



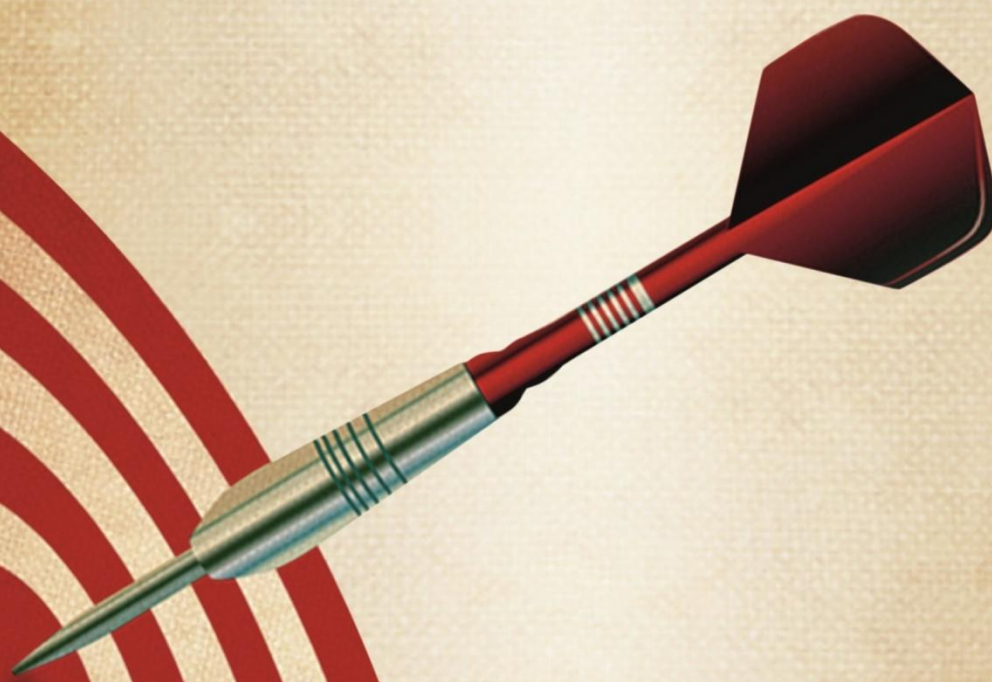
# IAS PARLIAMENT

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A Shankar IAS Academy Initiative

## TARGET 2021

### POLITY & INTERNATIONAL RELATIONS I



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### POLITY & INTERNATIONAL RELATIONS I

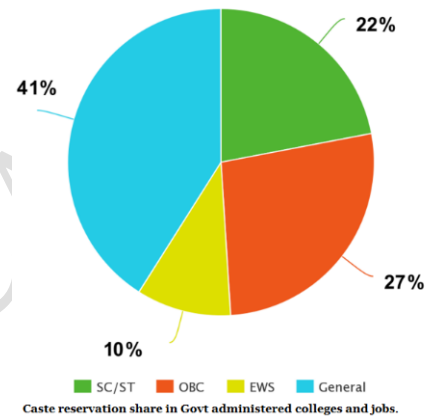
(JUNE 2021 TO DECEMBER 2021)

#### POLITY

##### 1. RIGHTS ISSUES

###### 1.1 Constitutional provisions on reservations

- Article 15 (4) empowers the State to make special provision for the advancement of the SCs and the STs.
- E.g. providing fee concession in admission to any educational institution, building hostels for SCs/STs.
- Article 15 (5) empowers the State to reserve seats for SCs and the STs in admission to educational institutions including private educational institutions, whether aided or unaided by the State.
- However, it excludes minority educational institutions referred to in Article 30 (1).
- Article 16 (4) empowers the State to make provisions for the reservation of appointments or posts in favor of SCs/STs.
- Article 46 - Empower the state to promote educational and economic interests of the weaker sections of the people, and, in particular SC & ST and shall protect them from social injustice and all forms of exploitation.



###### 1.2 Reservations for Divyangjan

*The Supreme Court, in a significant decision, confirmed that persons with disabilities are also socially backward.*

- The decision highlighted Divyangjan are entitled to the same benefits of relaxation as Scheduled Caste and Scheduled Tribe candidates in public employment and education.
- SC upheld a 2012 judgment of the Delhi High Court in Anamol Bhandari vs. Delhi Technological University.

###### 1.3 NRI Quota in Technical Education

*Supreme Court has ruled that Private colleges and institutions that offer professional and technical courses have a complete discretion to do away with their Non-Resident Indian (NRI) quota of seats.*

- The verdict also referred to the seven-judge Bench decision in P.A. Inamdar, which held that 15% NRI quota was “not compulsory” but “only potential”.
- It also quoted that, neither the students who get admissions under this category nor their parents are NRIs.
- In effect and reality, under this category, less meritorious students, but who can afford to bring more money, get admission.
- The money brought by such students enables the educational institutions to strengthen its level of education and also to enlarge its educational activities. That was why the court had suggested limiting the quota to 15%.
- As per the recent judgement Candidates under the quota cannot assert their right to be admitted and the colleges could completely eliminate the NRI quota for 2020-21 academic year.

###### 1.4 7.5% Quota for Government School Students

*TN Assembly unanimously passes 7.5% horizontal quota in the State government's quota of MBBS/BDS seats, for students of government higher secondary schools.*

- It is applicable in undergraduate courses in medicine, dentistry, Indian medicine and homeopathy for government school students who have cleared NEET.
- It would not apply to seats reserved for the all-India quota.
- It would withstand the test of the law in the light of recent Supreme Court verdicts which ruled that the state government which has powers to provide reservations also has powers to provide sub-quotas.

### 1.5 Plea Bargaining

*Recently, many members of the Tablighi Jamaat belonging to different countries have obtained release from court cases in India by means of plea bargaining.*

- It is a process in which a person charged with a criminal offence negotiating with the prosecution for a lesser punishment than what is provided in law by pleading guilty to a less serious offence.
- The practice would ensure speedy trial, end uncertainty over the outcome of criminal cases, save litigation costs and relieve the parties of anxiety.
- It could also increase the conviction rates as seen in the United States where the practice is common.
- In India, Plea bargaining was introduced in 2006 as part of a set of amendments to the CrPC as Chapter XXI-A, containing Sections 265A to 265L.
- In India, the process of plea bargaining can be initiated only by the accused, who will have to apply to the court for invoking the benefit of bargaining.
- **Eligibility** – One who has been charge sheeted for an offence that does not attract the death sentence, life sentence or a prison term above 7 years can make use of the scheme.
- It is also applicable to private complaints of which a criminal court has taken cognizance.

### 1.6 Unlawful Activities Prevention Act (UAPA)

*Ministry of Home Affairs (MHA) recently designated nine individuals associated with Khalistani extremist organizations as terrorists under the provisions of the UAPA.*

- Unlawful Activities (Prevention) Act, 1967, extends to the whole of India.
- Any person, who commits an offence beyond India, which is punishable under this Act, shall be dealt with according to the provisions of this Act in the same manner as if such act had been committed in India.
- The provisions of this Act apply also to
  - Citizens of India outside India;
  - Persons in the service of the Government, wherever they may be; and
  - Persons on ships and aircrafts, registered in India, wherever they may be.
- In August 2019, the Central government had amended the Unlawful Activities (Prevention) Act, 1967 to include the provision of designating an individual as a terrorist.
- Prior to this amendment, only organizations could be designated as terrorist organizations.

#### Constitutional Provisions on Demonstrations

- Every person has a right to protest as per Article 19(1)(a) of the constitution.
- It flows out from freedom of speech and expression.
- The right however can be curtailed on grounds mentioned in Article 19(2) such as contempt of court, sovereignty and integrity of India etc.
- The Committee's interpretation will be important guidance for judges in national and regional courts around the world, as it now forms part of international law.

### 1.7 Protesting a Fundamental Human Right

*UN Human Rights Committee has declared protesting to be a fundamental human right under the "International Covenant on Civil and Political Rights".*

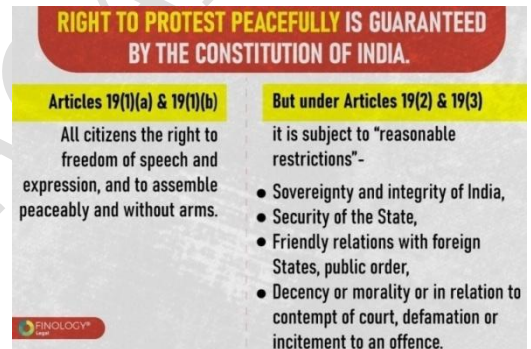
- India is a party to this convention.
- According to International Covenant on Civil and Political Rights,

1. People have the right to demonstrate peacefully and the same should be respected by governments of 173 countries who have ratified the convention.
2. They have a right to wear masks, right to gather to celebrate or to air grievances, “in public and in private spaces, outdoors, indoors and online.
3. The right is available for everyone including women, migrant workers, refugees and asylum seekers.
4. The Governments are forbidden from collecting personal data to harass the participants or from suppressing the protest using generalized references to public order or public safety, or an unspecified risk of potential violence”.
5. The governments are also not allowed to block internet networks or close down any website because of their roles in organizing or soliciting a peaceful assembly.

### 1.8 Judgment on Right to Protest

Recently, the Supreme Court (SC) has upheld the right to peaceful protest against the law but also cleared that public ways and public spaces cannot be occupied and that too indefinitely.

- The Supreme Court has said that occupying public places for protests is not acceptable and such a space cannot be occupied indefinitely.
- Highlights of the judgment are as follows
  1. The judgment upheld the right to peaceful protest against a law but made it unequivocally clear that public ways and public spaces cannot be occupied, and that too indefinitely.
  2. In a democracy, the rights of free speech and peaceful protest were indeed “treasured”, they were to be encouraged and respected.
  3. But these rights were also subject to reasonable restrictions imposed in interest of sovereignty, integrity & public order, Police regulations also weighed in.
  4. Fundamental rights do not live in isolation, the right of the protester has to be balanced with the right of the commuter and they have to co-exist in mutual respect.
  5. It highlighted that the State or UT administrations have the entire responsibility to prevent encroachments in public spaces and should not wait for courts to pass suitable orders.
  6. The verdict also dwelt on the merits and demerits of technology impacting social movements.
- The Constitution guarantees the right to protest and express dissent, but with an obligation towards certain duties.
- Article 19 confers upon citizens the right to freedom of speech and expression under Article 19(1)(a) and right to assemble peacefully without arms under Article 19(1)(b).
- These rights, in cohesion, enable every citizen to assemble peacefully and protest against action or inaction of the State.
- However, these rights are also subject to reasonable restrictions mentioned under Article 19(2), imposed in the interest of sovereignty, integrity and public order with the help of police regulations.



### 1.9 Chapter Proceedings

- Chapter proceedings are preventive actions taken by the police if they fear that a particular person is likely to create trouble and disrupt the peace in society.
- Chapter proceedings is not a legal term.
- According to officers, since all the sections related to preventing of crime fall under a single chapter, it was colloquially called “chapter proceedings” and has since been used to refer to actions of this nature.
- These proceedings are unlike punitive action taken in case of an FIR with an intention to punish.



- Here, the police can issue notices under sections of the Code of Criminal Procedure to ensure that the person is aware that creating nuisance could result in action against him.
- This includes paying a fine, in the absence of which, he could be put behind bars.
- Procedures involved are as follows
  1. Generally a notice is issued to a person under section 111 of the CrPC.
  2. Whereby he is asked to present himself before the Executive Magistrate an ACP-rank officer in a Commissionerate of a deputy collector in rural areas who has issued the notice.
- Recently Chapter proceedings against Republic TV Editor-in-Chief Arnab Goswami has begun by Mumbai city police.

### 1.10 Sarna Religion

*Recently, Jharkhand government has passed a resolution to recognise Sarna religion and include it as a separate code in the Census of 2021.*

- It is believed that 50 lakhs tribal in the entire country put their religion as 'Sarna' in the 2011 census, although it was not a code.
- Many of the tribals who follow this faith have later converted to Christianity, the state has more than 4% Christians most of whom are tribals.
- The population of Sarna tribals in the state has declined from the 38.3 per cent in 1931 to 26.02 per cent in 2011.
- One of the reasons for this was tribals who go for work in different states not being recorded in the Census, in other states they are not counted as Tribals.
- The separate code proposed by the state government will ensure recording of their population.
- If the Centre approves the new Sarna code, Census 2021 would have to make space for a new religion.
- Currently, citizens can choose from only six religions: Hinduism, Islam, Christianity, Sikhism, Buddhism and Jainism.

### 1.11 Maintenance to Estranged Wife

*The Supreme Court ruled that Computation of maintenance to estranged wife will include child care.*

- Normally, the courts take into account the husband's income and assets while quantifying interim maintenance to an estranged wife.
- Recently SC noted that with advancement of age, it would be difficult for a dependent wife to get an easy entry into the workforce after a break of several years.
- **Interim Maintenance** - Hindu Marriage Act nor the Protection of Women from Domestic Violence Act specified the date from which interim maintenance was to be granted, leading to exercise of discretion by family courts.
- Recently SC said interim maintenance had to be granted from the day the estranged woman filed an application in court.
- **Computing the maintenance** - The SC said the family court must also take into consideration the educational expenses of children staying with the estranged wife in computing maintenance as "*education expenses of the children must be normally borne by the father*".
- This is the first time that the highest court has considered the sacrifices made by career women in taking care of children.
- The SC ruled that this would be an added component for enhancing the grant of interim compensation to her, so that she could lead a life almost akin to what she was used to when all was well in the matrimonial home.
- **Penalty for non-Payment** - The SC also said non-payment of maintenance could lead to arrest and detention of the delinquent husband and may even lead to confiscation of his assets and their auction to make good the dues to the estranged wife.



### 1.12 Death penalty for Crimes against Women & Children

*Maharashtra cabinet approved two draft bills that propose death penalty for heinous cases of rape, acid attack and child abuse.*

- Once the bills are cleared by both Houses of the legislature, they will be sent to the Centre for approval.
- The bills seek to amend relevant sections of the Indian Penal Code (IPC), Criminal Procedural Code and Protection of Children from Sexual Offences Act.
- They have provisions to cover new categories of crimes, and propose a mechanism for speedy trials.
- The media is not allowed to report the name of a rape victim.
- The proposed Acts will provide similar protection to victims of molestation and even acid attack.
- It would amend **IPC Section 376** (rape) to increase the punishment to life term or death penalty in heinous cases where there's adequate conclusive evidence or exemplary punishment is warranted.

### 1.13 Eviction of J&K Nomads

*Nomads of Jammu and Kashmir (J&K) are being allegedly forcibly evicted by the government.*

- These nomads are mostly from the Gujjar and Bakkarwal communities living in temporary sheds in forests and mountains.
- The evictions are seen in the light of the 2019 J&K High Court order to retrieve encroached forest land and the annulment of the Roshni Act.
- Roshni Act, introduced in 2001, had allowed ownership of government land occupied by some people against a fixed amount.
- It envisaged conferment of proprietary rights of 2.56 lakh acres of land to occupants to earn money for investment into hydroelectric projects.
- But, the HC found that the scheme led to a land scam.

### 1.14 Custodial Torture - Existing Provisions

*The 'Custodial death' of a father and son in Sathankulam town in Tamil Nadu's Thoothukudi district gave way to demands for separate law against torture.*

- **IPC** - Torture is not defined in the Indian Penal Code.
- However, the definitions of 'hurt' and 'grievous hurt' are clearly laid down.
- The definition of 'hurt' does not include mental torture.
- But, Indian courts have included among others, in the ambit of torture -
  - i. psychic torture
  - ii. environmental coercion
  - iii. tiring interrogative prolixity (excessive wordiness)
  - iv. overbearing and intimidatory methods
- Voluntarily causing hurt and grievous hurt to extort confession are also provided in the Code with enhanced punishment.
- **CrPC** - Under the Code of Criminal Procedure, a judicial magistrate inquires into every custodial death.
- **NHRC** - The National Human Rights Commission has laid down specific guidelines for conducting autopsy under the eyes of the camera.
- **SC Judgements** - The Supreme Court judgment in *DK Basu v. State of West Bengal* was a turning point in matters of custodial torture.
- It spawned four crucial and comprehensive judgments - in 1996, twice in 2001 and in 2015 - laying down over 20 commandments.
- Additionally, it led to at least 5 other procedural, monitoring and coordinating judicial orders.





- The Court's decision in Nilabati Behera v. State of Orissa is also notable.
- It ensured that the state could no longer escape liability in public law and had to be compelled to pay compensation.
- Therefore, there is neither a dearth of precedents nor any deficiency in the existing law.
- It is not the law per se but the improper implementation that fails to deter incidents of custodial torture.
- **Prevention of Torture Bill** - A fresh draft of the Prevention of Torture Bill was released in 2017 for seeking suggestions from various stakeholders.
- The Bill was vague as well as very harsh for the police to discharge its responsibilities without fear of prosecution and persecution.
- It was inconsistent with the existing provisions of law. It included 'severe or prolonged pain or suffering' as a form of torture but that was left undefined.
- The Bill provided for the death penalty for custodial deaths, despite the 262<sup>nd</sup> Law Commission Report recommended that death penalty be abolished except in cases of 'terrorism related offences'.
- The Bill also makes the registration of every complaint of torture as an FIR.
- There is a blanket denial of anticipatory bail to an accused public servant. This seems less reasonable and the bail can be refused in appropriate cases.
- But, excluding an investigating officer from availing such an opportunity shall amount to putting him/her on the highest pedestal of mistrust.
- Overall, the proposed Bill was less reformative and more vague, harsh and retributive in nature.
- UN Convention against Torture and other Cruel, Inhumane or Degrading Treatment (**UNCAT**) – India has signed it but yet to be ratified.

### 1.15 EWS Quota Law

*The Supreme Court has referred to a five-judge Constitution Bench a batch of petitions challenging the Economically Backward Section (EWS) quota law.*

- The **103<sup>rd</sup> Constitution Amendment of 2019** provides for 10% reservation in government jobs and educational institutions for EWS.
- This reservation is provided by amending Articles 15 and 16 of the Constitution that deal with the fundamental right to equality.
- Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth.
- Article 16 guarantees equal opportunity in matters of public employment.
- The amendment adds an additional clause to both the provisions.
- This clause gives Parliament the power to make special laws for EWS like it does for Scheduled Castes, Scheduled Tribes and OBCs.
- The states are to notify who constitute EWS to be eligible for reservation.
- **A reference** to a larger Bench means that the legal challenge is an important one.
- **Article 145(3)** - The minimum number of Judges who are to sit for deciding any case involving a question of law as to the interpretation of this Constitution shall be five.
- **The SC rules of 2013** - A bench of two judges will generally hear writ petitions that allege a violation of fundamental rights, unless it raises substantial questions of law. In that case, a five-judge bench would hear the case.
- The SC agreed that the case involved at least three substantial questions of law, whether:
  1. The economic criteria alone cannot be the basis to determine backwardness;
  2. The EWS quota exceeds the ceiling cap of 50% set by the court;
  3. The rights of unaided private educational institutions.



