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1. Prison Overcrowding in India

Relevant for GS Prelims & Mains Paper II; Polity & Governance

According to National Crime Records Bureau's "Prison Statistics India – 2017" report, Indian prisons have an average occupancy rate of 115% of their capacity.

In 16 of the 28 States covered in the report, occupancy rate was higher than 100% with States and Union Territories such as Uttar Pradesh (165%), Chhattisgarh (157.2%), Delhi (151.2%) and Sikkim (140.7%) faring the worst.

Efforts to reduce congestion in jails

While overall occupancy rates have come down from 140% in 2007 to 115% in 2017, only a few States have, in this period, gone about building more jails or increasing capacity in prisons in line with the changes in inmate population. Some States such as Tamil Nadu have reduced their prison occupancy rate (to 61.3%) by increasing the number of jails and their capacity besides reducing arrests for actions unless there is a cognisable offence made out. Rajasthan and Maharashtra have not managed to augment jail capacity to fit in the increased inmate population in the past decade, while States such as U.P. continue to have high occupancy rates because of increased inmate population despite a relative increase in prison capacity.

Reasons for overcrowding of jails

More than 68% of those incarcerated were undertrials, indicating that a majority were poor and were unable to execute bail bonds or provide sureties.

• There were a series of recommendations made by the Law Commission of India in its 268th report in May 2017 that highlighted the inconsistencies in the bail system as one of the key reasons for overcrowding in prisons.

• Clearly, expediting the trial process for such prisoners is the most important endeavour, but short of this there are ways to decongest prisons by granting relief to undertrials.

• The Commission recommended that those detained for offences that come with a punishment of up to seven years of imprisonment should be released on completing one-third of that period and for those charged with offences that attract a longer jail term, after they complete half of that period.

• For those who have spent the whole period as undertrials, the period undergone should be considered for remission.

• It also recommended that the police should avoid needless arrests, while magistrates should refrain from mechanical remand orders.

It is imperative that these recommendations are incorporated into law soonest.

Consequences of congested jails
A system of holding undertrials for too long without a just trial process in overcrowded prisons that suffer problems of hygiene, management and discipline, is one that is ripe for recidivism. There is a greater chance of prisoners hardening as criminals rather than of them reforming and getting rehabilitated in such jail conditions.

2. What is the project to redevelop Lutyens' Delhi all about?

Relevant for GS Prelims & Mains Paper II; Polity & Governance

The Central government has kick-started its ambitious plan of redeveloping the three-km-long Central Vista and Parliament, and constructing a common Central secretariat for all ministries that are currently spread over many buildings across Delhi. This follows calls from Members of Parliament to have their own offices at Parliament House, which only Ministers get as of now, and it is in keeping with Prime Minister Narendra Modi's "vision", according to Union Minister of State (independent charge) for Housing and Urban Affairs Hardeep Singh Puri. On October 18, the Central Public Works Department (CPWD) selected a Gujarat-based architecture firm, HCP Design, Planning and Management Pvt. Ltd., to serve as its consultant for the project. Announcing the project on October 25, Mr. Puri said he expected work on the ground to start by May 2020.

Why did the government feel the need for redeveloping the area?
The British built Parliament House and the North and South Blocks, which contain the offices of the Ministries of Finance, Home, Defence and External Affairs, between 1911 and 1931. Post-1947, the government of independent India added office buildings such as Shastri Bhavan, Krishi Bhavan and Nirman Bhavan. According to Mr. Puri and Housing and Urban Affairs Ministry officials, these buildings do not have the facilities and space required today. While the British-built buildings are not earthquake-proof, the buildings that came up after 1947 are prone to fires.

Mr. Puri explained the rationale for a revamp in an interview with The Hindu recently: "Government business cannot be conducted out of palaces." The huge rooms for Ministers and secretaries, with corridors lined with clerical staff would be replaced with modern workspaces, perhaps even open-plan or glass-partitioned offices. He said the new buildings that come up would have a lifespan of 150 to 200 years and would be energy-efficient and modern workspaces. Both Mr. Puri and the request for proposal (RFP) floated by the Central Public Works Department said the revamp would represent a "new India".

What is the plan?
On September 2, the CPWD set in motion the massive project by issuing a request for proposal (RFP) from design and architecture firms to serve as a consultant for the redevelopment of Central Vista and Parliament and development of a new Central secretariat. Six firms responded to the RFP and four were finally short-listed for the opening of financial bids. While Delhi-based C.P. Kukreja Architects had a lower bid

(₹218.75 crore), Ahmedabad-based HCP was selected at a cost of ₹229.75 crore. This, Ministry officials said, was in keeping with the quality-cum-cost basis model adopted for projects of this nature as the design proposal as well as the financial bids are taken into account. In its RFP, the CPWD had asked firms to come up with proposals for the buildings on the Central Vista and Parliament; these include suggesting which structures are to be razed and which are to be refurbished. Mr. Puri said while Parliament House and North and South Blocks will not be demolished, their usage may change. For example, they may be used as museums. The rest of the buildings that came up post-Independence, including Shastri Bhavan, Krishi Bhavan, etc, are likely to be demolished.

HCP Design, which carried out the development of the Sabarmati riverfront in 2002 and is currently working on the redevelopment of the temple complex in Varanasi, will now prepare detailed designs for each of the buildings as well as a plan for the common Central secretariat. The exact plan has not been made public yet. Which buildings are to be demolished, how Parliament will be expanded — whether there will be an additional building constructed for offices or whether the Lok Sabha and the Rajya Sabha will be split into separate spaces, etc. — will be decided as the process moves forward. Mr. Puri said on October 25 that the winning design by HCP would be published online and wide public consultations would be held before the plan is finalised.

How much will it cost?

As on October 31, the government is yet to say how much the revamp of New Delhi's seat of power will cost. When announcing the project on October 25, Mr. Puri said usually consultancy fees are 3-5% of the total project cost. However, CPWD officials said that the norm may not apply to a massive project of this size. One senior CPWD official said the amount could be around ₹12,450 crore, while another top official said it could be higher. The Minister also said the exact cost of the project would be determined by the tender process, which will take place next year. He added that the government will also save about ₹1,000 crore a year, which it spends currently on renting office premises for its ministries outside of Lutyens' Delhi in the Capital. What is known for sure is that HCP Design will be paid ₹229.75 crore for its work.

What lies ahead?

According to the government's deadlines, the new Parliament (either as a completely new building or a renovation of the existing one) has to be ready by March 2022, the 75th year of India's Independence. The revamped Central Vista, complete with public amenities and parking, has to be ready by November 2021 and the new common Central secretariat by March 2024. Before the tenders are floated for each construction or renovation project, the CPWD will carry out public consultations. Since the government's plan became public in September, it has faced some criticism. Concerns about conservation of heritage and the environment have come up, though Mr. Puri has said the green cover and the history of New Delhi will not be damaged in the process of the revamp. The CPWD and Mr. Puri have said these will be addressed during the consultation phase, that architects, environmentalists, historians and Delhi-ites are waiting for.

3. Gujarat anti-terror law gets President's nod

Relevant for GS Prelims & Mains Paper II; Polity & Governance

President Ram Nath Kovind has given his assent to the Gujarat Control of Terrorism and Organised Crime (GCTOC) Bill, a controversial anti-terror legislation passed by the BJP-ruled State in March 2015.

What is the most controversial provision?
One of the key features of the new Act includes the consideration of intercepted telephonic conversations as legitimate evidence.

History of the law
The Bill, earlier named as the Gujarat Control of Organised Crime (GUJCOC) Bill, had failed to get the presidential nod thrice since 2004 when Prime Minister Narendra Modi was the Chief Minister of the State.

In 2015, the Gujarat government re-introduced the Bill by renaming it the GCTOC, but retained controversial provisions like empowering the police to tap telephonic conversations and submit them in court as evidence.

What is the objective behind the law?
Supporters of the act said that its provisions will prove crucial in dealing with terrorism and organised crimes such as contract killing, ponzi schemes, narcotics trade and extortion rackets.

What are the main provisions of the act?
1. One of the key features of this Bill is that intercepted telephonic conversations would now be considered legitimate evidence.

2. This Bill also provides for the creation of a special court as well as the appointment of special public prosecutors.

3. It also give powers to attach properties acquired through organised crimes as well as cancel the transfer of such properties.

4. Other provisions of the Act is the admissibility of a confession made before a police officer as evidence.

4. Lawyers clash with Police

Relevant for GS Prelims & Mains Paper II; Polity & Governance

What has happened?

The police personnel were attacked by lawyers in police station adjoining district courts of Delhi. Moreover, Delhi High Court allegedly shielded the lawyers while being harsh on the police.

What was the immediate response of Police?
The police personnel sieged the Delhi police headquarters. The police headquarters were being guarded by the CRPF on Wednesday.

What are the other reasons of resentment?
The outburst of the constables in Delhi is also the result of their accumulated resentment against senior officers. Last year, a Delhi IPS officer slapped a constable for stopping his private vehicle that was on the wrong carriageway.

Under the direct supervision of the Home Ministry, the Delhi police is often caught in the crossfire of many political battles between Delhi political leadership and Union government, and junior personnel are often made the scapegoats.

Analysis of present situation
At a broader and deeper level, the ugly scuffle between the police and lawyers in the capital is an alarming sign of collapse of the rule of law. Lawyers and the police are critical to law enforcement, and their unfailing fealty to the law and the legal process is an essential attribute that a society counts on. Far from adhering to the principles of their respective professions, when they take the law into their own hands, it is a case of the fence eating the crop; it is the sign of a dysfunctional society turning on itself.

The higher judiciary has often been a beacon of hope for the rule of law, but that confidence is not as strong as before. The judicial intervention in the clash between lawyers and the police must not only be impartial and fair but also be seen as such. To restore public confidence in policing and judicial process, strict action must be taken against those who indulged in violence — an example must be made of them. That is essential also to restore the majesty of the law and its enforcement.

5. Merger of Assam Rifles and ITBP

Relevant for GS Prelims & Mains Paper II; Polity & Governance

The Ministry of Home Affairs has proposed that the Assam Rifles should be merged with the Indo-Tibetan Border Police (ITBP) and serve under the operational control of the MHA. At present, the Assam Rifles, a Central paramilitary force, is under the administrative control of the MHA and operational control of the Army, i.e. the Ministry of Defence. The Army is opposed to this proposal.

History of Assam Rifles
Formed as Cachar Levy in 1835 to assist the British rulers in maintaining peace in the Northeast, the Assam Rifles, which had just about 750 men, proved its capability and

efficiency. This necessitated its expansion. The unit was converted into the Assam Military Police Battalion with two additional battalions in 1870. They were known as the Lushai Hills Battalion, Lakhimpur Battalion and Naga Hills Battalion. Just before World War I, another battalion, the Darrang Battalion, was added. They all rendered great service by assisting the British in Europe and West Asia during the war. These battalions were then renamed Assam Rifles. They continued to be regular armed police battalions, but with the 'Rifles' tag, which was a matter of honour for their competence, on par with any regular Army battalion.

It was after the Chinese aggression in 1962 in Arunachal Pradesh that the Assam Rifles battalions were placed under the operational control of the Army. Assam Rifles personnel who were acclimatised to the region were better suited for operations then. It needs to be remembered that one of the major causes for India's defeat was the fact that the regular Army units were not used to the extreme weather. The decision taken then was in keeping with the requirements. This is not the case any more.

All Central Armed Police Forces (CAPF) are acclimatised to almost every region of the country now due to country-wide deployment of all CAPF battalions. The operational role performed by the ITBP at 18,700 feet in Ladakh is testimony enough to its capability to guard the border in any part of the country. It needs to be noted that back in 2001, the Group of Ministers had stated that the principle of 'One Border, One Force' should be strictly adhered to. If ITBP can guard the India-China border in Ladakh, there is no reason why it cannot guard the India-China border in Arunachal Pradesh and beyond.

The concept of having two masters for an organisation — one for administrative control and another for operational control — is not only absurd but also leads to problems of coordination. Therefore, the Home Ministry's move to merge all its 55,000-strong Assam Rifles with the ITBP is a step in the right direction.

Opposed to the move

The Army argues that the Assam Rifles should be merged with it, to ensure national security. It requires no wisdom to conclude that the Army would lose its promotional avenues once this paramilitary force is merged with the ITBP, as it would be directly under the control of the Home Ministry. At present, nearly 80% of officers' ranks from Major upwards are held by Army officers on deputation. A Lieutenant General of the Army holds the post of Director General of Assam Rifles. It is natural for the Army to oppose the move.

For the time being, the Chief may be appointed from among IPS officers. But for the tussle between the IPS and the CAPF officers, consequent to the CAPF being brought under the fold of Organised Group 'A' Service this year, it would be the direct officers of Assam Rifles who will eventually take up the top posts.

The Home Ministry, under Rajnath Singh, took up the issue of merger with the Cabinet Committee on Security (CCS). The matter is in the Delhi High Court now after retired personnel filed a petition saying they were facing difficulties in drawing pension because of dual control. The merger issue needs to be taken up on priority by the CCS so that doubts

are cleared. The modalities of absorbing the officers should be worked out to stall any situation of a vacuum being created once the deputationists are repatriated to the Army.

6. Recent cricket betting scandals

Relevant for GS Prelims and Mains Paper II; Polity & Governance

In less than a fortnight, cricket has suffered twin blows, both at the international and domestic level.

1. First was Bangladesh skipper Shakib Al Hasan's belated admission of corrupt approaches by bookies. The International Cricket Council immediately suspended him.

2. Within India C.M. Gautam and Abrar Kazi, two players who represented Ballari Tuskers in the Karnataka Premier League, were arrested following their involvement in match fixing and for specifically under-performing and throwing their final against Hubli Tigers at Mysore in August this year. The inducement was an amount of ₹20 lakh and the duo allegedly agreed.
When the match-fixing scandal first broke in 2000 and scalped big names such as Mohammad Azharuddin, Hansie Cronje and Saleem Malik, the punitive measures then taken, like a life-long ban, were seen as an adequate deterrent. However, despite life ban, new incidents have surfaced again and again.

7. Ayodhya verdict

Relevant for GS Prelims & Mains Paper II; Polity & Governance

Judgement
A Constitution Bench of the Supreme Court permitted the construction of a temple at the site where the Babri Masjid once stood, and asked the government to allot a "prominent and suitable" five-acre plot for Muslims to construct a mosque in Ayodhya.

In a unanimous judgment, a Bench headed by Chief Justice of India Ranjan Gogoi asked the Centre, which had acquired the entire 67.73 acres of land including the 2.77 acre of the disputed Ramjanmabhumi-Babri Masjid premises in 1993, to formulate a scheme within three months and set up a trust to manage the property and construct a temple.

For the time being, the possession of the disputed property would continue to vest with the Centre until a notification is issued by it investing the property in the trust.

Alternate land
The Bench also directed that the Sunni Central Waqf Board should be given a five-acre plot, either by the Centre from within its acquired area, or by the Uttar Pradesh government "at a suitable, prominent place in Ayodhya". The Board would be at liberty to construct a

mosque there. This should be done simultaneously with the transfer of the property to the proposed trust.

Arguments by judges

The judges declared that the demolition of the 16th century Babri Masjid on December 6, 1992, was "an egregious violation of the rule of law" and "a calculated act of destroying a place of public worship". The Muslims have been wrongly deprived of a mosque which had been constructed well over 450 years ago, the Bench said.

The Court referred to the Places of Worship (Special Provisions) Act of 1991, which prohibits the conversion of the status any place of worship, to say that all religions are equal. "The Constitution does not make a distinction between the faith and belief of one religion and another. All forms of belief, worship and prayer are equal.

The court concluded that the Muslims were ousted from the 1500 square yards of the mosque through acts of damage during communal riots in 1934, desecration in the intervening night of December 22-23 of 1949 when idols were place inside the mosque, and finally, the demolition of the mosque in 1992.

"This court in the exercise of its powers under Article 142 of the Constitution must ensure that a wrong committed must be remedied. Justice would not prevail if the Court were to overlook the entitlement of the Muslims who have been deprived of the structure of the mosque through means which should not have been employed in a secular nation committed to the rule of law," Chief Justice Gogoi read out from the judgment.

The Supreme Court said the Allahabad High Court's remedy of a three-way bifurcation of the disputed premises among the Ayodhya deity, Sri Bhagwan Ram Virajman, Nirmohi Akhara and the Sunni Central Waqf Board "defied logic". It did not "secure a lasting sense of peace and tranquillity".

