

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
- ❖ Written in lucid language and point format
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Issue of lateral entry into the bureaucracy – Explained pointwise

Introduction

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

What is Lateral Entry?

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

Agencies/ Committees supporting lateral entry:

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

Why India needs Lateral Entry into civil services?

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

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

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

Criticisms against the process of Lateral Entry

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

Suggestions

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

What is a 13 point roster formula?

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

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

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

Conclusion

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

The Collegium System – Explained Pointwise

Introduction

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

Current Scenario

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

About Collegium System

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

Evolution of Collegium System

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

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

Need for Collegium System

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

Criticisms of the Collegium System

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

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

Suggestions

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

Conclusion

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

Cyber attacks and Cyber Security in India – Explained Pointwise

Introduction

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

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

What is Cyber Security?

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

Few recent examples of cyber attacks in India

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

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

Government initiatives to strengthen Cyber Security in India

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

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

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

Challenges in tackling cyber offences

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

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

Suggestions to improve cyber security

1. **Coordination Enhancement:** There is a need to improve coordination at international, national, state and local levels. An important step in this regard could be the **signing of the Budapest Convention on Cyber-crime** by the Indian government.
Budapest Convention on Cyber-crime: It is the first international treaty attempting to address cybercrime. The convention addresses cybercrime by steps such as harmonizing national laws, increasing cooperation among nations and improving investigative techniques in cybercrime.
2. **Robust Training of law enforcement agencies is the need of the hour.** The government will have to provide continuous, robust and effective training to law enforcement agencies and individuals with a special focus on cyber security and safe internet handling techniques.
3. **Infrastructure Development:** This would involve creating more cyber cells, cyber courts and cyber forensic labs so that the violators are duly punished.
4. **Inculcating Digital Literacy:** This can be done by addressing the vulnerabilities of the masses towards cyber offences.
5. **Responsibility on Service providers:** Website owners must be made more cautious towards traffic on their sites and report any irregularity. This will ensure **large scale data collection on cyber attacks**. These data can be used to create a new cyber security strategy in future.
6. **Amending of the Information Technology Act:** There is a need to put a legal responsibility on companies to conduct regular cyber security audits. For that, the IT Act can be amended to include mandatory cyber security audit by independent agencies.

Conclusion

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

Legacy Waste management in India – Explained Pointwise

Introduction

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

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

What is legacy waste?

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

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

Composition of Legacy Waste

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

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

The composition shows few important things:

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

The Potential applications of legacy waste

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

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

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

Need to recover the landfills

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

Challenges in Managing legacy waste

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

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

Suggestions to recover landfills

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

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

Job reservation in private sector for locals – Explained, pointwise

Introduction

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

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

About Haryana State Employment of Local Candidates Bill, 2020

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

Other states tried to provide reservation in private jobs to locals

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

Rationale behind such reservation in private jobs

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

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

Legal Provisions related to reservations in employment

Constitution:

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

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

Supreme Court Judgements regarding reservation in private jobs

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

Concerns associated with reservation in private jobs

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

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

Way Forward

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

Conclusion

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

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

Introduction:

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

About the recent mission:

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

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

India's space industry:

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

Initiatives in Space Sector:

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

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

Opportunities for India's Space Sector

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

Challenges For India's Space Sector

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

Suggestions

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

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

Conclusion:

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

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

Introduction

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

About the China's plan for dams

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

Why is China developing dams on the Brahmaputra?

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

About Brahmaputra river

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

Importance of Brahmaputra to India

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

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

Rules or statutes governing Brahmaputra water sharing

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

Impacts of China's Dams on India

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

Challenges in bilateral Cooperation on dam construction

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

Suggestions for India

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

Conclusion

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

The Mandal case and Reservation in India – Explained, Pointwise

Introduction

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

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

What is the Maratha reservation policy?

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

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

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

Constitutional provisions regarding reservation

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

Reservation in India

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

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

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

Few Examples for reservation above of 50 percent ceiling

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

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

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

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

Judicial interventions on reservation policy

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

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

Arguments in support of 50 percent quota revision

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

Arguments Against the revisit of 50 percent quota

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

Suggestions

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

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

Issue of Pension System in India – Explained, Pointwise

Introduction

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

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

Current Scenario

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

Pension system in India

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

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

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

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

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



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

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

Source: The Hindu

Issues in the Pension system

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

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

Need of pension system in India

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

Step taken for improvement in Pension System

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

Suggestions to improve Pension System

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

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

Conclusion

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

ForumIAS

Quad Summit and its relevance – Explained, Pointwise

Introduction

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

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

What is Quad Summit ?

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

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

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

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

Significance of Quad

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

Reasons for India to avoid Quad

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

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

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

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

Significance of Quad for India

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

Suggestions

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

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

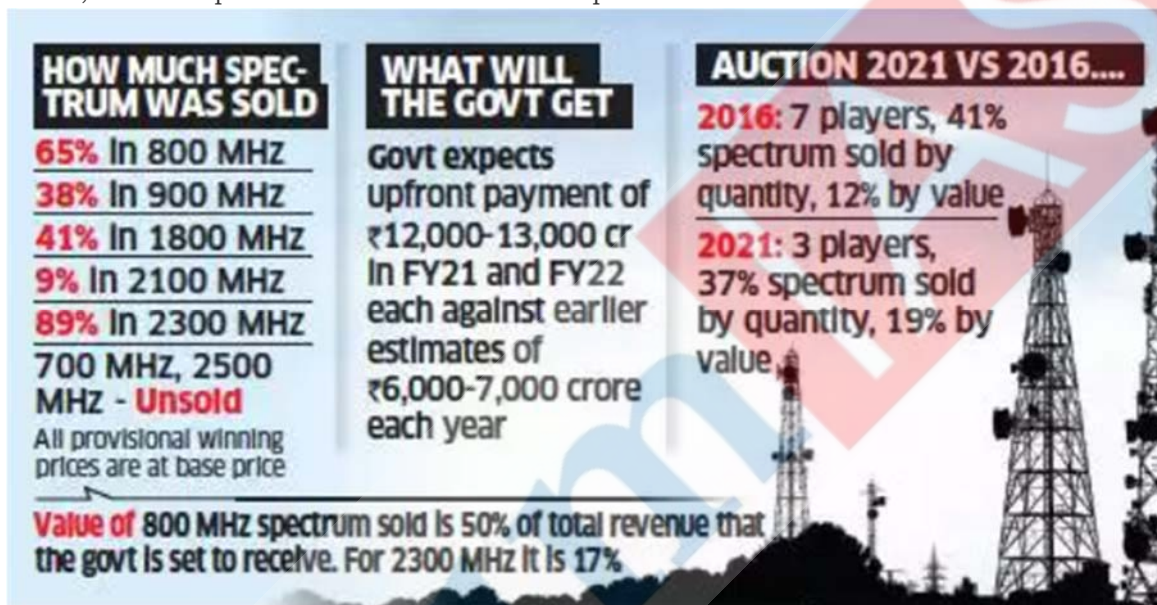
Spectrum Auctions in India – Explained, Pointwise

Introduction

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

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

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



Source: Economic Times

About the recent spectrum auction

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

What is spectrum?

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

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

What is a spectrum auction?

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

History of spectrum auctions

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

Need of spectrum auctions

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

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

Issues in spectrum auctions

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

Suggestions to improve Spectrum Auctions

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

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

Conclusion

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

Issue of Refugees in India – Explained, Pointwise

Introduction

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

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

About the recent Refugee issue with Myanmar

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

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

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

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

Few important terminologies:

Who is a refugee?

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

Who is an asylum-seeker?

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

Who is a migrant?

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

Legal Framework for Refugees in India

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

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

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

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

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

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

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

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

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

Challenges with the refugees

1. **Social consequences of permitting refugees:** By permitting refugees India might face many social consequences. Such as,

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

Economic consequence of permitting refugees:

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

Political consequence of permitting refugees:

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

Suggestions

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

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

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

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

Afghan Peace Process and India – Explained, Pointwise

Introduction

The Afghan peace process aims at ending the ongoing civil war between the Taliban and the Afghanistan government. The US administration has proposed a new peace plan to the Afghan government and the Taliban. This Peace Plan might be helpful to curtail violence and bring lasting peace to Afghanistan.

