validity of the 2008 Act, saying the Commission was composed of persons with profound knowledge in Islamic Culture and Islamic Theology.
- The court said the provisions of the Act were "specially designed" for madrasahs and the madrasah education system in West Bengal. The court concluded that the Act was "not violative of the rights of the minority educational institutions on any count."

2. PARLIAMENT& STATE LEGISLATURE

2.1 Karnataka MLAs Defection

The Karnataka Members of Legislative Assembly (MLAs) defected, re-contested, and became members again, all in six months.

- Of the 17 defecting Congress-Janata Dal (Secular) MLAs, 11 were re-electd on a Bharatiya Janata Party (BJP) ticket.
- These events lay down a well-structured framework to sidestep the law.
- It also set a dangerous precedent for neutralising the consequences of the law altogether.

Anti-Defection Law

- The ADL is contained in the **10th Schedule** of the Constitution.
- It was enacted by Parliament and came into effect in 1985.
- Its purpose is to **curb political defection** by the legislators.
- It has defined three grounds of disqualification of MLAs,

1. Giving up party membership;
2. Going against party whip; and
3. Abstaining from voting.

- **Resignation and ADL -** Resignation as MLA was not one of the conditions of disqualification.
- Exploiting this loophole, the 17 Karnataka MLAs resigned, their act aimed at ending the majority of the ruling coalition and, at the same time, avoiding disqualification.
- However, the Speaker (presiding officer of the Assembly) refused to accept the resignations and declared them disqualified.
- This was possible as the legislation empowers the presiding officer of the House to decide on complaints of defection under no time constraint.

Constraints in ADL

- **1985** - The law originally protected the Speaker's decision from judicial review.
- **1992** - This safeguard was struck down in Kihoto Hollohan case 1992.
- While the SC upheld the Speaker's discretionary power, it underscored that the Speaker functioned as a tribunal under the ADL, thereby making her/his decisions subject to judicial review.
- This judgment enabled judiciary to become the watchdog of the ADL, instead of the Speaker, who increasingly had become a political character contrary to the expected neutral constitutional role.
- **2019** - The same could be witnessed in Shrimanth Patel & Ors vs Speaker Karnataka Legislative Assembly, where the SC bench upheld the then Karnataka Speaker's decision of disqualification of the 17 MLAs.
- However, it struck down his ban on the MLAs from contesting elections till 2023, negating the only possible permanent solution to the problem.

Safeguards in ADL

- The ADL provided a safeguard for defections made on genuine ideological differences.
- It allowed the formation of a new party or "**merger**" with other political party if not less than two-thirds of the party's members commit to it.
- The 91st Constitutional Amendment of 2003 barred the appointment of defectors as Ministers until their disqualification period is over or they are re-elected, whichever is earlier.
- But, obviously, such laws have not put to rest the trend of defections.
- This can only be stopped by **extending the disqualification period** from re-contesting and appointment to Chairmanships/Ministries to at least 6 years.
- The minimum period limit of 6 years is needed to ensure that the defectors are not allowed to enter the election fray for least one election cycle, which is 5 years.
- MLAs can still be bought from the ruling dispensation to bring it to a minority by being paid hefty sums, simply to stay at home for 6 years.
- Almost every political outfit has been party to such devious games, with hardly any political will to find a solution.

2.2 Elections to Rajya Sabha

- Election Commission recently announced biennial elections for 55 Rajya Sabha seats.
- The Constitution provides that the Rajya Sabha shall consist of 250 members, of which 12 members shall be nominated by the President from amongst persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service; and not more than 238 representatives of the States and of the Union Territories.
- Elections to the Rajya Sabha are indirect and the Rajya Sabha is not subject to dissolution; one-third of its members retire every second year.

- According to Section 154 of the Representation of the People Act 1951, a member chosen to fill a casual vacancy will serve for the remainder of his predecessor's term of office.
- Members of a state's Legislative Assembly vote in the Rajya Sabha elections in what is called proportional representation with the single transferable vote (STV) system, Each MLA's vote is counted only once.
- Members representing Union Territories are chosen in such manner as Parliament may by law prescribe.

2.3 Nomination of Ex-CJI to Rajya Sabha

Within five months of his retirement as Chief Justice of India, Justice Ranjan Gogoi has been nominated to the Rajya Sabha by the President of India.

- The **16-point code of conduct** for judges, also called the "Restatement of Values of Judicial Life" is a forgotten code.
- This code was adopted at a Chief Justices Conference in May 1997.
- It states that a judge should practice a degree of aloofness consistent with the dignity of his office.
- It also says that a judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.
- This code of conduct also lays the basis of how post-retirement conduct ought to be.
- A judge after a deciding politically sensitive case, soon after retirement gets a plum post such as a Rajya Sabha nomination.
- It would obviously raise serious questions about his or her independence as a judge when he or she had decided those cases.
- Nomination of Justice Gogoi to a Rajya Sabha seat by the government raise serious doubts about the fairness of many critical judgments.
- Mr. Gogoi's appointment cannot be seen as a way of ensuring cohesion between the judiciary and the legislature.

Key Judgments

- During his tenure, Justice Gogoi presided over and pushed through the exercise of the National Register of Citizens (**NRC**) in Assam.
- Then, there is the **Sabarimala temple review case** in which the Supreme Court (SC) held that excluding menstruating women from entering the temple against constitutional morality.
- He **dismissed review of the Rafale aircraft deal** without dealing with the grounds on which the original judgment had been challenged.
- Shortly before his retirement, he delivered several important verdicts including the **Ayodhya judgment**.

- Any attempt to create cohesion between the two wings would necessarily encroach on the judiciary's role as a restraining force on the executive and legislature.
- As for the government, making such an offer to a just-retired CJI is not mere brazenness.
- It indicates an alarming intention to undermine judicial authority so that the elected executive is seen as all-powerful.

2.4 Article 131

- Kerala became the first state to challenge the Citizenship (Amendment) Act (CAA) before the Supreme Court. However, the legal route adopted by the state is different from the 60 petitions already pending before the court.
- The Kerala government has moved the apex court under Article 131 of the Constitution, the provision under which the Supreme Court has original jurisdiction to deal with any dispute between the Centre and a state; the Centre and a state on the one side and another state on the other side; and two or more states.
- Under article 131, Supreme Court has three kinds of jurisdictions: original, appellate and advisory.
- Under its advisory jurisdiction, the President has the power to seek an opinion from the apex court under Article 143 of the Constitution.
- Under its appellate jurisdiction, the Supreme Court hears appeals from lower courts.
- In its extraordinary original jurisdiction, the Supreme Court has exclusive power to adjudicate upon disputes involving elections of the President and the Vice President, those that involve states and the Centre, and cases involving the violation of fundamental rights.

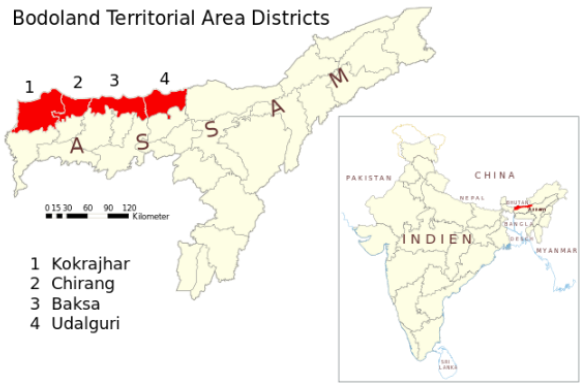
- For a dispute to qualify as a dispute under Article 131, it has to necessarily be between states and the Centre, and must involve a question of law or fact on which the existence of a legal right of the state or the Centre depends.
- In a 1978 judgment, State of Karnataka v Union of India, Justice P N Bhagwati had said that for the Supreme Court to accept a suit under Article 131, the state need not show that its legal right is violated, but only that the dispute involves a legal question.
- Article 131 cannot be used to settle political differences between state and central governments headed by different parties.
- The other petitions challenging the CAA have been filed under Article 32 of the Constitution, which gives the court the power to issue writs when fundamental rights are violated.
- A state government cannot move the court under this provision because only people and citizens can claim fundamental rights.
- Under Article 131, the challenge is made when the rights and power of a state or the Centre are in question.
- However, the relief that the state (under Article 131) and petitioners under Article 32 have sought in the challenge to the CAA is the same — declaration of the law as being unconstitutional.

2.5 Commissionerate system of policing

- The Uttar Pradesh Cabinet approved the Commissionerate system of policing for state capital Lucknow and Noida.
- In the arrangement in force at the district level, a _dual system' of control exists, in which the Superintendent of Police (SP) has to work with the District Magistrate (DM) for supervising police administration.
- At the metropolitan level, many states have replaced the dual system with the commissionerate system, as it is supposed to allow for faster decisionmaking to solve complex urban-centric issues.
- In the commissionerate system, the Commissioner of Police (CP) is the head of a unified police command structure, is responsible for the force in the city, and is accountable to the state government.
- The office also has magisterial powers, including those related to regulation, control, and licensing.
- The CP is drawn from the Deputy Inspector General rank or above, and is assisted by Special/Joint/Additional/Deputy Commissioners.
- Almost all states barring Bihar, Madhya Pradesh, UT of J&K, and some Northeastern states have a commissionerate system

2.6 Bodoland Territorial Area

- Bodoland, officially the Bodoland Territorial Council (BTC), is an autonomous region in the state of Assam, India.
- It made up of four districts on the north bank of the Brahmaputra river, by the foothills of Bhutan and Arunachal Pradesh.
- The four districts in Assam — Kokrajhar, Baksa, Udalguri and Chirang — that constitute the Bodo Territorial Area District (BTAD), are home to several ethnic groups.
- It is administered by the Bodoland Territorial Council, which covers over eight thousand square kilometres.
- The territory came into existence under the BTC Accord in February 2003.



- The region is predominantly inhabited by the indigenous Bodo people and other indigenous communities of Assam.
- Bodos are the single largest tribal community in Assam, making up over 5-6 per cent of the state's population.

- The Bodos have had a long history of separatist demands, marked by armed struggle.

Bodo Accord

- Union government has signed a comprehensive Bodo Settlement Agreement to end the over 50 year old Bodo Crisis
- The agreement is signed between Government of India, Government of Assam and Bodo representatives.
- The current agreement proposes to set up a commission under Section 14 of the Sixth Schedule to the Constitution of India, which will recommend the inclusion or exclusion of tribal population residing in villages adjoining BTAD areas.
- In this commission, besides State government there will be representatives from ABSU and BTC.
- It will submit its recommendation within six months from the date of notification
- The Government of Assam will establish a Bodo-Kachari Welfare Council as per existing procedure.
- The Assam government will also notify Bodo language as an associate official language in the state and will set up a separate directorate for Bodo medium schools.
- The present settlement has proposal to give more legislative, executive, administrative and financial powers to BTC.
- A Special Development Package Rs. 1500 crores over three years will be given by the Union Government to undertake specific projects for the development of Bodo areas.

2.7 Bru-Reang Agreement

- The Bru or Reang are a community indigenous to Northeast India, living mostly in Tripura, Mizoram, and Assam.
- In Tripura, they are recognised as a Particularly Vulnerable Tribal Group (PVTG).
- Over two decades ago, a few ethnic social organizations of Mizoram who demanded that the Bru be excluded from electoral rolls in the state.
- In October 1997, following ethnic clashes, nearly 37,000 Bru fled Mizoram's Mamit, Kolasib, and Lunglei districts to Tripura, where they were sheltered in relief camps.
- Since then, over 5,000 have returned to Mizoram in nine phases of repatriation, while 32,000 people from 5,400 families still live in six relief camps in North Tripura.
- Apart from their own Kaubru tongue, the Bru speak both Kokborok and Bangla, the two most widely spoken languages of the tribal and non-tribal communities of Tripura, and have an easy connection with the state.
- The Bru-Reang is a tripartite agreement is signed between the Government of India, Governments of Tripura and Mizoram and Bru-Reang representatives in New Delhi on 17 January, 2020.

The agreement mentions the following

1. About 34,000 Bru refugees will be settled in Tripura.
2. Centre will provide help to these tribes for their all-round development and for this around Rs 600 crores were sanctioned.
3. Ech displaced family would be given 40X30 sq.ft. residential plots.
4. For 2 years, they will be given the aid of Rs 5000 per month.
5. Free ration for 2 years
6. About Rs 1.5 lakh aid to build their house.
7. The Tripura Government would provide the land.