The judgment nevertheless concluded that the Sunni Central Waqf Board was unable to prove its claim of exclusive title and continuous possession of the disputed site. "The Muslims have offered no evidence to indicate that they were in exclusive possession of the inner structure prior to 1857 since the date of the construction in the sixteenth century," the court observed.

On the other hand, the court held there was both oral and documentary evidence to support the Hindus' faith that the Janma Asthan was located where the Babri Masjid was constructed. It was beyond the ken of the court to probe whether this belief was justified. Judges cannot indulge in theology, but restrict themselves to evidence and balance of probabilities.

The court said there was proof of extensive worship offered by the Hindus, especially in the outer courtyard where the Ram Chabutra and Sita Rasoi are located, even before the annexation of the Oudh by the British in 1857. The Hindus' possession of the outer courtyard has been established.

Besides, the Supreme Court accepted the version of the Archaeological Survey of India (ASI) that the mosque was not constructed on a vacant land. The ASI had suggested the remains of a large pre-existing structure underneath the Babri mosque which was "non-Islamic" in nature. The ASI had said the artefacts collected from the dig and the pillars of the mosque were of a non-Islamic origin.

The court refrained from arriving at a conclusion on the issue whether the pre-existing structure was demolished to construct the mosque. It said the ASI had also maintained a studied silence, only venturing that the pre-existing structure was used to build the mosque.
The court, however, dismissed the contention raised by the Hindu side that the land, Ram Janam Asthan, was a legal personality just as the minor Ayodhya deity, Ram Lala, was. The court said this claim was a "mirror image" of the Muslim's claim that the disputed site was waqf property.

The court dismissed the Akhara's petition as time-barred. and rejected its suit claiming shebaiti (managerial rights) over the property. However, the court invoked its extraordinary powers to ask the government to give Nirmohi Akhara, considering the sect's historical presence at the disputed site, to provide it with an "appropriate role in the management" of the property.

8. Kerala's plan for free Internet roll-out

Relevant for GS Prelims & Mains Paper II; Polity & Governance

If things go as per plan, Kerala could have near-universal Internet access in a little over a year's time. Last week's nod by the State Cabinet for the Kerala Fibre Optic Network project clears the path for a Kerala-wide optical fibre network by December 2020. At ₹1,548 crore, it is, without doubt, an ambitious project.

What is Kerala's plan?
Over two million BPL families in Kerala shall be provided free Internet access. The idea is to charge affordable rates for other families. The network, to be set up by the Kerala State Electricity Board Ltd. and the Kerala State IT Infrastructure Ltd., will also connect 30,000 government offices and educational institutions.

Why project is commendable?
What makes it commendable is its recognition that Internet access is a basic human right. No other Indian State has recognised Internet access in this manner till now. This is also in sync with what the UN has been articulating in recent years, based on the Internet's role in enabling freedom of speech and reducing inequality, among other things.

9. President rule in Maharashtra

Relevant for GS Prelims & Mains Paper II; Polity & Governance

President rule has been applied because no coalition or political party has been able to form government in Maharashtra.

Poll results
The Maharashtra election results were in favour of the BJP-Shiv Sena pre-poll alliance, but the partners could not agree on the terms of power sharing. The Sena's claim for the Chief Minister's post prevented coalition between BJP and Sena.

The Sena is the BJP's oldest ally and both are bound by a competitive adherence to Hindutva. The Sena's claim was also not justified by the verdict — it got 56 seats of the 288, while the BJP won nearly double that figure. Sena miscalculated the alternative scenario of leading a State government with the support of the Congress and the Nationalist Congress Party (NCP).
Away from ethical coalitions

The idea of a Congress-NCP-Sena coalition government is toxic. The NCP and Congress fought in alliance, and as Sharad Pawar said, got a mandate to sit in the Opposition. Post-poll coalitions are a legitimate route to government formation when the legislature is hung but the situation in Maharashtra is far from it.

There were two pre-poll alliances, one got a clear majority and the other clearly lost. If the Congress and NCP want to keep the BJP out of power for ideological reasons, handing over power to a more virulent strain of Hindutva would be disingenuous. The formation of an NCP-Congress-Sena government, whatever may be its facade, will not only be a betrayal of the mandate but also be indefensible in ideological terms. Such an alliance, if at all formed, would not be stable or sustainable. The BJP must be hoping to pressure the Sena back into the alliance, but the best course now seems a fresh election.

10. SC Judgement in Karnataka MLAs' case

Relevant for GS Prelims & Mains Paper II; Polity & Governance

SC judgement
Supreme Court has upheld the Karnataka Speaker's orders disqualifying 17 defectors this year. At the same time, it has allowed the former legislators to contest the December 5 by-elections to 15 Assembly seats.

What is the implication of the judgement?
The former Janata Dal (S) and Congress MLAs are now free not only to contest the polls, but may reap the benefits of getting a ticket from the ruling BJP. Most of them had tried to resign from their respective parties in July, but the move was seen as a transparent ploy to bring down the JD(S)-Congress regime of H.D. Kumaraswamy.

What was the Speaker action?

The then Speaker, K.R. Ramesh Kumar, refused to act on their resignations. Ultimately, he disqualified all of them in orders passed on July 25 and 28 and said the disqualification would go on till 2023 — the end of the current Assembly's term.

The Speaker's stance was quite controversial as it appeared to create a conflict between resignation and disqualification. He now stands partially vindicated as his argument that resignation could not be used to evade an impending disqualification has been accepted. The Speaker was also hoping to keep the defectors out of any alternative regime as members disqualified for defection are barred from becoming ministers until they get re-elected.

What is the SC interpretation?

The court's exposition of the law relating to the interplay between resignation and defection is quite welcome. On the one hand, resignation does not take away the effect of a prior act that amounts to disqualification. On the other, Speakers are not given a free pass to sit on resignation letters indefinitely. Under Article 190(3), a provision under which the Speaker has to ascertain the "voluntary" and "genuine" nature of a resignation before accepting it, the court is clear that it is a limited inquiry, only to see if the letter is authentic and if the intent to quit is based on free will. "Once it is demonstrated that a member is willing to resign out of his free will, the Speaker has no option but to accept the resignation," the court has said.

This effectively ends the argument that the Speaker is empowered to consider the motives and circumstances whenever a resignation is submitted. The verdict bemoans the fact that Speakers sometimes tend not to be neutral, and that change of loyalty for the lure of office continues despite the anti-defection law. Identifying its weak aspects and strengthening the law may be the answer.

11. Supreme Court strikes down rules on tribunal postings

Relevant for GS Prelims & Mains Paper II; Polity & Governance

SC judgement

A Constitution Bench of the Supreme Court struck down in entirety Rules framed by the government under the Finance Act of 2017 to alter the appointments to 19 key judicial tribunals, including the Central Administrative Tribunal.

The Bench led by Chief Justice Ranjan Gogoi held that the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017 suffered from "various infirmities".

About rules

These Rules formulated by the Central Government under Section 184 of the Finance Act, 2017. These rules gave powers to Central government in matters of appointments and postings of Judges in 19 key tribunals. However, such powers give control to executive of

judicial bodies namely tribunals in this case. Ideally, the appointments and postings in tribunals should be decided by judiciary.

Passed as money bill

Moreover, 2017 amendment act relating to tribunals was passed as money bill. Chief Justice Gogoi referred to a larger Bench the issue and question whether the 2017 Act could have been passed as a money bill.

The court said a seven-judge Bench should also decide the question whether the Lok Sabha Speaker acted in the right by certifying it as money bill, thus allowing it to circumvent Rajya Sabha.

One of the petitioners in the case and Rajya Sabha MP, Jairam Ramesh, said the passing of the Finance Act 2017 as a money bill was deliberately done to "extend executive control over these institutions (tribunals) by altering the composition of the selection committees and vastly downgrading the qualifications and experience required to staff these bodies".

Directions by SC

The court ordered the Centre to re-formulate the Rules within six months strictly in conformity with the principles delineated by the Supreme Court.

The court further ordered the Union Ministry of Law and Justice to conduct a 'Judicial Impact Assessment' of tribunals to analyse the ramifications of the changes caused by the Finance Act, 2017.

The court also directed the Centre to "carry out an appropriate exercise for amalgamation of existing tribunals adopting the test of homogeneity of the subject matters to be dealt with and thereafter constitute adequate number of Benches commensurate with the existing and anticipated volume of work".

For now, as an interim measure, the Bench directed that the terms and conditions of appointment to the tribunals would be in accordance with the respective statutes which were in place before the enactment of the Finance Bill, 2017.

12. Supreme Court dismisses pleas to review Rafale ruling

Relevant for GS Prelims & Mains Paper II; Polity & Governance

A three-judge Bench of the Supreme Court, led by Chief Justice of India (CJI) Ranjan Gogoi, dismissed petitions seeking a review of the December 14, 2018 judgment upholding the purchase of 36 Rafale fighter aircraft.

Rationale by SC bench

"The endeavour of the petitioners was to construe themselves as an appellate authority to determine each aspect of the Rafale purchase. We cannot lose sight of the fact that we are

dealing with a contract for aircraft pending before different governments for quite some time. The necessity for those aircraft has never been in dispute. This court did not consider it appropriate to embark on a roving and fishing enquiry," Justice Sanjay Kishan Kaul delivered the main judgment he co-authored with the CJI on Thursday.

Pricing issue

The court rejected the allegations on the pricing of the jets. It said it was not the function of the court to determine the prices. Such sensitive matters could not be dealt with on the mere suspicions of petitioners. Internal mechanism of such pricing would take care of the situation.

Comparing the price of bare aircraft and fully-loaded aircraft was like comparing apples and oranges. "Best leave pricing to the competent authorities," the judges advised the petitioners.

13. What does the Places of Worship Act protect?

Relevant for GS Prelims & Mains Paper II; Polity & Governance

Why was it enacted in 1991? What was the cut-off date? Why was the Ayodhya site left out of its ambit?

When the Babri Masjid-Ram Janmabhoomi dispute was at its height, in the early 1990s, the Vishwa Hindu Parishad (VHP) and other Hindu organisations also laid claim to two other mosques — the Gyanvapi mosque in Varanasi and the Shahi Idgah in Mathura. Although the radicals in the Hindu camp often spoke of reclaiming 3,000 mosques across the country, they threatened to start agitations only in respect to these two places of worship. In this backdrop, the P.V. Narasimha Rao government enacted, in September 1991, a special law to freeze the status of places of worship as they were on August 15, 1947. The law kept the disputed structure at Ayodhya out of its purview, mainly because it was the subject of prolonged litigation. It was also aimed at providing scope for a possible negotiated settlement.

What is the objective of the Act?

The aim of the Act was to freeze the status of any place of worship as it existed on August 15, 1947. It was also to provide for the maintenance of the religious character of such a place of worship as on that day. It was intended to pre-empt new claims by any group about the past status of any place of worship and attempts to reclaim the structures or the land on which they stood. It was hoped that the legislation would help the preservation of communal harmony in the long run.

What are its main features?

The Act declares that the religious character of a place of worship shall continue to be the same as it was on August 15, 1947. It says no person shall convert any place of worship of any religious denomination into one of a different denomination or section. It declares that all suits, appeals or any other proceedings regarding converting the character of a place of

worship, which are pending before any court or authority on August 15, 1947, will abate as soon as the law comes into force. No further legal proceedings can be instituted.

However, there is an exception to the bar on instituting fresh proceedings with regard to suits that related to conversion of status that happened after August 15, 1947. This saves legal proceedings, suits and appeals regarding chance of status that took place after the cut-off date. These provisions will not apply to ancient and historical monuments and archaeological sites and remains that are covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958; a suit that has been finally settled or disposed of; and any dispute that has been settled by the parties or conversion of any place that took place by acquiescence before the Act commenced. The Act does not apply to the place of worship commonly referred to as Ram Janmabhoomi-Babri Masjid in Ayodhya. This law will have overriding effect over any other law in force, it said.

Is there any penal provision in the Act?
Anyone who defies the bar on conversion of the status of a place of worship is liable to be prosecuted. The Act provides for imprisonment up to three years and a fine for anyone contravening the prohibition. Those abetting or participating in a criminal conspiracy to commit this offence will also be punished to the same extent, even if the offence is not committed in consequence of such abetment or as part of the conspiracy.

How did the Opposition react to the law then?
The Bharatiya Janata Party (BJP) registered its strong opposition to the enactment. In Parliament, the BJP also questioned Parliament's legislative competence to enact the law as it pertained to places of pilgrimages or burial grounds, which were under the State List. However, the Union government said it could make use of its residuary power under Entry 97 of the Union List to enact this law.

What is the present status of Gyanvapi and Idgah?
A district court in Varanasi had entertained a civil suit by a temple trust claiming the site of the Gyanvapi Mosque in the holy city, but the order has been challenged in the Allahabad High Court, citing the statutory bar on such suits that seek to alter the places of worship. The matter is still pending.

The Shahi Idgah in proximity to the Krishna temple in Mathura is the subject of an agreement between the Krishna Janmabhumi Sanstha and the Idgah Committee, under which the land belongs to the former and the management is with the latter.

14. Who is Gotabaya Rajapaksa?

Relevant for GS Prelims & Mains Paper II; Polity & Governance

Addressing Colombo-based foreign correspondents in March 2017, Gotabaya Rajapaksa said he was not sure if he would enter politics, since he had never been a politician unlike his seasoned brothers.

In less than three years of entering into politics, the former soldier-turned bureaucrat has won Presidential polls. On Monday, the war-time defence secretary will be sworn in as Sri Lanka's 7th Executive President, bringing back the Rajapaksa clan — his brother former President Mahinda Rajapaksa was unseated in 2015 — to power once again.

Why was Gotabaya elected?

To many in Sri Lanka's majority Sinhala-Buddhist community, Mr. Gotabaya Rajapaksa, 70, is a "saviour" who spearheaded the military victory over the rebel LTTE a decade ago. Following the Easter terror attacks in April this year, which killed over 250 people, his supporters felt the need for such a "saviour" again.

Mr. Rajapaksa currently faces multiple cases of alleged corruption — charges he has denied — and civil suits in the U.S. for alleged torture of a Tamil, among others, during the Rajapaksa administration that spanned a decade from 2005. He was linked to the murder of a well-known editor in Colombo in 2009, but a U.S. court – where the journalist's family sought civil action against Mr. Rajapaksa – rejected it citing his "foreign official immunity".

Controversy relating to American citizenship

Like many Sri Lankans, Mr. Rajapaksa held dual citizenship but had to give up his American citizenship in order to run for president. However, critics continue to question his claim of renouncing it, citing US Federal registers. Meanwhile, two Colombo-based activists are legally challenging the validity of his Sri Lankan citizenship as well.

15. Detentions in Jammu & Kashmir

Relevant for GS Prelims & Mains Paper II; Polity & Governance

More than 1,300 people are detained since Central government's Jammu and Kashmir (J&K) bifurcation order since August 5.

In detention are dozens of elected representatives including a member of the Lok Sabha, Farooq Abdullah, who also happens to be a former Chief Minister.

Indefinite preventive detention of people is difficult to justify under any circumstances. Moreover, the government has refused to make any commitment on Mr. Abdullah's release.

16. Lok Sabha passes the Chit Funds (Amendment) Bill

Relevant for GS Prelims & Mains Paper II; Polity & Governance

The Lok Sabha passed the Chit Funds (Amendment) Bill which will raise the monetary limits for chit funds and approves higher commission for "foreman".

What are the provisions of the bill?

1. The maximum chit amount is proposed to raised from ₹1 lakh to ₹3 lakh for those managed by individuals or less than four partners, and from ₹6 lakh to ₹18 lakh for firms with four or more partners.

2. The maximum commission for foreman — the person who is responsible to handle the chit fund process — is proposed to be raised from 5% to 7%.

3. The bill also allows the foreman a right to lien against the credit balance from subscribers.

4. The Bill also introduces words such as "fraternity fund", "rotating savings" and "credit institution" to make chit funds more respectable.

5. In addition to a proposal for allowing subscribers to join the process of drawing chits through video-conferencing, the bill allows State governments to specify the base amount over which the provisions of the Act would apply.

17. Centre approves Industrial Relations Code Bill

Relevant for GS Prelims & Mains Paper II; Polity & Governance

The Centre approved the Industrial Relation Code Bill, which is the third code under labour reforms.

