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MAINSTORMING 2020

POLITY & INTERNATIONAL RELATIONS II



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MAINSTORMING 2020

POLITY & INTERNATIONAL RELATIONS II

(SEPTEMBER 2020 TO NOVEMBER 2020)

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1. RIGHTS ISSUES

1.1 Official Secrets Act

Why in news?

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

What is the story behind?

- The police claimed that the analyst had passed on information such as the deployment of Indian troops on the border to Chinese intelligence.
- The other two have been arrested for allegedly supplying the analyst money routed through hawala channels for conveying information.

What is the Official Secrets Act?

- OSA 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.

What are the matters covered?

- 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.

What is secret information?

- 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.

Between the RTI Act and OSA, which has primacy?

- 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.

Has there been any effort to change provisions of OSA?

- **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 2nd 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.

What are the major instances when OSA has been invoked?

- One of the oldest and longest criminal trials involving OSA is the 1985 Coomar Narain spy case.
- The most recent conviction came in 2018, when a Delhi court sentenced former diplomat Madhuri Gupta who served at the Indian High Commission in Islamabad.
- He was sentenced to three years in jail for passing on sensitive information to the ISI.

1.2 Misuse of Security Law

Why in news?

The Allahabad High Court laid bare the malefic manner in which Dr. Kafeel Khan was detained under the National Security Act (NSA), 1980.

What is NSA?

- It is a preventive detention law.
- It empowers the Central and State governments to detain a person for upto 12 months without any charge.

What is the story behind?

- Dr. Kafeel Khan addressed the students of Aligarh Muslim University in December, 2019.
- His speech on the Citizenship (Amendment) Act was deemed inflammatory weeks after he had made it.
- For this speech, he was arrested on January 29, 2020.
- Shortly after he was granted bail in an earlier case, he was detained under the NSA on February 13, 2020.

What was the earlier case?

- In 2017, Dr. Khan, a government doctor, was suspended after a shortage of oxygen cylinders took a deadly toll among children admitted in a Gorakhpur Hospital.
- The circumstances indicated that he took strenuous efforts to ensure continuous oxygen supply.
- However, he was arrested on charges of negligence and corruption.
- He spent months in prison before an inquiry absolved him of the charges of negligence and corruption.

What did the Allahabad High Court rule?

- The court has found that the speech does not disclose any effort to promote hatred or violence; and nowhere does it threaten peace in Aligarh.
- It says that the District Magistrate (DM) of Aligarh used selective reading of some phrases and ignored its true intent while passing the detention order under NSA.
- The grounds for detention provided nothing that indicated any attempt by Dr. Khan to disturb peace and tranquillity between the speech in December 2019 and his detention in February 2020.

What is the inference?

- The inference is that the NSA was invoked only to avoid releasing him following the Chief Judicial Magistrate court's order granting him bail.
- The process to invoke the NSA itself began only after the bail order, the Bench noted.

What is unacceptable?

- The use of stringent national security laws against political dissenters, in the absence of any appeal to violence, should be condemned in all cases.
- However, there is something unacceptable about the resort to preventive detention just to frustrate bail orders.
- The authorities have shown excessive zeal in dealing with Dr. Khan.
- Though the verdict gives him relief, it comes after he spent 7 months in jail. And his case will someday go to trial.

1.3 Language of the Law

What is the issue?

- There is a recent litigation over the language in which the Draft EIA Notification, 2020 was published.
- This has brought much needed attention to the issue of official languages used by the central government in its functioning.

What is the trigger?

- The trigger for this debate has been litigation by the citizens.
- They have protested against the publication of the draft EIA notification in only English and Hindi.
- They said that this policy excludes many Indians who do not speak Hindi or English from participating in the public consultation process.

What did the courts say?

- 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.

Is it true that there is no legal requirement?

- 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.

So, why did the government make such a claim?

- Separate from the question of accuracy of translations is the larger policy question regarding the languages used by the central government for communicating with the public.
- 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.

What is the language politics?

- This issue is yet to garner the political attention it deserves despite the fact that since Independence, language has been one of the main marker of political identity in India.
- The reorganisation of Indian States on linguistic lines took place in 1956.
- Ever since, language has played a key role in shaping Indian politics.
- Therefore, language is a powerful marker of political identity in India.

What is needed?

- The key regional political parties should ensure that all 22 languages are used by the central government while communicating with the public.
- At the very least, an inclusive language policy must be integral to the law-making and enforcement process.
- This should include mandatorily publishing all parliamentary debates and associated records, the Gazette of India, all legislation and delegated legislation of the central government in all 22 languages.
- 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.

What did the Supreme Court say?

- 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.

What is the case in the European Union?

- In this multi-linguistic jurisdiction, all EU-level official documents are made available in all 24 official languages of member States.

- This is so because the EU has a policy in place to respect the linguistic diversity of its member nations.
- This policy allows all EU nationals to communicate with EU institutions in any of the 24 official languages.
- Also, these institutions are required to respond in the same language.
- The Government of India should also have a similar policy in place.

2. THE UNION

2.1 Parliamentary Scrutiny

Why in news?

The three agricultural bills and the three labour Bills were not scrutinised by Select Committees of the Parliament.

Around what does the parliamentary democracy in India revolve?

- The appropriateness of parliamentary democracy for India is based on the grounds of representativeness, responsiveness and accountability.
- There is a running thread across the Constituent Assembly Debates that Parliament and States legislature would be the key institutions around which parliamentary democracy in India would revolve.
- The State legislatures in India have tended to largely imitate Parliament, without evolving an institutional culture of their own.
- So, much rested on Parliament to provide a lead in this regard.

What is the Committee system?

- Over the years, the Indian Parliament has increasingly taken recourse to the committee system (as its counterparts did elsewhere).
- This was not merely meant for housekeeping.
- But to enhance the efficacy of the House to cope with the technical issues confronting it and to feel the public pulse, to guard its turf and keep it abreast to exercise accountability on the government.
- Some committees such as the Estimates Committee and Public Accounts Committee have a commendable record in this regard.
- Besides the **standing committees**, the Houses of Parliament set up, from time to time, **ad hoc committees** to enquire and report on specific subjects.

What is the importance?

- The Committees were guardians of the autonomy of the House.
- The committees of scrutiny and oversight, as the case with other committees of the House, are not divided on party lines.
- They work away from the public glare.
- They remain informal compared to the codes that govern parliamentary proceedings.
- In the discharge of their mandate, they can solicit expert advice and elicit public opinion.

What are some of its fault lines?

- Indian parliamentary committee system has not been creative or imaginative.
- The presiding officers of the Houses have tended to imitate changes and innovations done elsewhere (like Britain).

- The chairman of the Rajya Sabha, being the Vice-President of India, cannot distance himself much from the stance of the Cabinet.
- But when it comes to the Lok Sabha, very few Speakers have taken cudgels with their party leaders to uphold the autonomy of the House.
- In 1993, however, 17 Departmentally-related Standing Committees (DRSCs) of the Parliament were set up.

What are DRSCs?

- DRSCs drew members from both Houses roughly in proportion to the strength of the political parties in the Houses.
- They were envisaged to be the face of Parliament in a set of inter-related departments and ministries.
- They were assigned the task of looking into the demands for grants of the ministries/departments concerned.
- They will examine Bills pertaining to them, consider their annual reports, and look into their long-term plans and report to Parliament.

What did the executives do?

- The executive in independent India was not very disposed to committees of scrutiny and oversight, sometimes on the false plea that they usurped the powers of Parliament.
- The officialdom in India has often attempted to take cover under political masters to avoid the scrutiny of committees.

How are these committees getting marginalised gradually?

- It is important to point out that committees of scrutiny and advice have been confined to the margins or left in the lurch in the last few years.
- While 71% in the 15th Lok Sabha were wetted by the DRSCs concerned, this proportion came down to 27% in the 16th Lok Sabha.
- The government has shown extreme reluctance to refer Bills also to Select Committees of the Houses or Joint Parliamentary Committees.
- The last Bill referred to a Parliamentary Committee was in 2015.

What were the recent examples?

- Some of the recent momentous Acts of Parliament such as the radical overhaul of Article 370 were not processed by any House committee.
- The protested three Bills related to agricultural produce and the three labour Bills that were cases that definitely deserved to be scrutinised by Select Committees of the Houses.
- But the government used its majority in both the Houses of Parliament and steamrolled the Bills.

2.2 Cancelling Question Hour

Why in news?

The Monsoon Session of Parliament, beginning September 14, 2020, would go without "Question Hour".

What is Question Hour?

- 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.

What is the effectiveness of the Question Hour?

- The annals of history of parliamentary proceedings in India remind us of the scope of Question Hour as armour to raise people's concerns.
- A classic illustration of this role can be gleaned from this exchange in the Lok Sabha in November 1957.

What was the incident?

- A Congress Member of Parliament asked whether LIC had purchased large blocks of shares from different companies owned by Mundhra.
- The reply was given by the Deputy Minister of Finance.
- Feroze Gandhi of the Congress asked a Supplementary question.
- For this question, the reply of the Union Minister for Finance was dissatisfactory to Feroze Gandhi.
- So, he initiated a half-an-hour discussion on the subject.
- This led to the resignation of the Finance Minister.
- This instance points out the relevance of the half-an-hour discussion and the contributing character of Question Hour in the proceedings.

What is the present government trying to do?

- It is in dire need to avoid these types of situations.
- The time has come to ask about different issues such as its failure in handling the pandemic, the New Education Policy, border tensions, rising unemployment, and so forth.
- The government is bound to respond to these questions in Parliament.
- By doing away with the Question Hour, the government has opted for a face-saving measure.

What is the history?

- The right to question the executive has been exercised by members of the House from the colonial period.
- 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**.

What is worrisome?

- These are democratic rights the MPs have enjoyed even under the colonial rule.
- But, these rights are being denied to the elected representatives of Independent India, by the present government.
- However, this isn't an isolated action in the midst of the pandemic.

What are the other actions?

- The government passed important bills in the first session of the 17th LS before the formation of department-related standing committees.
- Even the Constitution Amendment Bill on J&K was introduced without circulating copies to the members.
- Several important bills were passed as Finance Bills to avoid scrutiny of the Rajya Sabha.
- Standing committees are an extension of Parliament.
- Any person has the right to present his/her opinion to a Bill during the process of consideration.

What do these government actions mean?

- The government's actions erode the mandate of parliamentary oversight over executive actions envisaged under Article 75 (3) of the Constitution.
- Such actions prevent the MPs from carrying out their constitutional mandate of questioning, debating, and scrutinising government policies and actions.
- These actions are a planned attempt by the government to diminish the role of Parliament and turn itself into an Executive Parliament.

3. THE STATES

3.1 State Govt & Judiciary Tussle

Why in news?

There is a sudden escalation of an ongoing tussle between the judiciary and the ruling party in Andhra Pradesh (A.P.).

Why is there a tussle?

- The CM of A.P., Y.S. Jagan Mohan Reddy, wrote a letter to the Chief Justice of India, S.A. Bobde.
- In that letter, he complained about the allegedly hostile attitude of the A.P. High Court (HC) against him and his government.
- By making public the details of the letter that contains allegations against a serving Supreme Court judge, the conflict is out in the open.

What did the HC do?

- The HC has directed the CBI to investigate into the registry's complaints against allegedly defamatory social media posts against the judiciary as well as individual judges.
- It also wants the CBI to examine whether these attacks were part of a larger conspiracy.
- The CM alleges that the HC is controlled by loyalists of his predecessor in office, and has passed a slew of orders against his regime.
- The HC argues that the State police are reluctant to take action against those carrying on an online campaign against the court.
- It says many of those posting on social media against the HC judges are from the YSR Congress.

What is the basis of the conflict?

- The conflict is based on mutual accusations that
 1. The HC is hostile to the State government, and
 2. The State government is abetting a political campaign against the judges.

- It is disturbing enough that some judicial orders are seen in a political light, or lend themselves to such an interpretation.
- It becomes ominous if these charges give rise to open threats and abuse.
- The government has sought to ease the situation by offering no objection to the CBI inquiry.

What is the dilemma?

- The government is presumably waiting for the outcome of the CM's missive to the CJI, who in turn faces a dilemma.
- There is a dilemma because the CJI cannot be seen as either ignoring a written complaint from an elected leader or giving undue credence to charges from a disgruntled litigant.
- The problem is that allegations of possible judicial bias are combined with those of misconduct, a serious charge.

3.2 Jammu and Kashmir Land Laws

Why in news?

The changes in land laws in Jammu and Kashmir were notified by the Centre.

What are the new laws about?

- It has allowed the purchase of land by those who are not permanent residents of the Union Territory (UT).
- Earlier, only permanent residents could purchase land in the erstwhile State, which was reorganised as two UTs, J&K and Ladakh, in 2019.

Why were the laws changed?

- One of the arguments against the now nullified special status of J&K was that the restrictions on land transfers hampered investments.
- J&K industrial policy had limited land holding of investors to designated enclaves.
- The changes in land laws were logical steps to follow the end of the special status.
- Some restrictions remain on the transfer of agricultural land for non-agricultural purposes, but this too can be cleared by the district collector.

Was there opposition?

- The government has said that the changes will encourage investment and advance peace and progress in J&K.
- The argument that these changes would help the people of the region might have been stronger if these were done in consultation with them.
- But in all three regions - Jammu, Kashmir and Ladakh - there is strong opposition to opening the land market to non-residents.
- Political parties in J&K too have opposed the changes.
- Free movement of people, and an integrated national market can advance development.
- But India's governance structure accommodates fears and concerns of local populations in this context in a measured manner.
- There are several States which have provisions to regulate ownership and transfer of land under Article 371 of the Constitution.

Will there be similar laws for Ladakh UT?

- The Centre is expected to announce new land laws for the UT of Ladakh before October 30, 2020.

- It has promised to safeguard interests of the people regarding all issues related to language, demography, ethnicity, land and jobs.

What is the impact of the Centre's approach?

- The Centre's approach towards J&K has been marked by a lack of trust.
- This has accentuated the alienation of large sections of the population.
- Fears of deliberate demographic engineering have dominated politics in the Valley for long.
- After the reorganisation of the State and the loss of its special status in 2019, the people of Jammu and Ladakh turned nervous on this question.
- Desirable as it may be, there is no point forcing a particular path of development upon people.
- The situation is precarious also because of the heavy hand of the state on political and civil society activities in J&K.

What could be done?