- **Grounds of challenge** - The law was challenged on the ground that it **violates the Basic Structure** of the Constitution.
- The special protections guaranteed to socially disadvantaged groups are part of the Basic Structure.
- The argument is that the amendment departs from this Basic Structure by promising special protections on the sole basis of economic status.
- Although there is no exhaustive list of what forms the Basic Structure, any law that violates it is understood to be unconstitutional.
- The petitioners have also challenged the amendment because it violates the SC's 1992 ruling in **Indra Sawhney case**.
- This ruling upheld the Mandal Report and capped reservations at 50%.
- In the ruling, the court held that economic backwardness cannot be the sole criterion for identifying backward class.
- Another challenge has been made on behalf of private, unaided **educational institutions**.
- They have argued that their fundamental right to practise a trade/profession is violated when the state compels them to implement its reservation policy.
- **Government's arguments** - The government argued that under **Article 46** under DPSP of the Constitution, it has a duty to protect the interests of EWSs.
- It states that the State shall promote with special care the educational and economic interests of the weaker sections of the people.
- It also says that special care should be given, in particular, to the Scheduled Castes and the Scheduled Tribes.
- **Countering Basic Structure argument** - The government argued that to sustain a challenge against a constitutional amendment, it must be shown that the very identity of the Constitution has been altered.
- **Countering Indra Sawhney argument** - For this, the government relied on a 2008 ruling in Ashok Kumar Thakur v Union of India case.
- In this 2008 ruling, the SC upheld the 27% quota for OBCs.
- The argument is that the court accepted that the definition of OBCs was not made on the sole criterion of caste but a mix of caste and economic factors.
- It made this argument to prove that there need not be a sole criterion for according reservation.
- For the **unaided institutions**, it argued that the Constitution allows the Parliament to place reasonable restrictions on the right to carry on trade.

#### 1.16 Sub-categorisation of SCs and STs

*The Supreme Court reopened the debate on sub-categorisation of Scheduled Castes and Scheduled Tribes for reservations.*

- As per Article 341 of the Constitution, those castes notified by the President are called SCs and STs.
- This is called the Presidential list of the SCs and STs.
- A caste notified as SC in one state may not be a SC in another state.
- No community has been specified as SC in Arunachal Pradesh and Nagaland, and Andaman & Nicobar Islands and Lakshadweep.
- In Andhra Pradesh, Punjab, Tamil Nadu and Bihar, special quotas were introduced for the most vulnerable Dalits.
- In 2000, the Andhra Pradesh legislature passed a law reorganising 57 SCs into sub-groups.
- It split the 15% SC quota in educational institutions and government jobs in proportion to their population.
- However, this law was declared unconstitutional in the **E V Chinnaiah case, 2005**.

- It ruled that only the President has the power to notify the inclusion or exclusion of a caste as a SC and the States cannot tinker with the list.
- The court had held that special protection of SCs is based on the premise that all SCs must collectively enjoy the benefits of reservation regardless of interse inequality.
- This is because the protection is not based on educational, economic or other such factors but solely on those who suffered untouchability.
- The court also had held that merely giving preference does not amount to inclusion or exclusion of any caste in the list.
- **2018 ruling** - The concept of “creamy layer” was applied to promote the SCs for the first time. This concept puts an income ceiling on those eligible for reservation.
- The Supreme Court upheld this application to SCs in 2018. The central government has sought a review of the 2018 verdict and the case is currently pending.

### 1.17 Extension of Commission on Sub-Categorization of OBCs

*Recently, the Union Cabinet has approved a six-month extension to the commission appointed to examine sub-categorization of Other Backward Classes (OBCs), up to 31st January 2021.*

- The commission is headed by Justice (Retd.) G Rohini.
- It was constituted under Article 340 of the Constitution with the approval of the President on 2nd October 2017.
- It had been constituted to complete the task of sub-categorising 5000-odd castes in the central OBC list so as to ensure more equitable distribution of opportunities in central government jobs and educational institutions.
- **Article 340** deals with the appointment of a commission to investigate the conditions of backward classes.
- It shall investigate the matters referred them and present a report to the President.
- The President shall cause a copy of the report so presented together with a memorandum explaining the action taken thereon to be laid before each House of Parliament.

### 1.18 Official Secrets Act

*The Delhi police have arrested a strategic affairs analyst and two others under the Official Secrets Act (OSA).*

- Official Secrets Act has its roots in the British colonial era.
- The original version was The Indian Official Secrets Act (Act XIV), 1889.
- This was brought in with the main objective of muzzling the voice of a large number of newspapers that had come up in several languages.
- They were opposing the Raj’s policies, building political consciousness and facing police crackdowns and prison terms.
- It was amended and made more stringent in the form of The Indian Official Secrets Act, 1904, during Lord Curzon’s tenure.
- The 1923 version of the Indian Official Secrets Act was extended to all matters of secrecy and confidentiality in governance in the country.
- It broadly deals with two aspects,
  1. Spying or espionage, covered under Section 3, and
  2. Disclosure of other secret information of the government, under Section 5.
- Secret information can be any official code, password, sketch, plan, model, article, note, document, or information.
- Under Section 5, both the person communicating the information and the person receiving the information can be punished.



- For classifying a document, a government Department follows the Manual of Departmental Security Instructions, 1994, not under OSA.
- Also, OSA itself does not say what a “secret” document is.
- It is the government’s discretion to decide what falls under the ambit of a “secret” document to be charged under OSA.
- It has often been argued that the law is in direct conflict with the Right to Information (RTI) Act, 2005.
- **RTI Act and OSA** - Section 22 of the RTI Act provides for its primacy vis-a-vis provisions of other laws, including OSA.
- So if there is any inconsistency in OSA with regard to furnishing of information, it will be superseded by the RTI Act.
- However, under Sections 8 and 9 of the RTI Act, the government can refuse information.
- **Loophole** - The government can classify a document as “secret” under OSA Clause 6, that document can be kept outside the ambit of the RTI Act, and the government can invoke Sections 8 or 9.
- **Law Commission** - In 1971, it became the first official body to make an observation regarding OSA.
- It observed that merely because a circular is marked secret, it should not attract the OSA’s provisions if the publication is in the public interest and no question of national emergency and interest of the State arises.
- But the Law Commission did not recommend any changes to the Act.
- **ARC** - In 2006, the 2<sup>nd</sup> Administrative Reforms Commission (ARC) recommended that OSA be repealed.
- It wanted the OSA to be replaced with a chapter in the National Security Act containing provisions relating to official secrets.
- **Government Committee** - In 2015, the government had set up a committee to look into provisions of the OSA in light of the RTI Act.
- It reported to the Cabinet Secretariat in 2017, recommending that OSA be made more transparent and in line with the RTI Act.

### 1.19 Article 32

*Supreme Court discourages the use of Article 32.*

- Article 32 deals with the ‘Right to Constitutional Remedies’, i.e. the right to move the Supreme Court for the enforcement of the rights conferred in Part III (Fundamental Rights) of constitution.
- It states that the Supreme Court “shall have power to issue directions or orders or writs, for the enforcement of any of the rights conferred by this Part”.
- It includes writs of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate.
- The right guaranteed by this Article “shall not be suspended except as otherwise provided for by this Constitution (during the period of Emergency)”.
- An individual can approach the High Court under Article 226 or the Supreme Court directly under Article 32.
- There are large numbers of Petitions under Article 32 coming to Supreme Court. SC feels that high courts, under Article 226, are well-equipped to deal with such matters.
- In civil or criminal matters, the first remedy available to an aggrieved person is that of trial courts, followed by an appeal in the High Court and then the Supreme Court.
- When it comes to violation of fundamental rights, an individual can approach the High Court under Article 226 or the Supreme Court directly under Article 32. Article 226, however, is not a fundamental right like Article 32.

### Cases related to Article 32

- The Supreme Court has been inconsistent with its position regarding Article 32.
- **Journalist Siddique Kappan Case** - The court asked why the petitioners could not go to the High Court and wait responses from the Centre and the UP government.



- **Nagpur-based man defamatory case** - The same Bench directed him to approach the High Court first.
- **Poet Varavara Rao Case** - In a relief petition under Article 32, the Supreme Court directed the Bombay High Court to expedite the hearing on a bail plea filed on medical grounds.
- Here, it also observed that once a competent court had taken cognisance, it was under the authority of that court to decide on the matter.
- **Arnab Goswami Case** - The court had then said that the right to approach the Supreme Court under Article 32 is itself a fundamental right.
- It also observed that “there is no doubt that if a citizen of India is deterred in any case from approaching this Court in exercise of his right under Article 32, it would amount to a serious and direct interference in the administration of justice in the country”.
- **RomeshThappar vs State Of Madras Case(1950)** - Supreme Court observed that it is the protector and guarantor of fundamental rights, and it cannot refuse to entertain applications seeking protection against infringements of such rights.
- **Jabalpur vs S S Shukla (1976)** - Supreme Court had said that the citizen loses his right to approach the court under Article 32.
- Constitutional experts say that it is eventually at the discretion of the Supreme Court and each individual judge to decide whether an intervention is warranted in a case, which could also be heard by the High Court first.

### 1.20 Free Speech

*Kerala has promulgated a draconian ordinance to curtail free speech.*

- The ordinance amends **Section 118A in the Kerala Police Act** giving uncontrolled powers to the police to curtail free speech.
- Now, the police can arrest anyone expressing or disseminating any matter deemed threatening, abusive, humiliating or defamatory to a person or a class of persons in any manner making it a cognizable offence.
- The new law is vaguely defined and is made cognizable whereas criminal defamation under the IPC is non-cognisable.
- **Section 118A** lays down a three-year prison term whereas it is two year term under the IPC.
- The present ordinance contravenes with earlier Supreme Court judgement -A police officer cannot register an FIR for the offence & they can only be prosecuted by a private complaint.
- However, Centre's assent is mandatory as it is in conflict with central laws & the ordinance itself required prior presidential assent.
- It is regrettable that the State sought to equip with extraordinary powers to deal with a problem that can be dealt with other provisions relating to stalking, harassment, criminal intimidation and verbal abuse.
- State Government's Arguments - It indicates that law targets only defamatory social media posts.
- It will not curb reportage, political satire or expression of opinion.
- However, in the **Shreya Singhal vs. Union of India (2015)** case, the Supreme Court struck down **Section 66A of the IT Act** which criminalised sending of any message through a computer resource that was grossly offensive, menacing, or caused annoyance, inconvenience, danger, insult, injury and intimidation.
- The court cited that act brought innocent and offensive messaging under its ambit.

### 1.21 Inflammatory Journalism

*Supreme Court has questioned the central government on its measures to curb the communally slanted television coverage.*

- There was communal colour (hate against Muslims) given by some TV channels to the incident of large clusters of COVID-19 infections among those who attended a **Tablighi Jamaat** event in New Delhi.
- SC is unconvinced with the present mechanism of self-regulation under the **National Broadcasting Standards Authority**.



- So the Supreme Court's is keen to know what action has the government taken under the **Cable Television Networks (Regulation) Act** against offending broadcasters.
- The government is empowered under the Act to prohibit transmission of programmes that violate the **programme or advertising codes (Section 19)** and even an entire channel, in public interest (**Section 20**).
- In the **Sudarshan News case**, which began a series that propagated hate against Muslims.
- The government has merely administered a 'caution' to the channel and asked it to moderate the content of future episodes and avoid breaching the Programme Code.
- Later the court ordered the suspension of further episodes & it distinguished between free speech and hate speech.

### 1.22 Personal choices, the Constitution's Endurance - Salamat Ansari

*The Allahabad High Court cancelled a case against a Muslim man (Salamat Ansari), filed by the parents of his wife (Priyanka Kharwar (now Alia)) who converted to Islam before marrying him.*

- FIR was lodged against Salamat Ansari and Priyanka Kharwar under Section 366 of the IPC, which criminalises the abduction of a woman with the intent to compel her to marry against her will.
- The petitioners claimed that they were both adults competent to contract a marriage and wedded long before in August 2019, as per Muslim rites and ceremonies, only after Ms. Kharwar had converted to Islam.
- The State held that a conversion with a singular aim of getting married was illegitimate.
- In making this argument, the government relied on a pair of judgments delivered by single judges of the Allahabad High Court.
  - On the judgment in Noor Jahan v. State of U.P. (2014), the HC held that a conversion by an individual to Islam was valid only when it was predicated on a "change of heart" and on an "honest conviction" in the tenets of the newly adopted religion.
  - Additionally, it ruled that the burden to prove the validity of a conversion was on the party professing the act.
- Therefore, in the present case, it was argued that it was for the woman to establish that her conversion was borne out of her conscience.
- **HC ruling** – It rejected the above theory and held that the judgment in Noor Jahan was incorrectly delivered.
- The court said that it did not see "Priyanka Kharwar and Salamat as Hindu and Muslim.,", rather saw them "as two grown up individuals who out of their own free will and choice are living together peacefully and happily...."
- It declared that religious conversions, even when made solely for the purposes of marriage, constituted a valid exercise of a person's liberties.
- It ruled that the freedom to live with a person of one's choice is intrinsic to the fundamental right to life and personal liberty.
- The order thus recognised that Indian society rested on the foundations of individual dignity.
  - This means that a person's freedom is not conditional on the caste, creed or religion that her partner might claim to profess.
- By invoking the SC's judgment in Puttaswamy case, the HC held that an individual's ability to control vital aspects of her life inheres in her right to privacy.
  - This promise includes the preservation of decisional autonomy, on matters including of "personal intimacies, the sanctity of family life, marriage, procreation, the home, and sexual orientation".
- According to the HC, the Constitution is violated every time matters of intimate and personal choice are made vulnerable to the paternal whims of the state.
- **Underlying Idea** - Article 25 of the Constitution expressly protects the choices that individuals make.
- In addition to the right freely to profess, practise and propagate religion, it guarantees to every person the freedom of conscience.

- Conscience is certainly not something that the state can examine as a function of its sovereign authority.
- The right to freedom is promised because questions of conscience (which include choices of faith) are matters of ethical autonomy.
- The provision's ultimate purpose is to allow individuals the freedom to lead their lives as they please.
- **U.P Government response** – It introduced an ordinance which makes not only religious conversions that are forcefully obtained an offence but that also declares void any conversion found to be made solely for marriage.
- In supporting the law, the State will likely rely on a 1977 Supreme Court judgment in *Rev. Stanislaus v. State of Madhya Pradesh*.
- There, the Court upheld, on grounds of public order, two of the earliest anti-conversion statutes in India - the Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968 and the Orissa Freedom of Religion Act, 1967
  - These laws required that a District Magistrate be informed each time a conversion was made.
  - They also prohibited any conversion that was obtained through fraud or illegal inducement.

## 2. PARLIAMENT AND STATE LEGISLATURE

### 2.1 Supreme Court on Criminalisation in Politics

*A Supreme Court judgment on criminalisation in politics was implemented in the Bihar elections in October 2020.*

- The Court has asked the political party and its leadership to publicly own up to criminalisation of politics.
- It has asked the political parties to state the reasons for such selection.
- It has also asked why other individuals without criminal antecedents could not be selected as candidates.
- If a political party fails to comply, it would be in contempt of the Supreme Court's orders/directions.
- It is also not clear what penalty would be imposed if the recent orders are not followed.
- The judgment notes that in 2004, 24% of the Members of Parliament had criminal cases pending against them.
- In 2019, 43% of MPs had criminal cases pending against them.
- India is the only democratic country with a free press where we find a problem of this dimension.
- **Earlier orders** - Each candidate shall submit a sworn affidavit giving financial details and criminal cases.
- Each candidate shall inform the political party in writing of criminal cases against him or her.
- The party shall put up on its website and on social media as well as publish in newspapers the names and details of such candidates.

### 2.2 Rajasthan HC & Sachin Pilot Camp

*The Rajasthan High Court's order pertaining to Sachin Pilot camp borders on judicial indiscipline.*

- The HC order has admitted a petition filed by the 19 legislators in the Sachin Pilot camp and directed the assembly speaker not to disqualify these legislators under the anti-defection law (ADL), until further notice.
- The HC has passed this order despite an existing judgment of the Supreme Court (SC) on the constitutionality of the ADL.
- It has disregarded the **doctrine of precedent**. The SC prohibits the courts intervening in disqualification matters at a stage prior to a presiding officer giving a ruling.
- In **Kihoto Hollohan (1992) judgement**, SC upheld the validity of the anti-defection law.
- The question is whether this SC's judgment is a bar on the HC examining the issues.
- It wants to examine the disqualification of lawmakers who voluntarily give up membership of their party and whether the SC has examined this from the point of view of intra-party democracy.

- However, the HC's move amount to judicial indiscipline since no decision has been rendered by the Speaker.
- Para 2 has been used by Speakers for years, and many such disqualification orders have been upheld by the SC.
- Admitting a matter without explaining how the law laid down by the SC does not bind a HC raises grave questions of judicial propriety.

### **Anti Defection Law**

- Through the 52nd Constitutional Amendment Act of 1985, the 10th Schedule of the Constitution, which contains the anti-defection law, was added to the Constitution.
- Under this "If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final."
- There are two grounds on which a member of a legislature can be disqualified.
- If the member voluntarily gives up the membership of the party: Voluntarily giving up the membership is not the same as resigning from a party.
- Even without resigning, a legislator can be disqualified if by his conduct the Speaker/Chairman of the concerned House draws a reasonable inference that the member has voluntarily given up the membership of his party.
- If a legislator votes in the House against the direction of his party and his action is not condoned by his party, he can be disqualified.

### **KihotoHollohan Judgment**

- The petitioners in Hollohan Case, 1992) argued whether it was fair that the Speaker should have such broad powers provided by the 10th schedule and 52nd Amendment, given that there is always a reasonable likelihood of bias.
- The majority judgment said the Speakers/Chairmen hold a pivotal position in the scheme of Parliamentary democracy and are guardians of the rights and privileges of the House.
- They are expected to and do take far reaching decisions in Parliamentary democracy.
- Thus, Constitutional courts cannot judicially review disqualification proceedings under the Tenth Schedule (anti-defection law) of the Constitution until the Speaker or Chairman makes a final decision on merits.

## **2.3 Cancelling Question Hour**

*The Question Hour was cancelled during the Monsoon Session of Parliament in 2020.*

- Question Hour is an opportunity for the members to raise questions.
- It is a parliamentary device primarily meant for exercising legislative control over executive actions.
- It is also a device to criticise government policies and programmes.
- It will ventilate public grievances, expose the government's lapses and extract promises from ministers.
- Thereby, they ensure accountability and transparency in governance.
- **History** - The first Legislative Council in British India under the Charter Act, 1853, gave members the power to **ask questions** to the executive.
- The Indian Council Act of 1861 allowed members to elicit **information** by means of questions.
- The Indian Council Act, 1892, formulated the **rules** for asking questions including short notice questions.
- The Indian Council Act, 1909, incorporated provisions for asking **supplementary questions** by members.
- The Montague-Chelmsford reforms in 1919 incorporated a rule that the first hour of every meeting was earmarked for questions.
- Parliament has continued this tradition.



- In 1921, the question on which a member desired to have an oral answer was distinguished by him with an asterisk, a star.
- This marked the beginning of **starred questions**.

## 2.4 Language of the Law

*There is a recent litigation over the language in which the Draft EIA Notification, 2020 was published.*

- There were protests against the publication of the draft EIA notification in only English and Hindi.
- Two High Courts have asked the government to publish the notification in all 22 languages mentioned in Schedule VIII to the Constitution.
- The central government is pushing back against this order. It argues that it is not required by the law to publish these notifications in the 22 languages mentioned in the Constitution.
- It is also resisting the translation into 22 languages saying it may result in the meaning of the words being obfuscated and often even lost.
- The **Authoritative Texts (Central Laws) Act, 1973** creates a legal mechanism to recognise authoritative translations of all central laws into 22 languages of the Constitution.
- This law extends to rules and delegated legislation issued under central laws.
- The Legislative Department of the Law Ministry hosts these translations on its website.
- The **Official Languages Act, 1963** requires the publication of the law in only English and Hindi.
- As a result, the central government, de facto, ends up excluding non-English and non-Hindi speaking citizens from the law-making process.
- The Supreme Court of India (**Harla v. State of Rajasthan, 1951**) has ruled that citizens are not bound by laws which have not been published and publicised.
- At the least, there must be some special rule or customary channel by which such knowledge can be acquired with the exercise of due and reasonable diligence.
- It does not take much to extend this reasoning to argue that citizens are not bound by central laws unless Parliament makes its laws available in languages understood by all Indians.
- The central government offices dealing with citizens across the country should give citizens the option to engage in a language of their choice.
- So far, only the Unique Identification Authority of India has an inclusive language policy allowing citizens to get identity cards in languages other than English and Hindi.