The government wants to codify 44 central labour laws into four broad codes.

While Parliament has already approved the Code on Wages, the Labour ministry will push the Code on Occupational Safety, Health and Working Conditions Bill in the Budget session. The Code on Social Security is in the pre-legislative stage.

The Union Cabinet, chaired by Prime Minister Narendra Modi, has given its approval for introduction of the Industrial Relations Code, 2019, in Parliament, an official statement said.

1. **Provisions of bill**
The bill provides for setting up of a two-member tribunal (in place of one-member), thus introducing a concept that some of the important cases will be adjudicated jointly and the rest by a single-member resulting speedier disposal of cases.

2. **Flexibility in exit provisions**
It also provides for imparting flexibility to the exit provisions relating to retrenchment and others, for which the threshold for prior approval of appropriate government has been kept unchanged at 100 employees, but added a provision for changing 'such number of employees' through notification (executive order). That means there would be no need for Parliament approval. The threshold can be changed by executive order.

3. **Fixed-term employment**
It also said the re-skilling fund is to be utilised for crediting to workers in the manner to be prescribed. The bill also provides for the definition of Fixed Term Employment and that it would not lead to any notice period and payment of compensation on retrenchment excluded.

4. It also provides for vesting of powers with the government officers for adjudication of disputes involving penalty as fines, thereby lessening the burden on the tribunal.

The draft code on Industrial Relations has been prepared after amalgamating, simplifying and rationalizing the relevant provisions of three Central Labour Acts -- the Trade Unions Act, 1926, the Industrial Employment (Standing Orders) Act, 1946, and the Industrial Disputes Act, 1947.

18. What are the laws in place to tackle illegal non-citizens? Why was the Foreigners (Tribunals) Order, 1964 amended?

Relevant for GS Prelims & Mains Paper II; Polity & Governance

The Home Minister Amit Shah's announcement in the Rajya Sabha earlier this week that a National Register of Citizens (NRC) will be implemented across India, and repeated again in Assam, has ignited interest in the existing legal framework in India for illegal migrants. The first enactment made for dealing with foreigners was the Foreigners Act, 1864, which provided for the expulsion of foreigners and their arrest, detention pending removal, and for a ban on their entry into India after removal.

What is the Passport Act?
One of the early set of rules made against illegal migrants, The Passport (Entry into India) Act, 1920, empowered the government to make rules requiring persons entering India to be in possession of passports. This rule also granted the government the power to remove from India any person who entered without a passport. During the Second World War, the Imperial Legislative Assembly enacted the Foreigners Act, 1940, under which the concept of "burden of proof" was introduced. Section 7 of the Act provided that whenever a question arose with regard to the nationality of a person, the onus of proving that he was not a foreigner lay upon the person.

When was the Foreigners Act made more stringent?
The legislature enacted the Foreigners Act, 1946, by repealing the 1940 Act, conferring wide powers to deal with all foreigners. Apart from defining a 'foreigner' as a person who is not a
citizen of India, it empowered the government to make provisions for prohibiting, regulating or restricting the entry of foreigners into India.
It also restricted the rights enjoyed by foreigners in terms of their stay in the country if any such orders are passed by the authority. The 1946 Act empowered the government to take

such steps as are necessary, including the use of force for securing compliance with such directions.

The most important provision of the 1946 law, which is still applicable in all States and Union Territories, was that the 'burden of proof' lies with the person, and not with the authorities. This has been upheld by a Constitution Bench of the Supreme Court.

What about the Foreigners (Tribunals) Order?

In 1964, the government brought in the Foreigners (Tribunals) Order. The tribunal has the authority to decide whether a person is a foreigner within the ambit of the Foreigners Act, 1946. The tribunal, which has powers similar to those of a civil court, gives reasonable opportunity to the person alleged to be a foreigner to produce evidence in support of his case, before passing its order.

In June this year, the Home Ministry made certain amendments in the Foreigners (Tribunals) Order, 1964. It was to empower district magistrates in all States and Union Territories to set up tribunals to decide whether a person staying illegally in India is a foreigner or not.

Why did the IMDT Act fail?

The Illegal Migrants (Determination by Tribunals) Act, 1983, which was unsuccessful — it was also referred to as the IMDT Act — was introduced for the detection and deportation of illegal migrants who had entered India on or after March 25, 1971. One factor for its failure was that it did not contain any provision on 'burden of proof' similar to the Foreigners Act, 1946. This put a very heavy burden upon the authorities to establish whether a person is an illegal migrant.

The result of the IMDT Act was that a number of non-Indians who may have entered Assam after March 25, 1971 without possession of valid documents, continue to reside in Assam. This culminated, in 2005, in the Supreme Court landmark verdict on a petition by Sarbananda Sonowal (now the Chief Minister of Assam), challenging the IMDT Act.

In the course of the proceedings, the Central government submitted that since the enforcement of the IMDT Act, only 1,494 illegal migrants had been deported from Assam up to June 30, 2001. In contrast 4,89,046 Bangladeshi nationals had been deported under the Foreigners Act, 1946 from West Bengal between 1983 and November 1998.

The top court not only quashed the IMDT Act but also closed all tribunals in Assam functioning under the Act. It, then, transferred all pending cases at the IMDT tribunals to the Foreigners Tribunals constituted under the Foreigners (Tribunals) Order, 1964.

Any person excluded from the National Register of Citizens (NRC) can approach The Foreigners Tribunals, established only in Assam, within 120 days of receiving a certified copy of rejection.

In other States, a person suspected to be a foreigner is produced before a local court under the Passport Act, 1920, or the Foreigners Act, 1946.

19. Government formation in Maharashtra

Relevant for GS Prelims & Mains Paper II; Polity & Governance

The BJP failed in its attempt to return to power in Maharashtra with the aid of a breakaway Nationalist Congress Party (NCP) faction led by Ajit Pawar. The immediate consequence of its failure is clear. The Shiv Sena-NCP-Congress combine under the leadership of Uddhav Thackeray will be taking office soon.

However, the events of the last month, and especially the strange happenings of the last week, will have important implications for the BJP's fortunes nationwide. More important, they will have major implications for the workings of India's constitutional system. And they give rise to significant issues concerning the political culture and political morality of the country.

BJP breaking alliance with Shiv Sena

The BJP has failed to keep its long-term ally, the Shiv Sena within the Hindutva fold. The arrogance of the BJP leadership, especially following the parliamentary elections this year, is partly to blame for this fiasco. More importantly, the fundamental disjuncture between the BJP's national ambitions and the Shiv Sena's fixation with preserving its regional base lay at the core of the discord between the two parties. The Shiv Sena leadership concluded after the elections that it had to demonstrate its independence from the BJP to retain its credibility as the standard bearer of Maratha pride.

BJP attempting alliance with NCP

Following its divorce with the Shiv Sena, the BJP leadership attempted to win over a section of the NCP to form the government in Mumbai. This decision has been directly attributed to Prime Minister Narendra Modi and Home Minister Amit Shah. Its failure means that both the tallest leaders of the BJP have been shown as politically immature. Moreover, this episode has also demonstrated that regional parties with firm resolve — in this case, the Shiv Sena and the NCP — can successfully checkmate the dominant national party on their turf.

Constitutional issues

1. The events of the past week have also raised disturbing constitutional issues. The clandestine and hurried manner in which the Governor's letter recommending removal of President's rule was obtained in the middle of the night demonstrates that the Central government had ulterior motives behind the exercise.

2. Even more, the disregard for the constitutional provision making it mandatory for the Cabinet to meet and make such a recommendation to the President has raised questions about the propriety of the decision.

3. Finally, the way all parties have behaved during this episode does not do credit to any one of them. The Shiv Sena, the NCP, and the Congress all took recourse to the strategy of sequestering their elected legislators in hotels in order to prevent them from being poached by the BJP with the offer of huge sums and/or ministerial berths.

This is a sad reflection not only on the BJP's presumed designs but also on the commitment of members of the other parties to their organisations and ideologies. A poacher will make an attempt to poach only if he is sure that the targets are amenable to being bought off.

4. Unfortunately, this has become normal practice in India today. It reveals that elected representatives do not consider themselves accountable to the electorate for their actions. This attitude clearly demonstrates the shallow basis of Indian democracy and does not augur well for its future.

20. Swachh Bharat programme achievements appraisal

Relevant for GS Mains Paper II; Polity & Governance

India's high-profile Swachh Bharat programme has won it plaudits globally for its goal of providing sanitation to all, but as new survey data from the National Statistical Office (NSO) show, it remains a work in progress.

Status as per NSO

1. The quest to equip houses in the countryside with a toilet has led to an expansion, but there was a deficit of about 28% as of October last year and not 5% as the Swachh Bharat Abhiyan (Gramin) had claimed.

2. It is extraordinary that many States that were declared to be free of open defecation simply did not qualify for the status, according to the NSO data.

Learnings for survey findings

The Centre has disputed the survey results, but it should ideally treat it as a fresh assessment of how much ground is yet to be covered. More fundamentally, the survey provides an opportunity to review other social determinants such as education, housing and water supply which have a strong influence on adoption of sanitation. It would be pointless to pursue sanitation as a separate ideal, if communities are unable to see its benefits due to overall deprivation.

The Central government has been reiterating its claims on rural India becoming entirely open defecation-free (ODF) on the basis of declarations made by States. Just last week, the Ministry of Jal Shakti said the coverage in 5,99,963 villages had risen from 38.7% in 2014, to 100% this year. It is indisputable that the number of toilets has gone up significantly, and for which taxpayers remitted about ₹20,600 crore as a cess since 2015, until the introduction of the Goods and Services Tax.

Yet, there is evidence to show that this has not translated into use everywhere. The NSO survey results add a new dimension, since they controvert data relied upon by the Swachh Bharat Abhiyan on ODF. It will take a marathon programme to bring all-round development to India's villages, which have not really benefited from years of fast-paced economic growth. Rural housing and water supply are key to bringing toilet access to all, and it is doubtful whether the 2.95 crore subsidised dwellings targeted to be built by 2022 under the government's flagship housing programme can bridge the shortfall. It is well-recognised that development indices are low in some States, and local bodies lack the capacity and resources to bring universal sanitation even where political will is present. Sustained work to eliminate black spots in coverage and a massive urban programme are critical to ending open defecation and universalising toilet access.

21. Lok Sabha passes SPG Bill amid Opposition walkout

Relevant for GS Prelims & Mains Paper II; Polity & Governance

1. The Lok Sabha on Wednesday passed the Special Protection Group (Amendment) Bill, 2019 which will now protect the Prime Minister and members of his immediate family residing with him at his official residence.

2. It will also provide security to former Prime Ministers and their immediate family members staying with them at the residence allotted for a period of five years from the date on which they cease to hold office.

The Opposition walked out during the voting on the Bill.

Opposing the Bill during the debate, MP N. K. Premachandran said: "The reasons given for bringing in the amendment includes resource constraints and allowing more effective functioning of the SPG. This doesn't seem to be the case. The existing Bill has the provision for review, which allows the government to sieve and remove those it feels has lowered threat."

He added: "Two former Prime Ministers of the country were assassinated when their SPG cover was gone. Rajiv Gandhi was brutally killed in Sriperumbudur in Chennai. These two former Prime Ministers sacrificed their lives. I suggest that we are not seeking for any particular individual. If there is any security threat, they have to be protected. Kindly don't play politics in this issue. I would recommend for the Bill to be withdrawn."

22. Maharashtra government formation | NCP to get Deputy Chief Minister post, Speaker will be from Congress

Relevant for GS Mains Paper II; Polity & Governance

Return of Ajit Pawar to NCP

Two days after the failed rebellion to join hands with the Bharatiya Janata Party (BJP) in a bid to form the government, Nationalist Congress Party (NCP) leader Ajit Pawar returned, addressing party MLAs at a meeting here on Wednesday.

Three party coalition government
Government in Maharashtra has been formed collectively by three political parties namely Shiv Sena, the NCP and the Congress.

Maharashtra Chief Minister-designate is Uddhav Thackeray from Shiv Sena, Deputy CM will be from NCP and Speaker of assemblt will be from Congress.

23. Iran resumes uranium enrichment at Fordow plant

Relevant for GS Prelims & Mains Paper II; IOBR

Iran resumed uranium enrichment at its underground Fordow plant south of Tehran in a new step back from its commitments under a landmark 2015 nuclear deal, raising alarm from Western powers. The other popular uranium enrichment facility in Iran is at Natanz.

Violation of 2015 nuclear deal
The suspension of uranium enrichment at the long-secret plant was one of the restrictions on its nuclear programme Iran had agreed to in return for the lifting of sanctions.

What is significance of nuclear enrichment?
Uranium enrichment is the sensitive process that produces fuel for nuclear power plants but also, in highly extended form, the fissile material for a warhead.

Iran is now enriching uranium to 4.5%, exceeding the 3.67% limit set by the 2015 deal but less than the 20% level it had previously operated to and far less than the 90% level required for a warhead. Iran has always denied any military dimension to its nuclear programme.

24. Opening of Kartarpur Corridor

Relevant for GS Prelims & Mains Paper II; IOBR

For millions of Sikhs worldwide, the inauguration of the Kartarpur corridor was a dream seven decades in the making. Ever since India and Pakistan were partitioned with an arbitrary line drawn through Punjab, the placement of Kartarpur, where Guru Nanak spent his last years, meant that while a majority of his devotees were left on one side of the border, his last resting place was left just four kilometres on the other side. Unlike the other major Sikh shrine at Guru Nanak's birthplace Nankana Sahib, Kartarpur Sahib was off Pakistan's highways and therefore fell into disuse. Those keen to see it were restricted to peering through binoculars at a border checkpost.

About inauguration

Saturday's inauguration of the renovated shrine in Kartarpur by Prime Minister Imran Khan, and the access to the corridor from Sultanpur Lodhi on the Indian side by Prime Minister Narendra Modi, saw the fervent hopes of all those people being granted, timed with the 550th birth anniversary of Guru Nanak. The corridor, which will allow 5,000 Indian pilgrims a day to walk visa-free into Pakistan, pay obeisance and then return to India, is unique.

What can be done?

If both governments are willing, it could lend itself to other cross-border connections for Hindus and Sikhs to visit shrines in Pakistan, and for Muslims and Sufism followers to visit shrines just across the border in Gujarat and Rajasthan.

That it was completed from start to finish in a year that saw relations between the two countries plumb new depths, is also nothing short of a miracle: from the Pulwama terror attack and the Balakot strikes; the slugfest over the government's moves on Kashmir; the recall of High Commissioners; and even Pakistan's repeated denial of overflight rights to Prime Minister Narendra Modi's aircraft on foreign visits, it was a downward spiral. Each event was accompanied by sharp rhetoric and recriminations, yet the Kartarpur process was not derailed.

25. Crisis in Bolivia: President Evo Morales left Bolivia

Relevant for GS Prelims & Mains Paper II; IOBR

On November 10, Bolivia's President Evo Morales Ayma, who had been re-elected on October 23, resigned from office. On November 9, rumours suggested that the police would open a corridor for right-wing militias to enter the presidential palace and kill Mr. Morales. Tension gripped the country. Mr. Morales called for fresh elections, but the political parties of the oligarchy, led by Carlos Mesa, rejected the offer. Mr. Mesa had called for "permanent protests" after he had lost the election. These protests escalated into a rebellion, with the police joining the ranks of an insurgency of the oligarchs. Mr. Morales might have remained in power had the military stayed neutral. But General Williams Kaliman demanded that Mr. Morales step down, leaving him with no choice.

History of Bolivia under Morales

When he came to power in 2006, Mr. Morales was the first indigenous President of Bolivia. Two-thirds of Bolivia's population come from various indigenous communities who have lived in poverty and suffered humiliation from those who claim descent from the Spaniards. Mr. Morales had won a landslide in 2005, which enabled his Movement for Socialism (MAS) to push for dignity for the indigenous communities.

Mr. Morales also put forth a socialist agenda. MAS was formed by a range of social and political movements, which included organisations of the indigenous communities and trade unions. His predecessor, Mr. Mesa, was hit hard by protests against gas and water

privatisation and against the destruction of coca crop. Mr. Morales, a leader of the coca growers, was rooted in these movements.

Mr. Morales won his first election to the presidency when the 'pink tide' had been established from Venezuela to Argentina. When commodity prices fell, many of these Left-leaning governments lost power, but Mr. Morales remained popular and won election after election. But he faced opposition from Bolivia's oligarchy and from the U.S., which had long wanted him removed from office.

