

7 PM COMPILATION

February, 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
- ❖ Written in lucid language and point format
- ❖ Wide use of charts, diagrams and info graphics
- ❖ Best-in class coverage, critically acclaimed by aspirants
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- ❖ Best cost-benefit ratio according to successful aspirants

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Coup in Myanmar and India-Myanmar bilateral relations – Explained

In a military coup in Myanmar, a state of emergency has been imposed for one year. The coup resulted in establishing military rule again in Myanmar. The military has detained democratically elected leader Aung San Suu Kyi and other politicians of the country. This action is condemned by the majority of countries around the world.

Myanmar's elected democratic government was about to swear in and convened the Parliamentary session on February 1. The coup occurred to stop the convening of Parliamentary session. Also, the Military owned TV (Myawaddy TV) has announced that the Military will remain in power for one year. This event has raised questions on the survival of democracy in Myanmar.

Reason behind the Coup

Myanmar conducted elections democratically in November 2020. Aung San Suu Kyi led Party won 396 out of 476 seats (combined lower and upper houses of Parliament) and won the elections. The military reserves 25% of seats as per their 2008 Constitution.

The military ("Tatmadaw" in Myanmar) alleged, there was large scale "irregularities" in the general elections. But the United Elections Commission (UEC) of Myanmar said that no such irregularities have occurred during the elections.

The new parliament fixed February 1 for convening the session and swearing ceremony. To prevent the parliamentary session, the military staged the coup in the early morning of February 1 and detained the political leaders.

Apart from that, the military also declared a one-year state of Emergency. The military also threatened to revoke the 2008 Constitution, "If one does not follow the law".

The military had revoked two previous constitutions in Myanmar. Now, there is a possibility of revoking the present constitution. In fact, the 2008 Constitution was also the military-drafted one.

[Read more about modern Myanmar history and other details](#)

What is the stand of various countries on the coup?

Ministry of External Affairs of India mentioned that India will "always been steadfast in its support to the process of democratic transition" in Myanmar.

UN Secretary-General has condemned the coup in strong words.

The US warned Myanmar's military officials against a coup attempt. It has threatened to "take action" if the military proceeded with the coup.

The Australian government calls for the release of detained leaders.

China, on the other hand, asks all the sides in Myanmar to resolve the dispute on its own.

Why Myanmar is important for India?

First, Myanmar's role in tackling insurgency in Northeast: Myanmar shares a 1643 Km long boundary with India's North Eastern State. Insurgent groups such as ISCN-K, ISCN-IM have operational bases inside Myanmar. The democratically elected government cooperated with India in controlling the insurgent activities especially, the Naga insurgency.

Second, Myanmar's role in India's "Neighborhood First" policy and "Act East" Policy: Myanmar is strategically located between India and Southeast Asian countries. Due to that, Myanmar is important for India's connectivity with other South-East Asian countries.

Third, Reduction of illegal migrants coming to India: During the recent Rohingya issue, 14000 registered and 40000 unregistered refugees came to India. A stable Myanmar can prevent this fleeing of refugees.

Fourth, Myanmar is the gateway to the development of North-Eastern India: The success of infrastructure, developmental projects in the North-Eastern part of India directly depend on

the co-operation with Myanmar. For Example, the Development of **India-Myanmar-Thailand(IMT) trilateral highway**, **Kaladan Multi-Modal Transit Transport (KMMTT) corridor**, etc rely on Myanmar.

Present areas of Co-operation between India and Myanmar:

First, Co-operation in the field of Economy: The bilateral trade among both the countries remained in and around \$2 bn. The trade will improve once there is a stable government in place.

Second, Co-operation in the field of Infrastructure and Development projects: In 2013 India provided a 500 million \$ LOC (Line of Credit) for the developmental projects in Myanmar. Apart from that **IMT trilateral highway** and **Kaladan Multi-Modal Transit Transport (KMMTT)** are also under implementation.

- **India-Myanmar-Thailand(IMT) trilateral highway:** The Highway connects Moreh in the Indian state of Manipur to the Mae Sot in Thailand. This route is interconnected via Mandalay in Myanmar.

- **Kaladan Multi-Modal Transit Transport (KMMTT) :**



- The Project is aimed at connecting the eastern Indian seaport of Kolkata with the Sittwe seaport in Myanmar.
- In Myanmar, it will then link Sittwe seaport to Paletwa in Chin State via the Kaladan riverboat route. Then from Paletwa by road to Mizoram state in Northeast India.
- India constructed **Sittwe Port** as a deepwater port in 2016 at Sittwe.
- **Significance:** The project will reduce the distance from Kolkata to Sittwe by approximately 1328 km. In other words, the project will reduce the need to transport goods through the narrow Siliguri corridor also known as Chicken's Neck.

Third, Defence cooperation: Both the countries conduct a joint military exercise named India – Myanmar Bilateral Military Exercise (IMBEX). Above all, both the armies jointly carried out **Operation Sunrise** twice. Under **Operation Sunrise**, the India-Myanmar armies jointly target the militant groups that operates in the border states.

Fourth, In the field of education and research: India developed **Myanmar Institute of Information and Technology in Mandalay**. Apart from that, an Advanced Center for Agricultural Research and Education (ACARE) has been set up with the collaboration of ICAR for conducting research on pulses and oilseeds.

Fifth, Other areas of co-operation. This includes India's **renovation of the 11th Century Ananda Temple in Myanmar** (it was damaged due to earthquake). Apart from that India also provides Humanitarian and Disaster Relief to Myanmar during emergencies.

Suggestions:

First, India can aid the democratically elected government if there was a request from Myanmar. Myanmar is India's strategic partner like Nepal, Bangladesh. India can help Myanmar like that of erstwhile Bangladesh in 1971.

Second, India has to **strengthen the existing cooperation**. India currently has an active co-operation with Myanmar in areas of security, counter-terrorism, trade and investment, energy co-operation. India has to encourage more active co-operation in these fields.

Third, India can **formalise border trade** with Myanmar. Currently, India's Border trade with Myanmar is at a very low level. By formalising border trade like that of Border Haats in India-Bangladesh and providing enough support, we can improve people to people tie. It will also provide peace in long run.

Fourth, India can assist Myanmar in the **implementation of the Kofi Annan Advisory Commission report** on Rohingya Refugee issues. The commission has recommended investing in infrastructure projects. The recent Indian government move in developing the Sittwe port in Myanmar's Rakhine state is one such move.

[Read also India- Myanmar relations after Coup](#)

Myanmar is not only strategically located but also in a strategic position to fulfill India's ambition on developing North-East, connection with South-East Asia, etc. So, it is high time for India to help the Myanmar government to be a stable and democratic one.

Vehicle Scrapage Policy and the associated challenges: Explained

Recently, The Finance Minister announced the “Vehicle Scrapping Policy” in her Budget speech. The policy will phase out older, inefficient and polluting vehicles. Apart from that, the policy will also promote the use of more environment-friendly vehicles and reduce the oil import bill. But it is not an easy task and has a few challenges associated with it.

What is the proposed Vehicle Scrapage Policy?

The Ministry of Road and Transport is yet to announce the proper guidelines. But according to the Budget speech, the important provisions of the scrapping policy will include the following features. Such as

- The private vehicles older than 20 years and commercial vehicles older than 15 years, can be scrapped voluntarily. To run these vehicles on the road, a fitness certificate (FC) will be mandatory.
- Automated vehicle fitness centres belong to the government will issue certificates after conducting fitness tests.
- Each fitness certificate is valid for five years. After that vehicle will undergo another fitness test.
- If a vehicle fails the fitness test, the government will not provide renewed Registration Certificates (RC) for those vehicles. As per the Motor Vehicle Act, 1988, driving a vehicle without an RC is illegal in India.
- Each vehicle is permitted to have three failures in the fitness test. After that, the vehicle might be forwarded to vehicle scrapping.
- The government is expected to provide monetary incentives to the owners scrapping the vehicles.

Each fitness test will approximately cost Rs 40,000. If the vehicle passed the fitness test, the owner of the vehicle has to pay road tax, and a possible “Green Tax” (Tax levied on goods that cause environmental pollution).

The total cost involved in pursuing a Fitness test and paying “Green tax” will act as a deterrent to have older vehicles. This will further facilitate voluntary Scrapping of the old vehicle and buying a newer one.

[Read more about the proposed Green tax](#)

Need for such Vehicle Scrapage Policy:

First, According to the Centre for Science and Environment (CSE), **by 2025 India will have over two crore old vehicles nearing the end of their lives.** Not only that, India adds 1,400 vehicles every day. The scrapping policy will reduce the congestion on the roads.

Second, A logical extension of NGT ruling for Delhi NCR and Scrapping policy of Government Vehicles.

- In 2015, National Green Tribunal barred diesel vehicles older than 10 years to commute on Delhi NCR roads. The scrapping policy is the next step to prevent them from further commuting on roads.
- Further, the government accepted the Scrapping policy for Central and State Government vehicles older than 15 years on January 25, 2020. The policy will come into effect on April 1st, 2022.
- Apart from that, the government also introduced a draft **Vehicle Fleet Modernization Programme** in 2016. But the project never got materialized.

Third, IIT Bombay’s conducted a multi-city study in 2014. The study estimated that **pre-2005 vehicles were responsible for 70 per cent of the total pollution load from vehicles.** The scrapping policy will be a shot in the arm for these polluting vehicles.

Benefits of the proposed policy:

First, The Scrappage policy will **benefit the following sectors at one go.**

- The policy will stimulate the domestic automobile and automotive industry. The **automobile industry is projected to grow at an annual rate of 22%** if this policy is implemented properly.
- Apart from that, it will provide a massive opportunity for players in the organised scrappage and recycling industry. The scrapping will provide **recovery of steel, aluminium, plastic** etc. and boost the industries associated with it.

Second, Curbing air pollution: Old vehicles are not compliant with Bharat Stage VI emission standards. This is leading to more air pollution. For example, one 15-year-old vehicle has emissions equivalent to 25 new-generation vehicles. The scrappage policy will reduce the pollution level by 25 percent as compared to old commuting vehicles.

Third, Increase in tax revenue for the government. The revival of the automobile and other sectors associated will boost the tax revenues. According to an estimate, taxes from the automobile sector will amount at Rs 10,000 Crores, if scrappage policy is implemented properly.

Fourth, Containing oil imports: According to the BEE (Bureau of Energy Efficiency) estimates, India has to enforce Scrapping old vehicles and shifting towards higher fuel efficiency norms. If it is achieved, then as per the BEE estimates, “there will be a reduction of 22.97 million tons of fuel demand in India by 2025”. This will help in saving oil import and associated costs.

Fifth, Fulfilling India’s International commitments: India has committed to the Paris Agreement on Climate Change and provided national targets for reducing emissions. The Scrappage policy will reduce the pollution level and also fulfil India’s commitment to reduce CO2 levels to tackle Climate Change.

Overall the Scrappage Policy has the potential to **revive the Indian Steel sector** and also has the potential to promote India as a **vehicle manufacturing hub** in the world.

Challenges associated with the Vehicle Scrappage Policy:

First, Who will bear the cost of monetary incentive provided to owners? The scrappage industry may provide incentives for scrapping older vehicle (like recovery of scrap, steel etc.). The government is not a direct beneficiary except the environmental cost. Thus, providing incentives from public money might not be feasible.

Second, In rural areas, **old vehicles are being used** as the owners have very limited financial resources to purchase new vehicles.

Third, Scrapping capacity of India is in doubt. India so far has only one government-authorized scrappage workshop in Greater Noida. Also, the government do **not have any standard operating procedures (SOP)** for setting up of vehicle scrapping centres. Formulating a policy without having the capacity will lead to accumulation of old vehicles like solid wastes.

Fourth, Regulation of pollutants released during scrapping. The scrapping of Vehicle will release **toxic metals like mercury, lead, cadmium or hexavalent chromium**. If not properly regulated, it will pollute the environment and have long-lasting consequences.

[Read more about the taxing older vehicles: a way forward](#)

Suggestions:

First, In the Electric Vehicle Policy of the Delhi government, they linked scrappage incentives with buying of electric vehicles. Such a special linkage of policy is necessary at the national level to promote the electric vehicle.

Second, There **must be an exception for Vintage and Classic cars**. The government also have to introduce a provision for Modern Classics. These are an important part of automotive

history and the history of humanity. Since most of these vehicles are used sparingly and in the well-maintained condition, they can be exempted.

Third, Centre for Science and Environment (CSE) released a report titled **“What to do with old vehicles: Towards effective scrapping policy and infrastructure”**. In that, the CSE gave a **few important suggestions for vehicle scrapping policy** in India. They are

- There should be a separate effort to **include Extended Producer Responsibility (EPR)** in collecting the car for scrapping. Apart from that, there should be legally binding rules **for scrapping**.
- The scrapping scheme should **incentivise replacement of old vehicles with EVs**. On the other hand, the government should also frame a policy **to reduce the purchasing of traditional petroleum-powered vehicles**.

The Scrapping policy has the potential to meet the government-set target of 30-40 percent electrification of the vehicle fleet by 2030. But it can be sustainable only when the government provide adequate support to Electric Vehicles such as by creating the necessary infrastructure for charging, manufacturing battery packs etc.

Recommendation of 15th Finance Commission and challenges faced by Local Bodies

Recently, [15th Finance Commission](#) report has provided many recommendations for improving the functioning of Local Bodies. The challenges faced by local bodies in India are manifold and there is no one-stop solution to them.

Approach of previous Finance Commissions with respect to Local Bodies:

So far four Finance Commissions (11th FC to 14th FC) have given their recommendations for local bodies. Overall they provided for,

First, the increase in quantum of Funds: In recent years, the grants recommended by successive Finance Commissions in absolute terms have increased. For example, the combined grants for rural and urban local bodies recommended by the 14th FC were three times the amount recommended by the 13th FC.

Second, different Commissions followed distinct criteria while recommending resources for local governments. The only common criteria considered by all of them were population and geographical area.

Recommendations of Fifteenth Finance Commission:

First, the 15th FC suggested strict adherence to its recommendation for the constitution of State Finance Commissions(SFCs).

- It recommends “All States must constitute SFCs and also act upon their recommendations”.
- States also need to place the action taken report before the State legislature on or before March 2024.
- No grants should be released to the States that have not constituted SFC.
- MoPR(Ministry of Panchayati Raj) will certify the compliance of the State in this respect before the release of their share of grants.

Second, with respect to the **Grants to Local Governments**, the commission earmarked 60 per cent of funds for national priorities. These priorities include drinking water supply, rainwater harvesting and sanitation etc. The other recommendations include,

- The report favours a fixed amount rather than a proportion of the divisible pool of taxes. This is to ensure greater predictability of the quantum and timing of fund flow
- The report provides **entry-level condition to local bodies to avail grants. These conditions will include** online availability of both provisional accounts of the previous year and audited accounts of the year before that.

Third, the report calls for the **Integration of the Financial Management Systems** for transparency in the audit and functioning of local bodies.

Fourth, the report recognises **Urbanisation as the Engine of Growth**. It mentions few important recommendations like,

- **Establishment of Million-Plus Cities Challenge Fund** for cities having million-plus population. The devolution of the fund will be linked to the performance of these cities in improving their air quality and meeting the service level benchmarks for urban drinking water supply, sanitation, and solid waste management, etc.
- It also mentions that informal burning, as well as spontaneous combustion at landfills in Urban areas, should be monitored carefully.
- The report calls for **basic grants** for urban local bodies in the non-Million-Plus cities category.
- The report also asks for allocating grants on the basis of population for the Cantonment Boards falling within the State’s territory.

Fifth, the 15th FC's other recommendations include:

- Involving Panchayati Raj Institutions as supervising agencies in primary health care institutions. The Commission believes, it would strengthen the overall primary health care system.
- The commission provided for a **performance-based challenge fund** of Rs. 8,000 crore to States for incubation of new cities.
- The commission recommends an **amendment to the Constitution** to revise the professions tax.

Various challenges faced by the local bodies:

Challenges with respect to functions:

First, there is an **Excessive control of State government** in the functions of PRIs. For example, state government approval is needed in project finalization, Local bodies Budget, Loan requirement, etc. States, instead of guiding PRIs, are restricting the functions of local bodies.

Second, local bodies **lack adequate data on essential services and cannot involve in Urban and Rural planning**. Though data on Census is available, it consists of data of previous years and not the current data. For example, they do not have data on local traffic, urban sewage, migration of people, etc.

Challenges with respect to funding:

First, Article 243-I of the Constitution requires SFCs(**State Finance Commission**) to be appointed at the 'expiration of every fifth year'. Several States have still not moved beyond the second or third SFC. Even if formed they face challenges like inadequate resources, poor administrative support and the delayed placement of action taken reports(ATR), etc.

Second, the tax base of Urban and Rural local bodies is **very narrow**. For example, Urban Local bodies **cannot levy a profession tax of more than 2500**. They also have a problem in levying entertainment taxes and property taxes.

Third, the Majority of the local bodies **do not have access to the Capital market to raise required funds** except few Urban local Bodies such as Pune, Chennai, etc

Challenges with respect to the Functionaries:

Role of **women elected members**. There are many instances where, in the name of elected women representative their husband operates and takes the decision on her behalf. This undermines the agenda to empower women by providing 33% reservation to them.

Suggestions with respect to functions:

First, the Second ARC has recommended a special problem-solving body to resolve the issue of disqualification of elected members. It also suggested an unbiased approval of Local body budgets, projects, etc. State governments need to implement this.

Second, State Governments **should provide local bodies with the power to recruit personnel** to fulfil their functions properly. Apart from that the State governments also have to allow the local bodies to collect the local data for future use and preliminary planning.

Suggestions with respect to funding:

First, States should implement 15th FC recommendation to appoint SFCs or else grants released to the respective State can be halted.

Second, the power to levy taxes on the Union and State Government properties can be provided to local governments. Apart from that, they should be empowered to levy taxes on wealthy people in their locality, impose water cess, irrigation cess etc. **For example**, a case

study in Karnataka has proved that the levy of water cess is a feasible alternative for local bodies.

Third, separate grants may be allocated to local bodies for creating public health infrastructure and primary health care clinics.

Suggestions with respect to the functionaries:

To improve the performance of functionaries, the **timely election** is the need of the hour. Apart from that, the State can encourage Public-Private Partnerships. It will improve the skills of elected local representatives with market expertise and modern methods.

The state government can form strict guidelines for the active involvement of elected women representatives in all spheres of the functioning of local bodies.

Apart from implementing the recommendations of the 15th FC, the voluntary contribution of States is also the need of the hour. The States have to understand that empowerment of local bodies is needed to find solutions to the number of issues faced by them like enhancing tax base, providing adequate primary health and education services, etc.

Green Energy Initiatives in Budget 2021- Explained

Green energy initiatives are one of the most focused sectors in Budget 2021. India is already the 4th largest country in terms of total Renewable Energy installed capacity in the world. With the help of budgetary allocation and private participation, India has all the chances to be a global leader in green energy. But it is not an easy task as India is also facing many challenges in the implementation of its green energy initiatives.

What is Green Energy?

The power generated from natural sources is termed as green energy. For example, wind, water, sunlight etc. Green energy is clean, eco-friendly and sustainable. Green energy has a very minimal negative impact on the environment and also provides the highest environmental benefit.

Present installed capacity of India:

First, the economic survey mentions solar energy of cumulative capacity of 36.9 GW has commissioned till November 2020. Around 36 GW solar energy capacity is under installation, and an additional 19 GW capacity has been tendered.

Second, the Ministry of New and Renewable Energy (MNRE) mentions 38.6GW of Wind energy power plants has commissioned till December 2020. The MNRE also mentions around 10 GW of Biomass-based power plants has commissioned.

On an average, the renewable energy installed capacity till December 2020 stands above 91GW.

Need to focus on Green Energy:

First, green energy will **reduce India's oil import bill**. India currently imports 84% of its oil needs. If India enhances its green energy capacity then the oil import bill of India will come down drastically.