- The unilateralism that has come to define New Delhi's dealings with J&K is achieving little.
- The measures aimed to promote investment shouldn't be pushed when the end result is political volatility.
- The Centre's policy towards J&K must be buttressed by a robust political process that,
 1. Enables people's participation and
 2. Ensures stability with growth and development.

3.3 Free Speech

Why in news?

Kerala has promulgated a draconian ordinance to curtail free speech.

What is the ordinance all about?

- It 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.

What the State government says?

- 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.

What are the issues with the ordinance?

- 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.

3.4 Karnataka-Maharashtra Tussle

Why in news?

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

What is the genesis of the dispute?

- 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 Act divided states on linguistic and administrative lines]

What is the Mahajan Commission report?

- 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.

What was the response?

- Maharashtra rejected the report, calling it biased and illogical, and demanded another review.
- Karnataka welcomed the report, and has ever since continued to press for implementation.
- But, this has not been formally done by the Centre.

What was the basis of Maharashtra's claim?

- 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.]
- It demanded 814 villages from Karnataka on the basis of contiguity, relative linguistic majority and wishes of the people.
- The claim over Belagavi and surrounding areas was based on Marathi-speaking people and linguistic homogeneity.
- The claim over Konkani-speaking Karwar and Supa is based on its claim that Konkani as a dialect of Marathi.

- Its argument was based on the theory of village being the unit for calculation and enumerated linguistic population in each village.

What is Karnataka's position?

- Karnataka has argued that the settlement of boundaries as per the States Reorganisation Act is final.
- The State argues that the issue would reopen border issues that have not been contemplated under the Act.
- It also says that such a demand should not be permitted.
- Besides, the States Reorganisation Commission vested Belagavi with Karnataka.

What are the later developments?

- Maharashtra continues to claim over 814 villages along the border, as well as Belgaum city, which are currently part of Karnataka.
- Successive governments in Maharashtra have demanded their inclusion within the state – a claim that Karnataka contests.
- In 2019, Maharashtra's CM appointed two ministers as coordinators to oversee the state's efforts to expedite the case related to the dispute.
- Tensions escalated in the border region later that month.

4. JUDICIARY

4.1 Babri Masjid Verdict

Why in news?

The Supreme Court said that none of the 32 surviving accused of the Babri Masjid demolition case was found guilty.

What is the story behind?

- The mosque was brought down in 1992 to build a Ram temple.
- In 2019, the Supreme Court handed over the empty site to those who wanted the mosque brought down.
- However, it recognised the demolition as an egregious violation of the rule of law.
- This gave rise to hope that the ends of justice would be served by the punishment of those who mobilised the vandals.
- But now, the SC said that none of the accused was found guilty.

What did the trial court find?

- The trial court has given judicial legitimation to the 'Ram Janmabhoomi movement' by acquitting all those indicted for conspiracy to bring down the structure.
- The court found that the demolition was **not planned** in advance.
- This finding flies in the face of the entry of several volunteers into Ayodhya that day armed with implements to bring down the structure.
- The movement was headed by L.K. Advani, Murli Manohar Joshi and Uma Bharti among others.
- The proponents of the movement had positioned themselves in vantage points to witness the occasion and celebrated with pride.

What were the evidences?

- In this case, there were sufficient evidence about the political mobilisation and the purported intent to assemble on that day.
- The court had with it evidence that there was studied inaction from the State, whose Chief Minister (CM) was one of the accused.
- The court had with it evidence that the unambiguous and open threats to the structure voiced by many of the movement's protagonists.
- The CM then, had given a false assurance to the SC and the National Integration Council that nothing but a symbolic 'kar seva' would take place.
- But, the crowd went into frenzy, goaded on by provocative speeches by the dignitaries, and vandals went up the dome.
- The possibility of tampered audio and video evidence would not undo the cumulative effect of the logistical and financial preparation, besides the communal mobilisation.

What did the Liberhan Commission say?

- The Manmohan Singh Liberhan Commission had laid bare the entire conspiracy in its damning report.
- But, a probe under the Commission of Inquiry Act has no binding value.
- The evidence adduced at the trial alone matters.

What did the CBI do?

- The CBI failed to prove the element of conspiracy, the details of the advance mobilisation, the meeting of minds that is required to prove a plot and its broad contours.
- From the beginning, the police investigation was marked by bungling.
- When the main events were covered by two FIRs, the U.P. government failed to notify both of them while designating courts for trial.
- The Allahabad High Court quashed the flawed notification.
- The State government's failure to rectify the irregularity resulted in separate proceedings in Lucknow and Rae Bareilly.
- The CBI filed a supplementary charge sheet after omitting the conspiracy charge.
- The Supreme Court later said that this derailed the joint trial and resulted in separate proceedings in two places.

What did the SC do?

- In 2017, the SC revived the conspiracy charge.
- It directed the trial court to resume day-to-day trial.
- It sternly reminded the agency that it was because of its failure and that of the State government that a crime that shook the secular fabric of the Constitution had not seen justice for 25 years.

What is unacceptable?

- It is unacceptable to see a court saying that the destruction was a "spontaneous act".
- All those who went through that phase in India's political history know that the demolition was only the culmination of a revanchist movement.
- The period was marked by communal mobilisation, holding of processions to gather 'bricks' meant for constructing a temple, etc.
- The cause of communal amity cannot afford successive judicial setbacks to both secular values and the rule of law.

4.2 Shaheen Bagh Protest

Why in news?

The Supreme Court found the indefinite occupation of a public road by the Shaheen Bagh protestors unacceptable.

What was the judgment?

- The Court said that the administration ought to take action to remove “encroachments and obstructions” placed during such protests.
- The Court’s assertion was made even while appreciating the existence of the right to peaceful protest against a legislation.
- The Court’s view arises from a straightforward **balancing of two contrasting rights**,
 - a) The right to protest and
 - b) The right to free movement.

What is the question?

- A moot question is whether the manner and content of a protest should always conform to forms deemed acceptable by the law.
- Protests are not always rooted in legality, but derive legitimacy from the rightness of the underlying cause and the extent of public support.
- In many cases, they are against laws and regulations perceived as unjust.
- A flash strike, a spontaneous road block or a call for a complete shutdown - each of these is not, in a strict sense, legal.
- But, at the same time, it is an inevitable part of the culture of protest in a democracy.

What did the court do in this case?

- In this case, the Court notes that the administration neither negotiated with the protesters in Shaheen Bagh nor tried to clear the scene.
- Any finding that a peaceful protest had continued too long, or in a place deemed inconvenient to others, should not encourage the administration to seek early curbs on the freedom of assembly.
- After the pandemic led to the end of the protests, there was little left for adjudication.
- The Court’s remarks might come across as an offering to administrators looking to de-legitimise protests.
- Following the earlier judgment that any ‘bandh’ is illegal, courts routinely stayed sector-wide strikes.

What is another aspect?

- Another aspect of the present ruling is the assertion that protests should be confined to “**designated places**”.
- Such judicial certitude may end up undermining the larger democratic need for public expression of dissent in a manner and place that would be most effective.
- The notified demonstrations are subject to regulations regarding **time and space**.
- But, it may not be possible to extend the same to spontaneous, organic and leaderless protests driven by a cause.

How shouldn’t this ruling be perceived?

- The ruling should not form the basis for suppression of such protests by the force of the state.
- The principles that are salutary from an administrative point of view are,
 - a) The need for balance between the right to protest and the right to free movement, and

b) The rule that protests should take place at designated spots.

- But these principles cannot become unquestionable axioms to render all protests that cause inconvenience to others as the target of the strong arm of the state.

4.3 Censorship Rulings

Why in news?

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

What is the problem?

- 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.

What are the cases about?

- **Sudarshan TV case** - The channel's Bindas Bol was scheduled for telecast on August 28, 2020.
- A 49-second trailer posted on Twitter claimed the show would contain an expose on conspiracy to infiltrate Muslims in government service.
- The Supreme Court (SC) refused to stay the broadcast.
- But, the Delhi High Court (HC) granted an interim injunction restraining the telecast.
- Later, the same HC Bench refused to vacate its stay order.
- **Netflix case** - Following a plea, a court in Bihar passed an interim order staying the release of a documentary.
- But, the Delhi HC had refused to grant a stay against the release.

What are the provisions of the Cable TV Network Act?

- 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.

Why did the courts decide the same issue differently?

- **Sudarshan TV case** - The Ministry of I&B informed the SC that it had received complaints against the broadcast.
- It had sought the channel's response.
- The SC said that the petition against the channel's show raises issues bearing on the protection of constitutional rights.
- However, it desisted from imposing a prior restraint on publication or the airing of views based on an unverified transcript of a trailer.

- It noted that under statutory provisions, competent authorities are vested with powers to ensure compliance with the law.
- **Netflix case** - The Delhi HC dismissed petition seeking a stay against the release, saying only an individual was personally affected by it.
- It added that the appropriate remedy would be to file a civil suit.

What is 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.
- [Article 19(1)(a) - Right to freedom of speech and expression.]
- 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 pre-emptively based on perceptions of what it could be.

How did the court test this?

- 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.

What are the 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”.

4.4 Online Dispute Resolution

What is the issue?

- The pendency of over 40 million cases in our judicial system remains a focal point for reform and reduction.
- This pendency makes a strong case for online dispute resolution (ODR).

Why are these cases pending?

- Nearly a third of these cases have been pending for 3 to 30 years.
- They are pending due to resource-dwindling litigation, case adjudication and difficulty in consensus resolution.
- There are barriers to conflict resolution for the common man, because of,
 - a) Lack of access to courts and representation, or

b) Entry-level barriers such as linguistic or technology challenges.

- All of this is routinely brought up by those who are impacted by it.
- With the pandemic disrupting basic services delivery, the discussion is only going to expand in scope and volume.

What is the situation now?

- Around 40 million cases are pending cases at the Supreme Court, High Courts and the district courts.
- This seems more than significant, except that the courts are performing in an exemplary fashion to dispose of cases.
- Around 25 lakh cases were heard virtually by courts across the country in the wake of the Covid-19 pandemic.
- However, the key statistic is that the number of cases filed surpassed the disposal capacity.
- The pandemic has, of course, accelerated this trend.

What is the case for ODR?

- Given the escalating pendency, it is important that alternative methods for avoiding, containing and resolving disputes are adopted.
- The access to justice isn't just about having the means to resolve disputes but also ensuring that the means are efficacious and expeditious.
- Keeping this context in mind, the growing focus on ODR in India is not without reason.

What is the significance of ODR?

- ODR aligns with the current socio-economic setting.
- It has a global precedent of being extremely successful, and above all, has principles of natural justice in its essence.
- The foundational pillars of any successful ODR regime are **trust, convenience and expertise**.
- India now has a long legacy of citizens trusting technology, whether in e-payments or in education and healthcare.
- To augment dispute resolution mechanisms, Lok Adalats and Gram Nyayalayas have been created as alternative options for affordable justice.
- ODR has significantly large-scale potential for innovation.

What is the mechanism?

- A three-stage mechanism can increase the potential of ODR for dispute avoidance, containment and resolution.
- The mechanism should start with online '**evaluation**', where there is dispute diagnosis and exploration of options for litigants.
- Next, online '**facilitation**' is resorted to, where facilitators and automated negotiation tools aid in non-adversarial resolution.
- Finally, if the first two stages don't result in a resolution, an online **hearing** is conducted, which is synonymous with online courts.

What is the ODR's potential in India?

- ODR has the potential to raise equity, fairness, access in the dispute resolution ecosystem in India.
- The convenience brought by ODR has been exhibited by e-Lok Adalats conducted in several states, where disputes were resolved simply over WhatsApp audio/video calls.

- Supply-side capabilities could also be enhanced through a relatively large and competent services pool for adjudication and representation.
- ODR has the potential to be an effective alternative that utilises technology to bridge barriers and access in resolution.
- Through facilitating low cost, technology-augmented, linguistically- friendly and incentivised dispute avoidance, containment and resolution, ODR could enhance justice delivery to all.

4.5 Article 32

Why in the news?

Supreme Court discourages the use of Article 32.

What is Article 32?

- It 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.

Why the court discourages the use of 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.

How has the SC interpreted 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 for 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.

4.6 Vehicle as a Public Space

Why in news?

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.

What was the argument?

- The argument was given by the state to defend its decision of making it compulsory to wear masks when people are travelling in vehicles.
- 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.
- The petitioner has sought compensation of Rs 10 lakh for the alleged mental harassment.

What is the guideline regarding the wearing of masks in Delhi?

- Due to the spread of Covid-19, the Delhi Disaster Management Authority (DDMA) ordered in a larger public interest that it is essential that a person must wear a mask in any public place.
- The order went on explicitly state that any person moving around in his personal and official vehicle must be wearing these masks compulsorily.
- Under the Delhi Epidemic Diseases (Management of COVID-19) Regulations, 2020, if the DDMA's directives or guidelines are violated, 'Authorized Persons' can impose,
 - a) A fine of Rs 500 for the first violation, and
 - b) A fine of Rs 1,000 for repeated violations.

Why has the petitioner sought Rs 10 lakh compensation?

- The lawyer was challoaned by police for not wearing a mask in his car.
- He 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.

What is the Satvinder Singh case?

- The SC was hearing an appeal by four people from Jharkhand, who while travelling in a vehicle in 2016, when subjected to a breath analyser test, were found to have consumed alcohol.
- A case was registered against them under the Bihar Excise (Amendment) Act, 2016.
- This Act provides for penalty against whoever "consumes liquor in a public place or an unauthorized place".
- The four people were arrested and remained in custody for two days.
- They approached the Patna High Court with a plea to set aside the order passed by a Chief Judicial Magistrate taking cognizance of their case.

- After the HC dismissed the plea, they approached the Supreme Court.
- Their main argument before the SC was that the vehicle in which they were travelling could not be said to be a “public place” under the Bihar Excise (Amendment) Act, 2016.
- The Bihar government argued that the vehicle had been intercepted on a public road, and Section 53(a) of the Act was fully applicable.

What did SC say regarding definition of ‘public space’ in this case?

- It 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.

4.7 Inflammatory Journalism

Why in news?

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

What is the case about?

- 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.
- 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 Court also warned that if the government fails to explain its mechanism to deal with the problem, it would create one on its own.

What is the stand of Central government?

- It stated that media coverage struck a balanced and neutral perspective.
- It is committed to media freedom.

What Supreme Court’s rationale?

- SC is unconvinced with the present mechanism of self-regulation under the **National Broadcasting Standards Authority**.
- 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).
- Though the violations of norms are common but there is a class of violation of norms in broadcasting that needs to be curbed.
- In the past, channels have been asked by the I&B Ministry to take some programmes off the air.
- 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.