Run up to recent elections

The lead-up to the election of October 20 was fraught with tension. Mr. Morales had sought a fourth term, for which he got judicial sanction. He beat Mr. Mesa by over 10 percentage points, but Mr. Mesa refused to accept the result.

Plans to destabilise the government

When he assumed power, the U.S. embassy in La Paz called Mr. Morales an "illegal coca agitator". Plans to destabilise the government began immediately. The U.S. said it would delay all loans and discussions on debt relief until Mr. Morales displayed "good behaviour". If he tried to nationalise any of the key sectors, or if he rolled back the anti-coca policies, he would be penalised.

Mr. Morales has been granted asylum in Mexico. Meanwhile, in Bolivia, armed men have begun to arrest cadre from MAS and indigenous organisations. The Wiphala is being removed from government buildings and from the uniforms of the armed forces; it is being burnt on the streets to chants of "Bolivia belongs to Christ". This is a direct attack on the indigenous majority.

26. BRICS Bond Fund likely on agenda

Relevant for GS Prelims; IOBR

Prime Minister Narendra Modi is attending the 11th BRICS summit to be held on November 13 and 14 in Brasilia. The visit is also significant from the bilateral India-Brazil point of view as India is expected to host Brazil President Bolsonaro as the Republic Day Parade chief guest in 2020 January.

BRICS Bond Fund

This BRICS summit is discussing about BRICS Bond Fund. This fund will help member countries conduct intra-BRICS trade in national currencies, avoiding the U.S. dollar.

27. Bhutan to levy charges on Indian tourists

Relevant for GS Prelims & Mains Paper II; IOBR

In a major shift in policy, Bhutan plans to levy charges on tourists from regional countries, including India, Bangladesh and Maldives, who at present are exempted from any charges. This provision is contained in the new draft tourism policy, which is likely to be finalised by the Bhutanese Cabinet next month.

Reason for levying charges
According to the draft prepared by the Tourism Council of Bhutan (TCB), the new charges have been necessitated by the sharp increase in tourists from the region, mainly India, who cross over the land boundaries.

What will be the charges?
In 2018, of the 2,74,000 tourists visiting Bhutan, the council estimated that about 2,00,000 were from the region, of which about 1,80,000 were from India. In contrast to other international tourists, who pay $250 (Approx. INR. 18,000) as a minimum charge per day per person, which includes a $65 a day "Sustainable Development Fee", as well as a $40 visa charge, tourists from India, Bangladesh and the Maldives had so far paid no fees, and were able to cross over without visas. According to the new policy, however, they would be charged a Sustainable Development Fee, as well as a "permit processing fee."

28. U.S. Senate passes Hong Kong rights Bill

Relevant for GS Prelims & Mains Paper II; IOBR

Bill to support Human Rights and democracy
The U.S. Senate unanimously adopted legislation supporting "human rights and democracy" in Hong Kong and threatening to revoke its special economic status.

What are the provisions?
1. The lawmakers also approved a measure that would ban the sale of tear gas, rubber bullets and other equipment that have been used by security forces to suppress protests for nearly six months.

2. The Senate's Hong Kong Human Rights and Democracy Act would also require the U.S. President to annually review the favourable trade status that Washington grants to Hong Kong.

3. It also mandates sanctions against Hong Kong and Chinese officials who commit human rights abuses including "extra-judicial rendition".

Passage of the Bill marks "an important step in holding accountable those Chinese and Hong Kong government officials responsible for Hong Kong's eroding autonomy and human rights violations".

Protests ongoing in Hong kong

The pro-democracy movement was ignited in June when millions took to streets in opposition to a now-abandoned attempt to allow extraditions from Hong Kong to the mainland. The protests and resulting crackdowns have turned parts of Hong Kong into violent battlegrounds for weeks.

29. BRICS: too wide agenda

Relevant for GS Prelims & Mains Paper II; IOBR

The 11th summit of the BRICS grouping comprising Brazil, Russia, India, China and South Africa was held in Brasilia last week. Pitted as a counterweight to G7, the combine of developed economies, BRICS represents the world's top emerging economies and claims to serve as a bridge between the developed and developing world. What are its current concerns and priorities? Questions are also being raised about its efficacy and impact.

Brasilia outcome

With Brazil's President Jair Bolsonaro as the chair, BRICS was supposed to go into a slow mode. Instead, it hosted 116 meetings of leaders, ministers and others. During Brazil's chairship, the grouping reported 30 new outcomes, initiatives and documents. The latest summit needed a 73 para-long Brasilia Declaration to spell out the leaders' shared worldview and spectrum of their work.

However, it is difficult to identify new elements in the BRICS's endeavour to strengthen and reform the multilateral system. The "urgent need" to reform the UN, the World Trade Organization, the International Monetary Fund and other international organisations was stressed once again, even as little progress has occurred on this score. Interest in open and free trade was reiterated, despite growing protectionist tendencies. On expansion of the UN Security Council, BRICS exposed its disunity yet again by sticking to the formulation that refuses to go beyond China and Russia supporting the "aspiration" of Brazil, India and South Africa "to play a greater role in the UN".

Much to India's satisfaction, the commitment of BRICS to counterterrorism seems to be getting strengthened. Its working group on countering terrorism has expanded its activities through five thematic subgroups that deal with terrorist financing, use of Internet for terrorist purposes, countering radicalisation, issue of foreign terrorist fighters, and capacity building. If these exertions make India more secure, they will be most welcome.

Where the BRICS shows signs of advancing is in the economic domain. Here, five facets need to be highlighted. First, the New Development Bank (NDB), the grouping's flagship achievement, has 44 projects with its lending touching $12.4 billion, in just five years. This is not a small gain, but the bank needs to grow as "a global development finance institution". A move is now afoot to open its membership selectively. The summit leaders are understood to have agreed on the criteria and probably on a list of nations as possible new members, although a formal decision has been left to the bank's board of governors.

NDB has opened its regional centres in South Africa and Brazil, and will do so in Russia and India in 2020.

Second, with a successful Contingent Reserve Arrangement in the bag, BRICS governments are set to establish a local currency Bond Fund. But the earlier proposal to launch a credit rating agency remains shelved due to internal differences.

Third, business promotion among member-states has been accorded a new salience. The BRICS Business Council held a substantive dialogue to foster cooperation in areas ranging from infrastructure and energy to financial services, regional aviation and digital economy. Its cooperation with the NDB is being encouraged. The national trade promotion agencies signed an MoU on cooperation among themselves. A BRICS Women Business Alliance was created, both as a women empowerment measure and as a tool to bring "a distinctive perspective on issues of interest for the business community."

Fourth, following up on the decisions taken at the previous summit, operationalisation of the Partnership on New Industrial Revolution is underway. It is focused on cooperation in digitalisation, industrialisation, innovation, inclusiveness and investment. This partnership will be concretised by establishing industrial and science parks, innovation centres and business incubators.

Fifth, the stress on developing people-to-people interaction remains unchanged, with each chair-country drawing up a calendar of activities to strengthen links of culture, arts, sports, media and academic exchange.

To what avail?

The contribution of BRICS to project the perspectives of developing economies is laudable. However, by hosting outreach meetings with countries in its neighbouring (or broader) region, each chair (with Brazil's exception) gave the impression that BRICS would do more for them. But the NDB has been lagging behind on this score. It needs to start extending loans for projects in non-BRICS countries to create a solid constituency of supporters. Also, is such a plethora of meetings really essential? Do the results justify the expenditure? India's representatives should ask, do they help the poor and vulnerable sections of the BRICS community? Finally, BRICS should ponder if in the short term it needs to focus on fulfilling existing commitments instead of taking on new ones.

30. Why is the telecom sector under stress?

Relevant for GS Prelims & Mains Paper III; Economics

On October 24, in a strongly-worded order, the Supreme Court of India upheld the Department of Telecom (DoT)'s interpretation of "adjusted gross revenue" (AGR), which came as a huge blow to telecom service providers. Following the order, the telcos are now staring at dues of an estimated ₹1.4 lakh crore, which needs to be paid to the government

within three months. Most industry players and analysts have argued that the payout of the huge amount could be the final straw for the already distressed sector.

Why is AGR important?

The definition of AGR has been under litigation for 14 years. While telecom companies argued that it should comprise revenue from telecom services, the DoT's stand was that the AGR should include all revenue earned by an operator, including that from non-core telecom operations.

The AGR directly impacts the outgo from the pockets of telcos to the DoT as it is used to calculate the levies payable by operators. Currently, telecom operators pay 8% of the AGR as licence fee, while spectrum usage charges (SUC) vary between 3-5% of AGR.

Why do telcos need to pay out large amounts?

Telecom companies now owe the government not just the shortfall in AGR for the past 14 years but also an interest on that amount along with penalty and interest on the penalty. While the exact amount telcos will need to shell out is not clear, as in a government affidavit filed in the top court, the DoT had calculated the outstanding licence fee to be over ₹92,000 crore. However, the actual payout can go up to ₹1.4 lakh crore as the government is likely to also raise a demand for shortfall in SUC along with interest and penalty. Of the total amount, it is estimated that the actual dues is about 25%, while the remaining amount is interest and penalties.

The total amount to the government is owed by about 15 operators. However, 10 of them have either closed operations or are undergoing insolvency proceedings in the last 14 years. They include Reliance Communications, Telenor, Tata Teleservices, Aircel and Videocon. Currently, the Indian telecom sector has four players — Bharti Airtel, Reliance Jio, Vodafone Idea and state-owned BSNL/MTNL (Bharat Sanchar Nigam Limited/Mahanagar Telephone Nigam Limited) — so the government is unlikely to recover the entire amount of dues owed to it.

Of the current players, Bharti Airtel and Vodafone Idea are the most affected by this order. While the total dues of Bharti Airtel are estimated to be about ₹42,000 crore, for Vodafone Idea the amount is around ₹40,000 crore.

The two state-run firms BSNL and MTNL together owe a little less than ₹5,000 crore just as licence fees. The least impacted by the Supreme Court order in the private sector is the relatively new entrant in the market, Reliance Jio. The Mukesh Ambani-owned firm forayed into the sector in September 2016 and owes the government about ₹14 crore.

Is there stress in the sector?

The telecom industry is reeling under a debt of over ₹4 lakh crore and has been seeking a relief package from the government. Even the government has on various occasions admitted that the sector is indeed undergoing stress and needs support. Giving a ray of hope to the telecom companies, the government recently announced setting up of a

Committee of Secretaries to examine the financial stress in the sector, and recommend measures to mitigate it. The move came a few days after the Supreme Court ruling.

The Committee of Secretaries, headed by Cabinet Secretary Rajiv Gauba, will have Secretaries of Ministries of Finance, Telecommunication and Law, among others as members and look at "all aspects" of the financial stress. It will also consider some of the long-standing demands of the industry, including granting a delay in payment of dues for spectrum for the next two financial years (2020-21 and 2021-22). This move alone is expected to help telcos avoid an immediate outflow of over ₹42,000 crore, thereby increasing short-term liquidity. The committee will also look at demand of a reduction in the SUC and universal service obligation fund levy.

Interestingly, the Telecom Regulatory Authority of India (TRAI) may also simultaneously examine the merits of a "minimum charge" that operators may charge for voice and data services. Currently, telecom tariffs are among the lowest globally, driven down due to intense competition following the entry of Reliance Jio in the sector. Top-level executives from both Bharti Airtel and Vodafone Idea have in recent meetings with Telecom Minister Ravi Shankar Prasad sought government intervention to increase "unsustainable" tariffs. However, any decision on tariffs comes under the domain of sector regulator TRAI.

Why are the private players fighting?

The rivalry between Reliance Jio and the two older operators, Airtel and Vodafone Idea, is not new. The two sides have been engaged in a public row ever since Jio's entry into the telecom market over a variety of issues. It is not much of a surprise that the two sides do not see eye to eye even on the issue of financial stress in the sector.

Reliance Jio earlier this week shot off a letter to Mr. Prasad strongly objecting to the relief sought by the other two players, and also stating that they both had the financial capacity and monetisation possibilities to "comfortably" pay government dues.

The Mukesh Ambani-owned firm pointed out that the Cellular Operators Association of India, the industry body of which Jio is also a member, in its letter to DoT on the industry's behalf did not include Jio's comments. It further added that the COAI had used a "threatening and blackmailing" tone with the government by referring to a possibility of a loss of jobs and investments in the sector if relief was not provided.

Jio has also alleged that these operators have not provisioned for the possibility of the liabilities following the Supreme Court judgment, which is binding on them as per the Indian Accounting Standards under the Companies Act, 2013. The other operators have maintained that the definition of AGR has been sub-judice since 2005 and that before the Supreme Court order, most rulings in several other courts, including the Telecom Disputes Settlement and Appellate Tribunal, have largely been favourable to telecom operators. Hence, these liabilities were not provided for.

Meanwhile, ignoring Reliance Jio's contentions, the COAI has sent off another note to DoT, requesting complete waiver of statutory dues as a result of the top court's order.

Is India going to be a three-player market?
The country's telecom sector has seen a lot of consolidation over the past couple of years as a result of intense competition. Recently, the government also announced plans to merge the two telecom public sectors units, BSNL and MTNL, leaving only four players in the market. Many analysts have pointed out that in the event that the government does not announce any relief measures for the sector, Vodafone Idea would be in a "precarious situation", adding that there is a strong possibility that the Indian telecom market could eventually have only two private players.

This was also followed by reports stating that the company is looking at exiting the Indian market. However, Vodafone Group dismissed these as "not true and malicious".

What happens next?
All the hopes of the industry are now pinned on measures the government announces as part of the relief package for the sector.

On the AGR-related dues, the operators have said that they are seeking clarity from the government on the total amount and have requested support to deal with this "adverse" outcome. The industry body has sought waiver of the complete amount, or at the least, the interests and the penalty charges. However, some experts have questioned whether the government can waive these amounts, given that the Supreme Court has explicitly said in its judgment that interest and penalty have rightly been levied. The top court had held: "... we find no substance in the submission that interest, penalty, and interest on penalty cannot be realised. It is as per the agreement. In the facts and circumstances, we find no ground to reduce the same, considering the nature of untenable objections raised on behalf of the licensees." The operators may also explore legal options and file for review.

31. India opting out of RCEP

Relevant for GS Prelims & Mains Paper III; Economics

Pulled out of RCEP
India eventually decided to play it safe by pulling out at the last minute from the Regional Comprehensive Economic Partnership (RCEP) which was finalised by 15 countries in Bangkok.

Why did India withdraw?
1. The pressure mounted on the government and the Prime Minister by interest groups, ranging from farmers, small industries and traders, to political parties across the board, surely played a major role in the decision to stay out of the grouping. The country had little choice but to exit after its safeguard requests were not conceded.

2. Moreover, India runs a massive bilateral trade deficit of $53 billion with China and the fact that China has not taken satisfactory efforts to whittle down the deficit certainly were major inputs in India's decision.

3. India's experience with countries with which it has signed free trade agreements till now is not exactly a happy one. Though trade has increased post-FTA with South Korea, ASEAN and Japan, imports have risen faster than exports from India.

According to a paper published by NITI Aayog, India has a bilateral trade deficit with most of the member countries of RCEP. More importantly, while exports to RCEP countries account for just 15% of India's total exports, imports from RCEP countries make up 35% of the country's total imports. Given this, it is obvious that in the immediate context the country had more to lose than gain from joining RCEP.

What did India request?

1. India's request for country-specific tariff schedules was rejected early in the negotiations.

2. So was its suggestion of an auto-trigger mechanism to check a sudden surge in imports from particular partner countries.

3. India also argued for stricter rules of origin, and rightly so too, but this too failed to pass muster.

4. Movement of professionals was another area that saw an impasse.

What are the fallouts?

Given these, there was little chance of the political leadership agreeing to join the bloc. Policymakers must have reasoned that India has active FTAs with most members of the RCEP except China, Australia and New Zealand and there will be no economic impact.

However, the fallout of India's decision is that it has burnished its image as a protectionist nation with high tariff walls. With a market of 1.3 billion people, there is bound to be more pressure on India to open its gates. The smart way to handle this is to initiate reforms on the export front, bring down costs in the economy and, simultaneously, increase efficiencies.

India cannot miss out on being a part of global supply chains and this can happen only if tariff barriers are reduced. And the best way to balance the effect of rising imports is by promoting exports. Tariff walls cannot be permanent.