Background of the Afghan peace process

- The U.S. and Taliban signed an agreement for “Bringing Peace to Afghanistan” on February 29, 2020, at Doha. (also called Doha agreement).
- [Features of Doha Agreement](#)
 - **Troops Withdrawal:** The US and NATO will withdraw their troops from Afghanistan. All the troops will be out of Afghanistan within 14 months.
 - **Taliban:** Taliban will not allow any of its members to use the soil of Afghanistan to threaten the security of the United States and its allies.
 - **Prisoners:** Exchange of prisoners between the Afghan government and the Taliban will be done to build trust.
 - **Sanctions Removal:** As per the Doha agreement, US and UN sanctions on the Taliban leaders will be removed.

Need of a new Afghan peace process

- The Taliban had warned that if the US does not abide by the Doha agreement deadline (May 1, 2021), the Taliban will step up fighting.
- On the other hand, the Afghan Army lacks the capacity to control the Taliban without US support.
- Further, the Taliban and the Afghan government started peace talks in Doha last year, but no solution has reached.

Hence, a new plan was desired to break the deadlock and prevent the complete takeover of Afghanistan by the Taliban.

About the new Afghan peace plan of Biden administration

The Biden administration is pursuing actively in establish [a peace plan](#) between the Afghan government and the Taliban. Few important points of such peace process are,

1. **UN Summit:** United Nations will convene a meeting of the foreign ministers from China, Russia, Pakistan, Iran, India, and the United States. It will develop a “**unified approach**” to peace in Afghanistan.
2. **Withdrawal of Troops:** The peace plan has kept open the possibility that the 2500-odd US troops in Afghanistan might stay on for a while.
 - Under the **Doha agreement with the Taliban**, the US had promised to withdraw all troops by May 1 this year.
3. **Turkey to Organise a meeting:** The United States has asked Turkey to convene a meeting of the Afghan government and the Taliban to finalise a peace settlement.
4. **Taliban to Reduce Violence:** The US has asked the Taliban to accept an immediate agreement to reduce violence for 90 days. This will provide the space for the peace initiative.
5. **Inclusive Interim Government:** the US has asked the Afghan Government and Taliban to move towards a permanent and comprehensive ceasefire and form an interim unity government.

Challenges to Afghan Peace Process

1. Afghan administration has consistently been **critical of the U.S.'s direct outreach** to the Taliban. They perceive it as an act undermining the legitimacy of the Afghan Government.
2. The Afghan President reiterated that the **transfer of power will be done only through elections**. But the Taliban wants a power transfer before participating in polls.
3. **Taliban is aware of the lower potential of Afghan forces**. So they are leveraging it for demanding arbitrary privileges.
4. **The fragmentation of Taliban forces** is another obstacle in peace. It is possible that some of them may continue to engage in violence and impacting the Afghan peace process.
5. Similarly, it would be difficult for the US to hold the withdrawal process. As a lot of **financial stress** of the Afghan government is borne by the US. According to the US Department of Defence, the total military expenditure in Afghanistan (from October 2001 until September 2019) was \$778bn.
6. The US is of the view that **Pakistan is strategically more important** to the U.S. than Afghanistan.
 - o Instead of pressuring Pakistan to refrain its support to the Taliban, the US is seeking Afghan government support for a power-sharing arrangement with the Taliban.

Why is the Afghan peace process is important for India?

- **Security:** A stable Afghanistan is crucial for regional and domestic security and stability for India.
- **Connectivity:** The most important role of Afghanistan is always considered as **India's gateway to Central Asia**. It implies continental outreach.
 - o **For instance**, Connectivity with Afghanistan and Central Asia is the primary reason for India's engagement with Iran to develop Chabahar port.
- **Strengthening regional foothold with the diversification of engagements:** Increasing strategic engagements with Afghanistan is beneficial for India in widening the engagement with other countries in the region.
 - o For example, India's relations with Iran at present are dominated by oil. By engaging with Afghan and Iran India can diversify its trade interests.
- **Energy ambitions:** Peaceful Afghan is essential to address the energy needs of India. This is evident by Afghanistan's essential position in the TAPI (Turkmenistan, Afghanistan, Pakistan, India) pipeline.
- **Trade:** Afghanistan can help India export its products to Europe and help in gaining foreign exchange. The railway line from Chabahar to Zahedan in Afghanistan envisages connecting New Delhi with Iran, Afghanistan, Central Asia and Europe.

What are the challenges in front of India?

- India **refused to recognise the Taliban regime of 1996-2001**. Instead, India supported the 'Northern Alliance' in fighting the Taliban in Afghanistan.
 - o The 'Northern Alliance' was a united military front that came to formation in late 1996 after the Taliban took over Kabul. They fought a war with the Taliban in 2001 and ended the Taliban's rule over Afghanistan.
- India has long held the position of **dealing only with the elected government** in Kabul. India supports an Afghan-led, Afghan-owned, and Afghan-controlled peace process.

- There has been a **high degree of mistrust** on Taliban since the Hijack of an Air India flight to Kandahar in 1999. Further Taliban's proximity to Pakistan has also hampered the Indo-Taliban relations.
- The **Doha Agreement is silent on other terrorist groups**. Such as anti-India terrorist groups like Lashkar-e-Taiba, Jaish-e-Mohammed.
- Further, supporting the Taliban will be a **betrayal for the people of Afghanistan**. The Taliban can go back to medieval practice and establish an Islamic republic based on Sharia. This will result in denying the hard-earned rights of the Afghan peoples.

India's policy towards the Afghan Peace process

- **Peace and reconciliation:** India is encouraging an Afghan-led, Afghan-owned broad-based, and inclusive process of peace and reconciliation.
- **Strengthening democratic institutions in Afghanistan:** India has focused on strengthening democratic institutions through various efforts like inaugurating the new Afghan Parliament. India also announced an additional **USD 1 billion assistance for capability building** in spheres such as education, health, agriculture, skill development, etc.
- **Soft power:** India is focusing on soft power methods (that involve winning hearts and minds) to strengthen cultural and political relations with Afghanistan. India's contribution to the development of cricket in Afghanistan is such an example.
- **No military intervention:** India is not in favor of using the military in Afghanistan. It was reflected in the recent rejection of the USA proposal to India to intervene militarily. India is in favor of **no boots in Afghanistan**.

Suggestions to improve Afghan peace process

- Considering the advances made by the Taliban and the continuance of civil war for more than a decade, the Afghan President has to take support from regional powers including India. This will strengthen the Afghan government's bargaining power in negotiation.
- The world leaders should take a robust step against terrorism by adopting the Comprehensive Convention on International Terrorism (proposed by India at the UN in 1996).
- India **must step up to assist materially** to those who want to defend the Afghan republic. This will mark the arrival of India as the superpower and as an arbiter in settling international disputes.

Conclusion

The objective of the Afghan peace process should be to bring about a just and durable peace through political negotiations. The world leaders must cooperate to ensure an Afghan-led, Afghan-owned and Afghan-controlled peace process. Because that only will bring lasting peace in the region and strengthen regional security.

SC Ruling on State Election Commission: Explained, Pointwise

Introduction

Recently, the Supreme Court held that State Election Commissions (SECs) should have independent State Election Commissioners. Further, the judgement mentioned, a Bureaucrat holding government office should not be appointed as State Election Commissioner. This article will explain two things: a) the reasons behind the judgement; b) issues faced by the State Election Commissions in India.

About the recent judgement

In Goa, the government gave additional charge of managing the State Election Commission to the law secretary. Further, the Goa government also neglected the reservation for women, SCs, and STs in the upcoming Municipality election notification. A case got filed in the High Court of Bombay at Goa. The High Court struck down the notice and held that it is a violation of Article 243T of the Constitution.

