

News Juice – 17th June, 2022

1. Demolition drives violate international law

Relevant for GS Prelims & Mains Paper II; International Organisations

Universal Declaration of Human Rights

The right to housing is not only a fundamental right recognised under Article 21 of the Indian Constitution, it is also a well-documented right under the international human rights law framework, which is binding on India. For instance, Article 25 of the Universal Declaration of Human Rights (UDHR) states that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care...”.

Besides, international law also prohibits arbitrary interference in an individual’s right to property. For instance, Article 12 of the UDHR states that “no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation”.

Article 12 also stipulates that “everyone has the right to the protection of the law against such interference or attacks”. This same right is also provided under Article 17 of the International Covenant on Civil and Political Rights (ICCPR). Article 17 further provides that everyone has the right to own property alone as well as in association with others and that no one shall be arbitrarily deprived of his property. Thus, arbitrary interference with an individual’s property is a gross violation of the ICCPR.

International Covenant on Economic, Social and Cultural Rights

Likewise, Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”.

Furthermore, under Article 11.1, countries are under an obligation to take “appropriate steps” to ensure the realisation of these rights such as the right to adequate housing.

The rights recognised under ICESCR, according to Article 4, can be restricted by States only if the limitations are determined by law in a manner compatible with the nature of these rights and solely to promote society’s general welfare.

However, any limitation imposed on the rights given in the Covenant such as the right to adequate housing cannot lead to the destruction of these rights. This is categorically recognised in Article 5 of ICESCR.

Forced evictions

The Office of the High Commissioner for Human Rights (OHCHR) commonly known as the United Nations (UN) Human Rights Office — whose mandate is to promote and protect human rights guaranteed under international law — has elaborated on the content of the right to adequate housing.

According to the UN Human Rights Office, an integral element of the right to adequate housing is 'protection against forced evictions'. Building on the right to adequate housing, given in Article 11.1 of ICESCR, the UN Human Rights Office defines 'forced evictions' as 'permanent or temporary removal against the will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection'. The right to adequate housing also entails freedom from arbitrary interference with one's home, privacy, and family.

The bulldozing of the houses by the Madhya Pradesh government of the alleged rioters amounts to forced eviction and arbitrary interference with an individual's home, thus a breach of Article 11.1 of the ICESCR. This action can be defended under international law only if it can be shown that the forced eviction is as per the law and in conformity with the provisions of the human rights covenants. Also, other requirements such as

whether the state action was necessary and proportionate will have to be examined. It is unlikely that these forced evictions can be lawfully defended given the timing of the eviction.

One wonders that if these demolitions were against illegal encroachments, then did the authorities get the eviction order on the day of the riots, or did they have an eviction order earlier, but decided to act only after the riots? Also, were the eviction orders limited to the Muslim locality?

Judicial incorporation

Moreover, the international human rights law identified above has been judicially incorporated by the Supreme Court of India into the Indian legal system. The apex court in cases like *Bachan Singh vs State of Punjab*, *Vishaka vs State of Rajasthan*, and recently in the famous *Puttaswamy vs Union of India* has laid down the principle that the fundamental rights guaranteed under the Constitution must be read and interpreted in a manner which would enhance their conformity with international human rights law.

As the custodian of India's constitutional order, it is high time that the judiciary acted and imposed necessary checks on the unbridled exercise of power by the executive. Courts should use international law to counter the nationalist-populist discourse.

Source: The Hindu

2. The controversy around the Northern Ireland Protocol

Relevant for GS Prelims & Mains Paper II; International Issues

The Boris Johnson administration has come up with a new legislation, the Northern Ireland Protocol Bill, which would enable the U.K. to override provisions of the Brexit deal that concern trading arrangements in Northern Ireland — the Northern Ireland Protocol (NIP). The European Union (EU) has said that the proposed law violates international law and has threatened to take legal action against the U.K. if it goes ahead with the legislation.

What exactly is the NIP?

Northern Ireland is the only part of the U.K. that shares a land border with the EU, as the Republic of Ireland (or Ireland) is an EU member-state. As long as the U.K. was part of the EU, things were fine. But with Brexit, the U.K. exited the EU's customs union. This created a problem whose solution needed two seemingly contradictory outcomes: preserving the sanctity of the EU's single market, as well as that of the U.K.'s domestic market. The NIP's solution was to avoid a customs check at the actual customs border — on the island of Ireland, between Northern Ireland and the Republic of Ireland — as this would have violated the 1998 Good Friday Agreement and risked instability in a region with a volatile past. It instead shifted the customs border to that between Northern Ireland and Britain, effectively at the former's ports. As per the NIP, goods flowing into Northern Ireland would be checked at this 'sea border' before entering the island, and Northern Ireland would continue to follow EU rules in product standards.