32. Centre clears Rs. 25,000-crore fund to help housing sector

Relevant for GS Prelims & Mains Paper III; Economics

The Union Cabinet has approved the creation of an Alternative Investment Fund (AIF) of Rs. 25,000 crores to provide last-mile funding for stalled affordable and middle-income housing projects across the country, Finance Minister Nirmala Sitharaman announced.

Which projects will be eligible?
The Minister had announced the proposal to create this fund in mid-September, which the Cabinet has now approved. All affordable and middle-income housing projects which are registered with the Real Estate Regulatory Authority (RERA) will be eligible.

What are the details of fund?
The fund size will initially be Rs. 25,000 crore with the government providing Rs. 10,000 crore and the State Bank of India and the Life Insurance Corporation providing the balance. The fund is not capped at Rs. 25,000 crore and will likely grow in future.

The funds will be set up as Category-II Alternative Investment Fund registered with the Securities and Exchange Board of India and will be managed by SBICAP Ventures Limited.

The AIF is expected to pool investments from other government-related and private investors, including public financial institutions, sovereign wealth funds, public and private banks, domestic pension and provident funds, global pension funds and other institutional investors.

Stalled projects
According to the government's estimates, there are more than 1,600 housing projects in which 4.58 lakh crore units are stalled.

NPA projects are also eligible
The Cabinet decision amends the original announcement by allowing housing projects that have been classified as non-performing assets (NPA) and that are under National Company Law Tribunal (NCLT) proceedings also to be eligible for financing.

"Earlier, when I had made the announcement, we had decided that the fund would be used for non-NPA and non-NCLT projects," Ms Sitharaman said. "Now we have withdrawn the non-NPA and non-NCLT provision. If the project has not been declared liquidation-worthy, it is eligible to be covered under this scheme."

33. Draft regulations aimed at prohibiting the sale and advertisement of food rich in fat, sugar and salt to school children inside the school premises

Relevant for GS Prelims & Mains Paper III; Economics

Food Safety and Standards Authority of India (FSSAI) has notified a draft regulation aimed at prohibiting the sale and advertisement of food rich in fat, sugar and salt to schoolchildren inside the school premises and within 50 m around it.

What do the draft regulations say?

1. In a bid to shield the children from consuming unhealthy food items and snacks, the FSSAI prohibits food companies that manufacture such items from advertising or offering for free such foods in school premises and within 50 m of the campus.

2. Besides prohibiting the sale of junk food, the FSSAI requires schools to simultaneously encourage and promote a safe and balanced diet.

3. To thwart food companies from luring children to consume foods rich in fat, sugar and salt, the companies are prohibited from using their logos, brand names and product names on books and other educational materials, as well as on school property such as buildings, buses, and athletic fields.

4. As a general guidance to provide wholesome food, the agency recommends the use of a combination of whole grains, milk, eggs, and millets; it also listed a set of general guidelines for selection of food products that can be offered in schools.

Need for such regulations

Even as malnutrition accounted for over seven lakh (68%) deaths in children under the age of five years in 2017 in India, there is rising obesity in schoolchildren in many States.

According to a July 2017 study, India, with 14.4 million, had the second most number of obese children among 195 countries. A recent study found 23 States to have child overweight prevalence more than the national average, with six States having a prevalence of over 20%.

Several studies have shown how a western diet affects the composition and diversity of gut bacteria and sets the stage for many metabolic diseases. Hence, any attempt to reduce and discourage the intake of unhealthy foods, which is a major cause of unhealthy weight gain in children, should be welcomed.

Challenges

The challenge will be in enforcement, particularly in preventing the sale and promotion of unhealthy food near schools. For instance, despite the sale and advertisement of tobacco products within 100 yards of a school being prohibited, violation is more the norm than the exception. Shops that sell tobacco products very often also sell many of the packaged unhealthy foods that the FSSAI now wants to ban. The onus of inculcating healthy eating habits also starts at home.

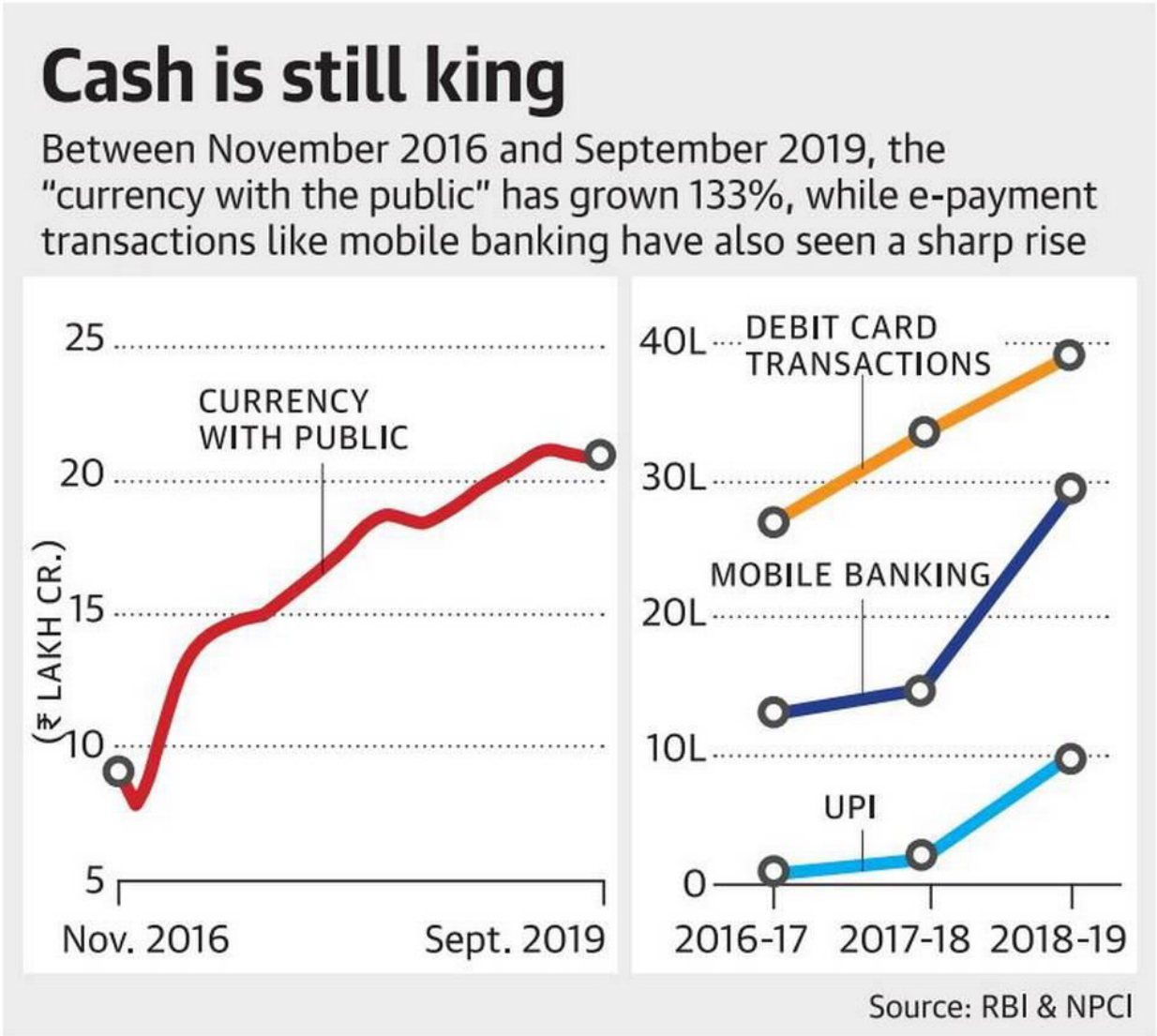
Besides taking steps to reduce the intake of unhealthy food, both schools and parents should ensure children get adequate physical activity, which is increasingly being neglected for various reasons. It is a combination of healthy food and regular physical activity that will go a long way in bringing up healthier children.

34. Cash preference among people

Relevant for GS Prelims & Mains Paper III; Economics

Three years since demonetisation, the level of cash with the public has grown faster than the GDP growth of the country, even as digital payments — especially those on the Unified Payments Interface (UPI) platform — have seen robust growth.

Reserve Bank of India data show that the public held Rs. 20.49 lakh crore in cash as of September 2019, the latest data available, which is 13.3% more than the figure for the corresponding month of 2018. The data show that the cash held by the public made up 96% of the money in circulation, with most of the rest deposited in banks. In December 2016, one month after demonetisation and the enforced deposits in banks, this percentage stood at 83%.



35. India's rating by Moody

Relevant for GS Prelims & Mains Paper III; Economics

Moody's Investors Service has downgraded its outlook on India to 'negative' from 'stable'. The agency, however, has retained India's credit rating at Baa2.

Moody's India rating is a notch higher than that of Standard & Poor's and the outlook revision now may well be to compensate for its past optimism on India.

Reason for changing outlook to negative

Economic growth is expected to remain lower in future than in the past. Government policy has remained ineffective to increase the economic growth. Also, If GDP growth does not return to high rates, Moody's expects that the government will face high budget deficit and a rise in the debt burden.

The agency further said that while government measures to support the economy should help reduce the depth and duration of India's growth slowdown, prolonged financial stress among rural households, weak job creation and a credit crunch among non-bank financial institutions (NBFIs) have increased the probability of a more entrenched slowdown.

Credit Rating agencies

"Big Three" credit rating agencies control approximately 95% of the ratings business. Moody's Investors Service and Standard & Poor's (S&P) together control 80% of the global market and Fitch Ratings controls a further 15%. The largest credit rating agency in India is CRISIL (Credit Rating Information Services of India Limited). Ratings are based on the lending risks or estimation of the borrower's ability to repay debt.

India's position in leading credit ratings

India's (Government of India) credit rating has remained unchanged for the past several years at 'BBB (-)' or at the lowest level on investment grade, which is only a grade above the "junk" status for government/sovereign bonds.

Rating scheme of the Big Three

Moody's		S&P		Fitch		Rating description
Long-term	Short-term	Long-term	Short-term	Long-term	Short-term	
Aaa	P-1	AAA	A-1+	AAA	F1+	Prime
Aa1		AA+		AA+		High grade
Aa2		AA		AA		
Aa3		AA–		AA–		
A1		A+	A-1	A+	F1	Upper medium

A2		A		A		grade
A3	P-2	A–	A-2	A–	F2	
Baa1		BBB+		BBB+		Lower medium grade
Baa2	P-3	BBB		BBB	F3	
Baa3		BBB–	A-3	BBB–		
Ba1	Not Prime	BB+	B	BB+	B	Non-investment grade speculative
Ba2		BB		BB		
Ba3		BB–		BB–		
B1		B+		B+		Highly speculative
B2		B		B		
B3		B–		B–		
Caa1		CCC+	C	CCC+	C	Substantial risks
Caa2		CCC		CCC		
Caa3		CCC–		CCC–		
Ca		CC		CC		Extremely speculative
		C		C		Default imminent
C		RD	D	DDD	D	In default
/		SD		DD		
/		D		D		

36. Re-basing GDP estimates

Relevant for GS Prelims & Mains Paper III; Economics

In the next few months, the Central Statistics Office (CSO) proposes to replace the gross domestic product (GDP) series of 2011-12 base year with a new set of National Accounts using 2017-18 as the base-year.

Background to the dispute

For the past four years there has been a raging controversy over the current GDP figures on account of questionable methodologies and databases used. According to official data, the annual economic growth rate has sharply decelerated to about 5% in the latest quarter, from over 8% a few years ago. The reality may, however, be far worse. Independent studies using multiple statistical methods to validate the official GDP estimates by the former Chief Economic Adviser, Arvind Subramanian, and Sebastian Morris of the Indian Institute of

Management, Ahmedabad, have suggested that the annual GDP growth rates during the last few years may have been overestimated by 0.36 to 2.5 percentage points.

Why is there such distrust in the official GDP figures?

To understand the origins of the dispute, one has to go back to early 2015 when the CSO released a new series of GDP with 2011-12 as base-year, replacing the earlier series with the base-year 2004-05. Periodic rebasing of GDP series every seven to 10 years is carried out to account for the changing economic structure and relative prices. Such re-basing usually led to a marginal rise in the absolute GDP size on account of better capturing of domestic production using improved methods and new databases.

Demonetisation as shock

The suspicion of official output estimates became particularly intense after the demonetisation of high valued currency notes in November 2016. By most analyses, the economic shock severely hurt output and employment. Chief economist of the International Monetary Fund, Gita Gopinath's academic research paper (co-authored) published by the highly regarded National Bureau of Economic Research in the U.S. in May 2019 showed an adverse effect of demonetisation on growth rate. Yet, the official GDP for the year 2016-17 grew at 8.2%, the highest in a decade.

Why there is inaccuracy in arriving at estimates?

The source of the problem, according to many economists, is the underlying methodologies for calculating GDP (in the 2011-12 series) which they claim are deeply flawed, as well as the new dataset used in estimating the private corporate sector's contribution. Some of the recent, prominent criticisms are as follows.

In a first, the CSO estimated value addition in the private corporate sector using the statutory filing of financial results with the Ministry of Corporate Affairs. The private corporate sector accounts for about a third of GDP, and spans all production sectors, and roughly about half of the private corporate sector output originates in manufacturing. The database of the Ministry of Corporate Affairs has been criticised by many as unreliable; hence it is possible that the private corporate sector output has been overestimated.

For example, the Ministry's database on "active" companies — that is companies claiming to have submitted audited financial results regularly for three years — seems to contain many companies that are actually inactive (not producing output on a regular basis).

Need for a review

The proposed change over to a new base-year of 2017-18, is, in principle, a welcome decision. However, considering the methodological disputes and data related questions relating to the current national accounts series, as illustrated above, what would the rebasing potentially accomplish? Doubts will persist so long as the underlying methodological apparatus remains the same; feeding it with up-to-date data is unlikely to improve its quality.

37. Centre wants States to ditch APMC for e-NAM

Relevant for GS Prelims & Mains Paper III; Economics

States were being "cajoled to reject" the agricultural produce marketing committee (APMC) system in favour of a pan-India electronic trading portal that creates a unified national market for agricultural commodities, according to Finance Minister Nirmala Sitharaman. So far, the Centre had been focussed on reforming APMCs, allocating funds to upgrade them, and persuading States to adopt a model APMC Act.

Ms. Sitharaman said the Centre was talking to States to "dismantle" the APMC system and move towards the electronic National Agriculture Market (e-NAM).

Concerns on replacing APMCs with e-NAM

1. While the Centre has been promoting e-NAM since its introduction in 2016, it is not clear if the online portal is ready to bear the entire burden of agricultural trade. Only 1.6 crore farmers have registered on the portal so far, from among the almost 12 crore cultivators in the country.

2. According to data presented in the Lok Sabha in June, only about half of those registered have benefited from the platform.

3. Out of almost 2,500 APMCs, 585 in 18 States have been connected to the e-NAM portal so far. Interstate trade, which has the potential to give farmers wider market access and better prices, has 21 APMC mandi participants in 8 States so far.

What are the issues with APMCs?

NABARD Chairman Harsh Bhanwala told that APMCs required reforms to ensure that a transparent price discovery mechanism exists, particularly for spot prices. Also, APMCs need to have infrastructure available for storage, collateral management and quality control assessment.

In addition, point of sale should not be restricted to APMCs. There needs to be wider market access.

38. Supreme Court clears the path for ArcelorMittal to acquire bankrupt Essar Steel

Relevant for GS Prelims & Mains Paper III; Economics

The Supreme Court accepted Arcelor Mittal's offer to pay an aggregate Rs. 42,000 crores as an upfront amount to the secured financial creditors of bankrupt Essar Steel. This paves the way for Arcelor to take over Essar.

Details of Supreme Court Judgement

The court set aside a judgment of the National Company Law Appellate Tribunal (NCLAT), which held that the amount ought to be shared equally between financial creditors and operational creditors. Financial creditors are those creditors who have given loan for the purchase of assets of the company and Operational creditors are those creditors who have given loan to carry out the operations of the company.

The SC said that the equality principle cannot be stretched to treating unequals equally. That will destroy the very objective of the Insolvency and Bankruptcy Code (IBC) — to resolve stressed assets. Equitable treatment is to be accorded to each creditor depending upon the class to which it belongs: secured or unsecured, financial or operational.