But the State government filed a Special Litigation petition stating that the High Court has interfered in the 'election process'. In this case, ([State of Goa vs Fauzia Imtiyaz Sheikh](#)) the Supreme Court in its judgement made a few important observations. Such as:

- By providing additional charges to the law secretary of an **independent constitutional office (State Election Commission)**, the State government has violated the provisions of the Constitution. Further, the court mentioned that the position of law secretary is "directly under the control of the State Government". So, appointing him as a State Election Commissioner will impact the independence of the office.
- Apart from that, the court also held that according to **the Constitution**, all states and territories shall appoint **an Independent State Election Commissioner**.
- Furthermore, State governments should not interfere with the functioning of the State Election Commission.

What are State Election Commissions?

The constitution envisages State Election Commissions (SEC) for every state to safeguard the free and fair election. It is constituted under the provisions of Article 243K read with article 243ZA of The Constitution of India.

Further, the constitution also mentions the State Election Commission should consist of a State Election Commissioner.

The constitutional provisions with respect to State Election Commissions:

1. **Article 243K (1):** This provision mentions two important following things.
 - The superintendence, direction, and control of the **preparation of electoral rolls for, and the conduct of all elections to the Panchayats (and the Municipalities** under Article 243ZA) will be vested in the State Election Commission.
 - The Governor will appoint the State Election Commissioner.
2. **Article 243K (2):** This article mentions that the Governor will decide the **tenure and appointment** of the State Election Commissioner. But there are few restrictions as well. Such as:
 - His conditions of service shall not be varied to his disadvantage after his appointment.
 - Only by following the grounds and procedures to remove the judge of a High Court, the State Election Commissioner can get removed from his office.

Note: The President based on the recommendation of the Parliament can remove the judge of a high court. So, the governor cannot remove the State Election Commissioner. Even though, they he/she have appointed him.

Judicial intervention regarding State Election Commissions

The court intervened in the functions and powers of the State Election Commission multiple times. The important ones are,

1. **Kishan Singh Tomar vs Municipal Corporation of the City of Ahmedabad (2006):** In this case, the Supreme Court held that during the conduct of the panchayat and municipal elections, the state governments should abide by the orders of the SECs. Just like they follow the instructions of the [Election Commission](#) during Assembly and Parliament polls. In conclusion, the SECs will enjoy the same powers as the Election Commission of India(ECI).
2. **Aparmita Prasad Singh vs. State of U.P. (2007):** The UP government has reduced the term of the State Election Commissioner from seven years to five years in 2007. The then Election Commissioner of UP filed a case regarding that. In that, the Allahabad High Court held that cessation of tenure by the State government does not amount to the removal of the State Election Commissioner. But, the Court also mentioned that the State can alter the terms and conditions of the State Election Commissioner before appointing him/her.
3. **N. Ramesh Kumar vs State of Andhra Pradesh (2020):** In this case, the court held that the State government cannot remove the State Election Commissioner by a promulgation of the ordinance.

Challenges with the State Election Commissions

1. **Lack of autonomy in SECs:** Despite the provisions for independence of SECs, they are not functioning as an autonomous institution. For example, In 2008 the then state election commissioner of Maharashtra asserted that he should have the power to hold elections to the offices of mayor, deputy mayor, and sarpanch offices. But the State assembly got him arrested for the breach of privilege and sent him to jail for two days.
2. **Lack of Constitutional safeguard for SECs:** The manner of removal of SECs has been flouted by the State governments by alternative methods such as restricting the terms and conditions etc. This is evident in the Aparmita Prasad Singh vs. State of U.P. case
3. **No uniformity of service conditions for SECs:** Since the Constitution vest the power to determine the service conditions on State legislatures, the service conditions are not uniform across the country.

Impact of the issues in State Election Commission

1. **Functions of Municipalities and Panchayats:** The court in the Kishan Singh Tomar case observed that due to various problems in the State Election Commission, the SECs are facing challenges in preparing the electoral rolls and conducting timely elections. This will impact the regular functioning of [Local government institutions](#).
2. **Impact on Free and Fair Election:** Free and fair elections form the bedrock of a democracy. Any restriction of the functions of State Election Commissions will directly affect the free and fair election. For example, In the recent Goa government case itself, the election notification violated the reservation for women, SC, and STs.

Suggestions to improve the performance of State Election Commissions

1. The State governments **have to follow the judicial directives**. Such as,
 - Appointing the independent person as the State Election Commissioner,
 - Instituting the autonomy of SECs
 - Respect the SECs functions during the elections of Panchayats and Municipalities
2. The Second ARC (Administrative Reforms Commission) has recommended a few important recommendations to improve the functioning of SECs. State governments should implement them. The recommendations are,
 - **Formation of collegium:** The state government should create a collegium consisting of the Chief Minister, the Speaker, and the Leader of Opposition in the Legislative Assembly. The collegium will recommend the State Election Commissioner to the Governor for the appointment.
 - **Creation of an institution** to bring the Election Commission and the SECs under one roof. This will make better coordination, better utilization of resources, and experience sharing.
3. As per the recommendation of the Law Commission, The Central government can provide a separate independent and permanent Secretariat for the SECs and Election Commission.

In conclusion, the independence of the State Election Commission is essential to ensure free and fair elections at the grass-root level. So, the State governments have to ensure that to protect the bedrock of democracy.

The Government of NCT of Delhi (Amendment) Bill 2021- Explained, Pointwise

Introduction

The Government of National Capital Territory of Delhi (Amendment) Bill, 2021 or the NCT of Delhi (Amendment) Bill 2021 got introduced in Lok Sabha. It amends certain provisions related to the distribution of powers and responsibilities among the L-G (Lieutenant Governor) and the Delhi legislative assembly. The issue of power tussle between the L-G and the elected government of Delhi has come into the limelight again. It is because of the introduction of this bill.

Key Provisions related to Delhi

1. Delhi's current status as a Union Territory with a Legislative Assembly is an outcome of the **69th Amendment Act**. The act introduced Articles 239AA and 239BB in the Constitution.
 - o They have created the Union Territory of Delhi with a legislative assembly.
 - o Further, the administrator appointed under article 239 gets designated as the Lieutenant Governor. There shall be a council of ministers to aid and advise LG.
 - o Lastly, provisions of public order, police and land are not under the jurisdiction of the Delhi government. The Centre will maintain these provisions.
2. **Article 239AA(4)** mandates that in case of a **difference of opinion** between the L-G and the Council of Ministers, the L-G has to refer the issue to the President.
 - o Until the decision is pending before the President, the L-G can use his discretion to take immediate action if urgency requires him/her to take an action.
3. The **GNCTD Act 1991** got passed to supplement the constitutional provisions relating to the Assembly and the Council of Ministers in the national capital. The act outlines few important provisions such as:
 - o the powers of the Assembly
 - o the discretionary powers enjoyed by the L-G
 - o duties of the Chief Minister with respect to the need to furnish information to the L-G.

Salient features of the NCT of Delhi (Amendment) Bill 2021

The NCT of Delhi (Amendment) Bill mainly aims to amend four clauses of the Government of National Capital Territory of Delhi Act, 1991 (GNCTD Act 1991). They are,

1. **Section 21** – This section deals with the restrictions on laws passed by the Legislative Assembly concerning certain matters.
 - o The Bill provides that the term “government” referred to in any law made by the Legislative Assembly will imply Lieutenant Governor (L-G).
2. **Section 24** – This section deals with assent to Bills passed by the Legislative Assembly. The L-G will reserve the bills for the consideration of the President in a few matters. It includes bills that diminish the powers of the High Court of Delhi, the President directed the L-G to reserve a bill, etc.
 - o The NCT of Delhi (Amendment) Bill requires the L-G to **reserve bills** for the President that **incidentally cover any of the matters outside the purview** of the powers of the Legislative Assembly.
3. **Section 33**- It mentions that the Legislative Assembly will make rules to regulate the procedure and conduct of business in the Assembly.
 - o The 2021 NCT bill states that such rules must be consistent with the Rules of Procedure and Conduct of Business in the Lok Sabha.
4. **Section 44** – **It deals with the conduct of business.** Accordingly, all executive decisions taken by the elected government should be under the L-G's name.

