

Forum IAS

7 PM COMPILATION

1st TO 14th March, 2021

Features of 7 PM compilation

- ❖ Comprehensive coverage of a given current topic
- ❖ Provide you all the information you need to frame a good answer
- ❖ Critical analysis, comparative analysis, legal/constitutional provisions, current issues and challenges and best practices around the world
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Issue of lateral entry into the bureaucracy – Explained pointwise

Introduction

Recently, the Union Public Service Commission (UPSC) has issued an advertisement. It is seeking applications for lateral entry in 30 government posts including joint-secretary level, director level postings. Similarly, in 2019 also, the UPSC recommended the appointment of nine professionals as joint secretaries. There is still a wider debate going on about lateral entry into civil services. The recent advertisement from the UPSC has again stirred the debate.

What is Lateral Entry?

1. The word lateral means 'from the side or sideways'. Hence, lateral entry involves the **appointment of specialists from the private sector** at middle and senior-level positions in the Central government.
2. The lateral entry appointments are done on a **contractual basis**. Since it is not a permanent post like regular government jobs, it will dilute the monopoly of bureaucrats in the government departments.
3. The appointments are mainly made to the post of Director, Joint Secretary, and Deputy Secretary.
4. The maximum age limit for joint secretaries is 45 years and for director-level posts, it is 35 years.
5. The process was adopted as numerous agencies and groups had recommended it in the past.

Agencies/ Committees supporting lateral entry:

1. The **Constitution Review Commission recommendation of 2002**: The Commission supported the lateral entry. It recommended that there is a **"Need to specialise some of the generalists"** by infusing new talents from the private sector.
2. **The 2nd Administrative Reform Commission recommendation of 2005**: The 2nd ARC recommended an **institutionalized, transparent process for lateral entry** at both the Central and State levels.
3. **Other such recommendations**: Eminent institutions and groups have also supported the idea of lateral entry into civil services.
 - o The **NITI Aayog** in its **three-year Action Agenda** supported this idea.
 - o Similarly, the **Sectoral Group of Secretaries (SGoS) on Governance** in their 2017 report also supported the idea of lateral entry into public services.

Why India needs Lateral Entry into civil services?

1. Lateral entry will **ensure a balance in public service**. After the economic reforms in 1991, the Indian government has taken the role of facilitator of public services. The civil servant **sees the government from within**, lacks the view of other stakeholders (private sector, NGO's, etc). The Specialist, on the other hand, has **domain knowledge and sees the government from outside**. Thus, specialists will be able to address complex administrative challenges. Further by providing the private sector and NGOs an opportunity to participate in the governance process, lateral entry will also **strengthen participatory governance**.
2. The **availability of external manpower** to help in meeting the shortage of personnel.
 - a. The **Baswan Committee** (2016) pointed out how large states such as Bihar, Madhya Pradesh, and Rajasthan have a deficit of 75 to over 100 IAS officers.

Due to this, they are unwilling to sponsor officers to go to the Centre on deputation. This can be overcome by encouraging lateral entrants.

3. The recruitment of private individuals as consultants, officers on special duty by Central government ministries has given fruitful results. Thus, there is a need for encouraging private participation at middle-level positions to **improve efficiency**.
 - a. For example, Mr. Montek Singh Ahluwalia (Economic Adviser in the Ministry of Finance) and C Rangarajan were few notable examples for lateral entry.
4. Lateral entry will also **solve two major flaws** in public service recruitment.
 - a. There are many potential and good administrators who do not participate in examinations conducted by the government during their young age. Lateral entry can be a good opportunity for them.
 - b. There is also a good administrator who fall short of government requirements at a younger age. But gained a significant amount of talent at a later age. Lateral entry will provide an opportunity for him/her.
5. Lateral entry will **promote a sense of competition** in bureaucracy. It will induce them to develop expertise in areas of their choice. This will **reduce the self-righteous behaviour of government officials**.

Criticisms against the process of Lateral Entry

1. There is an **ambiguity in the recruitment process**. There is no clear policy on the determination of vacancy, shortlisting of candidates, evaluation procedure etc.
2. Large-scale lateral induction may **discourage motivated and talented officers**. Such a move gives a signal that the present officers are not competent to run the government.
3. Lateral entrants might have **less field experience**. The government officials reaching top positions serve 10-15 years at ground level. But the lateral entrants hired based on their theoretical (subject) experience might not have a field or practical knowledge about the government policy and its implementation.
4. Lateral entry might act as a **barrier for many aspirants preparing for competitive exams in the long run**. As lateral entry means a decreased probability of reaching higher positions thereby discouraging the best talents to apply for these jobs.
5. The lateral entrants would find it **difficult to assimilate** in the bureaucratic structure within their short contractual time. This will reduce the probability of delivering optimum results within due time.
6. A potential conflict of interest may arise in policy framing. Private people may be focused on profit maximization while government officials aspire to public service.
7. The vulnerable sections like SCs, STs, etc. have criticized the process **for sidelining the reservation policy**. As the UPSC does not offer any reservation policy for lateral entrants.

Suggestions

1. **Too much induction from lateral entry should be avoided** so that a fine balance between government officials and lateral entrants can be maintained.
2. The **“13-point roster” system should be implemented in the reservation**. This will ensure collective vacancies are not portrayed as numerous single post advertisements.

What is a 13 point roster formula?

It is the **Supreme Court backed formula** for determining reservation in postings. **After filling 13.33 positions** (14 in the round figure) only, every **reserved category gets at least one post**. For example, consider if there were 13 vacancies. Based on

the 13 point formula, every 4th, 7th, 8th, 12th, and 14th vacancies are reserved for OBCs, SCs, OBCs, OBCs, STs respectively.

3. A greater weightage can be given for **'prior consultation work'** with the government. As these people will face less difficulty in assimilation with the bureaucratic structure.
4. The recruitment and service rules for lateral entry posts have to be **clearly defined and made incentive-compatible**. Apart from that, the UPSC also ensure transparency in the recruitment process. It can be done by steps like,
 - o Framing a basic entry-level test to check the analytical skills, judgement capabilities, and personality traits.
 - o Exploring the options of **allocating cadres and putting them at least one year** under State governments. During this phase, **training lateral entrants in their respective position at the field level**.
5. The **appointment should be restricted to sectors** of finance, economy and infrastructure which are only technical in nature. It shouldn't be extended to Home, Defence, Personnel etc.
6. India can also adopt good practices from the **lateral entry system adopted by more developed parliamentary democracies** like the UK.

Conclusion

The performance of the Indian bureaucratic structure can definitely be complemented with the lateral entry process. Lateral entrants can complement the regular government officials by bringing in new outside talents, pushing the government officials to work more for public welfare, etc. But a definite policy is the need of the hour to make the system of lateral entry more inclusive, transparent and effective.

The Collegium System – Explained Pointwise

Introduction

The Collegium System was introduced in response to the executive interference in judicial appointments. However, this system has failed to protect judicial appointments from executive interference. It is due to the reasons like Post-retirement appointments of judges. At present, the collegium comprises of CJI (Chief Justice of India) and 4 senior-most judges of the Supreme Court. Despite various criticisms and attempts to reform the appointments and transfers process, the collegium system still persists and remains stronger.

Current Scenario

- The appointments of the judges are formally made by the President of India on the recommendation of the collegium. These proposals are processed through the Ministry of Law and Justice.
- The system was **recently in the news** as two judges of collegium expressed caution to CJI. These two judges were against the proposed elevation of 22 lawyers as High Court judges in Bombay. They felt that the proposed people were lacking in integrity and shouldn't be appointed.
- In the past also the CJI had ignored the veto of senior Judges and appointed a judge. Later on, that judge went ahead and delivered an absurd verdict on the POCSO (Protection of Children from Sexual Offences) Act. (As per which skin-to-skin contact is necessary for convicting an individual for sexual harassment under the act.)

About Collegium System

- It is the system by which the judges are appointed and transferred only by the judges.
- This system is not formed by an Act of Parliament or by a Constitutional provision. Instead, it is the system **evolved by the judgments of the Supreme Court**.
- The SC collegium is headed by the CJI and comprises of four other senior-most judges of the court.
- An HC collegium is led by its Chief Justice of High Court and four other senior-most judges of that court.
- The names recommended for appointment by a High Court collegium reach the government only after approval by the CJI and the Supreme Court collegium.
- The government can return the recommended Judge for reconsideration by Collegium.
- If the collegium reiterates its recommendation then the government is mandated to appoint a person.
- The system was introduced for strengthening and improving the appointment process.

Evolution of Collegium System

1. **Article 124(2)** of the Indian Constitution provides that the Judges of the Supreme Court are appointed by the President. He/she **should consult** such a number of the Judges of the Supreme Court and of the High Courts in the States as he/she may deem necessary for the purpose.
2. **Article 217** of the Indian Constitution states that the Judge of a High Court shall be appointed by the President **in consultation with** the Chief Justice of India and the Governor of the State. Further, the Chief Justice of the High Court should also be consulted except in case of his/her own appointment.

3. **In First Judges Case (1981)** – The court said **consultation under Article 124 doesn't mean concurrence (unanimity)**. Based on this judgement, the President is not bound by CJI's advice.
4. **In Second Judges Case (1993)** – The court **overruled its previous decision** and said CJI's advice is **binding**. Further CJI is required to formulate its advice based on a collegium of judges consisting of CJI and two senior-most SC judges.
5. **In Third Judges Case (1998)** – The court expanded the collegium to a **five-member body** to include the CJI and the four senior-most judges of the court after the CJI.
6. **In the Fourth Judges Case (2015)**– The SC upheld the primacy of the collegium. Further, the court strikes down the NJAC (National Judicial Appointments Commission) Act as unconstitutional. The Court held that the Act gave the government significant powers to appoint Judges. The Court held the Act **encroached upon the judiciary's independence and undermined the basic structure**.
 - o The NJAC comprised of 3 judges of SC, a central law minister, and 2 civil society experts.
 - o A person would not be recommended by NJAC if any 2 of its members did not accept such recommendation, making the appointment process more broad-based.

Need for Collegium System

1. It **separates the judiciary from the influence of the executive and legislative**. This ensures **impartial and independent functioning**. So, the collegium system strengthens the principle of **separation of powers** (no organ of State should intervene in the functioning of another).
2. The **State is the main litigant** in Indian Courts. **About 46%** of total cases pending in India **pertains to the government**. If the power to transfer the judges is given to the executive, then the fear of transfer would impede justice delivery.
3. The **executive organ is not a specialist** or does not have the knowledge regarding the requirements of the Judge. Therefore, it is better if the collegium system appoints Judges.
4. The **political vulnerability in India**- The government handling the transfers and appointments is prone to nepotism. For example, there are ample amount of evidences where the [civil servants were transferred for political gains](#). This cannot be feasible with the present collegium system. Further, the **collegium system provides stability** to the judges.