## 2.5 Karnataka-Maharashtra Tussle

*Karnataka CM condemned Maharashtra Deputy CM's comments over the border dispute between the two states.*

- The erstwhile Bombay Presidency included the present-day Karnataka districts of Vijayapura, Belagavi, Dharwad and Uttara-Kannada.
- In 1948, the Belgaum municipality requested that the district, having a predominantly Marathi-speaking population, be incorporated into the proposed Maharashtra state.
- However, the States Reorganisation Act of 1956 made Belgaum and 10 talukas of Bombay State a part of the then Mysore State (renamed as Karnataka in 1973).
- The States Reorganisation Commission sought to include talukas with a Kannada-speaking population of more than 50% in Mysore.
- Opponents of the region's inclusion in Mysore argued that Marathi-speakers outnumbered Kannadigas who lived there in 1956.
- In September 1957, the Bombay government echoed their demand and lodged a protest with the Centre.
- This led to the formation of the **Mahajan Commission** under former Chief Justice Mehr Chand Mahajan in October 1966.



- In 1967, the Commission recommended that 264 villages be transferred to Maharashtra (which formed in 1960).
- It also said that Belgaum and 247 villages remain with Karnataka.
- Maharashtra rejected the report whereas Karnataka welcomed it. It has not been formally done by the Centre.
- In 2004, the Maharashtra government moved the Supreme Court for a settlement of the border dispute under Article 131(b) of the Constitution.
- **Article 131(b)** - Original jurisdiction of the Supreme Court in any dispute between the Government of India and any State or States on one side and one or more other States on the other.
- Karnataka has argued that the settlement of boundaries as per the States Reorganisation Act is final.
- Maharashtra continues to claim over 814 villages along the border, as well as Belgaum city, which are currently part of Karnataka.

## 2.6 Mercy Petition

*The Governor of Tamil Nadu (T.N.) has withheld the pardon application filed by prisoners convicted in the Rajiv Gandhi assassination case despite the resolution passed by the Council of Ministers to release them.*

- **Article 161** of the constitution deals with the pardoning power of the Governor.
- In **Maru Ram v. Union of India (1981) case**, Supreme Court held that the pardoning power can be exercised by the Central and the State Governments, not by the President or Governor on their own & the advice of the appropriate Government binds the Head of the State.
- The Supreme Court, in the case of **Shatrugan Chouhan v. Union of India**, laid down the principle of “presumption of dehumanising effect of such delay”.
- The Supreme Court confirmed that the due process is guaranteed under Article 21 was available to each and every prisoner & it can commute the death sentence when there is an inordinate delay to perform a constitutional function.
- In case of **Keisham Meghachandra Singh v. Hon’ble Speaker (2020)** said that failure on the part of the Speaker to decide the application seeking a disqualification goes against the very constitutional scheme of adjudication contemplated by the Tenth Schedule.
- The court issued a judicial direction to the Speaker to decide the disqualification petitions within a period of four weeks.
- The Court also said it will issue directions in aid of a constitutional authority to arrive at a prompt decision.
- The apex court also recalled its earlier judgment in **Rajendra Singh Rana v. Swami Prasad Maurya (2007)**.
- In case of substantial delay at the hands of the Governor the immediate interference of the Supreme Court is necessary to make sure that words contained in Article 161 of the Constitution meaningful.

## 2.7 Inner Line Permit & CAA

*The Supreme Court declined the petition to stay the operation of a Presidential order pertaining to Inner Line Permit (ILP) in Assam.*

- Inner Line is a concept drawn by colonial rulers which separated the tribal-populated hill areas in the Northeast from the plains.
- To enter and stay for any period in these areas, Indian citizens from other areas need an Inner Line Permit (ILP).
- The Inner Line protects Arunachal Pradesh, Nagaland and Mizoram, and Manipur was added lately.
- The concept originates from the Bengal Eastern Frontier Regulation Act (BEFR), 1873.
- The policy of exclusion first came about as a response to the reckless expansion of British entrepreneurs into new lands, which threatened British political relations with the hill tribes.



- The BEFR prohibits the entry of an outsider (British subject or foreign citizen) into the area beyond the Inner Line without a pass and his purchase of land there.
- The Inner Line also protects the commercial interests of the British from the tribal communities.
- After Independence, the Indian government replaced “British subjects” with “Citizen of India”.
- In 2013, the Home Ministry told that the main aim of ILP system is to prevent settlement of other Indian nationals in the States where ILP regime is prevalent.
- It said that settlement is prevented in order to protect the indigenous/tribal population.
- **Citizenship Amendment Act** - It relaxes eligibility criteria for certain categories of migrants from three countries seeking Indian citizenship.
- But, it exempts certain categories of areas, including those protected by the Inner Line system.
- Amid protests against the Act, the Adaptation of Laws (Amendment) Order, 2019, issued by the President, amended the BEFR, 1873.
- This amendment extended the ILP to Manipur and parts of Nagaland that were not earlier protected by ILP.

## 2.8 Discretionary powers of Governor

*A Constitution Bench judgment of the SC has held that a Governor is bound to convene a meeting of the Assembly for a floor test on the recommendation of the Cabinet.*

- In *Nabam Rebia Vs Deputy Speaker 2016* case, SC held that a Governor cannot employ his ‘discretion’, and should strictly abide by the “aid and advice” of the Cabinet to summon the House.
- **Highlights of the judgement**
  - a) The Governor can summon, prorogue and dissolve the House only on the aid and advice of the Council of Ministers with the Chief Minister as the head. And not at his own.
  - b) Governor’s discretionary powers are limited to specified areas like giving assent or withholding/referring a Bill to the President or appointment of a Chief Minister or dismissal of a government which has lost of confidence but refuses to quit, etc.
  - c) The area for the exercise of his discretion is limited, even in this limited area, Governor’s choice of action should not be arbitrary or fanciful.
  - d) It must be a choice dictated by reason, actuated by good faith and tempered by caution.

### Article 163

- The article explains about discretionary powers of governor, under which it states the following
- If any question arises the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion.
- The question whether any, and if so what, advice was tendered by Ministers to the Governor shall not be inquired into in any court.
- Thus Article 163 of the Constitution does not give the Governor a “general discretionary power to act against or without the advice of his Council of Ministers”.

## 2.9 Arunachal Pradesh Demand for 6<sup>th</sup> Schedule

*Recently few Autonomous Councils in Arunachal Pradesh has led to the call for bringing the entire Arunachal Pradesh under the ambit of the 6th Schedule or Article 371 (A) of the Constitution.*

- Currently Arunachal Pradesh is neither under 5th Schedule nor under 6th Schedule.
- It is under the Inner Line Permit (ILP) system.
- The 6th Schedule of the Constitution provides for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram to safeguard the rights of the tribal population in these states.
- This special provision is provided under Article 244(2) and Article 275(1) of the Constitution.
- The tribes in the above states have not assimilated much with the life and ways of the other people in these states.



- According to Bordoloi Committee formed by the Constituent Assembly, the 6th Schedule was formulated to provide limited autonomy to the tribal regions of North-East.
- The committee report stated that there was a need for a system of administration that would allow tribal areas to become developed.
- The report also called for the protection of these tribal areas from exploitation by the people in the plains and preserving their distinct social customs.
- The 5th Schedule areas are declared in the States of Andhra Pradesh, Telangana, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan.
- On the other hand, Article 371 A is applied in Nagaland which provides special status to Nagaland.

#### **Article 371 A**

- The Acts of Parliament relating to the following matters would not apply to Nagaland unless decided by the State Legislative Assembly:
  1. Religious or social practices of the Nagas.
  2. Naga customary law and procedure.
  3. Administration of civil and criminal justice involving decisions according to Naga customary law.
  4. Ownership and transfer of land and its resources.

#### **Article 257(1)**

- It states that the executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union.
- It also authorizes the Union to give such directions to a State as may appear to the Government of India to be necessary for that purpose.
- In case if the state failed to comply with (or to give effect to) any directions given by the Centre under Article 257(1), it will be lawful for the President to impose President's rule under Article 356.

#### **2.10 J&K Official Languages Bill**

*Union Cabinet has approved J&K Official Languages Bill 2020 and was passed by the Parliament.*

- The bill approves Kashmiri, Dogri and Hindi as the official language of Jammu and Kashmir apart from the existing Urdu and English.
- **Article 343** of the Indian constitution stated that the official language of the Union is Hindi in Devanagari script instead of the extant English.
- Later, a constitutional amendment, The Official Languages Act, 1963, allowed for the continuation of English alongside Hindi in the Indian government indefinitely until legislation decides to change it.
- Despite the misconceptions, Hindi is not the national language of India; the Constitution of India does not give any language the status of national language.
- Subject to the provisions of **Articles 346 and 347**, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State.
- Provided that, until the Legislature of the State otherwise provides by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution.

#### **2.11 Changes to DRSCs**

*Raja Sabha Secretariat is considering changing the rules governing the **Departmentally-Related Standing Committees** tenure.*

- On the recommendation of the Rules Committee of the Lok Sabha, 17 Departmentally-Related Standing Committees (DRSCs) were set up in the Parliament in 1993.
- In 2004, seven more such committees were set up, thus increasing their number from 17 to 24.

- Out of the 24 standing committees, 8 work under the Rajya Sabha and 16 under the Lok Sabha.
- Each standing committee consists of 31 members (21 from Lok Sabha and 10 from Rajya Sabha).
- The members of the Lok Sabha are nominated by the Speaker, just as the members of the Rajya Sabha are nominated by the Chairman from amongst its members
- A minister is not eligible to be nominated as a member of any of the standing committees.
- In case a member, after his nomination to any of the standing committees, is appointed a minister, he then ceases to be a member of the committee
- The term of office of each standing committee is one year from the date of its constitution.
- They secure more accountability of the Executive (i.e., the Council of Ministers) to the Parliament.
- **Changes proposed by the Parliament** - It aims to make it to two years from the present one year so that the panels have enough time to work on the subjects selected by them.
- The following options are being considered by Raja Sabha Secretariat
  1. To extend the term of the panels for a year.
  2. To form new committees with a fixed tenure of two years.
- This decision comes after the tenure of all the DRSCs of Parliament is ending on 11th September, 2020 and they can't hold deliberations till new panels are formed.
- A significant amount of the tenure of the committees was lost due to the Covid-19 pandemic.
- Many of the panels have not been able to complete reports on the subjects they were working on.

### 2.12 Jurisdiction of River Management Boards

*Recently Union Water Resources Ministry announced that it will determine the jurisdictions of the Krishna and Godavari river management boards (KRMB and GRMB)*

- Whenever the riparian states are not able to reach amicable agreements on their own in sharing of an interstate river waters, section 4 of IRWD Act provides dispute resolution process in the form of Tribunal.
- As per the Act, the tribunal shall not only adjudicate but also investigate the matters referred to it by the central government and forward a report setting out the facts with its decisions.
- It implies that the tribunal responsibility is not limited to adjudication of issues raised by the concerned states and also investigation of other aspects which are in public domain such as
  1. Water pollution,
  2. Salt export requirement,
  3. Water quality deterioration,
  4. Flood control,
  5. Sustainability of river basin productivity & its ecology,
  6. Environmental flow requirements,
  7. Climate change effects,
- When the tribunal final verdict issued based on the deliberations on the draft verdict is accepted by the central government and notified in the official gazette, the verdict becomes law and binding on the states and union govern ent for implementation.
- When pronounced in the ambit of IRWD Act and the Indian constitution, the tribunal's verdict after its publication in the official gazette is equivalent to Supreme Court verdict as per section 6 of IRWD Act.
- The headquarters of the KRMB would be located in Andhra Pradesh.

### 2.13 Amendment Related to Land in Jammu and Kashmir

*Recently Union government has notified 'Union Territory of Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Third Order, 2020.*



- It states that any Indian citizen can now buy land in Jammu and Kashmir (J&K) without being a domicile.
- The introduction of the UT of J&K Reorganisation (Adaptation of Central Laws) Third Order, 2020 has resulted in the repeal of at least 11 land laws in J&K, including the J&K Big Landed Estates Abolition Act that had resulted in famous 'Land to tiller' rights.
- The features of the latest order are as follows
  1. No domicile or permanent resident certificate is required to purchase non-agricultural land in the UT.
  2. People as well as investors outside J&K can now purchase land in the UT, ending the exclusive rights of locals over the land granted under Article 370 (now abrogated).
  3. The Centre also notified the Real Estate (Regulation and Development) Act, 2016, which paves the way for the acquisition of land in J&K by all Indian citizens.
  4. The amendment has abolished the Big Land Estate Abolition Act, 1950 – this provided for redistribution of land which paved the way for rural prosperity and ended landlordism in J&K.
  5. Empowers the Centre to declare any area in J&K as 'strategic' and intended for the direct operational and training requirement of the armed forces.
  6. However, this can be only done by an army officer of or above the rank of a corps commander.
  7. Spouses of a J&K domicile shall also be deemed as a domicile, earlier, spouses of domiciles were not considered domiciles.
  8. Children of central government officials posted for over ten years in J&K will also continue to be considered domiciles.

#### **Gupkar Declaration**

- Gupkar Declaration, is a pact to fight for the restoration of J&K's special status.
- The Declaration was signed by six political parties, including Congress and regional parties of the state, on August 4, 2019, just a day before the abrogation of J&K's special status.
- It called for a joint fight to "safeguard J&K's special status, Article 370 and 35A".

### **2.14 Disqualification of MLA**

*India's first Member of Parliament to have been disqualified from the Lok Sabha has now been disqualified as an MLA in Mizoram.*

- Lalduhoma was a retired IPS officer who was in charge of former Prime Minister Indira Gandhi's security.
- In 1988, he became the first MP to have been disqualified under the Anti-Defection Law for giving up membership of the Congress (I).
- Now, Mizoram Assembly Speaker debarred Lalduhoma from the House.
- Disqualification was on the ground that he had declared himself as a representative of a party despite being elected as an independent candidate.

### **2.15 Manipur Defections - Speaker's Powers to Disqualify**

*Manipur Speaker Y Khemchand disqualified 3 Congress MLAs and the state's lone TMC (Trinamool Congress) MLA, ahead of the Rajya Sabha election.*

- The decision has brought to the fore the concerns with Speaker's powers to disqualify under the Constitution.

#### **How did the case evolve?**

- In 2017, seven legislators who won on a Congress ticket switched sides. With this, the BJP formed the government in Manipur.
- The Congress party asked the Speaker to disqualify these seven MLAs under the 10<sup>th</sup> Schedule of the Constitution.
- Since no action was taken by the Speaker, a writ petition was filed before the High Court of Manipur in Imphal.
- The case sought directions for the Speaker to decide on the petition within a reasonable time.

- However, the larger issue of whether a HC can direct a Speaker to decide on a disqualification petition within a certain timeframe was pending before a Constitution Bench of the Supreme Court.
- It is the 2016 SA Sampath Kumar vs Kale Yadaiah and Others case. It was in relation to the disqualification of a Telangana MLA.
- A two-judge bench of the Supreme Court had asked a larger bench to clarify the legal position on -
  - i. the Speaker's powers to disqualify
  - ii. the extent to which such decisions of the Speaker can be reviewed by the courts
- In January 2020, a three-judge bench of the SC expressed its displeasure with the Speaker's lack of urgency in deciding the disqualification petitions.
- It ruled that Speakers of assemblies and the Parliament must decide disqualification pleas within a period of 3 months.
- Extraordinary circumstances are exceptions to this.
- The ruling settled the law for situations where the timing of the disqualification is misused to manipulate floor tests.
- The court also recommended the Parliament to consider taking a relook at the powers of the Speakers, citing instances of partisanship.
- The court also suggested independent tribunals to decide on disqualifications.
- In the context of Manipur, this ruling meant that Speaker Khemchand had to rule on the disqualification within 3 months since.
- Importantly, this three-judge bench also ruled that the 2016 reference to a larger bench by a two-judge bench was not needed. [Decisions of a larger bench are precedents, and binding on smaller benches.]
- **EC interference** - The Congress complained to the Election Commission that one of its MLAs voted for the BJP.
- It thus sought cancellation of that vote.
- The EC, however, said that no interference from the Commission was warranted in the matter.
- The EC could not interfere or interject as far as the Speaker's power under the Tenth Schedule of the Constitution is concerned.

### 3. JUDICIARY

#### 3.1 Prashant Bhushan Case

*The Supreme Court found that the two tweets by lawyer Prashant Bhushan amounts to serious contempt of court.*

- **Criminal contempt** under Section 2(c) of the Contempt of Courts Act, 1971 means any publication which
  1. Scandalises or tends to scandalise, or lowers or tends to lower the authority of any court; or
  2. Prejudices, or interferes or tends to interfere with, the due course of any judicial proceedings, or
  3. Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.
- **Issue** - One tweet was about the role of the last four CJI and the other one was about the current CJI riding an expensive motorcycle while the court was in "lockdown".
- The court held the tweet tends to give an impression that the SC has in the last 6 years played a role in the destruction of Indian democracy.
- It said that the tweet tends to shake the public confidence in the institution of judiciary and undermines the dignity and authority of the institution of the SC and the CJI and directly affronts the majesty of law.
- **SC Response** - It rejected the argument that the tweet has not really interfered with administration of justice.



- It relied on **Brahma Prakash Sharma (1953)** verdict which held that it is enough if a statement is likely, or tends in any way, to interfere with the proper administration of justice.
- The Bench also relied on **C K Daphtary (1971) verdict**, which held that an attack on a judge in respect of a judgment or past conduct has adverse effect on the due administration of justice.
- It also said that this sort of attack has an inevitable effect of undermining the confidence of the public in the judiciary.
- The SC Bench cited **Baradakanta Mishra (1974) verdict**, which held that scandalising of the court is a species of contempt, and a common form is vilification of the judge.
- The question the court has to ask is whether the vilification is of the judge as a judge, or as an individual. If the latter, the judge is left to his private remedies, and the court has no power to commit for contempt.
- The Bench held that fair criticism of judges, if made in good faith in public interest, is not contempt.
- In a case involving Bhushan himself (2001), the SC had held that personal criticism of a judge does not amount to fair criticism.
- In 2006, government brought in an amendment, which provides “truth” as defence provided it is bona fide and in public interest.
- The expression “scandalising the court” has not been defined.
- In 1988, the SC held that a criticism of the court that doesn’t hamper the administration of justice cannot be punished as contempt.
- This raises the question whether a mere tweet can really obstruct the administration of justice.
- It also raises a question whether judicial dignity is so fragile that it would get lowered in mature Indian people’s eyes because of a lawyer’s opinion.
- **Problems** - The judge himself acts as prosecutor and victim, and starts with the presumption of guilt rather than innocence.
- Contempt proceedings are quasi-criminal and summary in nature.

