



IAS PARLIAMENT

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TARGET 2021

POLITY & INTERNATIONAL RELATIONS II





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TARGET 2021

POLITY & INTERNATIONAL RELATIONS II

(JANUARY 2021 TO JULY 2021)

POLITY

1. RIGHTS ISSUES

1.1 Rights of OCI

- The government has notified a consolidated list of rights & restrictions of the Overseas Citizens of India (OCI).
- [Previously, these rights have been notified in 2005, 2007 and 2009.]
- OCI cardholders would need **prior permission** for a set of activities - research, journalism, mountaineering, missionary or Tablighi work, and visits to restricted areas.
- Foreign nationals granted any type of visa and OCI cardholders shall not be permitted to engage themselves in Tabligh work.
- There will be **no restriction in visiting** religious places and attending normal religious activities like attending religious discourses.
- But, **preaching** religious ideologies, making speeches in religious places, spreading conversion etc. **will not be allowed**.
- The OCIs have been granted the right of **multiple entry lifelong visa** to India for any purpose.
- They are exempted from registration with the Foreigners' Regional Registration Officer (FRRO) for any length of stay in India.
- They can enjoy this exemption provided they intimate the FRRO by email whenever there is a change in their permanent residential address and occupation.
- **Parity with Indian nationals** - OCI cardholders have been given parity with Indian nationals in the matter of domestic air fares, entry fees to monuments and public places.
- **Parity with NRIs** - They will enjoy parity with Non Resident Indians (NRIs) in adoption of children, appearing in competitive exams, etc.,
- This parity with NRIs is available in the purchase or sale of immovable property barring agricultural land and farmhouses, and pursuing professions like doctors, lawyers, architects, and chartered accountants.
- The OCIs can appear for **all-India entrance tests** such as NEET, JEE (Mains), JEE (Advanced) or such other tests to make them eligible for admission only against any NRI seat or any supernumerary seat.
- [The OCI cardholder shall not be eligible for admission against any seat reserved exclusively for Indian citizens.]
- The OCI cardholder shall have the same rights and privileges as a foreigner when,
 1. All other economic, financial and educational fields not specified in this notification or
 2. All the rights and privileges not covered by the notifications made by the Reserve Bank of India under the Foreign Exchange Management Act, 1999 (42 of 1999).

OCI Guidelines

- Now, people of Indian origin (PIO) and Indian diaspora having overseas citizens of India (OCI) card are not required to carry their old passports, along with the new passport and OCI card, for travel to India.
- As per the current OCI guidelines (in force since 2005), an OCI card is to be re-issued each time a new passport is acquired by the cardholder up to the age of 20 years or after completing 50 years of age.



- Now, the Indian government has decided to grant extension of time till December 31, 2021, to get the OCI cards re-issued.

1.2 Particularly Vulnerable Tribal Groups

- As in March 2021, India has 75 Particularly Vulnerable Tribal Groups across 18 states and Union territory of Andaman and Nicobar Islands.
- Characteristics of Particularly Vulnerable Tribal Groups (PVTG's)
 1. PVTGs have declining or stagnant population,
 2. Low level of literacy,
 3. Pre-agricultural level of technology,
 4. Economically backward,
 5. Generally inhabit remote localities having poor infrastructure and administrative support.
- Among the 75 listed PVTGs, highest number is in Odisha (13 PVTGs).
- All the 4 tribal groups in Andaman, and 1 in Nicobar Islands, are PVTGs.
- Largest population size among the PVTGs is Saharia people of Madhya Pradesh and Rajasthan. Smallest population size is the Sentineles.

Schemes for Particularly Vulnerable Tribal Groups

- Ministry of Tribal Affairs implements the Scheme of "Development of PVTGs" exclusively for them.
- Under this scheme, Conservation-cum-Development (CCD) / Annual Plans are to be prepared by each State / UT for their PVTGs based on their need assessment.
- These assessments are then appraised and approved by the Project Appraisal Committee of the Ministry.
- Also, priority is assigned to PVTGs under the schemes of
 - a) Special Central Assistance (SCA) to Tribal Sub-Scheme (TSS),
 - b) Grants under Article 275(1) of the Constitution,
 - c) Grants-in-aid to Voluntary Organizations working for STs' welfare
 - d) Strengthening of Education among ST Girls in Low Literacy Districts.

1.3 Constitutionality of IPC's Section 124A

- The Supreme Court agrees to examine the constitutionality of the Indian Penal Code's (IPC's) Section 124A (the law against sedition).
- **Section 124A** defines sedition as an offence committed when a person by words or visible representation or otherwise, attempts to bring into hatred or contempt or to excite disaffection towards the government.
- Disaffection includes disloyalty and all feelings of enmity.
- **Punishment** - Sedition is a non-bailable offence. Punishment ranges from imprisonment up to 3 years to a life term, to which fine may be added.
- A person charged under this law is barred from a government job.
- They have to live without their passport and must produce themselves in the court as and when required.
- **Current Situation** - The indiscriminate application of the law is perhaps why charges don't seem to stick often.
- In Journalist Vinod Dua case, for allegedly making remarks against the PM, the SC quashed the case.
- The SC held that his remarks constituted genuine criticism of the government.
- In doing so, the court also reiterated the principles in the landmark case on sedition - Kedar Nath Singh v Union of India (1962).
- Seven principles in the Kedar Nath Singh ruling specify situations in which the charge of sedition cannot be applied.

Kedarnath Singh Case 1962

- The SC upheld the constitutionality of the sedition law saying Article 19(2) that imposes reasonable restrictions on freedom of speech.
- However, it circumscribed the application of the law to Acts involving intention or tendency to create disorder, or disturbance of law and order, or incitement to violence.
- It specifically narrowed down its scope in order to protect dissent.
- It said the comments (even strongly worded) expressing disapprobation of the Government actions, without exciting the feelings which generate the inclination to cause public disorder by violence wasn't sedition.



Key principles in Kedar Nath Singh ruling

- The expression ‘the Government established by law,’ in the Sedition law, has to be distinguished from the persons engaged in carrying on the administration for the time being.
- [‘Government established by law’ is the visible symbol of the State.]
- Any acts within the meaning of Section 124-A which have the effect of subverting the Government established by law, or creating disaffection against it, would be within the penal statute.
- Commentson Government actions, however strongly worded, would not be penal, without exciting those feelings which generate the inclination to cause public disorder by acts of violence.
- Sedition is limited only to such activities that come within the ambit of the observations of the Federal Court.
- Thiscovers "activities involving incitement to violence or intention or tendency to create public disorder or cause disturbance of public peace."

1.4 Section 142 of the Social Security Code

- Section 142 of the Social Security Code, 2020 has been notified by Ministry of Labour & Employment covering applicability of Aadhar.
- It will enable Labour Ministry to collect Aadhar details for the database of beneficiaries under various social security schemes.
- National Data Base for Unorganised Workers is at an advanced stage of development by NIC.
- The portal is aimed at **collection of data for unorganised workers** including migrant workers for the purpose of giving benefits of the various schemes of the Government.
- An inter-state migrant worker can register himself on the portal on the basis of submission of Aadhar alone.

1.5 Identifying Backward Classes

- The Supreme Court ruled that after the passage of the 102nd Constitution Amendment Act in 2018,
 1. The States do not have any power to identify ‘socially and educationally backward’ (SEBC) classes.
 2. Only the President can publish a list of backward classes in relation to each State and only Parliament can make inclusions or exclusions in it.
- The Supreme Court has directed the Centre to notify the list of SEBCs for each State and Union territory, and until it is done, the present State Lists may continue to be in use.
- The Union government argued that it was never its intention to deprive State governments of their power to identify SEBCs.

102nd Amendment Act, 2018

- It established a 5-member National Commission for Backward Classes by adding Article 338B.
- The Commission was tasked with monitoring safeguards provided for SEBCs, giving advice on their socio-economic development, inquiring into complaints and making recommendations, among other functions.
- Significantly, it was laid down that the Centre and the States shall consult the Commission on all policy matters concerning the SEBCs.
- The Amendment also added Article 342A, under which the President shall notify a list of SEBCs in relation to each State and Union Territory, in consultation with Governors of the respective States.
- Once this ‘Central List’ is notified, only Parliament could make inclusions or exclusions in the list by law.
- This provision is drafted in exactly the same word as the one concerning the lists of SC & STs.
- Further, it defines ‘SEBCs’ as such backward classes as are so deemed under Article 342A for the purposes of this Constitution.



1.6 Vertical and Horizontal Reservations

- **Vertical reservation** refers to as reservation for Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC).
- It applies separately for each of the groups specified under the law.
- **Horizontal reservation** refers to the equal opportunity provided to other categories of beneficiaries such as women, veterans, and individuals with disabilities, cutting through the vertical categories.
- It is applied separately to each vertical category.
- Through the Saurav Yadav case, the Supreme Court clarified the position of law on the interplay of vertical and horizontal reservations.
- The court ruled against the Uttar Pradesh (UP) government.
- It held that if a person belonging to an intersection of vertical-horizontal reserved category had secured scores high enough to qualify without the vertical reservation,
 1. The person would be counted as qualifying without the vertical reservation, and
 2. The person cannot be excluded from the horizontal quota in the general category.

1.7 OBC Reservation

- The Supreme Court ruled that the reservation for Other Backward Classes (OBCs) is only '**statutory**', unlike the 'constitutional' reservation for Scheduled Castes and Scheduled Tribes.
- It also said that if the reservation for SCs and STs were to consume the entire 50% of seats of SCs/STs/OBCs in the concerned local bodies, the question of providing further reservation to OBCs would not arise.
- The quantum of reservation for OBCs ought to be local body specific.
- A dedicated Commission has to be set up to conduct empirical inquiry into the nature and implications of the backwardness qua local bodies, within the State.
- The proportion of reservation required to be provisioned local body wise would be specified in light of recommendations of the Commission.

1.8 Maratha Quota Law

- There are petitions in the Supreme Court against the Maratha quota law i.e. the Maharashtra State Reservation for Socially and Educationally Backward Classes (SEBC) Act.
- Maharashtra State Reservation for SEBC Act provides reservation to Marathas in jobs and admissions in the state.
- [Marathas are politically dominant community in Maharashtra, and they form nearly one-third of the state's population.]
- The petitioners argument that the law was enacted without following the specific procedure laid out in Article 342A introduced by the 102nd Constitutional Amendment, 2018.
- Under Article 342A, it is only the President in consultation with the Governor can specify SEBC classes in a State.
- There was no Presidential notification issued in consultation with the Governor in the case of the Maratha reservation law.

102nd Constitutional Amendment Act, 2018

- The 102nd Constitutional Amendment Act is about recognising the socially and educationally backward classes in a State.
- The constitutional amendment had introduced Articles 338B and 342A.
- **Article 342A** empowers the President to specify the socially and educationally backward communities in a State in consultation with the Governor.
- **Article 338B** deals with the newly established National Commission for Backward Classes (NCBC).
- However, it is for the Parliament to include a community in the Central List for socially and backward classes for grant of reservation benefits.

1.9 Indra Sawhney Judgement

The Supreme Court recently examined the constitutional validity of the Maratha reservation.

- In 1979, the Second Backward Classes Commission (Mandal Commission) was set up.
- It was tasked to determine the criteria for defining the socially and educationally backward classes.
- The Mandal report identified 52% of the population at that time as “Socially and Economically Backward Classes” (SEBCs).
- It thus recommended 27% reservation for SEBCs.
- This was in addition to the previously existing 22.5% reservation for SC/STs.
- In 1990, the V P Singh led-government set out to implement the Mandal commission recommendations.
- This was challenged in court amidst widespread protests against the move.
- The case came up before a nine-judge Bench and a 6:3 verdict was delivered in 1992, popularly called the Indra Sawhney judgement.
- The court upheld the office memorandums that essentially implemented the Mandal report.
- The executive orders mandating 27% reservation for backward castes were said to be valid.
 - The reservation was made not just on the basis of caste, even if it appears so.
 - It is also made on the basis of objective evaluation of social and educational backwardness of classes, which is the criterion previously laid down by the court.
- The landmark Indra Sawhney ruling set two important precedents.
- First, it said that the criteria for a group to qualify for reservation is “social and educational backwardness”.
- Additionally, the court also reiterated the 50% limit to vertical quotas it had set out in earlier judgements in 1963 (M R Balaji v State of Mysore) and in 1964 (Devadasan v Union of India).
- It reasoned that this was needed to ensure “efficiency” in administration.
- The court said this 50% limit will apply, unless in “exceptional circumstances”.
 - The social and educational backwardness criteria stemmed from interpretation of various constitutional provisions.
 - But the 50% limit is often criticised as being an arbitrary limit.

1.10 Sachin Waze Case

- The special court in Mumbai allowed for Asst. police inspector Sachin Waze’s lawyer to remain present during the National Investigation Agency (NIA) interrogation but separated by a glass partition.
- The safeguards available to a person in such circumstances enshrined in the Indian Constitution are,
 1. **Article 20(3)** - No person accused of any offence shall be compelled to be a witness against himself.
 2. **Article 22** - A person cannot be denied the right to consult and to be defended by a legal practitioner of his choice. This includes granting an accused the “Right to consult” a lawyer.
- **Section 41D** of Criminal Procedure Code (CrPC) states that an accused is entitled to meet an advocate of his choice during interrogation, though not throughout interrogation.
- **D K Basu case (1997)** - The Supreme Court states that an arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.
- **Jugal Kishore Sharma case (2011)** - Accused’s lawyer will be allowed to watch the proceedings from a distance or from beyond a glass partition.
- But, the lawyer won’t be allowed within the hearing distance, and the respondent won’t be open allowed to have consultations with him during the interrogation.
- In many criminal cases, it is left to the discretion of the court to decide on whether the lawyer can be permitted to meet the person for a stipulated time in private when interrogation is not in progress.



1.11 Article 244 (A)

- A politician promised to implement Article 244 (A) of the Constitution to safeguard the interests of the people in Assam's tribal-majority districts.
- Inserted into the Constitution in 1969, Article 244(A) allows for creation of an 'autonomous state' within Assam in certain tribal areas. It also provides for a Legislature and a Council of Ministers.
- **Different from the Sixth Schedule** - The Autonomous Councils under the Sixth Schedule of the Constitution do not have control over law and order, while those autonomous areas under the Article 244(A) have this.

Sixth Schedule

- It provides for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram.
- It allows for greater political autonomy and decentralised governance in certain tribal areas of the Northeast through autonomous councils.
- This special provision is provided under Article 244(2) and Article 275(1) of the Constitution.
- In Assam, the hill districts of Dima Hasao, KarbiAnglong and West Karbi and the Bodo Territorial Region are under this provision.

1.12 Census and NPR Updation

- Ministry of Home Affairs (MHA) said that the data for the latest Census and National Population Register (NPR) will be available before the next general elections in 2024.
- The last Census was conducted in 2011 and NPR, that has a database of 119 crore residents, was last updated in 2015.
- First phase of Census-House listing and Housing Census and NPR to be conducted from April 1, 2020, was postponed due to the pandemic.
- The fieldwork for the first phase of Census 2021 that will provide data on housing conditions, household amenities and assets possessed by the households is expected in 2021-22.
- The fieldwork for population enumeration phase to provide data on demography, religion, SC/ST, language, literacy and education, economic activity, migration and fertility etc will be done in 2023-24.
- A mobile application, which will be available in 16 languages, has been developed for collecting the Census details and NPR.
- The NPR database has been created by collecting family-wise data and it can be strengthened by linking Aadhaar to each member.

1.13 Right to Choose Religion

- The Supreme Court said that the people are free to choose their own religion, while hearing a petition claiming mass religious conversion happening across the country.
- The Bench said that people have a right to freely profess, practise and propagate religion, subject to public order, morality and health, under the **Article 25** of the Constitution.
- It said that every person is the final judge of their own choice of religion or who their life partner should be.
- Courts can't sit in judgment of one's choice of religion or life partner.
- Religious faith is a part of the fundamental right to privacy, under the **Article 21** of the Constitution. This article equated the right to privacy with the rights to life, of dignity and liberty.

FASTag

- FASTag is an electronic toll collection system that uses Radio Frequency Identification (RFID) technology.
- It is a tag fixed on the windscreen of the vehicle that allows automatic deduction of toll without stopping for carrying out the cash transaction.
- To know more about FASTag, [click here](#).

1.14 FASTag & Right to Freedom of Movement

- The Union government told the Bombay High Court that making FASTag mandatory for all vehicles plying on the national highways (NHs) doesn't breach a citizen's fundamental right to freedom of movement in any way.



- According to the Central Motor Vehicles Rules, FASTag (electronic toll collection system) is mandatory for all vehicles at toll plazas on NHs.
- [Section 136A of Motor Vehicles Amendment Act, 2019 says that the Central Government should make rules for the electronic monitoring and enforcement of road safety.]
- The Centre said that provisions had been made at all toll plazas along national highways to fit the chip in vehicles that did not have FASTag.
- It also said that the double user fees or penalties imposed on vehicles without FASTag on NHs were in accordance with National Highway Fee (determination of rates and collection) Rules, 2008.

Right to Freedom of Movement

- Article 19 of the Constitution guarantees Right to Freedom of movement.
- It gives every citizen the right to move freely throughout the country. It is protected against only state action and not private individuals.
- It is available only to the citizens and to shareholders of a company but not to foreigners or legal persons.
- **Restrictions** - Only be imposed on two grounds as per the Article 19 of the constitution, namely,
 1. Interests of the general public and
 2. Protection of interests of any scheduled tribe.
- While **Article 19** protects only the right to move inside the country, **Article 21** (Right to life and personal liberty) protects right to move out of the country and right to come back to the country.

1.15 Decriminalising Begging

- The Supreme Court has asked the Centre and five States (Maharashtra, Gujarat, Punjab, Haryana, Bihar) to file their response on a plea seeking a direction to repeal the provisions criminalising begging.
- This plea claimed that the provisions of the statute criminalising the act of begging were violative of constitutional rights, specifically Article 21 (Right to Life).
- The plea said that these provisions put people in a situation to make an unreasonable choice between committing a crime or not and starving.
- It has referred to the 2018 verdict of the Delhi High Court which had decriminalised begging in the national capital and said provisions of the Bombay Prevention of Begging Act, 1959.
- [Bombay Prevention of Begging Act, 1959 treats begging as an offence cannot sustain constitutional scrutiny.]
- It said that the government had the mandate to provide social security to everyone and ensure that all had basic facilities, as embedded in the Directives Principles of State Policy in the Constitution.
- The petition has sought directions to declare as “illegal and void” all provisions, except some sections, of
 1. Bombay Prevention of Begging Act, 1959,
 2. Punjab Prevention of Beggary Act, 1971,
 3. Haryana Prevention of Begging Act, 1971,
 4. Bihar Prevention of Begging Act 1951 and similar acts.

1.16 Tulu Language

- A Twitter campaign demanding official language status to Tulu in Karnataka and Kerala received an overwhelming response.
- Tulu speakers have been requesting the governments to give Tulu the official language status and include it in the eighth schedule to the Constitution (Presently, there are 22 official languages).
- Tulu is a Dravidian language spoken mainly in regions of Karnataka (Dakshina Kannada and Udupi districts) and Kerala (Kasaragod district). This region is informally known as Tulu Nadu.
- Robert Caldwell (1814-1891), in his book, A Comparative Grammar of the Dravidian or South-Indian Family of Languages, called Tulu as one of the most highly developed languages of the Dravidian family.



- Tulu is not an official language in the country. But the Karnataka government introduced Tulu as a language in schools a few years ago.

1.17 Defamation as Crime

Recently Supreme Court has acquitted the journalist Priya Ramani in a criminal defamation case.

