

## 7 PM COMPILATION

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### Features of 7 PM compilation

- ❖ Comprehensive coverage of a given current topic
- ❖ Provide you all the information you need to frame a good answer
- ❖ Critical analysis, comparative analysis, legal/constitutional provisions, current issues and challenges and best practices around the world
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## 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:
  - **Location information**
  - **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.
  - **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, overspeeding, 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 (NCPDR) 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 unreached:** 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 <b>dispute the transactions with the titleholder</b> .	The title is granted by the government. So, if there is a dispute, then the claimant has to <b>settle disputes with the government</b> , 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 <b>T. Haque</b> , the government may provide compensation to claimants in case of disputes. But the titleholder is not in any danger of losing ownership
These are <b>not the government-guaranteed title to the property</b> . These are only a record of the transfer of property.	These are the <b>guaranteed title to the property</b> .

#### 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,
  - A comprehensive **village-level survey with community involvement** is required to solve the land-related problems.
  - Providing adequate skill training to the local government employees.
  - 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)**

HSD 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. **Bimbhar 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**.

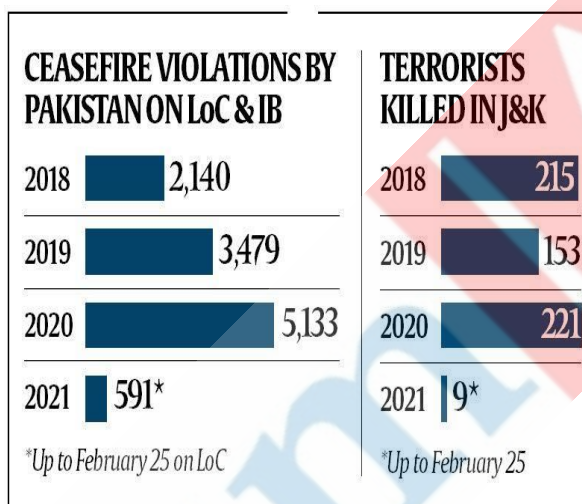
The recent case of climate activist is one of the many instances where the law on criminal conspiracy is getting misused. It is the high time for the government to encourage constructive criticisms and amend Section 120A. This will ensure the midline of encouraging healthy debates and punishing the wrong 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**
  1. **Social media intermediaries** – Platforms that have a limited user base.

2. **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:
  1. These platforms should **have a physical contact address** in India.
  2. **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 **copyright 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.
  - 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.