Criticisms of the Collegium System

1. It gives enormous power to judges that **can be easily misused**. The collegium system has made India, the **only country where judges appoint judges**.
2. The selection of judges by collegium is **undemocratic**. Since judges are not accountable to the people or representative of peoples i.e. executive or legislative.
3. There is **no official procedure for selection or any written manual for functioning**. This creates an **ambiguity** in the collegium's functioning.
4. Sons and nephews of previous judges or senior lawyers tend to be popular choices for judicial roles. Thus, it **encourages mediocrity in the judiciary** by excluding talented ones and breeds **nepotism**.
5. The **delays over the appointment are still persistent**. The Supreme Court last appointed a judge in September 2019, and it currently has four vacancies, which is expected to be increased further this year.

6. The **procedure lacks uniformity**- Sometimes a judge of HC is elevated as chief justice of the same HC while in other cases he/she is made chief justice of some other high court.
7. **Proactive decisions on improving transparency** were rolled back to secrecy. This includes the practice of disclosing the reasons while announcing the collegium's decision.

Suggestions

1. The Centre **needs to act on collegium's decision** within a **specific time frame** so that delays are minimized. Many names for appointments to the High Courts of Bombay and Allahabad are pending before the government since May 2020.
2. Both the Centre and Judiciary **must stop the blame game** and focus collectively on reforming the appointment process. A consensus needs to be developed on a **memorandum of procedure**. This procedure has to include few important provisions such as,
 - a. Involving an agreement between the judiciary and the government which contains a set of guidelines for making appointments to the higher judiciary.
 - b. It should be **based on four criteria**, such as **transparency, eligibility criteria** for judicial appointments, **a permanent secretariat** to assist the collegium, and **a mechanism for complaints** against candidates.
3. At present, the collegium only puts out a public statement on who has been recommended. But it does not disclose who has been dropped out and for what reason. So, the collegium system must revert to an earlier practice of providing **rational reasons for its decision**.
4. Further, a **written manual** should be released by the Supreme Court. The manual should be followed in letter and spirit during appointments and transfers.
5. The Supreme Court should also release the records of **all collegium's meetings in the public domain** in order to ensure transparency and rule-based process.
6. Apart from reforming the collegium system, the quality of judges can also be improved through the **implementation of All India Judicial Services (AIJS)**.

Conclusion

The system of appointments should be improved expeditiously as High Courts across the country are short of over 400 judges. A future rise in pendency of cases can be tackled only when the judiciary and executive are willing to negotiate with a citizen-centric spirit. For that, reforming the collegium system is a good step in right direction.

Cyber attacks and Cyber Security in India – Explained Pointwise

Introduction

Recently there were [many instances of Chinese led cyber-attacks](#) on Indians and India based companies. A US-based cyber group has informed about Chinese hackers **targeting Indian companies that developed Covid-19 vaccines** ([Covaxin and Covishield](#)). Similarly, another US report informed about a Chinese firm (Red Echo) that was using **malware called ShadowPad** to target India's power sector.

There were also evidences that some of these Chinese led cyber-attacks were backed by the Chinese government. Apart from China, India has also faced cyber-attacks from Russia, North Korea and other countries. These examples highlighted the need to strengthen India's [cyber security](#) infrastructure.

What is Cyber Security?

- It is the practice of defending computers, servers, mobile devices, electronic systems, networks, and data from malicious attacks.
- There are **4 main types of threat to cyber security**:
 - **Cyber espionage**: It is an Intelligence gathering and data theft activity. The data theft will occur without the user's permission/knowledge.
 - **Cyber warfare**: It refers to the use of digital attacks (like computer viruses and hacking) by one country to disrupt the computers or information networks of another country.
 - **Cyber terrorism**: It refers to the convergence of terrorism and cyberspace. In this, the terrorists will use the internet to conduct violent activities such as threats, loss of life etc. Terrorists will use cyberspace to achieve their political and ideological gains.
 - **Cyber crime**: It is any criminal activity that involves a computer, networked device or a computer network.

Few recent examples of cyber attacks in India

Global Cyber Security Index 2018 positioned India at 23rd place globally. The report mentioned India's vulnerability to cyber-attacks. Some of the examples of cyber attacks are:

1. A Goldman Sachs backed firm Cyfirma has reported that Chinese hacker group APT 10 (also known as Stone Panda) had **allegedly attacked the Covid-19 vaccine** manufacturers in India. Cyfirma has also mentioned that there were links between the Chinese government and Stone Panda.
2. In **November 2020 Microsoft detected** cyber attacks from Russia and North Korea. Microsoft mentioned that these attacks were targeting the Covid-19 vaccine companies in India, France, Canada, South Korea and the United States.
3. Similarly, in February 2021, a US-based cyber company had mentioned about the Chinese group called Red Echo. They cautioned that Red Echo was using **malware called ShadowPad** to target India's power sector.

Government initiatives to strengthen Cyber Security in India

The Indian government have taken many steps to strengthen cyber security. They are,

1. **Information Technology Act (IT) 2000** – It is the primary law for dealing with cyber-crime and digital commerce in India.
 - a. The act covers a broad range of offences including child pornography, cyber terrorism etc.
 - b. **Section 75** of the Act empowers the government to punish people located outside India who is accused of the offence.

2. **National Cyber Security Policy, 2013:** The policy provides the vision and strategic direction to protect the national cyberspace. Some objectives of the policy are:
 - a. To **create a secure and robust cyber-ecosystem** and building adequate trust and confidence in electronic transactions.
 - b. The policy aims to **guide stakeholder's (users) actions** for ensuring protection in cyberspace.
 - c. To **strengthen the regulatory framework** in India for ensuring secure cyber ecosystem.
 - d. To develop suitable indigenous technologies in the ICT sector.
3. **National Critical Information Infrastructure Protection Centre (NCIIPC):**
 - a. The NCIIPC was created by **Section 70A** of the IT Act.
 - b. It is designated as a **national nodal agency** in respect of critical information infrastructure protection.
 - c. It aims to protect and safeguard critical information infrastructure (CII) against cyberterrorism, cyberwarfare and other threats.
4. **CERT-In (Cyber Emergency Response Team – India)** – It was created by Section 70B of the IT Act. It is the national **nodal agency to respond against computer security threats** as and when required.
5. **National Cyber Security Coordination Centre (NCCC):** The NCCC is mandated to **perform real-time threat assessment**. Further, they also **create situational awareness** of potential cyber threats to the country. It was made operational in 2017.
6. **Cyber Swachhta Kendra:** It is a platform for users to analyse and clean their systems by removing various viruses, bots/ malware, Trojans, etc. It was launched in 2017.
7. **Cyber Surakshit Bharat Initiative:** It was launched in 2018. The initiative aims to **spread awareness about cybercrime**. The initiative also focus on the **capacity building** of Chief Information Security Officers (CISOs) and frontline IT staff across all government departments.
8. **Sandes Platform:**
 - a. It is an instant messaging platform like WhatsApp. It was previously named as Government Instant Messaging System(GIMS).
 - b. The platform can be used for all kinds of communications by anyone with a mobile number or email id. The platform will ensure secure communication between users.
 - c. It was launched in 2020 for State and Central government employees, now the scope has been extended to every citizen.

Challenges in tackling cyber offences

1. **Poor cyber security infrastructure:** Very few cities in India have cyber crime cells and the establishment of dedicated cyber courts is also very less in India.
2. **Awareness issue:** People don't report cyber crimes either due to low awareness or fear of harassment.
3. There are many **data-related problems** in ensuring cyber security. Such as,
 - a. The majority of Indian data is stored in data centres located outside India. So, the data storing companies not report cyberattacks to India.
 - b. Growing online transactions have generated bigger incentives for cybercriminals. A recent cyberattack on Zomato(food delivery app) is an example of that.
4. **Capacity deficit of officials:** The law enforcement agencies who are required to conduct cyber investigation often lack the requisite cyber skills and training.

5. **Anonymity:** Cyberspace allows individuals to hide or misrepresent one's profile using encrypting tools. This creates a larger challenge during the investigation.
6. **Jurisdictional concern:** In cyber offences, an individual can conduct a crime from sitting in a remote location of anywhere in the globe. A recent **Wannacry malware attack** is a perfect example of that. Even if the person gets identified it requires global cooperation to bring the person and conduct a trial in court.

Suggestions to improve cyber security

1. **Coordination Enhancement:** There is a need to improve coordination at international, national, state and local levels. An important step in this regard could be the **signing of the Budapest Convention on Cyber-crime** by the Indian government.

Budapest Convention on Cyber-crime: It is the first international treaty attempting to address cybercrime. The convention addresses cybercrime by steps such as harmonizing national laws, increasing cooperation among nations and improving investigative techniques in cybercrime.

2. **Robust Training of law enforcement agencies is the need of the hour.** The government will have to provide continuous, robust and effective training to law enforcement agencies and individuals with a special focus on cyber security and safe internet handling techniques.
3. **Infrastructure Development:** This would involve creating more cyber cells, cyber courts and cyber forensic labs so that the violators are duly punished.
4. **Inculcating Digital Literacy:** This can be done by addressing the vulnerabilities of the masses towards cyber offences.
5. **Responsibility on Service providers:** Website owners must be made more cautious towards traffic on their sites and report any irregularity. This will ensure **large scale data collection on cyber attacks**. These data can be used to create a new cyber security strategy in future.
6. **Amending of the Information Technology Act:** There is a need to put a legal responsibility on companies to conduct regular cyber security audits. For that, the IT Act can be amended to include mandatory cyber security audit by independent agencies.

Conclusion

The recent pandemic has once again shown the importance of cyberspace for mankind. Considering the need for cyber security the government needs to fast pace the **National Cyber Security Strategy 2020 and its implementation**.

Legacy Waste management in India – Explained Pointwise

Introduction

India produces 277 million tonnes of municipal solid waste annually, according to a 2016 estimate. This amount is equal to 13% of the global waste. At present, India only has 1604 solid waste treatment plants to treat this waste. They too, are not operating at their maximum capacity. So on an average, **India recycles only 20-25% of the waste generated**. The remaining waste remains untreated. They are getting dumped on lands or areas drained by water and river bodies. These legacy wastes pose various challenges to India.