- In 2018, Ramani had made allegations of sexual misconduct against the minister Mr. Akbar in the wake of Me Too movement in the twitter.
- Due to the media storm, Mr. Akbar was forced to resign his position as a Minister & later filed a criminal complaint for defamation against Ms. Ramani.
- Now the court acquitted her stating that woman cannot be punished for criminal defamation when she raises her voice against sexual harassment.
- The court accepted the evidence of Ms. Ramani & said it is credible, detailed enough and said the right of reputation cannot be protected at the cost of right of life and dignity of woman.
- It has taken note of the unequal equations of power between the harasser and victim in most situations.
- The court highlighted that though the tweets may result in loss of dignity and self-confidence of women but she has every right to put her grievance at any platform of her choice.
- It also mentions that women need to have freedom, equality, equal opportunity and social protection, if they were to excel in their workforce & their participation is undesirably low.

1.18 Section 43D(5) of the UAPA

Father Stan Swamy, arrested by the NIA in relations with Bhima Koregaon violence, passed away. Click [here](#) to know more

- Just 2 days before his death, he had moved the Bombay High Court challenging Section 43D(5) of the Unlawful Activities Prevention Act (UAPA).
- Fr. Stan Lourduwamy S.J., is an Indian Roman Catholic priest and a tribals rights activist for several decades.
- The 83-year-old activist (suffers from Parkinson's disease) was arrested by the National Investigation Agency (NIA) in October 2020.
- He is alleged to have involved in the 2018 [Bhima Koregaon violence](#) and is charged under the UAPA.
- The UAPA was enacted in 1967.
- It was strengthened by the Union government in 2008 and 2012.
- Section 43D(5) makes grant of bail virtually impossible under UAPA.
- It leaves little room of judicial reasoning.
- The test for denying bail under the UAPA is that the court must be satisfied that a "prima facie" case exists against the accused.
- Swamy termed Section 43D(5) as "illusory".
- In 2019, the SC defined prima facie narrowly to mean that the courts must not analyse evidence or circumstances.
- Instead, it should look at the "totality of the case" presented by the state.
- In other rulings, however, courts have taken an alternative reading of Section 43D(5).
- Courts have emphasised the right to a speedy trial.
- They have also raised the bar for the state to book an individual under UAPA.

1.19 Right to be Forgotten

The Delhi High Court recently ordered the removal of one of its own judgments from easy access.

- It comes as an important development for the 'right to be forgotten.'

- The petitioner was acquitted of certain crimes by the court.
- The judgment was freely accessible on the Internet, which the petitioner was unhappy of.
- The petitioner thus sought removal of the judgment from a leading database platform and search engines.
- The court, as a temporary relief, asked search engines to remove this order from search results.
- It also ordered the database platform to block the judgment from being accessed by search engines.
- The High Court recognised that the petitioner may have a right to be forgotten.
- The right to be forgotten is, generally, the right to have information about a person removed from public access.
- The idea is that individuals should be able to determine the development of their life in an autonomous way.
- Persons cannot be perpetually stigmatised for past conduct.
- In 2017, the Supreme Court recognised the right to be forgotten as being under the ambit of the right to privacy (specifically, informational privacy) under the Constitution.
- It observed that if someone desired to remove personal data from the virtual space, it ought to be respected.
- However, the right to be forgotten was subject to reasonable restrictions based on countervailing rights such as free speech.

1.20 Dying Declaration

A special CBI court awarded life sentences to two policemen for the custodial death of a murder accused. The judgment relied heavily on the 'dying declaration' made by the victim prior to his death.

- **Section 32 of the Indian Evidence Act, 1872** deals with cases in which statement of relevant fact is made by a person who is dead or cannot be found.
- The law presumes that no person will meet their maker with a lie in their mouth, and so it accepts the veracity of the person's statement, dispensing with the requirements of oath and cross-examination.
- An exclusion of this dying declaration would also leave the court without a scrap of evidence.
- **Rules** - The general rule under Section 60 of the Act is that all oral evidence must be direct - he heard it, saw it or perceived it.
- The grounds of admission under a dying declaration have been based on two broad rules,
 1. The victim being generally the only principal eye-witness to the crime; and
 2. The sense of impending death, which creates a sanction equal to the obligation of an oath.
- **Reasons to set aside dying declaration** - Though a dying declaration is entitled to great weight, it is worthwhile to note that the accused has no power of cross-examination.
- This is why the courts say that the dying declaration be of such a nature as to inspire full confidence of the court in its correctness.
- **Duty of the Court** - The courts must check if the deceased's statement was a result of either tutoring, or prompting or a product of imagination.
- The Court must be further satisfied that the deceased was in a fit state of mind after a clear opportunity to observe and identify the assailant.
- The Supreme Court had noted that the dying declaration made through signs, gestures or by nods are admissible as evidence.
- But in the case of Orissa vs Parasuram Naik (1997), the accused was alleged to have poured petrol on his wife's body and lit a fire causing extensive burns.
- It was held that the oral dying declaration cannot be accepted because there was no medical officer certifying that the deceased was medically fit to make a statement.
- **Recording of dying declarations** - Anyone can record the dying declaration of the deceased as per law. The law does not compulsorily require the presence of a Judicial or Executive Magistrate to record it.

- A dying declaration recorded by a Judicial or Executive Magistrate will muster additional strength to the prosecution case though.
- It can form the sole basis of conviction. The rule requiring corroboration is merely a rule of prudence.
- It is not to be rejected, equally merely because it is a brief statement. On the contrary, the shortness of the statement itself guarantees truth.
- A dying declaration which suffers from infirmity cannot form the basis of conviction and merely because a dying declaration does not contain the details as to the occurrence.

2. PARLIAMENT & STATE LEGISLATURE

2.1 Presidential Address

- **History** - In the UK, the history of the monarch addressing the Parliament goes back to the 16th century.
- In the US, President George Washington addressed Congress for the first time in 1790.
- In India, the practice of the President addressing Parliament can be traced back to the GOI Act of 1919.
- **Provisions** - The Constitution gives the President the power to address either House or a joint sitting of the two Houses of Parliament.
- Article 87 provides two special occasions on which the President addresses a joint sitting.
 1. to address the opening session of a new legislature after a general election
 2. to address the first sitting of Parliament each year
- A session of a new or continuing legislature cannot begin without fulfilling this requirement.
- When the Constitution came into force, the President was required to address each session of Parliament.
- The 1st Amendment to the Constitution in 1951 changed this position and made the President's address once a year.
- It is the only occasion in the year when the entire Parliament, i.e. the President, Lok Sabha, and Rajya Sabha come together.
- The Lok Sabha Secretariat prepares extensively for this annual event associated with ceremony and protocol.
- **Format** - There is **no set format** for the President's speech.
- The speech that the President reads is the viewpoint of the government and is written by it.
- **Motion** - In the days following the President's address, a motion is moved in the two Houses thanking the President for his address.
- This is an occasion for MPs in the two Houses to have a broad debate on governance in the country.
- PM replies to this 'motion of thanks' in both Houses, and responds to the issues raised by the MPs.
- The motion is then put to vote and MPs can express their disagreement by moving amendments to the motion.
 - Opposition MPs have been successful in getting amendments passed to the motion of thanks in Rajya Sabha on five occasions (1980, 1989, 2001, 2015, and 2016).
 - They have been less successful in Lok Sabha.

2.2 Panchayat (Extension to the Scheduled Areas) Act, 1996

- The Statue of Unity Area Development and Tourism Governance Act, 2019 (SoU Act) is not in consonance with the Panchayat Extension to Scheduled Areas (PESA) Act, 1996.
- **Statue of Unity Act, 2019** was enacted to develop the area around the statue of Sardar Vallabhbhai Patel in the Narmada district of Gujarat.
- It empowers the Gujarat government to establish a tourism authority for development of infrastructure and promote tourism.

- The entire Narmada district is a Schedule V area where PESA Act and Gujarat PESA Rules of 2017 are applicable.
- **PESA Act, 1996** was enacted by the Parliament, based on the Bhuria Committee report (1995), to cover the “Scheduled Areas” that were not covered in the 73rd Constitutional Amendment Act.
- It came into force in 10 states - Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa, Rajasthan and Telangana.
- It extends the provisions of Part IX of the Constitution to the Scheduled Areas of the country.
- Ministry of Panchayati Raj is the nodal Ministry for implementing PESA in the States.
- PESA brought powers further down to the Gram Sabha level for people living in scheduled areas.
- Every Gram Sabha shall be competent to preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution.

2.3 Ladakh Committee

- The Centre has decided to form a committee to protect the language, culture and land of Union Territory of Ladakh.
- This will ensure citizen's participation in the development of Ladakh.
- The Committee will be headed by the Minister of State for Home.
- It will include elected representatives from Ladakh, Ladakh Autonomous Hill Development Council, central government, and the Ladakh administration.

2.4 Inner Line Permit

- Uttarkhand government, in a recent meeting with Union Home Minister, had sought withdrawal of “inner-line permit” (ILP) system in Niti Valley (Chamoli district) and Nelang Valley (Uttarkashi district).
- They want the withdrawal for a better border management and expansion of tourism and other economic activities in villages there.
- The ILP system restricts movement in areas close to the border for everyone other than those with a formal permission.
- In Uttarkhand, tourists have to obtain ILP for locations near China border in the three districts of Uttarkashi, Pithoragarh and Chamoli.
- Among the 13 districts of Uttarkhand, 5 districts have borders with China and Nepal.
- Pithoragarh is strategically more sensitive as it shares boundaries with both China and Nepal.

2.5 Bodo Peace Accord

- A Memorandum of Settlement (MoS) was signed in January, 2020 with factions of the National Democratic Front of Bodoland (NDFB), etc.
- This MoS seeks to,
 1. Increase the scope and power of Bodoland Territorial Council and to streamline its functioning;
 2. Resolve issues related to Bodo people residing outside Bodoland Territorial Area Districts (BTAD);
 3. Protect Bodo's social, cultural, linguistic and ethnic identities;
 4. Provide legislative protection for the land rights of tribals;
 5. Ensure quick development of tribal areas and rehabilitate members of NDFB factions;
 6. Notify Bodo language as an associate official language in the State.
- MoS provides for establishing a Bodo-Kachari Welfare Council and to set up a separate directorate for Bodo medium schools.



- A provision is also there for a special Development package of Rs.1500 crores to undertake specific projects for the development of Bodo areas.

2.6 MLA-LAD Fund

- Rajasthan Government to provide ₹ 3 crore each from the Member of Legislative Assembly Local Area Development (MLA-LAD) Fund to vaccinate people in the age group of 18 to 44 years against COVID-19.
 - For meeting the expenses, the fund for each legislator has been increased from ₹ 2.25 crore to ₹ 5 crore a year.
- The State Governments have been implementing MLALAD Fund on the lines of [Member of Parliament Local Area Development](#) (MPLAD) Fund.
- MLA-LAD Fund enables each MLA to undertake small developmental works in his/her constituency through the funds allocated each year.
- Under this scheme, funds will be provided in the State's Plan Budget every year. The MLALAD Scheme is intended to be utilised for small but essential projects/works based on the felt needs of the local public.
- MLAs do not receive any money under this scheme. The government transfers it directly to the respective local authorities.
- MLAs can only recommend works in their constituencies based on a set of guidelines.
- Amounts per MLA and the guidelines for use of MLA-LAD funds differ across the states.

2.7 Electing Speaker & Deputy Speaker

- The Maharashtra Legislative Assembly has been without a Speaker for most of this year.
- The Maharashtra Governor has forwarded the demand of the Leader of Opposition to fill the post of the Speaker to Chief Minister (CM).
- The CM has responded that the Constitution and the Assembly rules do not specify a time-frame for filling a vacancy in the post of Speaker.
- **Election** - Article 93 of the Constitution for Lok Sabha and Article 178 for state Assemblies state that these Houses "shall, as soon as may be" choose two of its members to be Speaker and Deputy Speaker.
- The Constitution neither sets a time limit nor specifies the process for these elections.
- It leaves it to the legislatures to decide how to hold these elections.
- In Lok Sabha and state legislatures, the President/Governor sets a date for the election of the Speaker, and it is the Speaker who decides the date for the election of the Deputy Speaker.
- The legislators of the respective Houses vote to elect one among themselves to these offices.
- The Constitution provides that the office of the Speaker should never be empty. So, he continues in office until the beginning of the next House, except in the event of death or resignation.

3. FEDERALISM

3.1 Assam-Mizoram Border Dispute

The old boundary dispute between Assam and Mizoram exploded in violent clashes at a contested border point.

- Status quo should be maintained in no man's land in the border area.
- However, people from Lailapur, Assam broke the status quo.
- They allegedly constructed some temporary huts.
- People from Mizoram side went and set fire on them.
- The boundary between present-day Assam and Mizoram is 165 km long.
- The heart of the dispute dates back to the colonial era.

- Back then, Mizoram was known as Lushai Hills, a district of Assam.
- The dispute stems from a notification of 1875 that differentiated the Lushai Hills from the plains of Cachar.
- [This was derived from the Bengal Eastern Frontier Regulation (BEFR) Act, 1873.]
- Another notification of 1933 demarcates a boundary between the Lushai Hills and Manipur.
- The Mizo society was not consulted prior to the 1933 notification.
- So, Mizoram believes the boundary should be demarcated on the basis of the 1875 notification.
- But the Assam government follows the 1933 demarcation.
- This is the point of conflict between the two states.
- British tea plantations surfaced in the Cachar plains during the mid-19th century.
- [It covers the Barak Valley - now comprises the districts of Cachar, Hailakandi and Karimganj.]
- Their expansion led to problems with the Mizos whose home was the Lushai Hills.
- In August 1875, the southern boundary of Cachar district was issued in the Assam Gazette.
- The Mizos say this was the fifth time the British had drawn the boundary between the Lushai Hills and the Cachar plains.
- But this was the only time when it was done in consultation with Mizo chiefs.
- This demarcation also became the basis for the Inner Line Reserve Forest demarcation in the Gazette two years later.
- But in 1933, the boundary between Lushai Hills and the then princely state of Manipur was demarcated.
- This notification said the Manipur boundary began from the trijunction of Lushai Hills, Cachar district of Assam and Manipur state.
- The Mizos do not accept this demarcation, and point to the 1875 boundary which was drawn in consultation with their chiefs.
- In the decades after Independence, many states and UTs were carved out of Assam:
 1. Nagaland (1963)
 2. Arunachal Pradesh (UT 1972, formerly NEFA)
 3. Meghalaya (UT 1972)
 4. Mizoram (UT 1972)
- Now, with different interpretations of the border question, clashes erupt often. The earlier one was in October 2020.
- In the current clashes, at least six Assam Police personnel were killed.

4. JUDICIARY

4.1 Judicial Appointments

- The Supreme Court urged the central government to set a fixed timeline for clearing appointments of judges to the apex court and the high courts, after receiving the recommendations of the collegium.
- [For Supreme Court, the collegium comprises the CJI and **four** other most senior Supreme Court judges.
- For High Court, the collegium comprises the CJI and **two** other most senior Supreme Court judges.]
- This ruling was given taking a grim view of the situation where some proposals about appointments remain pending before the government.
- In 2015, the top court struck down the National Judicial Appointments Commission (NJAC) Act and the 99th Constitutional Amendment, which sought to give the executive a say in the appointment of judges.



- It had held that judicial appointments will be carried on by the recommendations of the collegium.

4.2 Places of Worship (Special Provisions) Act, 1991

- The Supreme Court asked the Centre to respond to a plea challenging the Places of Worship (Special Provisions) Act, 1991.
- **Section 3** of the Act prohibits conversion of any place of worship and maintains the “religious character” of places of worship as it was in 1947.
- **Section 4(2)** says that all suits, appeals or other proceedings regarding converting the character of a place of worship, that were pending on August 15, 1947, will come to an end when the Act commences.
- It states that no fresh proceedings can be filed. But, legal proceedings can be initiated if the conversion took place after the cut-off date.
- **Exception** - Section 5 says that the act does not to apply to Ram Janma Bhumi Babri Masjid, Uttar Pradesh. The Act also exempted,

1. Any place of worship that is an ancient and historical monument or an archaeological site, or is covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958;
2. A suit that has been finally settled or disposed of;
3. Any dispute that has been settled by the parties or conversion of any place that took place by acquiescence before the Act commenced.

- Section 6 prescribes a punishment of maximum 3-years imprisonment along with a fine for contravening the provisions of the Act.

Petition

- The Places of Worship (Special Provisions) Act, 1991 was challenged on the ground that it violates secularism.
- The petitioner argued that the cut-off date is arbitrary, and it prohibits Hindus, Jains, Buddhists, and Sikhs from approaching courts to “re-claim” their places of worships which were encroached.
- There is an argument that the Centre has no power to legislate on “pilgrimages” or “burial grounds” which is under the state list.
- But, the government had said that the law was legislated using the residuary power under Entry 97 of the Union List.
- [**Entry 97** confers residuary powers to the Centre to legislate on subjects that are not enumerated in any of the three lists.]

4.3 Class Action Suit

- It is a legal action that allows one or many plaintiffs to file and appear for a group of people with similar interests. Such a group forms a “class”.
- This suit derives from representative litigation, to ensure justice to the ordinary individual against a powerful adversary.
- While class action suits have a history dating back to the 18th century, these were formally incorporated into law in the United States in 1938 under the Federal Rules of Civil Procedure.
- Over the years, class action has become successful at curbing negligence, that it is now a part of US corporate and consumer laws, environmental litigation, etc.

4.4 Amicus Curiae

- Solicitor General (SG) made an appeal to the Supreme Court to frame guidelines to demarcate the role and ambit of the court’s amici curiae in various cases, especially sensitive ones.
- SG’s remarks came during the hearing of a case of alleged extra-judicial killings by the Army, Assam Rifles and the State police in Manipur during the heights of insurgency.
- Amicus Curiae or ‘friend of the court’ are the lawyers appointed by the courts to present diverse views and assist the court in specific cases.
- Amicus curiae is appointed to help the court compile facts, research the law in question and even offer a non-partisan opinion.
- An oral statement from a top government law officer in the highest court to tether amici curiae hand-picked by the latter is significant.



4.5 Appointment of Ad-hoc Judges

- To deal with mounting backlog of cases, the Supreme Court cleared the way for appointment of retired judges as ad-hoc judges in High Courts under Article 224A of the Constitution.
- There are almost 40% vacancies remaining in the regular appointments (both permanent and additional judges) over the last two years.
- So, the court ruled that the Chief Justice of a High Court may initiate the process of recommending a name if,
 1. Number of judges' vacancies is more than 20% of the sanctioned strength,
 2. Cases in a particular category are pending for over five years,
 3. More than 10% of pending cases are over 5 years old, or percentage of the rate of disposal is lower than the institution of the cases either in a particular subject matter or generally in the court.
- The Chief Justice of a High Court should prepare a panel of judges after personal interaction with the concerned judge to take their consent.
- The appointments can follow the procedure laid down in the Memorandum of Procedure for appointment of judges.
- Since the nominees have been judges before, the need to refer the matter to the IB or other agencies would not arise, shortening the time period.
- A Chief Justice should start the recommendation process three months in advance for such appointment.
- **Tenure** - Generally for a period between two and three years (may vary on the basis of the need.)
- **Number** - The number of ad-hoc judges in the court should be in the range of 2 to 5 for the time being (Depending on the strength of the High Court and the problem faced by it.)
- **Work** - Since the goal was to clear the backlog, the ad-hoc judges can be assigned more than five-year-old cases; however, this would not affect the High Court Chief Justice's discretion to allot any other matter.
- The ad-hoc appointees are barred from performing any other legal work - advisory, arbitration or appearing in court for clients.
- If a Division Bench needs to be constituted to hear a matter, it would comprise of only ad-hoc judges (not a mix of ad-hoc and sitting judges).
- **Allowances** - Their emoluments and allowances should be on a par with a permanent judge of that court minus the pension.
- They will be entitled to allowance/perks/perquisites as are available to permanent/additional judge(s).