What are the key takeaways?

- The court is involving in the process of judicial overreach in recent times.
- Its intention to create a mechanism on its own to deal with will set a wrong precedence.

5. ELECTIONS

5.1 Crime in Politics

Why in news?

The Supreme Court said that it was surprised to learn that there are 2,556 criminal cases pending against sitting lawmakers (MPs and MLAs).

What are the crimes?

- The breadth of offences lawmakers were charged with covers corruption, offences under the child sexual abuse law, tax offences, murder, etc.
- There are 413 cases where the offences are punishable with life imprisonment; 174 of these involve sitting lawmakers.
- This should show how mammoth the task before the judiciary is.
- The fact is that crime in politics has gone unchecked despite many interventions by the Supreme Court.

What were the SC's interventions?

- **2017** - The SC had ordered the setting up of special courts to fast-track trial: completion within a year of framing of charges.
- Then, 12 such courts had been set up to cater for different states.
- The SC ordered High Courts to form a special bench to monitor the progress on cases against lawmakers within their jurisdictions.
- The HCs are to list all pending criminal cases involving sitting/former lawmakers, including those in which a stay has been granted.
- As per a report submitted to the apex court, there are 352 cases stayed by the HCs or SC.
- **2018** - The SC had ordered political parties to publish details of criminal candidates they fielded in polls in mainstream media.
- But, there are 233 candidates who face criminal charges were elected to the Lok Sabha in 2019, with 159 facing serious criminal charges.
- It is clear that the court's order was either not complied with or had little effect.
- **February 2020** - The SC ordered parties to list 'criminal' candidates along with details on their websites, social media and news media within 48 hours of announcing such candidates.
- The parties also had to explain the basis of selection.
- They have to file a compliance report with the Election Commission of India (ECI).

Did the ECI do anything?

- The ECI never took action against parties for failing to do this.
- But, under the Election Symbol Order 1968, it can suspend recognition of a party for failing to comply with its lawful orders.

What is the difficulty?

- The problem is quite deep-rooted.
- The politicians are flexing power to keep themselves out of trials and parties showing little political will to confront this.
- So, there are many cases that are pending at the appearance stage, with many in which non-bailable warrants have failed to get executed.

What is needed?

- The SC has done well to instruct the HC special benches to examine the merit of stay granted in cases involving MPs/MLAs.
- These grants cannot be unconditional or of indefinite duration.
- With judiciary pulling all stops to tackle crime in politics, the onus is now on the mainline political parties and the ECI to act.

5.2 Election Commission's Powers

Why in news?

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.

What was the ECI order?

- 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).

What did the Supreme Court say?

- The Supreme Court 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.

How are star campaigners selected?

- 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.

What does having a star status mean?

- 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.

What does revoking the star status mean?

- 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.
- [MCC - The ECI's Model Code of Conduct lays down the standards of behaviour for political parties and their candidates contesting elections.]

What did the ECI say?

- It cited an MCC clause that bars candidates from resorting to criticism of all aspects of the private life of other leaders and party workers.
- 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.

What is the problem?

- 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.

What is the solution?

- The political executive must first create the legislative framework to give the commission clear and explicit powers.
- To avoid the charge of the commission being politically aligned, commissioners are named by the government.
- A multi-partisan naming system, like that followed for the heads of various other Constitutional bodies needs to replace the current system.

6. GOVERNANCE

6.1 Sterlite Issue

Why in news?

The Madras High Court has refused to allow the reopening of the Sterlite copper plant at Thoothukudi, Tamil Nadu.

What is the story behind?

- The plant was closed in 2018 after 13 people were killed by the police.
- The police fired on protesters demonstrating outside the factory premises against environmental pollution.
- The merits and demerits of the Sterlite case have been extensively discussed in courts.

What was the company's response to the Madras HC order?

- The company has moved the Supreme Court against the order.
- The issue will be further dissected when the SC takes it up again.
- Ultimately, the apex court will have the final say in the matter.
- The whole discussion, thus far, has been on the alleged environmental impact of the project in and around the region.

- The other key issues have been deliberately avoided.

How did the factory find refuge in Tamil Nadu?

- The project was driven out by Maharashtra and Goa for various reasons.
- Surprisingly, it found refuge in Tamil Nadu.
- The initial culpability should rest with the State government of the day that allowed the project to come into the State in the first instance.
- The State has been under the dispensation of either of the two Dravidian parties, all through the development of the Sterlite plant.
- There were intermittent protests against the project all these years.
- But the project went from strength to strength.
- With close to 4,000 direct and 20,000 indirect jobs, the project helped the region around the port to prosper.
- It also helped India become a copper-exporting nation.

What are the impacts of the closure?

- With the closure of the plant, India has been forced to become a net importer of copper after nearly 18 years.
- The closure resulted in the complete evaporation of livelihoods in the entire region.
- The Covid-19 pandemic has only worsened the misery.

How did the problem assume significance?

- State leaderships of all hues let the project continue all these years, despite the intermittent anti-Sterlite sentiments.
- All of a sudden, the problem assumed a magnified proportion when the company proposed an expansion.
- It took an ugly turn when police fired on protesters.
- In this instance, the government ordered immediate closure of the plant after the police firing outside the plant premises.
- Sterlite has now become a reference point – for all the wrong reasons – for any prospective manufacturers to set up plants in Tamil Nadu.
- Sterlite was the alibi when a rifle project was moved to Amethi by Russia.

6.2 Essential Commodities (Amendment) Bill, 2020

Why in news?

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

What is the EC 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.

What is the Bill about?

- This Bill 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.

What will happen after the amendment?

- 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.

How is an 'essential commodity' defined?

- 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.
- The list of items under the Act includes drugs, fertilisers, pulses and edible oils, and petroleum and petroleum products.

Under what circumstances, stock limits can be imposed?

- 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.

Why was the need for this felt?

- The 1955 Act was legislated when India was facing a scarcity of foodstuffs due to persistent low levels of foodgrains production.
- India was dependent on imports and assistance to feed the population.
- To prevent hoarding and black marketing of foodstuffs, the EC Act was enacted in 1955.
- But now the situation has changed.
- The production of wheat, rice and pulses has increased 10 times, 4 times and 2.5 times respectively between 1955-56 and 2018-19.
- In fact, India has become an exporter of several agricultural products.

What will be the 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.

Why is it being opposed?

- This was one of the three ordinances/Bills that have seen protests from farmers in parts of the country.
- The Opposition says the amendment will hurt farmers and consumers, and will only benefit hoarders.
- They say the price triggers envisioned in the Bill are unrealistic — so high that they will hardly ever be invoked.

6.3 Approaching the CCI

Why in news?

The Competition Commission of India's (CCI's) order has dispelled the ambiguity over who can approach it.

What is the ambiguity?

- There was an ambiguity about who can approach the CCI against anti-competitive practice by an enterprise that breaches the Competition Act.
- This issue has often been raised in debates.
- The accused parties, in their defence, use this as a preliminary ground for dismissal of the case at the very threshold.
- The Commission has not accepted this defence.

What did the NCLAT rule?

- The National Company Law Appellate Tribunal (NCLAT) made a ruling in the appeal case of Samir Agarwal v. CCI.
- It ruled that, to have the locus standi to file information before the CCI, a person must be one who has suffered an invasion of their legal rights as a consumer.

What is the concern that the NCLAT express?

- It said that any other interpretation would make room for people to rake issues of anti-competitive agreements or abuse of dominant position targeting some enterprises with oblique motives.
- The restrictive ruling of the NCLAT has dismayed many students and experts of competition law.
- It amounted to severe circumscribing the opportunities to unravel alleged violations of the Competition Act.

What is the objective of the Competition Act?

- The objective of the Competition Act is to provide for the establishment of a Commission to prevent practices having bad effect on competition.
- It aims to promote and sustain competition in markets.
- It also wants to protect the interests of consumers.

- It aims to ensure freedom of trade carried on by other participants in markets, in India, and for matters connected therewith.
- In pursuit of this objective, the Act duly empowers the Commission to inquire into and penalise such practices.

Why competition should be maintained?

- Competition is sought to be maintained for its considerable benefits for consumers and for the economy on the whole.
- Countries across the world have discarded state-directed policies and monopolies in favour of market-contest.
- Competition offers choice and freedom to consumers, lowers the prices, incentivises innovation and enhances efficiencies of various kinds.
- Most countries have also enacted competition/anti-trust laws to punish practices that suppress competition.

What did the CCI clarify in its recent order?

- The CCI recently, in an order in Harshita Chawla vs Whatsapp and Facebook, clarified the legal position in respect of locus standi.
- The CCI's order asserted the point that violations of the Act are offences in rem and not in personam.
- [In rem - Applies to "all the world"]
- In personam - Meaning "against a particular person"]
- The CCI said that the proceedings before it are inquisitorial in nature.
- It said that the locus of the informant is not as relevant in deciding whether the case filed before the CCI should be entertained or not.
- If the matter reported to the CCI involves anti-competitive issues falling within the ambit of the Act, the CCI can proceed with the matter.
- The CCI is entitled to proceed suo motu or on any reference being made by the Governments or any Statutory Authority.

What are CCI's amendments?

- The Commission's role as an overarching market regulator also finds its foundational footing in the amendments.
- It amended the provisions of Section 19 (1) (a) by **substituting the words** "receipt of a complaint" with "receipt of any information".
- This amendment reflected the legislative intention of emphasising the inquisitorial nature of the proceedings of the Commission.
- Further, there are several other amendments, as also the other provisions of the Act, which reverberate this inquisitorial scheme.
- This approach is evident from the powers available to the CCI.
- It can direct investigation and hold inquiries against entities or persons who are suspected to be involved in an anti-competitive conduct.

What is the conclusion?

- The CCI is more concerned with the facts and allegations highlighted in the information rather than the locus of the person who provided it.
- Given the order of the CCI, no informant requires a locus to approach the CCI, this issue is conclusively settled.
- Now, the parties will not be able to stymie an inquiry on this ground.

6.4 SVAMITVA

Why in news?

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

What are the problems?

- 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 digitisation of land meant for agricultural purposes has been completed to the extent of almost 90%.
- But, demarcating residential properties remains an issue.

What is the problem with tax collection?

- The digitisation of agricultural land records has contributed to the smooth implementation of the PM Kisan Samman Nidhi Yojana.
- However, 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.
- With clear titles and transparent land valuations, these collections could improve.

What is needed?

- A comprehensive digital mapping of rural land categories will help raise rural productivity and incomes in various ways.
- [Rural land categories - Agricultural, residential and commons]

What is SVAMITVA?

- The SVAMITVA seeks to address these problems.
- The plan is to survey all rural properties using drones and prepare GIS-based maps for each village.
- The process begins with the signing of a MoU between the Survey of India (SoI) and the State government concerned.

What is the process?

- 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 “**sampatti patrak**” will be made available on digital platforms or as hard copies to the village household owners.

What is the 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.

6.5 Regulating Online Content

Why in news?

The government will bring video streaming services and online news under the Ministry of Information and Broadcasting.

What will be the impact of this decision?

- It clubs the only sector of the media which has pre-censorship, namely films, with the news media which wasn't subjected to pre-censorship.
- This decision may constrain the free press.

Why did the government take this decision?

- Recently, the Supreme Court asked the government for suggestions toward improving the existing self-regulatory mechanism for TV media.
- The government responded stating that regulating the digital media was more pressing.
- More regulation is usually a problematic idea, bringing with it the real risk of censorship.

What is the merit?

- This decision may bring in a **level playing field** by bringing new digital players within the purview of regulation along with the non-digital ones.
- New movies, before theatrical release, have to get through the certification process of the Central Board of Film Certification.
- In contrast, video streaming services like Netflix, which have gathered several Indian subscribers, have not had to follow any such requirement.
- It cannot be denied that regulation, of the light-touch kind, which serves as an advisory for the content being presented to the viewers, is useful.

What is the concern?

- There is a question of whether the intent is just to create a level playing field, and nothing more.
- There are concerns about the functioning of the regulatory mechanisms.
- The fear is that this will just end up facilitating more governmental interference and problematic censorship in regulating digital news.

What is needed?

- Indian democracy's progress is dependent on free speech.
- So, it is important that regulation is not an excuse to stifle voices.

- The government should recognise that there is really no reason to have a different regulatory mechanism for digital news.
- For decades now, the print media and television media have managed themselves in self-regulation frameworks.
- In these frameworks, one of their main goals has been to maintain their independence.
- **Self-regulation** is a must, and censorship is not needed.

6.6 Claim over Chandigarh

Why in news?

Haryana Deputy Chief Minister said it would be better if both Haryana and Punjab agreed on Chandigarh as a Union Territory.

Why this statement was made?

- Haryana Deputy CM wants the states to make their independent capitals and Benches of High Courts.
- On November 1, Haryana was celebrating 54 years of its formation as a separate state after it was carved out of undivided Punjab in 1966.
- The statement once again brought into focus the long-simmering dispute between the two states over one of India's most modern cities.
- But Punjab has always refuted Haryana's claims over Chandigarh.

Why was Chandigarh created?

- Chandigarh was planned to replace Lahore, the capital of erstwhile Punjab, which became part of Pakistan during the Partition.
- In March 1948, the Government of (India's) Punjab, in consultation with the Centre, approved the area of the foothills of the Shivaliks as the site for the new capital.
- From 1952 to 1966 (till Haryana was carved out of Punjab), Chandigarh remained the capital of Punjab.

How did it become a shared capital?

- At the time of reorganisation of Punjab in 1966, the city assumed the unique distinction of being the capital of both Punjab and Haryana.
- It became a capital even as it was declared a union territory and was placed under the direct control of the Centre.
- The properties in Chandigarh were to be divided in 60:40 ratio in favour of Punjab.

What is Punjab's claim?

- The-then Prime Minister had announced that Haryana, in due course, would have its own capital and Chandigarh would go to Punjab.
- The Centre had issued a formal communication in this regard on January 29, 1970, almost three years after Haryana came into being.
- Again, in 1985, under the Rajiv-Longowal accord, Chandigarh was to be handed over to Punjab on January 26, 1986.
- But the Rajiv Gandhi government withdrew at the last minute.

What is Haryana's counter-claim?

- As per the 1970 documents, the Centre had considered various alternatives for settling the matter, including dividing the city.