### Contempt of Court

- Contempt of court is a concept that seeks to protect judicial institutions from motivated attacks and unwarranted criticism, and as a legal mechanism to punish those who lower its authority.
- **Article 129** of the Constitution conferred on the Supreme Court the power to punish contempt of itself.
- **Article 215** conferred a corresponding power on the High Courts.
- It is one of the restrictions on freedom of speech and expression under Indian Constitution
- The punishment for contempt of court is simple imprisonment for a term up to six months and/or a fine of up to Rs. 2,000.
- **Civil contempt** is committed when someone willfully disobeys a court order, or willfully breaches an undertaking given to court.
- **Criminal contempt** consists of three forms:
  1. Words, signs and actions that “scandalize” or “lower” the authority of any court.
  2. Prejudices or interferes with any judicial proceeding.
  3. Interferes with or obstructs the administration of justice.
- Fair and accurate reporting of judicial proceedings and fair criticism on the merits of a judicial order after a case is heard and disposed of will not amount to contempt of court.
- The Contempt of Courts Act, 1971 was amended in 2006 to introduce truth as a valid defence against a charge of contempt, if it was in public interest and was invoked in a bona fide manner.

### 3.2 Censorship Rulings

*Different courts gave conflicting rulings involving the broadcast of two shows.*





- **Issues** - The two shows that are in focus are, a program on Sudarshan TV and the Netflix documentary *Bad Boy Billionaires*.
- In each case, one court restricted the broadcast and another refused to interfere.
- It raises question on the fundamental right to freedom of speech and expression.
- It also raises question of whether these shows can be restrained prior to broadcast or publishing.
- The Delhi HC noted that the proposed telecast on Sudarshan TV violated the code prescribed in the **Cable TV Network (Regulation) Act, 1995**.
- **Section 5** prescribes that no person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code.
- **Section 19** gives the power to prohibit a broadcast in the public interest.
- This can be done if the programme is likely to promote disharmony or feelings of enmity between different religious, racial, linguistic or regional groups or which is likely to disturb the public tranquillity.
- **Prior Restraint** - It is prohibiting the exercise of free speech before it can take place.
- Imposition of pre-censorship or prior restraint on speech is a violation of fundamental right under Article 19(1)(a) of the Constitution.
- Any restrictions imposed on this right have to be found under Article 19(2) of the Constitution.
- Article 19(2) lists out reasonable restrictions that include interests of the sovereignty and integrity of India, security of the state, public order, and incitement to an offence.
- Any legislation that imposes a prior restraint on speech should show that the reason for such restraint can be found under Article 19(2).
- It is generally allowed only in exceptional circumstances.
- The speech can be restricted only when judged on its actual content. The speech cannot be restricted preemptively based on perceptions of what it could be.
- The court has adopted the **proximity test** to determine if public order would be affected to allow prior restraint.
- Proximity test means that the state is required to demonstrate a proximate link between public order and the speech.
- **Previous SC Rulings** - The 1950 SC rulings held that legislation imposing prior restraint on the press were unconstitutional citing that the restrictions were too broad.
- These rulings led to the First Amendment of the Constitution.
- This amendment tinkered with the scope of restrictions on free speech under Article 19(2), by adding the word “reasonable” before the “restrictions”.

### 3.3 Mirror Order in Judgement

*Recently Supreme Court has applied the principle of “mirror order” in a child custody case where one of the estranged parents is living abroad in Kenya.*

- The judgment was based on a petition regarding the custody of a child whose father is based in Kenya and the mother is in India.
- A ‘mirror order’ is ancillary or auxiliary in character.
- It supports the original order passed by the court which has exercised primary jurisdiction over the custody of a child.
- When a competent court in India passes a series of the conditions for the transfer of custody of a child to a parent living abroad, an identical or mirror order is passed by an equally competent court to ensure that the conditions of custody are met.
- This mechanism ensures that contradictory judicial orders are not passed and is considered a remedy against transnational parental abduction of children in inter-country marriages.



- The object of a mirror order is to safeguard the interest of the minor child in transit from one jurisdiction to another, and to ensure that both parents are equally bound in each State.
- The mirror order is passed to ensure that the courts of the country where the child is being shifted are aware of the arrangements which were made in the country where he had ordinarily been residing.
- Such an order would also safeguard the interest of the parent who is losing custody, so that the rights of visitation and temporary custody are not impaired.

### 3.4 Vehicle as a Public Space

*The Delhi government told the Delhi High Court that a personal vehicle on a public road cannot be said to be a private zone – rather, it is a public space.*

- This was a response given to a lawyer's plea who challenged the imposition of Rs 500 fine for not wearing a mask when he was travelling in his vehicle.
- Due to the spread of Covid-19, the Delhi Disaster Management Authority (DDMA) ordered that it is essential that a person must wear a mask in any public place and explicitly state that any person moving around in his personal and official vehicle must be wearing these masks compulsorily.
- The petitioner has argued that his vehicle is a private zone, he was travelling alone and, said that the central government has not issued any such guidelines.
- Delhi government referred to the Supreme Court (SC) judgment in '**Satvinder Singh Vs. State of Bihar**' to defend its directive on wearing masks in vehicles.
- In that case, SC ruled that the Bihar Excise (Amendment) Act, 2016 defines a "public place" to mean any place to which the public has access, whether as a matter of right or not.
- It includes all places visited by the general public, and also includes any open space.
- The court noted that when private vehicle is passing through a public road it cannot be accepted that public have no access.
- It is true that public may not have access to private vehicle as matter of right but definitely public have opportunity to approach the private vehicle while it is on the public road.
- The court dismissed the argument that a vehicle is not covered by the definition of "public place" as given in the law amended in 2016 by Bihar.

### 3.5 Consent for Contempt of Court

*Attorney General of India consented to initiate criminal contempt of court proceedings against a comic illustrator.*

- Section 15 of **Contempt of Courts Act 1971**, describes the procedure for initiating a criminal contempt against an individual.
- In the case of the Supreme Court, the Attorney General or the Solicitor General, and in the case of High Courts, the Advocate General, may bring in a motion for initiating a case of criminal contempt.
- However, if the motion is brought by any other person, the consent of the Attorney General or the Advocate General in writing is mandatory.
- It has to specify the contempt for which the person charged is alleged to be guilty.
- The objective behind AG's consent is to save the judicial time of the court as it will be wasted if a frivolous petition occurs. If AG denies consent, petition ends there itself.
- After the consent, notice is served personally to the person against whom the proceedings are sought to be initiated by the court.
- If the court decides not to serve the notice personally, the court has to record the reasons for it.
- If the court is satisfied that the alleged contemnor is likely to abscond or evade judicial proceedings, it can order attachment of property of a value that it deems reasonable.
- Once the notice is served, the alleged contemnor may file an affidavit in support of his defence, explaining the nature and circumstances of her remarks.



- Then the case has to be heard by at least two judge bench which will take into account any evidence available to check the affidavit and pass appropriate orders.
- AG's consent is not required when the court itself initiates a contempt of court case (suo motu) as it did in the case of Prashant Bhushan case.
- **Article 129** of the Constitution gives the Supreme Court the power to initiate contempt cases on its own, independent of the motion brought before it by the AG or with the consent of the AG.

### 3.6 SC Verdict on Merit and Reservation

*In Saurav Yadav v State of Uttar Pradesh, SC has ruled that the quota policy was not intended at denying meritorious candidates job opportunities even if they belong to reserved categories.*

- **Issue** - There were 3,295 constable posts in the General Category of which 188 went to women (20% reservation for women).
- In filling up the General Category vacancies, OBC women were not considered.
- In short, they were **excluded from competing from the General Category positions even though they have scored more**, simply because they were OBC.
- This, in effect, shows that some state governments are trying to use the open category seats as a quota for general category candidates or in other words, for upper castes.
  - Uttar Pradesh and Madhya Pradesh excluded reserved category women for consideration in the general category.
  - Rajasthan and Gujarat, amongst others, included them.
- **The case** came up in the context of complications that arise from trying to specify the relationship between vertical and horizontal reservations.
- Articles 15(4) and 16(4) enable **vertical reservation**.
  - This is based on categorising the population in terms of SC, ST, OBC and General Category.
- On the other hand, **horizontal reservation** cuts across these vertical reservation categories.
  - These can include reservation for women, differently-abled persons, freedom fighters, army veterans and such
  - The Supreme Court called it as “interlocking reservations” in Indra Sawhney and Others v Union of India (1992).
- Earlier, the Court had made it clear that horizontal reservation ought to be generally understood in compartmentalised terms.
- This came as a nod to recognition of inequalities within each vertical category.
- But, in the present case, the problem was different. It is however illustrative of some of the interpretive absurdities of the system.
- **SC Ruling** - Candidates belonging to reserved categories like SCs, STs, and OBCs can be appointed under open or general category, if they qualified on their own merit.
- These candidates will not be counted under the reserved category.
- It has ruled against the UP government, clarifying the relationship between horizontal and vertical reservations.
- It reiterated the principle that groups eligible for horizontal reservation cannot be excluded from the open category seats just because they are from other vertical reservation categories.
- E.g. women from all categories (vertical) are eligible to be considered for the open category
- The open category seats are not meant to be a quota for the non-reserved categories.
- The court has rightfully upheld merit and reservation.
- The Court clarified on the fairness in the application of the selection criteria (merit) within the overall framework of reservation.



## 4. CONSTITUTIONAL & NON-CONSTITUTIONAL BODIES

### 4.1 Punjab Civil Service Board

*Punjab government has constituted a three-member civil services board to decide on IAS transfers and postings in the state.*

- The civil services board is headed by Chief Secretary of a state.
- It has senior most additional chief secretary or chairman, Board of Revenue, Financial Commissioner or an officer of equivalent rank and status as member.
- In addition, it will have Principal Secretary or Secretary, Department of Personnel in the state government as member secretary.
- The board is mandated to decide on the transfer of a civil servant before completion of his or her fixed tenure.
- The rules mandate the civil services board to submit an annual report on January 1 to the central government about the date of the meetings held by them.
- In 2013, SC directed the Centre and the States to set up a civil services board to consider transfers and posting of bureaucrats among others.
- This is mainly to insulate the bureaucracy from political interference and to put an end to frequent transfers of civil servants by political bosses.
- As per rules, all states should have a civil services board to decide on transfers and postings of the bureaucrats.

### 4.2 Attorney General of India

*Union government has extended the term of K.K. Venugopal as Attorney General (AG) for one year, who was appointed as the 15th AG of India in 2017.*

- The Attorney General (AG) of India is a part of the Union Executive, he is the highest law officer in the country.
- AG is appointed by the President on the advice of the government (Article 76)
- He must have been a judge of some high court for 5 years or an advocate of some high court for 10 years or an eminent jurist, in the opinion of the President (Similar to the appointment of SC Judge)
- Term of the Office of Attorney General is not fixed by the Constitution.
- Procedures and grounds for the removal of AG are not stated in the Constitution, thus he holds office during the pleasure of the President.
- Solicitor General of India and Additional Solicitor General of India assist the AG in fulfillment of the official responsibilities.
- He appear on behalf of the GoI in all cases in the Supreme Court or in any case in any High Court in which the GoI is concerned.
- He has the right to speak and to take part in the proceedings of both the Houses of Parliament and their joint sitting, but without a right to vote.
- He enjoys all the privileges and immunities that are available to a Member of Parliament.
- He does not fall in the category of government servants and he is not debarred from private legal practice.

### 4.3 Withdrawal of General Consent to CBI

*Recently, the Maharashtra government withdrew its general consent to the Central Bureau of Investigation (CBI) to probe cases in the State.*

- The move comes a day after the CBI registered an FIR in the TRP scam after taking over the probe based on an FIR filed in Uttar Pradesh.
- General Consent - is normally given to help the CBI seamlessly conduct its investigation into cases of corruption against central government employees in the concerned state.



- Maharashtra is the fourth State after Andhra Pradesh, West Bengal and Rajasthan to take such an action.
- Outcomes of the move
  1. Withdrawal of General Consent means the CBI will not be able to register any fresh case involving a central government official or a private person stationed in Maharashtra without getting case-specific consent.
  2. Withdrawal of consent will only bar the CBI from registering a case within the jurisdiction of concerned states.
  3. The CBI could still file cases in Delhi and continue to probe people inside Maharashtra.
  4. In simple terms withdrawal of consent means that CBI officers will lose all powers of a police officer as soon as they enter the state unless the state government has allowed them.
  5. It will have no impact on investigation of cases already registered with CBI as old cases were registered when general consent existed.

#### 4.4 National Commission for Backward Classes

- The 102nd Constitution Amendment Act, 2018 provided constitutional status to the National Commission for Backward Classes (NCBC), which was previously a statutory body under Ministry of Social Justice and Empowerment.
- NCBC has the authority to examine complaints and welfare measures regarding socially and educationally backward classes.
- In 2015, the National Commission for Backward Classes (NCBC) had recommended that OBCs should be categorized into extremely backward classes, more backward classes and backward classes.
- The benefits of the reservation in OBCs are being cornered mostly by the dominant OBC groups over the years so there is a need to recognize sub-quotas for the extremely backward classes within the OBCs.

## 5. ELECTIONS

### 5.1 Rajya Sabha Polls

- Rajya Sabha is a permanent House and is not subject to dissolution.
- However, one-third Members of Rajya Sabha retire after every second year (biennial).
- A member who is elected for a full term serves for a period of six years.
- The election held to fill a vacancy arising otherwise than by retirement of a member on the expiration of his term of office is called 'Bye-election'.
- A member elected in a bye-election remains a member for the remainder of the term of the member who has resigned or died or disqualified to be member of the House under the Tenth Schedule.

#### Methods of Voting in RS Polls

- **Single Transferable vote** - In this method, a voter instead of voting for a single candidate, ranks all candidates according to his preference.
- Voting only takes place when there are more candidates than the vacant seats.
- The method would lead to the election of candidates opposed to the majority party in a state.
- **Cross voting** - During late nineties, MLAs were regularly convinced to vote against their party's candidate (cross-vote).
- The Supreme Court in 2006 held that the practice of cross-voting would not attract the penalty under the anti-defection law, which further promoted the practice of cross-voting.
- **Open Ballot** - To stem the Cross voting rot, a Rajya Sabha committee headed by S B Chavan(1999) mooted the idea of voting by open ballots in the elections to the upper house.

- Parliament passed a law in 2003 requiring MLAs to show their votes to their party before voting in a Rajya Sabha election.
- But neither did the law stop the MLAs from cross-voting, nor could it prevent the influence of big money.
- The open ballot provides legal and technical grounds for invalidating votes.
- **Postal Ballot** - In rare circumstances RS polling can be done by postal ballots subject to the condition that a notification under Rule 68 of 1961 rules (Conduct of Election Rules 1961) is made before the last date of withdrawal of nominations.

## 5.2 Amendments in Postal Ballot System

Recently, Union Law Ministry has reduced the age limit for senior citizens who opt for postal ballot in the Lok Sabha and Assembly elections.

- Under Postal Ballot system, ballot papers are distributed electronically to electors and are returned to the election officers via post.
- Now, the voters aged above 65 years or a Covid-19 suspect can opt for postal ballot.
- Earlier, in 2019, the Law Ministry had amended the Conduct of Election Rules to allow persons with disabilities and those who are 80 years of age or above to opt for postal ballot during Lok Sabha and Assembly elections.
- Voters of Bihar will be the first to benefit from the amended rules, since Bihar will be the first state to have assembly polls after the coronavirus outbreak in India.
- The exception to the above-mentioned category of voters is provided under Section 60 of the Representation of the People Act, 1951.
- Currently, only the following voters are allowed to cast their votes through postal ballot:
  1. Service voters (armed forces, the armed police force of a state and government servants posted abroad),
  2. Voters on election duty,
  3. Voters above 80 years of age or Persons with Disabilities (PwD),
  4. Voters under preventive detention.
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## 5.3 Common Electoral Roll

The Prime Minister's Office (PMO) has pitched for a common electoral roll.

- The PMO discussed the possibility of having a single voters' list to the panchayat, municipality, state assembly and the Lok Sabha elections.
- In many states, the voters' list for the panchayat and municipality elections is different from the one used for Parliament and Assembly elections.
- The distinction stems from the fact that the supervision and conduct of elections are entrusted with two constitutional authorities,
  1. The Election Commission (EC) of India and
  2. The State Election Commissions (SECs).
- **EC** - The EC is responsible for conducting polls to the offices of the President and Vice-President of India, and to Parliament, the state assemblies and the legislative councils.



- **SEC** - The SECs supervise municipal and panchayat elections.
- They are free to prepare their own electoral rolls for local body elections.
- This exercise does not have to be coordinated with the EC.
- Each SEC is governed by a separate state Act.
- Some state laws allow the SEC to borrow and use the EC's voter's rolls in toto for the local body elections.
- In others, the SEC uses the EC's rolls as the basis for the preparation and revision of rolls for municipality and panchayat elections.
- All states, except Uttar Pradesh, Uttarakhand, Odisha, Assam, Madhya Pradesh, Kerala, Odisha, Assam, Arunachal Pradesh, and Nagaland, adopt EC's rolls for local body polls.
- The Union Territory of Jammu and Kashmir didn't adopt EC's rolls for local body polls.
- **Common Electoral Roll** - The Law Commission recommended it in its 255th report in 2015.
- The EC too adopted a similar stance in 1999 and 2004.
- The government has pitched a common electoral roll and simultaneous elections as a way to save effort and expenditure and avoiding duplication.
- One of the ways to implement it is through a constitutional amendment to **Articles 243K and 243ZA**.
- These articles give the power of superintendence, direction and control of preparation of electoral rolls and the conduct of local body elections to the SECs.
- The amendment would make it mandatory to have a single electoral roll for all elections in the country.

#### 5.4 Enhancement of Election Expenditure

*Recently the poll spending limit for candidates contesting Lok Sabha and Assembly elections has been enhanced by 10 percent.*

- Under Rule 90 of the Conduct of Election Rules, 1961, a candidate contesting Lok Sabha polls can spend up to Rs 70 lakh and up to Rs 28 lakh in an assembly election depending on the state in which he is contesting polls.
- Under Section 77 of the Representation of the People Act, 1951, every candidate shall keep a separate and correct account of all expenditure incurred between the date on which he has been nominated and the date of declaration of the result.
- All candidates are required to submit their expenditure statement to the ECI within 30 days of the completion of the elections.
- An incorrect account or expenditure beyond the cap can lead to disqualification of the candidate by the ECI for up to three years, under Section 10A of the Representation of the People Act, 1951.
- It can be noted that there is no cap on a political party's expenditure, which is often exploited by candidates of the party.
- However, all registered political parties have to submit a statement of their election expenditure to the ECI within 90 days of the completion of the elections.
- Centre has approved the new rule based on the recommendation of the Election Commission that contestants be allowed to spend more on campaigning keeping in mind difficulties they may face due to COVID-19 curbs.
- By the maximum expenditure a candidate can incur for campaigning in Lok Sabha polls is now Rs. 77 lakh.
- The last time the expenditure ceiling was enhanced was ahead of the Lok Sabha polls in 2014.
- For Assembly election, it has been hiked from Rs. 28 lakh to Rs. 30.80 Lakh.