4.6 Judicial Impact Assessment

- Judicial Impact Assessment was introduced in the Supreme Court's order in Rojer Mathew v. South Indian Bank, 2019.
- It is a methodology to calculate the workload change that the judiciary has to bear due to procedural or substantive law changes and then calculating the expected indicative costs for the same change.
- It is a process whereby the government can anticipate the likely cost of implementing legislation through the courts and help deliver timely justice to litigants.
- Technically, operational impact has the most obvious effect on the courts and it is the most frequently addressed impact in JIA.

4.7 SUPACE Portal

- The Supreme Court unveiled its Artificial Intelligence (AI) portal, the Supreme Court Portal for Assistance in Court's Efficiency (SUPACE).
- A pet project of Chief Justice of India S A Bobde, SUPACE is a tool that collects relevant facts and laws and makes them available to a judge.
- The portal is not designed to take decisions, but only to process facts and to make them available to judges looking for an input for a decision.



- It is designed to make research easier for judges, thereby easing their workload.
- Initially, it will be used on an experimental basis by the judges of Bombay and Delhi High Courts who deal with criminal matters.

Indian equivalent to US Class Action Suits

- India has legal provisions for filing class action suits, but under four laws. They are,
- Order 1 Rule 8 of the Civil Procedure Code refers to representative suits, which is the closest to a classic class action suit in a civil context in India. It does not cover criminal proceedings.
- Section 245 of the Companies Act allows members or depositors of a company to initiate proceedings against the directors of the company in specific instances.
- There are threshold limits, requiring a minimum number of people or holders of issued share capital before such a suit can proceed.
- This type of suit is filed in the National Company Law Tribunal.
- Section 53(N) of Competition Act allows a group of aggrieved persons to appear at the National Company Law Appellate Tribunal (NCLAT) in issues of anti-competitive practices.
- The Supreme Court in certain complaints under the Consumer Protection Act has considered them as class action suits. (Rameshwar Prasad Shrivastava and Ors v Dwarkadhis Project Pvt Ltd and Ors)
- **Class action suit and Public Interest Litigation** - For filing a Public Interest Litigation (Article 32 or Article 226 of the Constitution), the plaintiff need not have a personal interest or claim in the matter.
- A crucial difference is that unlike a class action suit, a PIL cannot be filed against a private party (but only for a matter of public interest.)

4.8 Recusal of Judges

- Recently, two Supreme Court judges have recused themselves from hearing cases relating to West Bengal.
- **Reasons for recusal** - When there is a conflict of interest, a judge can withdraw from hearing a case to prevent creating a perception that s/he carried a bias while deciding the case.
- The practice stems from the cardinal principle of due process of law that nobody can be a judge in his/her own case.
- Another instance for recusal is when an appeal is filed in the Supreme Court against a judgement of a High Court that may have been delivered by the SC judge when she was in the HC.
- **Process for recusal** -The decision to recuse generally comes from the judge herself as it rests on the conscience and discretion of the judge to disclose any potential conflict of interest.
- In some circumstances, lawyers or parties in the case bring it up before the judge. If a judge recuses, the case is listed before the Chief Justice for allotment to a fresh Bench.
- **Rules** - There are no formal rules governing recusals, although several Supreme Court judgments have dealt with the issue.
- In *Ranjit Thakur v Union of India* (1987), the Supreme Court held that the tests of the likelihood of bias are the reasonableness of the apprehension in the mind of the party.
- The 1999 charter 'Restatement of Values in Judicial Life' is a code of ethics adopted by the Supreme Court.
- It states, "A Judge shall not hear and decide a matter in a company in which he holds shares, unless he has disclosed his interest and no objection to his hearing and deciding the matter is raised."
- **Decision** - Once a request is made for recusal, the decision to recuse or not rests with the judge.
- The judges can recuse even if they do not see a conflict but only because such an apprehension was cast. They can refuse to withdraw from a case.
- **Record** - Since there are no formal rules governing the process, it is often left to individual judges to record reasons for recusal.
- Some judges disclose the reasons in open court; in some cases, the reasons are apparent.



4.9 Appointments to Judicial Tribunals

Ministry of Finance has framed new rules prescribing uniform norms for the appointment and service conditions of members to various Tribunals.

- It was called Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017.
- It was framed by the government under Section 184 of the Finance Act of 2017, which empowers the Centre to frame rules relating to the appointment and service conditions of members of various tribunals.
- Through Part XIV of the Finance Act, 2017, around 26 Central statutes were amended.
- The power to prescribe eligibility criteria, selection process, removal, salaries, tenure and other service conditions pertaining to various members of 19 tribunals were sub-delegated to the rule-making powers of the Central government.
- A Constitution Bench has struck down the Rules in November 2019.
- The court held that Section 184 does not suffer from excessive delegation of legislative functions as there are adequate principles to guide its framing.
- However, the court struck those rules as a whole, as they suffered from “various infirmities”.

New Rules

- **Membership** - In the 2017 rules, except for NCLAT selection committee, all other committees comprised only one judge and three secretaries.
- To deny the executive an upper hand in appointing members to tribunals, the court ordered to have two judges of the Supreme Court to be a part of the four-member selection committee.
- Now, in the 2020 rules, by default, all committees consist of a judge, the president/chairman/chairperson of the tribunal concerned and two secretaries to the Government of India.
- A non-judicial member can become the president/chairman/chairperson.
- Therefore, when a non-judicial member becomes a member in the selection committee, the Supreme Court judge will be in minority, giving primacy to the executive, which is impermissible.
- **Tenure** - The Court held that the term of 3 years in 2017 rules is too short, and by the time members achieve a refined knowledge, expertise and efficiency, one term will be over.
- It advised that the term of office “shall be changed to a term of 5 or 7 years”.
- Now, in the 2020 rules, the tenure of members has been increased from three years to four years, thereby blatantly violating the directions of the Supreme Court.

4.10 Judges Pro Tem - SC Decision

The Supreme Court recently decided to invoke a “dormant provision” in the Constitution (Article 224A) to clear the way for appointment of retired judges as ad hoc judges.

- The objective is to clear the mounting arrears in various High Courts.
- The numbers both in respect of pendency of cases and vacancies in the High Courts are quite concerning.
- There exists a backlog of over 57 lakh cases, and a vacancy level of 40%.
- Five High Courts account for 54% of these cases.
- Therefore, it is welcome that the Court has chosen to activate Article 224A of the Constitution.
- Article 224A provides for appointment of ad hoc judges in the High Courts, based on their consent.
- The provision (Article 224A) has been utilised only sparingly in the past.
- It has been used for the limited purpose of disposing of particular kinds of cases.
- So, the endeavour to appoint ad hoc judges will have to come with some guidelines.
- The Court has made a beginning by directing that the trigger point for such an appointment will be -

1. when the vacancies go beyond 20% of the sanctioned strength, (or) when more than 10% of the backlog of pending cases are over 5 years old
 2. when cases in a particular category are pending for over 5 years, or when the rate of disposal is slower than the rate of institution of fresh cases
- The Bench has ruled that the current Memorandum of Procedure be also followed for appointing ad hoc judges with a suggested tenure of 2 to 3 years.
 - This is a process initiated by the Chief Justice of a High Court.
 - The Court has also clarified that this is a “transitory methodology” and does not constrain the regular appointment process.

4.11 SC Verdict on 97th Constitutional Amendment

The Supreme Court in a majority verdict quashed Part IX B of the Constitution on cooperatives inserted by 97th constitutional amendment.

- The 97th Constitutional Amendment Act dealt with issues related to effective **management of co-operative societies** in the country.
- It was passed by the Parliament in 2011 and had come into effect from 2012.
- The change in the Constitution has amended Article 19(1)(c).
- The Act gave protection to the cooperatives and inserted Article 43 B and Part IX B, relating to them.
- Part IXB delineated the jurisdictions of what State legislation on cooperative societies ought to contain.
- This applied to provisions on -
 - i. the maximum number of directors in each society
 - ii. reservation of seats for SCs, or STs, and women
 - iii. the duration of the terms of elected members, among others
- The question before the Court was whether the 97th Amendment impacted the legislative domain of the State Legislatures.
- If so, then it would require ratification by half of the states’ legislatures, in addition to the required two-thirds majority in Parliament.
- The Gujarat High Court had found the amendment invalid for want of such ratification.
- It struck down certain provisions of the amendment.
- It held that the Parliament could not enact laws with regard to cooperative societies as it was a State subject.
- The Centre challenged this 2013 decision of the Gujarat High Court in the Supreme Court.
- It believed that the subject of ‘cooperative societies’ in the State List was not altered in any way by the 97th Amendment.
- It only outlined the guidelines on any law on cooperatives that the State Assemblies may enact.
- The provision does not denude the States of its power to enact laws with regard to cooperatives.
- However, the SC, by a 2:1 majority, upheld the Gujarat HC judgment only in relation to cooperatives under the States.
- So, in essence, the SC upheld the validity of the 97th constitutional amendment but struck down part IX B of the Constitution.
- The elaborate amendment will continue to hold good for multi-State cooperative societies, on which Parliament is competent to enact laws.
- The judgment may also mean that the concern expressed, that the formation of a new [Ministry of Cooperation](#) would affect federal principles, could be true.



5. CONSTITUTIONAL & NON-CONSTITUTIONAL BODIES

5.1 Appointment of Regular CBI Director

A plea in Supreme Court seeks appointment of the director of the Central Bureau of Investigation (CBI).

- The CBI Director is appointed as per section 4A of the Delhi Special Police Establishment Act of 1946.
- The CBI Director as Inspector General of Police, Delhi Special Police Establishment, is responsible for the administration of the organisation.
- S/he will be appointed by the Dept of Personnel and Training based on the recommendation of a three-member committee consisting of,
 - Prime Minister as Chairperson,
 - Leader of Opposition in the Lok Sabha and
 - Chief Justice of India or Supreme Court Judge nominated by him.
- S/he shall be appointed, after the approval of the Appointments Committee of the Cabinet.
- The CBI Director has been provided security of 2-year tenure in office by the CVC Act, 2003.

5.2 National Tribunals Commission

- The idea of an NTC was first mooted in L. Chandra Kumar v. Union of India (1997).
- The NTC must be established vide a constitutional amendment or be backed by a statute that guarantees its independence.
- It is an independent umbrella body to,
 - 1) Supervise the functioning of tribunals,
 - 2) Function as an independent recruitment body to develop and operationalise the procedure for disciplinary proceedings and appointment of tribunal members.
 - 3) Take care of tribunals' administrative and infrastructural needs,
- The NTC could pave the way for the separation of the administrative and judicial functions carried out by various tribunals.
- A 'corporatised' structure of NTC with a Board, a CEO and a Secretariat will allow it to scale up its services and provide requisite administrative support to all tribunals across the country.
- As the Finance Ministry has been vested with the task for tribunals until the NTC is constituted, it must come up with a transition plan.

5.3 National Commission for Protection of Child Rights

- It is a statutory body set up in 2007 under the Commissions for Protection of Child Rights (CPCR) Act, 2005. It works under the aegis of Ministry of Women and Child Development, Govt. of India.
- Under the NCPCR, the Child is defined as a person in the 0 to 18 years age group.
- **Mandate** - To ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in,
 1. The Constitution of India and
 2. The UN Convention on the Rights of the Child.
- It inquires into complaints relating to a child's right to free and compulsory education under the Right to Education Act, 2009.
- It monitors the implementation of Protection of Children from Sexual Offences (POCSO) Act, 2012.



5.4 National Medical Commission

- It has been established by an Act of Parliament known as National Medical Commission Act, 2019. The objective of the Commission is to,
 1. Improve access to quality and affordable medical education,
 2. Ensure adequate and high-quality medical professionals in all parts of India and
 3. Provide equitable and universal health care.
- The NMC will function as the country's top regulator of medical education. It will have four separate autonomous boards for:
 1. Undergraduate medical education.
 2. Postgraduate medical education.
 3. Medical assessment and rating.
 4. Ethics and medical registration.
- **Functions** of NMC include laying down policies for
 1. Maintaining a high quality and high standards in medical education and making necessary regulations;
 2. Regulating medical institutions, researches and professionals;
 3. Assessing the requirements in healthcare and developing a road map for meeting such requirements;
 4. Coordinating and framing guidelines and laying down policies by making necessary regulations for the proper functioning of the Commission, Autonomous Boards and State Medical Councils.
- It also ensures coordination among the Autonomous Boards. It acts as appellate jurisdiction with respect to decisions of Autonomous Boards.
- It lays down policies and codes to ensure observance of professional ethics in the medical profession and promotes ethical conduct during the provision of care by medical practitioners.
- The common final year MBBS exam will now be known as the National Exit Test (NEXT), according to the new medical education structure under the NMC.

6. ELECTIONS

6.1 Delimitation Commission

- In the Delimitation Commission meeting, an overview on the process of delimitation based on the Jammu and Kashmir Reorganization Act, 2019 and Delimitation Act, 2002 was presented in order to conduct the delimitation exercise in the UT.
- **Delimitation Act, 2002** was enacted to set up a Delimitation Commission for the purpose of effecting delimitation on the basis of the 2001 census.
- The Act sought to lay down certain guidelines as to the manner in which such delimitation would be undertaken.
- The Delimitation Commission would re-fix the number of seats for the Scheduled Castes and the Scheduled Tribes based on the 2001 census, without affecting total number of seats based on the 1971 census.
- It was given the task of carrying out delimitation of Parliamentary and Assembly constituencies.
- This delimitation would apply to every general election and to every by-election to the House of the People or a State Legislative Assembly held after the final orders of the Commission are published.

6.2 State Election Commissioners

- In a case about municipal council elections in Goa, the Supreme Court directed the Goa government to carry out the exercise of reservation of wards afresh and issue a fresh election schedule.



- The State Election Commissioners (SEC) in Goa was the state Law Secretary.
- It said that the SECs across the country should be **independent** and **not persons holding office** with the central government or a state government.
- In this regard, the Court said the following:
 - The SEC is an important constitutional functionary who is to oversee the entire election process in the state for panchayats and municipalities.
 - The SEC thus has to be a person who is independent of the State Government.
- **SEC** - The SEC is to be appointed by the governor of the state. His conditions of service and tenure of office shall also be determined by the governor.
- He shall not be removed from the office except in the manner and on the grounds prescribed for the removal of a judge of the state high court.

6.3 Allotting Election Symbol

- The Supreme Court dismissed the special leave petition challenging the Kerala High Court judgments that upheld the Election Commission of India's order allotting the 'Two Leaves' symbol to Kerala Congress (M).
- The Election Commission (EC) has plenary powers under Article 324 of the Constitution to decide on the allotment of symbols.
- Election Symbols (Reservation and Allotment) Order, 1968, empowers the EC to allot symbols to the political parties at elections in Parliamentary and Assembly Constituencies.
- In every election, different symbols shall be allotted to different contesting candidates at an election in the same constituency.
- For the purpose of this Order symbols are either reserved or free.
 1. **Reserved symbol** is a symbol which is reserved for a recognised political party for exclusive allotment to contesting candidates set up by that party.
 2. **Free symbol** is a symbol other than a reserved symbol.
- For the purposes of this Order and for such other purposes as the EC may specify, political parties are either recognised political parties (National or a State party) or unrecognised political parties.

6.4 Star Campaigners

- A star campaigner is a **celebrity vote seeker** in an election for a party, who can be a politician or even a film star.
- They are nominated by the concerned political parties specifying their constituencies and duration of the status.
- There is no law governing who can or cannot be made a star campaigner.
- Since political parties appoint star campaigners, the Election Commission of India (ECI) has issued guidelines the Model Code of Conduct regulating poll campaign by them.
- **Numbers** - A 'recognised' party can nominate a maximum of 40 star campaigners.
- An unrecognised political party can nominate a maximum of 20 star campaigners.
- **Need for a star campaigner** - The ECI keeps a tab on expenditure incurred by individual candidates during campaign - Rs. 70 lakh for most states in one constituency by each candidate.
- Expenditure incurred on electioneering by the star campaigner is not added to a candidate's poll expenditure giving him/her more scope for expenditure.
- However, for an individual candidate to get relief from campaign expenditure, the star campaigner has to limit oneself to general campaigning for the party.
- According to the Representation of People's Act, these expenses will be borne by the political parties.



- **Prime Minister** - The MCC guidelines say when a PM or a former PM is star campaigner, the expenditure incurred on security including on the bullet-proof vehicles will be borne by the government.
- However, if another campaigner travels with the prime minister or a former minister, the individual candidate will have to bear 50% of the expenditure incurred on the security arrangements.

6.5 Ranked Choice Voting

- Ranked choice voting system made its debut in New York City's mayoral primary.
- The system is based on a simple premise - Democracy works better if people aren't forced to make an all-or-nothing choice with their vote.
- Rather than pick just one candidate, voters get to rank several in order of preference.
- Even if a voter's top choice doesn't have enough support to win, their rankings of other candidates still play a role in determining the victor.
- **Working** - If one candidate is the first choice of a majority of voters (more than 50%) that person wins the race outright, just like in a traditional election.
- If nobody hits that threshold, ranked choice analysis kicks in.
- Vote tabulation is done in rounds. In each round, the candidate in last place is eliminated. Votes cast ranking that candidate first are then redistributed to those voters' second choices.
- That process repeats until there are only two candidates left. The one with the most votes wins.
- **Benefit** - Nobody "wastes" their vote in this system by picking an unpopular candidate as their first choice. If that person is eliminated, you still get a say in who wins the race based on your other rankings.
- Another benefit is that it's tough for someone to get elected without broad support, unlike the traditional election.

6.6 Secrecy of Vote

- The Supreme Court held that in any election, be it to Parliament or State legislature, the maintenance of secrecy of voting is "a must". It reiterated judgement in People's Union for Civil Liberties case (2013).
- It stated that Secrecy is a **part of the fundamental right** of freedom of expression. The confidentiality of choice strengthened democracy.
- In direct elections to Lok Sabha or State legislature, the secrecy of vote would ensure that a voter casts his vote without any fear or being victimised if his vote is disclosed.
- It also stated that Democracy and free elections were a **part of the Basic Structure** of the Constitution.
- [The 'basic structure' doctrine was framed in the judgment in Kesavananda Bharati vs State of Kerala case (1973).]
- The Court also said that any attempt at **booth-capturing or bogus voting** were crimes against democracy and should be dealt with iron hands, because it ultimately affects the rule of law and democracy.

6.7 Voice Vote

The Karnataka Prevention of Slaughter and Preservation of Cattle Bill was recently passed by the State's Legislative Council by voice vote.

- The practice of resorting to voice vote and passing bills despite lack of a majority is increasing, and here is a constitutional assessment of it.
- The law was passed by the Upper House despite the lack of a majority.
- A division vote based on actual voting is the usual practice.
- But, instead of this, the presiding officer just declared the Bill passed by voice vote without any division.

Voice Vote (Rule 252)

Vote taken by calling for ayes and noes and estimating which response is stronger

No names of the voters are recorded

- A similar process was followed to pass the controversial farm laws (by the Rajya Sabha) in September 2020.
- Here too, the government seemed to lack a majority to pass the bills in the Upper House.
- And instead of a division vote, a voice vote was deemed to be adequate by the Deputy Speaker of the House.
- In both cases, the disturbance caused by the Opposition was used as a pretext to resort to a voice vote.
- The government has repeatedly invoked multiple consultations around these laws.
- However, the fact that the pieces of legislation were passed without an actual legislative majority voting has not been given due attention.