India needs to reclaim or recycle or permanently close more than 3,000 dumpsites. It is because of various issues such as unscientific construction, attained maximum capacity, etc. The legacy wastes dumped for a long time create irreversible damage to the environment by leachate, emitting greenhouse gases, pollutes groundwater, etc.

What is legacy waste?

Legacy wastes or aged wastes are the wastes that are collected and kept for years at some barren land or a place dedicated to a Landfill (an area to dump solid waste). Legacy waste can be grouped into four categories:

- Contained and stored wastes (wastes stored in tanks, canisters, and stainless steel bins etc will come under this category)
- Buried waste
- Contaminated soil and groundwater
- Contaminated building materials and structures waste.

Composition of Legacy Waste

Legacy waste composition majorly depends upon the age of the landfill. The legacy waste composition primarily based on four significant fractions. Such as,

- Fine soil / sand-like material:** These are the decomposed and mineralized organic wastes mixed with silt, sand, and fine fragments of construction and demolition (C&D) wastes. This is the major fraction in the majority of landfills.
- Scrap polymeric and combustible materials:** These include plastics, paper, cardboard and textiles etc.
- Stones** (greater than 20 millimetres in size)
- Miscellaneous items:** These include broken glass, sanitary waste and diapers, metallic fractions such as razors, needles, etc.

The composition shows few important things:

- The proportion of metals found in legacy waste is almost negligible due to the informal sector engaged in recycling activity.
- The composition of aged waste is not the same as fresh municipal solid waste. The fine soil is the major waste in legacy wastes.
- Nearly **44-75 per cent of the waste (by weight)** comprises fine sand/soil-like material alone. According to a study by IIT Bombay, the fine sand will increase according to the age of landfill. Because with increasing time the degradation of organic waste also increases.

The Potential applications of legacy waste

Legacy waste has the **potential to create a sustainable business model (SBM)**. They are,

- The polymeric wastes obtained from dumpsites can be utilised in manufacturing refuse-derived fuel (RDF). Electricity produced from RDF can be utilised by energy-intensive industries and households.

2. The fine fraction can be used for several constructions and geotechnical applications such as soil cover in scientific landfills etc.

Need to recover the landfills

1. **Reclamation of Land:** India generates 13% of the global waste but only recycles about 20-25% of them. So landfills gets increased every day. At present India has 48 recognised landfills in India. They collectively occupy nearly 5000 acres of land (few of them are in prime locations). Without considering the environmental and societal benefits, these lands alone considered worth about Rs 100,000 Crore.
2. **The Capacity of Landfills:** It is also important to note that most of the landfills of megacities have already reached their maximum capacity and permissible height limit of 20 meters. For example, Delhi's oldest Ghazipur landfill and Asia's largest dumping ground, Deonar in Mumbai, continued to accumulate waste despite the Supreme Court's order regarding closure of these landfills. Often these landfills are criticised as **urban man-made mountains**. So treating all these waste itself is a challenge.
3. **Source for Pollution:** The untreated waste is the source of many environment pollution e.g. land, water, air etc. For example,
 - o Leachate (black liquid oozing out from the waste) contaminates soil and groundwater.
 - o The release of methane from the decomposition of biodegradable waste under anaerobic conditions can cause fires and explosions. The incident of fire is particularly high during summers. For example, frequent fires in the Deonar landfill in Mumbai and the Bhalswa landfill in Delhi.
4. **Health Impacts of landfills:**
 - o Uncontrolled burning of waste releases fine particles which are a major cause of respiratory disease and cause smog.
 - o Dumping sites provide breeding sites for mosquitoes thus increasing the risk of diseases such as malaria and dengue.

Challenges in Managing legacy waste

1. **The presence of heavy metals** poses challenges in managing legacy waste. The finer sand materials consist of chemicals such as cadmium, nickel, mercury, and organic pollutants also.
2. There is **not enough data available on legacy waste** in India. Even if the government wants to reclaim the land by processing the legacy waste, there is no data available with the government on the quantum of legacy wastes in all the landfills.
3. **One policy is not feasible:** The legacy waste components depend upon the age of the landfill. In India waste is dumped in various landfills at various times. This makes the character of legacy waste differ from one landfill to another and even within the landfill itself.
4. India **do not have enough capacity to process these landfills**. At present, India only has 1604 solid waste treatment plants. These plants are not enough to treat the present landfills.
5. **Unable to follow the CPCB guidelines.** The Central Pollution Control Board recommended 'bioremediation' to treat the legacy waste and reclaim the old landfills. But bioremediation is only possible for dumpsites having a higher organic content. Since the waste segregation is not done at the source treating wastes with bio remediation is not feasible.

Note: Bioremediation is the process of using living organisms, like microbes and bacteria, to remove contaminants,

Suggestions to recover landfills

1. The government needs to take few important steps to recover the landfills from legacy waste. Such as,
 - a. Carrying out a drone study to assess the exact volume of legacy waste.
 - b. Analysing the technical parameters such as characteristics and composition of legacy waste. This will help in bio-remediation.
 - c. Create **mandatory use criteria** for recycled materials from legacy waste in **government procurements**. This will incentivise private players.
 - d. Defining the quantum of heavy metals in recycled materials.
2. Encouraging private players by providing incentives like the [production linked incentive scheme](#). This will attract the large private sector to work on waste to wealth-related activities.
3. Further, the government also needs to **equip local bodies to have affordable technology** to treat the legacy wastes. As the legacy wastes demand decentralized solutions.
4. Apart from that, India also has to develop skilled and trained professionals to operate and maintain the entire waste management chain. Right from the collection, operation and maintenance of waste-handling plants.

The Municipal Solid Waste Management Rules might talk about the circular economy of solid waste management. But that will be feasible only if the government provides more attention to the legacy wastes. Subsequently, creating awareness to the public on the importance of waste segregation at source.

Job reservation in private sector for locals – Explained, pointwise

Introduction

Recently Haryana government notified its Haryana State Employment of Local Candidates Bill, 2020. This bill provides job reservation in the private sector for locals.

Prior to Haryana, States such as Madhya Pradesh, Karnataka, Andhra Pradesh also tried to provide reservation in private jobs. Now the question is whether it is a constitutionally or legally correct move by the state government to provide job reservation in the private sector or not?

About Haryana State Employment of Local Candidates Bill, 2020

1. It **provides for a 75 per cent job quota** for local people in private sector jobs which offer a salary of **less than Rs. 50,000 a month**.
2. The law applies to private companies, societies, trusts, and partnership firms, among others, located in the state. Furthermore, it is applicable to **organizations having 10 or more employees**.
3. Firms and companies need to **register** all of their employees receiving a gross salary of Rs 50,000 or less on a **government portal** and update it at regular intervals.
4. It will be applicable to the new job openings only and won't affect the outsiders already working in the private sector.
5. An **exemption** can be claimed by employers when there enough number of local candidates are not available with the desired **skills, qualifications, and proficiency**. However, an officer of the rank of deputy commissioner or higher will evaluate such a claim.
6. Penalty for non-compliance ranges from Rs. 10,000 to Rs. 2,00,000 rupees.
7. A domicile certificate would be mandatory for the candidate seeking benefit under the law.

Other states tried to provide reservation in private jobs to locals

1. The **MP government** in 2018 made it mandatory to give 70% of jobs to locals. But this law was not implemented on the private companies as a whole.
2. **Andhra Pradesh** also passed a law to provide job reservation for locals. It reserved 75% private jobs across all categories in industrial units, factories, joint ventures as well as Public-Private Projects. The law passed by the Andhra Pradesh assembly is currently challenged in the court and the court is yet to decide on it.
3. The **Karnataka government** also approved a new industrial policy (2020-2025) in 2020. The policy aims to give minimum employment of 70 per cent employment to Kannada people on an overall basis. Further, the reservation went up to 100 per cent in the case of Group C and Group D employees.

Rationale behind such reservation in private jobs

1. The objective is to **empower the local youth** by giving them better jobs.
2. In recent times, the **government was not able to generate sufficient employment**. So, reservations in private jobs are seen as essential to avoid higher unemployment among local people.
3. Since the **private sector uses public infrastructure** in many ways like subsidized allotment of land, tax exemptions etc. The **state has a legitimate right** to require them to comply with the reservation policy.
4. The Supreme Court in its **earlier judgements has supported domicile reservation in education**. So, the state governments assume that the court will allow similar reservations in private jobs as well.

5. Globally also many countries allow such reservation in private jobs. For example,
 - o The US Civil Rights Act of 1964 allows the courts to order monetary damages and relief, for victims of discrimination (i.e local people).
 - o The **Employment Equity Act in Canada** also protects minority groups from job deprivation. The Act protects the native people from discrimination in all the federally regulated industries, even in the private sector.

Legal Provisions related to reservations in employment

Constitution:

The constitution under Article 16 and Article 371 mentions the Reservation in jobs.

1. Under **Article 16**, there were 3 sub-clauses dealing with the job reservation. They are,
 - a. **16(1)**: It provides for equality of opportunity for all citizens in matters relating to 'employment or appointment' to any office under the State.
 - b. **16(2)**: It provides that there cannot be any discrimination on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them.
 - c. **16(3)**: It provides an exception by saying that Parliament may make a law "prescribing" a requirement of residence for jobs in a particular state. This power vests solely in the Parliament, not state legislatures.
2. **Article 371**: Some states have special protections under Article 371. Andhra Pradesh under Section 371(d) has powers to have "direct recruitment of local cadre" in specified areas.

Supreme Court Judgements regarding reservation in private jobs

1. **Dr. Pradeep Jain v Union of India (1984) case**: The Supreme Court discussed the issue of legislation for "sons of the soil". Further, The court held an opinion that such policies would be **unconstitutional but did not expressly rule on it**.
2. **Sunanda Reddy v State of Andhra Pradesh (1995) case**: The Supreme Court repeated its earlier interpretation in Dr Pradeep Jain case. Further, the court strikes down the state government policy that gave 5% extra weightage to candidates who had studied with Telugu as the medium of instruction.
3. The Rajasthan government gave preference to "people belonging to the concerned district or the rural areas of that district" in appointments. But, in 2002 **the Supreme Court** invalidated the appointment of government teachers in Rajasthan.
4. **In 2019, the Allahabad High Court struck down** a recruitment notification issued by the Uttar Pradesh Subordinate Service Selection Commission. The commission prescribed preference for women who were original residents of the state in job appointments.