#### 5.5 Election Commission's Powers

*The Supreme Court stayed the Election Commission's order to revoke the status of former Madhya Pradesh CM as a 'star campaigner' for a party.*



- The former CM made a distasteful personal remark about another party's woman candidate while campaigning for the Assembly by-election.
- This is why the Election Commission of India's (ECI's) revoked his status as a leader of a political party (star campaigner).
- **Section 77** of the Representation of the People Act, 1951 is related to a candidate's election expenditure.
- This Section lets the political party itself to decide who its leaders are.
- It also allows every party to submit a list of such 'star campaigners' to the election authorities.
- The expenditure incurred on the campaign done by those from the star campaigners' list is not included in the expenditure of the candidate.
- The star status ensures that some leaders can travel extensively to cover more territory and constituencies without breaching any individual candidate's spending limit.
- **EC's order** - It cited its Model Code of Conduct clause that bars candidates from resorting to criticism of all aspects of the private life of other leaders and party workers.
- The Model Code of Conduct lays down the standards of behaviour for political parties and their candidates contesting elections.]
- Even though the MCC is not statutory, it has been generally recognised that the ECI should have some means of enforcing its norms.
- In past orders, the ECI has cited the Supreme Court's observation that when laws are absent, the ECI can invoke its residuary power to meet situations that cannot be foreseen by lawmakers.
- **SC's order** - It stayed the ECI's order saying that it has no such revoking power.
- The apex court's takedown of the poll regulator strikes a blow against the ECI's authority and its role in ensuring a clean campaign.
- An order revoking the star status means that the withdrawal of the right to campaign without incurring electoral expenditure on the candidates' account.
- As the poll regulator, the ECI must have the power to revoke the status of a campaigner, if there is a breach of campaign norms or the MCC.
- Without explicit powers to enforce the MCC with punitive measures, the ECI seems toothless.
- There are certain provisions under which the regulator has tried to empower itself, but these have been rarely exercised.

## 6. GOVERNANCE

### 6.1 National Recruitment Agency

*The Union Cabinet has decided to create National Recruitment Agency (NRA).*

- The NRA would be an independent, professional, specialist organisation.
- It would conduct a screening examination for non-gazetted jobs.
- This will eliminate the need for candidates to take separate examinations of the RRB, SSC and IBPS.
- There would also be an emphasis on creating advanced online testing infrastructure in 117 aspirational districts.
- Overall, the posts coming under the ambit of the proposed NRA would cover about 1.25 lakh jobs a year, which attract about 2.5 crore aspirants.
- **Benefits** - The single examination may be offered at the district level in the regional language.
- The gains from a single examination, as opposed to a multiplicity of tests in far fewer locations are self-evident.



- Candidates would no longer have to travel to urban centres at considerable expense and hardship to take an employment test.
- Opportunities to improve performance, subject to age limits, and 3-year validity for scores are positive features.
- **Concerns** - As a share of the organised workforce, the Central government employment appears to be declining.
- New posts are sanctioned periodically, but a large number of vacancies remain unfilled.
- With growing emphasis on transferring core railway services to the private sector, there may be fewer government jobs on offer in the future.
- Moreover, jobs under the Centre, predominantly in the railways and defence sectors, constitute around 14% of public employment.
- The rest of the jobs fall within the purview of States.

## 6.2 Mission Karmayogi

- The Union Cabinet has introduced Mission Karmayogi, plan to train, skill, have 'ideal' civil servants.
- It will be available for civil servants from the rank of assistant section officer to Secretary, across services.
- Mission Karmayogi aims to shift the focus from 'rule-specific' to 'role-specific'.
- It is also known as National Programme for Civil Services Capacity Building (NPCSCB), will be steered by four new bodies.
- The new entities will be
  - a) Prime Minister's Public Human Resources Council,
  - b) Capacity Building Commission,
  - c) Special Purpose Vehicle (SPV) (that will own and operate the digital assets and technological platform for online training),
  - d) Coordination Unit (headed by the Cabinet Secretary).
- **Structure** - The **Prime Minister's Public Human Resources Council** will be headed by the PM, and will have select Union Ministers, Chief Ministers, eminent academics, HR practitioners, global thought leaders, and public service functionaries as members.
- It will be the top body that will provide strategic direction to the task of civil services reform and capacity building, and approve and monitor the capacity building plans.
- An Integrated Government Online Training (iGOT)-Karmayogi platform will be developed for the project.
- The iGOT platform will enable the transition to a role-based HR management & continuous learning.
- A SPV will be set up as a not-for-profit company to own and manage the iGOT-Karmayogi platform.
- It will also own all Intellectual Property Rights on behalf of the Government of India.
- **Funding of the project** - The project, which will cover around 46 lakh central government employees, will be set up at a cost of Rs 510.86 crore over the next five years.
- Initial funding to the tune of \$50 million will come from multilateral agencies including the World Bank and Asian Development Bank.
- Also, all government departments will contribute Rs 431 annually for each civil servant working for them as subscription charge for the SPV.

## 6.3 SVAMITVA

*The Survey of Villages and Mapping with Improved Technology in Village Areas (SVAMITVA) will survey all rural properties.*

- The plan is to survey all rural properties using drones and prepare GIS-based maps for each village.

- It is to address the problems such as –
  - Individual farmers are not able to take land on **lease**, or confidently lease out land.
  - Availability of **institutional credit** is constrained by the absence of proper land records.
  - The provision of common amenities is impacted by the lack of demarcation of property owned in the villages.
  - Panchayats are **unable to collect** their due share of property tax from residential parcels.
  - The Economic Survey 2017-18 said that the house tax collections of panchayats is 20% “relative to potential” (all India), with the southern States doing better in this respect.
- Rural lands are categorised in to Agricultural, residential and commons.
- The process begins with the signing of a MoU between the Survey of India (SoI) and the State government concerned.
- The SoI will use technology for **topographical mapping**, including satellite imageries and drone platforms.
- During this financial year, the scheme will be implemented as a pilot in about one lakh villages across eight States.
- The States are Maharashtra, Karnataka, Haryana, Uttar Pradesh, Uttarakhand, Madhya Pradesh, Punjab and Rajasthan.
- SVAMITVA would cover all 6.60 lakh villages in the country by 2023-24.
- Property cards or “**sampattipatrak**” will be made available on digital platforms or as hard copies to the village household owners.
- **Significance** - Digitisation of personal identity and agriculture land, and now residential property in rural areas through SVAMITVA, will facilitate **transparent** transactions in land parcels.
- Non-farm related activities will benefit from clear title and the removal of land supply constraints.
- According to NITI Aayog’s 2016 report on land leasing, 36% of the tenant farmers are landless and 56% are marginal land owners.
- Clear title records, accompanied by legalisation of land leasing, will improve their access to **credit, insurance and support services**.
- With digital records, banks can lend freely without much documentation.
- Formal lease markets and digitisation of personal records can lead to **improved implementation** of schemes like PM-KISAN.
- These can be directed towards the cultivators, instead of absentee landlords.
- The main challenge for SVAMITVA is to ensure Centre-State coordination and smooth working of dispute settlement systems.

#### 6.4 PM-WANI

*The Union Cabinet recently gave its approval for the proposal of DoT for setting up of Public Wi-Fi Networks by Public Data Office Aggregators (PDOAs).*

- PM-WANI - Prime Minister’s Wi-Fi Access Network Interface
- It aims at setting up of Public Wi-Fi Networks by Public Data Office Aggregators (PDOAs).
- The objective is to provide public Wi-Fi service through Public Data Offices (PDOs) spread across the length and breadth of the country.
- The project will accelerate proliferation of Broadband Internet services through Public Wi-Fi network in the country.
- There shall be no license fee for providing Broadband Internet through these public Wi-Fi networks.
- **Public Data Office (PDO)** - The PDO can be anyone. So, along with Internet infrastructure, this is also a way to generate revenue for individuals and small shopkeepers.

- It is important to note that PDOs will not require registration of any kind, thus easing the regulatory burden on them.
- **Public Data Office Aggregators (PDOAs)** - The PDOA is basically the aggregator who will buy bandwidth from Internet service provider (ISPs) and telecom companies and sell it to PDOs.
- They will also account for data used by all PDOs.
- **App provider** - The app provider will create an app through which users can access and discover the Wi-Fi access points.
- **Significance** - With PM-WANI, anyone living in their house, a paan shop owner or a tea seller can all provide public Wi-Fi hot posts, and anyone within range can access it.
- Certainly, the project's focus is on last mile delivery.
- So, essentially, the project would mean the ability to connect to a Wi-Fi broadband connection almost anywhere.
- This can help to bridge the increasing digital divide in India.
- It has the potential to change the fortunes of Bharat Net as well. Bharat Net envisions broadband connectivity in all villages in India.
  - The project has missed multiple deadlines.
  - Even where the infrastructure has been created, usage data is not enough to incentivise ISPs to use Bharat Net infra to provide services.

#### 6.5 R P Tiwari Committee

- The University Grants Commission (UGC) has set up a seven-member committee headed by R P Tiwari.
- This committee will consider the issue of holding common entrance test at undergraduate (UG) level only from the next academic year in central universities to provide a single platform for admission.
- The new National Education Policy (NEP) advocates reducing the number of entrance tests to eliminate the need for taking coaching for these exams.
- If the NEP suggestion is implemented, the National Testing Agency will be established.
- This Agency will be tasked to conduct a common aptitude test as well as specialised common exams for different disciplines at least twice a year, for admission to bachelor degrees in central universities.

#### 6.6 Ramgopal Rao Committee

- Ministry of Education had appointed a committee, headed by IIT-Delhi V Ramgopal Rao, to suggest measures for implementing reservation in student admissions and faculty recruitment in IITs.
- The committee has suggested that the 23 IITs should be exempted from reservations altogether under the CEI Act, 2019.
- [CEI Act, 2019 - The Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019]
- It suggests that IITs should be added to the list of "Institutions of Excellence" mentioned in the Schedule to the CEI Act, 2019.
- Section 4 of the Act exempts "Institutions of excellence, research institutions, and Institutions of national and strategic importance" found in the Schedule and minority institutions from providing reservation.

#### 6.7 Kris Gopala Krishnan Committee

*A government committee headed by Kris Gopala Krishnan has suggested that non-personal data generated in the country be allowed to be harnessed by various domestic companies and entities.*

- Non-personal data is any set of data which does not contain personally identifiable information.
- This in essence means that no individual or living person can be identified by looking at such data.

- Unlike personal data, which contains explicit information about a person's name, age, gender, sexual orientation, biometrics and other genetic details, non-personal data is more likely to be in an anonymized form.
- The committee has also suggested setting up of a new authority which would be empowered to monitor the use and mining of such non-personal data.

### 6.8 Sample Registration System

- The SRS is a demographic survey for providing reliable annual estimates of infant mortality rate, birth rate, death rate and other fertility and mortality indicators at the national and sub-national levels.
- Initiated on a pilot basis by the Registrar General of India in a few states in 1964-65, it became fully operational during 1969-70.
- The field investigation consists of a continuous enumeration of births and deaths in selected sample units by resident part-time enumerators, generally Anganwadi workers and teachers.
- An independent retrospective survey every 6 months by SRS supervisors.
- The data obtained by these two independent functionaries are matched.

### 6.9 National Generic Document Registration System

- Union Territory of Jammu and Kashmir launched the National Generic Document Registration System (NGDRS).
- J&K will be the 10th among States and UTs to become part of NGDRS.
- NGDRS represents a major shift from the existing manual registration system to online registration of all transactions in sale-purchase and transfer of land.
- Stamp papers have been replaced by e-stamps which have been incorporated in coordination with Stockholding Corporation of India.
- The launching of NGDRS is a big step towards National Integration and a leap towards 'One Nation One Software'.

### 6.10 RTI request on PM-CARES

- The Prime Minister's Office (PMO) has denied a Right to Information (RTI) request related to the PM-CARES Fund on the grounds that providing it would "disproportionately divert the resources of the office.
- Provisions related in RTI act with respect to the move of PMO are as follows
  1. **Section 8 (1)** which lists the various valid reasons for exemptions under the Act, which would allow denial of information.
  2. **Section 7(9)**, on the other hand, only says, "An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question."
- However a High Court judgment and multiple orders of the Central Information Commission (CIC) have held that it can only be used to change the format of information provided, not deny it altogether.

## 7. ACTS AND BILLS

### 7.1 Essential Commodities (Amendment) Bill, 2020

*The Essential Commodities (Amendment) Bill, 2020 that seeks to amend the Essential Commodities (EC) Act, 1955, was passed by Rajya Sabha.*

- **Essential Commodities Act, 1955** - Section 3(1) of the act gives the Government the powers to regulate the production, supply and distribution of essential commodities.
- The Centre can notify an item as 'essential' commodity.

- By declaring a commodity as essential, the government can also impose a stock limit.
- The Ministry of Consumer Affairs, Food and Public Distribution implements the Act.
- **Bill** – It seeks to introduce a new Subsection (1A) in Section 3.
- It aims to deregulate commodities such as cereals, pulses, oilseeds, edible oils, onion and potatoes.
- It takes these items out from the purview of Section 3(1).
- The Bill states that such order for regulating stock limit shall not apply to processors and value chain participant of any agricultural produce under a condition.
- Such order shall not apply if the stock limit does not exceed the overall ceiling of installed capacity of processing, or the demand for export.
- After the amendment, the supply of certain foodstuffs can be regulated only under extraordinary circumstances.
- These circumstances include an extraordinary price rise, war, famine, and natural calamity of a severe nature.
- **Essential commodity** - There is no specific definition of essential commodities in the Essential Commodities Act, 1955.
- **Section 2(A)** states that an “essential commodity” means a commodity specified in the Schedule of the Act.
- As per the Act, the Centre, if it is satisfied, can add or remove an item as ‘essential’ commodity, in consultation with state governments.
- Currently, there are seven commodities in the Schedule which includes drugs, fertilisers, pulses and edible oils, and petroleum and petroleum products.
- **Stock limits** - The 1955 Act did not provide a clear framework to impose stock limits. But, the amended Act provides for a price trigger.
- It says that agricultural foodstuffs can only be regulated under extraordinary circumstances.
- However, any action on imposing stock limits will be based on the price trigger.
- Exemptions from stock limits will be provided to value chain participants of agricultural produce, and orders relating to the Public Distribution System.
- Price triggers will also minimise the earlier uncertainties associated with the imposition of orders under stock limits.
- **Impact of the amendments** - The key changes seek to free agricultural markets from the limitations imposed by permits and mandis that were designed for an era of scarcity.
- The move is expected to attract private investment in the value chain of commodities removed from the list of essentials.
- The Act has become a hurdle for investment in the agriculture sector in general, and in post-harvesting activities in particular.
- The private sector had so far hesitated about investing in cold chains and storage facilities for perishable items.
- This hesitation is due to the fact that most of these commodities were under the ambit of the EC Act, and could attract sudden stock limits.
- The amendment seeks to address such concerns.

## 7.2 New Labour Codes

The government has introduced new versions of labour codes in Lok Sabha.

- **Three labour codes**–
  1. Industrial Relations (IR) Code Bill, 2020 - Proposed to introduce more conditions restricting the workers’ rights to strike.
  2. Code on Social Security Bill, 2020 - Proposed changes for expanding social security and



3. Occupational Safety, Health and Working Conditions Code Bill, 2020 – Proposed to include inter-state migrant workers in the definition of workers.
- **Key proposals in IR Code** - In industrial establishments having 300 or more workers, the IR Code Bill has proposed to,
    - a) Introduce more conditions restricting the workers' rights to strike,
    - b) Increase the threshold relating to layoffs and retrenchment.
  - This number is increased from 100 workers or more at present.
  - These steps are likely to provide more flexibility to employers for hiring and firing workers without government permission.
  - It proposes that no employee of a company shall go on strike without a 60-day notice.
  - It also proposes that no employee during the pendency of proceedings before a Tribunal or a National Industrial Tribunal and 60 days after the conclusion of such proceedings.
  - The Standing orders are the rules of conduct for workmen employed in industrial establishments.
  - The IR Code has raised the threshold for requirement of a standing order to over 300 workers.
  - This implies industrial establishments with up to 300 workers will not be required to furnish a standing order.
  - This is a move which experts say would enable companies to introduce arbitrary service conditions for workers.
  - It has also proposed a **worker re-skilling fund**.
  - The contributions for the fund are only detailed from the employer of a company along with the contribution from such other sources.
  - The employer contribution will amount to 15 days wages last drawn by the worker before the retrenchment.
  - The mention of 'other sources' for funding the re-skilling fund is vague.
  - **Key Proposals in Social Security Code** - It proposes a **National Social Security Board**.
  - This Board shall recommend to the central government for formulating suitable schemes for different sections of unorganised workers, gig workers and platform workers.
  - Aggregators employing gig workers will have to contribute 1-2% of their annual turnover for social security.
  - The total contribution should not exceed 5% of the amount payable by the aggregator to gig and platform workers.
  - **Proposals in Occupational Safety, Health and Working Conditions Code** - It has defined **inter-state migrant workers**.
  - They are the workers who have come on his own from one state and obtained employment in another state, earning up to Rs 18,000 a month.
  - The proposed definition makes a distinction from the present definition of only contractual employment.
  - It has proposed a **journey allowance** to be paid by the employer for to and fro journey of the worker to his/her native from the place of his/her employment.
  - However, the Code has dropped the earlier provision for temporary accommodation for workers near the worksites.

### 7.3 Assisted Reproductive Technology Regulation Bill

*ART Bill was passed in Lok Sabha recently.*

- ART help couples unable to conceive naturally, with the aid of state-of-the-art technology, to achieve pregnancy.
- It aims to monitor medical procedures used to assist people to achieve pregnancy.
- It is intended to regulate ART clinics and banks, prevention of misuse, safe and ethical practice of ART services.

- The bill can protect the affected women and children from exploitation as India has one of the highest growths in ART centers.
- Key provisions of the bill are as follows
  1. A national Board to lay down a code of conduct to be observed by those operating clinics.
  2. Set the minimum standards of physical infrastructure, laboratory and diagnostic equipment and expert manpower.
  3. A national registry and registration authority to maintain a database to assist the national Board.
  4. States and UTs shall constitute State Boards and State Authorities to follow policies and plans laid by National Board.
  5. To ensure confidentiality of intending couples and protect the rights of the child.

#### **7.4 Institute of Teaching and Research in Ayurveda Bill**

*The Institute of Teaching and Research in Ayurveda Bill 2020 has been passed by Rajya Sabha.*

- The bill aims to establish an Ayurveda institution called the Institute of Teaching and Research in Ayurveda (ITRA) at Jamnagar, Gujarat.
- It will also confer the status of Institution of National Importance (INI) to it.
- ITRA will be the first institution with INI status in the AYUSH Sector.
- The ITRA is sought to be established by conglomerating the presently existing Ayurveda institutes at Gujarat Ayurveda University campus Jamnagar.
- This is a cluster of highly reputed institutions, namely,
  1. Institute for Post Graduate Teaching and Research in Ayurveda,
  2. Shree GulabKunverba Ayurveda Mahavidyalaya,
  3. Institute of Ayurvedic Pharmaceutical sciences,
  4. Maharshi Patanjali Institute for Yoga Naturopathy Education & Research (to be made part of the Department of Swasthviritta of the proposed ITRA).

#### **7.5 National Commission for Homoeopathy Bill**

*National Commission for Homoeopathy Bill, 2020 has been passed in the parliament.*

- The National Commission for Homoeopathy Bill, 2020 seeks to repeal the Homoeopathy Central Council Act, 1973 and to set up a National Commission for Homoeopathy.
- The Commission for Homoeopathy will consist of 20 members which will include Chairperson, President of the Homoeopathy Education Board, Director General of National Institute of Homoeopathy and President of the Medical Assessment and Rating Board for Homoeopathy in addition to other members.

#### **7.6 National Commission for Indian System of Medicine Bill**

*National Commission for Indian System of Medicine Bill was recently passed by the Parliament.*

- It seeks to repeal the Indian Medicine Central Council Act, 1970 and set up a National Commission for Indian System of Medicine.
- The Commission will consist of 29 members including Chairperson, President of the Board of Ayurveda and President of the Board of Unani, Siddha, and Sowa-Rigpa, in addition to other members.
- The two bills also propose constitution of Advisory Councils for Homoeopathy as well as for Indian System of Medicine.
- These Councils will be the primary platform through which the states and union territories will put forth their views and concerns before the two Commissions.
- The Advisory Councils will also suggest measures to the Commission to determine and maintain standards of medical education in the country.