6.8 Delimitation in Jammu and Kashmir

- The Union government has invited political leaders from Jammu and Kashmir for a meeting with the Prime Minister in Delhi. This may be related to the delimitation process that needs to be held in J&K.
- **Delimitation** is the act of redrawing boundaries of an Assembly or Lok Sabha seat to represent changes in population over time.
- This exercise is carried out by a Delimitation Commission, whose orders has the force of law and cannot be questioned before any court.
- The objective is to redraw boundaries (based on the data of the last Census) in a way so that the population of all seats be the same throughout the State.
- Aside from changing the limits of a constituency, the process may result in change in the number of seats in a state.
- **Frequency** - Delimitation exercises in J&K in the past have been slightly different from those in the rest of the country because of the region's special status - which was scrapped by the Centre in 2019.
- Until then, delimitation of Lok Sabha seats in J&K was governed by the Constitution of India, but the delimitation of the state's Assembly seats was governed by
 1. Jammu and Kashmir Constitution and
 2. Jammu and Kashmir Representation of the People Act, 1957.
- Assembly seats in J&K were delimited in 1963, 1973 and 1995.
- **Now** - In March 2020, the government set up the Delimitation Commission, headed by retired Supreme Court judge Ranjana Prakash Desai, which was tasked with winding up delimitation in J&K in a year.
- Apart from Desai, Election Commissioner and J&K State Election Commissioner are the ex-officio members of the delimitation panel. That apart, there are five associate members.
- After the abrogation of J&K's special status in 2019, delimitation of Lok Sabha and Assembly seats in the newly-created Union Territory would be as per the provisions of the Indian Constitution.
- As per the Jammu and Kashmir Reorganisation Bill, the number of Assembly seats in J&K would increase from 107 to 114, which is expected to benefit the Jammu region.

6.9 Electoral Bonds Scheme

Recently Supreme Court refused to stay the sale of electoral bonds ahead of Assembly elections.

- The Government of India notified the Electoral Bond Scheme in 2018.
- It is a promissory note which can be bought by any Indian citizen or company incorporated in India
- It can be donated to any eligible political party.
- SBI has been authorised to issue and encash Electoral Bonds through its 29 Authorized Branches across the country.
- **Donor** - Any individual, groups of individuals, NGOs, religious and other trusts can buy Electoral Bonds through cheque/digital payment, either singly or jointly with other individuals by approaching the banks.



- The bonds are sold in multiples of Rs 1,000, Rs 10,000, Rs 1 lakh, Rs 10 lakh, and Rs 1 crore. There is no limit on the number of bonds an individual or company can purchase.
- The SBI is the only bank authorised to sell these bonds to the donor, who in turn anonymously donates these bonds to the political party.
- **Receiver** - Electoral Bonds shall be received only by the Political Parties registered under Section 29A of the Representation of People Act, 1951.
- Also, these Political Parties should have secured not less than 1% of the votes polled in the last General Election to the House of the People or the Legislative Assembly of the State.
- **Encash** - The Electoral Bonds shall be encashed by an eligible Political Party only through a Bank account with the Authorized Bank. E.g.: SBI.
- The political party has to encash into the account which is registered with the Election Commission of India.
- **Validity** - Electoral Bond shall be valid for 15 calendar days from the date of issue and no payment shall be made to any payee Political Party if the Electoral Bond is deposited after expiry of the validity period.
- The Electoral Bond deposited by an eligible Political Party in its account shall be credited on the same day.
- SBI deposits bonds that a political party hasn't encashed within 15 days into the Prime Minister's Relief Fund.
- In India, for the last three years, electoral bonds have become the dominant method of political party funding.
- It allows for limitless and anonymous donations to political party which means that well-resourced corporations can buy politicians by paying immense sums of money.
- Since the donations are routed through the SBI, it is possible for the government to find out who is donating to which party.
- It becomes a very effective way to squeeze donations to rival political parties.

7. GOVERNANCE

7.1 Article 311

- Sachin Waze was dismissed from service by Mumbai Police Commissioner under Article 311 (2) (b) without a departmental enquiry.
- To know more about the Sachin Waze Case, [click here](#).
- **Article 311** safeguards civil servants by give them a chance to respond to the charges in an enquiry so that he/she is not arbitrarily dismissed from service with some exceptions.
- It puts certain restrictions on the absolute power of the President or Governor for dismissal, removal or reduction in rank of an officer.
- Safeguards under Article 311 are applicable only to civil servants, i.e. public officers, and not to defence personnel.
- Article 311 (1) - No government employee either of an all India service or a state government shall be dismissed or removed by an authority subordinate to the own that appointed him/her.
- Article 311 (2) - No civil servant shall be dismissed or removed or reduced in rank except after an inquiry in which s/he has been informed of the charges and given a reasonable chance to respond to the charges.
- **Exceptions** under Article 311 (2) are Article 311 (2) (a), Article 311 (2) (b) and Article 311 (2) (c)
 1. Article 311 (2) (a) - Where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

Process of Departmental Enquiry

- In a departmental enquiry, after an enquiry officer is appointed, the civil servant is given a formal chargesheet of the charges.
- The civil servant can represent him/herself or choose to have a lawyer.
- Witnesses can be called during the departmental enquiry following which the enquiry officer can prepare a report and submit it to the government for further action.



2. Article 311 (2) (b) - Where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or
3. Article 311 (2) (c) - Where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State, it is not expedient to hold such inquiry.

7.2 Real Estate Regulatory Authority

RERA has infused governance & has cleansed black money in the hitherto unregulated real estate sector.

- The RERA act aims to protect the interests of homebuyers & boost investment in the real estate sector.
- It aims to bring transparency & efficiency in sale/purchase of real estate by establishing RERA in each state to regulate real estate sector.
- The Act stipulates that no project can be sold without project plans being approved by the competent authority.
- Every project has to be registered with the regulatory authority thereby putting end to the practice of selling properties based on false advertisements.
- This authority also acts as an adjudicating body for speedy dispute resolution.
- The promoters of the project have to maintain project based separate bank accounts to prevent fund diversion & they have to mandatorily disclose unit size based on carpet area.
- Either the promoter or the buyer has to pay equal rate of interest in case of default of project thereby reinforcing equity.

7.3 Companies (Corporate Social Responsibility Policy) Amendment Rules, 2021

The Ministry of Corporate Affairs has amended the Companies (CSR Policy) Rules, 2014.

- CSR is a corporate initiative to assess and take responsibility for the company's effects on the environment and impact on social welfare.
- CSR projects are taken up to promote positive social and environmental change.
- Currently, the CSR rules apply to the companies with any of the following criteria:
 - i. a net worth of Rs 500 crore or more
 - ii. a turnover of Rs 1,000 crore or more
 - iii. net profit of Rs 5 crore or more
- These companies are required to spend 2% of their average profits of the previous 3 years on CSR activities every year.

Amendments

- **Registration** - The Amendment substitutes Rule 4 which implements CSR in the companies.
- Every entity, which intends to undertake any CSR activity, shall register itself with the Central Government.
- This is to be done by filing the form CSR-1 electronically with the Registrar, with effect from the 1st day of April 2021.
- The provisions of this sub-rule shall not affect the CSR projects or programmes approved prior to the 1st day of April 2021.
- Form CSR-1 shall be signed and submitted electronically by the entity.
- It shall be verified digitally by a Chartered Accountant in practice or a Company Secretary in practice or a Cost Accountant in practice.
- **Action plan** - Under Rule 5, the CSR Committee shall formulate and recommend to the Board, an annual action plan in pursuance of its CSR policy.
- This shall include the following, namely:

- i. the list of CSR projects or programmes that are approved to be undertaken in areas or subjects specified in Schedule VII of the Act
 - ii. the manner of execution of such projects or programmes
- **Impact assessment** - Under Rule 8, any corporation with a CSR obligation of Rs 10 crore or more for the 3 preceding financial years would be required to hire an independent agency.
 - This is to conduct impact assessment of all of their project with outlays of Rs 1 crore or more.
 - Companies will be allowed to count 5% of the CSR expenditure for the year up to Rs 50 lakh on impact assessment towards CSR expenditure.
 - **Transparency** - Under rule 9, the Board of Directors of the Company shall mandatorily disclose the composition of the CSR Committee.
 - The CSR Policy and Projects approved by the Board should also be disclosed on their website, if any, for public access.

7.4 NITI Aayog's Governing Council

- Sixth meeting of the Governing Council of NITI Aayog was held under the chairmanship of Prime Minister, with the agenda comprising the following items:
 1. Making India a Manufacturing Powerhouse
 2. Reimagining Agriculture
 3. Improving Physical Infrastructure
 4. Accelerating Human Resources Development
 5. Improving Service Delivery at Grassroots Level
 6. Health and Nutrition
- **Governing Council** is the premier body tasked with evolving a shared vision of national development priorities, sectors and strategies with the active involvement of States in shaping the development narrative.
- It comprises the Prime Minister of India, Chief Ministers of all the States and Union Territories with Legislature, Lt Governors of other UTs, Union Ministers (Ex-Officio Members) and Special Invitees.
- It seeks to foster Cooperative Federalism through structured support initiatives and mechanisms with the States on a continuous basis.
- It seeks to design and assist the implementation of strategic, long-term policy frameworks and programme initiatives, while monitoring their progress and efficacy.
- It presents a platform to discuss inter-sectoral, inter-departmental and federal issues to accelerate the implementation of the national development agenda.

7.5 One Nation One Standard Mission

- Mission "One Nation One Standard" would make India a leader in setting global benchmark standards.
- This mission was established in 2019 to ensure quality products and services to consumers in the country.
- While all areas of production and services be included in this mission, bringing a national uniformity and standardization in all kinds of public procurement and tendering can be an immediate deliverable.
- As the strength and character of the nation is often exemplified by the standards it sets for the quality of its products, this mission would be of great help in this context.
- Bureau of Indian Standards (BIS) would explore international partnerships and associations to achieve synergy in the field.

7.6 National Digital Education Architecture

- The Union Budget 2021-22 has announced setting up of a National Digital Educational Architecture (NDEAR) within the context of a Digital First Mindset.

- NDEAR is being envisioned to be a digital infrastructure for Education.
- It will support teaching and learning activities as well as educational planning, governance administrative activities of the Centre and the States/ Union Territories.
- It will provide education eco-system architecture for development of digital infrastructure, a federated but interoperable system that will ensure autonomy of all stakeholders, especially States and UTs.
- The institutional structure, governance framework, technology and data of NDEAR will benefit the entire student and teacher community.

7.7 National Urban Digital Mission

- National Urban Digital Mission (NUDM) was launched by Ministry of Housing and Urban Affairs (MoHUA) and Ministry of Electronics and Information Technology (MeitY).
- NUDM will create a shared digital infrastructure for urban India by working across the three pillars of **people, process, and platform** to provide holistic support to cities and towns.
- It will create a shared digital infrastructure that can consolidate and cross-leverage the various digital initiatives of the MoHUA.
- It will institutionalise a citizen-centric, principles-based and ecosystem-driven approach to urban governance and service delivery in 2022 cities by 2022, and across all cities and towns in India by 2024.
- NUDM has articulated a set of governing principles, and inherits the technology design principles of the National Urban Innovation Stack (NUIS), whose strategy and approach was released by MoHUA in 2019.
- The principles give rise to standards, specifications, and certifications, across the three pillars of people, process, and platforms.

7.8 City Innovation Exchange

- City Innovation Exchange (CiX) platform was launched by the Ministry of Housing and Urban Affairs.
- CiX, through an 'open innovation' process, engages with innovators to design-test-deliver on solutions to pressing urban challenges.
- It brings together Citizen Organisations-Academia-Businesses-Government to co-create for the future of Urban India in a transparent and sustainable manner.
- It will ease the discovery, design & validation of solutions through a user centric process that will reduce barriers for innovators and cities to discover fitting solutions.
- It will help in the flow of ideas 'outside in and inside out', enhancing the skills and capacity required to deliver smart urban governance.
- Smart Cities Mission will partner with Startup India, Atal Innovation Mission, AGNIi and other initiatives in the Indian Innovation ecosystem.

7.9 India Urban Data Exchange

- India Urban Data Exchange (IUDX) is an open-source software platform developed by the Smart Cities Mission and the Indian Institute of Science (IISc), Bengaluru.
- It facilitates secure exchange of Smart City data amongst data platforms, 3rd party authenticated and authorised applications, and other sources.
- [This Smart City data could be monetised in the future, similar to the UPI for bank accounts and digital payments.]
- It serves as an interface for data providers and data users to share, request, and access datasets related to cities, urban governance, and urban service delivery.
- As the number of cities on IUDX expands, this will scale up to uniform sharing between data producers and data consumers across urban India.

7.10 E-Daakhil Portal

- E-Daakhil portal for **online redressal of consumer grievances** is now operational in 15 States/UTs.
- This portal, developed by National Informatics Centre, was launched by National Consumer Dispute Redressal Commission (NCDRC) in 2020.
- As provided in the Consumer Protection Act, 2019, the portal empowers the consumers to file the consumer complaints and payment of requisite fees online for the redressal of their complaints.
- It also facilitates the consumer commissions to scrutinize the complaints online to accept, reject or forward the complaint to the concerned commission for further processing.
- To facilitate the rural consumers for e-filing, it has been decided to integrate the Common Service Centres (CSC) with the e-daakhil portal.

7.11 Occupational Safety, Health & Working Conditions Code

- NITI Aayog has constituted a sub-group to prepare a National Action Plan for Migrant Workers.
- The Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code) Act has subsumed the Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
- It provides for decent working conditions, grievances redressal mechanisms, minimum wages, protection from abuse and exploitation etc.,
- It also provides for enhancement of the skills and social security to all categories of organised and unorganised workers including Migrant workers.
- The relevant provisions of the Code are applicable to every establishment in which 10 or more inter-state migrant workers are employed or were employed on any day of the preceding 12 months.

7.12 Model Panchayat Citizens Charter

- A Model Panchayat Citizens Charter or framework for delivery of the services across the 29 sectors, aligning actions with localised Sustainable Development Goals (SDGs).
- It is prepared by Ministry of Panchayati Raj in collaboration with National Institute of Rural Development & Panchayati Raj (NIRDPR).
- [NIRDPR is an autonomous organisation under the Ministry of Rural Development.]
- The aim of establishing a Citizen charter is to provide services to the people in a time bound manner without any prejudice, redressing their grievances and improving their lives.
- The Gram Panchayat Citizen Charter would ensure,
 1. Transparent and effective delivery of public services for sustainable development and enhanced citizen service experiences;
 2. Deepening inclusive and accountable Local Self Governments by incorporating diverse views; designing and delivering services.
- It will make the citizens aware of their rights, and make the Panchayats and their elected representatives directly accountable to the people.
- The Panchayats will utilise this framework to draw up a Citizens Charter and adopt it through a Gram Sabha resolution by 15th August, 2021.

7.13 Amendment to Consumer Protection (E-commerce) Rules, 2020

- The Government of India is sharing a draft of the proposed amendments to the Consumer Protection (E-commerce) Rules, 2020.
- These amendments aim to bring transparency in the e-commerce platforms and strengthen the regulatory regime to curb the prevalent unfair trade practices.
- It aims to ensure compliance of the Consumer Protection Act, 2019 and Rules, and to strengthen the grievance redressal mechanism on e-commerce entities, there is a proposal for the appointment of,



1. Chief Compliance Officer,
 2. A nodal contact person for 24x7 coordination with law enforcement agencies, officers to ensure compliance to their orders
 3. Resident Grievance Officer for redressing of the grievances of the consumers on the e-commerce platform.
- Putting in place a framework for registration of every e-commerce entity with the Department for Promotion of Industry and Internal Trade for,
 1. Allotment of registration number,
 2. Invoice of every order placed the e-commerce entity.
 - To protect the interests of consumers, mis-selling has been prohibited.
 - [Misselling means goods and services entities selling goods or services by deliberate misrepresentation of information by such entities about such goods or services.]
 - All sellers on marketplace e-commerce entities and all inventory e-commerce entities must provide best before or use before date to enable consumers to make an informed purchase decision.
 - The e-commerce entities that sell imported goods or services shall,
 1. Incorporate a filter mechanism to identify goods based on country of origin and
 2. Suggest alternatives to ensure fair opportunity to domestic goods.
 - The amendment ensures that consumers are not adversely affected in the event where a seller fails to deliver the goods or services due to negligent conduct by such seller in fulfilling the duties and liabilities in the manner as prescribed by the marketplace e-commerce entity
 - This is ensured by the provisions of Fall-back liability for every marketplace e-commerce entity.

7.14 Amendment to Food security (Assistance to State Government Rules) 2015

- The Department of Food & Public Distribution notifies amendment in Food security (Assistance to State Government Rules) 2015.
- This amendment would ensure right quantity to beneficiaries in distribution of subsidized foodgrains as per their entitlement under the National Food Security Act (NFSA), 2013.
- This would incentivise States who are operating their ePoS devices in a judicious manner and are able to generate savings from the additional margin of Rs.17.00 per quintal provided to them.
 - Distribution through ePoS devices ensures that subsidised foodgrains are provided to the rightful beneficiary through biometric authentication.
- Any savings accrued by State/UT from the additional margin provided towards the cost of purchase, operation and maintenance of the ePOS can be utilised for purchase, operations and maintenance of electronic weighing scales and their integration with the ePOS devices.
 - Integration of ePoS devices with electronic weighing scales would ensure that the beneficiary is given the right quantity of foodgrains by the Fair Price Shop dealer as per his entitlement.
- Food security Rules 2015 provides for additional margin to Fair Price Shop (FPS) Dealers for sale through ePoS devices as an incentive to ensure transparent recording of transactions at all levels.
 - The additional margin is payable for FPS which has installed a PoS device and shall be limited to the transactions made through it.

7.15 Central Deputation of IAS officers

- The outgoing West Bengal Chief Secretary Bandyopadhyay has been the subject of a tussle between the Centre and the West Bengal government as the state government appointed him as Chief Advisor to the CM.
- He was due to begin an extension of three months after retiring as Chief Secretary, but the Centre instead asked him to join the Government of India. But he did not join.



- **Extension** - Rule 16(1) of Death-cum-Retirement Benefit (DCRB) Rules provides the conditions for the extension of service.
- A member of the Service dealing with budget work or working as a full-time member of a Committee which is to be wound up within a short period may be given extension of service for a period not exceeding 3 months in public interest, with prior approval of Central Government.
- For an officer posted as Chief Secretary of a state, this extension can be for six months.
- **Central deputation** - In normal practice, the Centre asks every year for an “offer list” of officers of the All India Services willing to go on central deputation, after which it selects officers from that list.
- Rule 6(1) of the IAS Cadre Rules - An officer may, with the concurrence of the State Governments concerned and the Central Government, be deputed for service under the Central Govt or another State Govt.
- It says “In case of any disagreement, the matter shall be decided by the Central Government and the State Government(s) concerned shall give effect to the decision of the Central Government.”
- **Punishment** - The Centre cannot take action against civil service officials who are posted under the state government, unless the latter agrees.
- All India Services (Discipline and Appeal) Rules, 1969 - The authority to institute proceedings and to impose penalty will be the state government if the officer is serving in connection with the affairs of a state.
- For any action to be taken against an officer of the All India Services, the state and the Centre both need to agree.