- The 2021 bill empowers the L-G to specify his suggestions on certain matters. His opinions has to be taken before making any executive action on decisions of the Minister/ Council of Ministers.

Background of LG and Delhi Government Relationship

1. Frequent tussles have been witnessed between the Delhi government and the L-G of Delhi since 2015.
2. The primary reason behind it was the **lack of clarity over Article 239AA**. The proviso of Article 239AA(4) seems to give primacy to the L-G. Using this, the LG was able to undermine the will of the elected government.
3. A case also filed on the court about the L-G's power of discretion. In the **Government of NCT of Delhi v. Union of India case 2018**, the Supreme Court defined the limits of L-G's discretionary powers. The important points of that judgement were,
 - L-G is **bound by the aid and advice of the council of ministers** except in subjects of land, public order and police.
 - **Executive decisions do not need the concurrence of the Lieutenant General.** Further, the court also held that the L-G has no powers to overrule the decisions of the elected government.
 - The difference of opinion has to be referred to the president under Article 239AA(4) provision.
 - The Lieutenant Governor cannot act mechanically and refer every decision to the president.
 - Only genuine cases of public interest can be referred to the President.
 - Before referring a bill to the President, the L-G has to consider the principles of collaborative federalism, the concept of constitutional governance, objectivity, etc.
 - Executive power rests with the council of ministers of NCT, Delhi. The union government has no overruling powers with respect to the executive powers.

Impact of Supreme Court Verdict on NCT of Delhi

- It established a situation of calm between the Delhi Government and the L-G.
- The Delhi **government stopped sending files on executive matters** to the L-G before the implementation of decisions. This resulted in swifter decisions like:
 - Free bus rides to women,
 - Doorstep delivery of rations to the city's residents,
 - Free electricity to households that are using less than 200 units of power
 - Mechanization of sewage cleaning operations
 - Moreover, during the COVID-19 pandemic, the government restricted Delhi's medical resources to its residents alone

Need for new NCT of Delhi (Amendment) Bill

The Centre introduced the bill in Lok Sabha by mentioning the needs of the bill which includes:

1. The Bill seeks to **give effect to the 2018 judgement** and implementing the verdict.
2. The new Bill is also intended to **promote cooperative federalism** between the centre and the state.
3. The Bill would **address the ambiguities in the interpretation** of legislative provisions.

Implications of NCT of Delhi (Amendment) Bill

1. Equating the L-G with the government simply **undermines the legitimacy** of the elected government thereby disrespecting representative democracy.
2. Further, The bill **goes against the spirit of the 2018 verdict**. The provisions such as getting the compulsory opinion from the L-G are against the verdict.
3. The NCT of Delhi (Amendment) Bill restricts the Delhi government from inquiring into executive matters. The Delhi assembly at present is examining multiple issues ranging from riots to the environment. This **disregards the ideal of democracy** conceived for the NCT of Delhi by Article 239AA of the Constitution.
4. The NCT of Delhi (Amendment) Bill if passed would be a **huge setback for Delhi's quest for full statehood**. As the L-G gets precedence to the Delhi government.
5. The bill empowers L-G to specify certain matters on which his opinion must be taken. This can **curtail the autonomy** that any elected government legitimately requires for governance.
6. Providing excess powers to L-G can also **distort the federal equilibrium**. The centre can use this bill as a precedent to curtail the powers of other states in the future.

Suggestions

1. The new bill should be **reconsidered in the light of Justice D Y Chandrachud's note** in the 2018 verdict: "In a democratic form of government, the real power must subsist in the elected arms of the state".
2. A **cautious discussion and deliberation** should take place between the Centre and Delhi government on the ambiguous provision of the bill. This will help in the **eradication of unconstitutional and undemocratic provisions**.
3. Apart from that, the government at **the centre and state must cooperate** to make sure that L-G can discharge its constitutional function. At the same time, they need to avoid L-G doesn't become a hindrance to development.

Conclusion:

The government must reconsider the NCT of Delhi (Amendment) Bill as per the advice of the Supreme Court. The revamped provisions should enable L-G to act as a facilitator for upholding the law of the land and constitutional provisions.

Privatization of PSBs – Explained, Pointwise

Introduction

The Government has fast-paced the privatization of PSBs(Public Sector Banks). Recently NITI Aayog released its last round of consolidation plans. In that, the NITI Aayog listed 6 banks for the privatization plan.

On the other hand, the employee unions of Public Sector Banks have gone on a two-day strike against privatization. Further, A joint platform of 10 Central trade unions also observed last Monday as “anti-privatization day”.

But the government refused to stop the Privatization of PSBs. The government stated that some PSBs are incurring losses, and it can no longer take care of them. In this article, we will analyze the important aspects of the Privatization of PSBs.

What is the government plan on the Privatization of PSBs?

During Union Budget 2020-21 presentation, the government announced a new [policy for strategic disinvestment](#) of public sector enterprises. This policy provides a clear roadmap for disinvestment in all non-strategic and strategic sectors. The Banking Sector falls under the strategic sector.

The government aims to keep a bare minimum presence in the strategic sector. The final number of Public Sector entities in strategic sectors(including banking) will be determined by a group of ministers.

In 2019, after a massive consolidation exercise, the no. of PSBs reduced from 28 to 12. Recently the NITI Aayog consolidation plan left 6 PSBs out of the Privatization plan.

The NITI Aayog suggested privatizing all the PSBs except the SBI, Union Bank, Punjab National Bank, Canara Bank, Indian Bank, and Bank of Baroda. Further, the government also decided to perform privatization of two PSBs in the next fiscal year.

The PSB workers opposed the Privatization of PSBs right from the beginning. Nearly 10 lakh PSB employees, officers, and managers protested for two days against the Privatization of PSB plans last week.

Contribution of PSBs so far

According to RBI data, there were only 1,833 bank branches in rural areas in the country in 1969. But after the nationalization in the 1970s, the rural branches increased to 33,004 by 1995 and continued to grow over the next decades. This provided various benefits to economic development. Such as,

- PSBs expanded **agricultural credit**, short-term agricultural credit (‘crop loans’). According to an estimate, the PSBs in 2017-18 account for a total of Rs 622,685 crores of Agricultural credit. Further, The PSBs also played a huge role in making the country self-sufficient by supporting the green, blue, and dairy revolutions.
- The PSBs pioneered the concept of **priority sector lending**. This provided credit to certain priority sectors which were earlier deprived of credit such as housing, etc.
- The **Differential Rate of Interest (DRI) loans** are the brainchild of public sector banking. Under this poorest section of people will receive the loan at a very marginal interest rate.
- The PSBs extended loans to **women’s self-help groups** under various programs. This contributed to **women’s empowerment in India**.
- PSBs also funded rural infrastructure projects through the **Rural Infrastructure Development Fund**.

In conclusion, the PSBs provided access to a formal banking network for all and facilitated **financial inclusion in India**.

The rationale behind the Privatization of PSBs

1. **The problem of NPAs:** The banking system is overburdened with non-performing assets (NPAs). The majority of which lies in the public sector banks. For example, In 2020 the amount of NPAs with the PSBs was about Rs 5.47 lakh crore. This is more than twice the amount of NPAs in Private sector banks (Rs 2.04 lakh crore).
2. **Issue of Dual Control:** At present PSBs are under the dual control of RBI and **Dept. of Financial Services of Min of Finance.**
 - The RBI handles the governance side of the PSBs under the **RBI Act, 1934**
 - On the other hand, the **Dept of Financial Services** under the Finance Ministry maintains the regulation of PSBs under the **Banking Regulation Act, 1949.**
 - Thus, RBI does not have the powers to revoke a banking license, shut down a bank, or penalize the board of directors for their faults. The Privatization will provide the powers to RBI to control them effectively.
3. **Reduced performance:** The PSBs in the past failed to perform effectively when compared to Private banks. This will result in a loss for the government at the end of the day. For example, The PSBs had almost 71% of the overall lending ratio in 2005. But in 2020 their overall lending ratio came below 57% due to intense competition from the Private banks.
4. Public sector bank boards are still not adequately professionalized. Further, the Bank Board Bureau is not fully functional. So the government still decides board appointments. This creates an **issue of politicization and interference** in the normal functioning of Banks.
5. **A difference of Incentives:** PSBs are disrupted by government schemes like farm loan waivers etc. On the other hand, Private banks are profit-driven. The shareholders maintain effective control over banks' functions. So, they can improve the balance sheet of the PSBs after privatization.