Why did the U.K. come up with the Northern Ireland Protocol Bill?

The Northern Ireland Protocol (NIP) has been a lingering issue for the U.K. almost from the day Brexit was signed. In fact, back in July 2021, the Boris Johnson administration announced its intent to renegotiate the NIP. But with efforts at negotiations not producing the results it wanted, it decided to proceed with a unilateral revamp of the NIP via domestic legislation. The main irritant for the U.K. in the current version of the NIP was the creation of "unacceptable barriers" to trade within the U.K. internal market — between Great Britain and Northern Ireland. It has sparked complaints from businesses about the enormous paperwork needed for supply of goods and services to Northern Ireland despite it being within the sovereign territory of the U.K. Also, the Unionists of Northern Ireland (the section loyal to the U.K.) are unhappy with the NIP, and resent having to put up with a provision that effectively puts them at one remove from the U.K., when compared with citizens in other parts of the U.K. Northern Ireland's main unionist party is, in fact, blocking

the formation of a new power-sharing government in Belfast, saying it won't take part until the NIP rules are scrapped. It is in this context that the Northern Ireland Protocol Bill seeks to empower the U.K. government to override key provisions of the NIP.

How does the proposed Bill undermine the NIP?

Instead of subjecting all goods moving between Britain and Northern Ireland to customs checks, the new Bills proposes two categories of goods and checks: goods meant only for Northern Ireland would go in a 'green lane' and will be exempt from any checks, while goods headed for Ireland and the EU would go into a 'red lane' where they will be subjected to all the checks and

customs controls. Secondly, the Bill would remove EU oversight on state subsidies and value-added taxes in Northern Ireland. Third, the Bill proposes settlement of trade disputes and the enforcement of the NIP by an independent body rather than the European Court of Justice. Lastly, the Bill wants to give businesses the choice of selling their goods in Northern Ireland either according to the U.K. rules or the EU rules, in effect, proposing a dual regulatory regime instead of the single (EU) one as per the NIP.

What has been the reaction to the proposed Bill?

The Bill has triggered strong pushback from MPs belonging to Mr. Johnson's own party, from Irish legislators, and from EU officials. All of them have pointed out that the legislation would violate international law, damage the U.K.'s reputation as a trade partner, and spark a trade war with the EU. The EU's executive branch announced on June 15 that it would be taking legal action against the U.K. for violating international law.

How has the Johnson administration justified the Bill?

The Johnson administration has sought to justify its breach of its obligations under the Brexit agreement by invoking a principle of international law known as the "doctrine of necessity". The UN's International Law Commission allows a state to invoke this doctrine when its "essential interests" are facing a "grave and imminent peril". The Johnson administration believes that this emergency loophole will enable it to defeat any legal challenge to its proposed Bill. The "grave peril" in this context, according to the British government, is the threat posed by the NIP to the Good Friday Agreement. "The maintenance of stable social and political conditions in Northern Ireland, the protection of the 1998 Belfast (Good Friday) Agreement...and the preservation and fostering of social and economic ties between Northern Ireland and the rest of the United Kingdom, are essential interests of the United Kingdom," says a statement from the U.K. Foreign Secretary.

Source: The Hindu

3. Why is the discovery of microplastics in fresh Antarctic snow troubling?

Relevant for GS Prelims & Mains Paper III; Environment

For the first time, microplastics have been found in freshly fallen snow in Antarctica. The pollutant, scientists argue, poses a growing threat to the region's ecosystem and could increase the melting of ice and snow.

Alex Aves, a PhD student from the University of Canterbury in New Zealand, collected snow samples from 19 sites in the Ross Island region of Antarctica and found that all contained microplastics. The research was published in a peer-reviewed article in a scientific journal, *The Cryosphere* on June 7.

While microplastics have been found across the world, from the world's deepest ocean floors to the peak of Mount Everest, researchers say that this is the first time that they have been found in freshly fallen snow in Antarctica.

What are microplastics?

Microplastics are tiny plastic debris that are smaller than 5 mm in length, tinier than even a grain of rice.