2.8 Enemy Properties

- A Group of Ministers (GoM) headed by Union Home Minister will monitor the disposal of over 9,400 enemy properties, which are likely to fetch about Rs.1 lakh crore to the exchequer.

- As per the Enemy Property Act, 1968, 'enemy property' refers to any property that was belonging to a person who migrated from India to an enemy country when a war broke out.
- The Enemy Property Act, enacted in 1968, provided for the continuous vesting of enemy property in the Custodian of Enemy Property for India.
- The central government through the Custodian is in possession of enemy properties spread across many states in the country.
- Some movable properties too, are categorised as enemy properties.

2.9 Public libraries Act

- The Public Library act is a legislation, which gives local administration powers to establish public libraries with the assistance from the state and the central governments.
- As of now, 19 states have enacted their own Public Libraries Act with Tamil Nadu (formerly Madras) being the first one to implement it way back in 1948.
- Kerala, Karnataka, Gujarat, Odisha and Haryana are among others that have enacted their own legislation.
- The Punjab Library Association is making efforts since 1948 to get a Punjab Public Library Act enacted.
- Public libraries Act mandates that 70 per cent financial assistance for opening a public library will come from Centre and the remaining is borne by the state government.
- This Act can thus help in opening more and more libraries, as has been done in South India where people have libraries even in their homes.
- It can inculcate reading habits among youngsters as well as adults.

2.10 Reading of Preamble

- Recently, Maharashtra government directed rural local bodies to hold a collective reading of the Preamble to the Constitution before flag-hoisting ceremonies, starting January 26.
- It had made it mandatory for school students across the state to read the Preamble during the morning assembly.
- A preamble is an introductory statement in a document that explains the document's philosophy and objectives.
- The Preamble reads - IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.
- The ideals behind the Preamble to India's Constitution were laid down by Jawaharlal Nehru's Objectives Resolution, adopted by the Constituent Assembly on January 22, 1947.

2.11 Central Grants to Local Bodies

- Union government has released Rs 2,570 crore pending instalment of the grants to six states under the 14th Finance Commission that had been withheld pending local bodies elections.
- This aims to ensure that the basic services provided by local bodies are not affected amid coronavirus scare.
- The amounts to Andhra Pradesh, Arunachal Pradesh, Meghalaya, Nagaland, Odisha, Tamil Nadu have been released for urban and rural local bodies wherever applicable.
- The amount released totals Rs Rs 2,570.0813 crore, with Rs 940.8063 crore for rural local bodies and Rs 1,629.275 crore for urban local bodies.
- Tamil Nadu will be the biggest beneficiary as its urban local bodies will get Rs 987.85 crore followed by Andhra Pradesh which will get Rs 431 crore and Rs 186.58 crore for Odisha.
- Besides the taxes devolved to states, another source of transfers from the center to states is grants-in-aid.
- As per the recommendations of the 14th Finance Commission, grants-in-aid constitute 12% of the central transfers to states.

- The 14th Finance Commission had recommended grants to states for three purposes - Disaster relief,Local bodies,Revenue deficit.

2.12 Property Damage Ordinance

The Property Damage Ordinance will set up a compensation claims tribunal for the recovery of property losses from those accused of rioting.

- The Uttar Pradesh government has passed this ordinance a day before the Allahabad High Court's (HC) deadline for the district magistrate and the police to report to it on the removal of certain hoardings.
- These were "name and shame" hoardings of people accused of allegedly damaging property during riots to protest the CAA.None of these people had gone through the legal process to establish guilt, and remain vulnerable to violence.
- So, this Ordinance is seen as an example of unique extra-judicial interpretation of the law.
- **HC rule -** It ruled that the state government's move (i.e.,) the ordinance amounted to an unwarranted interference in privacy.
- By putting up for public display the details of accused, the government violated the rights guaranteed under Article 21 of the Constitution.
- [Article 21 - No person can be deprived of his life and personal liberty except according to a procedure established by law.]
- The UP government has appealed this ruling before the SC, which, has seen fit to refer the matter to a larger bench.
- **Ordinance –** It offers a smut to the spirit of the HC's judgment upholding the sanctity of Article 21.
- It provides that the court set up under it will be the sole institution for hearing the recovery cases; no other civil courts will hear these cases.
- The court under this ordinance can instruct the authorities to publish the details of people it has found guilty of destruction.
- In other words, the court can provide legal cover for the same "name and shame" process that the high court had ruled illegal.
- This kind of wilful abandonment of the due process of law may be added to the problems like land acquisition, inflexible labour laws and other basics of doing business.
- If added, India's hopes of becoming a hub of global investment will be dim.
- So, the UP's version of justice urgently demands a robust **legal challenge** so that it does not become the template for India.

2.13 Technology Group

- Cabinet has approved constitution of a 12-Member Technology Group with the Principal Scientific Adviser to Government of India as its Chair.
- This Group is mandated to render timely policy advice on
  1. Latest technologies.
  2. Mapping of technology and technology products.
  3. The commercialisation of dual use technologies developed in national laboratories and government R&D organisations.
  4. Developing an indigenisation road map for selected key technologies.
  5. Selection of appropriate R&D programs leading to technology development.
- The Technology Group intends to ensure that India has appropriate policies and strategies for effective exploitation of the latest technologies for economic growth and sustainable development of Indian Industry, in all sectors.

2.14 Addition in ST list

The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2019 was passed in Rajya Sabha

- The bill seeks to include Parivara and Talawara tribal communities from Karnataka in ST category.
- Siddi tribes of Belagavi, Dharwad would also be included in the ST category apart from those living in Uttar Kannada districts.
- This is to ensure they get the reservation and other benefits provided by the government.
- Karnataka government had recommended for inclusion of "Parivara' and Talawara' communities as synonyms of 'Nayaka' appearing at SI No 38 in the list of Scheduled Tribes of the State of Karnataka.
- The first specification of Scheduled Tribes in relation to a particular State or Union territory is by a notified Order of the President after consultation with the State Government / UT concerned.
- Any subsequent inclusion in or exclusion from and other modifications in the list of Scheduled Tribes can be made only through an amending Act of Parliament.

3. JUDICIARY

3.1 Appointment of District Judge

- The district judge is also called "Metropolitan session judge" when he is presiding over a district court in a city which is designated "Metropolitan area" by the State Government.
- The district court has appellate jurisdiction over all subordinate courts situated in the district on both civil and criminal matters.
- The district and sessions judge is often referred to as "district judge" when presiding over civil matters and "sessions judge" when presiding over criminal matters.
- Under Article 233 (1) Appointments of persons to be, and the posting and promotion of, district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.
- Under Article 233 (2) A person not already in the service of the Union or of the State shall only be eligible to be appointed a district judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment
- The Constitution makers consciously wished that members of the Bar should be considered for appointment at all three levels, i.e. as District judges, High Courts and the Supreme Court.
- This was because counsel practising in the law courts have a direct link with the people who need their services; their views about the functioning of the courts, is a constant dynamic.
- SC recently ruled that the only opportunity to be District Judges is through promotion in accordance with the Rules framed under Article 234 and held that subordinate judicial officers cannot apply or compete for direct appointment as District Judge even if they have a previous experience of seven years as an advocate.
- SC judgement while interpreting direct appointment under Article 233, said it is only available to advocates or pleaders with seven years of legal practice.
- The Article expressly bars candidates in service of either the Union or the State.
- Thus by the new judgement “Members of judicial service having seven years experience of practice before they have joined the service or having combined experience of seven years as both a lawyer and judicial officer are not eligible to apply for direct recruitment as a District Judge,”
- The court held that prohibition on judicial officers staking a claim to District Judgeship through direct recruitment under Article 233(2) is not ultra vires nor a violation of their fundamental rights to equality and equal opportunities in public employment.
- The judgment also noted that judicial officers directly appointed under Article 233 cannot continue as District Judges.
- They would be reverted to their original posts and the respective High Courts would consider their promotion in accordance with the prevailing Rules in case they were superseded by their juniors.

- The court held that an advocate, to be eligible under Article 233, has to be continuing in practice for seven years as on the cut-off date and at the time of appointment as District Judge.

3.2 National Judicial Pay Commission

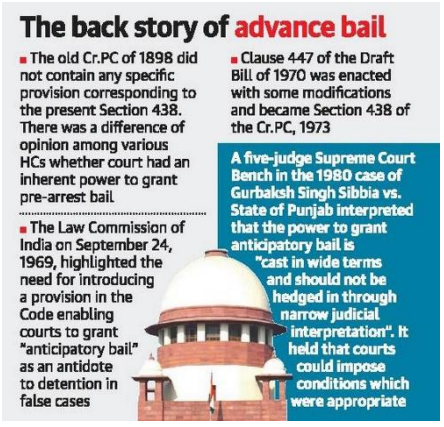
- The Second National Judicial Pay Commission has filed the main part of the Report in 4 volumes covering the subject of Pay, Pension and Allowances, in the Registry of the Supreme Court.
- The Commission has been constituted pursuant to the Order of the Supreme Court in All India Judges Association case and the Government of India, Ministry of Law & Justice.
- Former Judge of the Supreme Court is the Chairman, Former Judge of Kerala High Court is the Member and, District Judge of Delhi Higher Judicial Service is the Member-Secretary of the Commission.
- The Report recommends for a hike in Judges Salary.
- Recommendation has been made to discontinue the New Pension Scheme (NPS) which is being applied to those entering service during or after 2004.
- The old pension system, which is more beneficial, will be revived.
- The recommendations made by the Commission are applicable to the judicial officers throughout the country.
- Supreme Court will have to issue directions regarding the implementation of recommendations after hearing the stakeholders.

3.3 SC/ST Amendment Act, 2018

- The 2018 Supreme Court verdict had made a provision for anticipatory bail to offenders under Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Amendment Act.
- However, after strong protests against the dilution across the country, Union government removed this provision to bring the law back to its original form.
- Recently SC upheld the amendments, ruling that though the provision of anticipatory bail is not available under the law, courts can quash FIRs in exceptional circumstances.
- The court also ruled that preliminary enquiry is not a must in cases of atrocities against SCs/STs, and no prior approval of an appointing authority or senior police officers is required before filing FIRs.
- However, a caveat that anticipatory bail should be granted only in extraordinary situations where a denial of bail would mean miscarriage of justice.

3.4 Anticipatory Bail

- 'Bail' is a document procuring "the release of a person from legal custody, by undertaking that he shall appear at the time and place designated and submit himself to the jurisdiction and judgement of the court."
- As opposed to ordinary bail, which is granted to a person who is under arrest, in anticipatory bail, a person is directed to be released on bail even before arrest made.
- According to Code of Criminal Procedure, 1973, "When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section and, if the court thinks fit, direct that in the event of such arrest, he shall be released on bail."
- The provision empowers only the Sessions Court and High Court to grant anticipatory bail.
- Anticipatory bail became part of the new CrPC in 1973 (when the latter replaced the older Code of 1898), after the 41st Law Commission Report of 1969 recommended the inclusion of the provision.



- While granting anticipatory bail, the Sessions Court or High Court can impose the following conditions

1. /A condition that the person shall make himself available for interrogation by a police officer as and when required;
2. A condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
3. A condition that the person shall not leave India without the previous permission of the Court.
4. In addition, such other condition as may be imposed under sub-section (3) of section 437, as if the bail were granted under that section.

- Recently Supreme Court ruled that no time restriction should ordinarily be fixed for anticipatory bail and that it can continue even until the end of the trial.