Arguments against the Privatization of PSBs

The supporters of PSBs provide many arguments against the privatization of PSBs. Such as,

- **The credibility of Private Sector Banks:** The Private sector bank is not always efficient. On a global level, there are many private banks that have failed, thus challenging the idea of private banks are efficient. For example, the recent YES Bank problem in India.
- **Reason for NPA's:** The present NPA problem lies majorly with the PSBs. But the NPA's increased due to the credit provided to the private corporate entities. So the private corporate entities have to be regulated and not the PSBs.
- **Against inclusive banking:** The Private Sector focussed on profit motive might restrict the credit to rural, agricultural, women, poor sections of society, etc. Thus, after Privatised PSBs the remaining PSBs have to take care of all of such credits. This might stress the remaining PSBs also.
- **Governance and policy issue of RBI:** Restructuring schemes such as strategic debt restructuring and schemes for sustainable structuring of stressed assets, initiated by RBI, are the major reasons for delayed recognition of bad loans from banks. This is applicable to all banks irrespective of ownership (public as well as private) of the banks.

For these reasons only the Former governor of RBI, Raghuram Rajan also opposed the Privatization of PSBs. He also mentioned that India at present needs changes in banking regulation.

Suggestions

1. **Proper implementation of the recommendations:** The government must properly implement the recommendations of various committees. Such as,
 - **Recommendation of PJ Nayak Committee:**
 - Though the government approved the Bank Board Bureau, the government has to provide enough support for proper functioning.
 - The government can split the Chairman and Managing Director roles. Further, the state can allow them a fixed tenure of 3 to 5 years.
 - **Recommendations of Narashimham committee**
 - The government can review the Banking Regulation Acts.
 - India can explore the **concept of Narrow Banking**. Under this weak PSBs will be allowed to place their funds only in the short term and risk-free assets. This will improve the performance of PSBs.
2. Apart from that, The government has to create strong recovery laws and **taking criminal action against wilful defaulters**.
3. The government has to rectify the challenges in the Insolvency and Bankruptcy Code. This will provide a faster resolution process.
4. In the meantime, the government can explore alternate steps such as the **concept of Bad Banks**.

The majority of the Committees appointed by the government including the PJ Nayak Committee supported the reduction of government stake in PSBs. So, the government has to strike a balance on how much privatization of PSBs is essential for financial inclusion and credit to essential sectors like infrastructure, rural, etc. Instead of providing arbitrary numbers, the government have to provide the rationale behind the bare minimum presence in the strategic sectors including PSBs

Electoral Bond and its challenges – Explained, Pointwise

Introduction

Recently the [Supreme Court agreed to hear a plea](#) to stay the fresh sale of Electoral Bonds. It is a significant decision considering the upcoming state assembly elections in West Bengal, Tamil Nadu, Kerala, and Assam. Political parties rely on Electoral Bonds for the majority of their funding.

Electoral bonds are surrounded by criticisms since their introduction. The Election Commission of India (ECI) and the Reserve Bank of India (RBI) stated that these bonds allow the transfer of illicit black money from shell companies. Later, the ECI also criticized the bonds as a “retrograde step as far as transparency of donations is concerned”. In this article, we will analyze the issues surrounding the Electoral Bonds in India.

About the recent case

1. The Finance Act 2017 introduced amendments in the Reserve Bank of India Act, Income Tax Act, Companies Act, Representation of Peoples Act, and Foreign Contributions Regulations Act. It made the implementation of the [Electoral Bonds Scheme](#) in India, possible.
2. Right after that, in 2017 itself, the NGOs Association of Democratic Reforms (ADR) and Common Cause filed a case in court against the Finance Act 2017 to stay the execution of such bonds.
3. The Supreme Court in 2019 directed the Political Parties to submit the details of donations received through the bonds in a sealed cover to the Election Commission of India. Based on that, the political parties submitted the amount of donations received through bonds.
4. The ECI and the RBI analysed these reports. After that, they both opposed the implementation of Electoral bonds. Further, they also mentioned these Bonds as detrimental to Indian Democracy. The ECI even filed an affidavit mentioning the anonymous nature of bonds.
5. Since the case is not yet decided, the ADR recently demanded to fast pace the case. Further, it also cited the issues surrounding the Electoral Bonds. The SC also agreed to hear the dispute sooner.

What are Electoral Bonds?

The [Electoral Bonds](#) are the non-interest-bearing financial instruments. These Electoral bonds allow **eligible donors** to pay **eligible political parties** using banks as an intermediary. The Electoral Bonds aim to ensure transparency in the funding of political parties.

Eligibility criteria for receiving and donating funds

1. **Eligibility of Political Parties**
 - Only the political parties registered under Section 29A of the Representation of the People Act, 1951 are eligible to receive funds through Electoral Bonds.
 - Further, these registered political parties also have to receive not less than 1% votes in the last Lok Sabha elections or the State Legislative Assembly to receive funds through electoral bonds.
2. **Eligibility of Donors**
 - Any citizen of India or entities incorporated or established in India can purchase these Electoral Bonds.
 - Citizens can buy electoral bonds either singly or jointly with other individuals.

Functioning of the Electoral Bond Scheme

1. **The State Bank of India (SBI)** issues electoral bonds in the months of **January, April, July, and October**.
2. The electoral bonds are available in denominations from Rs 1,000 to Rs 1 crore.
3. The donors can buy electoral bonds and transfer them into the accounts of the political parties as a donation. The name of the donor is kept confidential.
4. Political parties will create a specific account. This account will be verified by the ECI. The political parties will encash the electoral bonds only in this verified account.
5. The bonds will remain valid for 15 days. Within that time, the political parties have to encash the electoral bond in the designated accounts.

Need for Electoral Bonds

1. These bonds are aimed to reduce **anonymous cash donations** made to political parties. In the previous system, the political parties did not disclose the donor, the amount of donations received, etc. These anonymous donations led to the generation of black money in the economy. For example, Nearly 70% of the Rs.11,300 crore in political funding came from unknown sources.
2. The Electoral bonds **encourage political donations of clean money**. According to the government, the bonds will encourage political donations from individuals, companies, HUF, religious groups, charities, etc. Since the amount is transferred through the bank, the identity of the donor can be captured by the issuing authority.

Challenges with Electoral Bonds

1. **Firstly, the problem of Anonymity:** In the electoral bond scheme, there is no provision exist for revealing the donor of the political party.
 - This violates the **freedom of political information**, which is integral to **Article 19(1) (a) of the Constitution**.
2. **Secondly, the challenges with the amendments of Finance Act 2017.** The Election Commission points out various challenges in the Finance Act like,
 - **Amendments made to Companies Act 2013:** The amendment removed an eligibility clause (A company can make a political contribution only if its net average profit of three preceding financial years is at 7.5%).
 - As per ECI, this **gives rise to the creation of shell companies** just to fund political parties.
 - Due to this amendment, Any **troubled, dying company** can donate an unlimited amount anonymously to a political party
 - Further, this also gives rise to the **issue of Black Money again** in political funding.
 - **Amendments made to RPA 1951:** The amendment made political parties need not report to ECI the donations received through electoral bonds.
 - This reduces the transparency in political parties. Further, it hampers **public scrutiny in democracy**.
 - **Amendments made to Foreign Contributions Regulation Act:** This permitted acceptance of donations from foreign companies with retrospective effect.
 - This facilitated the unchecked foreign funding of political parties in India.
 - Further, This provision also threatens Indian policies influenced by foreign companies.
 - **Amendments made to Income Tax Act:** The amendment provided 100% tax exemption to the political donations. Further, the amendments also exempted companies from mentioning such donations to the Income Tax department.
 - The shareholders of the company won't know where their money has gone.