- The bills also envisage a National Eligibility-cum-Entrance Test for admission to both undergraduate and Post-Graduate courses of Homoeopathy and for various disciplines of Indian System of Medicine.

### 7.7 Indian Institutes of Information Technology laws Bill

*Indian Institutes of Information Technology Laws (Amendment) Bill, 2020 has been already passed by the parliament.*

- The Bill seeks to declare following five IITs as institutions of national importance, under the PPP mode in Surat, Bhopal, Bhagalpur, Agartala and Raichur.
- Currently, these institutes are registered as Societies under the Societies Registration Act, 1860 and do not have the power to grant degrees or diplomas.
- On being declared institutions of national importance, the five institutes will be granted the power to grant degrees.
- The Bill seeks amendment to the Indian Institutes of Information Technology Act, 2014 and the Indian Institutes of Information Technology (Public-private Partnership) Act, 2017.
- The central government will contribute fifty percent towards the expenses of institutes functioning under the PPP mode.
- 35 % will be borne by the states and fifteen per cent by the industries.
- As a special impetus to north eastern states, central government will bear over 57% of the expenses whereas industries will contribute around seven percent to the Institutes there.

### 7.8 Epidemic Diseases (Amendment) Bill

*Recently Parliament has passed the Epidemic Diseases (Amendment) Bill, 2020.*

- The bill amends the Epidemic Diseases Act, 1897 to include protections for health care service personnel combating epidemic diseases and expands the powers of the Central Government to prevent the spread of such diseases.
- The bill repeals the Epidemic Diseases (Amendment) Ordinance that was promulgated in April this year.
- The legislation makes harm, injury, hurt or danger to the life of health care service personnel as a cognizable and non-bailable offence.
- It has provisions of imprisonment from three months to five years and a fine between 50,000 rupees to 2 lakh rupees.
- Persons convicted of offences under the bill will also be liable to pay compensation to the health care service personnel whom they have hurt.

### 7.9 Bilateral Netting of Qualified Financial Contracts Bill

*Parliament has passed the Bilateral Netting of Qualified Financial Contracts Bill, 2020.*

- The bill provides a legal framework for bilateral netting of qualified financial contracts.
- Netting refers to offsetting of all claims arising from dealings between two parties to determine a net amount payable or receivable from one party to another.
- The bill allows for enforcement of netting for qualified financial contracts.
- The provisions of the bill will apply to Qualified Financial Contracts between two qualified financial market participants where at least one party is an entity regulated by the specified authorities such as
  1. RBI,
  2. SEBI,
  3. IRDAI,
  4. PFRDA or the IFSCA.





- The bill is critical for financial stability in the country and will provide legal basis for bilateral netting between two parties.
- This bill will also ensure liquidity in the market.

### 7.10 Bills aimed at doubling Farmer Income

*Bills aimed at doubling farmers' income were recently passed in Lok Sabha.*

- These bills seek to replace the ordinances promulgated in June 2020 under Atmanirbhar Bharat Abhiyaan.

#### 1. Farmers' Produce Trade and Commerce (Promotion and Facilitation) Bill, 2020

- It aims to open up agricultural marketing outside APMC market yards for farmers, and also remove barriers to inter-State trade.
- It proposes an electronic trading in transaction platform.

#### 2. Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Bill, 2020

- It aims at facilitating contract farming, where a private buyer contracts to purchase a crop at a certain price at the beginning of a season, transferring the risk of market unpredictability from the farmer to the corporate sponsor.
- It will empower farmers for engaging with processors, aggregators, wholesalers, large retailers and exporters on a level playing field without any fear of exploitation.
- It will reduce cost of marketing and improve income of farmers.

### 7.11 Inter-State Migrant Workmen Act

- Inter-State Migrant Workmen (ISMW) Act, 1979 is meant to protect vulnerable workers who leave their own home State for employment.
- It applies to every establishment and contractor who has five or more migrants on their rolls and prohibits their employment without a certificate of registration.
- According to the Act, each registered worker must be issued a pass book with details of employment, wages and benefits.
- Recently the Labour Ministry told the Lok Sabha that it had no data on the migrant workers who lost their jobs or lives during the lockdown.
- However, it claimed that over one crore migrant workers returned to their home States during the lockdown.

### 7.12 DNA Technology Regulation Act

- DNA Technology (Use and Application) Regulation Bill, 2019 tries to check use of DNA technology to establish the identity of a person.
- The bill proposes DNA sampling and profiling of citizens accused of crime or reported missing and storing their unique genetic information for administrative purposes.
- The bill has been flagged with some alarming provisions that could be misused for caste or community-based profiling.
- **Sensitive Info** - DNA profiles can reveal extremely sensitive information of an individual such as pedigree, skin color, behavior, illness, health status and susceptibility to diseases.
- This is particularly worrying as it could even be used to incorrectly link a particular caste/community to criminal activities.
- **Misuse of DNA Database** - The Bill proposes to store DNA profiles of suspects, under trials, victims and their relatives for future investigations.
- There is no legal or moral justification for a database with DNA of the other categories, given the high potential for misuse.



- **Authoritative** - In the Bill, if a person is arrested for an offence that carries punishment up to seven years, investigation authorities must take the person's written consent before taking the DNA sample.
- The Bill refers to consent in several provisions, but in each of those, a magistrate can easily override consent, thereby in effect, making consent perfunctory.
- There is also no guidance in the Bill on the grounds and reasons of when the magistrate can override consent, which could become a fatal flaw.
- **Issues in Data banks** - The Bill also provides that DNA profiles for civil matters will also be stored in the data banks, but without a clear and separate index.
- Storage of DNA profiles violates the fundamental right to privacy and does not serve any public purpose.

### 7.13 Transgender Persons (Protection of Rights) Act

Union government has released draft rules framed under the Transgender Persons (Protection of Rights) Act, 2019.

- In the draft, it has done away with the requirement of a medical examination for Transpersons applying for a certificate of identity.
- By which Magistrate would issue a transgender identity certificate and card based on an affidavit by the applicant, "but without any medical examination".
- Trans- persons would be required to fill out a form and submit an affidavit saying they perceive themselves to be "a transgender person whose gender does not match with the gender assigned at birth" and that they "declare" themselves to be transgender.
- In case of change of gender, the application for new identification certificate would require a certificate from the medical superintendent or chief medical officer of the medical institution where the applicant underwent the intervention.

### 7.14 Code on Social Security Bill 2019

- Code on Social Security Bill 2019, seeks to consolidate the laws relating to social security of workers and subsume eight central laws.
- The Social Security Code will subsume 8 Central Labour Acts namely
  1. Employees Compensation Act, 1923,
  2. Employees' State Insurance Act, 1948,
  3. Employees Provident Funds and Miscellaneous Provisions Act, 1952,
  4. Maternity Benefit Act, 1961,
  5. Payment of Gratuity Act, 1972,
  6. Cine Workers Welfare Fund Act, 1981,
  7. Building and Other Construction Workers Cess Act, 1996,
  8. Unorganized Workers Social Security Act, 2008.
- **Social Security Schemes** - Under the Code, the central government may notify various social security schemes for the benefit of workers.
- In addition, the central or state government may notify specific schemes for gig workers, platform workers, and unorganized workers to provide various benefits, such as life and disability cover.
- Gig workers refer to workers outside of the traditional employer-employee relationship (e.g., freelancers).
- Platform workers are workers who access other organizations or individuals using online platforms and earn money by providing them with specific services. Unorganized workers include home-based and self-employed workers.
- **Coverage and registration** - The Code specifies different applicability thresholds for the schemes.
- These thresholds may be amended by the central government.



- All eligible establishments are required to register under the Code, unless they are already registered under any other labour law.
- **Contributions** - The EPF, EPS, EDLI, and ESI Schemes will be financed through a combination of contributions from the employer and employee.
- All contributions towards payment of gratuity, maternity benefit, cess for building workers, and employee compensation will be borne by the employer.
- Schemes for gig workers, platform workers, and unorganized workers may be financed through a combination of contributions from the employer, employee, and the appropriate government.
- Social security organizations - The Code provides for the establishment of several bodies to administer the social security schemes.
- These include
  - a. **A Central Board of Trustees**, headed by the Central Provident Fund Commissioner, to administer the EPF, EPS and EDLI Schemes,
  - b. **An Employees State Insurance Corporation**, headed by a Chairperson appointed by the central government, to administer the ESI Scheme,
  - c. **National and state-level Social Security Boards**, headed by the central and state Ministers for Labour and Employment, respectively, to administer schemes for unorganized workers,
  - d. **State-level Building Workers' Welfare Boards**, headed by a Chairperson nominated by the state government, to administer schemes for building workers.
- **Inspections and appeals** - The Code also specifies judicial bodies which may hear appeals from the orders of the administrative authorities.
- For example, industrial tribunals (constituted under the Industrial Disputes Act, 1947) will hear disputes under the EPF Scheme.
- **Offences and penalties** - The Code specifies penalties for various offences, such as
  - a. Failure by an employer to pay contributions under the Code after deducting the employee's share, punishable with imprisonment between one and three years, and fine of one lakh rupees,
  - b. Falsification of reports, punishable with imprisonment of up to six months.

#### 7.15 Juvenile Justice (Care and Protection of Children) Bill, 2018

- It comprehensively addresses children in conflict with law and children in need of care and protection.
- It mandates setting up Juvenile Justice Boards and Child Welfare Committees in every district. Both must have at least one-woman member each.
- It states that the adoption of a child is final on the issuance of an adoption order by the court. Currently, there are 629 adoption cases pending in various courts.
- The Act included several new offences committed against children (like, illegal adoptions, use of child by militant groups, offences against disabled children, etc) which are not adequately covered under any other law.
- All Child Care Institutions, whether run by State Government or by voluntary or non-governmental organizations are to be mandatorily registered under the Act within 6 months from the date of commencement of the Act.
- The Bill provides that instead of the court, the district magistrate will issue adoption orders to address the high pendency of adoption cases.

#### National Commission for Protection of Child Rights (NCPCR)

- It is a statutory body set up under the Commissions for Protection of Child Rights (CPCR) Act, 2005.
- It is under the administrative control of the Ministry of Women & Child Development.
- Its mandate is to ensure that all laws, policies, programmes, and administrative mechanisms are in consonance with the child rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child.
- It inquires into complaints relating to a child's right to free and compulsory education under the Right to Education Act, 2009.
- It monitors the implementation of Protection of Children from Sexual Offences (POCSO) Act, 2012.



- The Bill also seeks to transfer all pending matters related to adoption before any court to the district magistrate having jurisdiction over the area.

### **7.16 The Patents (Amendment) Rules, 2020**

*Union government has amended the Patents Rules following a Delhi High Court order on the matter in April 2018.*

- It streamlines the procedures to submit statements regarding the working of a patented invention on a commercial scale, giving additional flexibilities to the patentee.
- As per the new rules, a patentee gets flexibility to file a single Form-27 in respect of single or multiple related patents.
- Where a patent is granted to two or more persons, such persons may file a joint Form-27.
- Moreover, patentees would now be required to provide 'approximate revenue/value accrue' while authorised agents would be able to submit Form-27 on behalf of patentees.
- The time available to patentees for filing Form-27 has also been extended to six months, against the current three months, from the expiry of the financial year.
- There are also important changes with reference to Rule 21 on filing of priority documents.
- If the priority document is available in WIPO's (World Intellectual Property Organisation) digital library, the applicant would not be required to submit the same in the Indian Patent Office.

### **7.17 National Agricultural Higher Education Policy**

*ICAR has recently launched Rs.1100 crore ambitious National Agricultural Higher Education Project (NAHEP).*

- It aims to attract talent and strengthen higher agricultural education in the country.
- It is funded by the World Bank and the Indian Government on a 50:50 basis.
- The objective of the NAHEP for India is to support participating agricultural universities and ICAR in providing more relevant and higher quality education to Agricultural University students.
- In addition, a four-year degree in Agriculture, Horticulture, Fisheries and Forestry has been declared a professional degree.
- The overall objective of the project is to provide more relevant and high-quality education to the agricultural university students that is in tune with the New Education Policy – 2020.
- It is set to bring academic credit banks and degree programmes with multiple entry and exit options to the 74 universities focussed on crop sciences, fisheries, veterinary and dairy training and research.

### **7.18 Arbitration and Conciliation Ordinance**

*Recently Indian President promulgated the Arbitration and Conciliation (Amendment) Ordinance, 2020.*

- It will further amend Arbitration and Conciliation Act 1996.
- The Ordinance aims to ensure that all the stakeholders get an opportunity to seek unconditional stay of enforcement of arbitral awards where the underlying arbitration agreement or contract or making of the arbitral award are induced by fraud or corruption.
- The ordinance also does away with the 8th Schedule of the Arbitration and Conciliation Act, 1996 which contained the necessary qualifications for accreditation of arbitrators.
- This provision had faced criticism from some quarters that the conditions prescribed in the law came in way of India getting the benefit of having foreign arbitrators.
- Now, the qualifications based on which arbitrators will be accredited will be prescribed by regulations, which will be framed by a proposed arbitration council.
- Till recently, an arbitration award was enforceable even if an appeal was filed against it in the court under Section 36 of the law.
- But the court could grant a stay on the award on conditions as it deemed fit.



- The provisions will come into effect retrospectively from October 23, 2015.

### 7.19 Electricity (Rights of Consumers) Rules, 2020

*Union Government for the first time lays down rights to the electricity consumers through Electricity (Rights of Consumers) Rules, 2020.*

- Every distribution licensee must supply electricity on request made by an owner or occupier of any premises in line with the provisions of Act.
- The consumers would get electricity connection in prescribed timeline: 7 days in Metro cities, 15 days in other cities and 30 days in rural areas.
- No connection shall be given without a meter.
- Wilful disregard to consumer rights would result in levying penalties on service providers.
- Consumers could apply for new electricity connection and pay bills online. Provision for advance payment of bills has also been made.
- Distribution licensee shall establish a centralised 24x7 toll-free call centre for consumer services.
- Consumer Grievance Redressal Forum (CGRF) established would include consumer and prosumer representatives.

## INTERNATIONAL RELATIONS

### 8. INDIA & ITS NEIGHBORHOOD

#### 8.1 Pakistan's New Map

*Pakistan's new map asserts its claims on Jammu and Kashmir, Siachen and Sir Creek, and lays a new claim to Junagadh.*

- **Jammu and Kashmir** – Pakistan map has claimed to all of Jammu and Kashmir, but not Ladakh.
- This claim goes against its own commitment to adjudicate the future of all six parts of the erstwhile royal state of Jammu-Kashmir with India.
- [Parts of the erstwhile royal state of Jammu-Kashmir - Jammu, Kashmir, Ladakh, Gilgit-Baltistan, PoK and Aksai Chin]
- The new map draws a line demarcating Gilgit-Baltistan separately from the Pakistan occupied Kashmir.
- It renamed Jammu and Kashmir as Indian Illegally Occupied Jammu and Kashmir.
- **Siachen and Sir Creek** - Both the places were under several discussions between India and Pakistan.
- Pakistan's unilateral claim over them is not helpful or conducive to future resolution.
- **Junagadh** - The map has made a new claim over Junagadh, which opens up a completely new dispute.
- Junagadh, a former princely state, was in contention at the time of Partition.
- The issue was successfully resolved after a referendum was conducted there in February 1948.
- In this referendum, an overwhelming 95% of the state's residents voted to stay with India.
- Junagadh's accession to India was accepted by Pakistan.
- **Ladakh** - The new map leaves the claim line with Ladakh unclear.
- Pakistan's actions come in conjunction with map-related issues India faces today on two other fronts with,
  1. China at the Line of Actual Control on Ladakh, and
  2. Nepal at Kalapani and Limpiyadhura (which Nepal's government has also issued a new map about).
- All these three countries objected to the map that India had issued in November 2019, albeit for different reasons.



## 8.2 Pakistan's SRO listing

Pakistan Foreign Affairs Ministry (MFA) issued a Statutory Regulatory Order (SRO) listing recently.

- This SRO lists 88 fugitive terrorists, which Dawood Ibrahim and the LeT's Zaki Ur Rahman Lakhvi..
- The SRO directed its officials to implement the United Nations Security Council (UNSC) committee resolutions against them.
- It directed the officials to ensure that everyone on the list does not have access to funding, arms or travel.
- The domestic listing is maintained under the country's Anti-Terrorism Act by the National Counter Terrorism Authority (NACTA).
- Thus far, the domestic list had not included either Dawood or Lakhvi. [Lakhvi was tried for the 26/11 attacks but was granted bail in 2014.]
- In contrast, LeT chief Hafiz Saeed and JeM chief Masood Azhar, who were designated by the UNSC in 2019, were added to the domestic list.

### Financial Action Task Force (FATF)

- Headquartered in Paris, the FATF was set up by the G7 countries in 1989.
- **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.
- India became a full member in 2010.

## 8.3 FATF and Pakistan

The Financial Action Task Force has decided to retain Pakistan on its greylist.

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- **Members** - FATF has 39 members, which comprise 37 member jurisdictions and 2 regional organisations.
- India became a full member in 2010.
- **Implications of listing** - Pakistan will face international strictures on its markets and on its ability to procure loans until the next FATF plenary in February 2021.

## 8.4 Conviction of Hafiz Saeed

Hafiz Saeed, an UN-designated terrorist was convicted on terror finance charges by a Pakistan anti-terrorism court.

- He first founded the LeT in the 1990s targeting India.
- The conviction of Hafiz Saeed shows that Pakistan can be forced to act against terror networks under international pressure.
- He is blamed by India and the U.S. for the 2008 Mumbai terror attacks.
- In 2018, just before a meeting of the FATF, Pakistan endorsed a UN list of terrorist organisations operating in the country. It enforced a nationwide ban on them, including the LeT and the JuD.
- But the FATF still placed Pakistan on its "grey list" in 2018.
- It demanded more actions from Pakistan to avoid being blacklisted, which could invite economic sanctions.
- Ever since, Pakistan, which cannot afford to be blacklisted, has moved against Saeed.
- Saeed, in jail since July 2019, was convicted in another case of terror financing in February 2020.
- He is currently serving two sentences of five and a half years each.

## 8.5 Five-Point Consensus

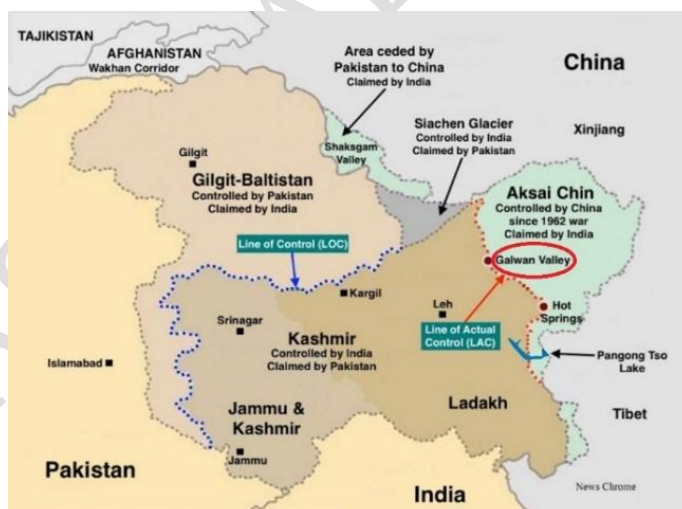
The five-point consensus was reached by the Foreign Ministers of India and China in Moscow, Russia.