Explaining why financial creditors are favoured over operational creditors of a bankrupt company in a corporate resolution process, Justice Nariman said financial creditors were capital-providers for companies, who in turn were able to purchase assets. Operational creditors, on the other hand, enable such companies to run their business operations.

Priority to Committee of Creditors (CoC)

The court clarified that Corporate resolution is ultimately in the hands of the majority vote of the CoC. So long as the provisions of the Indian Bankruptcy Code and the Regulations have been met, it is the commercial wisdom of the requisite majority of the CoC which is to negotiate and accept a resolution plan, which may involve differential payment to different classes of creditors, together with negotiating with a prospective resolution applicant for better or different terms which may also involve differences in distribution of amounts between different classes of creditors... All decisions by the CoC can be taken by a 51% majority vote.

Tribunals have no "residual equity jurisdiction" to interfere in the merits of a business decision taken by the requisite majority of the CoC in conformity with the law, the court held.

In short, tribunals cannot "trespass" into the turf of the CoC. The scope of judicial review over a CoC decision is certainly limited.

39. Why is it necessary to fix a minimum wage? How will the provisions of the Code on Wages, 2019, be implemented?

Relevant for GS Prelims & Mains Paper III; Economics

On August 8, the President gave his assent to the Code on Wages, 2019, that had earlier been approved by Parliament. The Code, which replaces four laws — the Payment of Wages Act, 1936; the Minimum Wages Act, 1948; the Payment of Bonus Act, 1965; and the Equal Remuneration Act, 1976 — seeks to regulate wages and bonuses for all workers employed by any industry, trade, business or manufacturer. While the Code is now law, the Ministry of Labour and Employment on November 1 published the draft rules for implementing the provisions and sought comments from stakeholders until December 1. Following the consultation, the Centre will notify the rules that will create the mechanisms to fix a floor

wage that would then undergird the minimum wages for different categories of workers — unskilled, semi-skilled, skilled and highly skilled — that the States and Central government would have to set and enforce.

Why is the Code significant?

Minimum wages are accepted globally to be a vital means to both combating poverty and, equally crucially, ensuring the vibrancy of any economy.

The Code acknowledges that the aim in setting the floor wage is to ensure "minimum living standards" for workers and the draft rules incorporate criteria declared in a landmark judgment of the Supreme Court in 1992 as well as recommendations of the 15th Indian Labour Conference. These include the net calorific needs for a working class family (defined as the earning worker, spouse and two children or the equivalent of three adult consumption units) set at 2,700 calories per day per consumption unit, their annual clothing requirements at 66 metres per family, house rent expenses assumed at 10% of food and clothing expenditure, as well as expenses on children's education, medical needs, recreation and contingencies.

The rules, similarly, cover almost the entire gamut of wage-related norms including the number of hours of work that would constitute a normal working day (set at nine hours), time interval for revision of dearness allowance, night shifts and overtime and criteria for making deductions. A separate chapter of the draft rules also deals with the payment of bonus while another lays down the guidelines for the formation of the Central Advisory Board as well as its functioning.

How will it impact the economy?

A lot will depend on the final floor wage or wages (there could be different floor wages for different geographical areas) that the Centre will choose to set based on its consultations with the Board as well as any State governments it opts to consult with. While a national minimum wage of ₹176 per day had been recommended in 2017, an expert committee constituted by the Labour Ministry had in February this year recommended that a "need based national minimum wage for India" ought to be fixed at ₹375 per day (₹9,750 per month). Additionally, the committee had mooted payment of a city compensatory allowance averaging up to ₹55 per day for urban workers. Just last month, the Delhi government set a minimum wage of ₹14,842 per month for unskilled workers.

What is the need of higher minimum wages?

The Finance Ministry's Economic Survey, in July, had in a chapter titled 'Redesigning a Minimum Wage System in India for Inclusive Growth' stressed the importance of establishing an effective minimum wage system. Such a statutory national minimum wage would have multiple impacts including helping lift wage levels and reducing wage inequality, thus furthering inclusive growth, according to the survey. For India to reap the much touted 'demographic dividend', robust wage expansion would ultimately be essential to help buoy consumption-led economic growth.

40. Cabinet nod to reduce government stake in BPCL, Concor, SCI

Relevant for GS Prelims & Mains Paper III; Economics

The Union Cabinet took several decisions that would see it significantly reducing its shareholding, and in some cases cede management control, in a number of public sector enterprises.

1. The Cabinet approved the government's proposal to reduce its shareholding in certain public sector enterprises to below 51% but still retaining management control on a case-by-case basis.

The government had previously announced its decision to reduce its stake in some public sector companies while retaining management control through the shares in that company held by other PSUs. The Finance Minister did not name the companies that would undergo such a stake sale.

2. The Cabinet also gave its in-principle approval for the privatisation or stake sale in five public sector enterprises and also the handing over of management control of these companies to the buyers.

3. The government will sell its entire 53.29% stake in Bharat Petroleum Corporation Limited. However, Ms. Sitharaman said BPCL's 61.65% share in Numaligarh Refinery Limited will be transferred to a public sector company operating in the oil and gas space.

4. The government will also sell its entire 63.75% stake in Shipping Corporation of India and will cede management control to the strategic buyer.

5. Similarly, it will sell its 30.8% stake in the Container Corporation of India and hand over management control to the buyer.
6. Ms. Sitharaman also announced that the government would sell its entire 74.23% stake in THDCIL and its 100% stake in North Eastern Electric Power Corporation to NTPC Ltd. Both firms will also see cede management control to NTPC.

"The resources unlocked by the strategic disinvestment of these CPSEs would be used to finance the social sector/developmental programmes of the Government benefiting the public," the government said in a release.

"The unlocked resources would form part of the budget and the usage would come to scrutiny of the public. It is expected that the strategic buyer/acquirer may bring in new management/technology/investment for the growth of these companies and may use innovative methods for their development."

The government has set a disinvestment target of ₹1.05 lakh crore for the current financial year. So far, it has managed to collect only ₹17,364.26 crore, according to a Lok Sabha.

41. Will the government's stand on privatisation of public sector units help the economy? What are the gains?

Relevant for GS Prelims & Mains Paper III; Economics

On November 20, the government announced that it would sell stakes in several public sector undertakings (PSUs) and even give up management control in some. The Central government will cede full management control to buyers in the case of oil marketing company Bharat Petroleum Corporation Ltd. (BPCL), Shipping Corporation of India (SCI) and Container Corporation of India Ltd (CONCOR). The government will transfer its 74.2% stake in THDC India Limited (formerly Tehri Hydro Development Corporation of India) and its 100% stake in North Eastern Electric Power Corporation Limited (NEEPCO) to another public sector unit and power distribution major, NTPC Ltd.

Why do governments divest stake in public sector undertakings?
Some political parties that come to power believe that "the government has no business being in business". That is, the government's role is to facilitate a healthy business environment but the core competence of a government does not lie in selling fuel or steel at a profit. That is one reason that divestment is often a priority item in the election manifesto of such parties.

Two, with governments always having to spend more than they earn through taxes and other means, additional income from the proceeds of a stake sale is always welcome. This is especially so in the case of India now, where it has fallen to the government to spend higher amounts on infrastructure to boost economic growth, along with its commitments on health and education.

It is true that this is like selling the family silver and that at some point there would be nothing left to sell and cushion the fiscal deficit with, but the argument is, the government should not have been funding these companies in the first place.

What is a strategic sale?
A strategic sale by a government is one where the management control is ceded to the buyer. A divestment could be stake sale to a buyer, via an initial public offering or a direct deal, but in which the government still retains majority and management control.

A strategic sale is also different from cases where the government transfers majority stake but only to another PSU over which it has control, as happened recently with HPCL (bought by Oil and Natural Gas Corporation) and with Tehri Hydro and NEEPCO in the latest round.

What is the history of disinvestment in India?

Since liberalisation began in India in 1991 under then Prime Minister P.V. Narasimha Rao, the country saw a steady flow of disinvestment decisions. However, privatisation, where

buyers took over management control, began later under the National Democratic Alliance governments. Arun Shourie, the country's first Disinvestment Minister, gave an impetus to the exercise. He is credited with the privatisation of Maruti, Bharat Aluminium Company Ltd., Videsh Sanchar Nigam Limited and Hindustan Zinc through the strategic sale process.

Why sell a profitable public sector unit?
One counter to this question would be: why would a buyer pay a premium, or even be interested in a loss-making unit? Air India is a case in point. The government has been unsuccessfully trying to sell the debt-laden and loss-ridden airline for a while now. Bharat Sanchar Nigam Limited, which made a loss of Rs. 7,500 crores for the first half of this fiscal, may not find a buyer easily, even if it were on the block.

What does the government get out of divestment?
In the latest round, the government stands to get a sum in the region of Rs. 80,000 crores from a stake sale in the five aforementioned units, which would take the total disinvestment value for the fiscal close to the Rs. 1.05 lakh crore amount it had planned.

India is currently facing an economic slowdown in which indirect tax collections are below par. The government has cut corporate tax rates hoping that companies will use these savings for price cuts or dividend payouts, or for investments that create jobs. As consumption is highly muted, the Central government may look to place more disposable cash in the hands of the taxpayer through lowering personal income tax rates. As a result of cut and to-be-cut tax rates, the government would have less and less cash for its own expenditure in infrastructure and the social sector.

Further, if the fiscal deficit goes out of hand, the sword of Damocles — of global rating agencies lowering the country's investment grade — could fall on India's neck. This would make any future foreign currency loans costlier, both for the country and for large Indian conglomerates whose fortunes rise and fall with the local economy.

Here is where proceeds from strategic sales give the government extra spending cushion.

This fiscal has been a year without precedent for the government on the fiscal front. The Reserve Bank of India gave the Central government a record dividend payout of about Rs. 1.76 lakh crore. The joy over this would have been short-lived as the government has had to execute a corporate tax cut — to mitigate the effects of a slowdown — and will suffer an annual loss of Rs. 1.45 lakh crore.

So at least meeting the year's disinvestment target, if not exceeding it, would give the government some respite from the string of bad fiscal news that has been flowing its way.

42. Health emergency declared in Delhi

Relevant for GS Prelims & Mains Paper III; Environment

The Environment Pollution (Prevention and Control) Authority (EPCA) declared a public health emergency in the Capital as pollution levels entered the 'severe plus' category.

According to the official data provided by the Central Pollution Control Board (CPCB), the overall AQI score of Delhi was 504 (normal range of particulate matter is 51 to100) at 3.30 a.m. on Friday after which alarm bells were sounded. The average AQI score of Delhi recorded at 4.30 p.m., which is the average of 32 monitoring stations in the past 24 hours, was 484, in the 'severe' category.

Reasons for adverse air quality
The deterioration in air quality is due to a combination of accumulated toxins because of local pollution, further spiked by bursting of crackers on Deepavali, stubble burning and extremely adverse weather conditions.

Adjoining areas to Delhi
Noida, Ghaziabad, Faridabad, Greater Noida and Gurugram had AQI scores of 499, 496, 479, 496 and 469 respectively, all in the 'severe' category.

Immediate measure taken by EPCA
The construction activities in Delhi, Faridabad, Gurugram, Ghaziabad, Noida and Greater Noida will not be allowed till November 5 morning.

Health consequences
People are facing symptoms associated with pollution like irritation in the eyes and throat, dry skin, skin allergies, chronic cough and breathlessness.

43. Delhi chokes as pollution levels hit three-year high

Relevant for GS Prelims & Mains Paper III; Environment

Pollution levels in Delhi peaked to a three-year high. According to the Central Pollution Control Board (CPCB), the national capital's 24-hour average air quality index (AQI) stood at 494 at 4 p.m. on Sunday, the highest since November 6, 2016, when it was 497.

Twenty-one of the 37 air quality monitoring stations recorded the AQI between 490 and 500. In the National Capital Region (NCR), Faridabad with AQI 493, Noida (494), Ghaziabad (499) and Greater Noida (488), Gurugram (479), also breathed extremely polluted air.

PMO to monitor air quality
With the pollution levels worsening in Delhi, Cabinet Secretary Rajiv Gauba will monitor the situation in Delhi and the NCR on a daily basis.

Range on Air quality Index

An AQI between 0-50 is considered 'good', 51-100 'satisfactory', 101-200 'moderate', 201-300 'poor', 301-400 'very poor' and 401-500 'severe'. An AQI above 500 falls in the 'severe plus' category.

44. U.S. begins formal pullout from Paris deal

Relevant for GS Prelims & Mains Paper III; Environment

United States notified the United Nations of its formal withdrawal from the Paris Agreement. Paris agreement was signed in year 2015. It was the global agreement for countries to cut emissions and reverse global warming.

After the US withdrawal the fate of Paris agreement is uncertain. President Donald Trump had said in 2017 that he was taking the U.S. — the world's second largest CO2 emitter — out of the deal.

However, the Paris agreement required the nations to serve 2 years notice before withdrawal. Moreover, the withdrawal will take a year — until just after the 2020 U.S. Presidential elections.

Why did US withdrew from the agreement?
"President Trump made the decision to withdraw from the Paris Agreement because of the unfair economic burden imposed on American workers, businesses, and taxpayers by U.S. pledges made under the Agreement," U.S. Secretary of State Mike Pompeo said.

The climate pledges require US to reduce emissions and thus, move towards non-carbon fuel. This will increase the cost of American businesses and make them uncompetitive.

President Trump has, in the past, called climate change a hoax created by China and his administration has reversed several Obama-era climate policies — including, now, the decision to be a part of the Paris Agreement.

What was US pledge under Paris Agreement?
The U.S. would have to, by 2025, cut its emissions to 26%-28% below the 2005 levels as part of its contribution to the Paris goal of keeping global temperature increases in this century to within 2 degrees Celsius relative to pre-industrial temperature averages.

45. Delhi has the most unsafe tap water

Relevant for GS Prelims & Mains Paper III; Environment

A new study has now shown that the Delhi's tap water is the most unsafe among 21 State capitals. The national capital is at the very bottom of the list, in a ranking based on tap water quality released by the Bureau of Indian Standards (BIS).

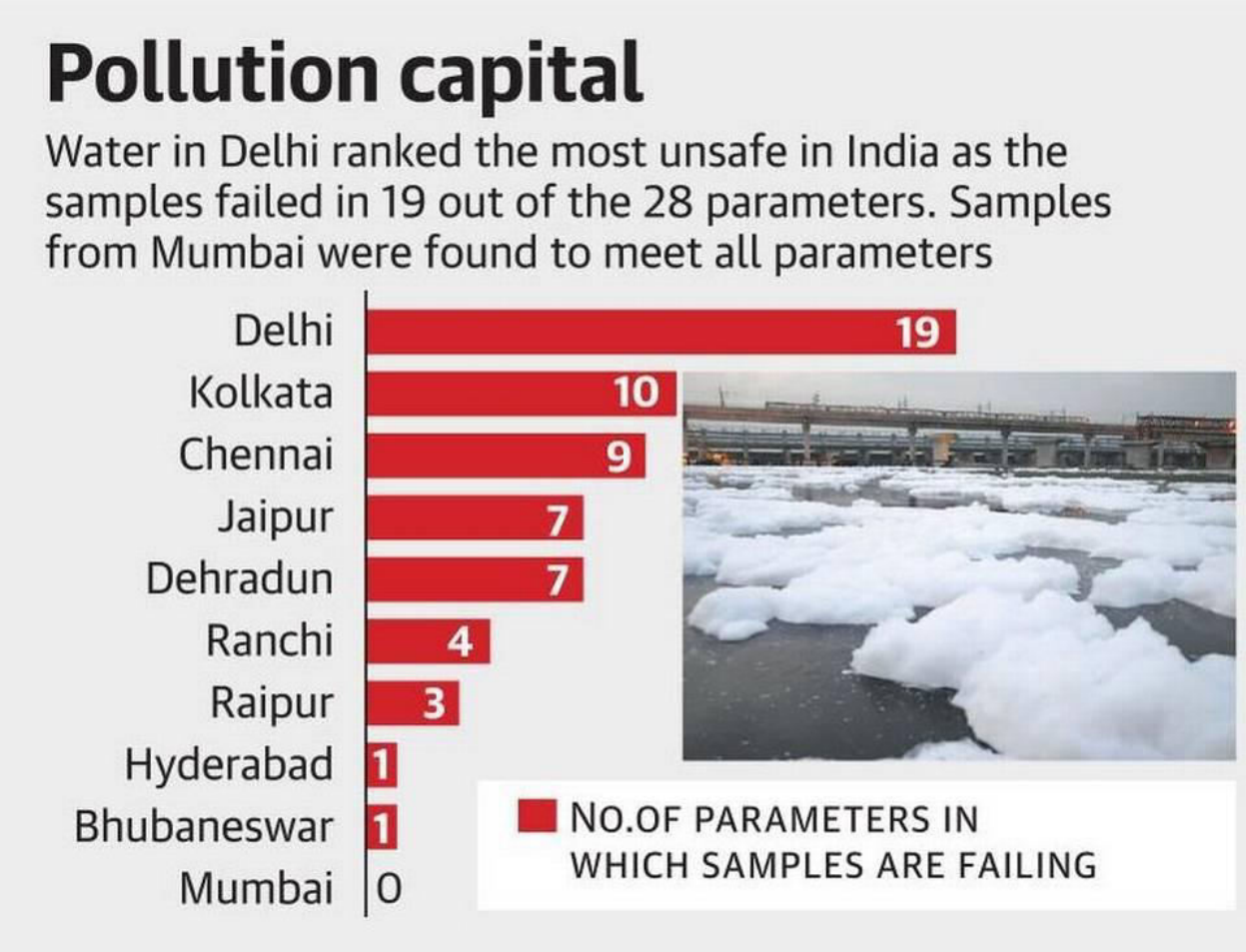
Findings

It is among 13 cities, including Kolkata, Chennai, Bengaluru, Jaipur and Lucknow, where all tested samples failed to meet the BIS norms for piped drinking water. In fact, Mumbai is the only city where all samples of tap water met all the tested parameters under the Indian Standard 10500:2012 (specification for drinking water) so far.