- But that wasn't feasible since Chandigarh was built as a planned city to serve as the capital of one state.
- Haryana was told to use the office and residential accommodation in Chandigarh only for five years till it shifts to its own new capital.
- The Centre had offered loan to Haryana for setting up the new capital.
- In 2018, Haryana suggested to set up a special body for development of Chandigarh.
- But Punjab rejected it, saying the city indisputably belonged to it.
- Haryana, on its part, has been demanding a separate High Court.
- It has locked horns with Punjab by passing a resolution in the Vidhan Sabha demanding 20 rooms in the Vidhan Sabha complex that have been in the possession of Punjab.

6.7 Independent Directors

What is the issue?

- A major theme in corporate governance that has emerged worldwide is the institution of independent directors (IDs).
- This article deals with the roadmap for its institution.

Why was this institution created?

- The institution of IDs was created to prevent the growing incidence of promoters or management who enrich themselves at the expense of the minority shareholders.
- Therefore, if IDs were to perform their role, they were to be independent of the promoters.

What is the problem in India?

- The key problem in India has been who gets appointed as an ID.
- The regulations specify who cannot be an ID, but they don't speak about the qualifications or experience of the IDs.
- The field is wide open to the appointment of anyone - friends, relatives (not covered by definition), neighbours, etc.
- IDs are appointed and paid by the very person whose excesses they are supposed to guard against.
- Most companies have misused the requirement of women directors or performance evaluation of directors.
- But, there is no solution if our expectations from IDs continue to be misplaced.

What is needed?

- There is a need in the change of mindset so that the focus can shift to the perpetrators of fraud. Not the IDs, who are bystanders.
- Multi-pronged and harsh measures are the only ways to improve corporate governance.
- The following are some suggestions that deserve serious consideration.

What are some suggestions?

- Individuals commit frauds; companies are only vehicles.
- So, individuals, not companies, should be punished for fraud/non-compliance.
- **Severe punishments** for malpractices are the best deterrents and inducers of governance.
- Comprehensive **databases** need to build for each company of all promoters, directors and key management persons (KMPs).

- These databases should be interlinked, along with databasing all their relatives.
- There is a need to enhance surveillance and software-driven Early Warning Systems in the context of both the companies and individuals.
- The investigation function needs to be better skilled.
- Separate **securities-market courts** should be established, dedicated to faster pronouncements; cases cannot linger on for years.
- But, it would also be politically controversial to abandon the IDs institution, as it is now a universally adopted concept.

6.8 Rural Development Fund

Why in news?

There is a tussle between the Central government and the Punjab government over the Rural Development Fund (RDF).

Why is there a tussle?

- The Union government has decided to withhold rural development fee from Punjab.
- It has asked the Punjab Government to explain its utilisation of the RDF.
- These actions had enraged the Punjab Government.

What is Rural Development Fund (RDF)?

- RDF is the 3% cess levied on the purchase or sale of agricultural produce under the Rural Development Fund Act, 1987.
- This is executed by Punjab Rural Development Board (PRDB) with the Chief Minister as its chairman.

What is Rural Development Board (RDB)?

- The RDB was incorporated in 1987 under Rural Development Act, 1987.
- It is mandated with the promotion of better agriculture, and granting relief for the loss and damage to agricultural produce.
- It also provides the facility of streets lights, dharamshalas, panchayat ghars, canals, health infrastructure, sanitation, and government educational institutions in rural areas.

From where does Punjab get this fund and what is it used for?

- It comes mainly from central government's purchase agency, Food Corporation of India (FCI).
- FCI buys around 13 million tonnes of wheat and 16 million tonnes of paddy every year.
- Usually Punjab gets Rs 1,750 crore every year — Rs 1,000 crore as 3% RDF for procuring paddy and the rest for wheat.
- This year, some estimates had put the total at Rs 1,850 crore.
- This fund is supposed to be used for the creation and maintenance of rural infrastructure in and outside mandis.
- But there have been charges in the past that it was diverted by the state for other purposes.

Why has the central government suspended this fund?

- The central government has observed that the fund is being diverted.
- It has asked the state government to explain how it is utilising the fund.
- It has also not made any provision for this fund in the cost sheet that it has sent to the state.

Why is the Punjab government fuming?

- The Punjab government was to give the earnings from RDF to pay interest on a loan of Rs 4,500 crore it has taken from various banks to pay for debt waiver to farmers.
- If this fund is not received by the state, it will have to dip into its depleting coffers to pay for this interest.

6.9 Relaxation to ITes Sector

Why in news?

The Centre has decided to relax the rules governing call centres and Business Process Outsourcing (BPO) units.

What were the previous rules?

- The rules governing the outsourcing companies were introduced in 1999 when the telecom sector was highly regulated.
- The Centre wanted to keep a tab on the voice traffic flowing within various call centres.
- By doing so, it wanted to ensure that no one infringed on the jurisdiction of telecom service providers.
- Since then there have been major changes in technology and evolution of different networking architectures for setting up call centre networks.

What are the new rules?

- Under the new rules, non-voice processes have been kept out of the definition of other service providers.
- Even for voice based call centres, there is no registration or reporting requirement.
- Other requirements such as deposit of bank guarantees, requirement for static IPs, publication of network diagram, frequent reporting obligations, penal provisions have been removed.
- These changes could be a game changer for India's IT-enabled services sector.

What is the current significance?

- Ongoing pandemic-led lockdown has disrupted the way IT companies function as more than 85% of the workforce stays at home.
- From a centralised architecture, ITes companies have had to restructure their entire organisation.
- Under this delivery model, costs related to real estate and managing offices will go down.
- But higher spending will go into collaboration and other productivity tools.
- In this context, the decision to allow call centre employees to work from anywhere allows for tapping into talent across geographies.

What will be the benefits?

- This will help in creation of jobs in smaller cities.
- In the old business model, talent had to be relocated from their hometown.
- Now, a qualified person does not have to migrate to work in an MNC.
- Another benefit is the boost it will give to the gig economy.

6.10 Digital Nation

Why in news?

Affordable smartphones and 750 million Internet connections access have made India a digital nation.

How has Fintech revolutionized India?

- Citizens who are accustomed to pay their routine bills by standing in queues at utility offices started adopting fintech.
- During the COVID-19 pandemic, various Digital platforms started providing goods and services, including online education and telemedicine.
- Many professionals have maintained productivity by working from home.

Is it premature to call India a Digital Nation?

- Prime Minister Narendra Modi in **Bengaluru Tech Summit** said that the true measure of digital nations is the readiness of governments to use technology & it must be open .
- The public systems must be participatory that citizens should consider it trustworthy.
- Governance must achieve a reliable system of digital welfare.
- There must be seamless delivery of all citizen services.
- All the above are not true to an extent.
- However, a beginning has been made to provide government-to-citizen services by establishing Common Service Centres .
- Legal advice are been provided to four lakh people under the **Tele-Law** scheme.
- Welfare benefits are provided through bank accounts digitally.
- If digital methods are applied to other sectors, such as road safety, it has the potential to reduce the accident mortality rate of about 1,50,000 deaths a year.

How can technology transform the health sector?

- The core plan in Ayushman Bharat is digital health identity for all.
- It would help to access, prescribe and dispense essential medicines free.
- The public procurement cost reduces to 0.1% to 0.5% of GDP.
- It can help in achieving universal health coverage (UHC).
- However efficient digital government depends on transforming internal processes government departments, redefining and fixing deadlines for citizen-centric service delivery.

6.11 One Nation One Ration Card - A Review

Why in news?

- The Union Finance Minister recently stated that the “One Nation One Ration Card (ONORC)” scheme now covers 68.8 crore beneficiaries under the PDS across 28 states and UTs.
- In this context, here is a look at the performance of the ONORC nationally and with special reference to Odisha.

What is ONORC?

- The central idea of the ONORC is to make the PDS completely portable.
- It aims to allow beneficiaries to lift entitled ration from any part of the country.
- The central government will deduct this ration from the quota of the home state and add it in the quota of the selling state.

What is the case with Odisha?

- Odisha joined the ONORC system in June 2020.

- But, there is no record of a transaction allowing an Odia migrant to lift her stock from another state, or any transaction at all under this scheme.
- **Aadhaar seeding** - On September 15, 2019, the state government declared that only those beneficiaries whose Aadhaar was seeded with their ration card could lift their entitled foodgrain through ABBA
 - Aadhaar-based Biometric Authentication (ABBA)
- Media reports suggest that more than 18 lakh beneficiaries lost their rights to withdraw foodgrain as their ration card was not seeded with Aadhaar.
- It is not clear how many could get back into the system afterwards.
- Beneficiaries have been deleted even if they had Aadhaar cards but these weren't seeded with their ration cards.
- Mandatory ABBA for withdrawing entitled ration had a detrimental impact on particular groups.
- These include the elderly, the disabled, and the physically incapacitated people.
- They find it difficult to physically visit PDS shops or whose fingerprints are not accurately read by authentication machines.

What is the picture at the national level?

- Nationally, monthly transactions show close to 24,500 beneficiaries on nearly 3,500 cards who lifted their entitled ration from states other than their home state.
- From June till November 15 of 2020, merely around 95,800 beneficiaries through around 12,850 ration cards have benefited.
- Notably, this is a small fraction of the 22 crore PDS beneficiaries in India.
- It is clear that despite tall claims, very few beneficiaries have actually benefited from the scheme.
- **Intrastate portability** of ration transactions is much higher than interstate portability.
 - In October 2020, 1.45 crore transactions took place through intrastate portability.
 - A majority of this was in Andhra Pradesh (42.5 lakh), Rajasthan (28.1 lakh), Bihar (22.6 lakh), U.P. (11.5 lakh) and Telangana (11 lakh).
- Implementing ONORC within a state does not require any additional arrangements as it follows already operational procedures of entitlement and price.

What are the procedural shortfalls?

- Despite the Centre's claims about the implementation of the ONORC over the past year, there is no clarity on the operating procedures and beneficiary entitlements.
- For instance, each state has a different price and basket of entitlements.
- Various operating factors like fixing of prices, entitlements and payments, and sharing of migrant data between states remain unaddressed.
 - Would the rice-eating Odia get rice or wheat in a wheat-providing state like Rajasthan?
 - Would beneficiaries of Tamil Nadu, who get ration free of cost, have to pay for receiving the ration in another state?

What is the way forward?

- It is essential that a detailed cost-benefit analysis of the ONORC is undertaken.
- This is to address the concern around the exclusion of beneficiaries without any evidence, to indicate the trade-offs of portability.
- The administrative burdens for beneficiaries should be addressed to make the system more accessible to them.

INTERNATIONAL RELATIONS

7. INDIA AND ITS NEIGHBOURHOOD

7.1 Five-Point Consensus

Why in news?

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

What is the consensus?

- 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.

Will the consensus work?

- It provides a glimmer of hope of a diplomatic solution, while thousands of troops from both countries remain deployed along the border.
- 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.

What was unusual?

- The issuing of the joint statement was unusually accompanied by separate press statements.
- **India's statement** - It stressed that peace on the boundary was essential for ties.
- It also said that recent incidents had impacted the broader relationship.
- **China's statement** - It has sought to emphasise the importance of moving the relationship in the right direction.
- It also emphasized on putting the border in a proper context.
- It quoted India's Foreign Minister as saying India believed China's policy toward India had not changed and that it did not consider relations to be dependent on the settlement of the boundary question.

What are the differences?

- While Beijing wants to separate the border conflict from the rest of the relationship, Delhi says the two are inextricably interlinked.
- While India insists that the objective of the exercise is to "restore" the status quo ante, there is no explicit Chinese commitment to that goal.

What is next?

- It is welcome that India and China have found something to agree on.
- The consensus, however, is only the first step of a long road ahead.
- The continuing rounds of talks should be aimed at disengagement.

- It should not be aimed at presenting a veneer of diplomatic engagement even while China strengthens its hold along the LAC.
- India must negotiate with China in good faith, but it cannot again mistake Beijing's diplomatic words for PLA's deeds.

7.2 Indo-China Dispute

What is the issue?

- While Indian Army has gained an advantage by taking the Chushul heights, a diplomatic and military long haul seems likely.
- Until Line of Actual Control (LAC) is delineated, the Chinese can be expected to continue violations of Indian Territory.

How dangerous is the situation?

- Both China and India have deployed over two regular divisions (about 40,000 troops) each along the Eastern Ladakh.
- Along the LAC, the The People's Liberation Army (PLA) has now occupied many areas which were earlier considered 'disputed'.
- There is a lack of trust after the Galwan incident.
- The Kailash Range was occupied by India and shots were fired along the LAC by the PLA.
- The situation on the ground, particularly in the Chushul sector, is very tense and explosive.
- Besides, accusations and counter-accusations flying thick and fast are only adding to the tension.

What does the Chinese domination of Fingers area mean to India?

- On the north bank of Pangong Tso, there are eight major finger-like spurs coming down to the Tso (lake).
- From heights along these spurs, one can observe military activity on the north and south banks of Pangong Tso.
- The Chinese and Indian (perceived) LACs are about 8 kilometres apart (between Finger 4 and Finger 8) in this area.
- In May 2020, the PLA occupied the disputed area on Finger 4.
- It blocked Indian troops, which used to earlier patrol the areas up to Finger 8.

What does India get by occupying the Chushul sector?

- Heights in the Chushul sector enable observation of the adversary's military activities in the visible area.
- It has the ability to bring down accurate direct and indirect fire on the chosen enemy target.

What if the talks don't lead to any disengagement on the ground?

- In the current situation, it will be a long haul on both the diplomatic and military fronts.
- India's forces on the ground have to remain alert to ensure that the PLA does not take any advantage during the lull created by diplomatic talks.

How India deals with the Chinese in certain regions?

- **Demchok** - The PLA has been objecting to India's non-military developmental activities for India's civilian population.
- About 90 km from Demchok, at Chumar, it had made territorial claims and military advances in 2014.
- **Sub Sector North** - There has been an LAC-related dispute here.

- In 2013, the PLA troops set up a temporary camp in our area, but later withdrew.
- They have again occupied some area claimed by India, which resulted in additional deployment of troops by both sides.

What are the reasons for the disputes?

- All these disputes in Eastern Ladakh, and elsewhere, are related to the **LAC** that has **not been delineated** on the maps.
- India has made many efforts, even at the highest level, but the Chinese have steadfastly refused.
- An ambiguous LAC enables the Chinese to maintain a political and military pressure on India.
- In the recent incidents, China has violated all the confidence-building agreements and the perceived alignment of the LAC until now.
- Unless the LAC is delineated on the map, such violations of Indian Territory by the PLA are likely to continue.

What logistics challenges will Indian troops face?