7.16 Merger of CWC-CRWC

- The Union Cabinet has approved to merger of the ‘Central Railside Warehouse Company Limited’ (CRWC), with its holding enterprise ‘Central Warehousing Corporation’ (CWC).
- It will be a step towards implementing the direction of “Minimum Government Maximum Governance” given by Prime Minister.
- Due to shortage of capital and some of the restrictive clauses in its MoU with Ministry of Railways, CRWC’s pace of growth was not as expected.
- As CWC is the sole shareholder of CRWC and all the assets and liabilities and rights and obligations will be transferred to CWC, there will be no financial loss to either instead it will bring synergy.
- The merger will unify similar functions of both the companies (i.e., warehousing, handling, transportation) through a single administration.
- A separate Division with the name ‘Railside Warehouse Complexes (RWCs) Division’ will be created by CWC for handling operations and marketing of RWCs.

7.17 Central Warehousing Corporation

- CWC is a Schedule ‘A’-Mini-Ratna Category-1 Central Public Sector Enterprises (CPSE) set up in 1957 to provide logistics support to the agricultural sector.
- It is a statutory body that was established under the Warehousing Corporations Act, 1962 under the Ministry of Consumer Affairs, Food and Public Distribution.
- It provides reliable, cost-effective, integrated warehousing and logistics solution in a socially responsible and environment friendly manner.
- It was set up to provide for incorporation and regulation of Warehousing Corporations for the purpose of warehousing of agriculture produce and certain other commodities notified by the Central Government.
- As a premier Warehousing Agency, CWC operates Container Freight Stations/ Inland Clearance Depots, Air Cargo Complexes, Inland Check Posts and Temperature Controlled Warehouses.
- Warehousing activities of CWC includes food grain warehouses, industrial warehousing, custom bonded warehouses, container freight stations, inland clearance depots and air cargo complexes.
- Apart from storage and handling, CWC also provides services in the area of clearing & forwarding, handling & transportation, disinfestation, fumigation etc.



7.18 Delhi's Master Plan 2041

- The Delhi Development Authority gave its preliminary approval to the draft Master Plan for Delhi (MPD) 2041. The current Master Plan for Delhi 2021 expires this year.
- [A city's master plan is a vision document by the planners and the land-owning agency of the city that gives direction to the future development.
- It includes analysis, recommendations, and proposals keeping in mind the population, economy, housing, transportation, and land use.]
- The draft MPD 2041 seeks to foster a sustainable, liveable and vibrant Delhi by 2041. It presents a plan for the city for the next 20 years.
- **Housing Sector** - The plan aims to incentivise rented accommodation by inviting private players and government agencies to invest more.
- It addresses parking problems and suggests a 'user pays' principle, which means users of all personal motor vehicles, except for non-motorised ones, have to pay for authorised parking facilities, spaces and streets.
- It aims to minimise vehicular pollution through key strategies, like a switch to greener fuels for public transport and adoption of mixed-use of transit-oriented development (TOD).
- **Water** - It aims improving the quality of water, which is taken from the Yamuna River as well as various lakes, natural drains and baolis.
- It lays a clear boundary of the buffer zone near the Yamuna River and explores how to develop it.
- As per the plan, a green buffer of 300-metre width shall be maintained wherever feasible along the entire edge of the river.
- **Health** - MPD 2041 plans to reduce vulnerability to airborne epidemics through decentralised workspaces, creation of open areas, etc.,
- It aims to better habitat design and green-rated developments to reduce dependence on mechanical ventilation systems.
- It aims to develop common community spaces to provide refuge spots, common kitchens and quarantine space in an emergency.
- It plans to improve the night-time economy by focusing on cultural festivals, bus, metro, sports facilities, and retail stores included in Delhi Development Authority's (DDA) Night Life Circuit plan.

7.19 Lateral Entry into Bureaucracy

UPSC has recently issued an advertisement to recruit through lateral entry in the second round.

- This refers to the induction of new personnel at middle and senior management levels in the central government.
- These 'lateral entrants' would be part of the central secretariat.
- The secretariat, in the normal course, has only career bureaucrats from the All India Services/ Central Civil Services.
- Applications were open for appointment of 30 persons at the Joint Secretary and Director level in the Central administration.
- These individuals, who would make a "lateral entry" into the government secretariat, would be contracted for 3 to 5 years.
- These posts were "unreserved", meaning no quotas for SCs, STs and OBCs.
- The new advertisement is for the second round of such recruitments.
- Earlier, lateral appointments were made for 10 positions of Joint Secretary in different Ministries/Departments and 40 positions at the level of Deputy Secretary/Director.
 1. A Joint Secretary, appointed by the Appointments Committee of the Cabinet (ACC), has the third highest rank (after Secretary and Additional Secretary) in a Department.
 2. S/he functions as administrative head of a wing in the Department.

3. Directors are a rank below that of Joint Secretary.

- Government has, from time to time, appointed some prominent persons for specific assignments in government.
- This is keeping in view their specialised knowledge and expertise in the domain area.
- Lateral recruitment is thus aimed at achieving the twin objectives of bringing in fresh talent and augmenting the availability of manpower.
- However, groups representing SCs, STs and OBCs have protested the fact that there is no reservation in these appointments.
- The move is seen as another ploy to sideline and reduce reservations for deprived sections.

7.20 India's IT Rules 2021

The central government has recently released the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

- The guidelines aim to regulate social media, digital news media, and over-the-top (OTT) content providers.
- **Social Media Intermediaries** - Social media intermediaries are platforms that host user-generated content.
- E.g. Twitter, Facebook, YouTube, WhatsApp
- The Rules create two Categories of Social Media Intermediaries which are:
 1. social media intermediaries
 2. significant social media intermediaries
- This is to encourage innovations and enable growth of new social media intermediaries without subjecting smaller platforms to significant compliance requirement.
- The distinction is based on the number of users on the social media platform.
- Government is empowered to notify the threshold of user base for these categories.
- The Rules require the 'significant social media intermediaries' to follow certain additional due diligence.
- **Due diligence** - Section 79 of the IT Act provides a "safe harbour" to social media intermediaries.
- It exempts them from liability for the actions of users if they adhere to government-prescribed guidelines.
- The new guidelines prescribe an element of due diligence to be followed by the intermediary.
- Failing this would mean that their safe harbour provisions would cease to apply.
- **Grievance redressal** -The Rules mandates that the intermediaries, including social media platforms, should establish a mechanism for receiving and resolving complaints from users.
- These platforms will need to appoint a grievance officer to deal with such complaints.
- The officer must acknowledge the complaint within 24 hours, and resolve it within 15 days of receipt.
- In addition to a grievance officer, social media platforms will have to appoint a chief compliance officer resident in India.
- The chief compliance officer will be responsible for ensuring compliance with the rules.
- The platforms will also be required to appoint a nodal contact person for 24×7 coordination with law enforcement agencies.
- Further, the platforms will need to publish a monthly compliance report.
- This should have details of -
 - complaints received and action taken on the complaints
 - contents removed proactively by the significant social media intermediary
- The due diligence requirements will come into effect after 3 months from the notification of the rules.



- **Removal of content** - The rules lay down 10 categories of content that the social media platform should not host.
- **Penalties for violation** - In case an intermediary fails to observe the rules, it would lose the safe harbour, and will be liable for punishment.

Information Technology Act, 2002

- Twitter had restored more than 250 accounts that were suspended earlier by it on the government order.
- The Information Technology Act, 2000 governs all activities related to the use of computer resources.
- It covers all **'intermediaries'** who play a role in the use of computer resources and electronic records.
- 'Intermediaries' includes providers of telecom service, network service, Internet service and web hosting, besides search engines, online payment and auction sites, online markets and cyber cafes as well as any person who, on behalf of another, "receives, stores or transmits" any electronic record.
- Social media platforms, like Twitter, fall under the definition of 'intermediaries'.
- **Section 69** of the Act empowers the Central and State governments can issue directions to intercept, monitor or decrypt any information generated, transmitted, received or stored in any computer resource.
- The grounds on which these powers may be exercised are:
 1. In the interest of the sovereignty or integrity of India, defence of India, security of the state, friendly relations with foreign states, public order, or
 2. For preventing incitement to the commission of any cognisable offence relating to these, or
 3. For investigating any offence.
- **Section 79** of the Act says that an intermediary shall not be liable for any third-party information, data, or communication link made by him.

7.21 Performance Grading Index

The Education Ministry recently released the latest edition of the Performance Grading Index (PGI).

- The Education Ministry released the first PGI in 2019 for the reference year 2017-18, to measure the performance of states in school education.
- The objective is to help the states prioritise areas for intervention in school education.
- States are only graded and not ranked.
- This is to avoid discouraging the practice of one improving only at the cost of others and casting a stigma of underperformance on some.
- The PGI assesses states' performance in school education based on data drawn from several sources including -
 - i. the Unified District Information System for Education Plus
 - ii. National Achievement Survey
 - iii. Mid-Day Meal
- The parameters are grouped under five broad categories:
 1. access (eg. enrolment ratio, transition rate and retention rate)
 2. governance and management
 3. infrastructure
 4. equity (difference in performance between scheduled caste students and general category students)
 5. learning outcomes (average score in mathematics, science, languages and social science)
- In PGI 2019-20 too, no state/UT could achieve the highest grade/Level I, same as in 2017-18 and 2018-19 editions.
- Chandigarh, Punjab, Tamil Nadu, Andaman and Nicobar and Kerala have scored more than 90%.

- They have obtained Grade 1++ (or Level II), which makes them the best performing states.
- This is the first time that any state has reached Level II.
- Only the UT of Ladakh has been placed in the lowest grade, that is Grade VII.
- But this is because it was the first time it was assessed after it was carved out of J&K in 2019.
- **Progress** - A total of 33 States and UTs have improved their total PGI score in 2019-20 as compared to 2018-19.
- However, there are still 31 states/UTs placed in Level III (Grade 1) or lower.
- The biggest improvement in PGI this year has been shown by Andaman and Nicobar Islands, Punjab, and Arunachal Pradesh.
- All three have improved their score by 20%.

7.22 Ministry of Cooperation

As part of the latest Cabinet reshuffle, the government announced the formation of a separate Union Ministry of Cooperation, a subject that was till date looked after by the Ministry of Agriculture.

- The Ministry of Cooperation is aimed at strengthening the cooperative movement in the country.
- It will provide a separate administrative legal and policy framework at this end.
- It will help deepen Co-operatives as a true people-based movement reaching up to the grassroots.
- The Ministry will work to streamline processes for 'Ease of doing business' for co-operatives.
- It will also enable development of Multi-State Co-operatives (MSCS).
- Simply, cooperatives are organisations formed at the grassroots level by people to harness the power of collective bargaining towards a common goal.
- In agriculture, cooperative dairies, sugar mills, spinning mills etc are formed.
- Village-level primary agricultural credit societies (PACs) formed by farmer associations are the best example of grassroots-level credit flow.
- There are also cooperative marketing societies in rural areas and cooperative housing societies in urban areas.
- As market conditions are evolving, cooperatives in States such as Kerala have got into complex operations: running IT parks and medical colleges.
- More avenues for expansion, such as insurance, remain untapped and the regulatory regime must evolve in step.
- Though not uniform across India, cooperatives have made significant contributions in poverty alleviation, food security, management of natural resources and the environment.
- The legal architecture of the sector began evolving since 1904 under colonial rule.
- In 2002, the Multi State Cooperative Societies Act was passed, taking into account the challenges arising out of liberalisation.
- Agriculture and cooperation are in the state list.
- So, a majority of the cooperative societies are governed by laws in their respective states.
- The Multi State Cooperative Societies Act, 2002 allowed for registration of societies with operations in more than one state.
- The Central Registrar of Societies is their controlling authority. But on the ground, the State Registrar takes actions on his/her behalf.

7.23 Open Network for Digital Commerce

The Department for Promotion of Industry and Internal Trade (DPIIT) recently set up an advisory council for Open Network for Digital Commerce (ONDC).

- The ONDC project aims at promoting open networks developed on open-sourced methodology.
- It promotes open specifications and open network protocols, independent on any specific platform.
- ONDC is expected to digitise the entire value chain in e-commerce.
- It will thus standardise operations, promote inclusion of suppliers, derive efficiency in logistics and enhance value for consumers.
- **Need** - The e-commerce market is dominated by a few players.
- They are facing investigations for unfair trade practices in many countries.
- The sector is characterised by many small players.
- But they individually do not have the strength to have an equitable bargain with e-commerce companies.
- Economists call this a “market failure”, and it presents a legitimate case for intervention.
- So, the ONDC comes with the objective to curb “digital monopolies” and make e-commerce processes ‘open source’.
- Several operational aspects including onboarding of sellers, vendor discovery, price discovery and product cataloguing could be made open source.
- The similar earlier moves to facilitate the creation of shared digital infrastructure include platforms for identity (Aadhaar) and payments (Unified Payments Interface).
- **Open Source** - Making a software or a process open-source means that the code or the steps of that process is made available freely.
- It is open for others to use, redistribute and modify.
- E.g., Google’s Android operating system is open-source.
- It is possible by smartphone OEMs such as Samsung, Xiaomi, OnePlus, etc to modify it for their hardware.
- [OEM - Original Equipment Manufacturer]
- On the other hand, the operating system of Apple’s iPhones (iOS) is closed source.
- It cannot be legally modified or reverse engineered.
- If the ONDC gets implemented and mandated, it would mean that all e-commerce companies will have to operate using the same processes.
- This would hugely benefit smaller online retailers and new entrants.
- But open source could be problematic for larger e-commerce companies, which have proprietary processes and technology.

7.24 Chief Labour Commissioner

- Recently, Chief Labour Commissioner of India reviewed the status of sensitization and implementation of labour laws in labour codes in various developmental projects in Srinagar.
- The organization of the Chief Labour Commissioner (Central) is also known as Central Industrial Relations Machinery (CIRM).
- It is an apex organization responsible for maintaining harmonious industrial relations mainly in the sphere of central Government.
- In pursuance of the recommendation of the Royal Commission on Labour in India, the organization was set up in April, 1945 by combining,
 1. The former organizations of the conciliation Officer (Railways),
 2. The Supervisor of Railway Labour and
 3. The Labour Welfare Advisor.
- **Duties** - It was then charged mainly with duties of
 1. Prevention and settlement of industrial disputes,



2. Enforcement of labour laws and
3. Promotion of welfare of workers in the industrial establishments falling within the sphere of the Central Government.

8. ACTS AND BILLS

8.1 Converting a Bill into a Law

Recently government announced that the three contentious farm laws will be on hold for one to one-and-a-half years.

- Parliament has the power to make a law and to remove it from the statute books.
- Passing the bill does not mean that it will start working from the next day rather 3 steps are involved to become a functioning law.
- **First Step** - President gives his or her assent to the bill & most of them receive assent in a few days.
- Article 111 of the Constitution specifies that the President can either sign off on the bill or withhold his consent and rarely he withholds his assent to the bill.
- The last time it happened was in 2006 when President A P J Abdul Kalam refused to sign a bill protecting MPs from disqualification for holding an office of profit.
- If a bill is sent to Parliament for reconsideration & if Parliament sends it back to the President, he or she has no choice but to approve it.
- In 1986, President Zail Singh made use of a loophole in the Constitution which does not specify a time limit for the President to approve a bill.
- A bill which was criticised for violating the privacy of personal correspondence was sent to him & he decided not to take any action on the bill until his term ends.
- Today President Ram Nath Kovind signed the three farm bills into law within a week of their passing in September 2020.
- **Second Step** - The next step is deciding the date on which the law comes into effect & in many cases Parliament delegates power to government to determine this date.
- The bill state that the law “shall come into force on such date when government may by notification in the Official Gazette appoint & different dates may be appointed for different provisions of Act”.
- For example, Parliament passed the **Recycling of Ships Act** in December 2019 & in October 2020 government brought Section 3 of the law into force.
- This section empowers the government to designate an officer to supervise all ship recycling activities in India.
- **Date of Implementation** - A bill specifies the exact date on which it will come into effect & bills which replace ordinances mostly do that.
- In such cases, the bill sets the date on which the President signed the ordinance as the day the law will come into force.
- Similarly the three farm bills replacing their ordinances came into force on June 5, 2020.
- There are also instances when the government does not bring a law into force for many years.
- **National Environment Tribunal Act** was never brought into force which were passed in 1995 and cleared by the President.
- **Third Step** - A bill passed by Parliament is the outline of a law & to come into effect, individuals need to be recruited or given the power to administer it.
- The implementing ministry also needs to finalise forms to gather information and provide benefits or services & these day-to-day operational details are called rules and regulations.
- Parliament gives the government the responsibility of making them & these regulations are critical for the functioning of law.

- In the case of farm laws, the government has made some rules in October 2020.
- If the government does not make rules and regulations, a law or parts of it will not get implemented & **Benami Transactions Act of 1988** went unimplemented due to absence of regulations.
- Parliament has recommended that the government has to make rules within six months of passing a law but parliamentary committees observed that this recommendation is breached.
- The government not only has the power to make rules but can also suppress rules made by it earlier.

8.2 Major Port Authorities Bill, 2020

- The Bill aims at decentralizing decision making and to infuse professionalism in governance of major ports.
- It is more compact in comparison to the Major Port Trusts Act, 1963 and it will empower the Major Ports to modernize and expand port infrastructure, and facilitate trade and commerce.
- Tariff Authority for Major Ports (**TAMP**) can now fix tariff, which will act as a reference tariff for bidding for PPP projects.
- The proposed **Adjudicatory Board** would carry out the residual function of the erstwhile TAMP for Major Ports, to look into disputes between ports and PPP concessionaires, etc.
- A simplified composition of Board of Port Authority (BPA) with professional independent Members has been proposed.
- BPA can fix the scale of rates for other port services and assets including land; enter into contracts, planning and development; fix tariff except in national interest, security and emergency arising out of inaction and default.
- Provisions of CSR & development of infrastructure by Port Authority have been introduced.

8.3 Cryptocurrency and Regulation of Official Digital Currency Bill, 2021

- It aims to create a facilitative framework for creation of the **official digital currency** to be issued by the Reserve Bank of India, and also **prohibits private cryptocurrencies** in India.
- However, it allows for certain exceptions to promote the underlying technology of cryptocurrency and its uses.
- The bill was brought as the regulatory bodies like the RBI and SEBI do not have any legal framework to directly regulate cryptocurrencies.
- This lack of legal framework is due to the fact that the cryptocurrencies are not currencies, assets, securities or commodities issued by identifiable users.

8.4 Arbitration & Conciliation (Amendment) Bill, 2021

- This Bill seeks to replace Arbitration and Conciliation (Amendment) Ordinance, 2020.
- It seeks to amend the Arbitration and Conciliation Act, 1996 and provide for the following,
 1. To grant unconditional stay of enforcement of arbitral awards, where the underlying arbitration agreement, contracts or arbitral award is induced by fraud or corruption;
 2. To omit 8th Schedule of the Act which laid down the qualifications, experience and norms for accreditation of arbitrators; and
 3. To specify by regulations the qualifications, experience and norms for accreditation of arbitrators and the said amendment is consequential in nature.

8.5 Amendment to Government of India Rules, 1961

- An amendment to the Government of India (Allocation of Business) Rules, 1961 has been notified.
- This amendment would enable the Ministry of Road Transport and Highways to look after the development of Ropeways and Alternate Mobility Solutions for urban, hilly and last mile connectivity.
- The Ministry will also have the responsibility of regulation, construction, research, and policy in this area.



- Formulation of institutional, financial, and regulatory framework for the technology will also fall under the ambit of this move.

8.6 Prevention of Insults to National Honour Act, 1971

- Under The Prevention of Insults to National Honour Act, 1971, UP Police had booked the relatives of a farmer whose corpse had been draped in the national flag.
- As per the Act, disrespect to the National Flag includes, among other things, using it as a drapery in any form whatsoever except in State funerals or armed forces or other para-military forces funerals.
- Prevention of Insults to National Honour Act penalises,
 1. The desecration of or insult to national symbols, such as the National Flag, the Constitution, National Anthem, and Indian map,
 2. Contempt of the Constitution of India.
- Section 2 of the Act says that whoever insults the National Flag or the Indian Constitution shall be punished with imprisonment for a term which may extend to **three years**, or with **fine**, or with both.