There are two types of microplastics. Primary microplastics are tiny particles that are purposely designed as such for commercial use, like in cosmetics, nurdles-plastic pellets used in industrial manufacturing and in fibres from synthetic textiles like nylon.

Secondary microplastics are formed through the degradation of larger plastic items like bottles, fishing nets and plastic bags. This occurs through exposure to the environment, like radiation from the sun, wind and ocean waves.

How did they reach Antarctica?

The study found an average of 29 particles of microplastic per litre of melted snow. These particles, due to their light weight and low density, might have travelled through air from more than 6,000 km away. However, researchers argued that there is also a possibility that the human presence in Antarctica created a microplastic 'footprint'.

Of the 13 different plastic types found, the most common was polyethylene terephthalate (PET), a type of plastic used in everyday items such as clothes, plastic bottles, packaging etc. PET was found in 79 per cent of all samples.

The most likely sources of the airborne microplastic are local research stations, due to the clothing worn by staff, broken fragments of plastic equipment and mismanaged waste. There was a much larger concentration of microplastics (nearly 3 times higher) in the samples next to local base camps, such as Scott Base and McMurdo Station in Ross Island, as compared to those from more remote sites.

Wayfinding flags, made of synthetic polyamide fabric which identify safe routes for travel, might also release microplastic, according to the report.

Why is this discovery troubling?

It shows that the spread of microplastics is so widespread, that even the remotest and least habitable places in the world are now infested by these particles.

The presence of these particles can pose a huge threat to Antarctica's distinctive ecosystem. Microplastics are not biodegradable and once they are found in the environment, they begin to accumulate. They can be toxic for plants and animals.

The report claims that ingestion of microplastics by various life forms in the region, from microorganisms like zooplankton to larger predators like king penguins can disrupt their usual biological processes and negatively impact the entire Antarctic food chain.

The presence of microplastics in Antarctica can also worsen the impact of climate change. Ice sheets and glaciers are already rapidly melting, and the report suggests that the microplastics deposited in ice and snow can accelerate the melting of the cryosphere — regions where water is in solid form, like the planet's North and South Poles.

Dark-coloured microplastics, which constituted 55% of the samples collected in Aves' study, are even more harmful than lighter colours, as they are better at absorbing sunlight and retain more heat.

Further, the study shows the ubiquitous presence of microplastics in not only land and water, but the air as well.

When snow travels in the atmosphere, it binds itself to airborne particles and pollutants, which are then deposited on Earth's surfaces. This phenomenon is called "scavenging" and according to scientists is a significant way in which microplastics are able to travel and further pollute land and water. When carried by the snow, rain and wind, they can also lead to the risk of possible inhalation of microplastics by humans and wildlife.

Source: The Indian Express

4. What are 'carbon bombs', why environmentalists want them defused?

Relevant for GS Prelims & Mains Paper III; Environment

A group of environmentalists, lawyers, and activists have come together to identify and 'defuse carbon bombs'— coal, oil and gas projects that have the potential to contribute significantly to global warming.

The usage of the term 'carbon bombs' picked up after an investigative project of The Guardian from May this year. The project reported the plans of countries and private companies all over the world to engage in 195 'carbon bomb' projects. Each such project, it is believed, will release huge amounts of CO₂ emissions into the atmosphere.

What are carbon bombs?

Defining the term in its report, *The Guardian* said that it is "an oil or gas project that will result in at least a billion tonnes of CO₂ emissions over its lifetime."

Whenever coal, oil, or gas is extracted it results in pollution and environmental degradation. Further, carbon emissions take place in particularly large amounts when fuel is burned.

In total, around 195 such projects have been identified world over, including in the US, Russia, West Asia, Australia and India. According to the report, they will collectively overshoot the limit of emissions that had been agreed to in the Paris Agreement of 2015.

The agreement was to contain the global rise in average temperature to 2 °C and strive for the target of 1.5 °C as compared to pre-industrial levels – when the widespread use of coal for industry in the beginning in the mid-19th century led to a rapid rise in average global temperatures.

What does the investigation say?

More than 60% of these carbon bomb projects are already underway, according to the investigation. Apart from coal, oil, and gas operations, the report highlighted the threat of methane, which “routinely leaks from gas operations and is a powerful greenhouse gas, trapping 86 times more heat than CO₂ over 20 years”.

It also put the blame on the companies conducting these operations, pointing to present time where multiple factors, especially the Russia-Ukraine crisis, have led to a reduction in supply and rise in the demand for fuel.