3. **Lastly, A threat to the donor:** Since the electoral bonds are issued by the State Bank of India (a Public Sector Bank) the government can know the donor even though the bond does not mention the name. Thus, the bonds provide a ruling party with a chance to threaten the donors of the opposition party.

Suggestions to improve the political funding

1. An alternative to electoral bonds is a **National Electoral Fund** to which all donors can contribute. The funds can be allocated to political parties in proportion to the votes they get. This will protect the identity of donors. Apart from that, it would also weed out black money from political funding.
2. The best way to bring transparency in political funding is to **put a complete ban on cash donations** by individuals or companies to political parties. (At present Political parties can receive cash donation below Rs.2000)
3. Further, India has to consider State funding of political parties. The **Indrajit Gupta Committee on State Funding of Elections** has supported partial state funding of recognised political parties.
4. Further, the government have to amend the changes made in the Finance Act of 2017.

The issue of electoral bonds can be rectified easily if the political parties wish to improve transparency. But that is not an easy thing to do. The Supreme Court has to address the issue clearly to improve transparency in political funding. Apart from that, India needs to educate the Voters through awareness campaigns especially about the ill-effects of money power during elections.

Effectiveness of Inflation Targeting in India – Explained, Pointwise

Introduction:

RBI adopted the Inflation Targeting on the recommendations of the Urjit Patel committee in 2016. Almost 5 years have passed since its adoption. The RBI has also announced a formal review of its inflation targeting method. Hence, there is a requirement for an elaborate review to examine the performance of this method. In this article, we will analyze the performance of Inflation Targeting in India so far.

What is Inflation Targeting (IT)?

1. [Inflation Targeting](#) is a method that focuses on adjusting monetary policy to achieve a specified annual rate of inflation.
2. **Types of inflation targeting:**
 - **Strict inflation targeting (SIT)** – Under this, the central bank only focuses on keeping inflation, close to a given inflation target.
 - **Flexible inflation targeting (FIT)** – Under this, apart from inflation, the central bank is also concerned about other variables like the stability of interest rates, exchange rates, output and employment ratios.

Basic Terminologies

- **Monetary Policy** – It is the macroeconomic policy laid down by the central bank that focuses on the management of money supply and interest rates.
- **Inflation** – It refers to a sustained/continuous rise in the general price level of goods and services in an economy over a period of time.
- **Headline inflation** – It is a measure of total inflation in an economy. In India, Consumer Price Index Combined (CPI -C) represents Headline Inflation.
- **Core inflation** – It is the inflation level after subtracting the food and fuel inflation from the Headline Inflation.
- **Repo Rate** – It is the rate at which RBI provides short-term loans to banks against the collateral of government and other approved securities under the liquidity adjustment facility (LAF).
- **Shut Period** – It is the period for which the securities cannot be traded

Background of Inflation Targeting

- The Finance Act, 2016 amended the Reserve Bank of India Act, 1934 (RBI Act) . The amendment facilitated a statutory and institutionalized framework for a **Monetary Policy Committee(MPC)**.
- MPC was entrusted with the task of fixing the benchmark policy interest rate (repo rate) to **contain inflation** within the specified target level i.e. inflation targeting.
- A flexible inflation target (FIT) of 4% was decided with a deviation of +or- 2%. Further, **headline consumer price inflation** was chosen as the **key indicator**.
- This agreement between the center and the RBI on inflation targeting is set to end on 31st March 2021.

Need of inflation targeting

1. Inflation targeting advocates the **objective of price stability** in actual monetary policy arrangement.
2. Adopting price stability creates a **stable non-inflationary environment for resource allocation** in the economy.
3. Since the RBI **sets a certain inflation rate as a goal**. The central bank made people believe that prices will continue to rise. This has few advantages like,

- The inflation targeting **benefits the economy** by making people buy things in the present (before they cost more).
- It **boosts investment**. As investors invest now because they are confident that the investment will give them a higher return when they sell later.
- 4. A credible central bank and stable inflation lower the country's risk premium and cost of borrowing in an open economy.
- 5. It also made the **RBI more accountable** to the government. As the RBI needs to give a proper explanation in case it breaches the inflation targeting tolerance range (2-6%).

Performance of Inflation Targeting so far

1. In these 5 years periods (2016-2021) after inflation targeting was introduced, RBI managed to keep inflation in control.
 - **The inflation rate has remained within the prescribed band** of 2% to 6%. According to the RBI, Inflation was above 9% before the introduction of Inflation Targeting in India.
 - Also, the RBI has been successful in anchoring inflationary expectations. As the **estimated response coefficient** to RBI is higher for India than it is for other countries.
The estimated response coefficient is the relationship between the Bank response and the unexpected rise in Inflation.
2. However, sometimes the band was breached as well. In June 2020, the upper threshold of 6% was breached due to COVID-19 lockdown.

Issues in inflation targeting

1. **Assumption of correct output level:** The model of Inflation targeting is based on the assumption that inflation means overheating the economy (i.e. output or production is greater than natural level output/production.)
 - However, it is impossible to observe the level of output in an economy. Hence, setting policy rates based on the assumption that the economy is overheated, is unscientific.
2. **Limited power of RBI:** The belief that RBI can successfully control inflation using Inflation targeting is not completely true. During the lockdown, **food inflation peaked even when the inflationary targeting mechanism was in force**. It was mainly **due to supply chain disruption** during the lockdown.
3. **Adverse impact on other sectors:** The cases of IL&FS, PMC Bank, PNB and YES Bank suggest that **poor management and maladministration** in the financial sector can escape RBI scrutiny as they tend to focus more on inflation targeting.
 - RBI has **kept the interest rates high** to manage inflation. This has **discouraged private investment** thereby reducing employment and export potential.
 - **High real repo rates** for almost three years 2017-2019 are the primary cause of **the GDP growth decline in India**. The GDP declined from 8 percent (pre-IT) to 5 percent (post IT) due to high real repo rates.
4. **Global Nature of inflation:** Inflation is global in nature as the price level of a good is determined by millions of producers across the world. Research by economic experts has also pointed out the international influence on the inflation level. Further, they mention points like,
 - No one producer or one country can influence the price of any item or the general price level.
 - For instance, The average inflation rate among EM (emerging markets) targeters during 2000-04 were 4 percent, and it was 3.8 percent among the non-targeters.

Suggestions to improve the inflation targeting

1. The Reserve Bank of India (RBI) in its Currency and Finance (RCF) report has called for **aligning the shut period** with global practices. The RBI predicts that this will provide better monetary policy transmission.
 - **Shut down period** is the period, in which MPC members maintain complete silence, i.e. no media coverage. It is observed before a few days of a policy decision, till few days after the decision. It ensures no sudden volatility in the market and effective market transmission.
 - At present the shut period is seven-day after the release of the monetary policy committee (MPC) resolution. The RBI wants to reduce this to 3 days after the resolution.
2. In order to enhance **accountability and credibility**, the transcripts of the MPC meetings may be recorded. Further, the transcripts may be **released in the public domain with a lag of 5-7 years**.
3. The government has to change the Inflation targeting **from headline to core inflation**. This will provide advantages like,
 - More than 50% basket of headline inflation comprises commodities that the RBI policy rate cannot affect. Especially fuel inflation.
 - Food inflation is now in single digits than earlier double digits.
4. Improvement of Regular measurement of CPI. This includes **a frequent update of the basket and its weights** along with changing times.
5. **Expansion in the ambit of MPC** is also needed.
 - For instance, the inclusion of liquidity issues (liquidity adjustment facility, changes in reverse repo, and OMOs) in the discussion may result in greater transparency and effective procedures.

