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1. Bangladesh tribunal issues arrest warrant against Sheikh Hasina: Can she be extradited from India?

Introduction

Bangladesh's International Crimes Tribunal recently issued an arrest warrant against former Prime Minister Sheikh Hasina for her alleged involvement in "crimes against humanity" that took place during recent mass protests which led to her ouster.



Bangladesh court issues arrest warrant for ex-prime minister in protester deaths

In total, the ICT issued arrest warrants for 46 persons, including top Awami leaders who have since fled the country, for "committed massacres, killings and crimes against humanity in July to August". According to Bangladesh's interim health ministry, more than 1,000 people were killed in the violence this summer.

The last official whereabouts of Hasina, 77, was the Hindon airbase near New Delhi. While she was initially expected to stay in

India only for a brief while, her attempts to get asylum elsewhere have thus far failed. Now that an arrest warrant has been issued, can Dhaka seek Hasina's extradition?

Do India and Bangladesh have an extradition treaty?

Yes. India and Bangladesh signed an extradition treaty in 2013, which was then amended in 2016 to ease and hasten the exchange of fugitives between the two countries.

The treaty came into being in the context of several Indian fugitives, particularly those belonging to insurgent groups in the North East, hiding in and operating out of Bangladesh. At the same time, Bangladesh had been facing trouble from outfits such as Jamaat-ul-Mujahideen Bangladesh (JMB), whose operatives were found to be hiding in states like West Bengal and Assam in India.

The treaty allowed India to successfully extradite Anup Chetia, a top United Liberation Front of Assam (ULFA) leader, from Bangladesh to India in 2015. Since then, one more fugitive has been handed over to India by Bangladesh through the extradition route. According to sources, India too has handed over a couple of Bangladesh fugitives to its neighbour through this treaty.

What does the treaty say?

According to the treaty, India and Bangladesh are supposed to extradite individuals “who have been proceeded against... or have been charged with or have been found guilty of, or are wanted for... committing an extraditable offence” by a court of the requesting country.

An extraditable offence, the treaty says, is one which carries a minimum punishment of one year imprisonment. This includes financial offences. Crucially, for an offence to be extraditable, the principle of dual criminality must apply, meaning that the offence must be punishable in both countries.

The treaty says that extradition shall also be granted if there is an “attempt to commit or aiding, abetting, inciting or participating as an accomplice in the commission of an extraditable offence”.

Are there exceptions to these rules?

Yes. The treaty says that extradition may be refused if the offence is of “political nature”. But this is limited by the nature of offence. And the list of offences which cannot be deemed as “political” is rather long.

These include murder; manslaughter or culpable homicide; assault; causing of an explosion; the making or possession of an explosive substance or weapons by a person intending to endanger life; the use of a firearm with intent to resist or prevent arrest; damaging property with intent to endanger life; kidnapping or taking of a hostage; incitement to murder; and any other offence related to terrorism.

So, can Hasina be extradited by Bangladesh?

Hasina is a political player, and she can claim to seek political asylum in India. However, some of the offences for which she has been booked are excluded from the definition of political crimes in the treaty. This includes cases of murder, enforced disappearance, and torture.

On August 13, Hasina was booked for the murder of a grocery store owner who had died in police firing last month. The very next day, a case of enforced disappearance was filed against her on the charge of kidnapping a lawyer in 2015. On August 15, Hasina was slapped with charges of murder, torture and genocide in a third case.

Things are further complicated by the fact that a 2016 amendment to Article 10 (3) of the treaty did away with the requirement for the requesting country to provide evidence of the offence committed. Now, merely an arrest warrant by a competent court of the requesting country is needed to process an extradition.

Given a request, will India have to send Hasina back?

Not necessarily. There are grounds spelt out for refusal of extradition requests in the treaty. Article 7 of the treaty says that “the request for extradition may be refused by the Requested State if the person whose extradition is sought may be tried for the extradition offence in the courts of that State.” This is not applicable in Hasina’s case.