As Russian oil has been banned by countries in the West, prices have risen to the benefit of oil and gas producing companies.

The report criticised reliance on fuel from conventional sources and not making use of emerging, green sources of energy. Energy companies such as ExxonMobil, Total, Chevron, Shell and BP (British Petroleum) are all mentioned as having coal bomb projects.

“Under the IEA net zero emissions scenario, and all Paris-aligned scenarios, all energy sources remain important through 2050, and oil and natural gas remain essential components of the energy mix,” an ExxonMobil spokesperson told *The Guardian*.

This in reference to the International Energy Agency, an international organisation which put together a road map to reduce global carbon emissions to as close to zero as possible by 2050. Net zero emissions means that all carbon emissions into the atmosphere must be absorbed by methods like increasing the forest cover, and decreasing man-made emissions.

A spokesperson for Shell said: “As a result of [our] planned level of capital investment, we expect a gradual decline of about 1-2% a year in total oil production through to 2030, including divestments.”

In response to the third Intergovernmental Panel on Climate Change (IPCC) report this year, UN Secretary-General Antonio Guterres had spoken of the need to maintain global temperatures: “...We are on a fast track to climate disaster...we are on a pathway to global warming of more than double the 1.5-degree limit agreed in Paris...but high-emitting governments and corporations are

not just turning a blind eye; they are adding fuel to the flames. To keep the 1.5-degree limit agreed in Paris within reach, we need to cut global emissions by 45% this decade, but current climate pledges would mean a 14% increase in emissions. Investing in new fossil fuels infrastructure is moral and economic madness.”

What is the plan for ‘defusing’ carbon bombs?

The network working towards this goal is called Leave It In the Ground Initiative (LINGO). Its mission is to “leave fossil fuels in the ground and learn to live without them.” It believes the root of climate change is the burning of fossil fuels, and the 100% use of renewable energy sources is the solution.

On its website, it has listed carbon bomb projects from all over the world. This includes the Carmichael Coal Project owned by the Adani Group, Gevra Coal Mines in Chhattisgarh owned by Coal India, and Rajmahal Coal Mines in eastern Jharkhand owned by Eastern Coalfields.

Source: The Indian Express

5. All you need to know about India’s first privately run Bharat Gaurav train

Relevant for GS Prelims



The Indian Railways’ southern zone Tuesday flagged off the country’s first privately-run train under the Bharat Gaurav scheme. Around 11,00 passengers boarded the maiden round trip service from Coimbatore to Shirdi.

“The Bharat Gaurav Train from Coimbatore North to Sainagar Shirdi will commence at 18:00 hours on 14th June 2022 (Tuesday) and reach Sainagar Shirdi at 07:25 hours on 16th June 2022

(Thursday) with stoppages at Tiruppur, Erode, Salem, Yelahanka, Dharmavaram, Mantralayam Road and Wadi," the Ministry of Railways said in a statement.

The Bharat Gaurav policy, launched in November last year, allows private players to operate trains on theme-based circuits.

Who operates the first Bharat Gaurav train?

South Star Rail is the registered service provider that operates this train. The Coimbatore-based entity is a registered company and is part of the group — Future Gaming & Hotel Services Pvt Ltd. The service provider has paid Rs 1 crore as security deposit to Southern Railway for the rake with a composition of 20 coaches.

"Besides, the company has paid Rs 27.79 lakh for annual Right to Use charges and quarterly fixed haulage charges of Rs 76.77 lakh. In addition, variable haulage charges of Rs 38.22 lakh also have been collected towards the current round trip. All these charges are excluding GST," the ministry said.

What does the train ride offer?

The trains under the scheme have one first AC coach, three 2 Tier AC coaches and eight 3-tier coaches along with five sleeper class coaches.

There will also be a doctor on board to attend any emergency along with private security engaged along with the Railway Police Force.

"The registered service provider has refurbished the interiors of the coaches and all the coaches will be manned with round-the-clock cleaning staff and a whole team of service professionals to offer passengers a wholesome experience. Public address system has been provided in all coaches for regular communication, playing of devotional songs and mantras," the ministry said.

It added that the registered service provider "also offers a package fare which includes transportation from Coimbatore to Shirdi and back, VIP darshan, bus arrangement, air-conditioned accommodation, facilitation by tour guide".

What is the Bharat Gaurav policy?