Conclusion

The RBI's Currency and Finance report has indicated the central bank's preference to maintain flexible Inflation Targeting in the range of 2-6% for the next five years. This will build confidence in the broader economy that is still prone to both supply shocks and sudden demand shrinkage. Nonetheless, some reforms are desired in the Inflation targeting procedure to achieve optimum outcomes.

NITI Aayog's Great Nicobar Development plan – Explained, Pointwise

Introduction

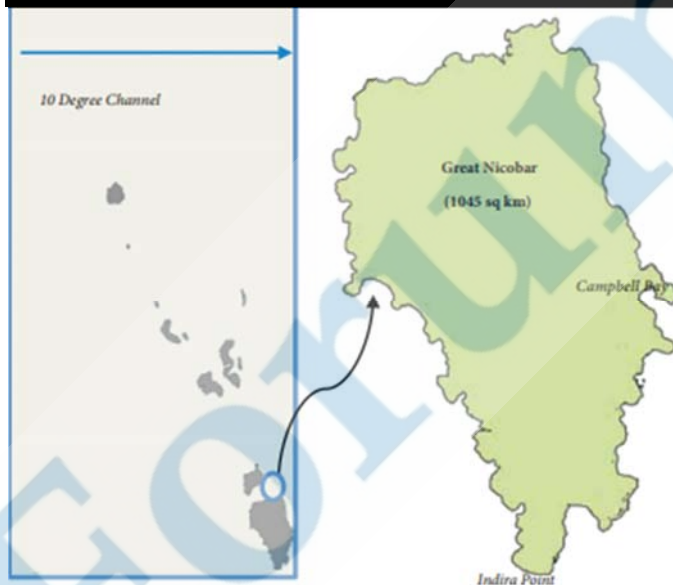
NITI Aayog's Great Nicobar Development plan aims to promote the holistic development of Greater Nicobar. Based on that, the Standing Committee of the National Board for Wildlife (NBWL) **denotified the entire Galathea Bay Wildlife Sanctuary** for building port and other related infrastructure.

This would facilitate the realization of NITI Aayog's master plan for the development of the great Nicobar island. However, experts have expressed concern that this rapid development can lead to disastrous consequences.

Background

- The **Island Development Agency (IDA)** was constituted in 2017 under the aegis of the Ministry of Home Affairs. The IDA looks into the holistic development of islands.
 - Home Minister of India is its chairman. CEO of NITI Aayog acts as its convener.
 - The other members of IDA include Secretary- Tourism, Tribal affairs, the Home Secretary, Secretary Ministry of Environment, and Cabinet secretary.
- [NITI Aayog](#) has been mandated with the task to steer the **holistic development of the islands** sustainably. The program aims to attain sustainable development in the identified Islands without damaging the pristine biodiversity.
- In this regard, the NITI Aayog came up with a Great Nicobar Development plan.

Information about Great Nicobar Island



- Great Nicobar is the southernmost and largest of the Nicobar Islands of India. The island of Sumatra has located 180 km to the south of Great Nicobar. It has an area of about 1045 sq. km.
- According to the 2011 census, it has a population of about 8,069. The island is home to one of the most primitive tribes of India — the Shompens.
- The island includes **the Great Nicobar Biosphere Reserve (GNBR)** comprising the Galathea National Park and the Campbell Bay National Park.
- Indira Point in the Great Nicobar Island is the southernmost point of India's territory.

Current Scenario

- The National Board for Wildlife (NBWL) denotified the entire Galathea Bay Wildlife Sanctuary.
 - The sanctuary is one of the 'Important Coastal and Marine Biodiversity Areas'. Further, it is also an 'Important Marine Turtle Habitats' in the country as per National Marine Turtle Action Plan.
- Another Environment Ministry expert committee approved a "zero extent" Ecologically Sensitive Zone (ESZ) for the Galathea National Park. This would allow the use of land in the south-eastern and south-western parts of the island for the Great Nicobar Development plan.

About the Great Nicobar Development plan

- Firstly, The overall Great Nicobar Development plan envisages the use of about 244 sq. km. region for development purposes.
- Secondly, Phase 1 of the plan will cover:
 - 22 sq. km. airport complex,
 - Transshipment port (TSP) at South Bay
 - Parallel-to-the-coast mass rapid transport system and
 - Free trade zone and warehousing complex on the southwestern coast.
- Thirdly, Andaman and Nicobar Islands Integrated Development Corporation (ANIIDCO) will be the nodal agency for the implementation of the Great Nicobar Development plan.

Significance of the Great Nicobar Development plan

1. **Job opportunities for locals:** The plan involves the creation of infrastructure (ports, airports, etc.). This will help in creating satisfactory jobs for the locals.
2. **Economic Development:** It will help in creating tourism prospects in the region. This will aid the income generation in the region.
 - The per capita income in Andaman & Nicobar Islands for the year 2015-16 was Rs. 1,24,361. This was much lower than the per-capita income of other Union Territories (Chandigarh, Delhi, and Puducherry.)
3. **Connectivity:** The development of world-class infrastructure will help in improving inter-island connectivity. Thereby, improving governance and boosting export potential.
4. **Social Benefits:** It would further create affordable state-of-the-art facilities for healthcare, quality education, and adequate air, sea and web infrastructure.
 - It will facilitate the delivery of e-governance services such as telemedicine and tele-education, as a part of the Digital India initiative.
5. **Strategic benefit:** The Nicobar island located in proximity to the strait of Malacca. This demands the creation of robust infrastructure for meeting geopolitical interests in the region.
 - The islands are also home to India's **only tri-services command** – the Andaman and Nicobar Command (ANC).
 - The command holds immense relevance due to rising Chinese aggression in the Indo-Pacific region.

Concerns with the Great Nicobar Development plan

1. **Firstly, a threat to biodiversity:** Any construction in the region threaten the survival of certain important organisms. Such as,
 - The beaches at the mouth of the river Galathea in South Bay are among the most prominent nesting sites of [Giant leatherback turtles](#).

- Similarly, 90% of the Nicobar megapode's nesting sites are within a distance of 30 m from the shore.
- 2. **Secondly, jeopardizing environment for economics:** Galathea sanctuary lies in Coastal Regulation Zone (CRZ)-I (the zone with maximum protection). But still, a slew of high-value projects got precedence over the pristine biodiversity.
- 3. **Thirdly, neglecting tribal rights:** The proposed project areas are important grounds for the hunter-gatherer nomadic community especially Shompen. Initiation of work would make large forest areas inaccessible and useless for the Shompen.
- 4. **Fourthly, geological volatility:** Andaman & Nicobar Islands are located in seismic zone V. Further, The Andaman & Nicobar observe frequent storms and cyclones. This can easily destroy constructed structures.
 - For instance, In 2004 Tsunami caused a 3-4 metre land subsidence. This is the reason for the submergence of a lighthouse located at Indira point.
- 5. **Fifthly, undermining international obligations:** The Galathea Bay Wildlife Sanctuary forms part of a **UNESCO World Heritage Site**. So preservation of this pristine biodiversity is an International Obligation of India.
- 6. **And lastly, information Deficit:** The rationale, process of creation, and other relevant provisions of the plan are still not publicly available.

Suggestions

1. **Firstly**, the work must be carried out with **due regard to tribal rights**. This would involve proper adherence to policies like the **Shompen Policy of 2015**.
 - The **Shompen Policy of 2015** calls for giving priority to tribal rights over large scale development proposals.
2. **Secondly**, any construction under the Great Nicobar Development plan should involve a proper **Environment impact assessment** (as mandated by the Environment Protection Act 1986). This will make development more feasible. Further, It will minimise the threat of excessive environmental degradation.
3. **Thirdly**, construction of infrastructure should be done using eco-friendly practices like strict adherence to **GRIHA code** for building construction.
 - GRIHA means Green Rating for Integrated Habitat Assessment. It is the National Rating System of India.
 - It has been conceived by TERI and developed jointly with the Ministry of New and Renewable Energy, Government of India.
4. **Fourthly**, NITI Aayog and the agencies participating in planning should **maintain transparency in data**. The government should release the data on the rationale, the process of creation, consulted groups etc. in public domain. This will give a holistic view to critics and supporters.
5. **Finally**, India should enhance **Cooperation with countries like Japan, South Korea etc.** This will help in developing successful island development models.