That said, Article 8 lists out multiple grounds for refusal including cases in which an accusation has not been “made in good faith in the interests of justice” or in case of military offences which are not “an offence under the general criminal law”.

India has the option of refusing Hasina’s extradition on the ground that the accusations made against her are not “in good faith in the interests of justice”. But this has the potential to adversely impact New Delhi’s relations with Dhaka’s new ruling dispensation.

So, what should India do?

India has to look to build relations with whoever comes to power in Dhaka, and secure its long term strategic and economic interests in Bangladesh. At the same time, it must also be seen to be standing by Sheikh Hasina, a long time friend and ally to New Delhi.

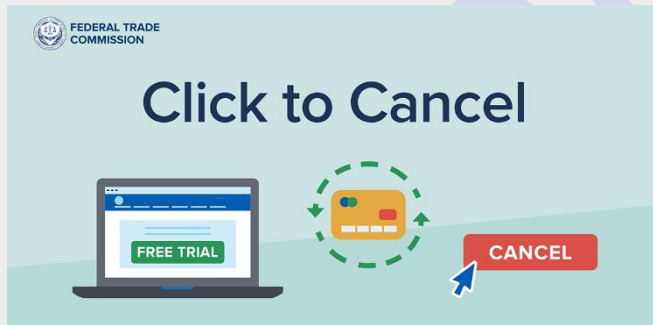
Relevance: GS Prelims & Mains Paper II; International Relations

Source: Indian Express

2. What is the new ‘click-to-cancel’ rule in US?

Introduction

The United States’ Federal Trade Commission (FTC) will soon implement a “click-to-cancel” rule, which will make it significantly easier for consumers to cancel their subscriptions and memberships, and make companies liable to face civil penalties for complicating the cancellation process.



What does the new rule say?

According to the FTC press release, sellers will be required to “make it as easy for consumers to cancel their enrollment as it was to sign up”. Notably, cancellations will have to be offered through the same medium (online, phone, etc.) people used to sign up, and it shouldn’t be overly burdensome.

Some crucial guidelines are as follows:

- Companies cannot require people to talk to a live or virtual representative to cancel if they did not have to do that to sign up;
- Companies cannot charge extra for phone cancellation, and must answer the phone or take a message during normal business hours. If they take a message, companies have to respond promptly;
- For memberships/subscriptions that were originally offered in person, companies cannot mandate an in-person subscription, and have to offer options for cancellation online or on the phone;

To whom will the rule be applicable to? How?

It will apply to “almost all negative option programs in any media” including “prenotification and continuity plans, automatic renewals, and free trial offers, whether the offer appears online, on the phone, or in person.”

The FTC defines “negative option” programmes as “companies assuming a customer accepted a service unless they specifically rejected it”. This would include something like a consumer agreeing to a one-week trial, and not cancelling it before being billed for regular membership. The final rule will provide a legal framework preventing sellers from:

- Misrepresenting any material fact made while marketing goods or services with a negative option feature;
- Failing to clearly and conspicuously disclose material terms prior to obtaining a consumer’s billing information in connection with a negative option feature;
- Failing to obtain a consumer’s express informed consent to the negative option feature before charging the consumer; and
- Failing to provide a simple mechanism to cancel the negative option feature and immediately halt charges.

Why was this rule brought in?

The rule is part of the FTC’s ongoing review of its 1973 Negative Option Rule, which the agency is modernising to “to combat unfair or deceptive practices related to subscriptions, memberships, and other recurring-payment programs in an increasingly digital economy where it’s easier than ever for businesses to sign up consumers for their products and services”. According to the Commission, while negative option marketing programmes are convenient for sellers, the FTC receives thousands of complaints about negative option and recurring subscription practices each year, with the number of complaints steadily rising over the past five years. In 2024, the number of daily complaints rose to nearly 70, up from 42 in 2021.

According to Forbes, the heightened concern around hard-to-cancel subscriptions and memberships has materialised alongside a growing subscription economy, and a spike in subscription prices.