- India has never deployed such large forces like Army, Air Force and paramilitary forces in Ladakh earlier.
- As road access to Ladakh will not be available for six months, the winter stocking requirement for civilians and the military is huge.
- The IAF will remain heavily committed for essential daily maintenance and movement of troops whenever necessary.

What are the chances of the Ladakh situation leading to a conflict?

- Climatically, intense conflict chances remain high until mid-November.
- The winter months will reduce the intensity, but one cannot expect a complete stoppage.
- Aerial and ground surveillance, infantry and artillery deployments will continue.
- Today, one cannot imagine any armed conflict situation without synergy and jointness among armed forces.
- The IAF has a crucial role at the strategic and operational levels.

Would the situation turn into a two-front threat?

- There is a concern of a two-front threat with Pakistan also throwing its weight behind China.
- China and Pakistan are already engaged in a 'collusive threat' (engaged in hidden avowed goals) vis-à-vis India.
- China is unlikely to bank on Pakistani collaboration in any large-scale conflict with India.
- However, in the current scenario, a limited China-Pakistan military collaboration in the Karakoram Pass region cannot be ruled out.
 1. It could activate the diversionary military movements by Pakistan in Siachen and Kargil sectors.
 2. It could intensify proxy war conditions in Jammu & Kashmir.

What could India do?

- National security, particularly armed conflict issues, requires a 'whole of the government' approach.
- Unfortunately, India hasn't come out of the habit of working in ministerial silos and stovepipes.
- This habit in the past have often resulted in military operations not achieving the desired strategic goals.
- Military personnel should be directly involved in defence policy-making.
- They should be involved while negotiating issues with foreign leaders.

7.3 Chushul Sub-sector

Why in news?

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.

What is the Chushul sub-sector?

- The Chushul sub-sector lies south of Pangong Tso in eastern Ladakh.
- It comprises high, broken mountains and heights besides passes such as Rezang 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.
- The Chushul Valley 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.

What is its strategic importance to India?

- Chushul enjoys tremendous strategic importance because of its location and terrain, which make it a centre for logistics deployment.
- This sector has plains that are a couple of kilometres wide, where mechanised forces can be deployed.
- Its airstrip and connectivity by road to Leh add to its operational advantages.
- Indian troops have now secured the ridgeline in this sub-sector.
- This will allow India to dominate the Chushul bowl on the Indian side, and Moldo sector on the Chinese side.
- 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.
- India's move has neutralised the advantage that China gained when it secured areas between Finger 4 and 8 on the bank of the Pangong Tso.

How is Chushul important to China?

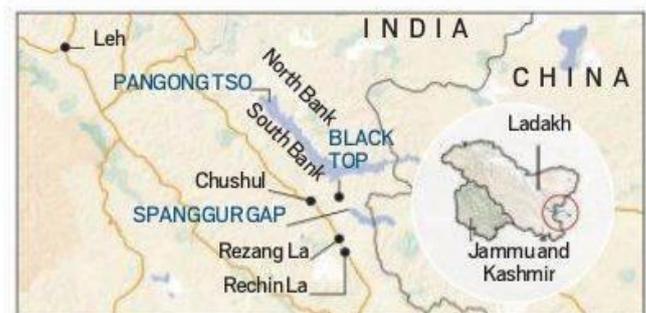
- Simply put, Chushul is the gateway to Leh.
- If China enters Chushul, it can launch its operations for Leh.

Did the Chinese try to capture Chushul in the 1962 War?

- After the initial attacks in October 1962, the PLA troops prepared to attack Chushul airfield and the valley to get direct access to Leh.
- However, just before the attacks were launched, the area was reinforced by the 114 Brigade in November 1962.
- This brigade had under its command two troops of armour and some artillery.
- It's important to note that the heights secured by Indian soldiers on the intervening night of August 29-30 were held by them in 1962 as well.
- These included Lukung, Spanggur Gap, Gurung Hill, Rezang La, Magger Hill and Thatung Heights.

What are the future challenges in this area?

- An immediate challenge is of a **flare-up** as troops



of the two countries are deployed within a distance of 1 km of each other at Black Top and Requin La.

- **Logistics** also pose a major challenge.
- Porters are needed to carry water and food to the top.
- The troops shouldn't do that. If they do, they will lose fighting strength.
- At this point, villagers of Chushul are helping by ferrying water and essential commodities to the Indian troops deployed at Black Top.
- The **harsh winter** that lasts for 8 months of the year poses a challenge.
- It is very difficult to dig in, and make shelters on the ridgeline.
- The mercury plummets to minus 30 degrees Celsius, and there are frequent snowstorms.
- The Pangong Tso also freezes, making movement between its north and south banks possible.

7.4 FATF and Pakistan

Why in news?

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

What is FATF?

- Headquartered in Paris, the Financial Action Task Force (FATF) was set up in 1989 by the G7 countries.
- **Objective** - FATF acts as an international watchdog on issues of money laundering and financing of terrorism.
- It is empowered to curtail financing of UN-designated terrorist groups.
- It is to limit the concerned countries from sourcing financial flows internationally and thereby constraining them economically.
- **Members** - FATF has 39 members, which comprise 37 member jurisdictions and 2 regional organisations.
- India became a full member in 2010.

What does the FATF's decision mean?

- The decision of the FATF has disappointed the Imran Khan government.
- His cabinet had projected confidence that the country would be taken off the greylist.
- For this, Pakistan government had monitored jurisdictions on terror financing and money laundering activities.
- It had cleared on 21 of the 27 mandated action points.

What will be the implications of this decision?

- Pakistan will face international strictures on its markets and on its ability to procure loans until the next FATF plenary in February 2021.
- By this time, Pakistan is expected to complete the six pending issues.
- A bigger problem for Pakistan was that Turkey was the only other country in the FATF to push for Pakistan to be let off.
- It suggested that the last six points be cleared by an "on-site" visit by an FATF team.
- The proposal was dropped when even other traditional backers of Pakistan such as China, Saudi Arabia and Malaysia did not support it.

What options does Pakistan have?

- It has little option but to complete its tasks in the next four months.
- The tasks that it needs to complete include:
 1. More action against UNSC-banned terrorists and terror groups,
 2. Action against charitable organisations (Non-Profits) linked to these banned entities,
 3. Tracing fugitive terrorists and pursuing convictions against them,
 4. Revising the list of banned entities under the Anti-Terrorism Act to reflect all those banned by the UNSC, and
 5. Cracking down on other channels of terror financing through narcotics and smuggling.

What is there for India in this?

- For those in India watching the outcome of the FATF decision, there are some broader dividends to consider from this process.
- To begin with, Pakistan's deadline for action ended in September 2019.
- But, the FATF has retained Pakistan on the greylist for the third time this year and was not automatically downgraded it to the blacklist.
- This has ensured that the pressure has continued to make Pakistan accountable on terror.
- The Khan government has been forced to make a real legislative push to bring Pakistani anti-terror laws in line with international standards.
- At least for now, it will ensure sufficient pressure on groups such as the LeT that target India, to refrain from publicly raising funds.

What is crucial?

- Pakistan's support to the U.S.-led Afghan process and talks with the Taliban are crucial to the peace process.
- FATF process has made Pakistan more amenable to help Afghanistan.
- It remains to be seen if the actions it takes will permanently change Pakistan's course in supporting cross-border terror groups.

What does India want?

- India's goal is for Pakistan to fully dismantle the infrastructure of terror in the understanding that it is in Pakistan's own interests to do so.
- It is hoped that the prolonged FATF process will enable this realisation in Islamabad.

7.5 Visit to Myanmar

Why in news?

India's Army Chief Manoj Vikram Naravane and Foreign Secretary Harsh Vardhan Shingla visited Myanmar.

What is the challenge?

- There is a common link between the challenges India face in Ladakh and the developments across our borders with Myanmar.
- The challenges in Myanmar arise from Chinese policies designed to use Myanmar soil to promote separatist violence in the north-eastern States.

- Virtually every armed insurgent group in the North-East has links with armed insurgent groups in north-western Myanmar.
- The notable one is the Kachin Independence Army, which operates across Myanmar's borders with China's bordering Yunnan province.
- China's relations with Myanmar are quite unique.
- Given existing sanctions by both the US and its European Allies, Myanmar has become heavily dependent on China.

What is happening at the border?

- The Myanmar-China border has become the epicentre of local armed separatist groups operating on Myanmar soil.
- Members of the Indian groups enter China's Yunnan after crossing the border into Myanmar's Kachin Province.
- They are welcomed, armed, trained and even financed in the Yunnan Province before crossing back to India.

What is the leverage for China?

- The indigenous armed separatist groups in Myanmar are used as leverage by China to influence Myanmar's internal affairs.
- These groups participate in the conference organised by the Myanmar Government for drafting a new Constitution for the country.
- China even has an Ambassador to liaise with armed groups operating along the China-Myanmar border.

How does Myanmar react?

- Myanmar is compelled to tolerate and live with Chinese interference.
- But, there have been recent instances when Myanmar has reacted strongly to Chinese transgressions.
- Myanmar has made no secret of its concerns about China's long-standing links with separatist groups in its north-eastern States.

What is India's strategic approach?

- Strategically, India has established its presence across the shores of Myanmar, in the Bay of Bengal.
- This was a result of participation of ONGC in successful offshore oil exploration projects.
- It also has a presence in Sittwe Port that it has built on the Bay of Bengal, for transportation of goods from north-eastern States to Kolkata.
- This is particularly important as, China is keen to build the Bay of Bengal Port of Kyaukphyu, linking the port to its Yunnan Province.
- The port is located not far from the Sittwe Port built by India.
- There are natural concerns in Myanmar of facing a debt trap situation on the Kyaukphyu port project built by China.

What should India do?

- **Quad** - India should join with its Quad partners on issues ranging from dealing with Rohingya refugees to projects involving large investments.
- The issue of Rohingya refugees is raising tensions between Myanmar and Bangladesh.
- It would be resolved by an inclusive effort involving Myanmar's affected regional neighbours and major external powers like Japan and the US.

- **Power balance** - Myanmar lies on the crossroads between India and Bangladesh, on the one hand, and ASEAN countries, on the other.
- It is on the crossroads of South and South-East Asia.
- The Quad will have to pay due attention to the problems and challenges that Myanmar faces from China.
- **Private sector** - India's private sector will have to be incentivised to map out a strategy to enhance its presence in Myanmar.
- India has, however, done well by establishing training institutions in information technology and agricultural research in Myanmar.
- **Military cooperation** with Myanmar is set to expand with the supply of a Kilo-Class submarine and torpedoes.
- Continuous support from the government and the Indian diplomatic missions in the country can serve Indian interests in Myanmar.

7.6 China-Occupied Kashmir

What is the issue?

- Pakistan is training and funding separatists, and pretending to have solidarity with the people of Kashmir.
- China is supporting Pakistan perpetuate its own territorial grab in the trans-Karakoram Shaksgam Tract of Kashmir.

What is China doing?

- China treats the J&K issue as a bilateral dispute to be resolved between India and Pakistan.
- It turned a blind eye to the constitutional mischief by which Pakistan's has acquired complete sway over Pakistan Occupied Kashmir (PoK).
- China ignores Pakistan's agenda of integrating Gilgit-Baltistan as its fifth province.
- Yet, China questions the establishment of the Union Territory of Ladakh.
- It had termed it as a 'unilateral' attempt to change the status quo in the Kashmir region.

Why China doesn't have the right to question?

- China has no locus standi to comment on India's internal affairs.
- This is because of the fact that the former princely State of J&K acceded to India through the Instrument of Accession in 1947.

What is the Shaksgam valley issue?

- 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 square kilometres 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.

What is the history?

- Historically, China played an insidious role in changing the frontiers of J&K through fictitious claims and alliances with local chieftains.
- China exploited the 'Great Game' between British India and Russia in the late 19th century.
- It pitched territorial claims far beyond the traditional frontiers of Xinjiang.
- It gradually crept into areas in the Taghdumbash Pamirs and the Karakoram, well south of its frontier along the Kun Lun mountains.

What did the British do?

- In 1936, the Mir of Hunza 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.

What did Pakistan do?

- Pakistan gave in to China's expansionist designs and spurious claims to a boundary along the Karakoram Range.
- By doing so, it enabled China to extrapolate a claim line eastwards along the Karakoram Range in Ladakh.
- This collusion allowed China to claim the whole of Aksai Chin.
- After the Partition of the Indian subcontinent, from 1953, Chinese troops actively started transgressing the frontier in eastern Hunza.
- Pakistan, spotting an opportunity in the rapidly deteriorating India-China ties in the late 1950s, decided to pander to the Chinese.
- Pakistan chose to downgrade the historical claims of the Mir of Hunza and eventually signed away the Shaksgam valley to China in 1963.

What makes China a party to the dispute?

- The provisional nature of the territorial settlement between China and Pakistan is evident in Article 6 of the 1963 agreement.
- It states that this agreement will be replaced by formal Boundary Treaty that will be made with Chinese government, after the settlement of the Kashmir dispute between Pakistan and India.
- In effect, this agreement has established China as a party to the dispute.
- China has a vested interest in legitimising its illegitimate gains in the trans-Karakoram tract.
- India should look into China's illegal territorial occupation.

7.7 Conviction of Hafiz Saeed

Why in news?

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

What does this conviction show?

- 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.
- 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.
- Repeated convictions in terror financing cases underscore the concerns India and the U.S. have about his operations.

What did he do?

- He first founded the LeT in the 1990s targeting India.
- When the terror group came under international pressure, he revived the JuD, supposedly an Islamic charity, in 2002.
- Now, the Anti-Terrorism Department accused the JuD of financing terrorism from its fund collections in the name of charity through NGOs.

What did Pakistan do?

- Even after the Mumbai attack, Pakistan refused to act against Saeed and his networks.
- The U.S. declared a bounty on Saeed's head and the UN proscribed his organisations.
- Also, Pakistan was facing pressure from the Financial Action Task Force (FATF), a global dirty money watchdog.
- Only after all these pressure, Pakistan banned Saeed's organisations.
- The latest conviction comes after the FATF urged Pakistan to complete an internationally agreed action plan to fight terror financing.

Why Pakistan is taking actions against Saeed?

- 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.

What are the doubts?

- There is question whether these are genuine attempts to fight terrorism or half-hearted measures to dodge international pressure.
- There are doubts because Pakistan had used anti-India and anti-Afghan terrorist networks for strategic advantages.
- It was this dual policy of fighting terror at home while nurturing terror groups that target its rivals abroad that has been responsible for Pakistan's predicament.

What should Pakistan do?