3.5 Reciprocating Territory

- Ministry of Law and Justice recently declared United Arab Emirates as a "reciprocating territory" under Section 44A of the Civil Procedure Code, 1908.
- Through the status the orders passed by certain designated courts from a 'reciprocating territory' can be implemented in India, by filing a copy of the Verdict or judgement concerned in a District Court here.
- The courts so designated are called 'superior Courts'.
- The notification also declared a list of courts in the UAE to be "superior Courts" under the same section.
- Section 44A, titled "Execution of decrees passed by Courts in reciprocating territory", provides the law on the subject of execution of decrees of Courts in India by foreign Courts and vice versa.
- Under Explanation 1 of S. 44A - "Reciprocating territory" means any country or territory outside India which the Central Government may, by notification in the Official Gazette, declare to be a reciprocating territory for the purposes of this section; and "superior Courts", with reference to any such territory, means such Courts as may be specified in the said notification."
- S.44A (1) provides that a decree passed by "a superior Court" in any "reciprocating territory" can be executed in India by filing a certified copy of the decree in a District Court, which will treat the decree as if it has been passed by itself.
- According to Explanation-2, the scope of the Section is restricted to decrees for payment of money, not being sums payable "in respect of taxes or other charges of a like nature or in respect of a fine or other penalty".
- It also cannot be based on an arbitration award, even if such an award is enforceable as a decree or judgment.
- Apart from UAE, the other countries declared "reciprocating territories" are United Kingdom, Singapore, Bangladesh, Malaysia, Trinidad & Tobago, New Zealand, the Cook Islands (including Niue) and the Trust Territories of Western Samoa, Hong Kong, Papua New Guinea, Fiji, and Aden.
- Through the decision, Indian expatriates in the UAE would no longer be able to seek safe haven in their home country if they are convicted in a civil case in the UAE.

3.6 No Reservation in Promotions

*The Supreme Court ruled that no individual including the Scheduled Caste and Scheduled Tribes could claim reservation in promotions.*There is no fundamental right to claim reservation in promotions.

- Judgment - It said that the court could not issue a mandamus directing State governments to provide reservation.
- It set aside an Uttarakhand HC order directing data collection on the adequacy of representation of SC/ST candidates in the State's services.
- Based on the above "enabling nature", the Court is not wrong in setting aside this order.
- Its reasoning is that once there is a decision not to extend reservation to the section, the question whether its representation in the services is inadequate is irrelevant.
- The root of the current issue lies in the then government's decision to give up SC/ST quotas in promotions in Uttarakhand.

- **Reservation -** The scope for reservation for the Backward Classes is promised in Part III of the Constitution under Fundamental Rights.
- Articles 16(4) and 16(4A) empowers the state to provide reservation for SCs and STs in public employment.
- The right to equality is enshrined in the Preamble of the Constitution.
- Many see that the reservation is against Article 16 (Right to equality).
- But there is an absence of equal opportunities for the Backward Classes due to historic injustice by virtue of birth entails them reservation.
- Articles 16 (2) and 16(4) are neither contradictory nor mutually exclusive in nature, but are complementary to each other.
- There is a question whether the quantifiable data for inadequate representation is a must for giving reservation in promotions.
- This question has been addressed by Article 16(4) in the Constitution.
- It reads that the State can make any provision for the reservation of appointments or posts in favour of any backward class of citizens which in the State's opinion, is not adequately represented in the State services.
- Here, "in the State's opinion" should **not be construed as the discretion of the state** to give the reservation or not.
- On the contrary, it means if the state feels that SCs and STs are under-represented, it is in the domain of the state to provide reservation.
- There is **no mention in the Constitution** about quantifiable data.
- Even after 70 years of SC/ST reservation, their representation is as low as 3%.
- It must be noted that when reservation rights are in Part III, it's the obligation of the state to ensure reservation to the underprivileged.
- This recent SC judgment has interpreted Articles 16 (4) and 16(4A) only as enabling provisions.
- Enabling provisions mean that these provisions empower the state to intervene; it does not mean the state is not bound to provide it.
- Interpreting the Constitution by paraphrasing and selective reading is dangerous.
- This judgment has raised a new point that the decision of the State government to provide reservation for SC/STs shouldn't affect the efficiency of administration.
- This implies that the entry of SC/STs in the job market can reduce the quality of administration; this by itself is discriminatory.
- There is no evidence that performance in administration is affected on account of caste.
- There have been many attempts to dilute reservation in the past.
- But, this judgment appears to be debatable in the larger context and should be challenged in a constitutional bench.
- In a country of parliamentary democracy, even the Constitution of India can be amended.
- If the government at the Centre has genuine concern for SC/STs, it can amend the Constitution using its political majority.

Implications of this judgment

- This verdict on reservation on promotions has affected the social justice and the advancement of the under-privileged.
- As there is a peculiar hierarchical arrangement of caste in India, it is obvious that SCs and STs are poorly represented in higher posts.
- Denying application of reservation in promotions has kept SCs and STs largely confined to lower cadre jobs.
- Hence, providing reservation for promotions is even more justified and appropriate to attain equality.
- This judgment destabilises the very basis of reservation, when there is no direct recruitment in higher posts.

- This delineation of the scope of reservation as at the entry level and in promotions will only lead to confusion in its implementation.
- Now, by declaring that reservation cannot be claimed as a fundamental right is a dangerous precedent in the history of social justice.
- This case should have been dealt by a larger constitutional bench which could have a Scheduled Caste (SC) or Scheduled Tribe (ST) judge.
- So, it is the moral responsibility of the Union Government to appeal this case and request a constitutional bench hearing.

3.7 Karnataka High Court's Observation

The Karnataka High Court (HC) observed that it is unethical and illegal for lawyers to pass resolutions against representing accused in court.

- The Hubli Bar Association passed a resolution that objected to defend students arrested for sedition in court.
- So, the HC has asked the association to place on record a resolution withdrawing this resolution.
- This isn't the first time that bar associations has passed such resolutions.
- The Supreme Court (SC) has ruled that these are against all norms of the Constitution, the statute and professional ethics.
- **Constitution -** Article 22(1) gives the fundamental right to every person not to be denied the right to be defended by a legal practitioner of his or her choice.
- Article 14, also a fundamental right, provides for equality before the law and equal protection of the laws within the territory of India.
- Article 39A, part of the Directive Principles of state policy, states that equal opportunity to secure justice mustn't be denied to any citizen by reason of economic or other disabilities, and provides for free legal aid.
- **Case** - In 2010, a SC Bench dealt with the illegality of such resolutions under the A S Mohammed Rafi vs State of Tamil Nadu case.
- This case arose from a confrontation between a lawyer and policemen.
- So, the lawyers passed a resolution to not allow any lawyer to represent the police personnel.
- The Madras HC ruled this "unprofessional", after which lawyers appealed in the SC.
- **SC ruling** - The SC ruled that such resolutions are wholly illegal, against all traditions of the bar and against professional ethics.
- Every person, however may be, has a right to be defended in a court of law and correspondingly, it is the duty of the lawyer to defend him.
- It said such resolutions were against all norms of the Constitution, the statute and professional ethics, and declared them null and void.

Definition of professional ethics of lawyers

- The Bar Council of India has **Rules on Professional Standards**, part of the Standards of Professional Conduct and Etiquette to be followed by lawyers under the Advocates Act.
- An advocate is bound to accept any brief in the courts or tribunals, at a fee consistent with his standing at the Bar and the nature of the case.
- The Rules provide for a lawyer refusing to accept a particular brief in "special circumstances".
- In 2019, the Uttarakhand HC clarified that these special circumstances refer to an advocate who may choose not to appear in a particular case.
- But it says that he cannot be prohibited from defending an accused by any threat of removal of his membership of the bar association.
- A writ petition was filed in the Uttarakhand HC after the Kotdwar Bar Association passed a resolution.

- This resolution stated that anyone who represented the accused in an advocate murder case would have their Bar membership terminated.
- The court held the resolution null and void.
- It directed the State Bar Council to initiate action against office-bearers of the Bar Association if such resolutions were passed in the future.
- It said that action under Section 15(2) of the Contempt of Courts Act, 1971, can be considered against advocates who interrupt court proceedings.

3.8 SC Ruling Against Judicial Transparency

The Supreme Court (SC) has barred citizens from securing access to court records under the Right to Information (RTI) Act.

- **SC Ruling -** The SC held that these records could be accessed only through the rules laid down by each High Court under **Article 225** of the Constitution.
- It ruled so in the Chief Information Commissioner (CIC) v. High Court (HC) of Gujarat case.
- This ruling does not preclude the application of the RTI Act to the administrative side of the court.
- But it firmly denies access to the court records filed on the judicial side under the RTI Act.
- The SC's verdict in this case is based on **Section 22** of the RTI Act.

Section 22 of the RTI Act

- The Section 22 states that the **RTI Act shall override any other law** to the extent that the latter is inconsistent with the former.
- It is **non-obstante clause** which means that it can be used as a common drafting device by legislatures to permit certain actions regardless of what is mentioned in existing legislation.
- Despite this, the SC and, High Courts on previous occasions have concluded exactly the opposite.
- A significant number of decisions taken by the courts influence a person's daily life.
- Every prosecution before a criminal court is essentially an opportunity to hold the police accountable.
- The pleadings filed by parties contain information that are useful to citizens, journalists, shareholders, etc., who can better inform the public discourse on the ramifications of these decisions.

Reasons given by SC

- The court concludes that there is **no inconsistency** between the RTI Act and the court rules.
- It is factually incorrect as the Gujarat HC Rules require the submission of an affidavit stating the purpose of seeking copies of the pleadings.
- But, the RTI Act requires no reasons to be provided while seeking information.
- The court argues that an enactment can't be overridden by a later general enactment simply because the latter opens up with a **non-obstante clause**, unless there is clear inconsistency between the two legislations.
- But that is exactly the point of a non-obstante clause.
- The court concludes that the **Section 22** could not be read in a manner to imply repeal of other laws, such as the Gujarat High Court Rules.
- The court states that if the intention was to repeal another law, the legislature would have specifically stated so in the RTI Act.
- This reasoning is bewildering because it would render non-obstante clauses entirely useless.
- **Administrative discretion** - Some HCs allow only parties to a legal proceeding to access the records of a case and some allow third parties to access court records if they can justify their request.
- This is entirely unlike the RTI Act, where no reasons are required to be provided thereby reducing the possibility of administrative discretion.

- **Logistical difficulties** -An application under the RTI Act can simply be made by post, with the fee being deposited through a postal order.
- Most HCs and the SC require physical filing of an application with the Registry, and a hearing to determine whether records should be given.

3.9 Supreme Court Order on AGR

The Supreme Court (SC) came down heavily on the Department of Telecommunications (DoT) for issuing a notification regarding AGR.

- The Telecom operators are required to pay licence fee and spectrum charges in the form of 'revenue share' to the government.
- The revenue amount used to calculate this revenue share is termed as adjusted gross revenue (AGR).
- DoT notified that no coercive action should be taken against telecom companies, even though they had not paid the AGR dues by the stipulated deadline of January 23, 2020.
- A three-judge SC Bench initiated contempt proceedings against the telecom companies for not paying the AGR dues.
- The court also asked DoT to immediately withdraw this notification.
- **SC Order -** In October, 2019, the court had said the companies **must pay all dues** along with interest and penalty.
- Some telcos had tried to persuade DoT to relax the deadline. After failed to do so, they moved the court seeking a review of its judgment.
- The court dismissed the review petition in January 2020, and did not extend the deadline for paying AGR dues.
- The SC order means that the telcos will have to immediately clear the pending AGR dues, whcih amount to nearly Rs 1.47 lakh crore.
- Some telcos face the prospect of shutting down business due to the trouble they undergo for not paying the AGR dues on time.
- Other than the telcos, non-telecom companies could also be facing huge payouts individually, which amount to total of Rs 3 lakh crore.
- **Government Notification -** The Licensing Finance Policy Wing of DoT directed all government departments to **not take any action** against telecom operators if they failed to clear AGR-related dues as per the SC's order.
- The order came as a huge relief for operators that would have otherwise faced possible contempt action for not paying dues by the deadline that ran out on that same day of SC's order.
- There was no change in the amount they had to pay, but it did buy them time as they hoped for relief from the SC.
- The SC was to hear their plea seeking permission to negotiate the timeline for payment of dues with the DoT.
- Prior to the DoT order, the companies had told the government that they would wait for the outcome of the SC hearing, which however gave no relief to the companies.
- The payout by telecom and non-telecom companies is likely to lead to windfall gains for the central government.
- This payout could help the government to close some of the fiscal deficit gap for the current financial.
- At the same time, however, the government will be under pressure to ensure that the telecom market does not turn into a duopoly.
- It will also have to manage the payouts to be done by **non-telecom companies** as most of them, such as Oil India, Power Grid, Gail, and Delhi Metro Rail Corporation are public sector units.

Implications

- **Customers** - If Vodafone Idea exits, an Airtel-Jio duopoly may be created which could lead to bigger bills.

- It was the cutthroat competition of the sector, which made mobile telephony and Internet almost universally affordable.
- **Lenders** - The AGR issue has triggered panic in the banking industry, given that the telecom sector is highly leveraged.