According to the Bharat Gaurav policy, any operator or service provider, or virtually anyone, can lease trains from Indian Railways to run on a theme-based circuit as a special tourism package. The tenure of the arrangement is a minimum of two years and maximum of the codal life of the coach. The operator has the freedom to decide the route, the halts, the services provided, and, most importantly, the tariff.

The IRCTC runs such theme-based tourist trains, for instance, the Ramayana Express, which goes on a tour of several places connected to Lord Ram.

In such packaged tours, typically the passengers stop over at a place, stay at hotels, undertake sightseeing, etc. — all organised by tour operators.

The Bharat Gaurav operator will also have to propose a similar business model wherein it takes care of local transport, sightseeing, food, local stays, etc. along with operating the trains.

Anyone can approach Railways to lease the 3,033 conventional Integral Coach Factory-design coaches earmarked for this segment. In fact, if the operator finds it feasible, then it can even purchase rakes from Indian Railway production units and run them.

Each train will have between 14 and 20 coaches (including two guard coaches or SLR. The operator has to, however, take care of end-to-end, comprehensive service like hotel stay, local arrangements, etc. These trains cannot be used as ordinary transport trains between an origin and destination.

What is the Indian Railways' role under the policy?

It will provide staff to drive the trains, guards and also maintenance staff on board for the coaches. Other staff, like housekeeping and catering, etc, will be deployed by the operator. It will also ensure that its entire infrastructure is in place to safely and efficiently host the train in its network. It will also give these priority in its paths, like the Rajdhani and premium trains, so that these trains are not held up or sidelined to make way for regular trains.

Source: The Indian Express

6. Russia's fight for Sievierodonetsk, and its parallels with Mariupol

Relevant for GS Prelims & Mains Paper II; International Issues



Smoke rises after a military strike on a compound of Sievierodonetsk's Azot Chemical Plant, amid Russia's attack on Ukraine, Lysychansk, Luhansk region, Ukraine June 10, 2022. (Reuters)

As the Russia-Ukraine war crosses over 100 days, the battlefield has shifted from Kyiv, Kharkiv and Mariupol to the eastern city of Sievierodonetsk in the strategically significant Donbas region.

Donbas, an industrial region comprising of Luhansk and Donetsk provinces, is partially under the control of Russia-backed rebel fighters. Since May, the fighting has focused on Sievierodonetsk, a city in Luhansk province around 140 km away from the nearest Russian border. It is home to several production plants, chemical and machine-building factories. As of June 15, 80 per cent of the city is reportedly under Russian control.

What we know of Sievierodonetsk's Azot factory

In Sievierodonetsk, as the Russian troops advance nearer to its goal of occupying the whole city, hundreds of civilians, including children and the elderly, have taken refuge in the city's huge Azot chemical plant. Also known as the Sievierodonetsk Azot Association, the plant is owned by Group DF's OSTCHEM holding. It is one of the group's four mineral fertiliser producers in Ukraine, along with the Azot plant in Cherkasy, the Concern Stirol plant in Horlivka and the Rivne Azot in Rivne, according to the official website.

In a statement issued on June 9, Group DF said that the factory was shelled repeatedly, resulting in damage at "at least two workshops of the chemical enterprise including a major one, i.e. 1-5 ammonia production facility".

"No discharge of toxic elements into the environment was recorded, as all the fertilizers and chemicals were removed from the territory of the enterprise on the 2nd day of the war," it said in a press release, after speculation emerged of leakage of harmful raw materials, including ammonia.

The group's communication head framed the attack as an attempt to disrupt the grain and fertilizer exports by attacking the Nika-Tera seaport, a medium-sized seaport located in the Black Sea. The port offers services in storing and shipping of grain cargos, mineral fertilisers, liquid bulk cargos, packaged-piece cargos, and vegetable oils of sunflower, rapeseed and soya, among others.

"This is not just an aggressive attempt to seize the territory of Sievierodonetsk. This is a barbaric attempt to undermine food security. They knowingly attack our Nika-Tera seaport, which is a major grain terminal, and hit a fertilizer manufacturer. We face a planned, cynical instigation of a food crisis on a global scale. Ukraine will not be affected by the food crisis, as the country produces much more food than is needed. Indeed, they seek to provoke the global food crisis," said Oleg Arestarkhov, Head of Corporate Communications, Group DF in an official statement.