Plans and Gaps

Under its flagship Jal Jeevan Mission, the Centre aims to provide safe piped water to all households by 2024, with Prime Minister Narendra Modi promising to spend over ₹3.5 lakh crore on the scheme in his last Independence Day speech.

However, the study, conducted by the BIS for the Union Food and Consumer Affairs Ministry, showed that even in urban areas, which are connected to the piped water network, there is no guarantee that the water is safe for consumption. While it is mandatory for bottled water manufacturers to meet quality standards, the BIS standard is voluntary for the public agencies which supply and distribute piped water.



About BIS Samples

The BIS standard involves 48 different parameters. Samples are being tested under 28 parameters so far, leaving out parameters related to radioactive substances and free residual chlorine.

Samples are undergoing physical and organoleptic tests (which identify odour, turbidity and pH levels), as well as chemical tests (which identify toxic substances, pesticide residue and excess metals) and virological, bacteriological and biological tests (which identify harmful organisms and disease carriers).

Problems with Delhi water samples

Delhi's samples also conformed with parameters for toxic substances and pesticide residue. However, coliform and E.Coli samples were found in all Delhi samples, along with excess metals such as aluminium, manganese, magnesium, ammonia and iron. In addition, all samples were turbid and smelled bad.

Proposed expansion of study

The Centre plans to expand the scope of the study, bringing the capitals of the northeastern States and all 100 Smart Cities under the testing regime by January 15, 2020, while all district headquarters are expected to be tested by August 15, 2020.

46. What is 'IndiGen' project that is sequencing Indian genes?

Relevant for GS Prelims & Mains Paper III; Science & Technology

The Council of Scientific and Industrial Research (CSIR) recently announced the conclusion of a six-month exercise (from April 2019) of conducting a "whole-genome sequence" of a 1,008 Indians. The project is part of a programme called "IndiGen" and is also seen as a precursor to a much larger exercise involving other government departments to map a larger swathe of the population in the country. Project proponents say this will widen public understanding in India about genomes and the information that genes hide about one's susceptibility to disease.

What is whole genome sequencing?

A genome is the DNA, or sequence of genes, in a cell. Most of the DNA is in the nucleus and intricately coiled into a structure called the chromosome. The rest is in the mitochondria, the cell's powerhouse. Every human cell contains a pair of chromosomes, each of which has three billion base pairs or one of four molecules that pair in precise ways. The order of base pairs and varying lengths of these sequences constitute the "genes", which are responsible for making amino acids, proteins and, thereby, everything that is necessary for the body to function. It is when these genes are altered or mutated that proteins sometimes do not function as intended, leading to disease.

Sequencing a genome means deciphering the exact order of base pairs in an individual. This "deciphering" or reading of the genome is what sequencing is all about. Costs of sequencing differ based on the methods employed to do the reading or the accuracy stressed upon in decoding the genome. Since an initial rough draft of the human genome was made available in 2000, the cost of generating a fairly accurate "draft" of any individual genome has fallen to a tenth, or to a ball park figure of around $1,000 (₹70,000 approximately). It has been known that the portion of the genes responsible for making proteins — called the exome — occupies about 1% of the actual gene. Rather than sequence the whole gene, many geneticists rely on "exome maps" (that is the order of exomes necessary to make proteins). However, it has been established that the non-exome portions also affect the functioning of the genes and that, ideally, to know which genes of a person's DNA are "mutated" the genome has to be mapped in its entirety. While India, led by the CSIR, first sequenced an Indian genome in 2009, it is only now that the organisation's laboratories have been able to scale up whole-genome sequencing and offer them to the public.

How did the CSIR enterprise work?

Under "IndiGen", the CSIR drafted about 1,000 youth from across India by organising camps in several colleges and educating attendees on genomics and the role of genes in disease. Some students and participants donated blood samples from where their DNA sequences were collected.

Globally, many countries have undertaken genome sequencing of a sample of their citizens to determine unique genetic traits, susceptibility (and resilience) to disease. This is the first time that such a large sample of Indians will be recruited for a detailed study. The project ties in with a much larger programme funded by the Department of Biotechnology to sequence at least 10,000 Indian genomes. The CSIR's "IndiGen" project, as it is called, selected the 1,000-odd from a pool of about 5,000 and sought to include representatives from every State and diverse ethnicities. Every person whose genomes are sequenced

would be given a report. The participants would be informed if they carry gene variants that make them less responsive to certain classes of medicines. For instance, having a certain gene makes some people less responsive to clopidogrel, a key drug that prevents strokes and heart attack. The project involved the Hyderabad-based Centre for Cellular and Molecular Biology (CCMB), the CSIR-Institute of Genomics and Integrative Biology (IGIB), and cost ₹18 crore.

What are the costs?

Anyone looking for a free mapping of their entire genome can sign up for "IndiGen". Those who get their genes mapped will get a card and access to an app which will allow them and doctors to access information on whether they harbour gene variants that are reliably known to correlate with genomes with diseases. However, there is no guarantee of a slot, as the scientists involved in the exercise say there is already a backlog. The project is free in so far as the CSIR scientists have a certain amount of money at their disposal. The driving motive of the project is to understand the extent of genetic variation in Indians, and learn why some genes — linked to certain diseases based on publications in international literature — do not always translate into disease. Once such knowledge is established, the CSIR expects to tie up with several pathology laboratories who can offer commercial gene testing services.

47. Pegasus scandal in India

Relevant for GS Prelims & Mains Paper III; Science & Technology

The Government's response to messaging platform WhatsApp's revelation that Indian journalists and human rights activists were among some 1,400 people globally spied upon using a surveillance technology developed by Israel-based NSO Group is inadequate and, more unfortunately, is far from reassuring.

Disclosure by Facebook-owned WhatsApp, which is suing the Israeli company in a California federal court for the hack, is a chilling reminder that nothing is private in the digital world, given the right tools.

What has happened?

In this case, a malicious code, named Pegasus, exploited a bug in the call function of WhatsApp to make its way into the phones of those select users, where it would potentially have had access to every bit of information.

What implications does disclosure have for India?

The disclosure raises a more worrying question: on whose directions were the Indian journalists and human rights activists spied upon? There are a few reasons why this question is important.

One, this was not done with money in mind. Two, as the NSO says on its website, "NSO products are used exclusively by government intelligence and law enforcement agencies to

fight crime and terror." The NSO, by its own admission, sells its service only to government agencies. Three, those targeted include civil rights activists, lawyers, and journalists.

Notably, some of them have legally represented activists arrested in the case related to the violence in Bhima Koregaon in 2018. Lawyer Nihalsing Rathod, academic Anand Teltumbde, Dalit activist Vivek Sundara, and human rights lawyer Jagdish Meshram are some of those who have been targeted by Pegasus.

Who would have wanted to snoop on them?

It is, therefore, extremely important for the Government to clear the air on this issue in no uncertain terms especially when WhatsApp had given information to CERT-IN, a government agency, in May, even if without any mention of Pegasus or the extent of breach. It is all right to ask WhatsApp, as the Government has done, as to why the breach happened and what it is doing to safeguard the privacy of its users in India, estimated to be around 400 million. In separate statements, Information Technology Minister Ravi Shankar Prasad and the Ministry of Home Affairs have expressed concern about privacy breaches while at the same time hinting that this issue is being politicised and an attempt is being made to malign the Government. This is hardly a trivial issue, as it concerns the digital well-being of citizens, the very thing this Government says it wants to promote. In a country where data protection and privacy laws are still in a nascent stage, incidents such as this highlight the big dangers to privacy and freedom in an increasingly digital society. It is thus imperative that the Government sends a strong message on privacy, something that the Supreme Court in 2017 declared to be intrinsic to life and liberty and therefore an inherent part of the fundamental rights. The first thing it could do is to answer categorically if any of the governmental agencies used NSO's services.

48. What are the surveillance laws in India?

Relevant for GS Prelims & Mains Paper III; Science & Technology

After the WhatsApp breach, what should the way forward be, and why is a data protection law not in place?

On October 30, many publications reported that phones of several dozen Indian journalists, lawyers and human rights activists had been compromised using an invasive Israeli-developed malware called Pegasus. Messaging platform WhatsApp, through which the malware was disseminated, has reported that 121 individuals were targeted in India alone. A lawsuit was filed against Israeli cyberintelligence firm NSO by WhatsApp and its parent company Facebook in a U.S. court in California on October 29, accusing it of using their messaging platform to despatch Pegasus for surveillance to approximately 1,400 mobile phones and devices worldwide. The NSO claims that it only sells the software to governments but the Indian government has denied purchasing it and has asked WhatsApp to explain the security breach.

Is surveillance of this kind illegal in India?

Yes. First, it's important to explain that there are legal routes to surveillance that can be conducted by the government. The laws governing this are the Indian Telegraph Act, 1885, which deals with interception of calls, and the Information Technology (IT) Act, 2000, which deals with interception of data. Under both laws, only the government, under certain circumstances, is permitted to conduct surveillance, and not private actors. Moreover, hacking is expressly prohibited under the IT Act. Section 43 and Section 66 of the IT Act cover the civil and criminal offences of data theft and hacking respectively. Section 66B covers punishment for dishonestly receiving stolen computer resource or communication. The punishment includes imprisonment for a term which may extend to three years.

How broad are the laws regarding legal surveillance?

The framework for understanding the checks and balances built into these laws dates back to 1996. In 1996, the Supreme Court noted that there was a lack of procedural safeguards in the Indian Telegraph Act. It laid down some guidelines that were later codified into rules in 2007. This included a specific rule that orders on interceptions of communication should only be issued by the Secretary in the Ministry of Home Affairs.

These rules were partly reflected in the IT (Procedures and Safeguards for Interception, Monitoring and Decryption of Information) Rules framed in 2009 under the IT Act. The rules state that only the competent authority can issue an order for the interception, monitoring or decryption of any information generated, transmitted, received or stored in any computer resource (mobile phones would count). The competent authority is once again the Union Home Secretary or State Secretaries in charge of the Home Departments.

In December 2018, the Central government created a furore when it authorised 10 Central agencies to conduct surveillance — the Intelligence Bureau, the Central Bureau of Investigation, the National Investigation Agency, the Research & Analysis Wing, the Directorate of Signal Intelligence, the Narcotics Control Bureau, the Enforcement Directorate, the Central Board of Direct Taxes, the Directorate of Revenue Intelligence and the Delhi Police Commissioner. In the face of criticism that it was building a 'surveillance state', the government countered that it was building upon the rules laid down in 2009 and the agencies would still need approval from a competent authority, usually the Union Home Secretary. The 2018 action of the Union government has been challenged in the Supreme Court.

What about the Supreme Court verdict on privacy?

The Supreme Court in a landmark decision in August, 2017 (Justice K. S. Puttaswamy (Retd.) and Anr. vs Union Of India And Others) unanimously upheld right to privacy as a fundamental right under Articles 14, 19 and 21 of the Constitution. It is a building block and an important component of the legal battles that are to come over the state's ability to conduct surveillance. But as yet a grey area remains between privacy and the state's requirements for security.

In the same year, the government also constituted a Data Protection Committee under retired Justice B.N. Srikrishna. It held public hearings across India and submitted a draft

data protection law in 2018 which Parliament is yet to enact. Experts have pointed out, however, that the draft law does not deal adequately with surveillance reform.

Do other countries have stricter laws against surveillance?
This continues to be a grey area around the world. Take the U.S. for example. Electronic surveillance is considered a search under the Fourth Amendment which protects individuals from unreasonable search and seizure. Thus, the government has to obtain a warrant from a court in each case and crucially, establish probable cause to believe a search is justified. It also has to provide a specific time period under which the surveillance is to be conducted and to describe in particularity the conversation that is to be intercepted. There are very few exceptions, or exigent circumstances under which the government may proceed without a warrant.

After the 9/11 attacks in 2001, the USA PATRIOT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act was passed. Under certain provisions in this Act, the U.S. government used phone companies to collect information on millions of citizens and these were part of revelations made by the whistleblower Edward Snowden in 2013. Many aspects of the PATRIOT Act, particularly those involving surveillance, were to lapse after a certain time period but they were re-authorised by Congress. It's an issue the U.S. still struggles with and several rights groups argue that the Act violates the Constitution.

In October 2019, the U.K.-based security firm Comparitech did a survey of 47 countries to see where governments are failing to protect privacy or are creating surveillance states. They found that only five countries had "adequate safeguards" and most are actively conducting surveillance on citizens and sharing information about them. China and Russia featured as the top two worst offenders on the list. Number three on the list? India, primarily the report says, because its data protection Bill is yet to take effect and there isn't a data protection authority in place.

49. Cartosat-3 and 13 other nano satellites put into orbit by PSLV C-47

Relevant for GS Prelims & Mains Paper III; Science & Technology

The 'sharpest eye in the sky', India's Cartosat-3, and 13 other nano satellites belonging to two companies in the U.S. lifted off successfully from the Satish Dhawan Space Centre SHAR, Sriharikota, at 9.28 a.m, offering only a very brief glimpse of the PSLV C-47 before vanishing into the low-hanging clouds.

Cartosat-3
The Cartosat-3 is a high resolution imaging satellite that will be used for addressing uses for largescale urban planning, infrastructure development, coastal land use, land cover among others. The satellite is also likely to have a military use since it provides highest-ever spatial resolution of about a foot.

The Cartosat-3 was separated about 18 minutes after lift-off and the customer satellites were injected into their planned orbits one by one and the mission was completed 27 minutes after launch.

9th satellite
The Cartosat-3 is the 9th satellite of the Cartosat series and ISRO's fifth launch this year. One of its cameras offer a ground resolution of 25 cm, while the best ground resolution till now was 31 cm offered by WorldView-3, a satellite owned by U.S. company Maxar.

The commercial satellites (belonging to US companies) carried on board in the mission were launched under a commercial arrangement with NewSpace India Ltd. (NSIL), the commercial arm of the ISRO.

50. Whatsapp spyware is used for snooping

Relevant for GS Prelims & mains Paper III; Internal Security

What has happened?
The Centre has sought an explanation from messaging platform WhatsApp after the Facebook-owned company confirmed that some Indian users of its app came under surveillance using an Israeli spyware. Most targeted in India were journalists, Dalit and human rights activists and lawyers.

Response by Whatsapp
WhatsApp filed a complaint in a U.S. court earlier this week attributing the intrusion to NSO Group, an Israeli technology firm, which claims on its website that its products are used "exclusively" by government intelligence and law enforcement agencies "to fight crime and terror."

Response by Indian government
Information Technology Minister Ravi Shankar Prasad said the government has asked WhatsAapp to "explain the kind of breach and what it is doing to safeguard the privacy of millions of Indian citizens."

He said government agencies had a well-established protocol for interception, which included sanction and supervision from highly ranked officials in Central and State governments, for clearly stated reasons in national interest.