3.10 Gram Nyayalayas

SC has directed the states, which are yet come out with notifications for establishing Gram Nyayalayas, to do so within 4 weeks

- A bench also took into account the fact that even in the states that have issued notifications, Gram Nyayalayas were not functioning except in Kerala, Maharashtra and Rajasthan.
- The bench noted that states like Gujarat, Haryana, Telangana, West Bengal, Uttarakhand, Chhattisgarh and Odisha have not yet filed their affidavits on this issue despite the apex court's last year direction.
- The apex court had in September 2019 agreed to hear a plea seeking a direction to the Centre and all states for taking steps to set up Gram Nyayalayas under the supervision and monitoring of the SC.
- An Act passed by Parliament in 2008 provided for setting up of Gram Nyayalayas at the grassroots level for providing access to justice to citizens at the doorstep.

3.11 Prison Reforms

Supreme Court-appointed committee made several recommendations to reform prisons.

- The court had in September 2018 appointed the Justice Roy Committee to examine the various problems plaguing prisons, from overcrowding to lack of legal advice to convicts to issues of remission and parole.
- The report described the preparation of food in kitchens as “primitive and arduous”.
- The kitchens are congested and unhygienic and the diet has remained unchanged for years now.
- The court said overcrowding is a common bane in the under-staffed prisons.
- Both the prisoner and his guard equally suffer human rights violation.
- The undertrial prisoner, who is yet to get his day in court, suffers the most, languishing behind bars for years without a hearing.
- The Prison Department has a perennial average of 30%-40% vacancies.
- So it recommended that every new prisoner should be allowed a free phone call a day to his family members during his first week in jail.
- It also recommended modern cooking facilities, canteens to buy essential items and trial through video-conferencing should also be made available.

4. CONSTITUTIONAL&NON-CONSTITUTIONAL BODIES

4.1 Commission on Other Backward Classes

- The Commission of Sub-categorization of Other Backward Classes was constituted under article 340 of the Constitution with the approval of President on 2nd October, 2017/
- The Commission, headed by Justice (Retd.) Smt. G. Rohini commenced functioning on 11th October, 2017.
- Since then it has interacted with all the Stats/UTs which have subcategorized OBCs, and the State Backward Classes Commissions.
- The Commission has come to the view that it would require some more time to submit, its report since the repetitions, ambiguities, inconsistencies and errors of spelling or transcription etc appearing in the existing Central List of OBCs need to be cleared.
- Hence the Commission has sought extension of its term by six, that is upto 31st July 2020 and also addition in its existing Terms of Reference, recently union cabinet approved the extension.

- The Cabinet has also approved addition of following Term of Reference to the existing Terms of Reference of the "Commission" -
- The Commission is likely to make recommendations for benefit of marginalized communities in the Central List of OBCs.
- The expenditure involved are related to the establishment and administration costs of the Commission, which would continue to be borne by the Department of Social Justice and Empowerment.

Earlier Commissions on Backward classes

- **The Kalelkar Commission, set up in 1953**, was the first to identify backward classes other than the Scheduled Castes and Scheduled Tribes at the national level.
- Its conclusion that caste is an important measure of backwardness was rejected on the ground that it had failed to apply more objective criteria such as income and literacy to determine backwardness.
- **The Mandal Commission report (1980)** estimated the OBC population at 52% and classified 1,257 communities as backward.
- It recommended increasing the existing quotas, which were only for SC/ST, from 22.5% to 49.5% to include the OBCs.
- A decade later, its recommendations were implemented in government jobs, a move that sparked major agitations.
- To assuage the anti-reservation protesters, the P V Narasimha Rao government in 1991 introduced a **10% quota for the "economically backward sections"** among the forward castes.
- The Supreme Court struck this down in the **Indra Sawhney vs Union of India case (1993),** where it held that the Constitution recognized only social and educational and not economic — backwardness.
- The apex court, however, held reservation for OBCs as valid and directed that the creamy layer of OBC (those earning over a specified income) should not avail reservation facilities.
- The overall reservation for SCs, STs and OBCs was capped at 50%. Based on the order, the central government reserved 27% of seats in union civil posts and services, to be filled through direct recruitment, for OBCs.
- The quotas were subsequently enforced in central government educational institutions.

4.2 Commission for Sub-Categorization of OBCs

- A committee under **Justice G Rohini** has been set up to examine sub-categorization of Other Backward Classes on 2nd October, 2017 under article 340 of the Constitution to examine the issues of the sub-categorization of Other Backward Classes with the following terms of reference:
    1. To examine the extent of inequitable distribution of benefits of reservation among the castes or communities included in the broad category of Other Backward Classes with reference to such classes included in the Central List;
    2. To work out the mechanism, criteria, norms and parameters in a scientific approach for sub-categorization within such Other Backward Classes; and
    3. To take up the exercise of identifying the respective castes or communities or sub-castes or synonyms in the Central List of Other Backward Classes and classifying them into their respective sub-categories.
    4. The sub-categorization of OBCs can ensure increased access to benefits such as reservations in educational institutions and government jobs for less dominant OBCs
- The Commission has not submitted its report to the Government, the Commission expressed the need for obtaining the caste-wise data for which additional time was required.
- Therefore, the tenure of the Commission has been extended by the Government from time to time.
- Union Government has notified the latest extension of the Commission to examine the issues of sub-categorization of Other Backward Classes, by six months, till 31st July, 2020.
- This order aims to study the various Entries in the Central List of OBCs and recommend correction of any repetitions, ambiguities, inconsistencies and errors of spelling or transcription.

4.3 Delimitation Commission

- Recently a 'delimitation commission' has been set up by the Ministry of Law and Justice.
- The commission will headed by a former Supreme Court judge Ranjana Prakash Desai.
- The commission has been set up for the Union Territory of Jammu & Kashmir and the north-eastern states of Assam, Arunachal Pradesh, Manipur and Nagaland.
- The Election Comissioner (Sushil Chandra) will be the ex-officio member of the commission.
- The Election Commissioners of the concerned states and UT will also be its members.
- The Commission will delimit the constituencies of Jammu and Kashmir in accordance with the provisions of the Jammu and Kashmir Reorganization Act, and of Assam, Arunachal Pradesh, Manipur and Nagaland in accordance with the provisions of the Delimitation Act, 2002.
- **Lok Sabha Constituencies -** The number of seats in the Legislative Assembly of Union Territory of Jammu and Kashmir shall be increased from 107 to 114, and delimitation of the constituencies may be determined by the Election Commission in the manner hereinafter provided.
- Notably, 24 of the total seats in J&K remain perennially vacant as they are allotted to Pakistan-occupied Kashmir.
- The reorganization Act also says Lok Sabha will have five seats from the Union Territory of J&K and Ladakh will have one seat.

Delimitation Act, 2002

- Articles 82 and 170 of the Constitution of India provide for readjustment and the division of each State into territorial constituencies (Parliamentary constituencies and Assembly constituencies) on the basis of the 2001 census.
- Articles 330 and 332 of the Constitution of India provide for refaxing the number of seats reserved for the Scheduled Castes and the Scheduled Tribes in the House of the People and Legislative Assemblies of the States on the basis of the 2001 census.
- The Delimitation Act, 2002, was enacted to set up a Delimitation Commission for the purpose of effecting delimitation on the basis of the 2001 census so as to correct the aforesaid distortion in the sizes of electoral constituencies.

4.4 National Startup Advisory Council

- Union government has notified the structure of the National Startup Advisory Council.
- It will be chaired by commerce and industry minister, the council will do the following
    1. Suggest measures to foster a culture of innovation amongst citizens and students in particular.
    2. Promote innovation in all sectors of economy across the country.
    3. Support creative and innovative ideas through incubation.
    4. Create an environment of absorption of innovation in industry.
- The council will facilitate public organizations to assimilate innovation with a view to improving public service delivery, promote creation, protection and commercialization of intellectual property rights, and make it easier to start, operate, grow and exit businesses by reducing regulatory compliances and costs.
- The council will also suggest measures to “promote ease of access to capital for startups, incentivize domestic capital for investments into startups, and mobilize global capital for investments in Indian startups.
- India ranks 136 on ‘starting a business’ in the World Bank’s ease of doing business table against an overall rank of 63.
- Some of the measures in the works are also expected to tackle this.

4.5 Law Commission of India

- The Law Commission of India is a non-statutory body constituted by the Government of India from time to time.

- The Law Commission shall, on a reference made to it by the Central Government or suo-motu, undertake research in law and review of existing laws in India for making reforms therein and enacting new legislations.
- It shall also undertake studies and research for bringing reforms in the justice delivery systems for elimination of delay in procedures, speedy disposal of cases, reduction in the cost of litigation etc.
- The Commission was originally constituted in 1955 and is re-constituted every three years.
- The tenure of twenty-first Law Commission of India was up to 31st August 2018.
- The various Law Commission have been able to make an important contribution towards the progressive development and codification of Law of the country.
- The Law Commission has so far submitted 277 reports.
- Union government recently gave its approval for the constitution of the 22nd Law Commission for a period of three years from the date of publication of its Order in the Official Gazette.
- It will consist of:
    1. A full-time Chairperson;
    2. Four full-time Members (including Member-Secretary)
    3. Secretary, Department of Legal Affairs as ex-officio Member;
    4. Secretary, Legislative Department as ex officio Member; and
    5. Not more than five part-time Members.
    6. The chairperson usually is a retired Supreme Court judge or a retired chief justice of a high court.
- The term of the previous commission had ended on August 31, 2018.

4.6 Central Consumer Protection Authority

Union Ministry of Consumer Affairs, Food and Public Distribution announced that a Central Consumer Protection Authority (CCPA) will be established soon.

- The CCPA is being constituted under Section 10(1) of The Consumer Protection Act, 2019.
- The new Act replaced The Consumer Protection Act, 1986, and seeks to widen its scope in addressing consumer concerns.
- It recognises offences such as providing false information regarding the quality or quantity of a good or service, and misleading advertisements.
- It also specifies action to be taken if goods and services are found "dangerous, hazardous or unsafe".
- It aims to **protect the rights of the consumer** by cracking down on unfair trade practices, and false and misleading ads that are detrimental to the interests of the public and consumers.
- It will have the powers to **inquire or investigate into matters** relating to violations of consumer rights or unfair trade practices
    1. Suo motu, or on a complaint received, or
    2. On a direction from the central government.
- It will ensure that all **standards on packaged food items** set by regulators such as the Food Safety and Standards Authority of India (FSSAI) are being followed.
- The proposed authority will have a **Chief Commissioner as head**, and only two other commissioners as members.
- One of the members will deal with matters relating to goods while the other will look into cases relating to services.
- It will be headquartered in the National Capital Region of Delhi but the central government may set up regional offices in other regions.
- The CCPA will have an **Investigation Wing** that will be headed by a Director General.

- District Collectors will have the power to investigate complaints of violations of consumer rights, unfair trade practices, and false or misleading ads.
- **Powers -** The proposed authority will have powers to recall goods or withdrawal of services that are "dangerous, hazardous or unsafe".
- It can pass an order for refund the prices of goods or services so recalled to purchasers of such goods or services.
- It can also pass an order on discontinuation of practices which are unfair and prejudicial to consumer's interest.
- For manufacture, selling, storage, distribution, or import of adulterated products, the penalties will be given if the consumer is injured or died.
- Section 21 of the new Act defines the powers given to the CCPA to crack down on false or misleading ads.
- The CCPA may **issue directions** to the trader, manufacturer, endorser, advertiser, or publisher to discontinue a misleading advertisement, or modify it in a manner specified by the authority, within a given time.
- It may also **impose a penalty** on the manufacturer or endorser of false and misleading advertisements.
- CCPA may ban the endorser of a false or misleading advertisement from making endorsement of any products or services in the future, for a period that may extend to one year.
- Ban may extend up to 3 years in every subsequent violation of the Act.
- While conducting an investigation after preliminary inquiry, officers of the CCPA's Investigation Wing will have the powers to enter any premise and search for any document or article, and to seize these.
- For **search and seizure**, the CCPA will have similar powers given under the provisions of The Code of Criminal Procedure, 1973.
- The CCPA can **file complaints** of violation of consumer rights or unfair trade practices before the Consumer Disputes Redressal Commission established at the district, state and national levels.
- It will issue **safety notices to alert consumers** against dangerous or hazardous or unsafe goods or services.