Concerns associated with reservation in private jobs

1. **Delaying Economic Recovery**: The pandemic scenario has made it imperative for states to focus on fast and effective economic recovery. However, compulsion on companies to employ locals **might compromise quality and delay the recovery phase**.
2. **Discourage Investment**: Compulsions to employ decreases the competitiveness of companies. Apart from that, such measures directly discourage investment potential in a state.
3. **Impacticability**: The **shortage of qualified workers** in a state may impact its implementation. And also, the private sector cannot employ outsiders without the permission of concerned authorities. It might lead to the **inspector raj prior to 1991 economic reforms**.

4. **A threat to unity:** This step would **create friction among locals and non-locals** in the implementing states. This will **shake the fundamental of Indian democracy(Unity in Diversity)** in long run.
5. **Against constitutional provisions:** These laws are against the spirit of constitutional provisions:
 - **Article 14** allows for equality before the law. But the reservations to locals are against that equality.
 - Reservation to locals also violates **Article 19(1)(g)** is violated by Haryana's law as outsiders won't be able to effectively do any job of their choice in the state.
 - **Article 16(3)** allows reservation based on the residence by a parliamentary law in matters of **public employment and not in private employment.**
6. **Against the reservation ceiling:** Giving 75% reservation goes against the Supreme court's ceiling of 50% for maintaining meritocracy.

Way Forward

- The Supreme court must define the question on the reservation in private jobs. If permitted then the constitutional limit of 50% reservation cannot be allowed to breach by State government laws.
 - The law passed by the Andhra Pradesh assembly is already challenged in court. So, the supreme court has to define a clear stand on the reservation in private jobs.
- There should be **voluntary encouragement** as various companies are already having 50-60% employees from the local state only (under the salary of 50000 per month).
- The State government should **focus on better education delivery, greater job creation and skill enhancement.** It will make companies to employ more local youth automatically.

Conclusion

Giving reservations in jobs is only a temporary solution, the need of the hour is to focus on better job creation and skill development. A further idea of local reservation also goes **against the spirit of Ek Bharat Shreshtha Bharat'** that demands an integrated and mobile labour market within the country.

Space Industry in India: Potential and Challenges – Explained, Pointwise

Introduction:

India's space program is one of the most well-developed in the world. It has achieved numerous successes through its state-owned agency – Indian Space Research Organization (ISRO). Recently another feather in the cap was added with the launch of Brazil's Amazonia-1 satellite last week from Sriharikota.

About the recent mission:

- ISRO's Polar Satellite Launch Vehicle(PSLV-C51) rocket launched Brazil's Amazonia-1 (an earth observation satellite) and 18 co-passenger satellites.
- It was the **first** dedicated mission for **New Space India Ltd (NSIL)**, the commercial arm of ISRO.
- The mission was conducted under a commercial arrangement with Spaceflight Inc., USA.

Read More – [ISRO successfully places Brazil's "Amazonia-1 and 18 Satellites" in orbit \(forumias.com\)](https://forumias.com)

India's space industry:

- The sector has **grown exponentially over the last six decades** with considerable expansion in its scope and domain.
- It [diversified from simple mapping services in the 1960s](#), at present to diversified services:
 - Design and development of launch vehicles
 - Development of satellites and related technologies for earth observation, telecommunication & broadband
 - Entering the domain of navigation, meteorology, and space science
 - R&D in space sciences
 - Most recently – planetary exploration with MOM (Mars Orbiter Mission)
- The success of the sector can be attributed to **Dr. Vikram Sarabhai, Dr. A.P.J. Abdul Kalam, and other notable people**. All of them believed in the potential of India's Space sector.
- The country spent around US\$ 1.8 billion on space programs in 2019-20.
- The country on average launched **5-7 satellites per year** in recent years while the figure for the US is around 19 satellites. Similarly, China launches approximately 34 satellites.

Initiatives in Space Sector:

- **Opening the Space Sector:** The Government in June 2020 opened up the Space sector. It allowed the participation of the Indian private sector in the entire domain of space activities. This includes satellite creation, launches, and space-based services that were earlier not open to them.
- **Draft Space Activities Bill, 2017:** The bill aims to promote and regulate the space activities of India. It focuses on encouraging the participation of private-sector agencies under the guidance and authorisation of the government through the Department of Space.
- **New Space India Limited (NSIL):** It is a Central Public Sector Enterprise under the Department of Space that was established in 2019. It has been mandated to space-related products and services emanating from Indian Space Programme to global customers. It will enable the Indian industry to scale up a high-technology manufacturing base.

- **Indian National Space Promotion and Authorisation Centre (IN-SPACe):** It has been established for promoting industries and [attracting private investment in the space sector](#).
- **Training and Collaboration:** ISRO and its research centers have active programs with academic and research institutes across the country. They are also training personnel from numerous countries around the globe.

Opportunities for India's Space Sector

- **Low Cost:** The Indian space sector has the potential of launching space vehicles at a much lower cost. This was seen in Mars Orbiter Mission which was 10 times cheaper than western missions.
- **Good Record and Trust:** India has so far launched 342 foreign satellites for 34 countries using its Polar Satellite Launch Vehicle platform. This has developed a trust in Indian space potential in other countries.
- **Presence of Budding Entrepreneurs:** As per industry estimates, there are more than 40 start-ups working in India on space and satellite projects. It can complement the efforts of the government.
- **Rising Demand in the Future:** Technology innovations in the future will increase the need for higher bandwidth capacity, throughput speeds, improved radar, and thermal imaging. This can be readily met by strengthening the space sector.
- **Unrealised Potential:** As per Satellite Industry Association Report (2020), the global space economy in 2019 was valued at US\$ 366 billion. However, the Indian space economy is valued at US\$ 7 billion, which is around 2 percent, signifying how much the sector can truly achieve.

Challenges For India's Space Sector

- **Lower Spending:** The funds allocated to the space sector are very less in comparison to other countries. The US spent 10 times and China 6 times more than India in the space sector in 2019-20.
- **Absence of a Clear Legislative Framework:** The draft Space Activities bill was introduced way back in 2017 but hasn't been passed yet.
- **Lack of robust Dispute Settlement Mechanism:** This discourages private investment in the space sector. The void was seen in Antrix – Devas cancelled satellite deal. The Government of India owes nearly \$1.2 billion to Devas Multimedia as per an order of a tribunal of the International Chamber of Commerce.
- **Brain Drain:** India produces the best brains in the world but is unable to retain them. People emigrate from the country for better opportunities and careers that might hamper the development of the space sector.
- **Managing big constellations of satellites:** Although India has a good potential to launch satellites, managing a huge number of satellites in space could be a challenging task in the future. This should be done keeping in mind the **possibilities of a future space war**.

Suggestions

- The plan to set up an **independent tribunal** to adjudicate disputes among private space entities should be implemented promptly.
- The **passage of the Space Activities Bill** should also be done in order to give private players greater clarity and protection. This should involve proper consultation and discussions with the concerned stakeholders.
- The focus should be on **aiding space start-ups to penetrate rural India** and **encourage youth** to build careers in space applications and sciences.

- **NSIL should function more than a marketer of ISRO's technologies.** It should find newer business opportunities and expand the sector itself.
- The country should also **enhance spending** towards the sector considering the huge future potential and robust returns on investment.
- The country must do **more collaboration and research** with pioneer countries like the US, Russia, etc. who are already managing big constellations of satellites. Further, programs like Mission Shakti (an anti-satellite weapon test) can help avoid future space wars.

Conclusion:

Indian Space sector possesses huge untapped potential which can be realized with adequate policy measures by the government. This would boost the confidence of the private sector and deliver optimum results, thereby helping the country acquire the top spot in the global space industry.

China's plans for new dams on Brahmaputra River- Explained, Pointwise

Introduction

The Chinese government's new five-year plan(2021-2025) is about to approve the construction of dams in the lower stretch of the Brahmaputra River (Yarlung Zangbo in China). It is a matter of serious concern for the lower riparian states namely India and Bangladesh. The move is expected to give China an edge in International diplomacy as it would gain substantial bargaining power post dam construction.

About the China's plan for dams

1. China's draft five-year plan (2021-25) and long-range objectives till 2035 mention the building of [hydropower bases on the lower reaches of the Brahmaputra river](#).
 - The lower reaches refer to the sections of the river in Tibet before it flows into India.
2. The dam proposal is among the priority energy projects undertaken by the Chinese government in the next five years. Other projects under the draft five-year plan include "clean energy bases" in the upper and lower reaches of the Jinsha River. (the upper course of the Yangtze River in western China).
3. It would be **the first time** that the lower stretch will witness such development of dams, marking a radical change in river water exploitation.
4. China had earlier built dams on upper stretches of the river including Zangmu Dam in 2015. **Three more dams** at Dagu, Jiacha and Jeixu are currently **under construction**.

Why is China developing dams on the Brahmaputra?

1. The construction would help the country develop **clean energy** and curb the **rising pollution levels**. This would improve citizens' health and augment water security.
2. The dam would also allow it to fulfill its **international climate commitments** under multilateral agreements like the **Paris Agreement**.
3. China's **location of the upper riparian state** would allow it to control water flow towards the lower riparian states (India and Brahmaputra). This will give **greater bargaining power** to China in international relations.
4. Further, the project in the lower stretch is part of the country's significant planned investments in infrastructure for **servicing national interests**.

About Brahmaputra river

1. It is one of the longest rivers in the world that flows from Tibet to India (Arunachal Pradesh, Assam) and further into Bangladesh. The river finally drains out in the Bay of Bengal.
2. The river flows for about 1,625 kilometres in Tibet, parallel to the main range of the Himalayas. After that, it enters India in Arunachal Pradesh where it is called **Siang**.
3. The Siang flows down the Himalayas, enters the Assam valley. Here two other major tributaries, Dibang and Lohit will join the Siang river. The culmination of all finally becomes the Brahmaputra.

Importance of Brahmaputra to India

1. The river Brahmaputra and its tributaries carry more than 30 percent of the total **water resource** potential of India.
2. The residents of 22 districts in the Indian state of Assam rely on the Brahmaputra and its tributaries for their **livelihood**. The river system supports the subsistence agriculture of 66 million people.

3. The river is also extremely important for the **transportation** of people and materials.
4. This region is home to **several species of flora and fauna** that are unique to this part of the world. For example, The Kaziranga National Park houses 15 mammalian species that are listed as threatened in the IUCN conservation list.