- If Pakistan is serious about fighting terrorism, it should crack down on terror financing and terror infrastructure.
- The international community and organisations, including the FATF, should keep up the pressure until Islamabad shows tangible outcomes.

7.8 Nagrota Encounter

Why in news?

Indian government has decided to step up its diplomatic campaign to hold Pakistan accountable for the Nagrota encounter.

What is the story behind?

- A planned terror strike was carried out in Jammu and Kashmir by four men, who were gunned down by security forces.
- These people were believed to be members of the Pakistan-based Jaish-e-Mohammed.
- A tunnel was discovered in the Samba sector from where these men were supposed to have infiltrated into India.

What did India do?

- India's Foreign Secretary briefed a group of Ambassadors on the plot.
- The government believes that this plot was planned on the same scale as last year's Pulwama bombing, and timed for the anniversary of the 2008 Mumbai attacks.
- The envoys were part of the first batch of diplomats being briefed.
- Indian missions have also been instructed to pass on details of the "information docket" handed over.
- This includes details of the encounter in Nagrota between the suspected terrorists hiding in a truck and security forces.
- This attack is seen as an attempt to target grassroots level democratic exercises in Jammu and Kashmir.
- [The District Development Council elections is due to start on November 28, 2020.]

What is the strategy?

- By apprising the international community, it would seem the government has a multi-pronged strategy.
- The first imperative is to ensure that the full implications of the aborted attack and what could have occurred are understood worldwide.
- India should also ensure that the threat it continues to face from cross-border terror is acknowledged.
- In addition, any actions India takes against terror threats the Army perceives along the LoC this point on will be considered retaliatory.
- Secondly, Pakistan must be put squarely on notice as it has been making allegations about a terror threat from India.

What is Pakistan's position?

- Pakistan still faces the final FATF decision in February 2021 on whether it will be blacklisted.
- It is facing this difficulty due to its inability to curb terror financing and to shut down groups such as the JeM and the LeT.
- Pakistan government would be better positioned in fulfilling the action plan it has been tasked with rather than flashing unsubstantiated reports with counter-claims against India.

What should India do?

- India must also remember that invoking the international community can be a double-edged sword in its bilateral conflict with Pakistan.
- India's success lies in protecting its borders, as done in Nagrota.

- Providing a peaceful and stable environment in J&K would restart the much-delayed democratic process there, despite all attempts to derail it.

7.9 Chinese apps Banned

Why in news?

India decided to block another 43 Chinese mobile applications.

Why it was blocked?

- Earlier India has blocked over 250 Chinese mobile apps.
- It is found that these apps are engaging in activities which are prejudicial to sovereignty and integrity of India, defence of India, security of state and public order.
- Chinese Foreign Ministry responded that India is engaging in discriminatory approach.
- It wishes to avoid causing further damage to bilateral cooperation when relations are going well between countries.

How is it beneficial for India?

- In the short run, India can strengthen its Internet services by using its vast market.
- Alternative Indian apps may also find the much-needed space to grow now.

What are the risks in this approach?

- It creates an unconventional battle between two countries in the larger technological realm.
- It is hard to sideline China as it is an important player in the technological global supply chain.
- Global investors and Internet companies will consider this decision unfavourable & think before investing in India.
- Hence, India must stick to its rule-based approach in regulating the Internet by implementing the long-pending data protection law.

8. BILATERAL ISSUES

8.1 Indo-US 2+2 Meeting

Why in news?

India and the US are preparing for the third 2+2 ministerial meeting.

What is the agenda?

- The meeting will be between External Affairs Minister and Defence Minister of India, and US Secretary of State and Defense Secretary.
- The meeting will happen in New Delhi.
- One of the items on the agenda will be the Basic Exchange and Cooperation Agreement (BECA).
- BECA is a pact that would lay the foundation for deeper military cooperation.
- In the last two meetings, agreements known as LEMOA and COMCASA were signed.

What is BECA?

- The BECA 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.

What is 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.
- If signing LEMOA needed trust, its application enhances the trust.

What is 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.

What do these three pacts put together mean?

- 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.

What does this mean in the context of the ongoing border standoff?

- Amidst the longest India-China border in three decades, India and the US have intensified under-the-radar intelligence and military cooperation at an unprecedented level.
- This cooperation has facilitated information-sharing between security, military and intelligence branches of the two countries.
- It includes sharing of high-end satellite images, telephone intercepts, and data sharing of Chinese troops and weapons deployment along the 3,488 km Line of Actual Control (LAC).
- The Indian defence establishment also has enhanced capability with some American equipment.
- The armed forces have used at least five American platforms at the LAC.
- Now, with these key defence pacts in place, cooperation can happen in a more structured and efficient way, rather than episodic.

Is there a catch in all this?

- The US wants India to move away from Russian equipment and platforms.

- It is because the US feels that this may expose its technology and information to Moscow.
- India is wary of Pakistan's ties with Pentagon, and US's dependence on Rawalpindi for access to Afghanistan as well as its exit strategy.
- But, because of Chinese belligerence being the clear and present danger, New Delhi's strategic embrace of Washington is the obvious outcome.

8.2 Post-Trump Era

Why in news?

India is preparing to work with a new U.S. administration under Joe Biden.

What does this win mean to India?

- Joe Biden's win is a mixed bag for the government.
- On the one hand, India invested much in the Trump administration, which indicated a virtual endorsement for his re-election.
- On the other hand, Mr. Biden is a long-time supporter of the U.S.-India relationship.
- He brings to his presidency both the comfort of his understanding of foreign policy and the promise of future strategic ties.

What would be the priority?

- Foreign policy itself may not be his immediate priority, given the U.S.'s battle with the pandemic.
- The President-elect's goal is to heal rifts in its polity and restore the soul of America.
- However, it is clear that he will make moves to reverse some of the Trump-era policies.

What could be some of his moves?

- For India, these could include the U.S.'s return to the **Paris climate accord**, which would help with its energy transformation.
- It could also include a return to **Iran nuclear negotiations**, which will facilitate its regional connectivity ambitions.
- He is unlikely to reverse the Afghan pullout and instead might make it a more measured exit.
- On China, he may adopt a less confrontational attitude while maintaining a pushback.
- He may press a hard nerve on the issues of human rights, Jammu and Kashmir, and the Citizenship (Amendment) Act.
- India should be prepared to hold its own in tough conversations on these sensitive issues.

What could be expected?

- Mr. Biden's presidency promises a change in leadership style, with broader powers to advisers and process-driven decisions.
- His belief in building up U.S. trans-Atlantic and trans-Pacific alliances might be at odds with America's more transactional trends.
- No sudden moves may be expected, and policy consistency is likely to be preferred to a more personalised summit style.
- As India prepares to adjust its responses to the new dispensation, it would welcome Mr. Biden's intention to re-energise the multilateral global order.

8.3 Track 1.5 Dialogue

Why in news?

The third round of India-Canada Track 1.5 Dialogue will take place on a virtual platform.

What will be the agenda?

- The countries will deliberate on and define the role of India and Canada in the post-COVID-19 world.
- The scholars and experts will go into various facets of the strategic partnership linking the two countries.
- They will discuss about the new geo-economics of the Indo-Pacific and digital cooperation, particularly in the areas of fintech and AI.
- This dialogue creates a template for a merger of government to government diplomacy, with public diplomacy.

How did this Dialogue originate?

- 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.

What are some Indo-Pacific developments?

- There is an escalating discontent against Beijing's aggressive behaviour.
- There is a growing interest of France, Netherlands and Germany to be active players in the region.
- Also, the Quad grouping is being strengthened.
- [Quad is an informal strategic forum between the US, Japan, Australia and India.]

What does the China-Canada tensions mean to India?

- There is a huge stress in Canada-China relations, turning Canadian public opinion against China.
- This opened the door to a closer relationship with India.
- Canadians sympathise for India's troubles with China's intrusions across the Line of Actual Control (LAC) in eastern Ladakh since April 2020.
- In this backdrop, developments concerning the **Indo-Pacific** are of immense relevance to Canada.
- The forthcoming dialogue can deepen the India-Canada convergence on this issue.

What are the other focal points?

- The other major focal point will be the **economic and technological cooperation** between the two countries.
- The recent positive trends are:
 1. Canada-India merchandise trade exceeded C\$10 billion in 2019;
 2. Canada's cumulative investment is a substantive C\$55 billion.
- Addressing the 'Invest India' conference in Canada, Prime Minister of India assured Canadian investors that no barriers would come in their way.
- Indian students are increasingly being educated in Canada.
- The Indian diaspora in Canada is now 1.6 million-strong, representing over 4% of the country's total population.

- The principal areas of bilateral cooperation are in five Es: Economy, Energy, Education, Entertainment and Empowerment of women.
- In particular, the digital domain holds immense potential, given Canada's proven assets in technology.
- India and Canada are divided by geographical distance but are united through clear common interests and shared values.

9. INTERNATIONAL ISSUES

9.1 Abraham Accords

Why in news?

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

What is the significance of the agreement?

- 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.
- This will herald better economic, political and security engagement.

Why did US mediate?

- The accords offer a rare diplomatic win to Mr. Trump, whose other foreign policy bets were either disastrous or stagnant.
- He has called the agreements "the new dawn of a new Middle East".

Who may or may not join?

- More Arab countries are expected to follow suit.
- The agreements have the backing of Saudi Arabia, the most influential Arab power and a close ally of the UAE and Bahrain.
- The ruler of the Kingdom is treading cautiously for now.
- But Riyadh has opened its airspace for commercial flights between the UAE and Israel.

Will the accord impact West Asia's conflicts?

- The Abraham Accords have historical and geopolitical significance.
- But, it is too early to say whether the accords will have any significant impact on West Asia's conflicts.
- 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.

Was the Palestinian question addressed?

- The agreements leave the Palestinian question largely unaddressed.
- Arab countries are signing diplomatic agreements with Israel bilaterally.
- Due to this, the Arab collective support for the Palestinian movement for nationhood is crumbling.
- But it does not mean that the Palestinian question would fade away.

- The vacuum left by the retreat of the Arab powers from the Israel-Palestine conflict is being filled by the non-Arab Muslim powers.
- These non-Arab Muslim powers include Iran, Turkey and their allies.
- The geopolitical sands may be shifting but the core issue concerning Israel is unresolved.

What is the region's emerging order?

- The UAE-Bahrain agreements are endorsing the region's emerging order.
- With the U.S. in retreat and Turkey and Iran pursuing more aggressive foreign policies, there is a three-way contest taking shape.
- Sunni-ruled Arab kingdoms, all American allies, are realigning their geopolitical interests with Israel.
- The Abraham Accords are likely to sharpen this contest.

What could be done?

- Mr. Trump and the signatories to the accords have claimed that they want to bring peace here.
- If so, they should address the more structural issues, which include the unresolved question of Palestine.

9.2 UK-EU Trade Deal

Why in news?

British Prime Minister Boris Johnson has set October 15 as deadline for reaching a post-Brexit U.K.-EU trade deal.

What is the problem with this move?

- It has raised fears of a no-deal scenario.
- British Prime Minister's threat hangs like the sword of Damocles above the negotiating teams.
- The British government is reportedly planning a piece of legislation that would overwrite parts of the withdrawal agreement.
- [Withdrawal agreement - A divorce deal signed between the United Kingdom (UK) and the European Union (EU) last year.]

What is the Northern Ireland protocol?

- The agreement had sought to avoid a hard border coming up between Northern Ireland (part of the UK) and the Irish Republic (EU member).
- The Northern Ireland protocol was signed alongside the agreement.
- According to this protocol, the region is expected to follow some EU rules in trade with the Irish Republic.
- The hard Brexiters in Mr. Johnson's Conservative Party were critical of this clause, claiming that it endangers the U.K.'s sovereignty.

What is the UK doing domestically?

- The U.K.'s domestic legislation, Internal Market and Finances Bill, will allow the UK courts to follow new UK laws rather than the divorce agreement.
- Northern Ireland leaders have already called it a "betrayal".
- The real risk of cutting the region off the EU customs code is that physical checks could emerge between the two Irelands.
- This would threaten the Good Friday agreement that brought peace.

What is the challenge?

- Though the U.K. formally exited the EU, it continues to abide by the EU rules during the transition period, which ends in December 2020.
- The challenge is to reach a trade deal, in the absence of which WTO trade rules will kick in, starting January 2021.
- With weeks to go before the deadline, there is still no consensus on issues such as workers' rights, the Irish border, etc.

Why a deal couldn't be arrived so far?

- The EU wants the U.K. to adopt rules that are close to its own to ensure a level playing field in trade.
- But, the British government argues that the whole point of the EU divorce was to break free from common rules.
- Regarding Northern Ireland, the hard Brexiteers are opposed to any special treatment to the region.
- The new legislation suggests that the government is hardening its position on Ireland as well.

What would a no-deal exit mean?

- A no-deal exit will inflict severe economic costs on the British, at a time when the economy is in dire straits due to COVID-19.
- Besides, it risks disrupting peace in the island of Ireland.
- Driven by English nationalist fervour, the British leadership appears to be blind to the economic and political consequences of its hard line.

What could be done?

- Mr. Johnson and his cabinet should respect the withdrawal agreement, and be flexible in the talks as well as on deadlines.
- Both sides should focus on reaching a consensus on trade and other future relations, and not on ending the relationship at any cost.

9.3 US Antitrust Suit

Why in news?

The US Department of Justice has filed an antitrust lawsuit against Google.

What does filing this suit mean?

- This marks a significant step towards curbing the growing monopolistic power of the Internet behemoth.
- The lawsuit focuses only on specific deals done by Google with phone makers and telecom operators to capture significant market share for its search engine business.
- But, the outcome of this case could open investigations into other practices related to its Android app store and other software platforms.

How monopolistic is Google?

- With a 90% market share in the search business, Google is one of the largest companies the world has ever seen.
- The nature of its online products and services allows Google to wield power over five billion people with Internet access around the world.
- It influences consumer shopping behaviour and also determines the political destiny of countries around the world.

- Google arguably exercises more influence over how we live than any government today.
- This dominance enables Google to do a lot of things that are not just anti-competitive, but also anti-consumer.

What are the anti-consumer actions?

- Google announced that it would make app developers on the Google Play Store platform use its in-app payment system instead of other systems.
- This meant that the developers would have to use Google's billing system, which takes a 30% fee for every transaction.
- This decision has been withheld after protests from developers.
- But, it reveals Google's inclination to misuse its market dominance.

What is the issue specific to India?

- Google tracks users' shopping habits, video-watching preferences, the content of e-mails, places travelled among other things.
- This could be a major problem in countries like India, where personal data protection and privacy laws are virtually non-existent.