5. ELECTIONS

5.1 Forum of the Election Management Bodies of South Asia

- The Election Commission of India is going to host the 10th annual meeting of the Forum of the Election Management Bodies of South Asia (FEMBoSA) at New Delhi.
- India will also take over as Chair of FEMBoSA for 2020.
- FEMBoSA was established at the 3rd Conference of Heads of Election Management Bodies (EMBs) of SAARC Countries held at New Delhi from April 30 to May 2, 2012 through a unanimously adopted resolution on 1st May, 2012 to establish the Forum.
- The Conference also unanimously adopted the Charter of the Forum.
- The annual FEMBoSA meeting is held by rotation among the members.
- The last (9th) annual meeting of FEMBoSA was held in Dhaka in September 2018.
- Besides ECI, the other 7 members are EMBs from Afghanistan, Bangladesh, Bhutan, Maldives, Nepal, Pakistan and Sri Lanka.
- The FEMBoSA represents a very large part of the democratic world and is an active regional association of the election management bodies of South Asia.
- The objectives of the Forum are: 1. To promote contact among the EMBs of the SAARC countries 2. Share experiences with a view to learning from each other 3. Cooperate with one another in enhancing the capabilities of the EMBs towards conducting free and fair elections

6. GOVERNANCE

6.1 NEST

- The external affairs ministry has announced the setting up of New, Emerging and Strategic Technologies (NEST) division.
- NEST will act as the nodal division within the ministry for issues pertaining to new and emerging technologies.
- It will help in collaboration with foreign partners in the field of 5G and artificial intelligence.
- The division holds responsibility for matters that involve negotiations with multilateral fora like the UN, G20.
- Its mandate shall include, but not be limited to, evolving India's external technology policy in coordination with domestic stakeholders and in line with India's developmental priorities and national security goals.
- It will also help assess foreign policy and international legal implications of new and emerging technologies and technology-based resources, and recommend appropriate foreign policy choice.
- NEST will negotiate technology governance rules, standards and architecture, suited to India's conditions, in multilateral and plurilaterals frameworks.
- It will also undertake creation of HR capacity within the ministry for technology diplomacy work by utilizing the existing talent-pool and facilitating functional specialization of Foreign Service officers in various technology domains.

6.2 Scientific Social Responsibility

- Union government is planning to implement scientific social responsibility (SSR) policy.
- Under the programme, researchers who are working on a science project funded by any of the Ministries under the Central government will have to undertake activities to popularize science and make it more accessible to the public.
- List of activities would be taken up under the Scientific Social Responsibility programme that was similar to Corporate Social Responsibility.
- This could range from going to colleges delivering lectures, writing an article in a magazine or doing something beyond the curriculum.
- The science outreach would be mandatory and researchers had to include this as part of their outcome report.
- It will be implemented this year after a consultation meeting with all stakeholders.

6.3 National Data and Analytics Platform (NDAP)

- NITI Aayog has released vision plan for the National Data and Analytics Platform (NDAP).
- The platform aims to democratize access to publicly available government data.
- The NDAP proposes a simple, interactive, visual, and robust platform that will host various Central and state government datasets.
- It will host the latest datasets from various government websites, present them coherently, and provide tools for analytics and visualization.
- NDAP will cater to a wide audience of policymakers, researchers, innovators, data scientists, journalists and citizens.
- An inter-ministerial committee will oversee the progress of the development of platform, which will take place over a period of one year.
- The first version of the platform is expected to be launched in 2021.
- The process will follow a user-centric approach, and will incorporate feedback received from various users and stakeholders throughout the course of its development.

6.4 Indian Cyber Crime Coordination Center (I4C)

- Union Ministry of Home Affairs has inaugurated the Indian Cyber Crime Coordination Centre (I4C).
- This state-of-the-art Centre is located in New Delhi.
- The I4C will deal with all types of cybercrimes in a comprehensive and coordinated manner.
- It has seven components viz.,
    1. National Cyber Crime Threat Analytics Unit,
    2. National Cyber Crime Reporting Portal,
    3. National Cyber Crime Training Centre,
    4. Cyber Crime Ecosystem Management Unit,
    5. National Cyber Crime Research and Innovation Centre,
    6. National Cyber Crime Forensic Laboratory Ecosystem.
    7. Platform for Joint Cyber Crime Investigation Team.
- At the initiative of Union Ministry for Home Affairs (MHA), 15 States and UTs have given their consent to set up Regional Cyber Crime Coordination Centres at respective States/UTs.

6.5 e-governance Delivery

National e-Governance Service Delivery Assessment (NeSDA) 2019 report was recently released by the Union government

- It was tabulated after assessing 'portals' and 'service portals' by the Department of Administrative Reforms and Public Grievances as per the framework developed in 2019.
- It is the first-ever report ranking the States, Union Territories and the northeast States and hill States separately.
- The assessment was aimed at improving the overall e-Government development by evaluating the efficiency of service delivery mechanism from a citizen's perspective.
- As per the framework, seven key parameters, including accessibility, content availability, ease of use, information security and privacy, end-service delivery, integrated service delivery and status & request tracking were primarily assessed.
- The portals related to the finance, labour & employment, education, local government & utilities, social welfare (agriculture and health) and environment (fire) departments were evaluated.
- In the portals category, Kerala topped the list with 0.83 score, on a scale of 'one'.
- Tamil Nadu scored only 0.13 and settled at the last position.

INTERNATIONAL RELATIONS

7. INDIA & ITS NEIGHBORHOOD

7.1 Pakistan and FATF

The Financial Action Task Force (FATF) at its plenary held in Paris decided to keep Pakistan on its "greylist" to monitor its record against terror financing.

- **FATF -** Headquartered in Paris, it was set up in 1989 by the G7 countries.
- Objective - FATF acts as an 'international watchdog' on issues of money-laundering and financing of terrorism.
- It is empowered to curtail financing of UN-designated terrorist groups.
- It is to limit the concerned countries from sourcing financial flows internationally and thereby constraining them economically.
- Members - FATF has 39 members which comprise 37 member jurisdictions and 2 regional organisations, representing most major financial centres in all parts of the globe.
- India became a full member in 2010.
- **Developments -** In a plenary meeting held in 2018, the FATF had determined that Pakistan was to be placed on the "grey list".
- FATF also presented Pakistan with a 27-point list of actions.
- These included freezing the funds of UN Security Council entities such as 26/11 mastermind Hafiz Saeed and designated groups such as Taliban.
- The actions also entailed a sustained effort to bring legal action against these groups.
- It called for changes to Pakistani law in line with global standards for measures against money laundering and financing terrorism.
- It also calls on Pakistan to begin prosecutions against terrorists and sanction entities that are flouting the UNSC's rules for designated terror organisations.
- The FATF decided to keep Pakistan on its "greylist" at its Paris plenary.
- Pakistan government has yet to complete the 27-point action plan.
- But, according to the FATF, Pakistan has made some progress and has cleared about 14 points.
- So, it has decided to extend Pakistan's September 2019 deadline until June 2020.
- Pakistan must comply with all 27-action points in the next four months or face financial strictures by being placed on the "blacklist".
- The FATF's Chairman said that there is a danger that Pakistan has not sustained punitive action against many designated terrorists and entities, will feel immunity from the process.

Implications

- If Pakistan is able to ensure that China, Turkey and Malaysia veto any move to blacklist it, it can slip through the deadlines.
- These three countries have already pledged their support.
- Pakistan also appears to have benefited from playing a role in U.S.-Taliban talks.
- The U.S. and its allies are not enforcing the deadline to complete the action plan as before.
- A command performance of the Pakistani court is its conviction of LeT chief Hafiz Saeed on terror financing charges just before the Paris meet.
- Pakistan has submitted to the FATF that it cannot trace Masood Azhar, the leader of the terrorist organisation Jaish-e-Mohammed.

- Pakistan's submission about Masood Azhar must be scrutinised further by the FATF.
- During U.S. President's India visit, it is necessary that India raise the need to continue to hold Pakistan to account on terror.

2020 plenary meeting

- The plenary meeting of the FATF is expected to be held in Paris soon.
- In this meeting, the decision will be taken on whether to,
    1. Keep Pakistan on the current "grey list",
    2. Downgrade it to a "black list", or
    3. Let it off altogether for the moment.

7.2 Sagarmatha Sambaad

- Sagarmatha Sambaad is the first ever multi-stakeholder diplomatic initiative of Nepal.
- Leaders of the member countries of the South Asian Association for Regional Cooperation (SAARC) and other global leaders are invited for the event.
- The event will be focusing on the threat of climate change to the modern world.
- Given the large number of global leaders, the event is expected to serve as a venue for bilateral interaction among leaders from various countries.
- The event is planned on April 2-4, 2020 which will highlight Nepal's ability to assert its point of view before the global audience.

8. BILATERAL RELATIONS

8.1 Migration and Mobility Partnership Agreement

- Union cabinet has approved the ratification of Migration and Mobility Partnership Agreement between India and France
- The Agreement was actually signed in March, 2018 during the State Visit of the French President to India.
- The Agreement represents a major milestone in enhancing people-to-people contacts, fostering mobility of students, academics, researchers and skilled professionals and strengthening cooperation on issues related to irregular migration and human trafficking between the two sides.
- The Agreement is initially valid for a period of seven years, incorporates provision for automatic renewal and a monitoring mechanism through a Joint Working Group.

8.2 Kalapani Issue

- Located within Uttarakhand, Kalapani is a 372-sq km area bordering far-west Nepal and Tibet.
- As per the administrative records, dating back to 1830s the Kalapani area had been administered as part of the Pithoragarh district (then Almora district).
- According to Nepal's claim, it lies in Darchula district, Sudurpashchim Pradesh.
- The dispute is because of the ambiguity of the source of the Kali River. Nepal views Kali river as Lipu River as opposed to India's view.
- In the Indian view, the Kali River begins only after Lipu Gad/river is joined by other streams arising from the Kalapani springs.
- The area between the Lipu Gad/Kalapani River and the watershed of the river is the disputed Kalapani territory.

8.3 UKIERI-UGC Program

- Union HRD Ministry has launched UKIERI-UGC Higher Education Leadership Development Programme for Administrators.
- It is a joint initiative of UGC and British Council under the auspices of UK India Education and Research Initiative (UKIERI), which aims to deliver a leadership development programme for middle and senior level administrative functionaries in Indian Universities.
- The programme will lead to developing a more global outlook and promote learning for inclusive and internationally connected higher education systems that support the economic and social growth in UK and India.
- The Minister also said that the programme will serve as a stimulant for the functionaries to improve their performance and capabilities which consequently shall enhance institutional profile and reputation of Universities in India.
- The University Grants Commission (UGC) will conduct this programme in collaboration with Advance HE as the training partner with globally recognized institutional expertise and leadership excellence from the UK, which is being enabled by the British Council in India.

8.4 Blue Dot Network

- The Blue Dot network is "a multi-stakeholder initiative to bring together governments, the private sector and civil society to promote high-quality, trusted standards for global infrastructure development".
- India and the US will discuss the Blue Dot network, a new proposal to cover infrastructure and development projects across the region and other countries.
- The US, which is leading the proposal, has already got Japan and Australia as partners in this idea.
- The proposal, which is part of the US's Indo-Pacific strategy, is aimed at countering Chinese President Xi Jinping's ambitious One Belt One Road initiative.
- The initiative will evaluate projects on various parameters, including level of public consultation, transparency in funding, debt traps and basic environment norms.
- Projects that meet the norms will get a "blue dot", which will enable them to attract private funding and not have to depend on state-funding alone.
- Under BRI, China's government and state-owned enterprises finance international projects by providing logistical support from concrete and steel to workers and cash. This approach, however, has been labelled by some experts as "debt-trap diplomacy".
- Blue Dot will be about "supporting alternatives to predatory lending" by facilitating foreign investment in projects that come under this network.

8.5 Lucknow Declaration

- Lucknow Declaration in a joint deceleration adopted at the first India- Africa Defence Ministers conclave at Lucknow, Defexpo 2020.
- Lucknow Declaration emphasized the need for stronger international partnership in countering terrorism and violent extremism, including through increased sharing of information and intelligence.
- The Declaration also called for strengthening the UN Counter-Terrorism mechanisms and to ensure strict compliance with the UN Security Council sanctions regime on terrorism.
- It aims to increase cooperation in securing sea lines of communication, preventing maritime crimes, disaster, piracy, illegal, unregulated and unreported fishing through sharing of information and surveillance.