Rules or statutes governing Brahmaputra water sharing

1. There is a lack of a cooperative framework for managing river systems in South Asia. There are **no binding agreements between India and China on Brahmaputra water sharing**.
2. India and China signed a **Memorandum of Understanding (MoU) in 2002** for the sharing of hydrological data.
 - Under this China agreed to share information about the discharge of water at three stations from June 1 to October 15 each year. This would improve planning and flood control in India during the monsoon region.
3. The two countries have **even signed an MoU in 2013** regarding the sharing of water flow data.
4. A unilateral stoppage in data sharing was seen from the Chinese side during the 2017 Doklam Standoff but data sharing resumed in 2018.

Impacts of China's Dams on India

1. China could use dams as a **water weapon during the war and in peacetime**. By building dams China can disrupt the lower riparian states by following ways,
 - a. First, China could alter the water level in lower riparian states by changing the storage/ discharge capacity of the dam.
 - b. Second, China's large run-off from river dams can be easily converted into storage dams in the future. This can **deprive water to India in dry seasons or flood it with water during the monsoon**.
 - c. The Institute for Defence Studies and Analyses (IDSA) has also highlighted this vulnerability.
2. The **ecological character** of the river in lower courses **gets deteriorated**. This is proved by the Siang river (Brahmaputra's name in Arunachal). After the reduction in water level, the river turned black with pollutants. This **impacted the drinking water availability** for the locals.
3. It may also negatively impact the **food security and livelihood of people** residing across the river. Experts have pointed out that dam construction could cause the **river to lose its silt and lead to a reduction in agriculture productivity**.
4. Dam construction by upper riparian states **enhances the disaster's magnitude** in lower riparian states. For instance, a US government-funded study showed that a series of new dams built by China on the Mekong River had worsened the drought conditions in downstream countries.
5. Further Himalayan region is **highly sensitive to construction**. Due to this, the [probability of disasters will get enhanced](#) if big dams are created by China. This was proved by the recent Uttarakhand floods and the 2015 Nepal earthquake.
6. It could open a **new front of conflict along the Arunachal Pradesh** region as Brahmaputra enters India through this stretch. Managing this would be a complex task for India as it is already struggling to counter China along the eastern Ladakh region.
7. China may decide to stop the flow of the river as a means of retaliation to **make India submit to China's demands**.

Challenges in bilateral Cooperation on dam construction

1. Rising mistrust **between the countries**: The mistrust reached a new peak especially after the **nine-month-long military stand-off** along the Line of Actual Control (LAC). Further, China was reluctant to share the correct information with India under the 2002 MoU. Further, China in the past has rejected the claim of building Zangmu Dam on the Brahmaputra till 2010. But in 2010 China not only admitted the construction of the Zangmu Dam but also completed it in a much rapid phase.
2. The growing closeness of Indo-U.S relations and **enhanced resentment of Sino- U.S relations** can act as a barrier in concluding a favorable water-sharing agreement.
3. **Emerging risks like** climate change, extreme events, landslides, forest fires, and many other environmental threats pose new governance challenges.
4. China tries to **encircle India using its neighbors**. It charges approximately \$125,000 for the data it provides to India. On the other hand, it sends similar data to Bangladesh for free.

Suggestions for India

- The construction of a **multi-purpose reservoir in Arunachal Pradesh** to offset the impact of the Chinese Dam should be done promptly. The proposed 9.2 BCM 'Upper Siang' project on the Siang river in Arunachal Pradesh will be able to take the excess load of water discharge. Further, it can even store water in case of any deficit.
- As **water is a state subject**, the riparian states in India should be encouraged to use Brahmaputra's water in a rational way to minimize future shortages.
- The focus of **integrated river basin management** should be based on **hydrological boundaries** and not on administrative state boundaries.
- India needs to **restrengthen its relationship with Bangladesh**. India needs to finalise the Teesta river agreement and restore its image as a responsible upper riparian. By doing that, Bangladesh may also cooperate with India against China.
- The country should engage in bilateral talks and enter into a water-sharing agreement with China similar to the **Indus Water Treaty** between India and Pakistan. The new China-India water-sharing agreement should include provisions like,
 - The treaty should regulate the amount of water to be released, preserve the quality of the water and the aquatic life.
 - It should have a mechanism for water-sharing during times of droughts and abnormal weather.
 - If necessary, the international community should also be involved.

Conclusion

We need a new **integrated river basin management**. This should address all the emerging challenges of water security and sustainability. Further, it should go beyond mere political cooperation of State government and involving the local people. Instead, it should focus on India's water needs and its management.

The Mandal case and Reservation in India – Explained, Pointwise

Introduction

Supreme Court (SC) may examine the 50% reservation cap set by the Mandal case ruling of 1992 (Also known as **Indra Sawhney case**). The decision was taken during the examination of the constitutional validity of the Maratha reservation policy of the Maharashtra government.

During the hearing, the SC asked states whether they are in favour of extending caste-based reservation beyond the 50 percent limit set by the Indra Sawhney case. Since the inception of the Indra Sawhney case, the conditions of society changed a lot. This necessitated the review of the 50% quota cap on the reservation by the Indra Sawhney case.

What is the Maratha reservation policy?

In 2018, the Maharashtra government enacted a law, it provides 16 per cent reservation to the Maratha community in jobs and admissions. The law termed the Maratha community as a socially and educationally backward class. However, the Maratha reservation violated the 50% ceiling mentioned in the Indra Sawhney case.

The law was challenged in Bombay High Court. After recommendations of the State Backward Classes Commission, the Bombay High Court upheld the constitutional validity of the Act. But the **Bombay High Court reduced the Maratha reservation to 12-13%** (Instead of 16%) as mentioned in the State Backward Classes Commission.

However, an **appeal was filed in the Supreme Court**. The Supreme Court during the case said that it will look into the capping of 50 percent reservation quota **to be revisited or not**.

Constitutional provisions regarding reservation

1. The [Preamble of the Indian Constitution](#) provides for “social, economic and political justice”. This aims to create a **society without discrimination**. Reservation to the weaker section of the society is an aspect of Social Justice.
2. **Part XVI** of the Indian Constitution deals with the reservation of Scheduled Castes (SCs) and Scheduled Tribes (STs) in Central and State legislatures.
3. **Article 15(4) and 16(4)** of the Indian Constitution enables the Government to reserve seats in government services. This is provided for the advancement of any Socially or Educationally Backward Classes of citizens (SEBCs) or the members of the SC and STs.
4. **Article 330 and 332** has provisions for specific representation through the reservation for SCs and STs. These reservations provided both in Parliament and in the State Legislative Assemblies respectively.
5. **Article 243D and Article 233T** provides for the reservation of seats in every Panchayat and Municipalities respectively for SCs and STs.

Reservation in India

1. Under the powers conferred by Article 340, President appointed a B. P. Mandal headed **backward class commission in 1978**. The Commission suggested a **27% reservation in government jobs** for the Other Backward Classes (OBCs). As 52 percent of the country’s population consisted of OBCs.
2. The recommendations of the Mandal Commission were accepted in 1990 and implemented. By this, the **reservation in India raised to 49.5 per cent**.
 - 22.5% reservation for SCs and STs (7.5% for STs, 15% for SCs)
 - 27% of seats are reserved for the OBCs

3. In 1991, the government enacted provisions for the reservation of 10% of jobs for economically weaker sections (EWS) among higher caste people. But, in the **Indra Sawhney case or Mandal Case**, the supreme court struck down this provision. Further the case also provides for the maximum reservation of 50%
4. The government under the **103rd Constitution Amendment Act, 2019** again provided a 10% reservation for the EWS in India. The Act amended Article 15 and 16.

So at present, the total reservation stands at 59.5 per cent. Few State governments also provide the reservation over and above 59.5 per cent. This is a clear violation of the 50% reservation capped in the Indra Sawhney case of 1992.

Few Examples for reservation above of 50 percent ceiling

The State and Central governments enacted laws that violate the reservation ceiling. They are,

1. **103rd Constitution Amendment Act, 2019:** By enabling 10% reservation for the EWS the law violated the 50 percent ceiling.
2. The **Tamil Nadu Backward Classes, SCs and STs Act, 1993:** By this Act, the Tamil Nadu government provided 69 per cent of reservation in educational institutions and jobs in the state government. The State further get the ascent of President and placed this law in Schedule IX of the Constitution.

Laws placed in the Ninth Schedule cannot be challenged in court for the violation of fundamental rights. The Court in the **I R Coelho v State of Tamil Nadu** case held that the Laws in Ninth Schedule can be challenged for the **violation of the basic structure** of the Constitution. The Supreme court is yet to decide the case of Tamil Nadu reservation law.

3. **Haryana and Chhattisgarh** have also passed laws that exceeding the 50 per cent reservation mark. These laws also challenged in the Supreme Court.
4. Apart from these legislations, there are many protests from various parts of India demanding special reservation above the 50 per cent limit. Few examples are,
 - o Patels in Gujarat,
 - o Jats in Haryana,
 - o Kapus in Andhra Pradesh.

Judicial interventions on reservation policy

1. **State of Madras v. Smt. Champakam Dorairajan (1951) case:** In this case, the court held that the caste-based reservations violate provisions of Article 15(1). Article 15(1) provides for non-discrimination of State against citizens on the grounds only of religion, race, caste, sex, place of birth or any of them. This resulted in the First Constitutional Amendment. The Parliament amended Article 15 to include provisions of reservation under Article 15(4).
2. **M R Balaji v State of Mysore case 1963 and Devadasan v Union of India case 1964:** In these cases, the court held that the efficiency of public administration is essential. Further the court asked the government to maintain the reservation to 50%
3. **Indra Sawhney vs Union of India Case 1992:** In this, the court held that the reservation should not exceed 50 per cent in total, **unless in exceptional circumstances**. Further, the Court held to remove the creamy layer among OBCs from the reservation. Apart from that, the Court also held that there should not be reservation in promotions. But the government enacted the 77th Constitutional Amendment Act(CAA) to provide reservation for SCs and STs in Promotion(Article 16(4A)).

4. **M. Nagaraj vs Union of India case 2006:** In this, the court upheld the 77th CAA. But the court also mentioned certain conditions to be maintained in such reservation. Such as,
- o The reservation policy shall not affect the overall administrative efficiency
 - o Reservation is applicable only when the SCs and STs are not adequately represented in public employment.

Arguments in support of 50 percent quota revision

1. **Inadequate representation of people:** The OBCs alone represent 52 per cent of the total population. The SCs and STs and OBCs combined represent more than two-thirds of the population. But they received only 49.5 per cent of the reservation.
2. **Reservation leads to Inclusion:** The reservation policy led to inclusive development. It is because of the Reservation policy many unrepresented sections of society are now getting due recognition in jobs and educational institutions. By moving beyond the 50% limit there will be more inclusivity in jobs and educational institutions.
3. **Facilitate Social justice:** The expansion of the 50 per cent reservation limit will promise equality and social justice enshrined under various provisions of the Indian constitution. Such as preamble, Article 14 etc.