How policing could be done?

- Twitter, Facebook and Google exert immense influence on the social, economic and political landscape of a country.
- Facebook recently set up an oversight board in a bid to showcase that it can self-regulate.
- However, a big drawback of this board is that it is not designed to take quick decisions.
- These platforms cannot be trusted to do its own policing.
- Neither can this task be left to governments, as it could be misused by ruling regime to change the course of elections or target political rivals.

What is needed?

- It is time to set up an **independent regulatory oversight** of Internet platforms.
- Proceedings initiated against Google in the US should pave the way for similar scrutiny in India, too.

9.4 H-1B Visa

Why in news?

The US administration has changed its policy stance on H-1B visa.

What are the new changes?

- The US administration said it was announcing an **interim final rule**, which will strengthen the non-immigrant work visa programme.
- The new rules will be effective **60 days** from their publication in the Federal Register, which is the official journal of the US government.

What is an interim final rule?

- Executive policies announced by agencies such as the Department of Homeland Security (DHS) or the US Citizenship and Immigration Services (USCIS) require them to consult stakeholders.
- They should give them a notice period of 60 days and seek comments before any sweeping changes are brought in.

- This method allows agencies such as DHS to act with urgency and within a specified time after a new rule or law is made.
- In the latest announcement on the proposed policy changes, the DHS said that the USCIS would forgo the usual 60-day comment.
- It also said that notice period to immediately ensure that employing H-1B workers will not worsen the economic crisis caused by COVID-19.
- The impact of the pandemic on the US economy and its domestic workers was an obvious fact which justified the agency issuing this rule.

What are the new proposed changes?

- **Detrimental** - As per the DHS, the H-1B work visa regime had over the years gone far beyond the mandate, for which it was launched, often to the detriment of US workers.
- Therefore, in order to bring back the integrity to the regime, the DHS has announced some changes.
- These changes would ensure that H-1B petitions are approved only for qualified beneficiaries and petitioners.
- The new rule will narrow down the definition of what constitutes a “specialty occupation”.
- This means that companies and agencies which hire workers on H-1B visas will have a tough time proving to the immigration agencies that such employees are not available from the domestic pool of workers.
- **Filling Quota** - Another proposed change relates to companies allegedly making fictitious work offers to fictitious employees just to fulfil their quota of H-1B visa applications approved.
- The US administration had alleged that both Indian and the US-based companies have often given fictitious H-1B work visa offers to foreign employees.
- They do so to evade some part of taxes, while also undercutting the jobs for eligible US workers.
- **Enforcement** - The final proposed rule change talks about better enforcement of the new H-1B norms which will be announced later.
- This will be done through worksite inspections and monitoring compliance, before, during and after the H-1B work visa is approved.

How many permits are issued?

- Every year, the US administration issues 85,000 H-1B work permits in all. Of these,
 - a) 65,000 are for people with specialty occupations.
 - b) 20,000 are reserved for those foreign workers who have earned a masters or higher university degree in the US.
- Every year, Indians and Indian companies corner a lion’s share of the number of H-1B work permits issued each year.

How will the changes impact Indian IT companies?

- As of April 1, 2020, the USCIS had received about 2.5 lakh H-1B work visa applications.
- Indians had applied for as many as 1.84 lakh of these visas.
- Since the definition of “specialty occupation” is proposed to narrow down, the 65,000 visas issued every year may be brought down.
- Indian IT giants such as TCS, Infosys and others have in the past insisted that they have reduced their dependence on H-1B visas to a large extent.
- But, a reduction in the overall quota would still mean that,
 - a) The number of workers they would have to shell out more money to hire local talent or

- b) Pay more to the existing H-1B work visa holders.

How will the changes impact global IT companies?

- The proposed change could also impact global IT companies which hire H-1B visa workers in a great number.
- Most of these H-1B work permit holders were Indians.
- H-1B visas, most often used by Indian and Chinese companies, are generally approved for a period of three years for a person.
- But many visa holders change employers to extend their US stay.
- The visa norms have often been criticised for allowing cheap labour in the US at the expense of its local workforce.

What happens to the old rules and relaxations?

- The DHS has come out with a broad plan on what it intends to do to repair the H-1B work visa regime.
- But, the final contours and exact changes are not known yet.
- The changes are seen as a poll promise being fulfilled by Donald Trump.
- Once the DHS comes out with the final norms, it will have to be seen whether the new rules apply only to the fresh work visas that are issued or also to the existing visa holders.
- Until then, the relaxations announced by the Trump administration in August 2020 would continue to apply.

9.5 Chile Referendum

Why in news?

Chile voted in favour of replacing its Constitution with a new document.

What is the story behind?

- In 2019, Chile was shaken by mass protests.
- So, the conservative President, Sebastián Piñera, agreed to hold a referendum on rewriting the country's Constitution.
- This Constitution was introduced during the military dictatorship of Augusto Pinochet.
- It was approved in a fraudulent plebiscite in 1980.
- It was the main hurdle in introducing social and economic reforms.
- Now, 78% of Chileans voted in favour of replacing the charter with a new document.

Was any attempt made previously to replace it?

- Since its transition to democracy in 1990, Chile has amended the Constitution to take away many of its anti-democratic features.
- But the document, which has enshrined the conservative free-market philosophies of the Milton Friedman School, stayed on.
- It allowed the private sector to thrive and helped the economy expand.
- But it also led to the concentration of wealth in a minuscule minority, triggering social tensions.

Why did 2019 protests happen?

- Protests erupted last year over a small rise in metro fares.
- But it soon snowballed into a public agitation demanding reforms,

1. An abolition of the private pension fund system, implemented by Gen. Pinochet,
 2. An increase in investments in education and health care, and
 3. Strengthening of the rights of the indigenous communities.
- The protesters also demanded an overhaul of the Constitution as it was impossible to introduce far-reaching reforms with the current charter.
 - With the recent plebiscite results, they have won the first stage.

9.6 Libya Ceasefire Agreement

Why in news?

Rival parties in Libya announced a historic ceasefire.

What happened?

- This was followed by the 5+5 Libyan Joint Military Commission (JMC) talks in Geneva.
- This will give way to the possibility that the long-drawn conflict might be coming to an end.
- This is the first, crucial, brave step towards a comprehensive settlement of the long Libyan crisis.

What is going on in Libya?

- Libya has been embroiled in a tussle for power between rival militias ever since Muammar Gaddafi was ousted from power by NATO-backed forces in October 2011.
- Gaddafi's death marked the end of 42-year rule by the former Army officer which was in power since 1969.
- In the wake of Gaddafi's ouster, dozens of militias led by multiple warlords scrambled to occupy the power vacuum.
- As a result, Libya turned into a war zone with different militant leaders claiming control of the North African nation.
- Some of the issues of dispute among the warring factions include control of the oil infrastructure, governance, national finances and the military.

Are other countries involved?

- The UN-backed internationally recognised government called the Government of National Accord (GNA) is led by Fayez al-Sarraj.
- The GNA took power in 2015 under the UN-brokered Libyan Political Agreement.
- This Tripoli-based government is supported by allies Qatar and Turkey.
- Turkey has sent troops to Libya, which includes Syrian rebel fighters who are aligned with Turkey.
- Turkey maintains that it has sent these troops to help the UN-backed government in the west.
- The GNA's authority is challenged by the factions controlling the east.
- The eastern part is controlled by rebel forces under the Libyan National Army (LNA) which is supported by Russian military contractors.
- Between 2014 and 2019, the LNA has conducted military operations against the Islamic State in the east.
- The spread of the Islamic State has further complicated the situation and is also one reason the US is one of the foreign states that has intervened.

What has been the impact of the civil war in Libya?

- As per the Council on Foreign Relations' Global Conflict Tracker, the civil war in Libya has created over 50,000 refugees and asylum seekers, while more than 268,000 people have been displaced.

- As per the Congressional Research Service report, since April 2019, over 2,600 Libyans including hundreds of civilians have been killed.

What is the new ceasefire agreement about?

- As per this new agreement facilitated by the UN, all foreign mercenaries and armed forces will have to withdraw within the next 90 days.
- The parties also agreed that any violations in the ceasefire will be dealt by a joint military force, which will be under a unified command.
- But, the ceasefire does not apply to UN-designated terrorist groups.
- The agreement has established a Joint Police Operations room.
- This operations room will implement and propose special arrangements to secure the areas that are cleared of military units and armed groups.
- Further, the 5+5 have also agreed to open the land and air routes that connect the regions and cities of Libya.

What will be the impact on oil reserves?

- Significantly, Libya has Africa's largest oil and gas reserves.
- With regards to oil production, the different parties have agreed that the commanders of the east and west petroleum facilities will work directly with a representative appointed by the National Oil Corporation.
- This representative will recommend a plan for restructuring the Petroleum Facilities Guards to ensure that the flow of oil continues.
- This is a significant development since control of the oil infrastructure is one of the elements of competition between the GNA and LNA.

9.7 Caucasus Crisis

Why in news?

There is an ongoing fight between Armenian rebels and the Azerbaijani Army in Nagorno-Karabakh, a self-declared republic within Azerbaijan.

What is the problem?

- This fight risks becoming a wider regional conflict.
- Recently, Armenia and Azerbaijan agreed to a Russia-mediated ceasefire after days of fighting.
- But, the ceasefire crumbled immediately amid a blame game.
- Azerbaijan, backed by Turkey, seems determined to press ahead with its offensive.

What is the story behind?

- The conflict over Nagorno-Karabakh is decades old.
- The region is largely populated by ethnic Armenians.
- It is located within the international boundaries of Azerbaijan.
- Under the Soviet Union, it was an autonomous province that was part of the Azerbaijan republic.
- In 1988, when the Soviet power was receding, the regional assembly in Nagorno-Karabakh voted to join Armenia, triggering ethnic clashes.
- After the Soviet disintegration in 1991, Armenia and Azerbaijan went to war over this largely mountainous, forested enclave.

- By the time a ceasefire was reached in 1994, the rebels had established their de facto rule, with support from Armenia and Russia.
- The rebels extended their influence to the Armenian border.
- Ever since, the border has remained tense.

What makes the clashes now far more dangerous?

- **External intervention** makes the clashes now far more dangerous.
- Turkey has called Armenia a threat to peace in the region.
- The Azeris and Turks share ethnic and linguistic bonds.
- Also, the pre-Soviet Azerbaijan was a local ally of the Ottomans when they invaded Transcaucasia in the last leg of World War I.
- For Turkey, which is trying to expand its geopolitical reach to the former Ottoman regions, the conflict over Nagorno-Karabakh is an opportunity to enter the South Caucasus.

What is the problem for Turkey?

- Turkey also has a particularly bad relationship with Armenia.
- But its problem is that Armenia is a member of the Russia-led Collective Security Treaty Organization (CSTO).

What is the privilege for Armenia?

- Russia enjoys good economic and defence ties with both Armenia and Azerbaijan.
- But Armenia, as a CSTO member and host to a Russian military base, has more weight.
- In a wider conflict, Armenia could trigger Article 4 of the CSTO treaty and ask for Russian help.
- And if Moscow responds favourably, that would pit Russia against Turkey, a NATO member.

What is Russia trying to do?

- Russia, already involved in military conflicts in Syria, Ukraine and Libya, may not like opening another front.
- That is why it has re-emphasised its neutrality and hosted talks for a truce.
- But it will be forced to take sides if the conflict spills into Armenia.

What is needed?

- Both sides should understand the situation and call off the hostilities.
- Nagorno-Karabakh has in the past witnessed large-scale ethnic violence.
- Instead of risking a regional war, Azerbaijan, Armenia and the Karabakh rebels should go back to the ceasefire and open up diplomatic channels.

9.8 Vienna Attack

Why in news?

The attack in Vienna that killed four people underscores the transnational threat European countries face from Islamist terrorists.

What had happened?

- In Vienna, the suspected gunman, who is of Albanian origin, was a dual citizen of Austria and North Macedonia.
- He had a previous terrorism conviction.

- In 2019, he was imprisoned after he tried to join the Islamic State.
- But, he was released because of his age.

What are the questions that arise?

- The immediate question the Austrian authorities face would be about the failure in preventing the attack.
- There is a question about how did a terrorism convict slip off the security radar and launch an attack in the capital city.
- Austria will also have to plug the security loopholes as several countries in the continent have raised the threat levels.
- The larger challenge is how to address the issue of radicalisation among youth and counter attempts to disrupt the social cohesion of the continent.

What are the terrorists trying to do?

- Jihadists use violence to create **social discord**.
- They unleash violence on the public in the name of Islam.
- In response, the rising Islamophobic, nationalist parties in Europe seize on such incidents to bolster their fortunes.
- This is a two-front attack on the democratic and secular values Europe stands for – and that is what the terrorists want.

What could be done?

- Leaders of France, Austria and other terror-hit countries should not allow the jihadists to have their way.
- They should clamp down on terror networks, isolate and punish the jihadists.
- They should counter the ideology of political Islamists and build on the values of pluralism, secularism, democracy and equality.
- Deradicalisation efforts should be step up with help from communities.

9.9 Armenia-Azerbaijan Peace Deal

Why in news?

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

What is the 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.
- 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.

What is the role of ethnicity in the conflict between them?

- Ethnic tensions from decades ago have a crucial role in the dispute.
- 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.

How the ceasefire was achieved?

- Russia, which has a security agreement with Armenia, remained neutral in the early days of the war.
- When Azerbaijan captured Armenian territories, Armenia sought Russian help.
- But Mr. Putin said the security guarantee is for Armenia, not for the Armenians in Nagorno-Karabakh.
- However, Russia was concerned about the rapid change in the status quo and the more assertive security role Turkey was playing in its backyard.
- Under pressure from Moscow, both sides agreed to cease the operations.

What is the new peace deal?

- The deal is meant to end the military conflict between the two nations over the disputed region of Nagorno-Karabakh.
- It was signed by Russian President, Azerbaijani President and Armenian Prime Minister.
- As per the new peace deal, both sides will now maintain positions in the areas that they currently hold.
- This will mean a significant gain for Azerbaijan as it has reclaimed over 15-20% of its lost territory during the recent conflict.
- Further, under this agreement, all military operations are suspended.

What is the role of Russia?

- Russian peacekeepers will be deployed along the line of contact in Nagorno-Karabakh and along the Lachin corridor that connects the region to Armenia.
- These peacekeepers will be deployed in the area for a period of five years.
- Refugees and internally displaced persons will return to the region and the adjacent territories.
- The two sides will also exchange prisoners of wars and bodies.
- A new corridor will be opened from Nakhchivan to Azerbaijan, which will be under Russian control.
- Russia's role in the conflict has been somewhat opaque since,
 1. It supplies arms to both countries and
 2. It is in a military alliance with Armenia called the Collective Security Treaty Organisation.