Second, green energy being clean and eco-friendly **will reduce the level of Pollution in India**. Air pollution is the **third-highest** cause of death if we consider all health risks. Apart from that, India recorded the world's highest annual average concentration of PM 2.5 exposure in its air in 2019

Third, India's **international commitments**. India being a party to Paris Climate Agreement 2015, submitted its Nationally Determined Contributions (NDC). In this India promised to increase the share of non-fossil fuels-based electricity to 40 per cent by 2030. So the focus on green energy is much needed.

Fourth, the **failure of global commitments**. The year 2020 was supposed to be the year by which developed countries of Paris Agreement were about to fulfil the goal of jointly mobilizing US\$ 100 billion a year for climate finance. But it has not materialized. So India has to invest on its own and not rely on the global community as India is one of the **most vulnerable countries to Climate Change**.

Fifth, **current capacity is insufficient to meet India's target of 450 GW renewable energy by 2030**. India at present has the capacity to produce 2-3 GW solar PV(Photo Voltaic) per year. But to achieve the target of 450 GW, India needs to have at least 30 to 40 GW manufacturing capacity of renewable energy per year.

Budgetary allocation on green energy:

This year's budget primarily focuses on spending on infrastructure development and also increasing the domestic capacity of green energy manufacturing in India.

First, the budget provided the target of 100% electrification of Broad Gauge Routes in Railways by 2023. At present 63 per cent of total broad-gauge routes are being electrified in India.

Second, the budget also has a proposal for the launch of the **National Hydrogen Energy Mission in 2021-22**. The government stressed on the green hydrogen (Hydrogen is obtained from clean and green sources).

Benefits of Hydrogen:

Department of Science and Technology has released a report 'India Country Status Report on Hydrogen and Fuel Cells'. That report mentions, "Hydrogen has better combustion characteristics, high energy density, nonpolluting nature etc, and also has vast advantages as compared to the conventional fuels".

Hydrogen can satisfy India's mobility and energy security demands. Today, India produces around 6 tonnes of hydrogen. TERI estimates that it will increase to 5 times by 2050. Benefits of Hydrogen will be

- - It can be used as fuel for long-distance mobility. For example, Railways, shipping and trucks etc can use Hydrogen as a fuel.
 - It can co-exist with the Electric vehicle in long-distance travel. As the EVs require charging of vehicle which is not feasible for long-distance travel. For example, 1KG of hydrogen can give 100KM range for a car.
 - Hydrogen can also act as a carrier device to store energy.
 - Like Solar energy, Hydrogen is also **cost-effective in long run**. For example, the initial investment in solar was 17 Rs per unit in 2010. But today the cost was around 2 Rs per unit or even less than that.

Japan and Australia also focus on Hydrogen as future energy. On the other hand, Germany and Italy are planning to power trains with hydrogen.

The Department of Science and Technology under the hydrogen and fuel cell programme is currently supporting nearly 30 hydrogen research projects in India.

Third, the budget provided for **more metro and community transport** initiatives to reduce the carbon footprints of private transport. For example, Private financing of Rs. 80,000 crores for 20000 new busses in India and Innovative financing with Public-Private Partnership (PPP) models for the transport sector.

Fourth, the budget also provided for **Voluntary Vehicle Scrapping Policy** in India. This is applicable for private vehicles older than 20 years and commercial vehicles older than 15 years.

Fifth, more focus on the **capacity building of solar energy**. For example, duty on the solar inverter, solar lanterns were raised from 5 to 20 and 15% respectively. This will boost domestic manufacturing and deter imports.

Sixth, the government has earmarked Rs 2,217 crore for **42 urban centres with a million-plus population to focus on clean air**. The overall focus will be on segregated waste management, handling of construction and demolition debris, stress on public transportation and emphasis on renewable energy.

Challenges faced by green energy initiatives:

First, currently, India imports the majority of its solar equipment from China. The domestic solar equipment manufacturing needs a boost to reduce India's dependence.

Second, weather-dependent: Green energy sources like solar, wind, etc., are primarily dependent on weather conditions. If the favourable weather conditions are not available, it becomes inefficient and inconvenient.

Third, location and occupation of space: Most green energy plants occupy large areas. Land acquisition in India to implement projects is one of the worst-ranked factors in Ease of

Doing Business Report of the World Bank. Apart from that, there is also an issue of the cost of the vast land area.

Fourth, high initial cost: The coal-based power plants require an initial investment of about Rs. 4 crores per MW, the investments required for solar and wind energy plants are even much higher.

Fifth, acceptance of green energy in society: Despite government's incentives like installation of solar water heaters at home and solar pumps under KUSUM scheme, etc, the penetration of EVs, solar and other green energy initiatives are very low.

Suggestions to improve green energy in India:

First, India **needs to promote consumer awareness.** The government has to use the techniques like green labelling of products, allow more tax incentives and discouraging consumers from using conventional energy devices etc. The government can also launch a mass awareness campaign in rural India to improve penetration level.

Second, India needs to **build the capacity of Green technology and associated industries.** But it is only possible with proper land leasing and land acquisition policy, faster environmental clearance of projects etc.

Third, India also has to **focus on research capacities.** Not only we need to start manufacturing, but also we need to build research capacities in relevant technologies. So that India can be self-sufficient in long run and also avoid staying dependent on other countries like India was depending on China on solar and PV equipment.

Fourth, India has to **frame an integrated approach.** It should focus on the domestic and international front to get the necessary resources, market access to sell the green products and other essentials required for the improvement of green technology.

Fifth, the **collaboration of states is also needed.** There are 11 states that have rolled out E-mobility plans. Other states also have to release their individual State plans to support India's National Action Plan on Climate Change (NAPCC).

In conclusion, an estimate suggests that India has the capacity to extract 900 GW energy from commercially available sources like wind energy, solar energy etc. The estimate can turn into reality only when all the stakeholders (government, private and public) work and contribute towards it.

Indigenisation of defence -Explained

Indigenization of the defence sector is one of the foremost targets for Indian government since Independence. Recently, Asia's biggest Aero Show **AeroIndia 2021** was conducted in Bengaluru. During the show, Defence Minister highlighted India's growing presence in designing and developing indigenous weapon systems. Let's see, how India is performing in indigenisation of defence despite the challenges.

Present status of Indigenisation in India:

- Millennium Aero Dynamics and Cochin Shipyard jointly developed and produced the **INS Vikrant**. It is the first aircraft carrier built in India completely.
- BARC and DRDO jointly developed India's first indigenous **nuclear submarine Arihant**.
- HAL along with Taneja Aerospace and Aviation Limited (TAAL) is developing Dhruv multirole helicopter, Light Combat Helicopter (LCH) and Rudra armed helicopter. They are also manufacturing Tejas Light Combat Aircraft in India.
- DRDO is currently working on an indigenous unmanned aerial vehicle named **Nishant**.
- Under the **Integrated Guided Missile Development Programme (IGMDP), India developed 5 missiles in India namely**
 - **Akash** (surface-to-air)
 - **Prithvi** (surface-to-surface)
 - **Nag** (anti-tank)
 - **Trishul** (the naval version of Prithvi)
 - **Agni** Ballistic missiles having different ranges – Agni V has given India an ICBM (Intercontinental ballistic missile) status in 2013.

Need for indigenous defence sector:

First, reducing India's Fiscal Deficit: Currently, India's defence sector imports stand at 70%. This makes India the 2nd largest **arms importer in the world, only** next to Saudi Arabia. According to the Stockholm International Peace Research Institute (SIPRI), in 2019, India became the third-largest defence spender in the world. So, indigenisation of the defence sector is necessary to reduce the Fiscal Deficit.

Second, national security at risk: India shares **porous borders with hostile neighbours**. Currently, imported equipment in India are creating multiple challenges related to their Maintenance, Repair & Overhaul (MRO) due to non-availability of spares and assemblies. These equipment without proper MRO can put India under major risks mainly during the war like situation. For example, recent military standoff with China. This will put India's national security at risk. So indigenisation is necessary.

Third, generation of employment: Defence manufacturing is one of the very few sectors that will lead to multiplicity of employment benefits. As per the government estimates, just 20-25% import reduction will directly create 100,000 to 120,000 additional highly skilled jobs in India. Apart from that, it will lead to large scale innovation, a huge number of spin-off industries and start-ups etc.

Fourth, boosting Indian exports and generating forex reserve. The SIPRI data mentions India as the 23rd largest country in terms of defence exports. This shows under-performance considering the fact that, India spent \$71.1 billion in the defence sector in 2019 alone. India can export indigenously produced defence technology and equipment to the neighbouring nations. Like space and nuclear research, R&D in defence sector will increase the focus on both civil and military economy.

Fifth, indigenous equipment will increase the trust and confidence of the Indian defence forces. It will also strengthen India's image in the global arena.

Government initiatives to boost indigenisation in defence sector:

First, India introduced the **Defence Procurement Policy** to focus on self-reliance. The policy allowed the (DAC) **Defence Acquisition Council** to “fast-track” ways to acquire weapons. The policy aims **2025 to be the year to become self-reliant in 13 weapons platforms**. These include missiles, warships, tanks, aircraft, and artillery. These comprise the bulk of Indian imports.

Second, the establishment of **E-Biz Portal**. It is an online portal to process applications for Industrial Licences (IL). The Government also set up **Innovations for Defence Excellence (iDEX) framework**. It aims to create an ecosystem to foster innovation and technology development in Defence and Aerospace.

Third, removal of annual capacity restriction criteria for defence industries. This is to facilitate more number of startups in the defence sector.

Fourth, the government also approved the **Strategic Partnership Policy**. This is to promote Joint Ventures (JV) between global defence majors and the indigenous private sector. Under this, the government will designate certain private players a status of Strategic Partner (SP). That SP will have long term relationships with global defence majors to learn the technology and also to build the capacity at the local level.

Fifth, the **change in FDI policy**. The government earlier allowed 49% of FDI under the automatic route. But in 2020 the government increased this to 74%. This will act as a major boost to the defence sector as it will not only increase FDI but it will also increase the number of startups.

Sixth, recently the government imposed a ban on **101 import items in the defence sector** to boost indigenisation. These include high tech weapons like artillery guns, sonar systems, assault rifles, radars, transport aircraft, etc. As a result of this, now the defence forces will procure these equipment only from the domestic manufacturers.

Challenges in indigenisation of defence sector:

First, private sector participation is very low. Currently, India depends on DRDO and defence PSUs for the majority of its needs. There is an issue of **land acquisition** in India. This, coupled with non-availability of Permanent arbitration committee to settle disputes in India leads to lower private participation.

Second, manufacturing and procurement-related delay. There are bureaucratic and political hurdles in India. Indian defence suppliers also take more time to complete the projects. There is also a problem of delay in the delivery of the projects. This **hurts** India's image as a **trusted supplier**.

Third, conflict between the **manufacturers & defence forces**. Defence forces being on the ground of the battlefield, know that the border areas demand some specific design and characteristics of the equipment. But there is a conflict between the manufacturers and defence forces in India regarding the design, capacity etc of the defence equipment. All this leads to inefficient coordination between the military, academy and industry.

Fourth, most of the Indian **defence budget goes towards salaries, retirement benefits, perks and benefits, MRO of equipment etc**. This limits the government capacity to focus on long-term budgeting towards the defence sector.

Suggestions to improve indigenisation:

First, the government can **implement the Shaketkar committee recommendations** on the **closure of Army Postal Establishments and Military Farms in peace locations** swiftly. Apart from that government can also consider the Chief of Defence Staff opinion. He mentioned increasing the retirement age to improve government spending on other relevant activities.

Second, boosting private sector participation is the need of the hour. This can be achieved by creating a **permanent arbitration cell**, ensuring level playing field for private companies like that of PSUs.

Third, the government can provide an autonomous status to DRDO. It will improve the number of sub-contracts to the private sector and also instil the confidence to private sectors.

Fourth, the government have to improve the in-house design capacity like that of Naval Design Bureau. This will reduce the conflict with manufacturers in design and capacity.

Shaketkar committee recommended transformation of 'The Military Intelligence School' at Pune into '**tri-service intelligence training establishment**'.

According to SIPRI, India's military expenditure in 2019 was 2.4% of its GDP. It was higher than the combined expenditure on health(1.5%GDP) and research (0.7% of GDP). The government needs to improve the indigenization in defence sector at the war pace as it has many benefits such as reducing Fiscal Deficit, improvement in manufacturing etc.

DNA Technology Regulation Bill -Explained

Recently the Parliamentary Standing Committee (PSC) asked the government to pay “careful attention” to the DNA Technology (Use and Application) Regulation Bill, 2019. The PSC mentioned the DNA Technology Bill as very technical, complex and sensitive. But the PSC also mentioned the advantages of the Bill. All this raises the important question. Is India ready to have the DNA Technology Bill?

Need for such DNA Technology Bill in India:

First, countries having such legislation like the USA, have proved a **significant increase in conviction rate**. According to NCRB, India’s **conviction rate is 48.8% only in 2017**. The conviction rate can improve significantly if the DNA Bill is enacted in India.

Second, in India, **Each year more than 4000 FIRs filed for not recognising the victim’s body**. Not only that, In India **around 175 persons missing each day**. The bill will help in identifying them very easily with scientific intrastate co-operation.

Third, the Bill will come in handy during the **parental disputes resolution**. The Bill can also **establish the identity of missing children and baby-swapping cases in hospitals**.

Fourth, **accurate and faster investigation of crime** is feasible. Since the Bill **maintains a database for convicts and suspects**, the crime scene investigation will completely be based on scientific principles. **This can result in a faster and accurate investigation** by police officers.

Fifth, the Bill will **help in research works in DNA** and also **create employment opportunities for skilled manpower and other non-skilled jobs**.

Significance of DNA technology:

DNA analysis is **extremely useful and accurate**. DNA analysis can ascertain the identity of a person from his/her DNA sample. The DNA sample can also establish biological relationships between individuals. For example, A hair sample or blood stains from clothes taken from a scene of the crime can clearly establish whether the DNA in the sample belongs to the suspected individual or not.

As a result, DNA technology is being increasingly relied upon in **investigations of crime, identification of unidentified bodies, or in determining parentage, etc.**

Salient provisions of the DNA Technology Bill, 2019:

First, the Bill mentions the **situations under which DNA Data will be used**. Under the Bill, **DNA testing is allowed only in respect of 4 matters**. They are,

- For offences under the Indian Penal Code, 1860.
- Civil disputes and other civil matters related to paternity suits, or to identify abandoned children.
- Offences under certain special legislations like Immoral Trafficking prevention Act, MTP Act etc.
- Medical negligence or unidentified human remains

Second, while preparing a DNA profile, bodily substances of persons may be collected by the investigating authorities. There are certain conditions mentioned under which the DNA will be collected. Like,

- For arrested persons, if the offence carries a punishment of up to seven years. Consent is needed to collect the DNA sample.
- If the offence carries more than seven years of imprisonment or death, consent is not required.

Third, the Act establishes the DNA Data Bank. The data banks will be established at the **National and regional level**. At the regional level, the data bank will be established for every state or two or more states.

Fourth, the Bill states that the **criteria for entry, retention or removal of the DNA profile** will be specified by regulations. **The Bill provides that the information contained in the crime scenes will be retained.**

Fifth, the Bill also establishes a DNA Regulatory Board. This DNA Regulatory Board will supervise the DNA Data Banks and DNA Laboratories. The Secretary, Department of Biotechnology, will be the ex officio Chairperson of the Board.

Sixth, the Bill also has a provision of mandatory accreditation from the Board to establish DNA Laboratories in India. **The Board may revoke the accreditation for reasons** such as failure to **undertake DNA testing or the non-compliance of DNA Lab with the conditions attached to the accreditation.**

Arguments against the Bill:

First, concerns **regarding the collection of DNA itself.** DNA is the base of any individual person. DNA not only not just reveal how a person looks, or what their eye colour or skin colour is. It will also reveal more intrusive information like their allergies, or susceptibility to diseases etc.

Second, the collection of DNA has also seen as a **violation of two Fundamental Rights.** Such as Right to Privacy under Article 21 and Right against self-discrimination under Article 23. The Bill is also seen as a violation of the **Universal Declaration of Human Rights.**

Third, science advances more quickly than law. Scientific laws if legislated, they need frequent course corrections to prevent misuse. In India, there are few legislations which are being used for centuries without any amendments. Failure to bring the amendment at a necessary stage will create a plethora of problems.

Fourth, there are **only 15 DNA profiling labs in India.** **DNA Training Academy** also faces a shortage of manpower. Considering this situation one cannot ensure a smooth implementation like DNA profiling, etc

Fifth, there is also a **privacy concern.** The DNA data can be misused just like other personal information like Cambridge Analytica scandal of Face book. For example, **the Andhra government signed up with a private firm to collect DNA data from all citizens.** The private firm may misuse the data for profit motives.

Lastly, there is also a possibility of **Miscarriage of Justice.** Like by planting innocent person DNA in crime scenes to confuse the investigation and if a crime scene is occurred in commonplace then many innocent might be harassed.

Arguments favors DNA technology Bill:

First, there will be **no racial and communal profiling possible.** The government mentions it will store very limited information in the DNA profile. That is just 17 sets of information (from the billions of information available in DNA sample). This will not reveal any personal data about an individual.

Second, DNA tests are already happening without any regulatory safeguards. The PSC in its recent report mentions the importance of the DNA Bill to bring the DNA tests into the ambit of the law.

Third, an **individual's privacy** is ensured in the Bill. The Bill has very specific provisions for the collection of DNA data. The DNA is not collected from common people and it is collected from the convicts and missing person. The PSC also supported the view in its recent report.

Way forward:

First, the law would be better implemented if the **Data Protection Bill** based on the **Sri Krishna Committee** is passed first. Since the Data Protection Bill fixes the privacy of data protection.

Second, there is also a **need for a robust procedure and policy** for collection of DNA samples, within the constitutional provisions like respecting Article 21. Apart from that the policy also has to respect the **Universal Declaration of Human Rights**.

In conclusion, It is much-needed legislation. If implemented clearly then there going to be the voluntary submission of DNA. But that will be possible if the government enacts the Bill with necessary checks and balances.

ForumIAS

Glacial Lake Outburst Flood (GLOF) in Uttarakhand -Explained

Recently a glacial burst has occurred in Nanda Devi glacier in Uttarakhand's Chamoli district. 19 bodies have been recovered so far and over 150 persons went missing in the glacial outburst. Many geologists issued warnings that these types of climate-related disasters are going to increase. They all pointed out global warming as a major contributing factor to these disasters.

What happened in Uttarakhand?

A part of the Nanda Devi glacier broke off and flooded the Rishiganga river in Chamoli district of Uttarakhand. It led to massive flood in the region that damaged many villages in its path. The flood also wiped out two hydroelectric power projects on its way;

- The Rishiganga hydroelectric power project (13.2 MW)
- The Tapovan hydroelectric power project on the Dhauliganga river (a tributary of the Alakananda).