9. INTERNATIONAL ISSUES& EVENTS

9.1 OHCHR's Intervention in CAA Case

The Office of the High Commissioner for Human Rights (OHCHR) has made an intervention application for a Supreme Court case regarding the Citizenship Amendment Act (CAA), 2019

- The High Commissioner seeks to intervene in the CAA case as **amicus curiae** (third party) and established a pursuant to the UNGA resolution 48/141.
- In the intervention application, the High Commissioner has underlined that she is the principal human rights official of the UN.
- She also adds that it is her role to support the domestic courts with their constitutional function in ensuring the implementation of international legal obligations regarding human rights.
- **Admirable** - The OHCHR has admired the CAA's stated purpose,
    1. Protection of some people from persecution on religious grounds,
    2. Simplifying procedures and facilitating the granting of citizenship to such persons from some neighbouring countries.
- It welcomes that India has exhibited to persons seeking to find a safer, more dignified life within its borders.
- **Questionable** - It says that the examination of the case by the Supreme Court of the CAA is of substantial interest to the High Commissioner.
- It says that CAA raises human rights issues, including its compatibility in relation to the right to equality before law and non-discrimination on nationality grounds under human rights obligations.
- It questions the reasonableness and objectivity of the criterion of extending the benefits of the CAA to Buddhists, Sikhs, Hindus, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan alone.
- The High Commissioner flags some central principles of international human rights law:
    1. The impact of the CAA on some migrants;
    2. The enjoyment of human rights by all migrants and the rights of all migrants (non-citizens) to equality before the law;
    3. The principle of non-refoulement which prohibits the forcible return of refugees and asylum seekers to a country where they are likely to be persecuted.
- The application mentions that all migrants regardless of their race, ethnicity, religion, nationality and/or immigration status enjoy human rights and are entitled to protection.
- It says that the international human rights law doesn't distinguish between citizens and non-citizens or different groups of non-citizens for providing protection to them from discrimination.
- This international law requires the granting of citizenship under law to conform to the right of all persons to equality before the law and to be free from prohibited discrimination", the application says.

OHCHR

- The OHCHR is the leading UN entity on human rights that speak out objectively in the face of human rights violations worldwide.
- The UN General Assembly (UNGA) adopted the UNGA resolution 48/141 in 1994 and this created the OHCHR.
- The General Assembly of the body has entrusted the High Commissioner with a mandate to **promote and protect all human rights** for all.

India's Reaction

- The Ministry of External Affairs (MEA) said that the CAA is an internal matter of India and it concerns the sovereign right of the Indian Parliament to make laws.
- The MEA says that it strongly believes that no foreign party has any locus standi on issues pertaining to India's sovereignty.
- It said that India was clear that the CAA is constitutionally valid and complies with all requirements of India's constitutional values.

- It also said that the CAA is reflective of the long-standing national commitment in respect of human rights issues arising from the tragedy of the Partition of India.

9.2 ICJ's Ruling for Rohingya

The International Court of Justice (ICJ) has made a ruling on the military excesses on Rohingya in Myanmar against Rohingya Muslims recently.

- **Issue -** In November last year, the Republic of the Gambia moved the ICJ against Myanmar over alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide.
- The Gambia urged the ICJ to direct Myanmar to stop the genocide and allow the safe and dignified return of forcibly displaced Rohingya.
- The Gambia and Myanmar are parties to the Genocide Convention that allows a party to move the ICJ for violations.
- Gambia is a West African country that rests within the broader African nation of Senegal.
- The only border of Gambia that is not encompassed by Senegal is Gambia's westernmost border, which lies on the coast of the Atlantic Ocean.
- Gambia's northernmost point of extremity lies in a place by the name of Ker Maka Tukulor.

Procedure followed at ICJ?

- The case was heard by 16 United Nations judges at the ICJ.
- Both the Republic of The Gambia and the Myanmar had the opportunity to present themselves before the court.
- The hearings were streamed live on the ICJ website.
- The ICJ ruling on the prevention of alleged acts of genocide against Rohingya Muslims has finally pinned legal responsibility on Myanmar's government for the military's large-scale excesses of 2017.
- The ICJ has stipulated Ms. Suu Kyi's civilian government to submit an update of the steps it has taken to preserve evidence of the systemic brutalities within 4 months.
- It has also been asked to furnish 6-monthly reports thereafter, until the conclusion of the case, which relates to genocide accusations.
- It has further emphasised that an estimated 600,000 Rohingya resident in Myanmar still remained highly vulnerable to attacks from the security forces.
- The ruling vindicates the findings by the UN and human rights groups.
- Their findings are that there was prevalence of hate speech, mass atrocities of rape and extra-judicial killings, and torching of villages in Rakhine province that forced migration of Rohingyas to Bangladesh.

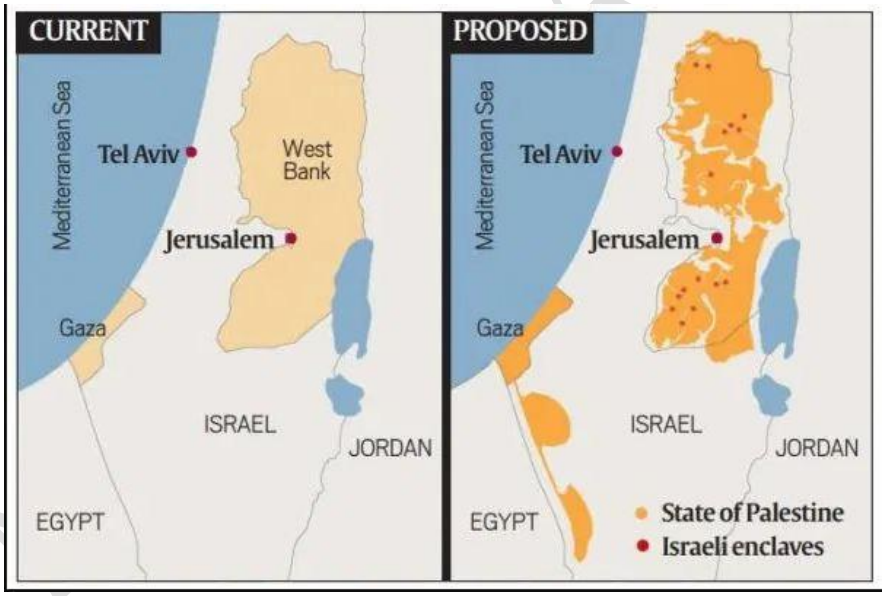
Myanmar's response

- Arguing the defence in person during the three-day public hearings, Ms. Suu Kyi, who was elected in 2016, insisted that the 2017 violence was proportionate to the threat of insurgency.
- She even questioned the Gambia's standing to bring the suit, saying that there was no bilateral dispute.
- Rejecting the ICJ's ruling, Myanmar's Foreign Ministry has accused rights groups of presenting the Court with a distorted picture of the prevailing situation.
- In a statement, it defended the army's action as a legitimate response to violations of the law by the insurgent Arakan Rohingya Salvation Army.
- However, the above claim is at odds with the findings of an Independent Commission of Enquiry established by the government.
- The Commission acknowledged that war crimes had been committed during the military campaign, when about 900 people were killed.
- But there was nothing to back the assertions of gang-rape, or evidence to presume any intent of genocide, it held.

- Although it could take years before the court pronounces the final verdict in the genocide case, this injunction is an important victory for the refugees languishing in Bangladeshi camps.

9.3 Middle East Plan

- Recently, the US President released the Middle East plan, 'Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People'.
- The plan says Jerusalem will not be divided, and it will remain "the sovereign capital of the State of Israel".
- The capital of Palestine can occupy far-flung eastern neighbourhoods lying beyond "the existing security barrier", which can be renamed Al Quds, the Arabic name for Jerusalem.
- According to the plan, Jerusalem's holy sites should be subject to the same governance regimes that exist today, and should remain open and available for peaceful worshippers of all faiths.
- Palestine referred to the geographic region located between the Mediterranean Sea and the Jordan River.
- The plan says the Jordan Valley, which is critical for Israel's national security, will be under Israeli sovereignty.
- United Nations General Assembly Resolution 3236, adopted by the General Assembly on November 22, 1974 recognizes the Palestinian people's right to self-determination, officializes UN contact with the Palestine Liberation Organization.
- More than 135 United Nations member countries recognize Palestine as an independent state.
- Israel and some other countries, including the United States, don't make this distinction as an independent state.



9.4 Killing of General Qassem Soleimani of Iran

Iran's top security and intelligence commander, Major General Qassem Soleimani, was killed in a US drone attack in Baghdad.

- Soleimani, 62, was in charge of the Quds Force of Iran's Islamic Revolutionary Guard Corps (IRGC).
- IRGC was designated as a Foreign Terrorist Organization by the US in 2019.
- The Quds Force undertakes Iranian missions in other countries, including covert ones.
- Soleimani, who had headed the Quds since 1998, had looked after intelligence gathering and covert military operations.
- He had also drawn immense influence from his closeness to Iran's supreme leader, Ayatollah Ali Khamenei.
- He was seen as a potential future leader of Iran, according to various reports.

- Given Soleimani's influence, observers have equated his killing with the killing of a U.S. Vice President.
- More than anyone else, Soleimani has been responsible for the creation of an arc of influence, which Iran terms its 'Axis of Resistance'.
- It extends from the Gulf of Oman through Iraq, Syria, and Lebanon to the eastern shores of the Mediterranean Sea.
- In 1979, Ayatollah Ruhollah Khomeini's rebellion toppled the Shah in Iran.
- Soleimani, then 22, joined the Ayatollah's Revolutionary Guard.
- During the Iran-Iraq War, Soleimani was sent to the front with the task of supplying water to soldiers.
- But, he ended up undertaking reconnaissance missions, and earning a reputation for bravery.

- In 1998, Soleimani was made head of the Quds Force, which launched his rise to power.
- As Quds head, Soleimani briefly worked in cooperation with the US.
- This was during the US crackdown in Afghanistan following 9/11; Soleimani wanted the Taliban defeated.
- The cooperation ended in 2002 after President George W Bush branded Iran a nuclear proliferator, an exporter of terrorism, and part of an "Axis of Evil".
- The US was accusing Soleimani of plotting attacks on US soldiers following the 2003 invasion of Iraq, which eventually toppled Saddam Hussein.
- In 2011, the Treasury Department placed him on a sanctions blacklist.
- In recent years, Soleimani was believed to be the chief strategist behind Iran's military ventures and influence in Syria, Iraq and throughout the Middle East.
- Soleimani has sought to reshape the Middle East in Iran's favour, working as a power broker and as a military force.
- **Attack -** General Soleimani was killed in an airstrike, for which the US later claimed responsibility.
- The strike was carried out by a drone on a road near Baghdad's international airport.
- The strike capped a week of conflict between the United States and Iranian-backed militia in Iraq.
- It started with a rocket attack at a military base, which killed an American contractor.
- The Department of Defense issued a statement underlining Soleimani's leadership role in conflict with the US.
- General Soleimani and his Quds Force were said to be responsible for the deaths of hundreds of American and coalition service members and the wounding of thousands more.
- He had orchestrated attacks on US coalition bases in Iraq over the last several months.
- The IRGC FTO designation highlights that Iran is an outlaw regime that uses terrorism as a key tool of statecraft.
- The IRGC, part of Iran's official military, is said to have engaged in terrorist activity or terrorism since its inception 40 years ago.
- As per the U.S., the IRGC has been directly involved in terrorist plotting; its support for terrorism is foundational and institutional, and it has killed US citizens.
- **Implications -** The strike has left the Middle East vulnerable, with possible repercussions beyond the region.
- Iranian President Rouhani said the killing would make Iran more decisive in resisting the US.
- The Revolutionary Guards said anti-US forces would invite revenge across the Muslim world.

- Reportedly, US officials were braced for Iranian retaliatory attacks, possibly including cyberattacks and terrorism, on American interests and allies.
- Israel, too, was preparing for Iranian strikes.
- The killing could have a ripple effect in any number of countries across the Middle East where Iran and the US compete for influence.
- The State Department urged US citizens to leave Iraq immediately.
- Oil prices have already jumped by $3 a barrel.
- In India, a high-level meeting involving senior officials was held to assess the impact of a price rise and to review contingency measures.