Arguments Against the revisit of 50 percent quota

1. **Reservation can lead to political vulnerability:** India is a diverse society having a number of Castes. Expanding the reservation policy might act as a political instrument in hands of political parties. They can use the caste-based reservation for electoral gains. The state government at present also providing [job reservation in the Private sector](#) also.
2. **Not completely successful:** Caste-based reservation policy in India is not completely successful in bringing up the weakest members of the SEBCs. The reservation policy benefitted well-off sections of people in reserved categories. If the reservation is widened then it will be beneficial to the well-off's, not the intended beneficiaries.
3. **Against meritocracy:** By increasing the reservation limit above 50 per cent, the overall efficiency of government jobs and educational quality might be compromised. Further, it can lead to deterioration in these sectors in the long run.

Suggestions

1. The government have to **subclassify the Backward Classes** like in Tamil Nadu, Andhra Pradesh, West Bengal etc. This will provide the benefit to intended beneficiaries. Since the government has **already appointed Justice G Rohini Panel on Sub-categorisation of OBCs**. The Panel has to fast pace the sub-classification process.
2. The government have to remove the well-off sections from the reservation policy. This can be achieved by analysing the reservation policy based on a **citizen's conditions** rather than community-based reservations.
3. Apart from that, the government also understands that the reservation policy is a temporary measure in the direction of social inclusion. Social inclusion can be achieved by better education policies, enhancing the skill development of backward communities, not by providing more reservations.

In conclusion, Reservation is a temporary policy measure introduced by the constitutional makers that cannot be misunderstood. Providing more and more reservation gradually is itself not a permanent solution. Further, Social Justice has to achieve without compromising efficiency in the long run. So, it is time for the government to move beyond reservation based on caste alone.

Issue of Pension System in India – Explained, Pointwise

Introduction

As per a United Nation's report, the Population Share of the 60+ age group in India will increase to 20% by 2050 from the present 8%. This segment of the population is unable to work either due to age-related restrictions or health-related reasons. Thus, they require adequate financial support from the government for living a dignified and healthy life.

Pension is a regular income paid by a government or an organization to someone who no longer works, usually because of their age, health or social circumstances. A recent report by the Parliamentary committee highlights the inadequacy of the pension amount provided.


Current Scenario

- Recently Parliamentary Standing Committee on Rural Development submitted its report to Lok Sabha.
- In its report, the Committee said that the centre must increase the “meagre” pensions provided to poor senior citizens, widows and disabled people. The committee also pointed out towards low pension amounts given under the National Social Assistance Programme (NSAP).
- Parliamentary Standing Committee on Agriculture also found out the low level of enrolment under the Pradhan Mantri Kisan Maan Dhan Yojana (PMKMY).

Pension system in India

1. **National Pension System (NPS):** It is a government-sponsored pension scheme.
 - a. It was launched in 2004 for government employees. However, in 2009, it was opened to all sections.
 - b. The Pension Fund Regulatory and Development Authority(PFRDA) implements and regulates this scheme.
 - c. Any individual citizen of India (both resident and Non-resident) in the age group of 18-65 years can join NPS.
2. **Employees Pension Scheme (EPS):** It is a social security scheme that was launched in 1995 by the EPFO (Employee Provident Fund Organization).
 - a. It makes provisions for pensions for the employees in the organized sector after retirement at the age of 58 years.
 - b. The benefits of the scheme can be availed only if the employee has provided a service for at least 10 years
3. **Pradhan Mantri Kisan Maan Dhan Yojana (PMKMY):** It is a pension scheme for small and marginal farmers having cultivable land up to 2 hectares.
 - a. Farmers within the age group of 18-40 years are eligible to get themselves enrolled in the scheme.
 - b. The scheme aims at providing an assured pension of 3,000 rupees per month once the farmer attains the age of 60 years.
4. **Pradhan Mantri Laghu Vyapari Maan-dhan Yojana (PMLVMY):** It is a pension scheme for shopkeepers launched in July 2019.
 - a. It assures a minimum monthly pension of 3000 rupees per month to small shopkeepers, retail traders, and self-employed people. A person is eligible after attaining the age of 60 years.
 - b. The Goods and Services Tax (GST) turnover of the beneficiary should be below Rs.1.5 crore.
5. **National Social Assistance Programme (NSAP):** The program extends social assistance to poor households. It covers the aged, widows, disabled, and families where the breadwinner has passed away.

Little support | The National Social Assistance Programme is applicable to elders, widows and the physically challenged. Here is a low-down:



Pension: ₹200-₹500 a month for senior citizens BPL households

Widow Pension Scheme: ₹300-₹500 a month for widows aged over 40 in BPL households

Disability pension: ₹300 per month for persons aged 18-79 with severe or multiple disabilities in BPL households

Family benefit: ₹20,000 upon the death of a breadwinner aged 18-59 in BPL households

Annapurna Scheme: 10kg of food grains per month for senior citizens who are not receiving any pension

Source: The Hindu

Issues in the Pension system

1. **Inadequate amounts:** The Parliamentary Standing Committee on Rural Development observed the meagre amount of assistance under the different components of the NSAP. It ranged from 200-500 rupees per month.
2. **Huge Financial Burden:** The government has to bear a significant economic burden for giving pension amounts to the beneficiaries.
3. **Delay in implementation:** Delays were noticed in the issue of Permanent Retirement Account Number (PRAN) and the first deduction of NPS contributions. It was observed in CAG's Performance Audit Report on NPS 2020.
4. **Poor Coverage:** The Parliamentary Standing Committee on Agriculture observed that only 21.2 Lakh farmers have subscribed to PMKMY. However, the target is to cover 5 crore beneficiaries up to 2021-22.
5. **Dismal performance by Nodal Agencies:** CAG's Performance Audit Report found that PFRDA did not fix timelines to upload legacy data and transfer of contributions to the Trustee Bank. This affects the timely transfer. Further, the PFRDA was not aware of the quantum of the amount to be transferred to the Trustee Bank. Legacy data: These are essential information that is stored in an old or obsolete format.
6. **No timely update on pension amount:** The Parliamentary Standing Committee on Rural Development recommended increasing the pension amount two years ago itself. But the centre didn't increase the amount.

7. **Monitoring Deficit:** Various ministries implementing pension schemes fail to constitute the Monitoring and Overseeing Committees. This will also result in poor implementation of pension schemes.
8. **Willingness to adopt:** The citizens are not enthusiastic about voluntary pension schemes due to faulty design or lack of financial literacy. As per data on January 2020, no one has registered in the PMLVMY scheme from Mizoram and Lakshadweep.

Need of pension system in India

1. **Constitutional Mandate:** The Pension programmes represents a significant step towards the fulfilment of **Article 41 of DPSP**. Article 41 directs the State to provide public assistance to its citizens in case of old age, unemployment, sickness and disablement etc.
2. **Burgeoning Population:** As per a recent UN report, the share of older persons in India is projected to increase to nearly 20 per cent in 2050. This calls for giving due protection to them.
3. **Greater Life Expectancy:** With the advancement of technology and healthcare, people would be living more and hence pension support would be required for survival.
4. **Social Apathy:** The growing materialism in society has increased instances of abandonment of parents by children. In such times, the pension can give hope to survive and reduce the suicide rate among the elderly.
5. **Dignified Life:** Schemes like PMKMY will help small and marginal farmers lead a dignified life in their elderly years by providing due financial support. If such support is not provided, then the disastrous consequences of farmer suicide would occur.

Step taken for improvement in Pension System

1. **Coverage Expansion:** In 2019, PFRDA permitted Overseas Citizen of India(OCI) to enrol in the National Pension System(NPS) at par with Non-Resident Indians.
2. **Low Penalty for Delays:** Government subscribers under NPS would be compensated for non-deposit or delayed deposit of contributions during 2004-12 at General Provident Fund interest rates.
3. **More Flexibility:** Government sector NPS subscribers were allowed a choice of schemes and Fund/ Asset Managers with effect from 1 April 2019.

Suggestions to improve Pension System

- The government must respond swiftly towards the **Parliamentary Committee's** recommendations so that coverage and amount of pension get rationalised.
 - This includes providing reasons in the public domain for poor performance and adequate modification as per the need of beneficiaries.
- Further, the government can implement the **CAG's Performance Audit Report on the National Pension System**. It recommended few important steps such as,
 - Establishment of a robust system to ensure 100% coverage
 - Delay in payment should attract compensation
 - Government must identify all cases of legacy contributions, not remitted to Trustee Bank
 - A minimum assured return needs to be paid to the subscriber so that sufficient amount is available after retirement
- **Encouragement of Foreign Pension funds** should be done for relieving the government of its economic burden.

- The government should focus on the timely and robust implementation of RBI's **National Strategy for Financial Education (NSFE): 2020-2025**. This will create a financially aware and empowered India.

Conclusion

In a nutshell, the **focus of pension schemes** should be reaching the intended beneficiaries on time along with financial awareness for encouraging adoption. This will help to sustain the elders, widow and other dependent populations efficiently thereby providing them with an opportunity to lead a dignified life.

ForumIAS

Quad Summit and its relevance – Explained, Pointwise

Introduction

Indian Prime Minister will take part in the first-ever Virtual Quad Summit on March 12, along with the Australian, US, and Japanese Counterparts. This is the first Quad leader's meet after the US elections.

The recent power change in the US and China's aggressive posture in its neighbourhood makes this Quad Summit an important one. The future course of Quad may get shaped in the upcoming Summit.

What is Quad Summit ?

Quadrilateral Security Dialogue (QSD) or Quad is an informal strategic dialogue between India, the USA, Japan and Australia. It is the collaboration of like-minded democracies across the Indian and the Pacific Ocean. It aims to ensure and support a **“free, open and prosperous” Indo-Pacific region.**

The idea was first mooted by Japanese Prime Minister Shinzō Abe in 2007. However, the idea couldn't move ahead after Australia pulled out of it, apparently due to Chinese pressure.

The grouping regained momentum after 2017. The Quadrilateral coalition was refurbished as 'QUAD 2.0' in 2017 on the lines of the ASEAN Summit. Since then the Quad summit meetings are taking place on a biannual basis.