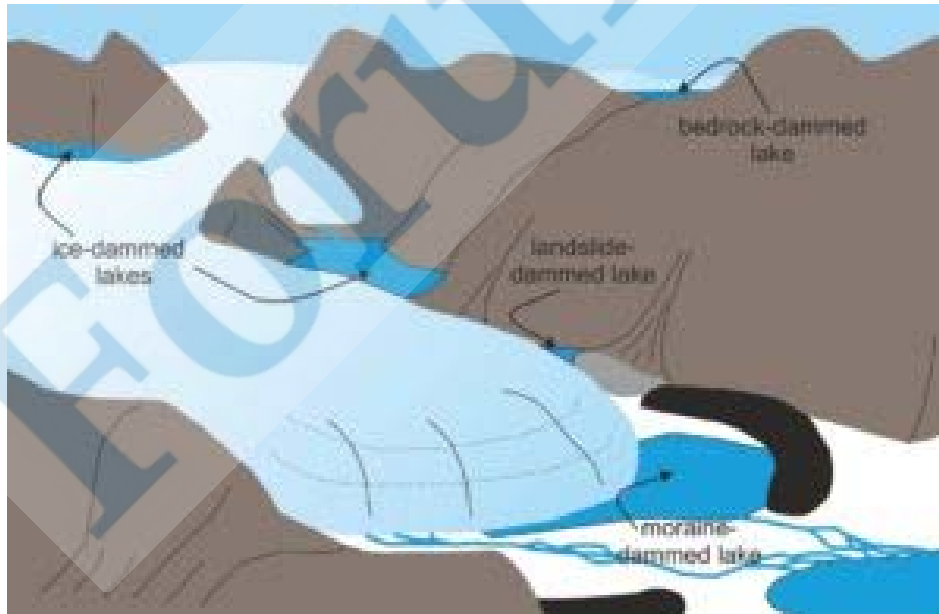
The scientists call the glacial burst an "extremely rare event". Whether it was a glacial lake burst or an avalanche, is still unknown.

Wadia Institute of Himalayan Geology, Dehradun has sent two teams of scientists to the area. The team will study the possible cause and find out the exact reason behind the glacial burst.

What is a glacier? and what is glacier retreat?Glaciers are large masses of ice that flow slowly downhill like water flowing down as a river. A glacier grows (advance) whenever snow accumulates faster than it melts. Glacier retreats (shrinks) whenever the melting exceeds accumulation. Most of the world's glaciers have been retreating since about 1850.

What is Glacial burst?

Retreating glaciers, usually result in the formation of lakes at their tips. These lakes are called **proglacial lakes**. These proglacial lakes are often bound by sediments, boulders, and moraines.



If the boundaries of these lakes are breached, then flooding will take place downstream of that glacial lake. This is called a Glacial Lake Outburst Flood or GLOF.

The occurrence of GLOF will release a significant amount of water retained in a glacial lake. A large amount of water rush down to nearby streams and rivers (like the recent glacial burst

that flooded the Rishiganga river). This further gathers momentum by picking up sediments, rocks, and other materials on the way.

In conclusion, GLOF will result in large scale flooding downstream.

These GLOFs have three major characteristics. They are,

1. There will be a sudden release of water and sometimes this might be cyclic in nature.
2. GLOFs are generally rapid events. They can range from a few hours to days.
3. GLOFs result in large downstream discharges in the river. (This often depend on the amount of glacial lake size, level of the breach in the boundary of the glacial lake, etc).

What are the possible reasons behind the Glacial burst?

Due to multiple reasons, there occurs breach of boundaries of the glacial lake. Like,

- A **build-up of water pressure or structural weakness of the boundary** due to an increase in the flow of water.
- **An earthquake** (Tectonic) **or cryoseism** (non-tectonic seismic event of the glacial cryosphere) can cause GLOF. During this, the boundary of the glacial lake will collapse suddenly and release the water of the glacial lake.
- An **avalanche of rock or heavy snow**: During this, the water in the glacial lake might be displaced by the avalanche.
- **Volcanic eruptions** under the ice can lead to GLOF. These volcanic eruptions might displace the boundary or increase the pressure on the glacial lake or both.
- **Heavy rainfall/melting of snow**: This can lead to massive displacement of water in a glacial lake.
- **Long-term dam degradation** can also cause GLOF.
- Other reasons include the collapse of an adjacent glacial lake, etc.

Some significant glacial burst that occurred in the past:

The Glacial Lake Outburst Flood occurs all over the world **except Australia** (Glaciers are not found in Australia). **Peru and Nepal** in the past faced deadly or highly destructive glacial floods.

Dig Tsho glacial lake was present in Eastern Nepal (in a valley next to Mount Everest). In 1985 a GLOF occurred in Dig Tsho and brought out the dangerous **potential of glacial lakes nationally and internationally**. The Dig Tsho GLOF resulted in an estimated loss of US\$ 1.5 million but fortunately only 4-5 casualties.

So far 14 GLOF events have been recorded in Nepal. In another ten events, the outburst occurred in Tibet (China) but it affected Nepal.

A flood caused by a GLOF in 1941 in Peru led to the death of an estimated 1,800. This event has been described as a historic inspiration for getting into research regarding GLOF.

In India, in 1929, a GLOF occurred from the Chong Khumdan Glacier in the Karakoram. It resulted into flood in the Indus River.

Vulnerability of Hindu Kush-Himalayan Region to Glacial Lake Outburst Flood(GLOF):

The **Hindu Kush Himalayan (HKH) region** is known as **Asia's water tower**. It has the maximum snow cover after the poles. The Hindu Kush Himalayan region sustains more than two billion people directly and indirectly.

First, there are numerous glaciers in the HKH region. For example, there are 8,800 glacial lakes in the Himalayas and these are spread across countries. Among these, more than 200 of these have been classified as dangerous. These glacial lakes can trigger the Glacial outburst.

Second, the **soil is getting loose in the HKH region**. The large human settlements and human activities have resulted in deforestation and large-scale agricultural activities in the region. This intensifies the GLOF, as there is no natural barrier to control the flood.

Third, the factor of **global warming and climate change**. These are one of the most important reasons for the Glacial Lake Outburst Flood. Global warming and climate change lead to **glacial retreat and glacier fragmentation** (big glaciers splitting into smaller ones). According to the **Hindu Kush Himalaya Assessment report**, even after fulfilling the commitments made under the Paris Agreement, one-third of the HKH region's glaciers would melt and will potentially destabilize the river regime in Asia.

Fourth, the **heat-island effect** in the HKH region. The Himalayas are getting warm faster than other mountain ranges. This is due to the increase in the use of reinforced concrete (RCC) in building construction instead of eco-friendly traditional wood and stone masonry. This adds to regional warming and increases the number of glacial lakes or the water level of glacial lakes.

Fifth, tectonic activity in the region. The Indian plate is continuously moving towards north about 2 cm every year. So the Himalayas is rising about 5 mm a year. This makes the Himalayan region geologically active and structurally unstable. Landslides and earthquakes will continue to happen in the region. This can trigger a Glacial outburst. For example, the entire State of Uttarakhand is categorized as Zone IV (High-Risk Zone) and V (Very High-Risk zone) of the earthquake risk map of India.

Way forward:

First, a **long-term solution** will be feasible if **all the countries start working towards reducing global warming**.

Second, India needs to form **clear policy guidelines to restrict further human activities** like building roads, constructing hotels on banks, etc. Any further human activity without proper guidelines will harm the already fragile landscape.

Third, India needs to undertake a **cumulative assessment and strategic planning**. **Geological Survey of India** can use satellite images and technology like GIS (geographic information systems) and provide a clear analysis of the HKH region.

Fourth, Capacity building of the local community will ensure disaster mitigation in the near future.

Fifth, The **government has to be proactive and set up an early warning system** in the Himalayas. Like the one set up in coastal areas after the 2004 tsunami.

In conclusion, India is one of the most vulnerable countries to climate change and global warming. Even though international cooperation is required to restrict the global temperature to 1.5°C, India can move ahead and implement the suggestions. With this India can be a role model to the other countries in mitigating the disasters.

Regulating tech giants in India- Explained

Recently Indian government issued a [notice to Twitter after](#) it restored more than 250 suspended accounts. On January 31st Twitter suspended these accounts as per the government's order. These accounts were allegedly promoting misinformation about the farmer's protests.

The tech giants with their power to influence the market, society, and governments are involved in unethical trade practices and antitrust activities all over the world. India is not an exception to them. This raises the important question to regulate tech giants in India.

Tech giants controversial practices in India:

First, The photo-sharing app of Facebook (**Instagram**) went into controversy in 2020. It **failed to take any action over the controversy called Bois Locker Room** (mostly run by Indian teenagers).

Second, **Facebook** employees themselves are questioning the procedure and content regulation practice of Facebook's Indian team. **11 of its employees also wrote a letter to the Facebook management** about the policy head decision to allow certain posts that spread hate and racial content.

Third, CCI (Competition Commission of India) initiated two antitrust investigations against Google in 2020. One for **unfairly promoting its own payments app (Google Pay)**. The other for involving in anti-competitive practices by **restricting companies from creating modified versions of Android OS** for smart TVs.

Fourth, In 2019, the **Enforcement Directorate (E.D.)** commenced its investigation into **alleged violations by Amazon and Flipkart** for their prohibition of FDI in business-to-consumer (B2C) enterprises except where specific conditions are met.

Fifth, **Twitter** displayed a map of Leh as part of China and later as part of Jammu and Kashmir state (instead of a separate Union Territory). For that, a legal notice has been served to Twitter.

Impact of Tech giants in India:

First, the **usage of the targeted algorithm**: tech giants are using users' search data to push advertisements to the users. The ads are specifically targeted to users based on their recent search over the internet.

Second, there is a **lack of transparency** in the way tech companies process user data. This has raised serious privacy concerns and also created anti-trust investigations by various governments. The Cambridge Analytica scandal of Facebook is one such example. The recent WhatsApp privacy policy also created widespread concern.

Third, the tech giants involved in **predatory pricing** and **monopolistic trade practices**. They usually drive out competitors using anti-competitive behaviour. For example, accusations on Amazon favouring their self-branded products over third-party products.

Fourth, the impact on **big tech giants on society**. The big techs are the foremost medium of **fake news, hate speech, etc.** These were seen as un-democratic activities by countries.

Fifth, their **potential to influence the country**. The combined market capitalization of the big techs is more than the GDP of most countries except China and the USA. The sheer economic presence and their market presence (like Google handles more than 90% of online searches) make them create aggressive clauses in their terms and conditions, contract agreements etc.

How India is regulating big Techs?

First, The government enacted the **Competition Act, 2002**. The Act established the **Competition Commission of India (CCI)**. Later the Act was amended in 2007. The CCI has been established to eliminate practices having an adverse effect on competition. The commission also promotes and sustain competition, protect the interests of consumers. The CCI will step in if any of the tech giants will get involved in the anti-competitive practice.

For example, In 2018, the **CCI concluded its investigation into Google's advertising policies**. The CCI declared that Google had abused its dominant position and involved in the anti-competitive practice. The CCI also imposed fine on Google of Rs.136 crore.

Second, The Information and Technology Act, 2000 govern all activities related to the use of computer resources in India. Some of the important provisions of the Act are

- Section 69 of the Act gives power to the government to issue directions “to intercept, decrypt or monitor...any information generated, transmitted, received or stored” in any digital equipment.
- Section 69A of the Act provides power to the government to block access to any information generated, transmitted, received or stored or hosted in the digital space.
- Intermediaries (providers of network service, telecom service, Internet service and web hosting) are required to preserve and retain specified information. They also have to obey the directions issued by the government from time to time.
- In return intermediaries are protected from legal action for user-generated content (The big techs used this clause to move away from liability and responsibility in digital space).

Challenges in regulating big techs:

First, smartphones and the Internet of Things (IoT) have become a major driver for the growth of big tech companies in the last decade. India is currently witnessing a massive growth in smartphone usage and IoT. India is also witnessing increase in the population of users who are coming online for the first time. So regulating Big Techs strictly will leave the consumer with no other alternative. Hence, it is important to cater to the needs of people.

Second, everyday life is dependent on various apps and technologies. Nowadays technology is linked with remote working and studying, public transport, shopping, telemedicine, on-demand music, and video streaming, etc. Tech giants with their presence in digital space created a monopoly in essential services.

Third, the essential nature of the services provided by them. These tech giants provide Freedom of Expression to individual and also made billions of people to depend on their services. Like, Google on the internet, Amazon on e-commerce etc.

Fourth, the challenge of cross-platform connectivity: Users of Facebook and Google can sign in and access services over food, grocery delivery, and various other companies. This can be used to mine the accounts of users. This creates a challenge to regulate the tech giants alone. To get a proper desired output, one need to regulate the entire ecosystem. But it is not feasible.

Suggestions to regulate Big Techs:

It is essential to strengthen the Competition Law. In this regard, the Competition Law Review committee has recommended the following:

- **First, an introduction of a ‘Green Channel’:** This is to enable fast-paced regulatory approvals for the vast majority of mergers and acquisitions that have no concerns regarding adverse effects on competition.
- **Second, introducing a dedicated bench in NCLAT** (National Company Law Appellate Tribunal) to hear appeals under the Competition Act.

- **Third, opening up of CCI offices at the regional level:** This will help to carry out non-adjudicatory functions and interaction with State Governments in controlling the Big Techs.

Recently in the US also House of Representatives panel submitted the report of a bipartisan investigation into the working of Big Techs. They recommended,

- **First, the Structural separations of the big techs:** By breaking big tech's companies into many smaller ones. This will reduce their undue influence over the digital market space.
- **Second, to prohibit mergers and acquisitions :** putting a "presumptive prohibition" against big tech companies.
- **Third, companies should be prohibited** from operating in an "adjacent line of business".

Considering the size of the Indian economy which is in the top five Economies of the World, controlling Big Tech is the key to ensure fair competition. The need of the hour is the passage of the Personal Data Protection Bill along with the incorporation of the recommendations of the Competition Law Review Committee and exploring the possibility of implementing the US House of Representatives panel's report.

Strategic Disinvestment Policy: Issues and Challenges – Explained

COVID-19 pandemic has hit the Indian economy very hard. At once, due to lockdowns, Indian economy was dried out of funds. Economic activities got reduced drastically. At present, the Indian economy is in urgent need of a revenue stream so that all activities can go back to normal.

Government expenditure was expected to help the economy out, just like it did during the 2008 financial crisis. However, all these factors have also reduced the revenue and capital receipts of the government.

Now, the government has announced a large-scale monetization of government sector assets. It includes the sale of vast tracts of land and disinvestment receipts of ₹1.75-lakh crore.

Government Policy for strategic disinvestment

During Union Budget 2020-21 presentation, Government announced a new **policy** for **strategic disinvestment** of public sector enterprises. It will provide a clear roadmap for disinvestment in all non-strategic and strategic sectors. The government has aimed to receive **Rs. 1,75,000 crore from disinvestment** in BE 2020-21.

1. The policy will cover existing Central Public Sector Enterprises (CPSEs), Public Sector Banks, and Public Sector Insurance Companies.
2. The government has classified the public sector under 2 categories: 1. Strategic Sector and 2. Non- strategic sector.
3. In Non-strategic sectors, the government will exit from all businesses. It will keep only a 'bare minimum' presence in four broad strategic sectors, i.e.
 - o Atomic energy, Space and Defence
 - o Transport and Telecommunications
 - o Power, Petroleum, Coal, and other minerals
 - o Banking, Insurance, and financial services
4. The government will incentivize States for disinvestment of their Public Sector Companies. An **incentive package of Central Funds** for states will encourage them to do so.

The new disinvestment policy goes further than the past case-by-case approach and straight away allows the sale or closure of nearly 151 PSUs (83 holding companies and 68 subsidiaries) in non-strategic sectors.

Other than that, Government will monetize the surplus land with Government Ministries/Departments and Public Sector Enterprises. A **Special Purpose Vehicle** will be created in the form of a **company** to carry out **monetization**.

What is Disinvestment?

- **Disinvestment means** the sale or liquidation of assets by the government. It usually consists of Central and state public sector enterprises, projects, or other fixed assets.
- The **government undertakes disinvestment to** reduce the fiscal burden on the exchequer. It raises money for meeting specific needs, such as to bridge the revenue shortfall from other regular sources.
- **Strategic disinvestment is** the transfer of the ownership and control of a public sector entity to some other entity (mostly to a private sector entity).
- The disinvestment commission defines strategic sale as **the sale of a substantial portion i.e. 50%, or higher percentage of the Government shareholding** in a central public sector enterprise (CPSE). It also involves a transfer of management control.
- **National Investment Fund (NIF)** was constituted in November 2005. In this fund, the proceeds from the disinvestment of Central Public Sector Enterprises were to be channelized.

Need of disinvestment

1. Under the aegis of the Atmanirbhar Bharat Mission, the rationalization of the participation of the CPSEs in commercial activities has been proposed.
2. As per the experts, the involvement of the government should only be limited to 'strategic sectors'. So that it can develop these crucial sectors of the economy with its full energy.
3. This will encourage healthy competition in the non-strategic corporate sector. It will lead to an increase in their efficiency under the pressure of competition.
4. Selling the non-productive companies will provide the government with non-debt revenue in this time of fund crunch. Moreover, it will increase the efficiency of the government investments in the Public sector.

Performance of disinvestment in the recent scenario:

- According to the Department of Investment and Public Asset Management (DIPAM), between 2004-05 to 2013-14, disinvestment raised Rs. 1.07 lakh crore, on an average yearly collection of Rs. 10,700 crores.
- However, from 2014-15 to 2017-18, the collection went up to Rs. 2.12 lakh crore, i.e., a yearly collection of Rs. 53,000 crores.
- The government has exceeded the target of Rs. 1 lakh crore in 2017-18 and Rs. 80,000 crores in 2018-19.
- The success of **BHARAT-22 Exchange Traded Funds (ETF)** takes government closer to the disinvestment target. The ETF is a benchmark to an index named BHARAT22 consisting of 22 companies (19 PSEs and 3 private).
- However, in 2020-21 due to the COVID-19 pandemic, the disinvestment process was hindered in between. It could only gather disinvestment revenues of Rs 31,000 crore against a target of Rs 2.1 lakh crore.

Challenges of disinvestment policy:

First, the Sale of profit-making and dividend-paying PSUs would result in the **loss of regular income to the Government**. It has become just a resource raising exercise by the government. There is no emphasize on reforming PSUs.

Second, the valuation of shares has been affected by the government's decision not to reduce government holdings below 51 percent. With the continuing majority ownership of the government, the public enterprises would continue to operate with the earlier culture of inefficiency.

Third, Government is **not willing to give up its control** even after strategic disinvestment. It is evident from the budget speech of 2019-20 by the Finance Minister. She stated that government is willing to change the extant policy of government. It will change the policy of "directly" holding 51 percent or above in a CPSU to one whereby it's total holding, "direct" plus "indirect", is maintained at 51 percent. It means government will still exercise its control over PSUs.

Fourth, The process of disinvestment is **suffering from bureaucratic control**. Almost all processes starting from conception to the selection of bidders are suffering due to it. Moreover, bureaucrats are reluctant to take timely decisions in the fear of prosecution after retirement.

Fifth, Strategic Disinvestment of Oil PSUs is seen by some experts as a threat to **National Security**. Oil is a strategic natural resource and possible ownership in the foreign hand is not consistent with our strategic goals. For example, disinvesting Bharat Petroleum Corporation Limited (BPCL).

Sixth, Loss-making units **don't attract investment so easily**. It depends upon the perception of investors about the PSU being offered. This perception becomes more important in the case of strategic sales, where the amount of investment is very high.

Seventh, Complete Privatization may result in public monopolies becoming **private monopolies**, which would then exploit their position to increase costs of various services and earn higher profits

Eighth, using funds from disinvestment to bridge the fiscal deficit is an unhealthy and short-term practice. It is said that it is the equivalent of selling **'family silver'** to meet short term monetary requirements.

Way forward

Disinvestment and rationalization of some CPSEs are being planned. But there is also a need to strengthen the sectors retained by the government to fully meet the expectations.

For strengthening them, the government should take steps to completely revamp the Boards of the CPSEs and reorganize their structure.

The government should increase the operational autonomy in CPSEs. It can be supplemented by strong governance measures like listing on stock exchanges. It will increase the transparency in their performance.

The government must also try to provide the bidders with a fair valuation of the PSUs. It will boost their confidence in the disinvestment process.

The government should also avoid its involvement by any means in the management of operations of PSUs, after its strategic sale. Otherwise in the long run, it would discourage the buyers from investing in them.

Some steps taken by the Department of Public Enterprises will improve the performance of CPSEs. These are:

1. The performance monitoring system of the CPSEs has been reformed.
2. It has also improved the process of timely closure of sick and loss-making CPSEs and disposal of their assets.