- In a joint statement, both India and China agreed that the current situation suits neither side.
- They agreed that the troops should quickly disengage, maintain proper distance, and ease tensions.
- Both sides said they would abide by all existing agreements, continue dialogue, and expedite work on finding confidence building measures.
- They agreed to take guidance from previous understandings, including on not allowing differences to become disputes, a formulation of 2017.
- Each point has been affirmed previously by the two neighbours, both in past boundary agreements and in talks held since June 2020.
- Yet, the LAC remains tense, facing its worst crisis since 1962.

## 8.6 India-China Galwan Faceoff

Violent clashes took place between Indian and Chinese soldiers at the Galwan valley in Ladakh along the Line of Actual Control (LAC), with reported casualties on both sides.

- This is the first time after the 1962 War that soldiers have died in clashes on the India-China border in Ladakh.
- Even otherwise, the last deaths on the LAC came from attack on an Assam Rifles patrol in Arunachal Pradesh by the Chinese in 1975.
- Even though the LAC in Galwan Valley was never disputed by the two sides, the Chinese had moved into the Indian side of the LAC.
- Meeting was held at the level of Corps Commanders on 6 June 2020.
- After this, negotiations had been conducted between local military commanders of both the armies.
- They negotiated for a mutually agreed disengagement process.
- As part of that process, a buffer zone had been agreed to be created between the LAC and the junction of the Shyok and Galwan rivers.
- This was to avoid any faceoff between the two armies.
- The two armies were to move back by a kilometre each in that area as a first step.



## 8.7 Darbuk-Shyokh-Daulat Beg Oldie Road

- Darbuk-Shyokh-Daulat Beg Oldie Road is a 255-km long “all-weather” road, running almost parallel to the LAC at Aksai Chin.
- The 37 **prefabricated military truss bridges** along the road are what that makes the DSDBO an all-weather road.
- It meanders through elevations ranging between 13,000 ft and 16,000 ft.
- It took India’s Border Roads Organisation (BRO) almost two decades to construct this road.
- In 2019, 500-m-long Bailey Bridge (the world’s highest bridge) was inaugurated on the road.



- Its strategic importance is that it connects Leh to Daulat Beg Oldie (DBO), virtually at the base of the Karakoram Pass that separates China's Xinjiang Autonomous Region from Ladakh.
- **Daulat Beg Oldie (DBO)** is the northernmost corner of Indian territory in Ladakh, in the area better known in Army parlance as Sub-Sector North.
- DBO has the **world's highest airstrip**, which was originally built during the 1962 war.
- It was abandoned until 2008, when the Indian Air Force (IAF) revived it as one of its many Advanced Landing Grounds (ALGs) along the LAC.
- It is less than 10km west of LAC at Akshai Chin and presently manned by a combination of the Army's Ladakh Scouts and the paramilitary Indo-Tibetan Border Police (ITBP).
- **Importance** - The DSDBO highway provides the Indian military **access to the section of Tibet-Xinjiang highway** that passes through Aksai Chin.
- The road runs almost parallel to the LAC in Aksai Chin that China occupied in the 1950s. The DSDBO's emergence seemingly panicked China.
- This is evidenced by the 2013 intrusion by the People's Liberation Army (PLA) of China into the nearby Depsang Plains, lasting nearly 3 weeks.
- This is also the critical region where China is currently constructing the China-Pakistan Economic Corridor (CPEC) in Pakistan-Occupied Kashmir (PoK), to which India has objected.
- This is the region where Pakistan ceded over 5,180 sq km of PoK to China in 1963 under a Sino-Pakistan Boundary Agreement, contested by India.

### 8.8 Chushul Sub-sector

*Chushul sub-sector has come into focus in the Indo-China standoff following the movement that took place on the night of August 29-30, 2020.*

- The Chushul sub-sector lies south of Pangong Tso in eastern Ladakh.
- It comprises high, broken mountains and heights besides passes such as Rezag La and Rechin La, the Spanggur Gap, and the Chushul valley.
- It is situated at a height of over 13,000 feet close to the LAC.
- It has a vital airstrip that played an important role even during the 1962 War with China.
- Chushul is one among the five Border Personnel Meeting points between the Indian Army and the People's Liberation Army (PLA) of China.
- The recent brigade-level meetings between the two sides were held here.
- Chushul enjoys tremendous strategic importance because of its location and terrain, which make it a centre for logistics deployment.
- They have a clear sight of the almost 2-km-wide Spanggur gap, which the Chinese used in the past to launch attacks on this sector in the 1962 War.
- Simply put, Chushul is the gateway to Leh. If China enters Chushul, it can launch its operations for Leh.



### 8.9 China-Occupied Kashmir

*China is supporting Pakistan perpetuate its own territorial grab in the trans-Karakoram Shaksgam Tract of Kashmir.*

- In 1936, The Mir of Hunza Valley in the Northern Areas, Pakistan, was asked by the British to abandon his rights in the Taghdumbash Pamirs as well as in the Raskam valley.
- But the Shaksgam valley to the south-west of Raskam and the Aghil range remained with the Mir of Hunza.



- This remained the traditional frontier of British India until independence, inherited by India following J&K's accession in 1947.
- It is this border that was blatantly compromised by Pakistan in its so-called agreement with China on March 2, 1963.
- The Shaksgam valley, part of PoK, was handed over by Pakistan to China through an illegal border agreement in 1963.
- However, the continuing Chinese occupation of Kashmir's territory does not find adequate mention in the contemporary discussion on this issue.
- China occupies 5,180 sq.km in the Shaksgam Valley in addition to 38,000 square kilometres in Aksai Chin.
- China and Pakistan have colluded to confuse these facts.
- They promote the China-Pakistan Economic Corridor (CPEC), which runs through parts of Indian territory under their respective occupation.

### 8.10 Nepal's New Map - India's Concerns

*Nepal's Oli government has passed the constitutional amendment ratifying a change in its map which includes India's territories in Uttarakhand's Pithoragarh district.*

- The new map includes Lipulekh, Kalapani and Limpiyadhura, territories that India controls
- The territorial dispute stems from the fact that Nepal claims the land to the east of river Kali, which forms its western border.
- As per Kathmandu's understanding, the river originates from Limpiyadhura in the higher Himalayas.
- It is thus said to give Nepal access to a triangular-shaped land defined by Limpiyadhura-Lipulekh and Kalapani.
- India opposes the notion and says the origin of the river is much further down (to the east), which reduces Nepal's territorial demand.
- While the issue is an old one, it resurfaced in 2019.
- In 2019, New Delhi published new political maps to reflect some changes.
- This was following the decision on 5 August 2019 to reorganise the State of Jammu and Kashmir.
- Nepal objected to this depiction of disputed territory.



### 8.11 Border Work Group (BWG)

*Recently Nepal has proposed a meeting of the Boundary Working Group (BWG) in August end or early September 2020.*

- The BWG is a joint agency constituted by the governments of India and Nepal in 2014.
- It aims to carry out works in the fields of construction, restoration and repair of boundary pillars including clearance of 'no-man's land' and other technical tasks.
- It is led by the Surveyor General of India, the BWG is different from the foreign secretaries meeting that is being sought to discuss the Kalapani border dispute, but it is an important mechanism to review the boundary work.
- Survey of India is the National Mapping Agency under the Department of Science & Technology.
- The group so far has held six meetings, the last meeting was on 28th August 2019 in Dehradun.



### 8.12 1947 Agreement on Gurkha Regiment

- From the first quarter of the 19th century, Gurkhas had served under the British, first in the armies of the East India Company, and then the British Indian Army.
- East India Company first recruited Gurkhas after suffering heavy casualties during the Anglo-Nepalese War, also known as the Gurkha War.
- The war ended with the signing of the Treaty of Sugauli in 1816.
- It ensured that Gurkhas in British and Indian service would enjoy broadly the same conditions of service as that of British and Indian citizens.
- In 1947, when India became independent, it was decided to split Gurkha regiments between the British and Indian armies.
- After the 1947 Tripartite Agreement, the British Army amalgamated the Gurkha regiment into combined Royal Gurkha Rifles (RGR).
- Currently, the Gurkhas comprise up to 3% of the British Army.
- The Gurkhas are recruited every year at the British Gurkha camp at Pokhara in Nepal.
- The camp enlists fresh recruits not only for the British Army, but also for the counter-terror arm of the Singapore Police Force.

### 8.13 Protocol for Inland Water Trade & Transit (PIWTT)

- The PIWTT was signed between India and Bangladesh in 1972 to connect the two countries through inland waterways.
- It was last renewed in 2015 for five years with a provision for its automatic renewal for a further period of five years.
- The second addendum includes new Indo Bangladesh Protocol (IBP) routes and declaration of new Ports of Call to facilitate trade between the two countries.
- As per the Protocol on Inland Water Transit and Trade, inland vessels of one country can transit through the specified routes of the other country.
- Under the Protocol, 50:50 cargo sharing by Indian and Bangladeshi vessels is permitted both for transit and inter country trade.
- The number of IBP routes has been increased from 8 to 10.

### 8.14 Sri Lanka's 13th Amendment

- The 13th Amendment is an outcome of the Indo-Lanka Accord of July 1987, signed by the then Prime Minister Rajiv Gandhi and President J.R. Jayawardene.
- It was an attempt to resolve Sri Lanka's ethnic conflict that had aggravated into a full-fledged civil war, between the armed forces and the LTTE (which sought a separate state).
- It mandates a measure of power devolution to the provincial councils established to govern the island's nine provinces, including Sinhala majority areas, to self-govern.
- Till date, the 13th Amendment represents the only constitutional provision on the settlement of the long-pending Tamil question.
- Subjects such as education, health, agriculture, housing, land and police are devolved to the provincial administrations.
- But because of restrictions on financial powers and overriding powers given to the President, the provincial administrations have not made much headway.
- In particular, the provisions relating to police and land have never been implemented.
- Recently many social groups have openly called for the abolition of provincial councils after the new government took charge.



### 8.15 Jaigaon-Ahllay trade route

India and Bhutan launched a new trade route between Jaigaon in West Bengal and Ahllay in Bhutan.

- It is to widen their connectivity close on the heels of the Sino-Indian stand-off along the Line of Actual Control.
- It will ease the movement of heavy vehicles from across the border and will provide boost to the infrastructure.

## 9. BILATERAL RELATIONS

### 9.1 Italian Marines' Case

The Supreme Court (SC) of India would keep the Italian marines' case alive.

- The Permanent Court of Arbitration (PCA) at The Hague is an arbitral tribunal.
- It adjudicates disputes under the United Nations Convention on the Law of the Sea (UNCLOS).
- In the Marines' case, the PCA has granted immunity to the marines.
- It also favoured Italy as the appropriate jurisdiction where they could be tried for the crime.
- The PCA wants India to compensate for loss of life, physical harm, damage to property and moral harm suffered by the crew members of St. Antony, the fishing vessel involved.
- It mandated negotiations on the quantum.
- **India's response**—The Indian government has already declared that it would **abide by the PCA's ruling**.
- The SC would keep the case alive until Italy pays adequate compensation for the killing of two fishermen by its marines in 2012.
- It has indicated that it would not allow the closure of the trial until such compensation is paid.
- It has ordered that the families of the victims be heard on this matter.
- But, it would be difficult to have a **judicial determination** of what quantum would satisfy these requirements.

### 9.2 Japan International Cooperation Agency (JICA)

- JICA is a governmental agency that coordinates Official Development Assistance (ODA) for the government of Japan.
- It is chartered with assisting economic and social growth in developing countries, and the promotion of international cooperation.
- Recently JICA has committed an official Development Assistance loan of 3,500 crore rupees for the COVID-19 Crisis Emergency Response Support to India.
- This programme loan aims to support India's efforts in fighting COVID-19 and to prepare the health system to manage future epidemics.

### 9.3 Supply Chain Resilience Initiative (SCRI)

- Supply Chain Resilience Initiative (SCRI) is a trilateral approach to trade, mooted by Japan with India and Australia as the key-partners.
- The initiative aims to reduce the dependency on a single nation (at present China).
- SCRI is a direct response to individual companies and economies concerned about Chinese political behavior and the disruption that could lead to the supply chain.
- The initiative, first proposed by Japan with India and Australia as partners, potentially see other Asian and Pacific Rim nations later.
- SCRI aims to attract foreign direct investment to turn the Indo-Pacific into an "economic powerhouse".



#### 9.4 JETRO Plan

*Japan External Trade Organization (JETRO) has recently announced that it would fund 10 Japanese companies.*

- JETRO has made India and Bangladesh part of a larger subsidy programme, estimated at \$230 million.
- This plan is unofficially aimed at helping Japanese companies in China to relocate to other countries.
- The package was earlier aimed for relocation of Japanese companies to mostly South-East Asian countries including Vietnam, Thailand and Myanmar, but now India and Bangladesh, too, have been added to the list.
- The recent plan includes Suzuki Motors and Olympus, to get into high-tech projects with Indian companies.
- Approximately \$1 million was set aside for the projects already identified, it would be a part of investments in machinery, factory, etc.

#### 9.5 SCAAP

- ITEC been an important component of India's assistance to African nations.
- To augment ITEC for African nations India has rolled out called the Special Commonwealth Assistance for Africa Programme (SCAAP).
- The ITEC/SCAAP Programme has the following components:
  1. Training (civilian and defence) in India of nominees from ITEC partner countries;
  2. Projects and project related activities such as feasibility studies and consultancy services;
  3. Deputation of Indian experts abroad;
  4. Study Tours;
  5. Gifts/Donations of equipment at the request of ITEC partner countries; and
  6. Aid for Disaster Relief.

#### 9.6 IBSA Dialogue Forum

- India- Brazil- South Africa It was formed in 2003 by the Brasilia declaration and is purely a South-South grouping of like-minded countries.
- Cooperation is on 3 fronts
  1. Reform of global institutions of political Governance.
  2. Economic governance.
  3. Collaboration on projects for the common benefit of countries.
- IBSA Fund provides financial support for South-owned, South-led, demand-driven and transformational projects across developing world, with a focus on Least Developed Countries

#### 9.7 Basic Exchange and Cooperation Agreement

*Basic Exchange and Cooperation Agreement (BECA) was signed between India and the US during third 2+2 ministerial meeting.*

- The BECA is one of the foundation pacts for deep military cooperation between India and USA.
- The other two foundational pacts are LEMOA and COMCASA.
- **BECA** - It largely pertains to geospatial intelligence, and sharing information on maps and satellite images for defence.
- Signing BECA will allow India to use the US's advanced geospatial intelligence.
- This will enhance the accuracy of automated systems and weapons like missiles and armed drones.
- It will give access to topographical and aeronautical data and products that will aid navigation and targeting.
- This could be a key for Air Force-to-Air Force cooperation.

- **LEMOA** - The Logistics Exchange Memorandum of Agreement (LEMOA) was signed between India and the US in August 2016.
- It allows the military of each country to replenish from the other's bases: access supplies, spare parts and services from the other's land facilities, air bases, and ports.
- This can then be reimbursed. This is extremely useful for Navy-to-Navy cooperation, since the US and India are cooperating closely in the Indo-Pacific.
- **COMCASA** - The Communications Compatibility and Security Agreement (COMCASA) was signed in September 2018, after the first 2+2 dialogue.
- It allows the US to provide India with its encrypted communications equipment and systems.
- Because of this, Indian and US military commanders, aircraft and ships can communicate through secure networks in peace and war.
- It paved the way for transfer of communication security equipment from the US to India to facilitate "interoperability" between their forces.
- Thus, LEMOA means one partner trusts the other enough to expose its valuable assets.
- COMCASA means one is confident that it can rely on encrypted systems to connect the two militaries.
- BECA means it can share highly classified information in real time without fear of being compromised.
- All this signals the level of trust that has developed between the two countries and their militaries, faced with an aggressive China.

## 9.8 Intellectual Property Cooperation

*Ministry of Commerce and Industry has signed a Memorandum of Understanding (MoU) for Intellectual Property (IP) Cooperation with Denmark.*

- The MoU aims at increasing IP co-operation between the two countries by way of, exchange of information and best practices on processes for disposal of applications for patents, trademarks, industrial designs, and Geographical Indications, and cooperation in the field of protection of Traditional Knowledge.
- It will be a landmark step forward in India's journey towards becoming a major player in global innovation and further the objectives of the National Intellectual Property Rights Policy, 2016.

## 9.9 Track 1.5 Dialogue

*The third round of India-Canada Track 1.5 Dialogue has taken place on a virtual platform.*

- The Track 1.5 Dialogue has been piloted since February 2018.
- It was piloted by two think tanks – India's Gateway House and Canada's Centre for International Governance Innovation (CIGI).
- Their collaboration has encouraged the governments to focus on the immediate opportunities available in investment, technology and geopolitical rearrangements.
- In the third round of talks, the countries deliberated on the role of India and Canada in the post-COVID-19 world.
- They also discussed about the new geo-economics of the Indo-Pacific and digital cooperation, particularly in the areas of fintech and AI.

## 9.10 IC-IMPACTS

- India-Canada Centre for Innovative Multidisciplinary Partnership to Accelerate Community Transformation and Sustainability (IC-IMPACTS) has organized a conference.
- The annual research conference discussed ways of taking the cooperation between the countries to the next level by
  - a. Strengthening existing international connects,
  - b. Sharing best practices in multiple areas,

- c. Initiating new collaborations in government and institutions.
- The major focus areas of research cooperation under the IC-IMPACT are
  1. Green buildings and smart cities.
  2. Occupant's survivability in buildings during fires.
  3. Integrated water management & safe and sustainable infrastructure.
  4. Health problems arising from water-borne and infectious diseases.

### 9.11 High Impact Community Development

*HICDPs constitute an important dimension of the dynamic development partnership between India and the Maldives.*

- Under HICDP, India and Maldives have committed to execute projects under a total grant of USD 5.5 million.
- These projects are driven by the needs of communities on the islands.
- They will be implemented by City and Local Councils.
- It will enhance the capacities of locally-elected representatives and support the decentralization efforts of the Government of Maldives.
- Recently, India and Maldives signed a contract for setting up Neighborhood Fish Processing Plants at two of the islands in the neighboring country.
- These fish-processing plants are the first in a series of High Impact Community Development projects.

### 9.12 Greater Male Connectivity Project (GMCP)

- GMCP consists of a number of bridges and causeways to connect Male to Villingili, Thilafushi and Gulhifahu islands that span 6.7 km.
- It would ease much of the pressure of the main capital island of Male for commercial and residential purposes.
- When completed, the project would render the Chinese built Sinamale Friendship Bridge connecting Male to two other islands, thus far the most visible infrastructure project in the islands.
- At present, India-assisted projects in the region include
  1. Water and sewerage projects on 34 islands,
  2. Reclamation project for the Addl island,
  3. A port on Gulhifalhu,
  4. Airport redevelopment at Hanimadhoo,
  5. Hospital and a cricket stadium in Hulhumale.
- India recently signed a MoU for granting of a \$500 million package to the Maldives.
- Following this the Exim Bank of India and the Maldives's Ministry of Finance signed an agreement for \$400 million in Male.

### 9.13 Oman-India Friendship Association

*Oman has announced to establish Oman-India Friendship Association.*

- It is the first such initiative in West Asia led by the Foreign Ministry.
- The aim is to provide a platform that promotes friendship, understanding and matters of mutual interest between Oman and India business and social communities in the Sultanate.
- India has also signed a Maritime Transport Agreement to expand its footprint in the Western & Southern Indian Ocean, the Persian Gulf and East Africa as part of its Indo-Pacific vision.
- It is the first such agreement by India with any Gulf country.



- Port of Duqm SEZ, which is earmarked to be the Indian Oceans largest deep sea port where an Indo-Oman Joint Venture has been set up.
- Indian Navy has been given access at the Duqm Port.
- A 'Little India' integrated tourism complex project in Duqm has been signed between the two countries.