Flag Code of India 2002

- It reads that the Flag shall not be used as a drapery in any form whatsoever except in State / Military / Central Paramilitary Forces funerals hereinafter provided.
- It also says that on the above occasions too, the flag shall be draped over the bier or coffin with the saffron towards the head of the bier or coffin.
- The Flag shall not be lowered into the grave or burnt in the pyre.
- The flag can only be used during a funeral if it is accorded the status of a state funeral.
- The state funerals are held when people below pass away,
 1. Police and armed forces,
 2. Ex- or Current holders of office President, Vice-President, PM, Cabinet Minister, CM.
- The status of a state funeral can be accorded in case of death of people not belonging to the above-mentioned categories by state government.

8.7 Juvenile Justice Amendment Bill, 2021

- The Union Cabinet approved amendments to the Juvenile Justice (Care and Protection of Children) Act, 2015.
- As per the amendment, the district magistrates (DM) and additional district magistrates (ADM) will monitor the functioning of various agencies responsible for implementation of the JJ Act in every district.
- The DM can evaluate juvenile police unit, specialised Child Welfare Committees (CWC) and registered Child Care Institution (CCI).
- The district child protection unit will function under the DM.
- Before becoming a member of the CWC, background and educational qualification checks will be done.
- Before registration of a CCI, DM will conduct its capacity and background check, and submit recommendations to state government.
- The definition of “child in need of care” and protection of the JJ Act has been expanded to include,
 1. Child victims of trafficking and drug abuse and
 2. Children abandoned by their guardian.
- At present, the Act has three categories of petty, serious and heinous crimes. The amendment categorises certain previously undefined offences as 'serious offences' where the,
 1. Sentence is more than seven years but no minimum sentence is prescribed or
 2. A minimum sentence of less than seven years is provided.
- There is a proposal to appoint a nodal office in each embassy to monitor the child adopted abroad.

8.8 Medical Termination of Pregnancy Bill, 2020

- The Rajya Sabha passed the Medical Termination of Pregnancy (Amendment) Bill, 2020. The Bill was passed in March 2020 in the Lok Sabha, but the original Bill was framed in 1971.

- Currently, abortion requires the opinion of 1 doctor if it is done within 12 weeks of conception, and 2 doctors if it is done between 12 and 20 weeks.
- Also, women seeking to terminate a pregnancy beyond 20 weeks had to seek the permission of the court.
- The Bill allows abortion to be done on the advice of one doctor up to 20 weeks, and two doctors in the case of certain categories of women between 20 and 24 weeks.
- For a pregnancy to be terminated after 24 weeks in case of foetal abnormalities, the opinion of the State-level medical board is essential.
- To know more about the Medical Termination of Pregnancy (Amendment) Bill, 2020, [click here](#).
- Further, the subscribers of these UTs will also get the additional social security cover in the form of pension by EPFO.
- For speedy redressal of grievances, EPFO's in-house online grievance redressal portal EPFiGMS has been extended to J&K and Ladakh.
- Benefits of the schemes like Pradhan Mantri Garib Kalyan Yojna (PMGKY), Atmanirbhar Bharat Rojgar Yojna (ABRY), etc., have been extended to the stakeholder of these UTs.

8.9 MMDR Amendment Bill 2021

- Mines and Minerals (Development and Regulation) Amendment Bill, 2021 amends the Mines and Minerals Act, 1957 that regulates the mining sector in India.
- **Removal of restriction on end-use of minerals** - By providing that no mine will be reserved for particular end-use, the bill removes the distinction between captive and non-captive mines.
- [Captive mines are any mines (other than coal, lignite, atomic minerals) which are reserved by the central government to be leased through an auction for a particular end-use.]
- **Sale of minerals by captive mines** - The Bill proposes to allow captive miners (lessee) of both coal and other minerals to sell up to 50% of their production in the open market after,
 1. Meeting the requirements of the end-use plant and
 2. On paying additional royalty to the state government.
- The Bill proposes to fix additional royalty payments to states for the extension of mining leases for central public sector enterprises (CPSEs).
- **Auction** - The Bill empowers the central government, in consultation with state, to specify a time period for completing the auction of mineral concessions (other than coal, lignite, and atomic minerals) by the state.
- If the state government is unable to complete the auction process within this period, the auctions may be conducted by the central government.
- **Transfer of statutory clearances** - Upon expiry of a mining lease, mines are leased to new persons through auction.
- The statutory clearances issued to the previous lessee are transferred to the new lessee for a period of 2 years. New lessee is required to obtain fresh clearances within this period.
- The Bill provides that the transferred statutory clearances will be valid throughout the lease period of the new lessee.
- **Allocation of mines with expired leases** - The Bill adds that mines, whose lease has expired, may be allocated to a government company in certain cases.
- This will be applicable if the auction process for granting a new lease has not been completed, or the new lease has been terminated within a year.
- The state government may grant a lease for such a mine to a government company for a period of up to 10 years or until the selection of a new lessee, whichever is earlier.
- **Rights of certain existing concession holders** - The Bill provides that the right to obtain a prospecting license or a mining lease will lapse on the date of commencement of the 2021 Amendment Act.



- Such persons will be reimbursed for any expenditure incurred towards reconnaissance or prospecting operations.
- **Extension of leases** - The period of mining leases of government companies (other than leases granted through auction) may be extended on payment of amount prescribed in the Bill.
- **Conditions for lapse of mining lease** - The Act provides that a mining lease will lapse if the lessee
 1. Hasn't started mining operations within 2 years of lease grant, or
 2. Has discontinued mining operations for a period of two years.
- The Bill adds that the threshold period for lapse of the lease may be extended by the state government only once and up to one year.
- **Non-exclusive reconnaissance permit** - The Bill has removed the provision for a non-exclusive reconnaissance permit (for minerals other than coal, lignite, and atomic minerals).

8.10 Model Tenancy Act

- The Union Cabinet, chaired by Prime Minister, approved the Model Tenancy Act (MTA) to be sent to the States and Union Territories to enact legislation or amend laws on rental properties.
- The MTA would prescribe the norms for lease agreements, deposits, dispute handling and other aspects of rental properties.
- The Act will be applicable prospectively and won't affect the existing tenancies.
- It would set up separate rent authorities, courts and tribunals in each district to settle disputes.
- It also makes it mandatory for there to be a written agreement between the property owner and the tenant. It would be submitted to the concerned district 'Rent Authority'.
- It puts a maximum limit for security deposits paid by tenants at 2 months' rent for residential properties and 6 months' rent for non-residential spaces (Commercial property).
- Tenant will not be evicted during the continuance of tenancy agreement unless otherwise agreed to in writing by both the parties.
- **Significance** - The Act will create adequate rental housing stock for all the income groups thereby addressing the issue of homelessness.
- It will enable institutionalisation of rental housing by gradually shifting it towards the formal market.

Inland Vessels Bill, 2021

8.11 The Union Cabinet gave the nod to the Inland Vessels Bill, 2021, which will replace the Inland Vessels Act, 1917.

- Total 4,000 km inland waterways have been operationalised. The Bill will regulate safety, security and registration of inland vessels.
- **Unified law** - A key feature of the Bill is a unified law for the entire country, instead of separate rules framed by the States.
- The certificate of registration granted under the proposed law will be deemed to be valid in all States and Union Territories. There will be no need to seek separate permissions from the States.
- **Central database** - The Bill provides for a central database for recording the details of vessel, vessel registration, crew on a portal.
- It requires all mechanically propelled vessels to be mandatorily registered. All non-mechanically propelled vessels will also have to be enrolled at district, taluk or panchayat or village level.
- **Definitions** - The Bill enlarges the definition of 'inland waters', by including tidal water limit and national waterways declared by the Central Government.
- **Pollution Control** - This Bill directs the Central Government to designate a list of chemicals, substances, etc. as pollutants. This deals with pollution control measures of Inland Vessels.



8.12 Constitution (Scheduled Castes) Order (Amendment) Bill 2021

The Government of India tabled the Constitution (Scheduled Castes) Order (Amendment) Bill 2021.

- It groups 7 SC sub-sects under one name (DevendrakulaVelalar).
- The Tamil Nadu government proposed certain modifications to the list of the Scheduled Castes.
- It groups seven Scheduled Caste sub-sects in Tamil Nadu under the heritage name 'DevendrakulaVelalar'.
- These castes existed as separate entries.
- Any change in the lists of the Scheduled Castes and Tribes requires a constitutional amendment.
- The Constitution (Scheduled Castes) Order (Amendment) Bill 2021 would give effect to the change.
- The grouping of the castes is a long-standing political demand in Tamil Nadu.
- However, the Bill does not address the other demand of some community leaders i.e. removal of their castes from the Scheduled Caste list.

8.13 MTP Amendment Bill 2020

The Medical Termination of Pregnancy (Amendment) Bill, 2020 passed in the Lok Sabha in March 2020, is scheduled to be tabled for consideration in Rajya Sabha.

- The Bill amends the Medical Termination of Pregnancy Act, 1971.
- **Termination Period-** It seeks to extend the termination of pregnancy period from 20 weeks to 24 weeks.
- This would make it easier for women to safely and legally terminate an unwanted pregnancy.
- For termination of pregnancy up to 20 weeks of gestation, the opinion of one registered medical practitioner will be required.
- For termination of pregnancy of 20-24 weeks of gestation, opinion of two registered medical practitioners will be required.
- **Special Categories-** It also proposes to extend the upper gestation limit from 20 to 24 weeks for special categories of women.
- These include vulnerable women including survivors of rape, victims of incest and other vulnerable women (like differently-abled women, minors), etc.
- Upper gestation limit will not apply in cases of substantial foetal abnormalities diagnosed by Medical Board.
- Name and other particulars of a woman whose pregnancy has been terminated shall not be revealed except to a person authorized in any law for the time being in force.
- The original law states that, if a minor wants to terminate her pregnancy, written consent from the guardian is required.
- The proposed law has excluded this provision. The Bill applies to unmarried women too.
- This relaxes one of the regressive clauses of the 1971 Act, i.e., single women could not cite contraceptive failure as a reason for seeking an abortion.

8.14 Mines and Minerals (Development and Regulation) Amendment Bill, 2021

Coal and Mines Minister introduced the Mines and Minerals (Development and Regulation) Amendment Bill, 2021 in Lok Sabha.

- **Sale** - The amendment proposes to allow captive miners of both coal and other minerals to sell up to 50% of their production.
- This is allowed after meeting the requirements of the end-use plant and on paying additional royalty to the state government.
 - Operators are currently only allowed to use coal and minerals extracted from captive mines for their own industrial use.
- The increased flexibility would allow miners to maximise output from captive mines.



- They would be able to sell output in excess of their own requirements.
- **Additional royalty payments** - The Bill proposes to fix additional royalty payments to states for the extension of mining leases for central public sector enterprises.
 - There were disagreements over the additional royalty to be paid by state-owned NMDC to the Karnataka government.
 - This was over the extension of mining rights at the Donimalai mine.
 - The issue led to NMDC suspending operations at the mine for over two years.
 - NMDC recently resumed operations after an interim agreement on the additional royalty to be paid to the Karnataka government.
- It is anticipated that the state governments would object to the fixing of an additional royalty to be paid by CPSEs for such extensions.
- This is because it may lead to lower revenues compared to a transparent auction process.
- **Auctions or re-auction processes** - The Bill aims at streamlining the renewal of the auction process for minerals and coal mining rights.
- It proposes to empower the central government to conduct auctions or re-auction processes for the grant of a mining lease.
- This is only in case if a state government fails to complete the auction process in a specified period.
- The period will be decided after consultations between the Centre and state.
- Industry players may welcome the move as it would likely lead to greater transparency in the auction process.
- This is significant because there is a perception that state governments might in some cases prefer some bidders.
- They may even try to delay or cancel mining rights if their preferred bidders do not win mining rights.

8.15 Places of Worship (Special Provisions) Act

Recently, Supreme Court asked the Centre to respond to a plea challenging the Places of Worship (Special Provisions) Act, 1991.

- The law seeks to maintain the religious character of places of worship as it existed on the 15th day of August, 1947 except in the case of Ram Janmabhoomi-Babri Masjid dispute.
- Sections 4 of the Act declare that no person shall convert any place of worship of any religious denomination into one of a different denomination or section.
- Section 4(2) says that all suits, appeals or other proceedings regarding converting the character of a place of worship, that were pending on August 15, 1947, will stand abated.
- The above provision is applicable from the date on which this act commences and fresh proceedings cannot be initiated from then.
- However, legal proceedings can be initiated with respect to the conversion of the religious character of any place of worship after the commencement of the act i.e. after August 15, 1947.
- Section 5 mentions that the act is not applicable to Ram Janma Bhumi Babri Masjid and to any suit, appeal or other proceeding relating to the said place or place of worship.
- Besides the Ayodhya dispute, the act also exempts:
 - Any place of worship that is an ancient and historical monument or an archaeological site or is covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958;
 - A suit that has been finally settled or disposed of;
 - Any dispute that has been settled by the parties or conversion of any place that took place by acquiescence before the Act commenced.



8.16 Vehicle Scrapage Policy

Recently Ministry of Transport announced the vehicle scrapping policy for age old vehicles.

- Customers will get a scrap value which is 4-6% of ex-showroom price of a new vehicle.
- State governments can offer a road tax rebate of up to 25 % for personal vehicles and up to 15% for commercial vehicles.
- Vehicle manufacturers can provide a discount of 5% on purchase of new vehicle against the scrapping certificate.
- The registration fees may be waived for purchase of new vehicle against the scrapping certificate.
- Old vehicles have to undergo a mandatory automated fitness test, if not they will be deregistered.
- Vehicles that would be automatically scrapped are:
 - a) 15 year plus government & PSU-owned vehicles;
 - b) those damaged in fire, riots or any devastation;
 - c) declared as defective by manufacturers;
 - e) those confiscated by enforcement agencies.

8.17 Digital Media Ethics Code

The new rules in India for social media platforms and digital news outlets, called the Intermediary Guidelines and Digital Media Ethics Code, came into effect.

Key Provisions

- The guidelines had asked all social media platforms to set up a grievances redressal and compliance mechanism.
- This includes appointing a resident grievance officer, chief compliance officer (CCO) and a nodal contact person.
- The Ministry of Electronics & Information Technology had also asked these platforms to submit monthly reports.
- It should have details on complaints received from users and action taken.
- A third requirement is for instant messaging apps to make provisions for tracking the first originator of a message.
- Failure to comply with any one of these requirements would take away the indemnity provided to social media intermediaries under Section 79 of the Information Technology Act.

Section 79

- Section 79 says any intermediary shall not be held legally or otherwise liable for any third party information, data, or communication link made available or hosted on its platform.
- This protection shall be applicable if the said intermediary does not in any way, -
 - i. initiate the transmission of the message in question
 - ii. select the receiver of the transmitted message
 - iii. modify any information contained in the transmission
- So the platform should act just as the messenger carrying a message from point A to point B, without interfering in any manner.
- If this is ensured, it will be safe from any legal prosecution brought upon due to the message being transmitted.
- The protection, however, is not granted if the intermediary, despite being notified by the government, does not immediately disable access to the material under question.
- The intermediary must also not tamper with any evidence of these messages or content present on its platform.

- Failing this, it will lose its protection under the Act.
- [In the U.S., Section 230 of the 1996 Communications Decency Act provides Internet companies a similar safe harbour from any content users post of internet platforms.
- It was this provision that enabled companies such as Facebook, Twitter, and Google to become global conglomerates.]

8.18 Emigration Bill 2021

In early June 2021, the Ministry of External Affairs invited public inputs to the Emigration Bill 2021.

- The new Bill is better than the Emigration Act 1983, but more reforms are needed to protect Indian workers.
- Independent investigations into migrant worker conditions have underlined serious exploitative practices.
- These include large recruitment charges, contract substitution, deception, retention of passports.
- Also, non-payment or underpayment of wages, poor living conditions, discrimination and other forms of ill-treatment are found.
- Labour migration is governed by the Emigration Act, 1983.
- It sets up a mechanism for hiring through government-certified recruiting agents.
- These could be individuals or public or private agencies.
- The Act outlines obligations for agents to conduct due diligence of prospective employers.
- It sets up a cap on service fees.
- It also establishes a government review of worker travel and employment documents (known as emigration clearances) to 18 countries.
- These countries are mainly in West Asian states and South-East Asian countries.
- The Emigration Bill 2021 launches a new emigration policy division.
- It establishes help desks and welfare committees.
- It requires manpower agencies to conduct pre-departure briefings for migrants.
- The Bill also increases accountability of brokers and other intermediaries who are also involved in labour hiring.

8.19 Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021

The Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021, was passed in Rajya Sabha. It was earlier passed in the Lok Sabha.

- The Bill seeks to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.

2015 Act

- The 2015 Act replaced the Juvenile Delinquency Law and the Juvenile Justice (Care and Protection of Children) Act 2000.
- **Crime** - It allows the trial of juveniles in conflict with law in the age group of 16-18 years as adults, in cases where the crimes were to be determined.
- The nature of the crime, and whether the juvenile should be tried as a minor or a child, was to be determined by a Juvenile Justice Board.
- **Adoption** - The Act brought more universally acceptable adoption law instead of the Hindu Adoptions and Maintenance Act (1956) and Guardians of the Ward Act (1890) which was for Muslims.
- The Act however did not replace these laws.
- The existing Central Adoption Resource Authority (CARA) was given the status of a statutory body to enable it to perform its function more effectively.



Provisions empowering the DMs

- With more powers, the District Magistrates (DMs), including Additional DMs (ADMs), can now issue adoption orders under Section 61 of the JJ Act.
- DMs and ADMs will also monitor the functioning of various agencies under the JJ Act in every district.
- These include the Child Welfare Committees (CWCs), Juvenile Justice Boards, District Child Protection Units and Special Juvenile Protection Units.
- The changes will ensure speedy trials and increased protection of children at the district level, and will also enhance accountability.
- [Adoption processes are currently under the purview of courts. With an overwhelming backlog, each adoption case could take years to be passed.]
- The DMs will also carry out background checks of CWC members to check for possible criminal backgrounds.
- This is to ensure that no cases of child abuse or child sexual abuse is found against any member before they are appointed.
- [CWC members are usually social welfare activists with educational qualifications.]
- The CWCs should report regularly to the DMs on their activities in the districts.
- **Concern** - The DM is in charge of all processes in a district including all task forces and review meetings.
- So, it is felt that the too many responsibilities given to DMs under the amendment may not be given a priority.

Changes made in offences by Juveniles

- Under the 2015 Act, offences committed by juveniles are categorised as heinous offences, serious offences, and petty offences.
- Most heinous crimes have a minimum or maximum sentence of 7 years, and juveniles between 16-18 years age would be tried as adults for these.
- Serious offences generally include offences with 3 to 7 years of imprisonment.
- The 2021 Bill adds that serious offences will also include offences for which maximum punishment is imprisonment of more than 7 years, and minimum punishment is not prescribed or is less than 7 years.
- Presently, there is no mention of a minimum sentence in the JJ Act.
- So, juveniles between the ages of 16-18 years could also be tried as adults for a crime like the possession and sale of an illegal substance.
- Such offences will now fall under the ambit of a “serious crime”.
- The provisions thus ensure that children, as much as possible, are protected and kept out of the adult justice system.
- The Act also provides that offences against children that are punishable with imprisonment of more than 7 years, will be tried in the Children’s Court.
- And offenses with punishments of less than 7 years imprisonment will be tried by a Judicial Magistrate.