Medical Termination of Pregnancy (Amendment) Bill, 2020 – Explained

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Recently Medical Termination of Pregnancy (Amendment) Bill 2020 is scheduled to be tabled in Rajya Sabha. The MTP bill was passed in Lok Sabha last year. The bill aims to strengthen the abortion rights of women from the earlier Medical Termination of Pregnancy Act 1971. But the bill has certain important challenges associated with it, preventing it to become a comprehensive legislation.

What is the Medical Termination of Pregnancy (MTP) Act 1971?

The Act defines the conditions on which the termination of pregnancy can be made, and the qualified persons to perform the same. The Act aims to reduce the maternal mortality ratio due to unsafe abortions in India.

The act allows a woman to terminate her pregnancy within the first 12 weeks of pregnancy. After consulting an RMP (registered medical practitioner) woman can terminate her pregnancy.

If the women want to terminate her pregnancy between 12-20 weeks, she needs to get an opinion from 2 RMPs. The Medical practitioners have to ascertain that continuance of the pregnancy would **risk the life of the pregnant woman or** substantial risk (Physical or mental abnormalities) to the **child** if it is born.

Need for the Amendment:

First, the present abortion law is five decades old. The law permits abortion up to a maximum foetal gestation period of 20 weeks only. **This denies reproductive rights to women.** (Abortion is one of the important aspects of women's reproductive health).

Second, currently, if a woman wants to terminate the pregnancy beyond 20 weeks, she has to follow legal procedure. The slow judicial process in India force woman to take **illegal means to terminate the pregnancy.** **India Journal of Medical Ethics report** in 2015 mentioned **unsafe abortions were leading to 10-13% of maternal deaths in India.** This makes unsafe abortions as the **third-highest cause of maternal death.**

Third, the advancement of science. **After the 20th week**, many **foetal abnormalities can be detected** using techniques like Ultrasonography. As the current law limit the time to 20 weeks, it can cause trouble to the mother as well as children in the near future. Hence, its extension is much needed.

Fourth, International practice: 52 % of global countries including the UK, Ethiopia, Austria, Spain, Italy, France allow termination of pregnancy beyond 20 weeks if there are any foetal abnormalities. 23 countries including Germany, Canada, Vietnam allow termination of pregnancy at any time based on the request of the mother.

Salient provisions of MTP Amendment Bill 2020:

First, the Bill **extends the upper limit for permitting abortions from the current 20 weeks to 24 under special circumstances.** This is applicable to a **“special category of women”**. Victims of abuse, rape survivors, the differently-abled, and minors fall under this category.

Second, the Bill proposes the requirement of the opinion of one **registered medical practitioner (RMP) for termination** of pregnancy up to 20 weeks of gestation.

Third, the Bill provides for **two RMPs opinions for termination of pregnancy between 20 and 24 weeks**.

Fourth, Bill **constitutes a Medical Board**. Every state government has to constitute a medical board. These medical boards will diagnose pregnant women for substantial foetal abnormalities. **If any such substantial foetal abnormalities** get detected then the **termination** of pregnancy can be done even after 24 weeks of gestation (no upper limit for the termination of pregnancy in this case).

The Medical Boards will consist of the following members:

- a gynecologist,
- a pediatrician,
- a radiologist or sonologist,
- any other number of members, as may be notified by the state government.

Fifth, Bill **protects the privacy of a woman**. No RMP can reveal the name and other particulars of a woman who performs the abortion. However, RMP can reveal the identity to a person authorised by law. The violation of this provision is punishable with imprisonment up to one year, or a fine, or both.

Advantages of the proposed Bill:

First, the Bill raises the **foetal gestation period** for termination of pregnancy **beyond 20 weeks**. The MTP Bill also includes a **special category of women**. In short, the bill enables access to safe abortion and curb illegal abortion practices.

Second, the 1971 MTP Act states that, if a **minor** wants to terminate her pregnancy, the guardian has to provide written consent. The proposed bill has excluded this provision.

Third, the Bill will **strengthen the reproductive rights of women**. The Supreme Court in *Mrs X v. Union of India, 2017 case* has recognised women's right to make reproductive choices and their decision to abort as a dimension of their personal liberty. The court also mentioned abortion primarily fall within the Right to Privacy.

Fourth, the Bill will **reduce the burden on the Judiciary**. At present, there are many cases registered in court seeking permission for abortion beyond 20 weeks. Meanwhile, with the establishment of the Medical Board, the burden on the judiciary will reduce.

What are the challenges associated with the present Bill?

First, the **constitution of the Medical board**. The constitution of the medical board presents a variety of challenges such as

1. The present **healthcare budgetary allocation** (1.5% of GDP) makes setting up a board across the country, both financially and practically impossible.
2. Apart from that, even if it is set up, **access to the board** by pregnant women in remote areas of the state is a matter of concern.
3. No time limit is set for the board to respond to the requests.
4. The board subject women to multiple examinations before allowing her to terminate her pregnancy. This is a **violation of rights to privacy** and dignity.
5. **Personal beliefs could impact** the medical board's opinion. For example, Madhya Pradesh High Court denied terminating the pregnancy of 13-year-old rape survivor only because a psychiatrist on the medical board had not supported her abortion.

Second, the amendments continue the **patriarchal population control legacy**. The bill does not give women control over their own bodies. It requires the medical practitioner's opinion and not the request or will of pregnant women alone.

Third, the current **bill does not consider** a few important things in the termination of pregnancy. Such as **personal choice, a sudden change in circumstances** (due to separation from or death of a partner), and **domestic violence**.

Fourth, the amendment also fails to consider the abortion rights of intersex, transgender, and gender diverse persons.

Suggestions:

First, the government needs to amend the bill to include a few changes in the Medical Board.

1. The government has to specify a time limit for the board.
2. The government have to consider the majority of opinion of the board members to avoid personal belief's interfering with the board opinions.

Second, the government has to introduce **personal choice, a sudden change in circumstances**, and **domestic violence** as a criterion. Apart from that, the bill must include abortion among intersex, transgender, and gender diverse persons.

Third, the government might include a provision of will to terminate the pregnancy at an early stage within 20 weeks without the opinion of RMP. On the other hand, the government also have to release clear guidelines to restrict,

- Women performing abortions to **prefer a male child**
- Women performing abortions due to family pressures etc.

In conclusion, the MTP bill 2020 is a step in the right direction to ensure access to safe and legal abortion. But, it falls a few steps behind in terms of ensuring **dignity, autonomy and justice for women**. This can be done by including the necessary suggestions under the Act.

Issue of Digital Services Tax between India and US – Explained

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- [What is Digital Services Tax \(DST\)?](#)
- [Why India introduced the Digital Service Tax?](#)
- [What are the accusations mentioned by the US? What India said in reply?](#)
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Recently the U.S. determined India's Digital Services Tax (DST) as discriminatory. It concluded that the DST is causing an adverse impact on American commerce and hence, an action needs to be taken under trade act. Meanwhile, [The USTR](#) also said, "DST by its structure and operation discriminates against U.S. digital companies". But the USTR in its **special 301 report** missed few important aspects and also completely neglected the global need to tax digital services.

What is Digital Services Tax (DST)?

In 2016 India introduced a 6% equalisation levy. But the levy was restricted to online advertisement services (commonly known as "**digital advertising taxes**" or DATs). In simple terms, the levy applied on the payments made to a non-resident by the Indians for advertising on their platform.

The government in 2020 introduced an amendment to the equalisation levy in the Finance Bill 2020-21. The important amendments include,

- A **2% Digital Service Tax** (DST) was imposed on non-resident, digital service providers. With this amendment, the **foreign digital service providers** have to pay their fair share of **tax on revenues generated in the Indian digital market**.
- The amendment **widens the tax to include a range of digital services**. These services include digital platform services, software as a service, data-related services, and several other categories including e-commerce operations.
- Companies with a turnover of more than Rs. 2 crores, will pay this tax.

Why India introduced the Digital Service Tax?

First, the **nature of digital service companies**. These companies don't have any physical presence in the markets. Instead, they use intangibles to provide services. For example, one can pay for the Amazon Prime membership in India. But the services of prime membership like watching movies, listening to songs are intangible.

Determining the value of these intangibles is tough. So the government introduced the Digital Service Tax of 2% on non-resident service provider's revenue in India.

Second, the **failure of international consensus**. In 2013, the OECD (Organisation for Economic Co-operation and Development) launched the Base Erosion and Profit Shifting (BEPS) programme. It was launched primarily to find a way to tax digital companies. But no consensus has been achieved yet. So, in 2016 India became the first country to implement the equalisation levy as a temporary way of taxation. This is then followed by countries like France, UK, etc.

Third, India's **right to tax** digital service providers. If a company has users in India and also has an economic connection with India then, India has the right to tax its economic operation. India being a developing country provides large markets for digital corporations. So taxing them is a matter of right.

Fourth, These DST create a level playing field between online and regular (brick and mortar businesses). In 2016, **the Akhilesh Ranjan Committee Report** had also suggested to tax the digital companies as they enjoy a sustainable economic presence.

What are the accusations mentioned by the US? What India said in reply?

The first accusation, DST is inconsistent with the principles of international taxation. International taxation laws apply to the revenue of companies (not on income), extraterritorial application of DST (Digital service companies present outside India), etc.

- **Indian reply:** Several global tax measures like royalty, technical fees are not levied on revenue. Similarly, all US states have laws on remote sellers, and they tax non-US resident entities.

The second accusation, DST does not extend to identical services provided by non-digital service providers. This is a violation of trade practices.

- **Indian reply:** When the company is non-digital (i.e., brick and mortar) then that company is subject to **Indian income tax**. Further, this DST has been introduced to provide a level-playing field.

The third accusation, DST is discriminatory because it targets US companies.

- **Indian reply:** The DST is applicable to all digital service providers having an annual turnover of more than ₹2 crores in India-based digital services. As per USTR's own analysis, only 119 companies in the world would likely be subject to the DST, of which 86 are U.S. companies. So the criteria do not target anyone. It is the result of the asymmetric digital power of US companies.

Concerns associated with DST:

First, the DST as a **tax policy targets a single sector** (digital services). Economic experts argue that framing a tax policy to **target a particular sector** is unfair and have disastrous consequences for the growth of that sector.

Second, digital service providers **might pass on the tax to consumers. Ultimately, burdening consumers.** Just like service tax passed on to consumers, DST can also pass on to consumers if the service provider wishes.

Third, not feasible to separate the digital economy and the global economy. The growing digitization has blurred the line between them. This is one of the prime reasons due to which OECD is unable to arrive at a consensus.

Fourth, the DST might attract **Retaliatory Tariffs**. The USTR investigations pose a threat of retaliatory tariffs and might trigger the trade war between India and the US. Even the slightest retaliatory tariff will affect the Indian ICT industry's growth.

Suggestions:

First, India can follow the U.K. model of DST. The major advantages of the U.K. model are,

- The U.K. allows companies to not pay any tax if their net operating margin is negative. By including this, India can avoid criticisms like India's equalization levy is on revenue and shift towards the profit of the company.
- India can consider taxing only 50% of the revenues from the transactions involving three jurisdictions. For example, an Australian user located in India receiving services from a U.S. company. This will make Indian DST more inclusive and also garners international support.

Second, India has to remain committed to the OECD process. Apart from that, India can mention the ways to tweak DST design or try to achieve consensus. This will make India move ahead and phase out DST and roll out the new agreed tax policy of OECD.

Third, the U.S. government has to realize the challenges in taxing digital service providers and also have to participate in these global talks. This will not be only beneficial for other countries but also a way to make these digital giants accountable.

More than 24 countries have either adopted or are considering adopting, a DST or a DAT after the concept got introduced in India. So the tax challenges posed by the digital economy is not

a problem between India and the US. It is a global problem and the US has to accept this and act accordingly.



Disengagement agreement at Pangong Tso Lake – Explained

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- **Background**
- **What are the important points of the agreement?**
- **What are the reasons leading to the present agreement?**
- **Concerns with the disengagement agreement**
- **Suggestions to improve the disengagement**

Recently, a military [disengagement agreement signed](#) between India and China. This is the first major breakthrough to resolve the **nine-month-long military stand-off** along the Line of Actual Control (LAC) in Ladakh. Both the Chinese and Indian troops present on the south and north of [Pangong Tso lake](#) already started a **“synchronized and organized disengagement”**.

Background:

- Line of Actual Control is the disputed boundary between India and China. LAC is divided into three sectors: western, middle, and eastern.
- **Both countries disagree on the actual location of the LAC.** India claims that the LAC is 3,488 km long. But the Chinese believe it is around 2,000 km only.
- LAC mostly passes on the land, but in [Pangong Tso lake](#), LAC passes through the water as well.
- The contested area of the lake is divided into 8 Fingers.
- Chinese contested that the LAC is at finger 4. But, India’s perceived LAC (Line of Actual Control) is at finger 8. This led to frequent disputes in the area.
- Previously India patrolled on foot up to Finger 8. But there is no motorable road access from India’s side to the areas east of Finger 4.
- China on the other hand already built a road on their side and dominated up to Finger 4.



- The recent (in May 2020) standoff on North and South bank of the lake is one such dispute.
- During the stand-off, Chinese troops marched to the ridgeline of finger 3 and 4. Indian forces were forced to stay within finger 3.
- But, in August 2020, India obtained **some strategic advantages** in the region by occupying certain peaks in the Kailash ranges. After that, Indian troops started positioning in Magar Hill, Mukhpari, Gurung Hill, etc. This pressurized China to enter into a negotiation.
- Later, India and China finally reached to an agreement on disengagement at Pangong Lake.
- The agreement was reached in the **9th corps commander meeting** held on 24th January 2021.

What are the important points of agreement?

1. The agreement calls for **disengagement along the Pangong Tso region**. It includes the pulling of tanks and troops from both sides.
2. The troops will return to pre standoff position in a gradual manner on the north and south banks of the lake.
3. In the north bank, **China will pull back to finger 8** and **India will get back** to its Dhan Singh Thapa post **near finger 3**.
4. The area between finger 3 and 8 will become a **no patrolling zone** for a temporary period.
5. All the **construction** done after April 2020 will be **removed** by both sides
6. Negotiation of the agreement through **military and diplomatic** discussions will take place to decide the patrolling on the area between finger 3 and 8.

What are the reasons leading to the present agreement?

First, India's **strategic advantage and ability to remain strong**. China started the standoff in March and soon captured Finger 4 area. Chinese thought that they were in an advantageous position both militarily and strategically as compared to India (As the move coincides with COVID pandemic). China never expected such prolonged opposition from India. But India achieved this, which resulted into the agreement.

Second, there is also a climatic reason for it. The icy-cold winter in Ladakh with temperature as low as minus 20 degrees Celsius forced China for an agreement. Chinese forces are not habituated to such extreme temperature. For example, 10,000 troops from the Western Theatre Command (WTC) had moved to lower locations due to fatigue and other complications in January.

Third, sensible diplomacy of India. India handled the pressure from China very well. For example, handling the Chinese provoking tactics, India did not turn out aggressive at any point of dispute. All these along with India's diplomatic will to ban Chinese apps **forced China to engage in talks**.

Fourth, International Pressure on China. China's image in the international arena got deteriorated due to various reasons like

- China's opaque way of handling COVID outbreak
- The way China forces its maritime neighbours in the South China Sea.

All these forces along with the standoff deteriorated China's image. With the nations recovering from COVID pandemic, China wanted to create a positive image (as Chinese manufactured goods need markets). So China agreed to disengagement.

Fifth, New Biden-Harris alliance in the US promised greater stability in the South China Sea region. China cannot afford a conflict on its two fronts (East – South China Sea dispute, West – India – China standoff). So China agreed to return to pre-stand off position.

Concerns with the disengagement agreement:

First, there is a **lack of trust** amongst the countries. This restricts them from the attainment of lasting peace in the region.

Second, Ambiguity with respect to China's intent. Even the US warned India to remain vigilant in disengagement.

Third, there is still a **higher probability of escalation of violence** in the region. For example, **clashes in Galwan Valley** started when the troops were pulling back in June last year.

Fourth, Pangong Tso is just one point of friction. **Focus on other areas is also required.** Else the efficacy of this disengagement is also at risk. The other areas include,

- **Gogra Post** at Patrolling Point 17A (PP17A)
- **Hot Springs area** near PP15
- PP14 in **Galwan Valley**
- **Depsang Plains**, which is close to India's strategic Daulat Beg Oldie base

According to the present agreement, the discussion on Gogra Post and Hot Springs area will take place 48 hours after the disengagement at Pangong Tso Lake will complete.

Fifth, there is also an accusation on India for getting into agreement despite being in a dominant position. They are,

1. Prior to the standoff, Finger 4 belonged to Indian territory. But in the agreement, India agreed to move to Finger 3 and not to stay on Finger 4.
2. Indian troops, after capturing Kailash ranges are now moving back.

But one has to realize following points,

1. China moving back to Finger 8 after capturing Finger 4.
2. Focus on long term solution instead of the short term needs.
3. Falling behind itself is like a defeat to China considering its military potential.
4. The area between finger 3 to finger 8 is currently under negotiation.

Suggestions to improve the disengagement:

First, The immediate focus should be on the **disengagement and gradual withdrawal in the entire region** along with the proper implementation of Pangong Tso disengagement agreement.

Second, Both countries can **reach a diplomatic solution** like the **creation of buffer zones or demilitarized zone** in disputed areas. As the next step of the solution, they can also create further improvements. Such as **Neither side** will deploy/patrol/develop infrastructure in the buffer zone or permitting joint patrolling of troops.

Third, **Both** the countries should **sign an agreement** to resolve the conflict in the long run by,

1. Accepting and respecting the LAC by both the parties.
2. Neither party should attempt to change the status quo unilaterally.
3. Both parties should adhere to all the agreements.

Despite the Chinese agreement India always has to remain cautious of earlier Chinese aggressions such as non-adherence to the principles, frequent violation in the region, creating infrastructure in disputed areas, etc. Once the disengagement is done India will have to keep the momentum and move ahead to resolve all the boundary conflicts. That is the only solution beneficial for both the countries.

Link between Dam and Natural disasters – Explained Pointwise

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2. [How dams are aiding disasters?](#)
3. [Dams aided disasters in the past](#)
4. [Vulnerability of Indian dams](#)
5. [Government Initiatives to improve dam safety](#)
6. [Suggestions to make dams disaster-resilient](#)

Rishiganga dam in Uttarakhand was recently destroyed by the [Glacial Lake Outburst Flood](#) and intensified the GLOF in the region. This is not the first time a Dam is aiding and intensifying the disaster in India. It can be a potential hazard to both human life and the environment. This raises a larger question on the net benefit of big dams.

What is Dam?

It is a structure built across a stream or river to hold back water. There are many reasons to build a dam. Such as,

1. Generation of hydropower
2. Reducing the run-off water from a river to sea
3. Fulfill the drinking, irrigation, and industrial needs of water
4. Reduce floods in the area
5. Provide inland navigation, etc.

How dams are aiding disasters?

Dams were built to provide benefits to human. But many times instead of providing benefits, dams are harming the region by aiding a disaster. The reasons are:

1. **Dams as a hydropower plant:** Construction of hydro-power plant requires diversion of rivers through tunnels to generate power. The construction of these tunnels **unsettles the mountainous terrain by displacing the supportive sediment**. It results in the slipping down of rocks due to the removal of their support system (Landslides).
2. **Dams as a reason for frequent floods:** Due to poor maintenance, siltation, etc. dams are not able to hold adequate water. This is responsible for the increasing frequency of floods in India.
3. **Dam as a solution to prevent/divert large run-off water:** To protect the river run-off, many bigger dams have been constructed in highly vulnerable locations, like the Himalayas. **For example**, the entire state of Uttarakhand is vulnerable to earthquakes, but there are large dams planned in the fragile region that disturb the ecosystem. Dams in these locations aggravate the natural disaster.
4. **Dams as a reason for an earthquake:** When a large quantity of water is loaded and unloaded frequently in the region, it might lead to **reservoir induced seismicity**. For example, Koyna earthquake of December 1967.