Parallels with Mariupol siege

As fighting continues, it has emerged that the situation in Sievierodonetsk could turn out to be similar to that of Mariupol in the past few months. In May, hundreds of civilians and fighters who were holed up in the city's sprawling Azovstal steelworks plant had laid down arms and surrendered to the Russian forces after weeks of desperate resistance.

The surrender — though Ukraine refused to term it as such — had been touted as a rare victory for Russian President Vladimir Putin. However, it had sparked concerns over the conditions of surrendered Ukrainian troops, many of whom were reportedly sent to a Russian prison colony.

What next?

As was done in Mariupol, attempts are being made to evacuate civilians from Sievierodonetsk via a humanitarian corridor, though it remains to be seen how successful that attempt would be. In Mariupol, several attempts to establish safe passage for civilians failed after the ceasefire was broken due to various issues. On Wednesday, Russia said it had opened a humanitarian corridor from Azot to allow civilians to escape the territory it controls and accused Ukraine's forces of using civilians as human shields, which Kyiv has denied.

Meanwhile, Russia on Monday called on the Ukrainian troops holed up in a Sievierodonetsk chemical plant to lay down their arms. Russian news agency Interfax reported that the head of the country's National Defence Management Centre asked the fighters to "stop their senseless resistance and lay down arms" from 8 am Moscow time (0500 GMT). However, Ukrainian troops ignored this ultimatum.

The city's mayor, Oleksandr Stryuk, said Ukrainian troops were still defending the city, even though all of its river bridges had been destroyed, reported news agency *Reuters*.

While the exact number of those sheltering in the plant is unknown, Ukraine puts the number at over 500 civilians, including 40 children, besides soldiers. However, the separatists in the area said the actual number is over double the official estimates, claiming over 1,200 civilians may be inside, said the *Reuters* report.

Source: The Indian Express

7. Govt's new guidelines banning surrogate ads

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

Sellers of alcoholic beverages have asked the government to provide clarity on 'surrogate advertisements', which have been banned under the new guidelines to tackle misleading advertisements.

The guidelines were issued on June 10 by the Central Consumer Protection Authority (CCPA), and include a Rs 10 lakh penalty for first violation and a Rs 50 lakh penalty for subsequent violations. Notified by the Consumer Affairs Ministry, the guidelines were issued days after outrage over a controversial perfume ad.

What do the new advertising guidelines say?

The Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022, have been released to "protect the consumers" and "to ensure that consumers are not being fooled with unsubstantiated claims, exaggerated promises, misinformation and false claims".

These guidelines focus on misleading ads and ads shown during programming for children. Surrogate ads, meanwhile, have been banned completely. Misleading ads have not been defined, instead characteristics of non-misleading ads have been mentioned such as those which "contain truthful and honest representation" and do not exaggerate benefits.

On advertisements aimed at children, detailed criteria has been spelt out to disqualify certain ads, such as: ads that encourage practices detrimental to children's physical health or mental well-being, imply children are "likely to be ridiculed or become less popular" if they do not purchase the goods, and ads that use qualifiers such as 'just' or 'only' to make the price of goods seem less expensive even when additional charges are present.

What is surrogate advertising?

Surrogate advertising is the strategy of advertising a product that cannot be advertised openly. Advertisers instead create ads that help in building a brand, and often involve popular celebrities – all without naming the actual product that is being indirectly advertised.

In India, tobacco products and alcohol cannot be advertised openly under laws like the Cigarette and Other Tobacco Products Act, 2003, which bans all kinds of direct and indirect advertisements of tobacco products. To circumvent them, surrogate advertising is done.

A few years ago, the Delhi government pulled up actor Pierce Brosnan for endorsing an Indian pan masala brand. Brosnan claimed he was "cheated" by the brand and unaware of the fact that the "breath freshener" ad was a surrogate ad used to disguise the actual product – areca nut or supari, which the Delhi government argued was a cancer-causing agent.

Why are advertisers seeking clarity?

As per the new guidelines, a surrogate ad will refer to an ad which indicates directly or indirectly to consumers that it is an advertisement for the goods whose advertising is prohibited. Using any brand name, logo, colour, etc. associated with goods whose advertisement is banned is also not allowed.

This is the area that needs clarity, said the liquor sellers. Companies put their name on objects such as water bottles, or events like music festivals for surrogate advertising, but some of these products exist on their own as well. Whether advertising these objects and events will then also be prohibited is unclear at present, advertisers have sought to know.

Source: The Indian Express