INTERNATIONAL RELATIONS

9. INDIA & ITS NEIGHBORHOOD

9.1 Bangladesh - LDC to a Developing Country

- The UN Committee for Development Policy (CDP) has recommended graduation of Bangladesh from the category of Least Developed Country (LDC) to the category of Developing Country.
- The CDP decides on the LDC status of a country based on three criteria,
 1. Per capita income,
 2. Human Assets Index,
 3. Economic Vulnerability Index.
- A country must achieve two of the three criteria at two consecutive triennial reviews to be considered for graduation.
- Bangladesh has met for the second time all the three eligibility criteria for graduating from the LDC category to the developing nations category.
- This proposal will be sent to the UN Economic and Social Council (ECOSOC) for endorsement, late to the UN General Assembly (UNGA).
- Usually, countries are given 3 years for transition but this year due to the pandemic, Bangladesh has been given 5 years i.e. upto 2026.

9.2 China's Three Child Policy

- After China's census data showed population growth slipping to its slowest rate since the 1950s, China has announced that it will now allow three children per married couple.
- From 1980 to 2016, China had a one-child policy enforced by then-leader Deng Xiaoping. This policy was enforced as China's growing population at that time was approaching one billion.
- The policy, which was implemented more effectively in urban areas, was enforced through several means,
 1. Incentivising families financially to have one child,
 2. Making contraceptives widely available,
 3. Brutal tactics of the state like forced abortions and sterilisations,
 4. Imposing sanctions against those who violated the policy.
- The one-child policy was relaxed to two-child policy in 2016, when fears of a rapidly ageing population undermining economic growth forced the ruling Communist Party to allow two children per married couple.
- **Reality** - China's 2020 census data shows the country's rate of population growth falling rapidly despite the 2016 relaxation.
- By 2025, the country is set to lose its 'most populous' tag to India, which in 2020 had an estimated 138 crore people, 1.5 per cent behind China.

9.3 China's Red Tourism

- As the Chinese Communist Party celebrates its 100th anniversary this year, the popularity of 'red tourism' is at an all-time high in the country and is bringing in huge revenues for China.
- Launched in 2004, Red Tourism involves visiting places that are of historical and cultural importance to the Communist Party's history, while also providing an impetus to tourism and local businesses.
- It reminds people of the sacrifices made by the leaders of the Communist party to forge a modern China.
- Some of the famous sites covered by 'red tourism' are,
 1. Shaoshan - Birthplace of Mao;



2. Yan'an - Mao Zedong's revolutionary base area where the Red Army arrived after the Long March;
3. Jinggangshan where leading members of the Communist Party of China established their first rural base for the revolution in 1927;
4. Nanchang (Capital city of Jiangxi Province) which witnessed a significant Uprising in 1927 led by Zhou Enlai and He Long;
5. Nanhu Lake in China's Zhejiang, where the First National Congress of the Chinese Communist Party was held on a boat in 1921.

9.4 PP15 and PP17A

- PP15 and PP17A are among the 65 Patrolling Points in Ladakh.
- While Hot Springs is north of the River Chang Chenmo in the Galwan sub-sector, Gogra Post is east of the point where the river takes a hairpin bend coming southeast from Galwan Valley and turning southwest.
- The area is north of the Karakoram Range of mountains, which lies north of the Pangong Tso lake, and south east of Galwan Valley.
- The area lies close to Kongka Pass, one of the main passes, which China claims to marks the boundary between India and China.
- India's claim of the international boundary lies significantly east, as it includes the entire Aksai Chin area as well.
- LAC comes southeast from Galwan Valley, turns down at Konga La and moves towards Ann Pass before reaching the north bank of Pangong Tso.

9.5 Disengagement Agreement in Eastern Ladakh

Chinese and Indian troops on the southern and northern shores of Pangong Tso began "synchronized and organized disengagement."

- The move comes as the first major breakthrough in talks to resolve the 9 month military standoff along the Line of Actual Control (LAC) in Ladakh.
- The disengagement began in line with the consensus reached at the 9th round of China-India Corps Commander Level Meeting.
- Troops from both sides have started disengaging from the Pangong Tso area in eastern Ladakh.
- As of now, the disengagement process seems restricted to the north and south banks of Pangong Tso.
- The process has started with the pulling back of certain columns of tanks from the south bank region by both sides.
- At the moment, there is no pullback of troops from the friction points and the heights they are positioned on.
- That will happen in a phased and verified manner.
- Both sides will remove the forward deployment in a phased, coordinated and verified manner.
- China will pull its troops on the north bank towards the east of Finger 8.
- Similarly, India will also position its forces at its permanent base at the Dhan Singh Thapa post near Finger 3.
- Actions will be taken by both the parties in the south bank area as well.
- Both sides have also agreed that the area between Finger 3 and Finger 8 will become a no-patrolling zone temporarily.
- Further, all the construction done by both sides on the north and south banks of the lake since April 2020 will be removed.
- The process will send Indian and Chinese troops back to their traditional bases on the north bank.
- While India has its traditional base at the Dhan Singh Thapa Post, just west of Finger 3, China has had its base east of Finger 8.



9.6 Project DANTAK

- Project DANTAK - a project that constructed important infrastructure in Bhutan - is commemorating its Diamond Jubilee in Bhutan.
- It was established in 1961 as a result of the visionary leadership of the Third King of Bhutan and then Indian Prime Minister Jawaharlal Nehru.
- It is one of the oldest Projects of the Border Roads Organisation (BRO).
- It completed the road connecting SamdrupJongkhar to Trashigang in 1968. Also, Thimphu was connected to Phuentsholing.
- DANTAK was tasked to construct the pioneering motorable roads there.
- Other notable projects executed by DANTAK - Construction of Paro Airport, Yonphula Airfield, Thimphu-Trashigang Highway, Telecommunication & Hydro Power Infrastructure, etc.
- The medical and education facilities established by DANTAK in far flung areas were often the first in those locations.

Border Roads Organisation

- It was conceptualized by the first Prime Minister of India in 1960. It comes under the control of the Ministry of Defence.
- It primarily meets the strategic needs of the Armed Forces and the country towards **infrastructure development of remote Border areas** of North & North East states.
- The infrastructure development includes Roads, Bridges, Highways, Airports, Tunnels, Buildings and other structures.
- BRO is upgrading and maintaining 26 National Highways spread across the North, North Eastern and Central part of India.

9.7 Tax Inspectors Without Borders

- Bhutan's Tax Inspectors Without Borders (TIWB) programme was launched in partnership with India.
- TIWB is a capacity-building programme, which is joint initiative of the United Nations Development Programme (UNDP) and the Organisation for Economic Cooperation and Development (OECD).
- TIWB was launched in July 2015 to strengthen developing countries' auditing capacity and multinationals' compliance worldwide.
- It deploys qualified experts in developing countries across Africa, Asia, Eastern Europe, Latin America and the Caribbean,
 1. To build tax capacity in areas of audit, criminal tax investigations
 2. For effective use of automatically exchanged information.
- **Bhutan's TIWB** - India was chosen as the Partner Jurisdiction and has provided the Tax Expert for the TIWB programme in Bhutan.
- This programme is expected to be of about 24 months' duration.
- Through this program, India aims to aid Bhutan in strengthening its tax administration by transferring technical know-how and skills to its tax auditors, and through sharing of best audit practices.
- The focus of the programme will be in the area of **International Taxation and Transfer Pricing**.

9.8 India Out of Colombo Terminal Project

Sri Lanka decided to overturn tripartite agreement to develop Colombo's East Container Terminal.

- This project was a key marker for infrastructure investment in the Sri Lanka, where Chinese projects are most prominent.
- More than 2/3rd of trans-shipment at this port is tied to India, making it an important trade and connectivity link.
- Joint venture between India and Japan to invest in the ECT project provides South Asia with viable and sustainable alternatives for financing and development.
- This project was overturned due to growing pressure from port union groups which opposed any foreign participation.

- It is worrying that whether the country will honour the commitments made by the previous government.
- Also there is suspicion that there is a Chinese hand behind this decision & it is curious that despite Sri Lanka's financial difficulties it took this decision upsetting donors.

10. BILATERAL RELATIONS

10.1 India-Mauritius CECPA

- India-Mauritius Comprehensive Economic Cooperation and Partnership Agreement (CECPA) will be the first trade Agreement to be signed by India with a country in Africa.
- This limited agreement will cover Trade in Goods and Services, Rules of Origin, Technical Barriers to Trade (TBT), Sanitary and Phytosanitary (SPS) measures, Dispute Settlement, etc.,
- It will also cover the Movement of Natural Persons, Telecom, Financial services, Customs Procedures and Cooperation in other Areas.
- While both the countries would benefit, Mauritius will benefit from preferential market access into India for its 615 products.
- Both have agreed to negotiate Automatic Trigger Safeguard Mechanism (ATSM) for a limited number of highly sensitive products within two years of the Signing of the Agreement.

10.2 India faces U.S. Anti-Dumping Tax

- **Anti-dumping duty** is a protectionist tariff that a domestic government imposes on foreign imports that it believes are priced below fair market value.
- The US Department of Commerce would impose anti-dumping or countervailing tax on aluminium sheet exporters from 18 countries as they had benefited from subsidies and dumping.
- According to the U.S. investigation, imports from India have benefited from subsidies for 35% to 89%.
- So, India and 17 other countries would face the U.S. anti-dumping tax.

10.3 US India Artificial Intelligence Initiative

- The Indo-U.S. Science and Technology Forum (IUSSTF) has launched the U.S. India Artificial Intelligence (USIAI) Initiative.
- [IUSSTF is a bilateral organization funded by the Department of Science & Technology (DST), Governments of India, and the U.S. Department of States.]
- USIAI focuses on Artificial Intelligence (AI) cooperation in critical areas that are priorities for both countries.
- It will provide an opportunity for key stakeholder groups to discuss opportunities, challenges, and barriers for bilateral R&D collaboration.
- It will serve as a platform to enable AI innovation, help share ideas for developing an AI workforce, and recommend modes and mechanisms for catalyzing partnerships.

10.4 Supply Chain Resilience Initiative

- The Supply Chain Resilience Initiative (SCRI) was formally launched in a Trilateral Ministerial Meeting between India, Japan and Australia.
- The SCRI aims to create a virtuous cycle of enhancing supply chain resilience with a view to eventually attaining strong, sustainable, balanced and inclusive growth in the region.
- Possible policy measures to strengthen supply chains may include,
 1. Supporting the enhanced utilization of digital technology; and
 2. Supporting trade and investment diversification.
- The following would be implemented as initial projects of SCRI,

1. Sharing of best practices on supply chain resilience; and
 2. Holding investment promotion events and buyer-seller matching events to provide opportunities for stakeholders to explore the possibility of diversification of their supply chains.
- The expansion of the SCRI may be considered based on consensus, if needed, in due course.
 - To quickly take forward the initiative, the Ministers may convene the Trilateral Ministerial Meeting, once in four months.
 - To know more about the Supply Chain Resilience Initiative, [click here](#).

10.5 Indo-US Naval Relationship

- The USS John Paul Jones, the U.S. Navy destroyer ship, had carried out Freedom of Navigation Operation (FONOP) in the Indian Exclusive Economic Zone (EEZ), without requesting India's prior consent.
- India has protested the U.S. decision to conduct a patrol in the Indian EEZ in the western Indian Ocean. It also rejected the U.S.'s claim that its domestic maritime law was in violation of international law.
- India said that the United Nations Convention on the Law of Sea (UNCLOS) doesn't allow other States to carry out military manoeuvres in EEZ and on continental shelf without the consent of the coastal state.
- India ratified the UNCLOS in 1995.
- India's Territorial Waters, Continental Shelf, EEZ and Other Maritime Zones Act, 1976 defines the EEZ of India.
- It says that the EEZ is an area beyond and adjacent to the territorial waters, and the limit of such zone is 200 nautical miles from the appropriate baseline.
- India's limit of the territorial waters is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline.
- Under the 1976 law, all foreign ships (other than warships) shall enjoy the right of innocent passage through the territorial waters.
- [Innocent passage being one that is not prejudicial to the peace, good order or security of India.]

UNCLOS

- It is an international agreement that was a result of the 3rd UN Conference on the Law of the Sea.
- It provides a regulatory framework for the use of the world's seas and oceans.
- The United Nations has no direct operational role in the implementation of the Convention.
- The sea and resources in the water and the seabed are classified into three zones:
 1. Internal waters (IW) - It is on the landward side of the baseline; includes gulfs and small bays. Coastal states treat IW like land.
 2. Territorial sea (TS) - It extends outwards to 12 nautical miles from the baseline. The coastal nations enjoy sovereignty over air, sea, seabed and subsoil and all living and non-living resources therein.
 3. Exclusive economic zone (EEZ) - This extends outwards to 200 nautical miles from the baseline.
- In EEZ, the coastal nations have sovereign rights for exploration, exploiting, conserving and managing all the natural resources therein.

10.6 Indo-German Agreement on Marine Litter

- Indian Ministry of Housing and Urban Affairs (MoHUA) and German Environment Ministry's Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH India signed an agreement.
- [**Marine Litter** is estimated that 15-20% of all plastics are entering oceans via riverine ecosystems of which 90% are contributed by 10 of the world's most polluting rivers, which includes Ganga and Brahmaputra.]
- This Indo-German agreement on Technical Cooperation is titled 'Cities Combating Plastic Entering the Marine Environment'.
- This project is envisaged under the contours of the Joint Declaration of Intent regarding cooperation in the field of 'Prevention of Marine Litter' signed between India and Germany in 2019.
- **Project's aim** is to enhance practices to prevent plastic entering the marine environment.
- This will improve segregation, transportation, treatment and disposal of waste in municipalities, thereby establishing an efficient system, which will ensure that no plastic waste finds its way into rivers or oceans.



- This will be combined with data management and reporting systems, civil society involvement and increased cooperation with recyclers and the recycling industry through a digital platform.
- It will also improve handling of port and marine waste.
- It will be undertaken at the national level (at MoHUA), select states (Uttar Pradesh, Kerala and Andaman & Nicobar Islands) and in the cities of Kanpur, Kochi and Port Blair for three and a half years.
- It will support the Swachh Bharat Mission-Urban's implementation with special focus on preventing plastic litter entering the rivers and water bodies at source.

10.7 Covid-19 Line on Everest

- To prevent coronavirus transmission at the summit of Mount Everest, China is planning to erect a “line of separation” at the top.
- This line would prevent any contact between mountaineers from both sides of the peak i.e. Nepal and China.
- In Nepal, a wave of the pandemic is currently surging. But in China, the pandemic is largely suppressed.
- Nepal has so far not cancelled the spring climbing season, which lasts from April to June before the monsoon rains begin.

10.8 Italian Marines Case

The Supreme Court ordered the closure of proceedings in India against two Italian marines, accused of killing two fishermen off the Kerala coast in February 2012.

- On February 15, 2012, two Indian fishermen were returning from a fishing expedition near Lakshadweep islands onboard fishing vessel St Antony.
- They were gunned down by two Italian marines on board oil tanker Enrica Lexie.
- The incident occurred around 20 nautical miles off the coast of Kerala.
- Shortly after the incident, the Indian Coast Guard intercepted Enrica Lexie.
- They detained the two Italian marines, Salvatore Girone and Massimiliano Latorre.
- The challenges in dealing with the case had to do with -
 - i. the legal tangles over jurisdiction
 - ii. the lawfulness of their arrest and the location of their trial
 - iii. the provisions of law under which they should be tried
 - iv. legal accountability through a criminal trial
- [Permanent Court of Arbitration - a tribunal under the UN Convention on the Law of the Sea]
- The Permanent Court of Arbitration had clarified that India and Italy had concurrent jurisdiction to try the case.
- However, it said that the Italian marines enjoyed immunity from Indian jurisdiction.
- This is because they were acting on behalf of a state.
- The UN tribunal had also ruled that the Indian fishing boat, St. Antony, and the victims were entitled to compensation.
- This is on the ground that Enrica Lexie had violated the boat's right of navigation under the Law of the Sea.



11. INTERNATIONAL ISSUES

11.1 Turing Scheme

- Having left the European Union's Erasmus scholarship programme after Brexit, the United Kingdom launched its own replacement called the Turing scheme - Named after the English mathematician Alan Turing.
- Starting in 2021-2022, it would enable schools, colleges and universities in the UK to apply for government funding to allow students to study and work across the globe.
- After schools and universities apply for funding for exchanges, university study and work placements, they can invite their students to apply for individual funding.
- The scheme would be a global programme in which every country in the world will be able to partner with UK institutions.
- [This is in contrast with the Erasmus+ programme, which only included European countries.]
- It targets students from disadvantaged backgrounds and areas from where not many could benefit under the previous Erasmus+ scheme.
- The UK's Department for Education (DfE) has confirmed that India could be among the leading list of countries with which the UK universities seek to strike student exchange projects.

11.2 Digital Green Certificates

- The European Commission proposed to create a Digital Green Certificate to facilitate the safe and free movement of citizens within the European Union (EU) amid the COVID-19 pandemic.
- This certificate proves that a person has been vaccinated against covid-19, or has received a negative test result or has recovered from covid-19.
- This digital or paper format certificate with a QR code will be free of charge. It can be issued by authorities, including hospitals, testing centres and health authorities.
- Once the proposal for digital certificates is finalised, it will be accepted in all EU countries.
- All EU citizens or third-country nationals who are legally staying in the EU can use these certificates to be exempted from free movement restrictions.
- If an EU member country requires a person to quarantine or undergo a test, it must notify the Commission and all other member states justifying its decision.
- When it comes to waiving free movement restrictions, Member States will have to accept vaccination certificates for vaccines which received EU marketing authorisation.

11.3 ASEAN-EU Strategic Partnership

- After the European Union (EU) became a strategic partner of Association of the Southeast Asian Nations (ASEAN) bloc in December 2020, both blocs pledged to make climate change policy a key area of cooperation.
- The ASEAN-EU strategic partnership is a consolidation of the current range of cooperative arrangements and shared objectives that include,
 1. Economic cooperation and
 2. The EU's ongoing support for ASEAN integration,
 3. Cooperation on such issues as the response to COVID-19, climate change and green growth, sustainable development and connectivity, maritime cooperation, and cyber security.
- This partnership had deepened the ASEAN-EU relationship from a donor-recipient to engagement in economic cooperation that laid the ground for broader cooperation.
- The important parts of the ASEAN-EU relationship are
 1. Regional integration support, including the recent ASEAN Customs Transit System,
 2. The EU's range of integration support packages,

3. The ASEAN Regional Integration Support Program (ARISE Plus).

- This strategic partnership may be a genuine trailblazer for region-to-region high level collaboration, which means there may be no need for individual strategic partnerships with states in Southeast Asia.
- Summit-level meetings are a key component of such partnerships.
- The strategic partnership was announced soon after the signing of the Regional Comprehensive Economic Partnership (RCEP), a deal constituting the world's largest free-trade zone.

11.4 EU Strategy for Indo-Pacific Cooperation

- The Council of the EU approved the Strategy for Cooperation in the Indo-Pacific to reinforce its strategic focus, presence and actions in the region.
- Aim of the strategy is to contribute to regional stability, security, prosperity and sustainable development, at a time of rising challenges and tensions in technological, political and security areas in the region.
- The Council tasked the High Representative and the Commission with putting forward a Joint Communication on cooperation in the Indo-Pacific by September 2021.
- The renewed EU commitment to the Indo-Pacific will have a long-term focus and will be based on upholding democracy, human rights, the rule of law and respect for international law.
- The EU will promote effective rules-based multilateralism, reiterating its support for ASEAN (Association of South East Asian Nations) centrality.
- It will work to mitigate the economic and human effects of the Covid-19 and work towards ensuring a sustainable socio-economic recovery.
- It has decided to extend the geographic scope of its Critical Maritime Routes (CRIMARIO) II activities from the Indian Ocean into South and Southeast Asia.