All these reasons lead to **dam failure**. This is then followed by a large-scale release of water, downstream of the river and creating floods. This will create economical, infrastructural, environmental, and livelihood losses.

Dams aided disasters in the past:

1. **The worst dam disaster** in India was the Machu dam failure (Gujarat) in 1979. The **torrential rainfall** in the area created a large scale flood and a failure in the dam. According to the official estimates, around 2000 people had lost their lives.

2. In August 2018 **Kerala witnessed its worst floods since 1924** due to the torrential rainfall. Too much water stored in the dam aggravated the disaster. At least 35 of 50 large dams had been opened for releasing water in to the already flooded areas. The flood took the lives of around 503 people in the state.
3. Similarly, in **2019** heavy rain caused a breach in Tiware dam (Maharashtra). This led to the flooding of seven villages and 20 people swept away.
4. Most recently, a Glacial Lake Outburst Flood destroyed the Rishiganga dam. This led to a large surge of water downstream which breached the [Tapovan Hydropower Plant](#).

Vulnerability of Indian dams:

1. [India has more old dams](#). India in total has 5,745 reservoirs in the country, of which, 293 are more than 100 years old. The age of 25% of the dams is between 50 and 100 years and the remaining 80% are over 25 years old. Ageing dams face the following issues,
 - o Differential settlement of foundation in the dam,
 - o Clogging of filters, increase of uplift pressures,
 - o Cracks in the dam core,
 - o Loss of bond between the concrete structure and embankment,
 - o Reduction in slope stability in earthen and rockfill dams,
 - o Erosion of earthen slopes,
 - o Deformation of the dam body itself.All these aids the intensification of any disaster.
2. Many dams have **structural deficiencies and shortcomings in operation and monitoring** facilities. Few dams not even meet the present safety standards on structural and hydrological conditions.
3. Many states are **not providing sufficient budgets for the maintenance and repair** of the dam. There is also a **lack of institutional and technical capacities** for addressing dam safety issues. For example, According to Central Water Commission data, **“Not even a single dam in Kerala was inspected before monsoon during Kerala floods”**.
4. **The current legal framework does not have any provision for penalizing** the person/trust/state responsible for dam failure.
5. **Real-time inflow forecasting systems** are not in place even in important reservoirs. This creates vulnerability to dam safety and dam operation.

Government Initiatives to improve dam safety:

1. **Dam Rehabilitation and Improvement Project (DRIP)**
 - o It is a World Bank assisted project. The project aims to improve the safety and operational performance of selected existing dams and associated appurtenances sustainably.
 - o Ministry of Water Resources, River Development & Ganga Rejuvenation through the Central Water Commission, is implementing the project.
2. **Dam Safety Bill, 2019.**
 - o The Bill provides for proper surveillance, operation, inspection, and maintenance of all specified dams in the country.
 - o The Bill aims to constitute the **National Committee on Dam Safety**. The committee shall suggest dam safety policies and also recommend any necessary regulations.
 - o The Bill also establishes the **National Dam Safety Authority**. The NDSA is a regulatory body that discharges functions to implement the policy, guidelines, and standards in the country.
 - o The Bill also provides for the constitution of a State-level Committee on Dam Safety by State Governments.

3. **Dam Health And Rehabilitation Monitoring Application (DHARMA)**
 - It is a web-based software package. It supports the effective collection and management of Dam Safety data in **all large dams** of India.
 - The major aim of DHARMA is to **digitize all dam related data**.
4. **Seismic Hazard Assessment Information System (SHAISYS)** for mapping **Seismic Hazards**.
 - It is an application tool (currently under development) of CWC (Central Water Commission). The tool will estimate the seismic hazard of the Indian region at any given time. This will aid in dam water management.

Suggestions to make dams disaster-resilient:

1. State governments should strictly follow **the dam safety manual**.
2. **Creation of the buffer zone:** States have to ensure that there is no encroachment in the nearby area.
3. Need to **integrate urban-rural planning with dam safety**. Since India is a populous country, it is impossible to shift people during calamities. Proper dissemination of information on a real-time basis and regular flushing of water has to be carried out downstream to keep the river beds dry. This can be done only through an integrated approach.
4. A Standing Committee recommended a **penal provision for dam failures on authorities**. The government has to incorporate this into law. Along with that, the government has to **increase the capacity building of locals and associated institutions**.
5. The government has to create a **well-planned monitoring system using modern instruments**. This is the key to the early detection of defects and averts disasters.

The government must consider the issue holistically and avoid building large dams for political gains in fragile regions. The construction of a dam is not a disaster, but the mismanagement and poor planning of the dam is a disaster which affects all of us in a severe manner. It is a high time for the government to understand this.

Toolkit conspiracy case and its impact on India- Explained Pointwise

Recently Climate activist in India was arrested in the **Greta Thunberg toolkit case**. Delhi police filed an FIR and issued a non-bailable warrant against two other persons related to the case. Many activists are of the opinion that the arrests are allegedly politically motivated and the government is silencing its critics. But it is just one side of the argument.

What is Tool Kit?

- A toolkit is a set of essential guidelines or suggestions to get something done. The contents of the tool kit differ depending upon the activity. For example, the recent [self-regulation tool kit by OTT platforms for self-regulation](#).
- The tool kit is also released by governments. For example, the Department for Promotion of Industry and Internal Trade (DPIIT) has a toolkit for better implementation of IPR (Intellectual Property Right) in India.
- A tool kit is also used during protests. It contains pieces of information to help the protesters to promote their campaign and to become popular as much as possible.
- It was used more actively in Wall Street protests of 2011, Hong Kong protests of 2019, and anti-CAA protests across India.
- During the anti-CAA protests, a toolkit suggested places to hold protests, Twitter hashtags to use, and other similar guides were shared on social media.

What is the Greta Thunberg toolkit case?

Greta Thunberg is an 18-year-old Swedish environmental activist. She shared a toolkit on Twitter during the anti-farm law protests. The tool kit suggested few activities like creating a Twitter storm and protesting outside Indian embassies, etc. Due to severe criticism, the activist deleted the tweet within a few minutes. However, it already got circulated on social media.

The Cyber Cell of Delhi Police filed an **FIR against unknown people for creating and spreading the toolkit**. The Police also claimed the Poetic Justice Foundation (PJF) as a key conspirator. (Poetic Justice Foundation is responsible for pro-Khalistani activities). The police also accused the PJF of **waging a “social, economical and cultural war against India”**.

The Delhi Police claimed a Climate Activist in India as the editor of “toolkit Google doc” and a “key conspirator” in the toolkit formulation and distribution. The Delhi Police arrested the activist and issued a non-bailable warrant against two other persons.

Previous such example:

The activists are claiming these arrests as politically motivated and an example of the government silencing its critics. These were,

- **Sitaram Yechury**, a well-known politician
- **Yogendra Yadav**, an activist and academic
- **Jayati Ghosh**, an economist
- **Rahul Roy**, a documentary filmmaker
- **Apoorvanand**, a Delhi University professor.

What are the existing provisions for such arrest?

1. The Government enacted the **Information Technology (IT) Act 2000** for matters related to cybercrime and e-commerce. Based on the Act, the Government can punish for any crime committed through a computer or a network. The Act can charge foreigners also.
2. The **Unlawful Activities Prevention Act of 1967**. The Act aims **to prevent the activities and associations involved in unlawful activities effectively**. In 2019 the

act was amended to include the provisions of **designating an individual as a terrorist**. The Law prescribes the **death penalty or life imprisonment** as maximum punishment.

3. **Sedition** cases under [IPC section 124A \(Indian Penal Code\)](#). Sedition is defined as **any action that brings or attempts to bring contempt or hatred towards the government of India**. This section provides a maximum sentence of up to life imprisonment.
4. **Criminal defamation under section 499 of the IPC**. This section **defines defamation as a communication of a false statement that harms the reputation of an individual person, product, group, business, government, religion, or nation**.
5. Several states have also enacted a few specific laws to govern the criticisms. For example, the Draft Bill of Maharashtra's **Shakti Act** has a stringent provision for offenders who post defamatory messages on social media.

Why government actions on activists are justified?

1. Not all the critics got arrested under these laws. These laws have utility in combating anti-national, secessionist and terrorist individuals and organizations. Few highly publicized cases cannot be the example of politically motivated arrests.
2. The laws were enacted to prevent the individual/organisation from indulging in **contempt of government**. This is essential for the smooth functioning of democracy.
3. There are instances where **activists are involved in destabilizing the democratically elected government**. These laws act as a strong defence against such activities aimed to overthrow the government.
4. **Prevent the sovereignty of India**: India is surrounded by countries like Pakistan, China. So India needs to prevent foreign influences in Indian policymaking. These laws aid the government in preventing undue foreign influences.

Judicial interventions on such cases in the past:

The Supreme Court in various instances regulated and restricted the politically motivated arrests but at the same time, the Court also punished the wrongdoers.

1. In *G. Narasimhan & Others vs T. V. Chokkappa* (1972) case: the Supreme Court held that a person could be defamed only if there is a definite, identifiable and established evidence.
2. In *Fatma Bibi Ahmed Patel vs State of Gujarat* (2008) case: the Supreme Court held that the registration of a case against a foreigner for an offence committed outside India was **illegal**. The court further held that the government had no jurisdiction for such offences.
3. In *K. T. M. S. Abdul Cader v. Union of India* (1977) case: The Madras High Court **accepted the extraterritorial jurisdiction of the Indian Parliament**. However, the court also held that such **law would be ineffective so long as the foreigner remains outside India**.

So in conclusion, a foreigner can be dealt with the Indian law **only if he is present within the territory**. Under this only, Ajmal Kasab was tried in India for the 26/11 Mumbai attacks.

[Further read Criminalisation of government criticisms](#)

Challenges faced by the government in arresting activists:

1. The government's stringent action on criticisms attracts a **confluence of such activists** leading to various troubles. Like severe **criticism of government policies and initiatives, false propaganda**, etc.
2. The stringent action of government is also **bringing down India's image in the international arena**. Many times arresting a famous activist coincides with foreign government criticising Indian acts. For example, many countries explicitly issued

- statements against the arrest of CAA protesters and criticised India without consulting and analysing the Act.
3. The stringent action on activists is also seen as a violation of the Fundamental Right. Like the rights to freedom of expression, association, and peaceful assembly.
 4. Global **Human Rights Watch** also mentions arrests on activists as a **violation of Human Rights**.
 5. It is also seen as a burden to **Indian Judiciary and reducing the accountability of the police for their abuses**.
 6. It can also **create an image** among supporters like they are **free to commit abuses against** communities who are in minority.

Suggestions:

1. The government has to strike the midline between constructive criticism and criticisms destabilising India. So, to achieve that the government has to set up a committee **to examine and supervise the process**. Like
 - **Designating individuals and organisations as a threat.**
 - Investigation of cases in Fair and Just manner etc.
2. The government has to train **Law enforcement authorities to prevent the problem of misuse**.
3. The government can also try implementing the following steps. Such as
 - Barring the state governments, local bodies and other institutions (statutory functions) from filing numerous suits.
 - Providing lesser punishments such as corrections, apologies, and retractions, for lesser form of crimes.

India is the largest democracy in the world. Right to dissent is considered as the lifeblood of any democracy. So, the government should restrict the politically motivated arrest. But at the same time checking the divisive forces is also essential for the government.

New Geo-Spatial data Policy and its implications – Explained pointwise

Recently Department of Science and Technology(DST) announced [liberalised guidelines for geospatial data and mapping](#) in India. The guidelines permitted Indian companies to access geospatial data generated by Indians. But permitting the companies alone is not enough and there is much more to do.

What is Geo-Spatial data?

1. Geo-spatial data (also known as “spatial data”) represents the data-linked to features or objects on the Earth’s surface. In simple terms, data is referenced to locations on the earth (some portion of data is spatial).
2. Man-made or natural objects (or features) can get linked to location and act as geospatial data.
3. The geospatial data **can be static**, like the location of a road, an earthquake event, malnutrition among children, etc. **or dynamic** like a moving vehicle or pedestrian, the spread of an infectious disease.
4. The application of Geospatial data in our daily lives is increasing. For example, food delivery apps like Swiggy or Zomato, e-commerce app like Amazon, Weather apps, etc., are dependent on Geospatial data.
5. Geospatial data **combines** the following information:
 - o **Location information**
 - o **Attribute information** (the characteristics of the object, event, or phenomena concerned): For example, in addition to the spatial information of building it also provides other information like the number of stories in the building, number of owners, etc.
 - o **Temporal information** or the time at which the location and attributes exist

Major applications of Geospatial data:

Geospatial data provides various major applications. They are:

1. **Terrestrial, Aerial and Marine Navigation:** This is one of the biggest applications of geospatial data. From Google Maps to product delivery at home, everything is linked with geospatial mapping today. The data can also aid in marine and aerial navigations. Further, it can provide visual and voice navigation for drivers, tourists, etc.
2. **Disaster Management:** Geospatial data can help in making data-backed decisions. Apart from that, it will also help in creating contingency plans and foreseeing any obstacles the rescue team might face.
3. **Humanitarian Relief:** Using Geospatial data, one can decide where change can be brought to improve living conditions, standards of living, or even spaces where basic amenities are missing. Thus, poverty, hunger, and sanitation can be identified and solved strategically.
4. **Improved efficiency in various sectors:** Geospatial mapping can improve identifying and managing natural resources. They can reduce cost savings in the logistics sector, mining sector etc.
5. **Better effectiveness of services:** Geospatial mapping can improve transparency in citizen services by government and private sector. The private sector can identify the potential market for their product and services. On the other hand, the government can identify the target area for a scheme. Defence sector can identify the potential targets and manpower required.

To conclude geospatial data has a wide range of applications like agriculture, environment protection, power, water, transportation, communication, health (tracking of diseases, patients, hospitals etc.)

How India is Governing the Geo-spatial information?

1. Till recently, the **government had a near-monopoly** regarding the collection, storage, use, sale, dissemination of geo-spatial data and mapping. This was because of concerns over internal as well as external security threats.
 - For example, Only government-run agencies such as the **Survey of India, Defence and Home Ministries** were allowed to use geospatial data.
 - The private companies require approval from different departments as well as the Defence and Home Ministries. Then only, they were able to collect, create or disseminate geospatial data.
 - So there is a lack of private participation in **Geographic Information System (GIS) mapping** in India.
2. The **Kargil war highlighted the vulnerabilities of depending on foreign data and the need for indigenous sources** of data. After that, the government heavily invested in Geographic Information System (GIS) mapping. For example,
 - India built its own navigation system known as **Indian Regional Navigation Satellite System (IRNSS) or NavIC**
 - Building geospatial portals like **Bhuvan portal, Meteorological and Oceanographic Satellite Data Archival Centre (MOSDAC) of ISRO.**

What are the new Guidelines?

- Geospatial data will be freely available in India, **specifically for Indian companies.** The companies can self attest to government guidelines and start using geospatial data.
- **Restrictions under the present policy:**
 - Only Indian entities can use terrestrial mapping and surveys.
 - The data generated also needs to be owned and stored in India.
 - High-resolution data—finer than 1 m horizontally and 3 m vertically—will still remain restricted.
 - Except for sensitive defence or security-related data, all other data can be accessed by Indian companies.
- With this policy, Indian companies will be able to set up location services like Google Map in India.

What are the advantages of Geo-spatial data liberalisation?

1. **First**, deregulation will ensure a level playing field by providing more **accurate data available to both the government and private** agencies.
2. **Second**, it will promote the setting up of new **Startups** and businesses especially in the sector of e-commerce or geospatial based apps. This will increase employment in these sectors.
3. **Third**, it also promotes the building of **indigenous apps**. For example, an Indian version of Google Maps like 'MapmyIndia'.
4. **Fourth**, with data collection companies working with the Indian government on various sectoral projects are more likely to increase in **public-private partnerships**.
5. **Fifth**, it will also **boost the economy by attracting investments** both in the geospatial sector and in other sectors as well.

Challenges with Geospatial data liberalisation:

1. **Privacy, data and surveillance-related issues:** The collection of geospatial mapping and data involves various privacy-related issues and **violate the individual's right to privacy**. The major issues were:
 - Data of persons can be captured through geospatial tagging via social media.

- Data generated from mobile devices can get captured by the private sector, and they might use it for profit motive.
 - There is also a possibility to capture sensitive personal information.
 - Unintended or unknown surveillance of persons.
2. **National security-related issues:** Private companies by collecting data on a large scale can threaten national security. Like:
- Majority of the present geospatial data is in the hands of the US and European companies. Chinese also started many startups recently. They can tie with an Indian startup (or create a startup) in India and indulge in data mining activities.
 - India at present doesn't have enough manpower to monitor the violation in Geospatial data. This can be exploited by any potential national security threat.

Suggestions to improve India's geospatial data handling capability:

1. The government can **make consent mandatory for companies acquiring data from the individual wherever it is relevant and feasible.** Like the consents required by a mobile application requesting permissions.
2. The government can also **consider the saving of geospatial data in the form of Geo-masking techniques** when the private company completed the intended project. Like the government rolled out masked Aadhar after the completion of the Aadhar project.
3. **Building privacy by design:** The government has to **pass the Data Protection Bill.** This will make the data collecting private companies accountable if they violate data privacy.
4. Using a **risk assessment framework** and making **contingency plans for any violation.** But for doing that India needs to train enough manpower (geospatial experts). The government can **form a committee to formulate a contingency plan.**

In conclusion, liberalised guidelines on geospatial data and mapping is an essential step for India's development. Apart from this, India will have to build capacities to prevent the misuse of geospatial data.

Sexual Harassment of women at the workplace – Explained pointwise

Sexual Harassment at the workplace is one of the issues faced by women in the modern world. It not only violates their right to equality, life, and liberty but also discourages their participation in economic activities. A recent case involving a Senior Editor and former Union Minister has put some light on this issue once again.

In this case, a journalist initially made allegations of sexual harassment against the former Union Minister. In turn, a criminal defamation case was filed in Delhi High Court against the journalist by Union Minister. However, Delhi High Court acquitted the journalist of the Criminal Defamation charges in its very recent verdict.

What are the observations made by the Delhi High Court in its recent verdict?

During its verdict, Delhi Court made the following observations:

- Sexual abuse takes away the dignity and self-confidence of women. when a woman files a police complaint against any person who has sexually abused her, in that case her **right to dignity gets protected but not the right of the reputation.**
- The women have the right to put her grievance even if the incident has occurred a decade before. Vishaka Guidelines and the Sexual Harassment of Women at Workplace Act, 2013 were not available at the time of the harassment.

What is sexual harassment at the workplace?

The Sexual Harassment of Women at Workplace (prevention, prohibition and redressal) Act, 2013 defines sexual harassment as one or more of the following unwelcome acts or behavior. Such as

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

The workplace includes any government or private sector organisation, establishment, etc. It also covers unorganised and domestic workers, hospitals, any sports institute, stadium or complex, any place visited by the employee during her course of employment, etc.

Condition in India:

1. Following is the data provided by the Ministry of Women and Child development
 - Between 2015-2017, a total of 1631 cases have been filed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
 - There is a wide disparity among states. Uttar Pradesh recorded for nearly 25% of all cases, followed by Delhi (16%).
2. **Indian National Bar Association** conducted a survey of over 6,000 employees in 2017. The survey found that sexual harassment is widespread in different job sectors. They also found the harassment varies from vulgar comments to an outright demand for sexual favours.

Initiatives aimed at preventing, prohibiting and redressing Sexual harassment at workplace:

1. Prior to the Act sexual harassment was addressed under the Indian Penal Code (IPC) provisions dealing with outraging the modesty of a woman, either by force (Section 354) or by word, gesture, or act (Section 509).