A study conducted in 2022 by Michigan-based C R Research found that 42% of consumers had forgotten they were paying for services they did not use, and that customers generally underestimated the monthly cost of their subscriptions by an average of \$133.

In the past, the FTC has gone after companies like Adobe, Amazon, Brigit, and Planet Fitness for allegedly making consumers’ subscriptions hard to cancel.

Is there a similar regulation in India?

No. India does not have any such regulation at the moment.

Relevance: GS Prelims; Economics

Source: Indian Express

3. SCO Summit 2024 Pakistan attended by Jaishankar: Key takeaways

SCO Summit, S Jaishankar Pakistan Visit

The heads of government meeting of the Shanghai Cooperation Organisation (SCO) was attended by India, Pakistan, China, Russia and six other member countries October 17. External Affairs Minister S Jaishankar travelled to Islamabad for the meeting, the first such visit in nine years.



The meeting saw some cautious movement on India-Pakistan ties, while India remained the only SCO member to not endorse China's Belt and Road Initiative. Jaishankar also flagged India's concerns about China and Pakistan in veiled references.

The SCO's member countries are India, China, Pakistan, Russia, Iran,

Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and Belarus.

Cricket back on table for India and Pakistan?

Jaishankar and his Pakistani counterpart Muhammad Ishaq Dar, who is also the Deputy Prime Minister, spoke twice in less than 24 hours, and there were indications that these talks explored the idea of resuming some form of cricketing ties between the two countries. Sources underlined that these conversations are preliminary, but the talks open a window and a possible first step could be the Champions Trophy being hosted by Pakistan next February.

Message to Pakistan

In his address, Jaishankar listed the key challenges that the SCO was committed to combating — terrorism, separatism and extremism.

The SCO Charter lists among its "main goals and tasks" the strengthening of "mutual trust, friendship and good neighborliness between the member States" and also "combating terrorism, separatism and extremism".

In a reference to Pakistan, Jaishankar said, "If activities across borders are characterised by terrorism, extremism and separatism, they are hardly likely to encourage trade, energy flows, connectivity and people-to-people exchanges in parallel."

Reference to China

In what is being seen as a reference to China and its Belt and Road Initiative (BRI), he said, "Cooperation must be based on mutual respect and sovereign equality. It should recognise territorial integrity and sovereignty. It must be built on genuine partnerships, not unilateral agendas. It cannot progress if we cherry-pick global practices, especially of trade and transit."

The Belt and Road Initiative

China's President Xi Jinping announced the 'Belt' during his visits to Kazakhstan in 2013. The 'Belt' plan was to revitalise a series of trading and infrastructure routes between Asia and Europe. Connectivity through Central Asia was a key element of the initiative. Subsequently, Xi

announced a sea trade infrastructure called 'Road'. This maritime 'Road' would connect China with Southeast Asia, Europe and Africa. The major focus has been to build ports, bridges, industry corridors and other infrastructure throughout South East Asia and the Indian Ocean. India has always opposed the BRI on grounds of territorial integrity and sovereignty, as it passes through Pakistan-occupied Kashmir. New Delhi has also highlighted that countries in which BRI projects are built risk falling into China's debt trap.

Pakistan, meanwhile, is an enthusiastic supporter of BRI, as the China Pakistan Economic Corridor (CPEC), a key part of BRI, envisages significant infrastructure development in the country.

Sanctions, trade protectionism raised

The SCO meeting saw criticism of "unilateral sanctions" that Western nations have imposed on members like Russia and Iran.

"The heads of delegations emphasised that the unilateral application of sanctions is incompatible with the principles of international law and has a negative impact on third countries and international economic relations," the communique said, according to Dawn. Sanctions on Iran and China affect the capabilities of smaller, needier nations to trade with them, as they fear a backlash from the US and other western countries. Pakistan is a prime example.

China criticised the high tariffs countries like the US and Canada have imposed on its goods, though it has responded with retaliatory tariff hikes of its own.

Relevance: GS Prelims & Mains Paper II; International Organisations

Source: Indian Express