The recent COVID-19 pandemic, China's bullying nature, changing geo-economic interests in the region, etc. helped it evolve faster, in 2020. This resulted in the recent [Quad meeting](#) and the upcoming virtual Quad summit.

Significance of Quad

1. **The development trajectory of Quad:** Initially the Quad was seen as a security co-operation. But in recent months, It evolved into the **Quad Framework**. The co-operation widened to include resilience supply chain initiatives, collaboration in the emergence of critical technologies, etc. The recent development of the [Quad summit](#) is a clear example of that evolution.
2. **The centrality of India in Quad:** India is much more central to the entire Quad framework. The terming the Indo-Pacific is itself an example of that. By taking a leadership role along with countries like the US, Australia and Japan, India showcases its capability to other countries in Indo-Pacific.
3. **The Focus area of Quad fulfils the demand of the Indo-Pacific maritime domain.** The Indo-Pacific maritime region is at present dominated by China. Chinese dominate since there is no maritime security collaboration to oppose them. The Quad will counter the Chinese dominance in the region.
4. **Potential of Quad to influence the Indo-Pacific region:** Since the grouping brings together the major countries under one ambit. It can influence other south-east nations to gradually stand up against any illogical claims by China like the South-China Sea dispute, etc.

Reasons for India to avoid Quad

There are many internal and external [reasons for India to avoid Quad](#). They are

1. **Non-alignment:** Joining Quad might affect India's traditional non-alignment policy. By joining Quad will be seen as India's open support to capitalist countries.
2. **A threat to national interests:** There are many occasions when the US followed its own interests in the international arena. Australia and Japan are allies of the US.

So, by joining the Quad group, India cannot actively follow its national interests if 3 countries oppose that.

3. **The recent election in the US:** The US international policies, in general, are short-lived. The previous Trump administration maintained a hostile relationship with China. But the current Biden presidency is expected to have a mutual competitive relationship with China. So, the US might not take an adequate stand against China and its policies in the Indo-Pacific. This might make the grouping a weaker one.
4. **Individual visions of the Indo-Pacific:** The Indo-pacific system, as muted by Quad is not clear. Even the British Empire never managed to combine the Indo and the Pacific into a unitary system. It would be difficult to align the combined vision of the grouping. Apart from that, there are individual visions also.
5. **No clarity on objectives:** Quad neither shares a strategic vision nor has any shared agenda. Its members despite being anti-China continue to forge ties with China. For example,
 - a. In 2020 China became India's number one trade partner
 - b. American investors hold \$1 trillion of Chinese equity, and 75% of U.S. companies in China continue to invest there.
6. **The vulnerability of India to China:** India is the only Quad member that is not in the west Pacific. Further, It is also the only country that shares a non-demarcated land border with China. So, any developments will have more impact on India-China relation. For example, the recent **Ladakh stand-off**.
7. **De-stabilising the Peace in South-Asia:** India was facing a 2 front challenge between China and Pakistan. The recent [acceptance of the Ceasefire Agreement with Pakistan](#) and the [Disengagement Agreement with China](#) over border stand-off brought some stability to the relationship. But joining Quad now might act as an incentive for China to violate the agreement and Pakistan which is already having a nexus with China might also turn hostile. This will de-stabilise the Peace in the entire South-Asian region for years.

Significance of Quad for India

1. **Defence-related spending:** China's spending on defence (\$261 b) is more than the collective spending of India (\$71.1 bn), Japan (\$ 47.6 bn) and Australia (\$25.9 bn). In this time of COVID-19 pandemic and fund crunch associated with lockdowns, joining with the US will provide necessary finances to strengthen the defence.
2. **Challenges on the continental sphere:** China is neither keen on ending the ongoing border and trade disputes nor aimed at finalising the border agreements. Further, the geopolitical cooperation between Pakistan and China also makes India vulnerable on the continental side. To contain that pressure joining Quad is like an 'alternative situation' for India.
3. **Sustainable Development in the Indian Ocean Region:** India, as a mistress of the Indian Ocean, holds the responsibility to act as the net security provider in the Indian Ocean region. India along with like-minded countries in Quad can counter China's String of Pearls strategy and debt-trap diplomacy.
4. **Act East policy:** Joining the Quad group will strengthen and supplement India's Act East policy.
5. **Issue-based alliance:** As per the statement of foreign secretary of India, India has moved beyond non-alignment towards an **issue-based alliance** with no formal agreements. Therefore, joining Quad will be in line with the present foreign policies of the government.

Suggestions

- **Need for a Maritime Doctrine:** India should develop a comprehensive vision on the Indo-Pacific. This will address India's current and future maritime challenges, consolidate its military and non-military tools, etc.
- **Strategic autonomy** – India should not compromise its strategic interests in the US-based western interests. This has to be clear at every Quad Summit.
- **Bringing in More inclusion in Quad:** The countries should work with other countries in the Indo-Pacific Region. This will help to maintain independent security and economic policies, capacity building of other countries etc. Further, such initiatives will provide better alternatives to unilateral Chinese objectives and initiatives.
- **Leverage each other strengths** and not focus on weaknesses in Quad summits and Quad frameworks. For example, talks on developing global governance architecture, supply-chains initiatives, etc. can be given priority in Quad summits.

In conclusion, the upcoming Quad summit should focus on building a better collaboration between countries, rather than on countering China. This will make it a holistic initiative rather than an arrangement of like-minded countries against one particular country. Because "Revenge proves its own executioner".

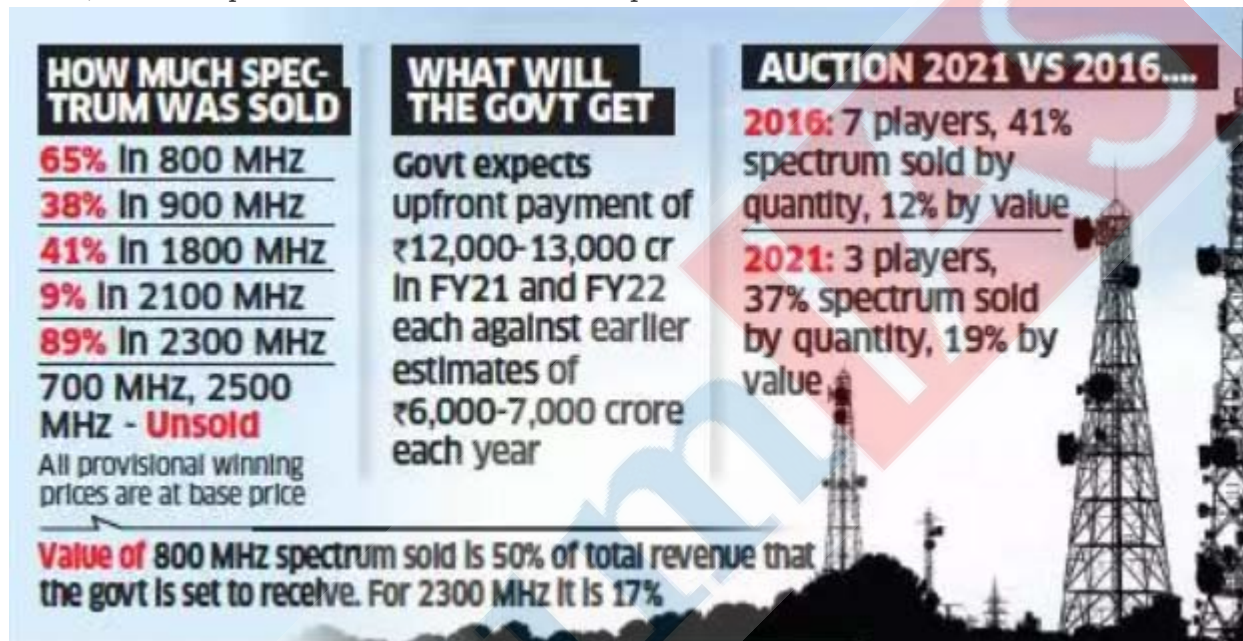
Spectrum Auctions in India – Explained, Pointwise

Introduction

The department of telecommunication (DoT) successfully conducted the [spectrum auctions](#) in March 2021. The government generated over Rs 77,000 crore from the auction as compared to Rs 45,000 crore expected

However, the government has skipped the sale of the much-coveted 5G airwaves in this round. Auctions for that would be done in the future.

Similarly, even though the spectrum auctions earned crores of money to the government, Only 37% of the airwaves found buyers in the recent auction due to various issues. In this article, we will explain the various issues with Spectrum auctions.



Source: Economic Times

About the recent spectrum auction

- The **DoT offered spectrums** across the 700 MHz, 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz and 2500 MHz bands. The last auction took place in 2016.
- Both Indian and Foreign companies were eligible to bid for the auction. Foreign companies required to
 - Either set up a branch in India and register as an Indian company or
 - Tie-up with an Indian company to be able to retain the airwaves after winning them.
- The three largest telecom service providers in India (Jio, Airtel, and Vodafone Idea) brought the majority of the spectrum.
- The **successful bidders will have to pay 3% of Adjusted Gross Revenue (AGR)** as spectrum usage charges.
 - AGR is divided into spectrum usage charges and licensing fees that are fixed between 3-5% and 8% respectively.

What is spectrum?

- Devices such as cellphones, radio, wifi, etc. require signals to connect with one another. These signals are carried on airwaves. These airwaves must be sent at designated frequencies to avoid any kind of interference.

- Such airwaves are called the spectrum. The various frequencies are subdivided into bands.
 - Frequency is the number of repetitions of the wave that one can see in a period.
 - If a wave repeats slowly, it is low frequency. If the wave repeats more, then it is called high frequency. Hertz(Hz) is the unit of Frequency.
- Range of various devices:
 - Radio – 100-200 Megahertz (Mhz)
 - Telecom – 800 Mhz – 2300 Mhz
 - Wifi – Earlier it was 2.4 Ghz and now enhanced to 5 Ghz.

What is a spectrum auction?

- The Union government owns all the publicly available assets within the geographical boundaries of the country. This includes the airwaves also. So the government has the right to sell the airwaves.
- The selling of airwaves as a band for a certain period is known as Spectrum Auctions. The central government through the DoT(Department of Telecom) auctions these airwaves from time to time.
- The government performs spectrum auctions after dividing the entire country into telecom circles. Presently India is divided into 22 telecom circles.
- All these spectrums are sold for a certain period of time, after which their validity lapses, which is generally set at 20 years.
- With the expansion in the number of cellphones, wireline telephone and internet users, the need to provide more space for the signals arises from time to time.
- Telecom companies are willing to set up the required infrastructure to use the waves once they auctioned the particular spectrum.