2. **India has signed the CEDAW (Convention on the Elimination of all Forms of Discrimination against Women) 1980.** India also ratified the convention later.
3. In 1997 as part of the **Vishaka judgment**, the Supreme Court laid down specific guidelines known as **Vishaka guidelines**. The guidelines focused on the prevention of sexual harassment of women at the workplace.
4. The government enacted The **Sexual Harassment of Women at Workplace (prevention, prohibition and redressal) Act, 2013**. The major provisions of the Act were,
 - The Act **defines sexual harassment** at the workplace. The Act creates a **mechanism for redressal** of complaints. It also provides safeguards against false or malicious charges.
 - **Every workplace** is required to constitute an **Internal Complaints Committee (ICC)**. The ICC is mandatory at each office or branch with 10 or more employees.
 - These Internal Complaints Committees **have the powers of civil courts** for gathering evidence.
 - It prescribes penalties for employers. **Non-compliance with the provisions** of the Act shall be **punishable with a fine**.
 - **In case of repetition of violations, higher penalties and cancellation of license** or registration to conduct business is also present.
5. Further, Section 354A was added to the Indian Penal Code through the Criminal Law (Amendment) Act, 2013. It also provides for enough punishment for sexual harassment of women at the workplace.
6. Union Ministry for Women and Child Development had set up a committee under **Justice JS Verma** to curb sexual harassment at workplaces following the #MeToo campaign on social media.
7. The Ministry of Women & Child Development (MWCD) has published a Handbook regarding Sexual Harassment at the workplace. The handbook gives detailed instances of behaviour that constitutes sexual harassment at the workplace.
8. The MWCD also created an **online complaint management system** known as SHE-box. Women can use this SHE-box for registering complaints related to sexual harassment at the workplace.
 - Once a complaint is submitted to the portal, it will be directly sent to the Internal Complaints Committee (ICC)

Impacts of Sexual Harassment in the Workplace:

- **Emotional Well-Being:** Sexual harassment can endanger the victim's emotional and mental health. It can lead to the loss of self-esteem, and it may even compromise personal relationships. Further, it can cause significant stress and anxiety.
- **Physical Health:** Weak emotional health often leads to physical health issues, such as loss of appetite, headaches, weight fluctuations, and sleep disturbances.
- **Financial Challenges:** Sexual harassment frequently leads to financial challenges. Victims may even face broader career repercussions, such as the loss of job references. Women may even decide to leave their employment to avoid a hostile work environment.
 - For example, A study led by the ILO found that lewd behaviour and threatening at workplaces were the most well-known reasons due to which women left the workforce in Uttar Pradesh.
- **Global Consequences:** low productivity, employee turnover, low morale, and legal costs arising from sexual harassment costs in Millions of Dollars. The economy also suffers due to premature retirement and higher insurance costs (paid if women left the job).

Challenges with the Act:

- The Act **does not cover** women **working in the agricultural workers and armed forces**. These are largely male-dominated sectors.
- **Not Gender Neutral:** The law **does not** take into account sexual harassment faced by **men, transgender, and transsexual individuals**.
- **Non-compliance of Companies:** There are many private companies that don't have a committee (ICC) to look into the complaints of sexual harassment at the workplace.
- **Issues with ICC:** Most of the committees lack people who have knowledge about legal technicalities involved in conducting the inquiry, cross-examinations, and its importance.
- **Victimization:** Victimization in sexual harassment often occur especially when a woman lodges a complaint against a superior. The Act is silent on victimisation and has neither any preventive provisions nor any remedies. For example, A survey revealed that nearly 70% of women did not complain due to fear, embarrassment, lack of confidence in complaint mechanism, etc.

Suggestions:

- The government **might amend the Act to include** some important recommendations of **Justice JS Verma committee**. The important recommendations were,
 - The committee recommended **Rape and sexual assault** are not merely a crime but also seen as an expression of power. So, **any non-consensual penetration** of a sexual nature has to be **included in the definition of rape**.
 - It had **recommended a tribunal, instead of an ICC**. Because dealing with such complaints internally could discourage women from complaining.
 - Rather than functioning as Civil court, the **tribunal may choose its own procedure** to deal with each complaint. The Committee believed that this will result in speedy disposal of complaints
 - The committee **opposed penalizing women for false complaints**. The committee observed punishing women can nullify the very objective of the law.
- Further, the amendment should also **include women in armed forces, agriculture** to get their grievances redressed. The Act should **focus on gender-neutral**.
- The government **can form a committee to identify the companies not formed the ICC, companies victimizing the women**, etc. We can punish these companies either financially or name and shame the company. This will make companies act according to the provisions of the Act.
- The government might create a **Gender equity company index** like [LGBT+ workplace equality index](#). This will create a healthy gender-sensitive competition among companies to hire more women, providing them with enough respect, etc.
- More than this the **attitudinal change is the need of the hour**, Government has to raise the **awareness about gender-sensitive child-rearing practice**. The government can also introduce a gender-equity syllabus at school level. This will provide a long term solution.

The legislation to prevent, protect and redress sexual harassment at the workplace is only a first step. To improve the Gender-equity in society, we need proper enforcement of the legislation, good child-rearing practice and other much-needed steps.

The issue of Road Safety in India – Explained pointwise

Recently the [World Bank released a report](#) about Road safety in India. The report titled “Traffic Crash Injuries and Disabilities: The Burden on Indian Society”. It measured the number of road accidents happening in India and their various socio-economic impacts. Its findings are important as it highlighted the urgency to focus on road safety in a more comprehensive manner.

Highlights of the World Bank report:

Road accidents in India:

1. India was in **first place in terms of number of road crash deaths and injuries** in the world. India has **just 1% of the world’s vehicles but accounts for 11% of all road crash deaths**. Further, India is also witnessing 53 road crashes every hour, killing 1 person every 4 minutes.
2. India has seen around 4.5 lakh road accidents in the past year. It resulted in at least 1.5 lakh deaths over the past few years.

Socio-Economic Impact of Road accidents in India:

1. **More loss to poor families:** The risk of a victim undergoing disability after a crash is 2 times higher among poor families.
2. Accidents **result in a decline of 75% of the total household income** among low-income groups. Whereas, the decline among high-income groups is only 54%. It underlines poor access to insurance schemes among the less privileged.
3. **Impact on women:** About 40% of women reported a change in their working patterns post-accident. While around 11% reported taking up extra work to deal with the financial crisis.

What are the reasons for the higher number of road accidents and fatality?

The reasons for road accidents in India can be categorized broadly into four categories. (i) human error, (ii) road environment and (iii) vehicular condition (iv) post accidental care-related issues.

1. Human Error: This is one of the biggest factors contributing to accidents on the road. There are many examples of human error. Such as

- Violating traffic rules like jumping signals, speeding, etc.
- Driving under the influence of alcohol and other drugs,
- Distractions during driving due to the use of mobile phones
- Driver Fatigue (Not getting enough rest during long-distance travel)
- Not using enough safety devices like Helmets and wearing seat belts

2. Road Environment and design: The reasons for the accident under this category include,

- Presence of many **black spots**. Black spots are road locations that have a high number of crashes. For example, Sharp corners in a straight road, a hidden junction on the fast road, etc. A survey found out that, these black spots are the prime location for 90% of the road accidents.
- **Skewed road traffic engineering:** Two-wheelers accounted for the highest share in total road accidents. But their safety was neglected during road traffic engineering and planning. This is evident by the lack of separate lanes for two-wheelers and pedestrians.
- **Low-quality infrastructure, standards, and maintenance** lead to issues such as potholes, uneven road surfaces, etc.

- 3. Vehicular condition:** Vehicle condition also plays a critical role in accidents. such as,
- Overloading of the vehicle can cause tyre burst. It also increases the chances of rolling over of the vehicles.
 - Using old vehicles might lead to more breakdowns and malfunction on roads.
 - **Weak Vehicle Safety Standards** by manufacturers. For example, In 2014, the Global New Car Assessment Programme (NCAP) revealed that some of India's top-selling car models have failed the frontal impact crash test.

4. Post accidental care-related issues

- **Lack of emergency medical services:** because of this, the accident victims do not get the first line of medical treatment during the golden hour. Golden Hour refers to the 60-minute time period right after the occurrence of the accident. During which, the chances to prevent death with adequate medical treatment are the highest.

How government is ensuring adequate safety on the roads?

1. India signed the Brasilia Declaration and committed to a reduction in fatalities in road accidents.
2. **Vehicular engineering measures introduced by the government:**
 - **Front and side crash** tests for new car models came into force in 2017
 - The government introduced the **pedestrian protection regulation** for new car models. It came into force in October 2018.
 - New cars are required to have **airbags fitted as standard** and to have a **speed warning device above 80 km/h**.
3. **A legislative effort by the government:**
The government amended the **Motor Vehicles (Amendment) Act, in 2019**. This is one of the principal Acts used by the government in regulating road safety. The Act provided for
 - Creating a **National Road Safety Board** to advise the government on road and traffic management.
 - **Higher fines for traffic crimes,**
 - **Recalling defective vehicles,** dangerous for the environment and people,
 - Creating a **Solatium Fund for victims** of hit-and-run accidents
 - Protects Good Samaritans from civil and criminal liability
 - **Punishment to the owner for violations committed by Juvenile**
 - **Regulated corruption** by Automated testing for driver's licence and fitness certificate (FC)
4. **Road engineering measures are taken by the government**
 - The government notified the **guidelines for road safety audits** on National Highways
 - Roadside Safety Crash barriers, Installing speed warning boards and other signboards were also done by the government.
 - The government also committed to reducing the Black spots in the Roads

Suggestions to improve road safety:

1. The government has to implement the recommendations suggested in the **3-Year Action Agenda of NITI Aayog**. The agenda highlighted important reforms such as
 - Standardizing the reporting of accidents
 - Create necessary provisions to ensure that the accident victim will reach hospitals within 10 minutes of the accident. This can be achieved by building emergency health services, providing enough ambulances, etc.

2. The government can implement the important recommendations of the **KS Radha krishnan panel on Road Safety**. The important recommendations were,
 - The state governments have to perform a compulsory **Audit on road safety** to ensure adequate safety standards in the design, construction, and maintenance of roads.
 - **Creating awareness among people** on road safety rules, insurance policies, etc.
 - Providing enough compensation to victims on time.
3. The government has to implement the **Tamil Nadu model of identifying and removing Black spots**. Tamil Nadu recorded the highest number of accidents in 2017. But now they have reduced the total number of accidents by 25%.
4. **Dedicated corridors for vulnerable sections**. The government has to provide attention to vulnerable sections like **motorists and pedestrians**. The government should plan dedicated corridors, especially in places registering higher accidents.
5. The Government has to **enact the Good Samaritan Laws** like Karnataka or Delhi. This will protect the persons involved in helping the accident victims.
6. The government has to **improve the public transport system and its connectivity**. Because an integrated public transport system is safer than motorcycles. Further, it will reduce numerous private vehicles on Indian roads.
7. Vehicle manufacturers at present started using the Internet of Things (IoT) enabled connected cars. They can explore further in identifying **digital ways on road safety and providing enough safety equipment in vehicles**.

A targeted approach and war-footed steps are necessary to ensure road safety in India. Sweden, following the targeted approach, has brought down its road fatalities to five or six annually. India can also create necessary targets to reduce road accidents in India.

Amendments proposed to the Juvenile Justice Act – Explained pointwise

Recently Union Cabinet has approved the proposal to amend the Juvenile Justice (Care and Protection of Children) Act, 2015. This was proposed by the Ministry of Women and Child Development. The proposed changes will strengthen the Child Protection mechanism and ensure smooth implementation of the Juvenile Justice Act.

Who is Juvenile in India?

Juvenile Justice (Care and Protection of Children) Act, 2015 defines “Juvenile” or “Child” as a **person who has not completed 18 years of age.**

Salient provisions of the Juvenile Justice (Care and Protection of Children) Act 2015:

The **Juvenile Justice Act of 2015** replaced the **Juvenile Justice Act of 2010**. The salient provisions of the 2015 Act are,

1. The Act changed the nomenclature from ‘juvenile’ to ‘child’ or ‘**child in conflict with law**’.
2. Further, the Act **defined** terms such as abandoned, orphaned and surrendered children.
3. The Act categorized the crimes committed by children into three categories. Such as **petty, serious and heinous offences.**
4. The Act provided for setting up of mandatory **Juvenile Justice Boards (JJB)** and **Child Welfare Committees (CWC)** in every district. Also, these boards and committees must have at least one woman member each.
 - o **CWC:** The Committee have the power to dispose of cases for the care, protection, development, treatment and rehabilitation of the children. Further, the committee also **certifies the Child as legally free** for the adoption process.
5. Further, the Act made the **Central Adoption Resource Authority (CARA)** a statutory body. This facilitated better performance and functions of CARA.
6. All **Child Care Institutions (CCI)** have to register themselves under the Act within 6 months from the date of commencement of the Act.
7. **Children in the age group of 16 – 18 years can be treated as adults in the case of heinous crimes.** But for treating them as an adult the **JJB has to assess the child’s physical and mental capacities and certify the child.**

What is a Heinous offence?

If an offence attracts minimum imprisonment of seven years or more under any existing law then such an offence is called a heinous crime.

What are the issues with the present Act?

1. **Non-compliance to the provisions of the Act:** A survey conducted by the National Commission for Protection of Child Rights (NCPCR) points out that not even a single Child Care Institution (CCI) in India was in 100 per cent compliance with the provisions of the Juvenile Justice Act. This is because,
 - o If the CCI did not receive a reply from the government within 3 months, it was “deemed as registered” for six months, even without government permission. This increased the non-compliance.
 - o The survey also found CCIs with large funds, including foreign funding, had been keeping children in unsanitary conditions.
2. **Under this ACT, no specific criteria has been provided to check the background of the members of the child welfare committees (CWC).**
3. **Long pendency of cases: Juvenile Justice Committee** of the Supreme Court in 2017 highlighted that about **800-1000 adoption cases are pending** in various courts. The committee further pointed out that the delay in adoption is leading to various

challenges like not able to get a birth certificate of a child, school admission is not feasible, etc.

4. **Ambiguity related to the Offences:** The 2015 Act has various ambiguities related to the offences like;
 - At present, there is no mention of a minimum sentence in the Act.
 - Moreover, the Act does not provide **what is a serious offence?**
5. There are **little oversight and monitoring** of CCIs by CWC and the State Child Protection Units. So, District Magistrates are informed about an offence committed by the CCI only after the occurrence of the incident. For example,
 - Ministry of Women and Child Development (WCD) seen an increase in **child abuse and trafficking during the Covid-19 lockdown.**
 - Further, the Ministry of WCD has also shut down 500 illegal child welfare institutions that had not been registered under the JJ Act.

What are the Proposed amendments by the Ministry of WCD?

The recent amendments aim to strengthen child protection and ensure proper monitoring of CCIs.

1. **Clearing the ambiguity:** For the first time, the **proposal clarifies both heinous and serious crimes.** The Amendment for the first time mentioned the category of “serious crimes” and also defined that. **Serious crime:** If an offence under any Indian law attracts a maximum punishment of seven years or more but no minimum sentence is prescribed or a minimum sentence less than seven years is prescribed. Then that offence is considered a serious offence. **For example,** possession and sale of an illegal substance, such as drugs or alcohol, will now fall under the ambit of a “**serious crime**”.
2. **Reaching the unreachd:** The amendment will include **victims of trafficking, drug abuse and those abandoned by their guardians** under the definition of “**child in need of care**” and protection.
3. **Checking the background of the members of CWC more clearly:** The amendment will not only check the background of the members of CWC but will also check the educational qualification of a CWC member.
4. **Expanding the role of District Magistrates (DM):** The amendment provides more power to the District Magistrate to tackle the various challenges faced by the present Act.
 - **Speedy disposal of pending adoption cases:** The amendment authorizes the DM and Additional District Magistrate (ADMs) to issue adoption orders for faster adoption of children.
 - **Increase the scrutiny of Child Care Institutions:** DMs and ADMs will **monitor the functioning of various agencies** under the Act. Like Juvenile Justice Boards, Child Welfare Committees, etc.
 - Further, DMs are empowered to undertake **regular inspections of CCIs**
 - Apart from that, **no new children’s home** can be **opened without the sanction of the DM.**

Suggestions to improve the implementation of Act:

1. **Child Welfare Committees** are not effectively performing their functions of care, protection and rehabilitation of a child. So, the government have to provide **adequate training to the members of CWC.**
2. **Role of State government:** State governments should **provide immediate bail to a child who committed petty and serious crimes.** Currently, children are staying in

welfare homes for a longer time period, as the bail is not getting provided on time by State governments.

3. **Training, sensitisation of DM:** The current amendment confers many powers upon the DM. But the DM is already overburdened with the other works. So the DMs should get adequate training and sensitisation for faster and effective implementation of the Juvenile Justice Act.

The recent amendment approved by the Cabinet is one of the much-needed steps to ensure proper implementation of the Juvenile Justice Act. But the real change will occur only if the amendment becomes the Act along with the proper training of officials.

ForumIAS

Conclusive land titling system in India and its challenges – Explained pointwise

At present in India, ownership of land is determined by registered sale deeds, property tax receipts, and survey documents. In this system, the buyer is responsible for proving ownership of the land.

Recently the **NITI Aayog** proposed to change this system by implementation of **Conclusive Land Titling system**. NITI Aayog also framed a **Model Bill on Conclusive Land Titling** for this purpose. But the states are reluctant to implement it. Thus, in this article, we will analyse this new proposed model and the issues associated with it.

What is a Conclusive Land Titling system?

It is a type of land titling method followed in countries such as Australia, England, Canada, etc.

In this land titling method, the **State** (the government) will **provide a guarantee on land titles**. The government will also include provisions for compensation in case of any dispute of land title between two parties.

How it is different from the present one?

India at present follows the Presumptive land titling method. The difference between the two is mentioned in the following table:

Presumptive Land Titling system	Conclusive Land Titling system
In the current system, ownership is granted based on a record of the property transaction between the buyer and the seller (registered sales deed). The buyer is not entitled to the previous ownership records of the property. Hence, this system is called a presumptive one	In a conclusive titling system, the government provides guaranteed titles. These land records designate actual ownership.
It means the registration of land is actually a registration of transactions, such as sale deeds, records of inheritance, mortgage, and lease. So, anyone can dispute the transactions with the titleholder .	The title is granted by the government. So, if there is a dispute, then the claimant has to settle disputes with the government , not the titleholder.
If the disputed claimant proves the land as his property, then he will be the new titleholder and the previous titleholder will lose his/her ownership.	Further, according to agricultural economist T. Haque , the government may provide compensation to claimants in case of disputes. But the titleholder is not in any danger of losing ownership
These are not the government-guaranteed title to the property . These are only a record of the transfer of property.	These are the guaranteed title to the property .

Development towards Conclusive Land Titling in India:

1. Currently, land records systems in the country represent the **Zamindari and Ryotwari models**.
2. The importance of updating land records was emphasized long back in the First Five-year Plan (1951). But the land records saw little improvement.
3. In 1989, the **D.C Wadhwa committee** (single-member committee) studied the land records and released a report titled "**Guaranteeing Title to Land**". In that, it mentioned the importance of conclusive titles to the people.
4. **Digital India Land Record Modernization Programme** was launched in India, in 2008 with the objective of digitization of land records. This also **highlighted the**

importance of moving away from the current Presumptive land titling to **Conclusive land titling**.

5. In 2011, the government **drafted a Model Land Titling Bill 2011**. The bill asked the state government to move towards Conclusive titling. But only Rajasthan and Maharashtra enacted the law and took a few steps.
6. In 2020, the NITI Aayog released the model **Bill on Conclusive Land Titling**. This was sent to the States and Union Territories for getting their feedback. However, many States failed to send their feedback. Following which the Centre recently warned that the model bill would be concluded.