Have there been other ceasefire agreements?

- Even after the 1994 peace deal, the region has been marked by regular exchanges of fire.
- In 2016, it saw a Four-Day War before Russia mediated peace.
- The Organization for Security and Co-operation in Europe (OSCE) has tried to get the two countries to reach a peace agreement for many years.

- In October 2020, both countries agreed to a ceasefire agreement, which was also brokered by Russia but was unsuccessful.

Is the conflict over?

- It's not. The war has altered the balance of power in favour of Azerbaijan.
- It stopped short of taking the entire Nagorno-Karabakh for now, but it doesn't mean that it won't go for it again.
- The status of Nagorno-Karabakh remains unsettled.
- This means that the conflict has only been postponed, not resolved.

9.10 Thailand - Pro-democracy Protests

Thailand is witnessing protests for months, with protestors targeting King Maha Vajiralongkorn as well as Prime Minister Prayuth Chan-ocha.

How did the protests start?

- Opposition politician Thanathorn Juangroongruangkit was disqualified as a Member of Parliament in 2019 after which a ban was put in place on his party Future Forward.
- Anti-government protests began after the disqualification.
- Notably, the party was largely supported by the youth of Thailand.
- It was also the most vocal party opposing the government of former junta leader Prayuth Chan-ocha.
- After a pause during measures to stop the spread of the novel coronavirus, protests resumed in mid-July 2020.

Who are the protesters?

- Most of them are students and young people and there is no overall leader.
- Key groups include -
 - the Free Youth Movement, which was behind the first major protest in July 2020
 - the United Front of Thammasat and Demonstration, a student group from Bangkok's Thammasat University, which has championed calls for monarchy reform
 - the Bad Student movement of highschoolers, which also seeks education reform
- Most protest leaders are in their 20s although one of the most prominent figures, human rights lawyer Arnon Nampa, is 36.

What are their concerns?

- **Monarchy** - Pro-democracy activists say Thailand is backtracking on the constitutional monarchy established when absolute royal rule ended in 1932.
- They say the monarchy is too close to the army and argue that this has undermined democracy.
- **Elections** - The current ruler, Maha Vajiralongkorn, became king in December 2016.
- Prime Minister Prayuth Chan-ocha came to power through a coup in 2014 that is said to be endorsed by the king.
- Protesters complain that the king endorsed Prayuth's premiership after elections in 2019.
- Opposition figures say the elections were engineered to keep his hands on power.
- Prayuth, however, says the election was fair.

- **Powers** - Protesters also want to reverse a 2017 increase in the king's constitutional powers.
- Besides these, protesters have also voiced anger that the king spends much of his time in Europe.
- They have also challenged the spending of the Palace and lifestyle of the king, who has been married four times and last year took a royal consort.
- **Lese majeste laws** - Protesters also seek the scrapping of *lese majeste laws* against insulting the king.
- They want the king to relinquish the personal control he took over a palace fortune estimated in the tens of billions of dollars, and some units of the army.

What do the Lese majeste laws mean?

- The lese majeste law protects the monarchy from any criticism.
- The monarchy is protected by Section 112 of the Penal Code.
- It says whoever defames, insults or threatens the king, queen, heir-apparent or regent shall be jailed for 3 to 15 years.
- In June 2020, Prayuth said the law was no longer being applied because of "His Majesty's mercy". [The Royal Palace has never commented on this.]
- But Rights groups say opponents of the government including the protest leaders have recently been charged under other laws such as those against sedition and computer crimes.
- The government has said it does not target opponents but it is the responsibility of police to uphold the law.

What do the protestors demand now?

- The protestors call for Prayuth's removal, a new constitution and an end to the harassment of activists.
- Some protesters went further with a list of 10 demands to reform the monarchy.
- Protesters say they do not seek to end the monarchy, only reform it.
- However, conservatives are horrified by such attacks on an institution the constitution says is "enthroned in a position of revered worship".

What is the government's response?

- The government had earlier said protests would be tolerated but that they must keep within the law.
- But that changed suddenly after it accused protesters of obstructing Queen Suthida's motorcade and as thousands gathered at Government House to demand the removal of Prayuth.
- The government has imposed emergency measures banning gatherings of more than five people in Bangkok.
- It forbade publication of news or online information that could harm national security.
- It also freed up police to arrest anyone linked to the protests.
- The Royal Palace, meanwhile, has made no comment on the protests and the demands for reform despite repeated requests.

10. INTERNATIONAL ORGANISATION

10.1 UN Reforms

What is the issue?

- The United Nations commences the 75th session of the UN General Assembly (UNGA).
- Now more than ever, the need for internal reforms to suit the 21st century is high.

What is the demand?

- Volkan Bozkir is the Turkish diplomat who is the incoming President of the UNGA.
- He has voiced concern that the structure of the 15-member UN Security Council (UNSC) ought to be more democratic and representative.

Why is the demand long overdue?

- The action has been long overdue on the demand, especially from the G4 countries, which advocate a permanent seat for all of them.
- [G4 countries - Brazil, Germany, India and Japan]
- Meanwhile, the veto powers that the UNSC's five permanent members enjoy are an anachronism in this age.
- This is wielded as a blunt weapon to shore up their geopolitical interests, regardless of the disastrous cost for the victims of armed conflict.

When did the demand get a momentum?

- The push for reform gathered momentum following the unilateral declaration of war by the US and the UK, against Iraq, in 2003.
- The UNGA's 122nd plenary meeting (2008) decided to facilitate the reform process through the Inter-Governmental Negotiations framework (IGN) on equitable representation as well as expansion of the UNSC.
- The UNGA's adoption of a 2015 resolution to allow the IGN on the basis of a framework document generated some enthusiasm.
- But, it was dampened by the U.S., Russia and China being opposed to serious reform of the Council.
- In early-2020, the G4 bemoaned that the IGN process might have outlived its purpose given the absence of a negotiating document.
- In any case, the exercise has been deferred in view of the pandemic.

Will India be a permanent member soon?

- India's election in June 2020 as a non-permanent member of the UNSC, obtaining 184 votes, was a diplomatic triumph.
- But the reforms to the UN are just a part of a broader vision in the declaration to commemorate the UNGA's 75th anniversary.
- This will make it difficult for India to achieve its ultimate objective to become a permanent member.

What is next?

- The UN remains unreflective of the current trajectory, especially in the strategic and economic arenas.
- The multilateral framework now faces a challenge to fashion a collective response to humanity's biggest problems, which include the pandemic.
- The post-war order faces an existential threat to its stability from the revival of nationalism across the globe.
- All countries must have the voice to influence policy.

10.2 Quad Meeting

Why in news?

The second meeting of the Quadrilateral Strategic Dialogue of Foreign Ministers was held in Tokyo.

What is the Quad?

- The Quadrilateral Security Dialogue or the 'Quad' is an informal setup of Australia-India-Japan-United States.

- It aims to strengthen the defence and security cooperation amongst the four countries.
- The idea was originally conceived in 2007 by the former Japan's Prime Minister, Shinzō Abe.
- It was proposed to check China's growing influence and assertiveness in the Indo-Pacific region.

What is the departure?

- The meeting was planned when the Foreign Ministers (FMs) had met at the UN General Assembly.
- In a departure from the earlier secrecy, the FMs made public a large part of their deliberations.
- The deliberations include the decision to make the FM meeting an annual event, to cooperate on combating the pandemic, and on building infrastructure, connectivity and a supply chain initiative in the region.

Who were the attendees?

- As the host, Japan's Prime Minister Yoshihide Suga dispelled any notion that he might not be as proactive as his predecessor, Shinzō Abe.
- Australia's FM Marise Payne, India's External Affairs Minister S. Jaishankar and the U.S. Secretary of State Mike Pompeo attended the meeting.

What did the US say?

- In the meeting, Pompeo said that his mission was to direct the Quad towards building a coalition to counter Beijing's aggression in the region.
- This pointed out to the LAC standoff, as well as Chinese aggression in the South and East China Seas.
- His proposal did not only seem to be just a coalition of democracies committed to a free and open Indo-Pacific.
- But also seems like the US is keen on turning the Quad into a full-fledged military alliance of countries facing tensions with China.

What should be done?

- **Strategic autonomy** - The government should not downplay the import of such openly stated intentions.
- While Japan and Australia are bound by alliance treaties to the U.S., New Delhi has thus far charted its course on strategic autonomy.
- Mr. Pompeo's words point to an interest in bringing India into bilateral tensions in the Indo-Pacific.
- He also invited the Quad to take a role in India-China tensions as well.
- The Modi government has rejected such suggestions, and any shift would be unwise now.
- **Impression** - India has much to gain strategically and in terms of capacity building from the Quadrilateral dialogue.
- But little should be gained from the impression that it is being led by the US on an important initiative for the region in which India is an important stake-holder.

10.3 Militarisation of Quad

Why in news?

The Chief of Defence Staff (CDS) General Bipin Rawat made a statement about the Quad.

What is the statement?

- The CDS stated that India believes the Quad would ensure 'Freedom of Navigation Operations' in the Indian Ocean and surrounding oceans.

- This will be seen as a significant shift of the government's posture towards the India-US-Australia-Japan Quadrilateral (Quad).

What are the suggestions?

- His suggestion is that India is prepared to join Quad military patrols.
- This marks a departure from India's earlier reticence and public statements by the leadership.
- The Indian Navy has not taken part in any joint patrols outside the Indian Ocean.
- In terms of the engagement with the Quad, India has not yet announced a decision to include Australia in the annual Malabar exercises.
- [Malabar exercises are held with the U.S. and Japan.]
- However, the move from conducting exercises together to joint operations would take time, something that makes the CDS's assertion significant.

What is the reference made about China?

- The CDS said that the Quad operations are needed to ensure that no other nation singularly tries to dominate the oceans.
- It is easy to surmise that his contention is a veiled reference to China.

What would be the outcome?

- India is convinced that it needs new strategies to deal with Beijing because of,
 1. The Line of Actual Control tensions and clashes,
 2. The PLA's refusal to implement border agreements.
- Even now, India is engaged with China diplomatically.
- India's External Affairs Minister and Defence Minister have spoken of the importance of a resolution through talks.
- But, an outcome of the tensions will be a strengthening of India's ties with global powers as well as formations like the Quad.
- An indication of this is the government's plans to host a ministerial-level meeting of the Quad soon.

How did India see the Quad earlier?

- While India considers its options, it is necessary to remember some of the reasons for its reticence in terms of militarising the Quad in any way.
- In 2018, Prime Minister said that India sees the Indo-Pacific as a "geographical concept", not a "strategy or a club of limited members".
- It would be important to know whether that formulation has changed.
- India is the only Quad member not already tied in a treaty alliance with the others.
- External Affairs Minister's statement that India would never be part of any alliance system would run counter to what the CDS suggests.

What is needed?

- India is the only Quad country that shares a land boundary with China.
- It is unclear how the militarisation of the Quad in Indo-Pacific waters would alleviate the territorial threat it faces.
- However, if India's view of its Quad engagement has shifted, clarity and an expansion of Gen. Rawat's statement are essential.

10.4 Nobel Peace Prize

Why in news?

The Nobel Peace Prize 2020 was awarded to the United Nation's World Food Programme (WFP).

What is the Nobel Peace Prize?

- The Nobel Prizes would be dedicated to the person who shall have done the most or the best work
 1. For fraternity between nations,
 2. For the abolition or reduction of standing armies and
 3. For the holding and promotion of peace congresses.
- The Nobel Peace Prizes have been awarded since 1901.
- It was not awarded on 19 occasions including 1914-1916, 1918, 1939-1943 among some other years.
- Overall, the prize has been awarded to 135 laureates, including 107 individuals and 28 organisations.

What is the UN WFP?

- The WFP was established in 1961 at the behest of the US president Dwight Eisenhower.
- It is the world's largest humanitarian organisation committed towards its global goal of ending hunger by the year 2030.
- In 1960, Eisenhower proposed to the UN General Assembly that a scheme should be devised for providing food aid through the UN system.
- In 2015, eradication of world hunger became one of the UN's Sustainable Development Goals (SDGs).
- The WFP is the UN's primary instrument in achieving that goal.
- WFP runs entirely on public donations and its donors include governments, corporations and individuals.

Why did it win the prize?

- WFP was awarded the prize for its efforts to combat hunger and for its contribution to bettering conditions for peace in conflict-affected areas.
- It was given the award for acting as a driving force in efforts to prevent the use of hunger as a weapon of war and conflict.

How does WFP help people?

- It provides food assistance in two ways, either by way of providing food or by meeting people's food-needs by providing cash-based transfers.
- The cash-based transfers were launched for the first time in 2005 in response to the tsunami in Sri Lanka.
- In 2019, WFP provided assistance to close to 100 million people spread across 88 countries by supplying them with food, cash and vouchers.
- In 1962, the WFP undertook its first emergency operation after an earthquake in Iran killed over 12,000 people.
- In 1963, it launched its first development programme in Sudan.
- In 1989, WFP staged the largest humanitarian airdrop in history when it launched "Operation Lifeline Sudan" to provide assistance to people affected by the civil war.
- More recently, it has provided food aid to the victims of the earthquake in Nepal in 2015.

How does WFP measure hunger?

- It estimates hunger by the **prevalence of undernourishment**.

- The UN defines undernourished people as those individuals whose food intake falls below the minimum level of dietary energy requirements.
- These dietary energy requirements are set by sex and age groups in consultation between the FAO, UN and WHO.
- According to current estimates, about 8.9% of the world's population or about 690 million people are hungry.
- As per the WFP, if the current trends continue, by 2030 there will be 840 million hungry people.
- Further, about 135 million suffer from acute hunger mainly as a result of man-made conflicts, climate change and economic downturns.
- WFP estimates that the pandemic could possibly double that figure.

Does WFP work in India?

- Yes, WFP has been working in India since 1963.
- It has transitioned from food distribution to providing technical assistance as India became self-sufficient in cereal production.
- One-fourth of the world's undernourished population is in India.
- About 21% of the population live on less than \$1.90 a day.
- Now, WFP is working to improve the government's targeted public distribution system to ensure that food reaches those that need it the most.
- It is also working with the government to improve the nutritional value of the Midday Meal programme.
- It is using its own software called the Vulnerability and Analysis Mapping to identify the most food insecure groups in the country.