History of spectrum auctions

- The first spectrum auction in India was conducted for a 900MHz band, in 1994.
- After the 2001 auction, the government switched to an **administrative allocation model**. Under this, the government would select the companies best suited for developing India's telecom infrastructure.
- However, this didn't yield a positive result, and the spectrum was licensed at far lower rates than what was raised by auction.
- Post 2G spectrum case, the government again switched to the **spectrum auction** method.

Need of spectrum auctions

- **Prohibit Interference:** The primary objective is to prevent interference in signal transmission. Dedicated bandwidth in a spectrum ensures smooth transmission for radio, cellular and wifi services.
- **Determine Fair Value of Spectrum:** Spectrum auctions will help in determining the right value of airwaves and creates a spirit of competition in the telecom sector.
- **Source of Revenue:** The government is able to earn substantial revenue from spectrum auctions. For example, in the latest spectrum auctions, the government earned more than 77000 crore due to the higher demand for spectrums.
- **Rising Population:** United Nations Population report has predicted that India would surpass China as the most populous country in the future. With this, more spectrum would be required to serve a growing user base.

- **Technological Advancement:** The movement from 4G to 5G would require allocating more spectrum for new services. The proposed 5G allocation in 2022 would see the debut of airwaves in the 3300MHz-3600MHz band.
- **Expiring Licences:** The spectrum is generally allocated for a 20-year period. After that, it is imperative to conduct spectrum auctions. For example, Various licenses of telecom companies like Jio were expiring in July 2021. So the government has to perform spectrum auctions for those spectrums before the licences got expired.

Issues in spectrum auctions

- **High Reserve Price:** The government before conducting auctions, reserves a price for a spectrum. Telecom companies have to place bids for spectrum above the reserve price only. But the government usually fixes a higher reserve price, so spectrum attracts only fewer buyers.
 - For example, Only 37% of the airwaves found buyers in the recent auction due to the high reserve price. The 700 MHz band failed to attract buyers as the reserve price was placed at 1.97 lakh crore.
- **Obsolete Auction Format:** The government has not updated the spectrum auction format for a long time. Due to which a persistent fall in the number of bidders is witnessed.
- **Competition from Voice Over Internet Protocol (VoIP) subscribers:** Over The Top (OTT) providers are providing substitute goods such as VoIP.
 - This allows them to capture a greater share of customers while remaining somewhat invisible to government regulators.
 - This hinders the position of telecoms and reduces their willingness to pay more in spectrum action.
- **Allocation of unlicensed spectrum for Wi-Fi:** Wi-Fi shares the load of the carrier network and reduces the demand for mobile network capacity.
 - If the government wants to expand the Wi-Fi facilities, it needs to keep more spectrum unlicensed. The more the unlicensed spectrum allocation, the lower will be the demand for licensed spectrum.
- **Clarity over Future Spectrum Auctions:** The amount of spectrum that will be allocated for the 5G auction is not clear. It is creating confusion among companies like acquiring the spectrum now or waiting for subsequent auctions.
- **Regulatory Framework:** The poor framework has resulted in the forceful exit of various players from the telecom sector. This automatically impacts the potential of spectrum auction as more bidders mean better prices.
- **High Upfront Fees:** Some experts are also demanding rationalisation of 50% upfront fees on some spectrum bands. High fees place a greater financial burden on telecoms which impairs their functioning.

Suggestions to improve Spectrum Auctions

- Grossly unrealistic pricing of the spectrum should be rationalized. The **Department of Telecommunications(DoT) should consult with TRAI** and other stakeholders for rationalising the price.
- The government should **release more unlicensed spectrum** for multiplying Wi-Fi as a suitable supplement to the carrier network. This will increase the placements of the **Public Wi-Fi project** which got the approval of the cabinet recently.
- The government should provide **clarity about future auctions**, especially the 5G spectrum bands.

- Further, **the government should release guidelines** on future Spectrum Auctions. It will enable the telcos and OTTs to join hands in providing superior and better services for the benefit of the consumers.
- The **time frame for paying spectrum fees** should be enhanced so that the financial burden on telecom operators gets reduced.

Conclusion

Spectrum is a perishable scarce resource and loses its value if left unused. It is important for the government to ensure that the spectrum put on the block is sold in the most optimum way. This can be rightly done by balancing the interests of business, government and consumers.

Issue of Refugees in India – Explained, Pointwise

Introduction

A Mizoram based, Zo Reunification Organisation (ZORO) petitioned the Prime Minister to impose sanctions on current military-ruled Myanmar. It is also demanding to shelter the refugees from Myanmar on Humanitarian grounds.

However, recently, the Ministry of Home Affairs communicated to four Northeast states bordering Myanmar to maintain strict vigil and not allow anyone to enter India illegally. The Ministry of Home Affairs(MHA) also mentioned criteria to accept refugees in an absolutely essential situation, on humanitarian grounds. In this article, we will explain the issue of refugees in India.

About the recent Refugee issue with Myanmar

[After the coup in Myanmar](#), widespread civil disobedience movements(CDM) are taking place all over Myanmar. The Military ruled Myanmar is following stringent methods to curb the protests like shooting the public, night raid on protesters home, etc. Myanmar shares a 1,643-km-long border with Arunachal Pradesh, Nagaland, Manipur and Mizoram.

So, Many people in Myanmar and the security forces who support the CDM started fleeing the country. The majority of these people **entered India** through the **international borders in Mizoram and Manipur**. Earlier Myanmar also wrote letters to Mizoram and asked the Indian government to return the 8 Cops who fled the country for various reasons.

The Mizo people of Mizoram and the Kuki-Zomi communities in Manipur maintain close kinship with the people of Myanmar. **Mizoram Chief Minister** earlier announced that his **government would provide shelter** and other relief to the Myanmar refugees.

But recently the [MHA has issued few directives](#) to the **State Governments and UTs**. In that, the MHA mentioned that the state governments **have no powers to grant 'refugee' status** to any foreigner. Further, the ministry also pointed out that India is not a signatory to the **UN Refugee Convention of 1951 and its 1967 Protocol**. So the MHA wants the state governments to perform strict surveillance on borders.

Few important terminologies:

Who is a refugee?

A refugee is a person who fled his country due to the risk of serious human rights violations and persecution there. These refugees have a right to international protection under the UN Refugee Convention and its protocol.

Who is an asylum-seeker?

An asylum seeker is someone who claims to be a refugee but whose claim hasn't been evaluated. An asylum seeker will turn into a refugee if the claim is evaluated and justified. Refugee Status Determination (RSD) is a legal process used by governments or UNHCR(UN High Commission for Refugees) to determine the refugee status of an asylum seeker under international, national or regional law.

Who is a migrant?

Migrants are persons moving to another country not due to direct threat or persecution but due to improving their lives. Migrants can return home if they wish(But refugees and asylum seekers cannot).

Legal Framework for Refugees in India

1. **Article 51 of the Indian constitution:** This provision states that the state shall endeavour to foster respect for international law and treaty obligations in the dealings of organized people with one another.
2. As per the **Citizenship Act of 1955**, an illegal immigrant can be of two types.

- Foreign national enters into India with valid travel documents but stays beyond their validity, or
- Foreign national entered India without any valid travel documents.

As per, the **Foreigners Act, 1946**, the central government have the right to deport any foreign national.

Apart from that, India is also **not a signatory to the 1951 United Nations Refugee Convention and the 1967 UN refugee Protocol**.

Further, India does not have any national law on refugees.

While **law and order is a State subject, international relations and international borders are under the Union** government. This has resulted in, both the **Centre and the State government agencies, dealing with the refugee** problem in India.

In 2011, the Union government circulated a **Standard Operating Procedure to deal with foreign nationals who claim to be refugees**.

The **Citizenship (Amendment) Act, 2019** aims to provide citizenship to those who sheltered in India for religious persecution or fear of persecution in their home countries. But the Act only covers the Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan.

So, India at present, **does not have any separate law to govern refugees**. The refugee matters at present dealt with on a case by case basis.

Challenges with the refugees

1. **Social consequences of permitting refugees:** By permitting refugees India might face many social consequences. Such as,
 - Refugees might **create an identity crisis** with the indigenous people. For example, the refugees from Bangladesh currently in Assam and Arunachal threatens to overtake the indigenous population of the region.
 - **Difficult to identify and deport** them back to their country after a few years. For example, the illegal migrants from Bangladesh and Rohingya refugees entered through North-East. But later they spread to all other states, like Haryana, Kerala, Telangana and UTs like Jammu and Kashmir, Delhi, etc. Identifying them among more than a billion Indians is a great challenge.

Economic consequence of permitting refugees:

- **Increased financial responsibility of the state.** According to the UNHCR report in 2014, there were more than 200,000 refugees in India. There are millions of illegal immigrants in India. India at present does not have the financial capacity to satisfy all their basic needs.
- **Decreases wage level and replace the native people.** Since illegal immigrants and refugees require food and shelter, they also work at very low wages in their settling areas. It impacts the lives of locals, as they don't get adequate jobs.

Political consequence of permitting refugees:

- **Issue of illegal voting:** The illegal migrants to avail the benefits, procure illegal national identity cards such as voter id. By procuring that, they also vote in elections and influence the outcome.
- **Issue of terrorism:** These refugees, since not accepted by governments, are vulnerable to join Pakistani based terror outfits for work and revenue.

Suggestions

1. India should encourage the State governments to carry out the NRC (National Register of Citizens) and identify the number of refugees and illegal immigrants.
2. The Central Government should **appoint a National Immigration Commission** to frame a National Migration Policy and a National Refugee Policy for India.

3. The government have to **strengthen the Foreigners Act 1946** and also **sign bilateral agreements with neighbourhood countries** regarding deportation.
4. Further, the state governments have to follow the MHA guidelines of 2018 to identify illegal immigrants. The recommendations are,
 - o Restrictions of Illegal Migrants specific locations as per provisions of law
 - o Capturing their biographic and biometric particulars
 - o Cancellation of fake Indian documents
 - o Initiating legal proceedings including deportation proceedings as per provisions of law

Strengthening the borders: India also needs to strengthen the border areas as the borders are porous and the neighbourhood countries are facing political vulnerabilities constantly. India can improve border surveillance, exploring the options of border fencing and smart walls, etc.

India is facing the issue of illegal immigrants right since independence. It is high time for India to define a clear-cut refugee policy. This will not only prevent the state governments from taking a different stand from that of the centre. But also prevent India from the large influx of illegal immigrants.