How the Model Bill aims to implement Conclusive Land Titling in India?

The draft model bill aims to achieve Conclusive land titling in the following ways:

1. The Model Bill provides for setting up of **Land Authorities** in each State. These authorities will be responsible to appoint a **Title Registration Officer (TRO)**.
2. TRO's will **prepare and publish a draft list of land titles** based on existing records and documents.
3. Based on the draft list, **potential claimants** interested in the property will have to **file their claims or objections** within a fixed time period.
4. Once disputes are received, the TRO will verify all the relevant documents and refer the case to a **Land Dispute Resolution Officer (LDRO)** for resolution. **Note:** The disputes currently pending in courts cannot be resolved in this way.
5. Once, the disputes are resolved, the Land Authority will publish a **Record of Titles**.
6. **If there are any** ambiguities in **Record of Titles** or regarding the decisions of the TRO and the LDRO, it can be challenged before **Land Titling Appellate Tribunals** within 3 years.
7. After, three-years, entries in the **Record of Titles** will be considered conclusive proof of ownership. Further, appeals can only be taken up in High Courts.

What is the need to shift towards Conclusive Land Titling?

Shifting from **Presumptive land titling** to **Conclusive Land Titling** has the following advantages.

1. A Conclusive land titling system will significantly **reduce land-related litigation**. A World Bank study from 2007 states that land-related disputes **account for two-thirds of all pending court** cases in the country. This is because, in the current system, people have to maintain the entire chain of transaction records (sale deeds, records of inheritance, mortgage, and lease).
2. **To increase the investment in many sectors:** Currently, long pending court cases diminish the prospects for investment in many sectors of the economy. In Conclusive titling, the businesses will be guaranteed and investments will be secured. This can avoid large delays and inefficiency in infrastructure projects.
3. To **improve the revenue of the local body and the government**. **Urban local bodies** depend heavily on property taxes. Property tax can be levied properly only if there is clear ownership data available.
4. **Conclusive Land Titling provides better security to farmers**. Unclear titles make it difficult to prove land ownership. The land is used as collateral by farmers for accessing formal credit.
5. Improper records result in Benami transactions. These transactions are used for the investment of black money in the country.

What are the difficulties?

The introduction of a **Conclusive Land Titling system** can be feasible with proper land records. But, there are many challenges associated with the land records in India. They are,

1. **Land** is a State subject in India. The individual States are responsible for the proper implementation of land records. In the absence of a uniform system, **existing land records** are **maintained in different scripts and languages** in different States.
2. **Land records are not updated for decades**, especially in rural and semi-urban areas. Conclusive land titles can create more problems if the land records are not updated.
3. In India, the **majority of the land records are in the name of the grandparents** of the current owner, with no proof of inheritance.
4. Apart from that, **forgery, cases of fraud, and misconduct** surrounding land ownership are also there in India. This increases the ownership disputes reaching courts and overburden the judicial mechanism.

If the government wants to introduce the conclusive land titling, then it not only needs to solve all the pending cases but also **needs to solve** the cases currently **unreported and unidentified** .

Suggestions:

India needs to **move towards proper land records**, then only we can shift towards a **Conclusive Land Titling system**. The government can follow suggestions like,

1. Implementing the recommendation of the **Committee on State Agrarian Relation in 2007**. The committee recommended,
 - o A comprehensive **village-level survey with community involvement** is required to solve the land-related problems.
 - o Providing adequate skill training to the local government employees.
 - o Further, it suggested that the government should use technologies such as GIS, GPS, and satellite imagery to update land records.
2. Further, the government **needs to integrate** the cadastral maps (Comprehensive land maps) with textual data of land. This can be performed during the sale, inheritance, purchase, gift, mortgage, and tenancy of a property. This will ensure complete information with relation to land is available and updated.
3. Apart from that, the government also **needs to amend laws across the Centre and States** to ensure uniformity in land records.

In conclusion, the introduction of a Conclusive Land Titling system is an ambitious step. However, to avoid further complexities the practical difficulties involved in its implementation has to be taken care of.

Clean drinking water to all: Initiatives and challenges – Explained Pointwise

Introduction

Recently [Telangana government has achieved 100% tap water connections](#) to all schools and Angan Wadi Centres (AWCs) under 100 day Special Campaign. The other states like Andhra Pradesh, Himachal Pradesh, Goa, Haryana and Tamil Nadu also achieved this target.

Under the Jal Jeevan Mission (JJM) the central government also aims to provide Functional Household Tap Connection (FHTC) to every rural household in India by 2024. Further, the recent budget expanded the [Jal Jeevan Mission to urban areas](#) as well. But to provide clean drinking water, the government has to do much more than just providing the water connections.

Important aspects of Jal Jeevan Mission

The JJM aims to envisage a supply of **55 litres** of water **per person per day**. Important aspects of the Jal Jeevan mission are,

1. The JJM will focus on **integrated demand and supply-side management** of water at the local level.
2. It will **implement source sustainability measures** to recharge and reuse through greywater management, water conservation, rainwater harvesting.
3. The Mission will **converge with other Central and State Government Schemes** to achieve its objectives of sustainable water supply management across India.
4. The JJM will generate **maximum community participation** in the form of 'Jan Andolan to achieve the target.

Other schemes aimed towards providing Drinking water

1. **Swajal Yojana:** It is a community-owned drinking water program for sustained piped drinking water supply powered by solar energy. It was launched in 115 aspirational districts of India.
2. **Jal Mani Programme:** It aims to provide value and quality addition to the ongoing Rural Drinking Water Supply Programme to mainly address the water quality. The aim is achieved by **installing Stand-Alone Purification System** in rural Schools
3. **Atal Bhujal Yojana:** It is a Central Sector Scheme aims to improve groundwater management through community participation in identified priority areas in seven States

What are the advantages of providing clean drinking water?

1. India will face **fewer water-borne diseases**. According to a study, more than 21% of the country's diseases are water-related. In 2015 alone, India lost over 1 lakh children under the age of five due to diarrheal diseases. It is preventable if India provides clean water to its population.
2. **Fulfilling SDG:** By providing **clean water and sanitation to all**, India can achieve Sustainable Development Goal 6 (clean water and sanitation for all). Along with that, India can also achieve other SDGs as well such as good health and well-being, etc.
3. **Recharge of groundwater level:** According to NASA (National Aeronautics and Space Administration), India's **water tables are declining at the rate of 0.3 meters per year**. Clean water through wastewater management may reduce the demand for groundwater. This will improve the groundwater table.
4. **JJM and other schemes provide employment opportunities.** Successful implementation of the **National Skill Development Mission** has created a pool of skilled **manpower** in plumbing, masonry, fitting, electricity, etc. The JJM

implementation will utilize their skills and also provide employment opportunities to **the migrant labours** returning home.

- For example, Recently Ministry of Jal Shakti deployed labourers returning to their homes due to the **COVID-19 pandemic** in the **Jal Jeevan Missions**.
5. **Better local infrastructure** – Apart from solving the drinking water problem, the schemes will also improve better infrastructure facilities especially in rural India. Infrastructure facilities will be in the form of water management structures, supporting infrastructures in-home, streets, etc.

What are the challenges associated with providing clean drinking water?

1. **Water is a state subject.** So, Centre intervention in this domain is limited. The States also look into the issue of drinking water problem as their individual problem (not the problem of other states). This leads to **interstate disputes** for water and **prevents them from enacting a holistic solution**.
2. **India doesn't have enough water for its population.** India has 16% of the global population, but only 4% of freshwater resources. **One billion people in India are living in water-scarce areas.** So, providing enough drinking water to all is a great challenge with limited resources.
3. Providing **quality piped water** will be a great challenge. In the majority of the Metro cities and Urban areas, **demand for water is higher than the supply.** To compensate for the deficit, local authorities mix the surface & groundwater.
4. Moreover, NITI Aayog report mentions **nearly 70 percent** of the country's freshwater sources are contaminated. So it is impossible to ensure that quality water alone is supplied to homes.
5. The **"slippage" problem** in India: Wide temporal and spatial variation of monsoon result in the slippage problem. For example, India receives 75% of **its total rainfall** during the four months-long monsoon season alone. So, there is a higher chance that **drying up of the water source** or collapse of the created facilities will create the problem of drinking water again in the earlier cover areas of schemes such as Jal Jeevan Mission.
6. **Reducing per capita availability of water in India is also a challenge.** The Per capita availability was at 1816 cubic meters in 2001. But it reduced to 1545 cubic meters in 2011. Further, It is expected to reduce to 1367 cubic meters in 2031. In such a scenario Providing 19.02 crore, pipe connections will increase the demand for drinking water and reduce the per capita availability of water.

Suggestions to improve access to drinking water

1. **Providing clean drinking water needs a few corrections at the ground level.** Such as,
 - **Artificial Recharge Techniques such as Rainwater Harvesting Systems** in houses and localities should be mandatory. This will increase the Groundwater level in Indian villages.
 - Government has to **encourage local participation** in water conservation by steps such as an awareness campaign.
2. The government has to enact a **specific plan for water-stressed** states and water-stressed areas like the **Hiware Bazar model of local-level water regeneration**.
 - **Hiware Bazar** is a village in Maharashtra's drought-prone Ahmednagar district. Within a decade it changed from the water-stressed region to one of the most prosperous villages of the country. They achieve this by regenerating their natural resources such as forests, watersheds, and soil with local Panchayat.

3. **The government can explore the options of Pricing water used by well-off sections and agriculture.** This fund can be used in the maintenance of the pipes and drains.
4. **Mandatory compliance:** The **sources, as well as the quality of water in the country,** need to be maintained on a war front basis. The government can ensure **mandatory compliance of local bodies to the Bureau of Indian Standards** on water quality. This will ensure quality water at the local level.
5. The government has to explore **technological solutions in drinking water management.** Such as establishing water treatment plants in water storage facilities to remove toxic inorganic pollutants and dissolved solids.

India cannot provide clean drinking water to people at the expense of depletion of the existing resources. It will take India, a step closer to the ground-zero level. At the same time, India cannot wait till the present population depletes the water resources. So, It is high time for the government to act on water conservation along with the aim of achieving clean drinking water for all.

Saksham campaign and the importance of fuel conservation – Explained Pointwise

Introduction

Recently, the Ministry of Petroleum and Natural Gas launched the month-long fuel conservation awareness campaign Saksham. Fuel conservation has become highly important in the present scenario. On the one hand, [the petrol prices are for the first time, touching Rs. 100](#). On the other hand, India's oil imports are expected to rise to 90% by 2030 and 92% by 2040, as per [the India Energy Outlook report, 2021](#). In this article, we are going to analyse the needs and ways of fuel conservation in India.

What is Saksham Campaign?

It is a **month-long awareness campaign** launched by the **Petroleum Conservation Research Association (PCRA)**. [The Saksham campaign](#) aims to create awareness about fossil fuels by highlighting the adverse health and environmental impacts of fossil fuels.

The Saksham campaign will mention the advantages of switching to cleaner fuels and bring in behavioural change to use fossil fuel more intelligently. The campaign will include various pan-India activities such as cyclothon, farmer workshops, seminars etc.

The awareness campaign was started as an **Oil Conservation Week** in 1991. Later in 1997, the program was converted into an **Oil and Gas Conservation Fortnight**. From 2017 onwards, it was renamed as "**Saksham (Sanrakshan Kshamta Mahotsav)**" and getting conducted for a month. This year the campaign launched on 16th January 2021.

Other government schemes aimed towards fuel conservation

The government introduced various policies aimed towards fuel conservation. Such as fuel efficiency norms for Heavy Commercial Vehicles and Light and Medium Commercial Vehicles.

1. **LPG Panchayats:** This scheme aimed at encouraging rural communities to turn to clean fuels instead of fossil fuels
2. In the **transport sector** various other initiatives such as **introducing Bharat Stage (BS) standards, fixing the maximum speed of cars, improved road conditions** will result in fuel conservation.
3. **Ethanol Blended Petrol (EBP) Programme:** The government in 2003 introduced the EBP program. The programme aims to promote the use of alternative and environment-friendly fuels and reduce import dependency. India has set a target of **10 per cent** ethanol blending in petrol by **2022**.

Level of fuel usage in India

According to the Ministry of Petroleum and Natural Gas, India **imported 270 Million Metric Ton of crude oil** worth \$120 billion in 2019-20 alone. The sectors such as transport, industry, household and agriculture are four major sectors that consume the bulk of petroleum.

1. **The transport sector** is the **largest consumer (50 per cent) of petroleum products** in India. They mainly consume petrol and high-speed diesel. Road transport accounts for about 37 per cent of the total oil consumption.
2. **Industries:** They consume about 16-20 per cent of the total oil products.
3. **Agriculture sector:** High-speed diesel and light diesel oil are the main petroleum products consumed in the agriculture sector. Apart from that, Naphtha is primarily used to produce fertilizers.
4. Kerosene and LPG are two major oil products used in the domestic sector. It is generally consumed for cooking and heating in urban and semi-urban areas.

High-Speed Diesel (HSD) and Light Diesel Oil (LDO)
 HS is normally used in high-speed diesel engines (runs above 750rpm). Such as commercial vehicles, stationary diesel engines, locomotives, and pumps etc. LDO is used in slow-speed diesel engines (below 750 rpm). Generally, it is used in Lift irrigation pump sets, Diesel Generator (DG) sets etc.

Why do we need to conserve fuel?

1. **Fuel conservation promotes environmental health.** Lower fuel usage will reduce nitrogen oxides, carbon dioxide, Sulfur dioxide, ozone, and other hydrocarbon emissions. Further fuel conservation will reduce the total energy demand and production, reduce greenhouse gases, resulting in fewer oil spills, and fewer mining activities. Overall, fuel conservation will **reduce the effects of climate change.**
2. Fuel conservation **will save money and reduce the oil import bills of India.** India Energy Outlook 2021 have mentioned India as the world's second-biggest net oil importer after China. As per this report, India is currently importing about 76% of its crude oil needs. Fuel conservation will reduce the overall net crude oil imports and **save India's Forex reserves.**
3. **Increase in energy sustainability:** As fossil fuels like oil are non-renewable and depleting around the globe, its conservation will expand their availability for a longer period of time. Along with the research on alternative energy sources, we can ensure energy sustainability.
4. Middle Eastern region at present holds 48.3% of global oil reserves. But the region is vulnerable to various conflicts such as the Sunni-Shia conflict, Israel and Arab nations conflict, etc. Fuel conservation will **reduce India's dependence on politically vulnerable Middle Eastern region.**
5. Fuel conservation will help in **reducing peak oil demand.** Apart from that, shifting towards clean energy alternatives can further reverse the [end of the oil age theory](#).

The end of the oil age is the theory first formulated in 2005. According to it, oil age will end due to the **fall in production of oil** and its non-replacement along with skyrocketing prices. But the **theory was reversed** recently after the US Shale gas revolution and the emergence of Electric vehicles after Paris Climate Summit

Suggestions to improve fuel conservation

1. The government can take numerous initiatives to reduce fuel demand but to see a real change **people in India must be educated** to reduce fuel consumption voluntarily. Such as
 - Promote use of bicycles for shorter distances
 - Switching off engines in signals
 - Following the sedate driving style and traffic rules etc.
 - Promoting carpooling etc.
2. Apart from that, the Government has to introduce strict norms for the **operation of transport vehicles at optimum speed, implement projects improving road conditions and remove traffic bottlenecks**, especially in urban areas. According to a report, these **measures alone can save about 30-35 per cent of the fuel.**
3. To reduce the demand for the industrial sector, the government has to **encourage better energy management.** For example, government initiatives in the iron and steel industry, petrochemicals industries have reduced 21 and 32 percent of their fuel demands.
4. In the **agriculture sector** government has to promote better farm machinery, efficient foot valves for lift irrigation, use of agro-residues, and other non-commercial sources of energy. This will reduce the fuel demand in agriculture.

5. The government has to build a **reliable, well-connected, sophisticated public transport system**. Such a system must have the potential to cater to the needs of all sections of the society.
6. To get a **complete solution**, apart from fuel conservation we also need to shift to clean and green alternative energy sources. For example,
 - Promoting Solar machines like solar cookers, solar panel, solar water heaters, wherever it is feasible.
 - Further, promoting biogas as domestic fuel instead of kerosene and LPG.
 - Promoting the usage of [Electric Vehicles](#) and [Ethanol as alternative fuels](#). At the same time, exploring the possibility of [Hydrogen as a potential fuel](#).

Conclusion

The recent India Energy Outlook report mentions “**India’s energy future depends on buildings and factories that India is going to build and the vehicles and appliances India is going to buy**”. So it is high time for India to act on fuel conservation and [Green energy initiatives](#) to make India’s energy requirements sustainable.

Use of Criminal conspiracy Law in India – Explained, Pointwise

Recently the Delhi High Court granted bail to a climate activist in the Greta Thunberg toolkit case. The court dismissed the criminal conspiracy charges filed by Delhi police due to a lack of evidence. The law on criminal conspiracy was enacted to control the nationalist movement in India before independence. However, even after more than 7 decades of independence, this law is in use frequently.

What is the recent case on the law of criminal conspiracy?

Greta Thunberg toolkit was related to the violence committed during the farmer's protest on January 26. The [Delhi Police arrested a Climate Activist in India](#) related to the tool kit case. The police claimed that the climate activist was the editor of "toolkit Google doc" and a "key conspirator" in the toolkit formulation and distribution.

Delhi Police accused the activist under section 120B (Criminal Conspiracy) of the Indian Penal Code (IPC) and [Sections 124A of IPC\(sedition\)](#). The police claimed the Activist and others were the local collaborators in the conspiracy for inciting disaffection and accelerating the violence.

But the Delhi high court rejected the Delhi Police accusations and granted her bail. The court mentioned that the police lacked evidence to prove her conspiracy charges. The Court further held that interaction with people of **doubtful credentials is not an offence**. Apart from that the court also held that the authorities can not consider inferences (prior assumptions) as evidence.

What is criminal conspiracy law in India?

In India, criminal conspiracy falls under Section 120 of the Indian Penal Code (IPC).

1. Section 120A of IPC defines criminal conspiracy.
2. Section 120B of IPC prescribes punishments for criminal conspiracy.

Definition:

It is defined as an "agreement" between two or more persons to commit a criminal offence. For an offence to be classified as a criminal offence, certain conditions have to be satisfied. They are,

- There must be two or more persons indulged in a criminal offence
- Even if the actual offence has not been committed, an **agreement alone is necessary and sufficient to punish the person**
- The agreement has to be either related to committing an illegal act or a legal act committed through illegal means.
- If such an agreement is reached then such agreement will be considered a criminal conspiracy.
- But, merely discussing or having knowledge or having any ill intentions of committing a crime would not constitute criminal conspiracy.
- It is not necessary for all the conspirators to know each other for committing an offence.
- If the conspiracy charge got proved in court, then all the accused will be held liable for conspiracy. Apart from that, the accused persons shall also be punished separately for the individual offences committed by them.

For example, if a group of friends (A, B, C, D) are speaking about robbing a bank to get rich, then it is not a criminal conspiracy as they are merely discussing it. But if they agree to rob a bank, and discuss their responsibilities in robbing a bank. Such as Person A and B will rob the money, Person C will threaten the people in Bank and Person D will watch the gate then this will be a criminal conspiracy under the law.

Punishment:

Section 120B of IPC prescribes punishments for criminal conspiracy. Section 120B divides criminal conspiracies into two categories.

1. **Criminal conspiracy to commit serious offences:** For serious offences the conspirator will get a punishment similar to abetting (encourage or assist (someone) to do the serious offence) the offence. Serious offences here include any offences (if committed by the conspirator) that will attract death penalty, life imprisonment or rigorous imprisonment (two years or more).
2. **Criminal conspiracy to commit other offences:** In this case, the punishment under criminal conspiracy shall not exceed six months of imprisonment or fine or both.