11.5 Tampon Tax Abolition

- The United Kingdom abolished 5% Value Added Tax (VAT) on women's sanitary products, often referred to as the tampon tax.
- It now joins the list of countries which have already eliminated this tax, which includes India, Australia and Canada.
- Until December 31, the UK was a part of the EU, where period products like sanitary napkins and tampons are classified as non-essential, and member states are required to levy a 5% tax on them.
- As the UK is out of the EU, it is not bound by its directives.
- In the Republic of Ireland, however, there is no VAT on such products despite the country being an EU member.
- This is because Ireland's tax rates were in place before the EU imposed its own tax laws.
- In 2020, Scotland became the first country in the world to make period products free of cost to those who need them.

11.6 Letter warning Civil War in France

- A letter signed by about 1,000 service personnel in France, including some retired generals warning President Emmanuel Macron that the country is heading for a "civil war", has angered the French government.
- The signatories through the controversial letter had,
 1. Warned Macron, his government and legislators of "several deadly dangers" that threaten France, such as Islamism.
 2. Criticises the government crackdown on the Yellow Vest protests and also its policies.
- The government said that those signatories who are still serving the military would be punished under a law dictating that military personnel have to be politically neutral.
- It warned that for any of the signatories who have violated the duty of reserve, sanctions are planned.

- **Timing of the letter** is significant as it was released on the anniversary of a 1963 failed rebellion against former French President General de Gaulle.
- The coup plot was engineered by generals who wanted to keep Algeria, then a French colony, from gaining independence.

11.7 Tigray Crisis

- The United Nations emergency relief coordinator said that Tigray region in the Ethiopia's north was witnessing a widespread full scale famine.
- This famine is a result of the military conflict between Ethiopia's federal government and the ruling party in the Tigray since September, 2020.
- The term 'famine' was used after the release of an Integrated Food Security Phase Classification (IPC) analysis update, which uses a standardised scale originally developed by the UN.
- As per the IPC scale, famine conditions in Tigray are in phase 5, which starts with a catastrophe warning and ends in famine in a region.



11.8 Juneteenth

- A bill to establish Juneteenth National Independence Day received bipartisan support in both houses of the US Congress, and now needs to be approved by the White House to become law.
- Juneteenth - the portmanteau of June and nineteenth - is the oldest nationally celebrated commemoration of the ending of slavery in the US after the American Civil War (1861-65), observed on June 19 every year.
- It is also known as Emancipation Day or Juneteenth Independence Day.
- At present, Juneteenth is recognised as a holiday in 47 US states and the District of Columbia.
- On January 1, 1863, then-president Abraham Lincoln issued the Emancipation Proclamation, which declared that all persons held as slaves within the states in rebellion are, and henceforward shall be free.
- Even so, more than two years after Lincoln's proclamation, many slave owners continued to hold their slaves captive.

11.9 The EAGLE Act

- The Equal Access to Green cards for Legal Employment (EAGLE) Act of 2021 was introduced in the US House of Representatives. It will remove the per-country cap on permanent residency visas, or green cards.
- It seeks to phase out the 7% per-country limit on employment-based immigrant visas and raises the per-country limit on family-sponsored visas from 7% to 15%.
- It provides for a nine-year period for the elimination of this limit.
- The 7% limit was introduced in the mid-20th century, which has led countries with relatively small populations to be allocated the same number of visas as a relatively large-population country.
- However, since the highest number of applicants is from India and China, the EAGLE Act also seeks to reserve visas for 'Lower Admission States' for nine fiscal years (FY).
- While 30% of employment-based visas will be reserved in FY1, this would be reduced to five% in FY 7, 8 and 9.
- The bill also ensures that "no country may receive more than 25% of reserved visas and no country may receive more than 85% of unreserved visas," in the nine fiscal years.
- **Significance** - The EAGLE Act may speed up the petitions for those applying for employment-based green cards.

- The Act will benefit the US economy by allowing American employers to focus on hiring immigrants based on their merit, not their birthplace.
- Think-tank Cato Institute had reported in March 2020 that 75% of the backlog for employment- based visas was made up of Indians.
- So, this act will be advantageous for Indian job-seekers who currently rely on temporary visas or await green cards to work in the US.

11.10 Birthing People

- In its 2022 fiscal year budget released, the US government has replaced the word ‘mothers’ with ‘birthing people’ in a section that deals with bringing down maternal mortality rates.
- The policy document lists a range of measures to help end the highest maternal mortality rate and race-based disparities in outcomes among birthing people in the US.
- **Reason for replacement** - The term ‘birthing people’ is from the realm of trans-rights activism.
- It is a step towards making vocabularies less rigid in terms of gender, so that people beyond binary gender identities can be represented.
- Another argument for the use of ‘birthing people’ is that a surrogate can give birth, who is not the ‘mother’ of the child.
- Other such terms are Chest-feeding instead of breast-feeding, and ‘menstruating people’ or ‘menstruators’ instead of ‘menstruating women’.

11.11 Suez Canal Blockage

The Suez Canal has been blocked after a large cargo ship ran aground while passing through it, bringing traffic on the busy trade route to a halt.

- Suez Canal is a critical shipping artery that connects the Mediterranean and Red Seas through Egypt.
- It carries over 12% of world trade by volume.
- A human-made waterway, the Suez Canal is one of the world’s most heavily used shipping lanes.
- Built in 1869, it provides a major shortcut for ships moving between Europe and Asia.
- Before its construction, these ships had to sail around Africa to complete the same journey.
- The 150-year-old canal was controlled by British and French interests in its initial years.
- But, it was nationalised in 1956 by Egypt’s then leader Gamal Abdel Nasser.
- Over the years, the canal has been widened and deepened.
- In 2015, Egypt announced plans to further expand the Suez Canal.
- This was aimed to reduce the waiting times and double the number of ships that can use the canal daily by 2023.
- Egypt heavily depends on revenues from the canal.

11.12 US Recognition of Armenian Genocide

U.S. President Joe Biden has fulfilled a long-pending American promise by recognising the Armenian Genocide.

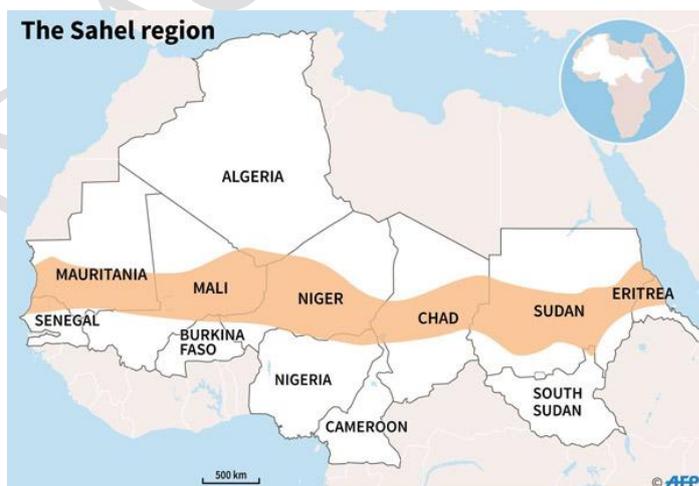
- The Ottoman Empire suffered a humiliating defeat in the Caucasus in 1915 at the hands of the Russians.
- The Turks blamed the Armenians living on the fringes of the crumbling empire for the setback.
- The Turks accused the Armenians of treachery.
- The Ottoman government unleashed militias on Armenian villages.
- Armenian soldiers, public intellectuals and writers were executed.

- Hundreds of thousands of Armenians, including children, were forcibly moved from their houses in eastern Anatolia (modern-day Turkey) to the Syrian desert.
- Many died during this exodus and many others, after reaching the concentration camps in the deserts.
- Between 1915 to 1922, in the First World War, thousands of Armenians perished due to killings, starvation and disease.
- The Armenian Genocide thus refers to the systematic killing and deportation of hundreds of thousands of Armenians by the Ottoman Turks.
- At present, 30 countries officially recognise the Armenian Genocide.
- Most countries including India have not formally recognised the Armenian Genocide.
- The acknowledgement by the US government now would have little legal impact on Turkey.
- But it would perhaps give other countries the impetus to also acknowledge the genocide.
- The US acknowledgement or wider acknowledgement of it in the international community may be unwelcome for Turkey.
- However, failing to remember or acknowledge the fact of a genocide only paves the way for future mass atrocities.
- The facts must be as clear and as powerful for future generations as for those whose memories are seared by tragedy.

11.13 Terror in the Sahel

The recent massacre of at least 160 people in a border village in Burkina Faso is a grim reminder of the threat the Sahel region faces from Islamist terrorism.

- Sahel is a semiarid region of western and north-central Africa stretching from Atlantic Ocean eastward, from Senegal to Sudan.
- In between, it covers southern Mauritania, the great bend of the Niger River in Mali, Burkina Faso (formerly Upper Volta), southern Niger, northeastern Nigeria, south-central Chad.
- It forms a transitional zone between the arid Sahara (desert) to the north and the belt of humid savannas to the south.



11.14 Carbis Bay Declaration - G7 Summit

The G-7 summit recently took place in the U.K., and the leaders jointly signed the Carbis Bay Declaration.

- **Vaccine** - The G7 pledged over the next 12 months to secure a further one billion COVID-19 vaccine doses.
- This will be either through donating surplus supplies or providing further finance to Covax.
- [Covax is the UN-backed scheme charged with distributing vaccines to low- and middle-income countries.]
- The G7 also committed to invest \$12 trillion in the combined pandemic recovery plan.
- It also pledged to reinforce global surveillance for potentially dangerous diseases.
- **Economy** - The joint statement set out plans to reduce roadblocks to production in Africa.
- On the controversial issue of enforced temporary waivers of patents, it said the leaders will support manufacturing in low income countries.
- They would engage constructively on the issue of intellectual property waivers in discussions at the WTO.
- The G7 also agreed to increase the special drawing rights (SDRs) in IMF of low-income countries by \$100bn.



Critical Race Theory

Many state legislatures in the U.S. controlled by the Republican party are passing laws against the ‘critical race theory.’

- Critical race theory (CRT) is a way of thinking about America’s history through the lens of racism.
- It is an approach to grappling with a history of White supremacy.
- It began as a left-wing academic discussion in the 1970s and 1980s.
- These scholars were studying the lack of racial progress following the passing of landmark civil rights laws in the decade preceding.
- The CRT acknowledges that systemic racism is still part of the country’s society.
- **Key ideas** - Race is culturally invented, not biological.
- Racism maintains the dominance of affluent White people.
- So, many are not interested in doing away with it.
- And so, racism is an everyday experience for most people of colour in the US.
- Laws and institutions have, for years, promoted racial inequality.
- The CRT thus attends to law’s role in establishing the rights and privileges.

11.15 Gender Self-identification

- The Spanish government approved the first draft of a bill that would allow anyone over the age of 14 to legally change gender without a medical diagnosis or hormone therapy.
- **Gender self-identification or ‘self-id’**- It is the concept that a person should be allowed to legally identify with the gender of their choice by simply declaring so, and without facing any medical tests.
- This has been a long held demand of trans-right groups around the world, as prejudice against trans people remains rampant.
- As per the advocacy group ILGA (the International Lesbian, Gay, Bisexual, Trans and Intersex Association), 15 countries around the world recognise self-ID.
- They are Denmark, Portugal, Norway, Malta, Argentina, Luxembourg, Ireland, Greece, Costa Rica, Mexico (only in Mexico City), Brazil, Colombia, Ecuador and Uruguay.
- **Process for declaring one’s sex in India** - The rights of transgender persons are governed by the Transgender Persons (Protection of Rights) Act, 2019 and the Rules, 2020.
- Under the Rules, an application to declare gender is to be made to the District Magistrate. Parents can also make an application on behalf of their child.
- There is no need for transgender persons to go through a medical examination for declaring their desired sex.
- As per the Rules, state governments have also been directed to
 1. Constitute welfare boards for transgender persons to protect their rights and interests, and
 2. Facilitate access to schemes and welfare measures framed by the Centre.

11.16 Output Pact Proposal

- The latest round of meetings among the OPEC+ group has stalled as the UAE has pushed back proposals making an increase in crude oil supply conditional on an extension to an output agreement.
- **[OPEC+ countries** are non-OPEC countries which export crude oil. They are Azerbaijan, Bahrain, Brunei, Kazakhstan, Malaysia, Mexico, Oman, Russia, South Sudan and Sudan.]
- **Story behind** - In April 2020, the OPEC+ group of countries had entered into a two-year agreement to cut crude production steeply - to deal with a sharp fall in the price of oil as a result of the pandemic.
- The initial production cut by OPEC+ was about 10 million barrels per day or about 22% of the reference production of OPEC+ nations.

- In November 2020, however, the price of Brent crude started climbing consistently buoyed by the steady rollout of vaccination programmes.
- However, it maintained lower levels of production despite crude oil prices reaching pre-Covid levels, which boosted rising prices further.
- **Recent issue** - The UAE agreed that there was a need to increase crude oil production from August 2021.
- But it didn't agree to a condition by the OPEC Joint Ministerial Monitoring Committee (JMMC) that the two-year production agreement be extended by six months.
- The UAE noted that the baseline reference production levels of crude oil were unfair and that it would be open to extending the agreement if baseline production levels were reviews to be fair to all parties.

11.17 OPEC

- It is a permanent intergovernmental organization of 13 oil-exporting developing nations.
- It was founded in 1960 by five countries - Islamic Republic of Iran, Iraq, Kuwait, Saudi Arabia and Venezuela.
- In accordance with its Statute, the mission of the OPEC is to coordinate and unify the petroleum policies of its Member Countries.
- It should ensure the stabilization of oil markets in order to secure an efficient, economic and regular supply of petroleum to consumers.

11.18 Child Soldier Recruiter List

- The United States of America has added Pakistan and 14 other countries to a Child Soldier Recruiter List.
- [Child Soldier is a human being less than 18 years old, recruited by an army or simply participating in an armed conflict.]
- The Child Soldier Recruiter List identifies foreign governments having government-supported armed groups that recruit or use child soldiers.
- **Restrictions** - The following types of security assistance are prohibited for countries that are in the Child Soldier Recruiter list:
 - 1) Licenses for direct commercial sales of military equipment
 - 2) Foreign military financing for the purchase of defense articles and services, as well as design and construction services
 - 3) International military education and training
 - 4) Excess defense articles
 - 5) Peacekeeping operations
- The countries will not be eligible for the US Department of Defence's "Train and Equip" authority for building the capacity of foreign defense forces.
- The US Child Soldiers Prevention Act requires the publication in the annual Trafficking in Persons (TIP) report a list of foreign governments that have recruited or used child soldiers during the previous year.

US Child Soldiers Prevention Act

- The US Congress adopted the Child Soldiers Prevention Act (CSPA) in 2008, as an amendment to William Wilberforce Trafficking Victims Protection and Reauthorization Act, 2008.
- The CSPA prohibits the US government from providing military assistance to countries identified as having government or government-supported forces that recruit and use child soldiers.
- It also requires the US Secretary of State to designate portions of the annual Human Rights Report to the issue of child soldiers.
- It allows the US President to issue a "national interest waiver" for countries even if they are in violation of the Act, so long as the President notifies Congress within 45 days of the waiver and justifies his decision.
- Also, the President has the authority to provide assistance if that country has taken steps to comply with the law.

11.19 International Convention

- The recruitment or use of children below the **age of 15** as soldiers is,

- a) Prohibited by both the UN Convention on the Rights of the Child (CRC) and the additional protocols to the Geneva Conventions, and
 - b) Considered a war crime under the Rome Statute of the International Criminal Court.
- Optional Protocol to CRC on the involvement of children in armed conflict prohibits kids below the **age of 18** from being compulsorily recruited into state or non-state armed forces or directly engaging in hostilities. The United States is a party to the Optional Protocol.
 - The United Nations, too, has identified the recruitment and use of child soldiers as among six “grave violations” affecting children in war.
 - It verified that over 7,000 children had been recruited and used as soldiers in 2019 alone.

11.20 EU Digital Covid Certificate

- Covishield is not among the vaccines which have been approved by the European Medicines Agency (EMA) for its “vaccine passport” programme that allows free movement of people in and out of Europe.
- Four vaccines that are approved by EMA for this purpose - Vaxzevria (Oxford-AstraZeneca), Comirnaty (Pfizer-BioNTech), Spikevax (Moderna) and Janssen (Johnson & Johnson).
- The EU Digital Covid Certificate or the “**green pass**” has been created to ensure that restrictions currently in place due to the pandemic can be lifted in a coordinated manner.
- This document, which is valid across all EU countries, is a digital proof that a person has either been,
 1. Vaccinated against Covid-19, or
 2. Received a negative test result, or
 3. Recovered from the viral infection.
- This new passport system is coming into effect across EU from July 1, 2021. National authorities are in charge of the programme.
- The document can be issued by test centres or health authorities, or via an eHealth portal.
- The certificate has a digital signature which is verified when the QR code is scanned and it is available in both digital and paper formats.
- The “green pass” is **not compulsory**. However, those who don’t possess the certificate will be subject to the usual travel restrictions and quarantine rules which are in effect in every country.

11.21 White Flag Campaign

- In Malaysia, some residents of low-income families have started waving white flags as part of the “White Flag (benderaputi) Campaign”.
- They are doing this to convey distress about the financial crunch they have had to deal with amid the lockdowns due to Covid-19.
- As part of the movement, families that are facing hunger or need any other kind of assistance are encouraged to wave a white flag or put a piece of white cloth outside their homes to signal that they need help.
- The idea is that by spotting the white flag, neighbours and good samaritans can reach them.
- On the Sambal SOS app, which was initially called the BenderaPutih app, people can see the map of Malaysia where active food banks are marked. This is to help people easily track down food banks.

Red Flag Campaign

- There is yet another movement called the red flag campaign or #benderamerah that works in the same way as the white flag movement.
- It was started by the Malaysian Animal Association as many families were abandoning pets they couldn’t afford to feed.

Black Flag Movement

- Alongside the white flag movement, there is the black flag movement in order to express dissatisfaction of the public with the Malaysian government against the government's management of the pandemic.
- Specifically, this movement is demanding that Prime Minister resign.

11.22 Cairo International Conference on Population and Development

- The Uttar Pradesh CM has announced measures to control population growth. These measures aim to reduce UP's Total Fertility Rate (TFR) recorded as 2.7 by the National Family Health Survey-4 in 2016.
- The aims in this direction are,
 - Increasing the rate of modern contraceptive prevalence, male contraception,
 - Decreasing maternal mortality and infant mortality rates significantly by 2026.
- These aims are in line with what was stressed at the **Cairo International Conference on Population and Development** (Cairo ICPD) in 1994.
- The Cairo ICPD was convened under the auspices of the United Nations.
- It was organized by a secretariat composed of the Population Division of the then UN Department for Economic and Social Information and Policy Analysis (now Dept of Economic and Social Affairs) and UNFPA.
- The ICPD was the largest intergovernmental conference on population and development ever held, with 179 governments participating and other participants from governments, UN agencies, NGOs, etc
- The Conference adopted the Programme of Action by Consensus in 1994. This Cairo Consensus had
 - Called for promotion of reproductive rights of women, empowering women, universal education, maternal and infant health to untangle the knotty issue of poverty and high fertility.
 - Introduced the concepts of sexual and reproductive health and reproductive rights.
- It emphasizes the integral linkages between population and development and focuses on meeting the needs of individual women and men, rather than on achieving demographic targets.