#### **9.14 AIM- Sirius Innovation Programme 3.0**

- 'AIM-Sirius Innovation Programme 3.0' is a 14-day virtual programme for Indian and Russian schoolchildren.
- It is first Indo-Russian bilateral youth innovation initiative, launched by Atal Innovation Mission (AIM).
- AIM-Sirius programme seeks to develop technological solutions (both web- and mobile-based) for the two countries.
- Under the program students and educators and mentors will create 8 virtual products and mobile applications addressing global challenges in the wake of the covid-19 pandemic.
- Innovations developed by the student teams will leverage 21st-century technologies such as app development, artificial intelligence, block chain, machine learning etc.

#### **9.15 India-Nordic-Baltic Conclave**

*Recently, the Union External Affairs Minister has addressed the first India-Nordic-Baltic Conclave.*

- The Nordic-Baltic Cooperation (NB8) or NB8 is a regional cooperation format which as of 1992 has brought together five Nordic countries and three Baltic countries.
- The five Nordic (Denmark, Finland, Iceland, Norway and Sweden) and the three Baltic countries (Estonia, Latvia and Lithuania) cooperate in an informal and close way.
- India and the Nordic-Baltic nations have much in common and the shared values have led to a similar outlook towards global challenges and opportunities.
- The India-Nordic-Baltic Conclave will provide for greener, smarter, digital & innovation-led future between India and Nordic-Baltic countries.
- The theme of the first India-Nordic-Baltic Conclave was "An Innovation-driven Partnership for Growth in a New World".

## **10. INTERNATIONAL ISSUES**

### **10.1 US Visa Ban Extension - Impact on Indian IT Companies**

*The US administration extended the 60-day ban on immigration and non-immigrant worker visas till the end of 2020.*

- Immigrant visas are issued to foreign nationals who intend to live permanently in the US.
- Non-immigrant visas are for foreign nationals willing to enter the US on a temporary basis.
- These may be for tourism, medical treatment, business, temporary work, study, or other similar reasons.
- The US issues a certain number of visas each year to fill a vacuum of highly-skilled low-cost employees in IT and other related domains.
- This allows companies from outside the US to send employees to work on client sites.
- Of these work visas, the H-1B remains the most popular among Indian IT companies.
- H-1B is issued for people to work in a specialty occupation. It requires a higher education degree of its equivalent.
- The US government has a cap of 85,000 total H-1B visas for each year. Of this, 65,000 H-1B visas are issued to highly skilled foreign workers.

- The rest 20,000 can be additionally allotted to highly skilled foreign workers who have a higher education or masters degree from an American university.
- Apart from the H-1B visas, the US government also issues L1 visas. This allows companies to transfer highly skilled workers to US for a period of up to 7 years.
- H-2B visas allow food and agricultural workers to seek employment in the US.

### 10.2 Religious Freedom

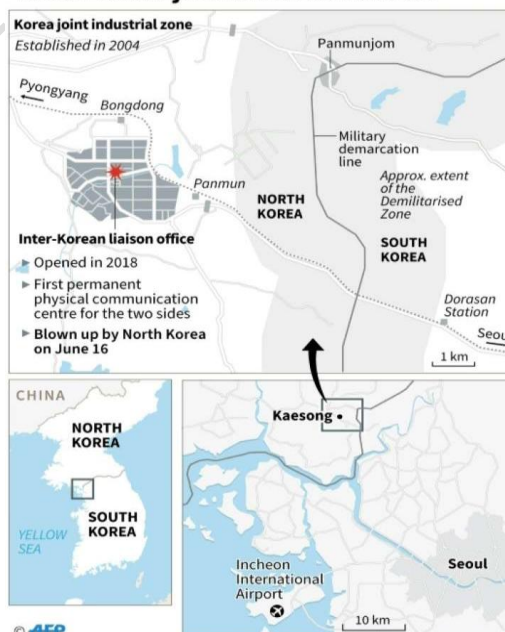
- The State Department of the US has designated 10 countries including Pakistan and China as Countries of Particular Concern (CPCs) for violation of religious freedom.
- Nigeria is the first secular democracy that has been named a CPC.
- The US placed the Comoros, Cuba, Nicaragua and Russia on a Special Watch List (SWL) for governments that have engaged in or tolerated severe violations of religious freedom.
- It also designated certain terrorist organisations as 'Entities of Particular Concern'.
- It didn't renew this designation for al-Qaida in Arabian Peninsula and ISIS-Khorasan due to the total loss of territory formerly controlled by these organisations.
- Sudan and Uzbekistan have been removed from the SWL based on progress undertaken by their respective governments over the past year.
- These designations were done pursuant to the International Religious Freedom Act (IRFA).

### 10.3 North Korea - South Korea Stand-Off

*North Korea blew up the joint liaison office with South Korea in Kaesong, a city in the southern part of North Korea.*

- In 2018, North Korea and South Korea jointly set up a liaison office at Kaesong in North Korea.
- The objective was to facilitate communication between North Korea and South Korea.
- It came as a result of a series of inter-Korean summits in 2018.
- The Kaesong Industrial Complex is a joint industrial zone where factories are operated and run by both North Koreans and South Koreans.
- The demolition of the joint liaison office follows a recent deterioration in relations between North Korea and South Korea.

#### North-South joint office demolition



### 10.4 Referendum in Russia

*Russians are voting on a constitutional referendum proposed by President Vladimir Putin.*

- Referendum is an electoral device of direct democracy.
- By referendum, voters may express their wishes with regard to government policy or proposed legislation.
- In his address to the Russian Federal Assembly, Putin proposed substantial amendments to Russia's constitution.
- For these amendments, he suggested holding a nation-wide constitutional referendum.
- The proposed amendments would allow Putin to occupy the highest office in the country post 2024, when his term is set to expire, till 2036.
- They would allow the President to appoint the heads of law enforcement agencies in Russia in consultation with the Federation Council.



- The upper house of Russia's Parliament would be able to propose the dismissal of federal judges.
- In specific cases, the Federation Council can remove the judges of the Constitutional and Supreme courts following the proposals by President.
- A presidential candidate would have to have lived in Russia for at least 25 years and cannot ever have held foreign citizenship or residency.
- Other proposed amendments include provisions for the Russian constitution to take over international law.

### 10.5 Lebanon blast

*A devastating blast had occurred in central Beirut, Lebanon.*

- The initial explosion ignited a fire, while the second one was more devastating enveloping the capital's skyline.
- The blast was caused by the detonation of more than 2,700 tonnes of ammonium nitrate that had been stored at the Beirut port for six years.
- Primary observations point serious lack of maintaining safety norms at the explosive storage.
- Large quantities of stored ammonium nitrate are regarded as a major fire hazard, with multiple reported cases across the world.



### 10.6 Israel-Hezbollah Tensions

*Israel attacks Hezbollah targets in southern Lebanon.*

- Hezbollah is a Shia militia-cum-political party in Lebanon.
- Hezbollah and Israel have fought two wars before.
- They have been observing a tenuous ceasefire for 14 years.
- The recent attacks mark a significant escalation in the crisis that has been building up along the border in recent years.
- Recent tensions began after Israel targeted Iranian weapons and supplies within Syria.
- In Syria, the Shia militias fought alongside regime fighters against rebels and Sunni jihadists.
- So, Israel fears that Iranian supplies to Hezbollah via Syria would leave them stronger.
- This would enhance Israel's security challenges in the northern border.

### 10.7 Israel-UAE-US deal

*Israel and the United Arab Emirates, helped by the US, have arrived at an important peace agreement.*

- The deal was announced by the US White House.
- The deal says that the UAE will establish diplomatic relations with Israel if its President commits to give up the plan to annex the West Bank.
- [West Bank is the main territory of a state that the Palestinians want.]
- The UAE becomes the third Arab nation to recognise Israel after Egypt (1979) and Jordan (1994).
- It has the potential to change the geopolitics of West Asia and beyond.
- The **Palestinian leadership** rejects and denounces the UAE, Israeli and the US trilateral announcement.



- The Palestinian Authority, which seeks a two-state solution, lashed out against the deal as a betrayal by the UAE.
- For the Palestinians, the Israeli commitment that it will not pursue its plan to annex the West Bank is an empty concession.
- This is because the deal does not address the Palestinian demand for statehood.
- President Binyamin Netanyahu of Israel floated the annexation plan recently.
- It says Israel will claim sovereignty of all land in the West Bank on which Jewish settlements have come up. This plan would literally cut up the dream of a Palestinian state.
- It was not certain if Netanyahu would have gone ahead with it even without the UAE deal.
- Now, by agreeing not to, he has enabled the UAE to talk it up to its Arab allies as a major concession extracted from Israel.

### 10.8 Abraham Accords

*The Abraham Accords was signed by the UAE, Bahrain and Israel, under U.S. President Donald Trump's mediation.*

- This accord clearly marks a new beginning in the relations between the Sunni-ruled Gulf kingdoms and the Jewish state.
- It is the first between Israel and Arab countries since the 1994 Jordan-Israel peace treaty.
- Under the agreement, the UAE and Bahrain would normalise ties with Israel.
- Egypt and Jordan have signed peace treaties with Israel in 1979 and 1994, respectively.
- But, the Gulf countries are not frontline states in the Arab-Israeli conflict.
- They had established backroom contacts with Israel years ago; what is happening now is their normalisation.
- This will herald better economic, political and security engagement.

### 10.9 EU-Turkey Relations

*Tensions in the eastern Mediterranean has soared due to the issues between Turkey and Greece.*

- Turkey and Greece have historically shared troublesome relations.
- But, the trigger for the recent hostility between them has been the discovery of gas in the Mediterranean waters.
- The EU members and its allies in West Asia and Africa planned to build a gas pipeline from the Mediterranean to Europe's mainland.
- But they kept Turkey out of it, which infuriated Ankara.
- In the early 2020, the EastMed Gas Forum was formed by Cyprus, Egypt, Greece, Israel, Italy, Jordan and Palestine. Turkey was again excluded from this Forum.
- Turkey challenged the pipeline project and reached an agreement with Libya's Tripoli-based government.
- According to this agreement, an exclusive economic zone (EEZ) will be formed from Turkey's southern shores to Libya's northern coast across the Mediterranean.
- It is difficult to demarcate the maritime boundaries in the eastern Mediterranean, which is dotted with Turkish and Greek islands.
- Cyprus is physically divided with the southern part ruled by a recognised government and the northern part controlled by Turkey.
- Turkey's survey ship plans exploration activities around



Greece's Crete Island.

- But Crete Island lies just outside the Turkish-Libya economic zone.
- Greece and Cyprus call this a violation of their sovereignty.

### 10.10 Saudi Arabia's Neom project

*Saudi Arabia has recently unveiled its plan to build a zero-carbon city as part of its Neom Mega Development Project.*

- It was announced in 2017 as a part of Vision 2030 plan to rid Saudi Arabia of its reliance on crude oil revenues.
- It is aimed at diversifying the economy of the country.
- The eco-city with zero cars, roads or carbon emissions is called 'The Line' will be built under the project.
- The project will be built from scratch along the Red Sea Coast.
- It is slated to create 3 lakhs jobs and contribute \$48 billion to GDP.
- It will be able to accommodate 1 million residents in "Carbon-positive urban developments" by 2030.
- It will be powered by 100 per cent clean energy, providing pollution-free, healthier and more sustainable environment for residents.
- Saudi's sovereign wealth fund, the Public Investment Fund (PIF) is the cornerstone of the project.

### 10.11 Belarus Elections

*The results of the Presidential Election of Belarus are being contested.*

- The Election Commission of Belarus announced that the long-term President Alexander Lukashenko was the winner of the recent election.
- His main rival, Svetlana Tikhanovskaya, rejected the results and called for a recount.
- This was the hardest fought election in Belarus, a former Soviet republic, since the USSR's disintegration.
- Protests broke out in the capital, Minsk. This was met with a violent security crackdown.
- Then, as the country was slipping into chaos and anarchy, Ms. Tikhanovskaya fled to neighbouring Lithuania.
- But her campaign committee has said that it would continue to support the protests against the election fraud.
- Russia immediately sensed an opportunity to cement ties with Belarus.
- This is because Belarus is an important transit route of Russian gas to Europe as well as a buffer between Russia and European powers.
- Mr. Lukashenko has nowhere to turn to other than Russia.



### 10.12 CICA Meeting

*Recently, the Foreign Ministers' meetings of the South Asian Association for Regional Cooperation (SAARC) and the Conference on Interaction and Confidence-Building Measures in Asia (CICA) took place in a virtual manner.*

- Conference on Interaction and Confidence-Building Measures in Asia (CICA) is a multi-national forum for enhancing cooperation towards promoting peace, security and stability in Asia.
- The idea of convening the CICA was first proposed by the First President of the Republic of Kazakhstan in 1992, at the 47th Session of the United Nations General Assembly.

- It consists of 27 member nations from Asia including Afghanistan, Bangladesh, Cambodia, China, Egypt, India etc. Japan, Indonesia, USA etc. are some of its Observer Nations.
- Republic of Tajikistan is the CICA Chairman for the period 2018-2020.
- India called the SAARC countries to collectively resolve to defeat the scourge of terrorism, including the forces that nurture, support and encourage an environment of terror and conflict.

### 10.13 Reciprocal Access Agreement

*Australia and Japan are in the process of signing Reciprocal Access Agreement.*

- It is a legal framework to allow their troops to visit each other's countries and conduct training and joint operations.
- It also aimed to bolster defence ties to counter China's growing assertiveness in the Asia-Pacific region amid a transition in American leadership.

### 10.14 International Convention of Road Traffic

- The Convention on Road Traffic is an international treaty promoting the development and safety of international road traffic by establishing certain uniform rules among the contracting parties.
- It is commonly known as the Geneva Convention on Road Traffic.
- The convention addresses minimum mechanical and safety equipment needed to be on board and defines an identification mark to identify the origin of the vehicle.
- The Convention was prepared and opened for signature by the United Nations Conference on Road and Motor Transport held at Geneva in 1949 and came to force on March 1952.
- Recently Union government has advised the States and UTs to stamp International Convention of Road Traffic on the first page of International Driving Permit, IDP issued by them.
- Many countries are not accepting the International Driving Permit issued to Indian citizens and that officials there ask for the validation of IDP in accordance with International Convention of Road Traffic.

### 10.15 PMNCH Accountability Breakfast

- The Partnership for Maternal, Newborn and Child Health (PMNCH) is a global health partnership founded in 2005.
- It is hosted at the World Health Organization in Geneva, Switzerland which joins the maternal, newborn and child health (MNCH) communities into an alliance.
- The Accountability Breakfast aims to convert talk into action for the health and rights of women, children and adolescents.
- Recently Union Ministry for Health and Family Welfare participated in the PMNCH 'Accountability Breakfast' (an annual event) to discuss the issues of maternal and child health.
- The event was co-hosted by the White Ribbon Alliance (WRA) and Every Woman Every Child (EWEC).

### 10.16 World Cotton Day

- 1<sup>st</sup> World Cotton Day was launched at the initiative of Cotton-4 countries (Benin, Burkina Faso, Chad and Mali) by the World Trade hosted on 7th October 2019.
- It was launched in collaboration with the secretariats of the UN, FAO, UNCTAD, the International Trade Centre (ITC) and the International Cotton Advisory Committee (ICAC).
- The annual celebration of World Cotton Day provides the opportunity to recognize the importance of cotton as a global commodity grown in over 75 countries across five continents.

#### White Ribbon Alliance

- WRA is a nonpartisan, non-profit and non-governmental membership organization that aims to decrease maternal and newborn death globally.
- It was founded in 1999 and same year it came to India as WRA India
- It is headquartered in Washington, D.C., USA
- Group' to take forward development partnership between India and Central Asian countries.

- The Objective of the day is
  1. To recognize the importance of cotton as a global commodity grown in over 75 countries across 5 continents.
  2. To highlight its central role in job creation and maintaining economic stability in several least-developed countries.
- As a part of 2<sup>nd</sup> cotton day celebrations India has launched its premium Cotton.
- It would be known as ‘Kasturi Cotton’ in the world cotton Trade.
- The Kasturi Cotton brand will represent Whiteness, Brightness, Softness, Purity, Luster, Uniqueness.

#### 10.17 International Day against Nuclear Tests

- International Day against Nuclear Tests was observed on 29 August.
- 2010 marked the inaugural commemoration of the International Day against Nuclear Tests.
- Resolution 64/35 of UNGA calls for increasing awareness and education “about the effects of nuclear weapon test explosions or any other nuclear explosions and the need for their cessation as one of the means of achieving the goal of a nuclear-weapon-free world.”
- The resolution was initiated by Kazakhstan with a view to commemorating the closure of the Semipalatinsk Nuclear Test site on 29 August 1991.

#### 10.18 Armenia-Azerbaijan Peace Deal

*Armenia and Azerbaijan agreed on a Russia-brokered ceasefire in and around Nagorno-Karabakh region.*

- Nagorno-Karabakh, straddling western Asia and Eastern Europe, is internationally recognised as part of Azerbaijan.
- But most of the region is controlled by Armenian separatists.
- In 1991 when the Soviet Union collapsed, the newly independent Armenia and Azerbaijan went to war over Nagorno-Karabakh.
- Nagorno-Karabakh had been an autonomous region within Azerbaijan during the Soviet years.
- Armenians have made historical claims over the enclave, which is largely populated by ethnic Armenians.
- The Azeris claim that the disputed region was under their control in known history.
- Armenians maintain that Karabakh was a part of the Armenian kingdom.
- The disputed region has a majority Armenian Christian population, but it is internationally recognised as a part of Muslim-majority Azerbaijan.
- By the time the all-out war came to an end in 1994, Armenia had captured Nagorno-Karabakh and seven surrounding districts.
- In, Azerbaijan launched the offensive vowing to take back Nagorno-Karabakh and other Armenian-occupied districts.
- In six weeks of fighting since September 2020, Azeri forces retook territories, including some 40% of Nagorno-Karabakh itself.
- The new deal was signed by Russian President, Azerbaijani President and Armenian Prime Minister
- The deal is meant to end the military conflict between the two nations over the disputed region of Nagorno-Karabakh.
- A new corridor will be opened from Nakhchivan to Azerbaijan, which will be under Russian control.

#### 10.19 France’s draft law against ‘Islamism’

*The French cabinet presented a draft law that targets “radical Islamism” (although the word “Islamist” is not part of the text).*



- The Bill is called as a law “to reinforce Republican principles”.
- It envisages a range of measures including -
  - i. school education reforms to ensure Muslim children do not drop out
  - ii. stricter controls on mosques and preachers
  - iii. rules against hate campaigns online
- Once the law comes into force, French mosques could see increased surveillance of their activities, such as financing.
- The government would be able to exercise supervision over the training of imams.
- It could have greater powers to shut down places of worship receiving public subsidies if they go against “republican principles” such as gender equality.
- Moderate community leaders targeted by an extremist “putsch” (a coup) could receive protection.
- Under French secularism laws, or *laïcité*, there is already a ban on state employees displaying religious symbols that are “conspicuous”, such as the crucifix or hijab.
  - This ban would now be extended beyond government bodies to any sub-contracted public service.
- There would also be a clampdown on home-schooling for children over age three.
  - Parents will thus be dissuaded from enrolling them in underground Islamic structures.
- Couples would be interviewed separately by city hall officials prior to their wedding to find out if they have been forced into marriage.
- Officials would be banned from granting residency permits to polygamous applicants.
- Doctors who issue “virginity certificates” would be fined or jailed.
- Stricter punishments would be introduced for online hate speech.
- This is seen as a direct response to the killing of Paty, who was targeted in an online campaign before he was killed.