How criminal conspiracy law evolved in India?

Initially, during Colonial rule, criminal conspiracy was considered as a civil offence. But the **Indian Criminal Law Amendment Act, 1913** changed the conspiracy as a criminal offence. This was used by the British to handle the Revolutionary leaders of India. The famous few cases were,

- **Kakori Conspiracy Case (1925):** The case was framed against Hindustan Republican Association for train robbery. The revolutionaries were arrested and tried in court.
- **Lahore Conspiracy Case (1931):** This case was framed for the murder of JP Saunders, a British police officer. The case was filed against Bhagat Singh, Sukhdev, Rajguru and Chandrashekhar Azad. Except Azad all were caught and punished with death sentence. Azad got killed in an encounter later on.

What are the observations made by the court on the criminal conspiracy law?

1. **Bimbardhar Pradhan vs. state of Orissa case 1956:** The court held that based on sufficient evidence the court can even convict one person alone for criminal conspiracy.
2. **State of H.P vs Krishan Lal case:** The Court held that the criminal conspiracy consists of a **meeting of minds** for agreeing to do on offence. The court defined **Meeting of Minds** as the persons involved in the conspiracy were well aware of the objective and intention behind the conspiracy
3. **Param Hans Yadav Vs State Of Bihar case 1987:** The court observed the difficulties in producing evidence for the charges of conspiracy. Establishing the link between the different chain of events was the only way to prove the conspiracy.
4. **State of Tamil Nadu vs Nalini case:** If a person has knowledge about the conspiracy, then it would not make him a conspirator. The court also held that providing shelter to the main accused is not considered as evidence of the conspiracy. A meeting of minds will be required to prove the conspiracy. For example, If 3 member planned a robbery in a bank and planning to escape by a car belonging to a person X. If X doesn't know anything about the robbery, then the X cannot be considered to be a conspirator.

Why do we need to reform the Criminal Conspiracy law?

1. **Law commission report:** The law commission in one of its report mentions the needs to reform the criminal conspiracy laws. They were,
 - Section 120A of IPC provides wide-sweeping powers to the government.
 - There is no need for criminal conspiracy legislation especially to punish for conspiracies related to petty offences.
2. The **general rule of crime is not fulfilled by criminal conspiracy law.** As a general rule, to constitute a crime, both mens rea (guilty mind or intention) and actus rea (the guilty act) must be involved. But Section 120 A of IPC punishes merely the guilty mind as a criminal offence.

3. Section 120-A does not define what are **illegal ways to achieve lawful actions**. So this provision is getting misused by the [government to silence the critics](#).

Suggestions:

1. Law enforcement authorities need education on these laws to prevent the problem of misuse. The enforcement authorities might be trained regarding the application and non-application cases of criminal conspiracy cases.
2. The government has to **define illegal ways to do legal actions**. This will ensure clarity in the definition and check the misuse to a great extent.
3. Further, the government should implement the suggestion of the Law Commission by removing petty crimes from Section 120A of IPC.
4. The government can consider rolling back the conspiracy to a civil offence. As it was the practice prior to the **Criminal Law Amendment Act, 1913**.

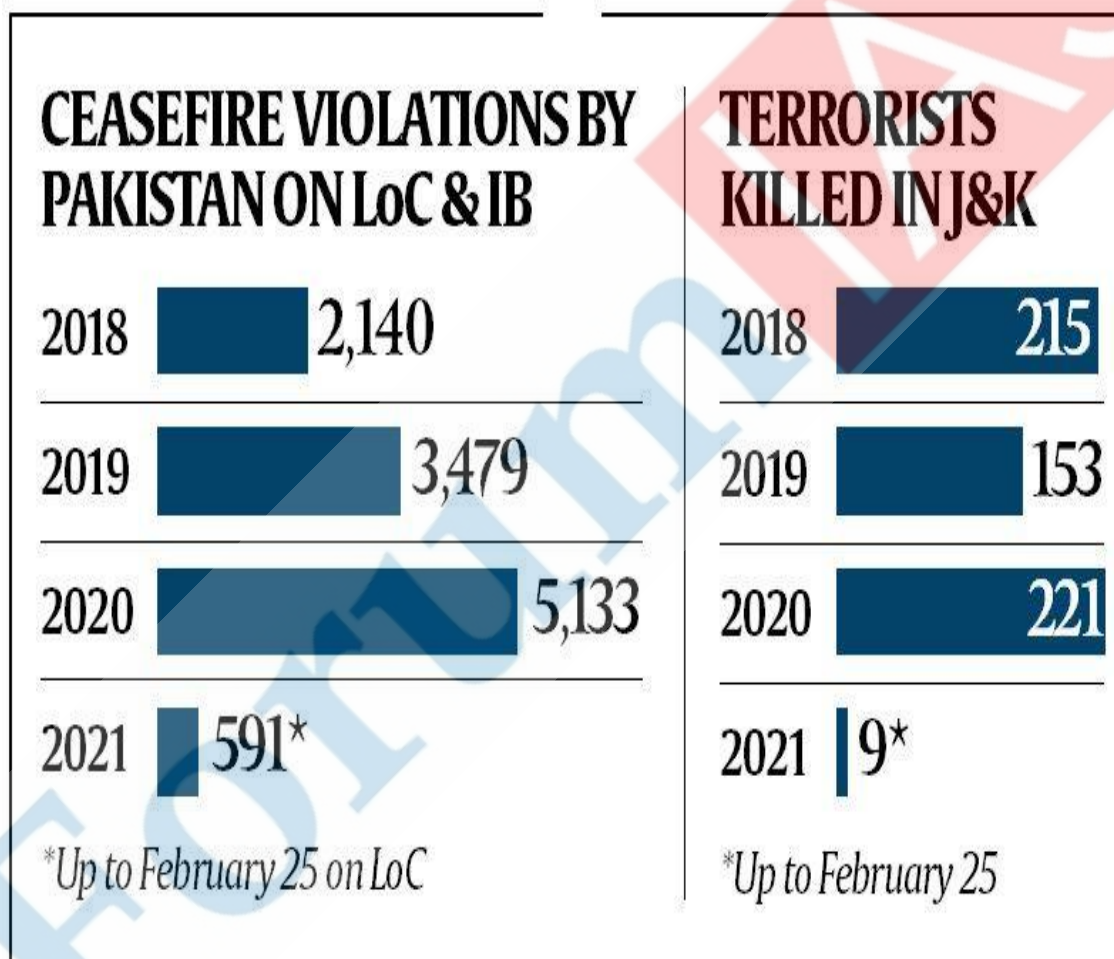
The recent case of climate activist is one of the many instances where the law on criminal conspiracy is getting misused. It is the high time for the government to encourage constructive criticisms and amend Section 120A. This will ensure the midline of encouraging healthy debates and punishing the wrong ones in one go.

Issue of ceasefire violation between India and Pakistan – Explained Pointwise

Recently India and Pakistan issued a joint statement to strictly observe all the agreements on a ceasefire along the LoC and other sectors. The joint statement aims to address each other's core differences and concerns in the border areas. But controlling the ceasefire violations is not an easy task to achieve considering past issues and challenges.

What are the recent developments?

According to the report submitted in Parliament in 2020 alone, there were **5133 instances of Ceasefire Violations**. Apart from that, there were also 46 fatalities in 2020. The number of ceasefire violations increased gradually every year that resulted in the loss of life and resources on both sides. This can be understood better by the image given below.



Source: The Indian Express

So, both the countries were forced to solve and restrict the ceasefire violations. Accordingly, the Director Generals of Military Operations (DGMOs) of both India and Pakistan held talks to establish peace in the region. As a result of that, both the countries recently issued a joint statement.

In the statement, they agreed to observe all the ceasefire agreements along the LoC and all other sectors from midnight of February 24/25.

How India Pakistan Border is demarcated and guarded?

India and Pakistan share 3323 km of Borders. The border runs through 4 states of India (Jammu & Kashmir, Punjab, Rajasthan, and Gujarat). Similarly, the border runs through 3 states of Pakistan. The entire border is divided into three parts.

1. **International Border (IB):** The IB stretches for approximately 2,400 km from Gujarat to the north banks of Chenab (in Akhnoor in Jammu). IB is generally recognised by both the countries without much dispute. This Line was drawn by Sir Cyril Radcliffe during the partition. This section is running across Punjab, Rajasthan, and Gujarat States and guarded by the **Border Security Force (BSF)** of India.
2. Few sections of IB (201 km) where the line connects with Jammu and Kashmir are called **Working Boundary (WB)** by Pakistan. This WB has Pakistani Punjab on the other side. Pakistan calls this a Working Boundary because this boundary is subjected to one-way dispute (Pakistani Punjab is recognised by India).
3. **Line of Control (LoC):** It is a 740 km long boundary line. It is a *De facto* boundary between the Pakistan Occupied Kashmir and the Indian side of Kashmir. The LOC runs from parts of Jammu to NJ 9842 in the Siachin glacier. This is an imaginary line that came into existence after the 1948 Pakistan aggression. At present, it is governed by the 1972 Shimla agreement.
4. **Actual Ground Position Line (AGPL):** It is the 110 km long line that divides the current position of disputed regions in Siachin Glacier. It extends from Point NJ 9842 to Indiracol.

Except for IB, all the remaining regions (IB, LoC, AGPL) are **guarded by the Indian Army**.

Ceasefire agreements between India and Pakistan:

There are several agreements signed between India and Pakistan to resolve the border dispute. They are,

1. **Karachi Agreement 1949**
 - This agreement was signed after the India Pakistan war of 1947 and supervised by the United Nations Commission for India and Pakistan.
 - The agreement established a **Ceasefire line along the disputed regions of Kashmir**.
 - The ceasefire line are monitored by United Nations observers from United Nations.
 - Both the countries agreed to **establish a buffer zone of 500 yards** on both sides of the Ceasefire line.
2. **Shimla Agreement 1972**
 - This agreement was signed **after the Bangladesh liberation war** of 1971.
 - Under this agreement **both the countries agreed to resolve the disputes bilaterally**.
 - The agreement **converted the ceasefire line into a Line of Control (LoC)**. (Thereby, the role of the United Nations Commission for India and Pakistan to monitor the ceasefire line lost its relevance. But Pakistan still disputes that.)
 - There is no mention of the buffer zone in this agreement.
3. **Ceasefire Agreement 2003**
 - This agreement came after four years of Kargil and two years after the Indian Parliament got attacked.
 - Pakistan PM announced the Ceasefire on LoC on November 26, **2003**. Later the IB was also included in the ceasefire. So, it is not a formalised document. But it has certain important points such as,
 - Creating a buffer Zone within 500 yards of LoC and 150 yards of IB.
 - Proper fencing on LoC can be done by countries.

- No firing will be done by both the countries on LoC.
- Both countries cannot indulge in altering the ceasefire unilaterally irrespective of mutual differences and legal interpretations of the agreement.

Why there are ceasefire violations?

A study conducted by the **US Institute of Peace** mentions the Ceasefire line as **“A Line on Fire”**. The Institute further held the reasons for ceasefire violation on India Pakistan border by both sides of the army. They are,

1. The **factor of testing the new boys**: It is an attempt on one side to assess the new battalions posted on the other side. For example, after a new BSF battalion posted in a region of Jammu and Kashmir, the study observed 45 days of consecutive ceasefire violation by the Pakistani troops.
2. To show the **potential of new boys**: In few instances, the new battalion indulges in ceasefire violation to prove to the opposite side that they have better-fighting capability.
3. **The emotional state of soldiers**: The ceasefire violations occur whenever there is happiness or a sad state of the emotional capacity of soldiers. For example, ceasefire violations increased after a defeat of the Pakistani cricket team by the Indian cricket team. Similarly, it got increased after India successfully conducted a missile test.
4. **Defense constructions**: Ceasefire violations also occurred due to the defense constructions in border areas.
5. **No proper definition of LoC**: As the Shimla Agreement, Karachi Agreement not defined the LoC properly, and the 2003 agreement is not yet finalised there is an ambiguity in the demarcated areas. That triggers the Ceasefire in the majority of the cases.

Potential of Ceasefire violations:

Ceasefire violations have the potential to alter fundamental political dispute between both countries. The reasons are,

1. Ceasefire violations **can alter political and diplomatic ties**. Many ceasefire violations on the border can change the stand of both the governments.
2. They **can escalate any ongoing crisis**. This is feasible especially when the ceasefire violation occurs in the aftermath of terror incidents.
3. They can **aid the infiltration by terrorists**. The ceasefire has a positive correlation with the number of terrorists entering India.

So by reducing the ceasefire violations one can expect a reduced terror attack, increased bilateral relations etc.

Suggestions to control the ceasefire violations:

1. The best solution for both countries is to **Formalize the 2003 agreement**. This will not only reduce the violations but also create stability in border areas.
2. Until formalizing the ceasefire agreement both countries can agree to standard operating procedures (SOPs). The SOPs must include the provisions such as,
 - **Frequent communications** between both sides of security forces to intimate their activities.
 - **Managing the night movement** of both the armies smoothly.
 - **Restricting and intimating the accidental firings**.
 - Knowledge sharing between both the countries on **inadvertent crosses** (unidentified passes on both sides).

The recent step taken by both the countries to respect all the agreements is a welcome move. But Pakistan has to prove their credential on the ground. If Pakistan does that then the recent move has the potential to turn the current bilateral relations between both the countries.

New IT Rules for Social Media and OTT platforms – Explained Pointwise

Introduction

The Government of India has released the **Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021**. It aims to regulate social media, digital news media, and Over-The-Top (OTT) content providers. The rules were jointly announced by the Minister for Information Technology and the Minister for Information and Broadcasting. Despite being praised by few experts as revolutionary, it also has certain challenges to be addressed.

Need for the New IT Rules 2021:

India at present doesn't have any specific rules to govern the digital news media and OTT platforms. At present these are governed under Section 79 of the IT Act. But it was not able to effectively control the misuse of data over social media and digital platforms. The reasons were,

1. Non-liability of Intermediary:

- Section 69 of the IT Act gives power to the government to issue directions “to intercept, decrypt or monitor...any information generated, transmitted, received or stored” in any digital equipment.
 - The Intermediaries are required to preserve and retain specified information. Further, they have to obey the directions issued by the government from time to time.
 - By adhering to government rules, they will **get protected from legal action for any user-generated content under Section 79**. Section 79 states that an intermediary (Digital media and OTTs) shall not be liable for any third party information, data, or communication
2. Further, the **user base of big companies** has **expanded rapidly**. Currently there are over 53 crore WhatsApp users, over 44.8 Crore YouTube users and 41 Crore Facebook users.
3. The government [rejected the Self-regulatory toolkit submitted by 17 OTT Platforms](#). The government rejected them for reasons like lack of independent third-party monitoring, the [tool-kit](#) did not have a well-defined Code of Ethics, etc.

This induced the government to come up with new rules under the IT Act, 2000. The IT Rules 2011 got replaced with the new **IT Rules 2021**.

Salient provisions of IT Rules 2021

The new IT rules have been [framed to address the Social Media](#), Digital Media and OTT platforms in a specific manner.

New IT Rules related to Social Media:

1. Social media companies are **prohibited from hosting or publishing any unlawful information**. These information are “in relation to the interest of the sovereignty and integrity of India, public order, friendly relations with foreign countries, etc.
2. **If such information is hosted or published the government can take down such information within 24 hours**. The user will be **given a notice** before his/her content is taken down.
3. The government can direct messaging platforms to **tie the identity of the user with the message transmitted** by him/her for strengthening **traceability**.
4. The IT rules 2021 call for social media companies to **publish a monthly compliance report**.
5. Social media platforms are classified into **two categories**
 - **Social media intermediaries** – Platforms that have a limited user base.

- **Significant social media intermediaries** – These are the platforms with a large user base.
- 6. The **significant social media intermediaries** have to follow few additional measures like:
 - These platforms should **have a physical contact address** in India.
 - **Appointing a Chief Compliance Officer, Nodal Contact Person, and a Resident Grievance Officer in India.** All of them should be Indian Residents.
 - Nodal Contact Person will do 24×7 coordination with law enforcement agencies.
 - The Resident Grievance Officer must acknowledge the complaint within 24 hours, and resolve it within 15 days of receipt.

New IT Rules related to Digital media and OTT platforms:

- A **Code of Ethics has been prescribed** for OTT platforms and digital media entities.
- The streaming platforms (Like Netflix and Amazon Prime) will have to self-classify content on five age-based categories: U (universal), 7+, 13+, 16+, and A (adult).
- They need to have suitable **parental locks** for 13+ content and a robust **age verification system** for accessing adult content.
- **Publishers of news** on digital media will have to observe the norms of **journalistic conduct of the Press Council of India** and the **Programme Code under the Cable Television Networks Regulation Act.**
- A **three-level grievance redressal mechanism** has also been established:
 - **Level-I: Self-regulation by the publishers**
 - **Level-II: Self-regulating body:** This body shall be headed by a retired judge of the Supreme Court or a High Court or independent eminent person.
 - **Level-III: Oversight mechanism:** I&B Ministry will formulate an oversight mechanism and establish an inter-departmental committee for hearing grievances. This body will also have **censorship and blocking powers.**

Advantages of the new IT Rules 2021

1. It will ensure that social media platforms have to keep **better checks and balances** over their platforms. This will ensure the data is not shared unlawfully. This will ensure adherence to the **rule of law.**
2. The new IT rules enhance government regulation over social and digital media. This will **enhance accountability** and prevent arbitrary actions by digital platforms like [the recent one by Twitter.](#)
3. The new IT rules will lead to the **empowerment of citizens.** Since there is a mechanism for redressal and timely resolution of their grievances.
4. **Disinformation (Fake and wrong information) of data** can be controlled. Since there is proper regulatory mechanism, disinformation can be removed easily. This will reduce instances of fake news, violence, the spread of defamatory content and disruption of public order.
5. Giving due notice before removing content will **prevent arbitrary removal** of content.
6. The imposition of print and electronic code of conduct on digital news media would ensure a level playing field for every media.
7. It will **strengthen India's position as a leader in digital policy** and technological innovation. For example, China, with its larger digital population, has not been able to provide a fair and open local market for global companies in the digital space due to absence of proper IT Rules and Regulation.

Criticisms of the new IT Rules 2021

1. The [New IT rules were](#) not put for public consultation. Especially those related to regulations of online news portals and video streaming platforms. For example,

IAMAI(Internet and Mobile Association of India) was not consulted on the proposed OTT guidelines.

2. The rules allow the government to **enforce a traceability mechanism**. This simply means a threat to the user's privacy. It will hamper the end-to-end encryption of platforms like WhatsApp.
3. As the new rules **curtail free speech** on digital platforms, there will be a sense of fear among the users.
4. The IT Act doesn't cover content authors and creators like news media. But rules have included them. This **provides discretionary powers to the government**.
5. The proposed oversight mechanism **doesn't have any legislative backing** which is generally given to other regulators.
 - o For example, the Telecom Regulatory Authority of India Act provides powers to TRAI (Telecom Regulatory Authority of India). Under the rules, the regulation will be done by a body composed of bureaucrats who might perform discretionary censorship thereby **enhancing political control**.

Suggestions for smooth implementation of new IT rules

- The government should **consult with appropriate stakeholders**. This will improve the inclusivity and acceptability of the new IT rules.
- The focus should be on **strengthening citizen's rights** by learning from successful global examples like OFCOM (OFCOM is a communication regulator in the UK).
- The government must have a mindset of **flexibility and agility** to support the rules adequately.
- **OTT platforms** while regulating the content have to **strike a balance**. Especially **between the diverse Indian society and the beliefs of viewers** in India.

The enactment of new IT rules 2021 is a watershed moment that will transform the digital information ecology in India. A fine balance between freedom of speech and the need to curb the misuse in digital platforms have to be maintained. Both the government and the digital platforms will have to work together and fulfill this responsibility.