The Ministry of Home Affairs (MHA) said the government was committed to protecting fundamental rights of citizens and "reports of breach of privacy of Indian citizens on WhatsApp were attempts to malign the government and are completely misleading." An MHA official said the government would take strict action against any intermediary responsible for breach of privacy of citizens.

Meanwhile, in a response to an RTI request filed by activist Saurav Das on October 23, asking questions over whether or not the government has purchased Pegasus or intends to do so in the future, the MHA stated that it had no information in this regard.

Pegasus

The use of the spyware in question, named Pegasus, via WhatsApp was first identified in May this year. The spyware exploited a vulnerability in WhatsApp's video-call feature that allowed attackers to inject the spyware on to phones simply by ringing the number of a target's device.

The person did not even have to answer the call. Once Pegasus is installed, it can access the targeted users' private data, including passwords, contact lists, calendar events, text messages, and live voice calls from popular mobile messaging apps. Following this, the U.S.-based firm announced that it had addressed the vulnerability and issued an update for its application.

Mobiles hit

In the investigations that followed, WhatsApp found that a total of 1,400 mobile numbers and devices were impacted globally. These included attorneys, journalists, human rights activists, political dissidents, diplomats, and other senior foreign government officials.

In its complaint filed with the federal court, WhatsApp has stated, "According to public reporting, Defendants' [NSO Group] clients include, but are not limited to, government agencies in the Kingdom of Bahrain, the United Arab Emirates, and Mexico as well as private entities."

NSO Group spyware is being sold to government clients without appropriate controls over how it is employed by those clients. They are, in turn, using NSO's technology to hack into the devices of members of civil society, including journalists, lawyers, political opposition, and human rights defenders — with potential lethal consequences.

51. Network for intel agencies to share info will go live next year

Relevant for GS Prelims & Mains Paper III; Internal Security

The ambitious National Intelligence Grid (NATGRID) project will be operational by December 31, 2020.

What is NATGRID?

The NATGRID will enable multiple security and intelligence agencies to access a database related to immigration entry and exit, banking and telephone details, among others, from a common platform.

The project, initially started in 2009 with a budget of ₹2,800 crore, is an online database for collating scattered pieces of information and putting them together on one platform.

At least 10 Central government agencies, such as the Intelligence Bureau, Research and Analysis Wing and others will have access to the data on a secured platform.

The NATGRID links intelligence and investigation agencies. The 10 user agencies will be linked independently with certain databases which will be procured from 21 providing organisations including telecom, tax records, bank, immigration etc. to generate intelligence inputs.

52. Relief for Pehlu's sons: On Alwar lynching case

Relevant for GS Prelims & mains Paper I; Social Issues

Relief to Pehlu Khan's sons
The Rajasthan High Court's order quashing the cow smuggling case against the sons of Pehlu Khan, a dairy farmer lynched by cow vigilantes in 2017, grants much-needed relief to the family.

Justice for Pehlu's murder pending
The Khans are yet to get any sort of justice for Pehlu Khan's murder, as all those sent up for trial were acquitted in August.

Findings of Court
Of particular significance is Justice Pankaj Bhandari's finding that Khan and his sons, Irshad and Arif, besides truck driver Khan Mohammed, were not transporting cattle for slaughter; rather, the cows and calves in their possession were meant for dairy farming. Although High Courts do not normally intervene after the filing of the charge sheet, they have the power to do so if there is manifest abuse of the process.

In this case, the police appear to have tried to show that milch cows and calves were animals meant for slaughter. It is quite apparent that they were trying perversely to build a narrative that it was the victims who were primarily at fault.

What has happened?
Pehlu Khan and his sons had bought the animals at a cattle fair in Jaipur and were taking them to Nuh in Haryana, when they were attacked by a mob on April 1, 2017. Khan succumbed to his injuries in hospital two days later. Though it was under the erstwhile BJP government that a case was registered against Pehlu Khan and others under the Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, the charge sheet was filed by the police only in May this year, after a change of regime.

The development caused some embarrassment to the Congress regime of Ashok Gehlot, but the government subsequently made up for it by enacting an anti-lynching law. Further, soon after the six suspects in the murder case were acquitted, the government set up a committee to probe the lapses in the investigation. It also filed an appeal in the High Court

against their acquittal. The invalidation of the cow smuggling case is a face-saver for the present regime too. The Pehlu Khan murder case attained emblematic significance not only because it was one of the earliest instances of the wave of vigilante attacks across the country in the name of cow protection; it was also because it contained all the ingredients of a hate crime: unplanned violence, ideological motivation, intolerance towards sections of society and interference with dietary choice. The manner in which the murder case was allowed to collapse in court, possibly due to planned lapses, shows how the system was rigged to favour the mob. What is now left for the State government is to make a sincere effort to salvage the murder case. If there is sufficient evidence that the real perpetrators were dropped from the case deliberately, it should try to get a fresh trial ordered against those responsible and secure appropriate punishment for them.

53. India's Maternal Mortality Ratio status

Relevant for GS Prelims & Mains Paper I; Social Issues

The report was published within the latest Sample Registration System (SRS) 2015-2017 bulletin for MMR.

Maternal Mortality Ratio

1. India's Maternal Mortality Ratio (MMR) has seen a decline from 130 per 1 lakh live births in 2014-2016 to 122 per 1 lakh live births in 2015-2017.

2. The figure has declined from 167 in 2011-2013 to 130 in 2014-2016 and to 122 in 2015-17.

Goal for MMR

11 States have achieved the National Health Policy target of MMR 100 per lakh live births well ahead of 2020.

The WHO last year lauded India's progress in reducing the MMR saying the progress puts the country on track towards achieving the Sustainable Development Goal (SDG) target of an MMR below 70 by 2030.

54. Parliamentary panel report on cancer care facilities

Relevant for GS Prelims & Mains Paper I; Social Issues

The Parliamentary Standing Committee on Science, Technology and Environment was given agenda to examine an expanded role for the Department of Atomic Energy, through the Tata Memorial Centre (TMC), to address India's rising cancer burden. The committee, led by former Union Environment Minister, Jairam Ramesh, submitted its report to Rajya Sabha Chairman Venkaiah Naidu.

Report by Parliamentary Standing Committee on Science, Technology and Environment

1. India's cancer care infrastructure is "highly inadequate" and forces a majority of patients to travel "thousands of kilometres" for treatment.

2. The inadequate cancer care infrastructure contributes to a 20% higher mortality among Indian cancer patients than in countries with a "high" Human Development Index. The Committee mentioned that the incidence ratio of 0.68 in India is higher than that in very high human development index (HDI) countries (0.38) and high HDI countries (0.57).

3. The incidence, or the number of newly diagnosed cases of cancer annually, is about 16 lakhs. The disease kills 8 lakh people annually.

4. Among these are 140,000 fresh cases of breast cancer, 100,000 cervical cancer cases, and 45,000 cases of oral cancer among women.

5. Among men, the top three cancers with the highest incidence are those in the oral cavity (1,38,000 cases), cancer of the pharynx (90,000) and those of the gastro-intestinal tract (2,00,000).

Expected rise in cases

The International Agency for Research on Cancer expects India's cancer burden to increase from an estimated incidence of 13 lakh cases in 2018 to about 17 lakhs in 2035, and cancer deaths expected to rise from 8.8 lakh in 2018 to 13 lakhs in 2035.

Hub and spoke model

The Committee recommended a 'Hub and Spoke Model' to better reach out to cancer patients nationally. This approach has a network of centres, or hubs, capable of treating complex forms of cancer. They would be connected to other centres (spokes) capable of treating less complex variants of cancers. The idea is to ease access and minimise travel times for patients.

55. Release of 13 life convicts responsible for the massacre of six Dalit men in Tamil Nadu

Relevant for GS Prelims & Mains Paper I; Social Issues

The 13 life convicts responsible for the massacre of six Dalit men in Tamil Nadu in 1997 have been released on the grounds of 'good conduct' in prison. The Madras High Court has voiced its displeasure over the release of the convicts.

What was the case?

The murder of Murugesan, who was elected president of the Melavalavu panchayat in Madurai district, along with five others, by members of a dominant caste, who resented the local body's leadership being reserved for Scheduled Castes, had created a sensation then.

That was an era in which there was considerable communal tension between Dalits and intermediate castes. In the Melavalavu case, the Sessions Court and the High Court had sentenced 17 men to life terms. The Supreme Court confirmed the convictions in 2009.

Release of convicts

Three convicts in the Melavalavu case were released in 2008 by the DMK regime. Now, the AIADMK government has courted controversy by freeing the remaining 13 (one is no more). Last year, it convinced the Governor to agree to the release of three men found guilty of burning alive three students when they set fire to a bus in Dharmapuri during a protest in 2000. The Supreme Court had initially upheld the death penalty for the three, but, on a review petition, commuted it to life, citing their lack of intention to kill members of the public and that they had been gripped by "mob frenzy".

Legal position on releasing convicts

The Supreme Court has repeatedly clarified that 'life sentence' means imprisonment till the end of one's natural life. However, the law also provides for remission of sentences, including life terms. Under Section 433A of the Code of Criminal Procedure, a convict sentenced to life for an offence that also attracts the death penalty, or has had his death sentence reduced to life, can be considered for release only after completing 14 years in jail.

Need for releasing prisoners

While decongesting prisons by freeing inmates, especially for good conduct, and after they have served specified years, is permissible in law, there will be a question mark over mass release without regard to the nature of the crimes committed.

What should be done?

Guidelines for remission do exclude those in prison for specified crimes such as terrorism, rape and economic offences. But when those guilty of a caste atrocity such as the Melavalavu massacre are released, it is certain to send out an undesirable message. Ideally, mass release of prisoners should be avoided, and the desirability of freeing each one of them should be separately considered. The Advisory Board that recommends such release should have the benefit of a social impact report as well as the opinion of the trial court.

56. Aramco initial public offering (IPO)

Relevant for GS Prelims

Saudi Arabia's giant state oil company finally kick-started its initial public offering (IPO). It announced its intention to float on the domestic stock exchange in what could be the world's biggest listing as the kingdom seeks to diversify its economy away from oil. The money raised from IPO will be utilized to diversity into non-oil investments.

Sources have told Reuters the oil company could offer 1%-2% of its shares on the local stock exchange, raising as much as $20 billion-$40 billion. A deal over $25 billion would top the record-breaking one of Chinese e-commerce giant Alibaba in 2014.

Likely valuation of company

Bankers have told the Saudi government that investors will likely value the company at around $1.5 trillion, below the $2 trillion valuation touted by Crown Prince Mohammed bin Salman when he first floated the idea of an IPO nearly four years ago.

At a valuation of $1.5 trillion, Aramco would still be worth at least 50% more than the world's most valuable listed companies, Microsoft and Apple, which each have a market capitalisation of about $1 trillion.

Aramco accounted for about one in every eight barrels of crude oil produced globally from 2016 to 2018.

Its net income for the third quarter of 2019 amounted to $21.1 billion, far high than the income for the same period of oil giants like Exxon Mobil Corp, which was just over $3 billion.

57. Anti-Imran protests in Pakistan

Relevant for GS Prelims

Maulana Fazlur Rehman's 'Azadi March' to Islamabad, demanding the resignation of Pakistan Prime Minister Imran Khan, is perhaps the biggest political crisis the cricketer-turned politician is facing since he came to power in August 2018.

Who is Mr. Rehman?

Mr. Rehman, leader of the Islamist party Jamiat Ulema-e-Islam (F), has said that his supporters, tens of thousands of whom have camped at the capital, will continue their dharna (sit-in) till their demands, which include fresh elections and an end to the military's intervention in politics, are met.

The main Opposition parties, the Pakistan Muslim League-Nawaz (PML-N) and the Pakistan People's Party (PPP), have offered half-hearted support. The Khan government was earlier dismissive of the march.

Strengthening Jamiat Ulema-e-Islam (F)

The JUI (F) was not a major legislative force and its leader was not expected to mount a serious political challenge to Mr. Khan. But Mr. Rehman mobilised an army of supporters and entered the capital peacefully. With the backing of the Opposition and a very loyal crowd, Mr. Rehman has suddenly emerged as a national figure who put Mr. Khan in a bind. The protests forced the government to come to the negotiation table. The deadlock, however, continues as both sides failed to reach any agreement.

Similar movement in 2014

For Mr. Khan, this is a déjà vu moment. In 2014, he launched an indefinite dharna in Islamabad, demanding the resignation of the then Prime Minister, Nawaz Sharif. His supporters brought the capital city to a standstill for weeks. Mr. Khan didn't succeed then. And Mr. Rehman is unlikely to force Prime Minister Khan out today.

What is the analysis of the situation?
The Pakistan Tehreek-e-Insaf (PTI) Imran's government is still a favourite of the establishment. The main political Opposition remains weak. And there are different voices even within the Maulana's movement. Sections within the PML-N and the PPP were opposed to joining hands with Mr. Rehman as they do not approve of the dharna politics and the cleric playing the religious card for mobilisation. So Mr. Khan's position as the Prime Minister appears to be stable, for now.

Challenges before Imran's government
But it does not mean that he can ignore the challenges rising from the Opposition any more. Mr. Khan came to power on promises of overhauling the economy and eliminating corruption. A year into power, the economy still remains on the brink.

Critics call him the "selected Prime Minister", not an elected one, referring to his close connection with the military establishment. His government's "fight against corruption" is largely seen as a campaign to silence most of his political opponents. The government is also facing criticism for cracking down on dissent, free speech and independent media. Maulana Fazlur Rehman's rally is an unlikely answer to all these problems Pakistan is facing. But he is tapping into the growing public resentment against Mr. Khan's government. Unless he realises it and takes actions to address the actual challenges, he will only be setting the stage for more Maulanas to rise.

58. India Justice Report 2019

Relevant for GS Prelims

Performance of States
Maharashtra has topped the list of states in delivering justice to people followed by Kerala, Tamil Nadu, Punjab and Haryana, according to a report by Tata Trusts.

Among the small states (where population is less than one crore each), Goa has topped the list followed by Sikkim and Himachal Pradesh, it said.

Findings of the report
1. Releasing the report, former Supreme Court judge Justice M. B. Lokur said the findings highlight very serious lacunae in the justice delivery system.

2. As per the findings, the country, as a whole, has about 18,200 judges with about 23% sanctioned posts vacant.

3. Women are also poorly represented in four pillars of justice delivery — police, judiciary, prisons and legal aid; constituting just seven per cent of the police.

4. Prisons are over-occupied at 114%, where 68% are under trials awaiting investigation, inquiry or trial.

5. Regarding budgets, most states are not able to fully utilise the funds given to them by the Centre, while the increase in spending on the police, prisons and judiciary does not keep pace with overall increase in state expenditure.

6. The indicators, across the pillars, covered the themes like infrastructure, human resources, diversity (gender, SC/ST/OBC), budgets, workload and trends over the last five years.

About India Justice Report 2019
The India Justice Report 2019 is based on publicly available data of different government entities on the four pillars of justice delivery — police, judiciary, prisons and legal aid.

The ranking is an initiative of Tata Trusts in collaboration with Centre for Social Justice, Common Cause, Commonwealth Human Rights Initiative, DAKSH, TISS- Prayas and Vidhi Centre for Legal Policy.

59. Former Chief Election Commissioner T.N. Seshan dead

Relevant for GS Prelims

Former Chief Election Commissioner Tirunellai Narayanaiyer Seshan died in Chennai on November 10. He was 87.

Contribution of T.N. Seshan
1. He has severely cracked the whip on money and muscle power in elections. He was known to follow a no-nonsense approach, and had enforced, in his own way, discipline on political parties and contestants. He earned the wrath of several politicians including former Chief Minister Jayalalithaa who had once described him as an “embodiment of arrogance”.

2. His work as CEC got an international recognition when he was given the Ramon Magsaysay award for 1996.

3. He was the only one to hold the post of CEC for six years from 1990 to 1996 in the last 50 years.

4. In July 1997, he had unsuccessfully contested in the Presidential election against K.R. Narayanan, who was backed by almost all the parties in the country. Against Narayanan’s 9,56,290 votes, Seshan could poll only 50,631 votes. Two years later, in the Gandhinagar

parliamentary constituency, the Congress fielded him against the then Union Home Minister L.K. Advani of the BJP. Seshan lost by a margin of around 2 lakh votes.

Source: The Hindu