9.5 U.S.-Taliban agreement

A deal has been signed between the United States of America (USA) and the Taliban insurgents in Doha.

- In October 2001, the U.S. went into Afghanistan after the 9/11 terror attacks with the goals of defeating terrorists and stabilising Afghanistan.
- Almost 19 years later, the U.S. now seeks to exit Afghanistan with assurances from the Taliban that,
    1. They will not allow Afghan soil to be used by transnational terrorist groups such as al-Qaeda and
    2. They would engage the Afghan government directly to find a lasting solution to the civil war.
- For U.S, the deal represents a chance to make good on his promise to bring U.S. troops home.
- For U.S., the Afghan war is estimated to have cost $2-trillion, with more than 3,500 American and coalition soldiers killed.
- Afghanistan lost the lives of many civilians and soldiers.
- After all these, the Taliban is at its strongest moment since the U.S. launched the war.
- The insurgents control or contest the government control in half of the country, mainly in its hinterlands.
- The war had entered into a tie long ago and the U.S. failed to turn it around despite U.S. Presidents having sent additional troops.
- Faced with no other way, the U.S. just wants to leave Afghanistan. But the problem is with **the way it is getting out**.
- The fundamental issue with this deal is that it deliberately **excluded the Afghan government** because the insurgents don't see the government as legitimate rulers.
- By giving in to the Taliban's demand, the U.S. has practically called into question the legitimacy of the government it backs.
- The Taliban was not pressed enough to declare a ceasefire.
- Both the sides settled for a 7-day "reduction of violence" period before signing the deal.
- The U.S. has committed to pull out its troops in a phased manner in return for the above-mentioned two assurances from the Taliban.
- But the Taliban has not made any promises on whether it would respect civil liberties or accept the Afghan Constitution.
- The Taliban got what it wanted i.e. the withdrawal of foreign troops without making any major concession.
- **Impact -** Security experts have called the deal a foreign policy gamble that would give the Taliban international legitimacy.
- The U.S. withdrawal will weaken the Kabul government, altering the balance of power both on the battlefield and at the negotiating table.
- A weakened government will have to talk with a resurgent Taliban.
- The U.S. in a bid to exit the war has practically abandoned the Kabul government and millions of Afghans who do not support the Taliban's violent, tribal Islamism, to the mercy of insurgents.

9.6 California Consumer Privacy Act

California's new privacy law, the California Consumer Privacy Act (CCPA), recently went into effect.

- The Act gives Californians new controls over how companies use their data.
- These controls include -
    1. the right to access the data
    2. the right to ask for its deletion
    3. the right to prevent its sale to third parties
- Significantly, because of the global nature of the Internet, these changes will affect users worldwide.
- The users will have the right to see what personal information businesses collect about them, and the purpose and process of the collection.
- [Personal information refers to any information that can be linked back to the user.]
- Users can request and view what inferences the businesses make about them.
- They also have the right to see details about their personal information being sold or given to a third party.
- Users can make businesses delete their personal information, and opt out of having their data sold to third parties.
- The law lays out some exceptions too.
- These include information necessary for completing transactions, providing a service, protecting consumer security, and protecting freedom of speech.
- Users can get a copy of the collected personal information for free.
- Parents have to give permission to companies before the companies can sell the data of their children under the age of 13 to third parties.
- The law only applies to businesses -
    i. with gross annual revenues of more than $25 million
    ii. that buy, receive or sell the personal information of 50,000 or more consumers in California
    iii. that derive more than half of their annual revenue from selling consumers' personal information
- The law applies to businesses collecting information of Californians and not just to businesses that operate in the state.
- The law went into effect on January 1, 2020.
- The California Attorney General (AG) has not begun enforcing the act yet.
- The AG will be allowed to take action 6 months after the rules are finalised.
- **Implications -** Unintentional noncompliance will lead to fines of $2,500 per violation.
- Intentional noncompliance will attract a penalty of $7,500 per violation.
- Primarily, even Indian companies that have customers in California would have to comply with the law.
- Many firms are finding it easier to make the legal changes for all users rather than trying to distinguish users from California.
- E.g. the European Union's General Data Protection Regulation (GDPR) too, shifted the entire Internet economy, not just that of the EU
- Some studies estimate it will cost businesses $55 billion to initially meet the standards.
- Of this, $16 billion is expected to be spent over the next decade.
- Reportedly, the law protects $12 billion worth of personal information that is used for advertising in California every year.
- **Concerns -** The Act gives users the right to stop the selling of their data, but not the collection of their data.

- So, this regulates the data broker system.
- However, it does not do much to affect companies like Facebook and Google that make most of their money by collecting the data, not by selling it.
- Advertisers pay Facebook to target ads to users based on that data; they do not pay Facebook for the data itself.
- Also, the Act seems to place the burden of navigating this complex economy on users.
- There are also concerns that many of the provisions are vaguely worded.
- E.g. the Act leaves concepts such as "third-party sharing" or "selling" to interpretation
- Also, compliance challenges are expected to be greater with CCPA than with the GDPR.

India's proposed data protection bill

- Several of the rights discussed above are also in India's Personal Data Protection Bill.
- These include the right to access a copy of one's data, and the right to deletion.
- India's bill goes further in some regards, including the right to correction.
- However, India's bill is more focused on users' rights over collections.
- On the other hand, California's act is focused more on the third-party sharing and selling of a user's data.

9.7 UK's New Immigration System

The United Kingdom's (UK's) has launched the new points-based immigration system which will become effective from January 1, 2021

- This points-based system intends to change the way migrants will come to the UK to visit, work, study, or join their family.
- It will end free movement between the UK and European Union (EU).
- This system will now treat EU citizens at par with non-EU citizens whoalready follow a points-based system to migrate to UK.
- [Before the Brexit, EU citizens had unrestricted rights to stay in the UK and work under the EUSettlement Scheme (EUSS).]
- The implementation of this system doesn't change the status of those EU citizens already in the UK as per EUSS and those whose status under EUSS is settled.
- Points will be assigned for specific skills, qualifications, salaries or professions and visas will be awarded to those who have enough points.
- Both EU and non-EU citizens will need to demonstrate that they have a job offer from an approved sponsor which should be at the required level and that they speak English.
- As per the Migration Advisory Committee's (MAC) recommendations, salary thresholds have been established.
- The following characteristics are absolutely required to be eligible for visa i.e. not tradeable,
    1. Offer of job by approved sponsor,
    2. Job at appropriate skill level,
    3. Speaks English at required level.
- Further, a total of 70 points are required to be eligible to apply, with some tradeable characteristics of the system.
- **Students** will also be able to gain points if they can demonstrate that they have an offer from an approved educational institution.
- They should speak English and are able to support themselves during their studies in there.
- Additionally, a small number of some of the **most highly-skilled workers** may be able to come to the UK without a job offer, but the details of how this work out haven't been specified yet.

- MAC's current list of shortage jobs included civil engineers, medical practitioners, classical ballet dancers and psychologists.
- Even so, there will be no routes for lower-skilled workers, since the government wants the country to not rely on cheap labour from Europe.
- **Need -** The system will end the reliance on cheap, low-skilled labour coming into the country.
- It will reduce the overall levels of migration and a better experience for those coming into the UK, attracting high-skilled workers.
- The system will work in the interests of the whole of the UK and prioritises the skills a person has to offer, not where they come from.

9.8 Interpol Notice

- According to the Interpol "Notices are international requests for cooperation or alerts allowing police in member countries to share critical crime-related information."
- There are seven types of notices - Red Notice, Yellow Notice, Blue Notice, Black Notice, Green Notice, Orange Notice, and Purple Notice.
- The Blue Notice is issued to "collect additional information about a person's identity, location or activities in relation to a crime."
- While a Red Corner, notice is issued to seek arrest of a wanted person.
- The Central Bureau of Investigation (CBI) website refers to Blue Notices as 'B Series (Blue) Notices'.
- It says, "The 'B' series notices are also called 'enquiry notices' and may be issued in order
  1. To have someone's identity verified
  2. To obtain particulars of a person's criminal record
  3. To locate someone who is missing or is an identified or unidentified international criminal or is wanted for a violation of ordinary criminal law whose extradition may be requested.

9.9 JUS COGENS

- JUS COGENS or ius cogens, meaning "compelling law" in Latin, are rules in international law that are peremptory or authoritative, and from which states cannot deviate.
- These norms cannot be offset by a separate treaty between parties intending to do so, since they hold fundamental values.
- Today, most states and international organisations accept the principle of jus cogens, which dates back to Roman times.
- The jus cogens rules have been sanctioned by the Vienna Conventions on the Law of Treaties of 1969 and 1986.
- According to both Conventions, a treaty is void if it breaches jus cogens rules.
- Besides treaties, unilateral declarations also have to abide by these norms.
- So far, an exhaustive list of jus cogens rules does not exist.
- However, the prohibition of slavery, genocide, racial discrimination, torture, and the right to self-determination are recognized norms.
- The prohibition against apartheid is also recognized as a jus cogens rule, from which no derogation is allowed, since apartheid is against the basic principles of the United Nations.
- Recently US administration has threatened Iran by tweeting that, it might attack Iran's cultural sites by doing so US is trying to ignore the JUS COGENS legislation (Attacking any cultural site is a war crime)

9.10 Conventions against the targeting of cultural heritage

- Following the unparalleled destruction of cultural heritage in World War II, the nations of the world adopted at The Hague in 1954.
- The Convention for the Protection of Cultural Property in the Event of Armed Conflict, the first international treaty focused exclusively on the protection of cultural heritage during war and armed conflict.
- The Convention defined cultural property as "movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites....", etc.
- The signatories, referred to in the Convention as "the High Contracting Parties", committed themselves to protecting, safeguarding, and having respect for cultural property.
- There are currently 133 signatories to Convention, including countries that have acceded to and ratified the treaty.
- Both the United States and Iran (as well as India) signed the Convention on May 14, 1954, and it entered into force on August 7, 1956.

Cultural properties destroyed during wars

- Dubrovnik - During the Siege of Dubrovnik in 1991-92 by the Yugoslav People's Army, the old town of Dubrovnik in Croatia was targeted in an attempt to wipe out Croatian history and cultural heritage.
- Stari Most bridge - During the Croat-Bosniak war, Croat paramilitary forces destroyed the 16th century Stari Most bridge in Mostar in today's Bosnia-Herzegovina, in 1993.
- Bamiyan - In 2001, the Taliban destroyed statutes of the Buddha that had been carved into sandstone cliffs in Bamiyan, Afghanistan, between the 3rd and 6th centuries AD.
- Cambodia's cultural assets - In 2006, the UN and the Cambodian government established the Khmer Rouge Tribunal to prosecute the destruction of Cambodia's cultural assets that included mosques, churches and temples along with other sites of cultural significance.
- Palmyra - In 2015, the IS captured and destroyed the ancient Syrian city of Palmyra, a UNESCO World Heritage Site.

9.11 Al-Shabaab Militant Group

- Al-Shabaab is a jihadist fundamentalist group based in East Africa.
- In 2012, it pledged allegiance to the militant Islamist organization Al-Qaeda.
- Recently Somalia's al Shabaab militant group killed three Americans during an attack in a military base in Kenya.
- The Manda Bay Airfield in Lamu county of Kenya is closer to the Somali border is used by both U.S. and Kenyan forces.

9.12 International Search & Rescue Advisory Group (INSARAG)

- The International Search and Rescue Advisory Group (INSARAG) is a network of disaster-prone and disaster-responding countries and organizations dedicated to urban search and rescue (USAR) and operational field coordination.
- It aims to establish standards and classification for international USAR teams as well as methodology for international response coordination in the aftermath of earthquakes and collapsed structure disasters.
- The INSARAG Secretariat is located in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

9.13 Court of Arbitration for Sport

- The Court of Arbitration for Sport (CAS) is an institution independent of any sports organization.
- It is located in Lausanne, Switzerland.

- It has the task of resolving legal disputes in the field of sport through arbitration.
- The CAS was created in 1984 and is placed under the administrative and financial authority of the International Council of Arbitration for Sport (ICAS).
- It does this pronouncing arbitral awards that have the same enforceability as judgements of ordinary -courts.
- It can also help parties solve their disputes on an amicable basis through mediation when this procedure is allowed.
- The CAS sets up non-permanent tribunals, which it does for the Olympic Games, the Commonwealth Games or other similar major events.
- Any disputes directly or indirectly linked to sport may be submitted to the CAS.
- These may be disputes of a commercial nature (e.g. a sponsorship contract), or of a disciplinary nature following a decision by a sports organisation (e.g. a doping case).

9.14 Urban Climate Change Resilience Trust Fund

- The Urban Climate Change Resilience Trust Fund is a $150 million multi-donor trust fund (2013-2021) administered by ADB under the Urban Financing Partnership Facility.
- It aims to support fast-growing cities in Asia to reduce the risks poor and vulnerable people face from floods, storms or droughts, by helping to better plan and design infrastructure to invest against these impacts.
- The fund supports cities by improving urban planning, designing climate resilient infrastructure and investing in projects and people.
- The eligible countries to receive support from the fund are Bangladesh, India, Indonesia, Myanmar, Nepal, Pakistan, the Philippines, and Viet Nam.

9.15 International Platform on Sustainable Finance

- The European Union is launching the International Platform on Sustainable Finance (IPSF) together with relevant authorities from Argentina, Canada, Chile, China, India, Kenya, and Morocco
- It will be introduced at the IMF and World Bank Group Annual Meetings, in Washington D.C.
- To reach the Paris targets, trillions of investments in sustainable infrastructure will be needed over the next decades.
- The launch of this Platform is essential to stimulate investment and redirect capital flows towards our climate objectives at the scale required for the most important economic transition.
- It will act as a forum for facilitating exchanges and, where relevant, coordinating efforts on initiatives and approaches to environmentally sustainable finance, while respecting national and regional contexts.
- It will focus on environmentally sustainable initiatives in particular in the areas of taxonomies, disclosures, standards and labels, which are fundamental for investors to identify and seize green investment opportunities worldwide.

9.16 Solar Risk Mitigation Initiative

- The World Bank– Energy Sector Management Assistance Program (WB-ESMAP), in partnership with, Agence Française de Développement (AFD), International Renewable Energy Agency (IRENA) and International Solar Alliance (ISA) developed the Solar Risk Mitigation Initiative (SRMI).
- This unique approach offers technical assistance to help countries develop evidence-based solar targets, implement a sustainable solar program, and maintain robust procurement processes with transaction advisors.
- SRMI aims to support countries in developing sustainable solar programs that will attract private investments and so reduce reliance on public finances.
- It has three components to mitigate the risk of solar deployment:
    1. Sustainable Solar Targets

2. Transparent Procurement
3. Viable Risk Mitigation Coverage

9.17 Project (NatCap)

- Its stated mission is "pioneer the science, technology and partnerships that enable informed decisions for people and nature to thrive."
- Daily's NatCap is a leading global organization providing policy makers with information on the services provided by natural ecosystems.
- The organization enables governments to make the right policies directed towards conservation of nature and its value to human civilizations.
- The innovative software 'InVEST' created by NatCap assesses risks and costs associated with loss of biodiversity and estimates the return-on-investment in nature, under future scenarios.

9.18 Beijing +25

- The 1995 Fourth World Conference on Women, held in Beijing, was one of the largest ever gatherings of the United Nations, and a critical turning point in the world's focus on gender equality and the empowerment of women.
- The Beijing Declaration and Platform for Action of 1995 is the most ambitious road map for the empowerment of women and girls everywhere.
- In 2020, it will be 25 years since the Beijing Platform for Action set strategic objectives and actions for the achievement of gender equality in 12 critical areas of concern.
- The Beijing+25 Regional Review Meeting provided a forum for United Nations Economic Commission for Europe (UNECE) member States to review progress and identify challenges in the implementation of the Beijing Platform for Action.

9.19 National Consultation on the review of Beijing +25

- To mark of 25 years of the adoption of Beijing Platform for Action, Ministry of Women & Child Development (MWCD), the National Commission for Women (NCW) and UN Women organized a National Consultation on the Review of Beijing+25.
- It aims to o galvanize all stakeholders to implement actions that remove the most conspicuous barriers to gender equality.
- The consultation will bring together civil society and the women and youth of India, gender equality advocates from all walks of life, in a national public conversation on the urgent actions that need to be taken for the realization of gender equality.

9.20 WTO SCM Agreement

- The WTO Agreement on Subsidies and Countervailing Measures disciplines the use of subsidies, and it regulates the actions countries can take to counter the effects of subsidies.
- Under the agreement, a country can use the WTO's dispute-settlement procedure to seek the withdrawal of the subsidy or the removal of its adverse effects.
- Or the country can launch its own investigation and ultimately charge extra duty ("countervailing duty") on subsidized imports that are found to be hurting domestic producers.
- The classification of the countries (developed, developing and least-developed) is done according to the following criteria:
    1. Per capita Gross National Income or GNI.
    2. Share of world trade.
    3. Other factors - such as Organization for Economic Co-operation and Development (OECD) membership or application for membership, EU membership, and Group of Twenty (G20) membership, etc.

9.21 Conference on 'Combating Drug Trafficking'

- Recently, India hosted the first-ever BIMSTEC Conference on Combating Drug Trafficking in New Delhi.
- It was organized by the Narcotics Control Bureau (NCB), India's federal agency for drug law enforcement.
- The BIMSTEC conference sought to provide an opportunity to all the member nations to deliberate on the increased threats posed by drug trafficking and the collective steps that were required to negate such threats.
- India is in the middle of two major illicit opium production regions in the world:
- The Golden Crescent (Iran-Afghanistan-Pakistan) in the West.
- The Golden Triangle (South-East Asia) in the East.
- Manipur and Mizoram having borders with Myanmar and other coastal States are sensitive and may become a gateway for illicit drugs entering India.
- To protect itself from the menace of drug trafficking, India has adopted a Zero Tolerance Policy towards all kinds of narcotics and psychotropic substances to realize its vision of a Drug-free India.
- India has also started an e-portal for digitalization of drug data to assist various drug enforcement agencies.

9.22 BIMSTEC Disaster Management Exercise

- Second edition of BIMSTEC Disaster Management Exercise on flood rescue inaugurated recently at, Puri (Odisha).
- Delegates & rescue teams of five member nations namely- India, Bangladesh, Nepal, Sri Lanka & Myanmar, of BIMSTEC group participated in the exercise.
- Highlighting the historicity and diversity cultural heritage sites in the BIMSTEC region, this exercise will provide a platform to conduct risk assessment in the context of cultural heritage sites at the time of disaster.

9.23 Stockholm Declaration 2020

- Stockholm Declaration was adapted in 3rd Global Ministerial Conference on Road Safety held recently.
- The global character of the road safety challenge calls for international cooperation and partnerships across many sectors of society.
- The Stockholm Declaration was prepared in close collaboration with the conference's steering group.
- Building on the Moscow Declaration of 2009 (first global conference on road safety) and the Brasilia Declaration of 2015 (2nd Global conference on road safety) , UN General Assembly and World Health Assembly resolutions, the Stockholm Declaration is ambitious and forward-looking and connects road safety to the implementation of the 2030 Agenda for Sustainable Development.

9.24 Vision Zero

- The Global Ministerial Conference on Road Safety 2020 embraced Vision Zero approach.
- The basic standpoint for Vision Zero is that no one should be killed or suffer lifelong injury in road traffic.
- The concept of Vision Zero was decided by the Swedish Parliament in 1997, it turned the traditional view of road safety work upside down.
- In short, creating a comprehensive and safe environment to ensure road safety is the essence of Vision Zero.
- The Vision Zero elaborates that the main problem is not that accidents occur – it is instead whether the accidents lead to death or lifelong injury.
- Vision Zero stresses that the road transport system is an entity, in which different components such as roads, vehicles and road users must be made to interact with each other so that safety can be guaranteed.

9.25 UN Road Safety Fund

- United Nations Road Safety Fund (UNRSF) was established in 2018 as a UN Multi-Partner Trust Fund.

- The Fund was officially launched in UNHQ New York.
- The vision of the UN Road Safety Fund is to build a world where roads are safe for every road user, everywhere.
- Its mission is to finance - and leverage further funding for - high-impact projects based on established and internationally recognized best practices that increase road safety and minimize and eventually eliminate road crash trauma for all road users.
- The Fund was created to finance actions in low- and middle-income countries to
- Substantially reduce death and injuries from road crashes, and
- Reduce economic losses resulting from these crashes.
- As a unique and multi-stakeholder financing instrument, the Fund gathers concerned UN organizations, governments, private sector, academia and civil society under one umbrella and for common purpose.

9.26 Northern European Enclosure Dam (NEED)

- A research paper accepted by American Meteorological Society has proposed an extraordinary measure to protect 25 million people and important economic regions of 15 Northern European countries from rising seas as a result of climate change.
- It proposes for a mammoth construction of Northern European Enclosure Dam (NEED) enclosing all of the North Sea.
- The concept of constructing NEED showcases the extent of protection efforts that are required if mitigation efforts fail to limit sea level rise.
- The proposed structure comprises of two dams of a combined length of 637 km, the first between northern Scotland and western Norway, measuring 476 km and with an average depth of 121 m and maximum depth of 321 m.
- The second between France and southwestern England, of length 161 km, and average depth of 85 m and maximum depth of 102 m.
- They have also identified other regions in the world where such mega-enclosures could potentially be considered, including the Persian Gulf, the Mediterranean Sea, the Baltic Sea, the Irish Sea, and the Red Sea.

9.27 Alternative Investment Fund Managers Directive

- The Alternative Investment Fund Managers Directive (AIFM) is an EU law on the financial regulation of hedge funds, private equity, real estate funds, and other "Alternative Investment Fund Managers" (AIFMs) in the European Union.
- The Directive requires all covered AIFMs to obtain authorisation, and make various disclosures as a condition of operation, It followed the global financial crisis.
- Before, the alternative investment industry had not been regulated at EU level.
- The Union Cabinet recently has approved the proposal of Securities & Exchange Board of India (SEBI) to sign an updated Alternative Investment Fund Managers Directive (AIFMD).
- This is done following the UK's exit from the European Union on 31st January 2020.

9.28 Sustainable Development Goals Conclave 2020

- Sustainable Development Goals Conclave 2020: Partnerships, Cooperation and Development of North Eastern states, is being

organized by NITI Aayog, in Guwahati, Assam.

- It is a three-day event, will see representations from the North Eastern states, Central Ministries, academia, civil society and international development organizations.
- NITI Aayog has the mandate of overseeing the adoption and monitoring of SDGs at the national and sub-national level. Progress in the northeast region is crucial in this decade of action for the country to achieve the SDGs by 2030.
- This conclave is part of the NITI Aayog's continuous efforts towards fostering partnerships at the sub-national level.

9.29 ICoSDiTAUS-2020

- International Conference on Standardization of Diagnosis and Terminologies in Ayurveda, Unani and Siddha Systems of Medicine (ICoSDiTAUS-2020), held in New Delhi.
- Sixteen countries which came together for the cause of Traditional Medicine at this conference, which includes Sri Lanka, Mauritius, Serbia, Curacao, Cuba, Myanmar, Equatorial Guinea, Qatar, Ghana, Bhutan, Uzbekistan, India, Switzerland, Iran, Jamaica and Japan.
- ICoSDiTAUS-2020 is the biggest ever international event dedicated to standardization of Diagnosis and Terminologies of Traditional Medicine in terms of the broad level of participation covering virtually all the continents.
- New Delhi Declaration on Collection and Classification of Traditional Medicine (TM) Diagnostic Data was made in the conference.
- The New Delhi declaration emphasized the commitment of the countries to Traditional Medicine as a significant area of health care.
- It sought the opportunity for including traditional systems of medicine like Ayurveda, Unani and Siddha in the International Classification of Diseases of WHO which is the standard diagnostic tool for health management across the world.

9.30 RAISE 2020

- Union government recently announced it will hold RAISE 2020- 'Responsible AI for Social Empowerment 2020' summit in New Delhi.
- The summit will be aimed at bringing together people to exchange ideas on the use of Artificial Intelligence for "social empowerment, inclusion and transformation" in industries such as education, smart mobility, agriculture, and healthcare among others.

Startup Pitch fest

- "Startup Pitch fest" is planned to host along the RAISE 2020 summit.
- During the summit, startups will have the opportunity to showcase their AI solutions aimed at the social transformation, inclusion and empowerment.
- Interested startups around the world can participate in the Pitch fest.
- The finalists will showcase their solutions at the summit and even get live feedback.