Conclusion

India needs to achieve the Vision of "Happy and Prosperous Islanders on ecologically-protected Islands". To achieve that, India needs to adopt development plans that are technically feasible, economically profitable and socially acceptable.

Mines and Minerals Amendment Bill 2021- Explained, Pointwise

Introduction

The Lok Sabha and Rajya Sabha passed the [Mines and Minerals \(Development and Regulation\) \(MMDR\) Amendment Bill, 2021](#). The MMDR Bill 2021 seeks to amend the Mines and Minerals (Development and Regulation) Act, 1957. This bill is expected to be the watershed moment in the development of mines and minerals in India. In this article, we will analyze the MMDR Bill 2021.

Types of Mines in India

At present, there are two types of mines in India. They are:

1. **Captive Mines:** Captive industries own these mines. The coal or mineral produced from these mines is for the exclusive use of the owner company of the mines. The company cannot sell coal or mineral outside. Some electricity generation companies used to have captive mines. For Example, If an iron ore mine is allowed to a captive industry(iron and steel plant). Then that iron and steel plant can use the iron ore only for producing steel for their company. They cannot sell the ore to any outsider.
2. **Non- Captive Mines:** In Non-captive mines, the minerals obtained by a company can be sold in the market.

Note: Specified minerals include minerals other than coal, lignite, and atomic minerals.

About the MMDR Bill 2021

1. There are two important Acts that govern the mines and minerals in India. They are,
 - o The Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act)
 - o The Coal Mines (Special Provisions) Act, 2015 (CMSP Act).
2. The MMDR Act regulates the overall mining sector in India. Further, the MMDR Act empowers the central government to reserve any mine for the particular end-use(Captive mines).
3. Similarly, the CMSP Act provides for the auction and allocation of mines.
4. The Mines and Minerals (Development and Regulation) (MMDR) Amendment Bill,2021 amends both the MMDR Act and CMSP Act. Further, it aims to provide holistic development of mines and minerals in India.
5. An Ordinance with similar MMDR bill provisions was also promulgated in January 2020.

Salient provisions of the MMDR Bill 2021

1. **Removes distinction between captive and non-captive mines:**
 - o The Bill removes the distinction between [captive and non-captive mines](#). It will not reserve any mine for a particular end-use. All mines will now be able to sell their extra minerals.
2. **Sale of minerals by captive mines:** The MMDR Bill 2021 provides that captive mines (other than atomic minerals) may sell up to 50% of their annual mineral production in the open market after meeting their own needs. But they need to pay the royalty to the central government.
3. **National Mineral Exploration Trust (NMET):** The Bill provides for the constitution of a **Statutory body** named the National Mineral Exploration Trust (NMET). It will see the overall functioning of the mining sector.
4. **National Mineral Index (NMI):** The Bill proposes to introduce an **index-based mechanism** by developing a **National Mineral Index (NMI)**. Various statutory payments and future auctions can use the National Mineral Index in the future.

5. **Transfer of statutory clearances:**
 - Presently, an auction is conducted to determine the fresh mining leases after the expiration of a mineral lease.
 - The auctioned person (new lessee) needs to obtain statutory clearances before starting mining operations.
 - The MMDR Bill 2021 changes this provision. It makes the transferred statutory clearances valid throughout the lease period of the new lessee.
6. **Auction by the central government in certain cases:** The Bill provides that if the State Government is not able to complete the auction process within a specified time, the Central Government may take over and conduct such an auction.

Concerns with the MMDR Bill 2021

1. The bill is seen by various state governments as the restriction of their revenue generation and indulgence of the central government in the State mineral policy. The reasons are,
 - **Fixing the royalty to States:** The bill mentions fixing royalty payments to the states for the mining leases provided to Central PSUs. This might reduce the amount of revenue to the state government.
 - **Vesting the ultimate power with the Centre:** The bill provides for auction by the central government in certain cases. State governments see this as the central government supremacy in the State mining lease policy.
 - **Centre's direction to District Mineral Fund (DMF):** Under the MMDR Bill 2021, the centre can direct the spending of DMF. The States on the ground have to perform the actions directed by the Centre. States see this as the Centralization of DMF.
District Mineral Fund: The District Mineral Fund is established based on the contribution of major or minor mineral exploring companies in a district. The fund is utilised in the interest of the persons and areas affected by mining-related operations.
2. **Environment concerns with the MMDR bill 2021:** As the mining is liberalised under the MMDR Bill 2021, there are higher chances of degrading the environment, restricting tribal rights, threatening the biodiversity of the area etc.

Advantages of the MMDR Bill 2021

1. **Exploration of India's mineral potential:** India has the same mineral potential similar to Australia, South Africa. Further, India is producing 95 minerals. But India still imports minerals worth more than Rs. 2.5 lakh crore a year. The MMDR Bill 2021 facilitates to explore better mining of minerals. This will **improve the commercial mining capability** of India.
2. **Effective mining and creates huge employment benefits:** More exploration of mines will lead to effective and profitable mining in India. Further, the mines and minerals located in the Indian hinterland will create local employment at an enormous level.
3. **Transparency in the mining process:** The MMDR Bill 2021 aims to infuse transparency in the mining sector. Further, it will also reduce the red-tapism as the bill provides for the transfer of statutory clearances, new NMI index etc.
4. **Variety of benefits:** The relaxation of mining restriction on Captive mines and the transfer of statutory clearances have few significant advantages, like,
 - **More investment into the mining sector:** This will facilitate more internal investments, FDI and increase Forex reserves. Apart from that, this will bring more new technology into the mining sector.

- Since the captive mines can sell their minerals commercially to other industries, It will spur the growth of other industries. Further, this will **reduce the import of raw materials**. This is in line with creating Atmanirbhar Bharat.
- Companies can create additional revenue by selling minerals to other Industries and intermediaries.

Suggestions

1. **Protect the Environment:** Both the Centre and State government should ensure the protection of the environment. Further, the relaxation of mining to the companies should not violate the provisions of the environment. To ensure that, the government have to create a **proper and periodic environmental auditing mechanism**.
2. **Creating other safeguards in long run:** The implementation of the MMDR Bill 2021 have to monitor closely for enhancing the contribution of the mining sector to 2.5% of Indian GDP (at present it is 1.75%). The implementation of the MMDR Bill 2021 depends upon various organs of the state and private sector. So, the issues in the implementation have to identify and rectified either Judicially or legislatively or administratively or in other ways.
3. **Creating adequate infrastructure in other sectors:** The development of mines and minerals depend on India's logistical capability, development of ports, railways etc. So to create an adequate export capacity of Mines and minerals, India needs to develop adequate infrastructure in other sectors.
4. **India needs to reduce the cost of the value addition of minerals:** The government has to reduce the losses associated with the value addition of minerals. Or else, India can face challenges in sustaining the industry. For example, China imports iron ores from India. But due to efficient value addition, China produces steel at a low cost. Further, China also exports them to India and disrupt the domestic steel industry.

Conclusion

Overall the MMDR Bill 2021 might provide a strategic push in the mining sector. Over a period of time, India can fulfil its mineral needs, create employment, ensure the growth of industries, etc. Thus, the proper implementation MMDR Bill will make India a global supplier of minerals to the whole world.

Remote Voting Facility in India – Explained, Pointwise

Introduction

The Chief Election Commissioner has proposed to include the 'remote voting facility' in the upcoming 2024 Lok Sabha elections. This will enable voters to cast votes from remote locations and improve voter turnout. However, the success of this method depends on various other steps including the creation of enabling infrastructure for remote voting. In this article, we will explain the remote voting facility and its challenges in India.

Current Scenario

- Firstly, the first pilot project of the remote voting facility is likely to start in the next 2-3 months.
- Then, a team of experts from IIT Madras and other IITs is working on drafting the modalities of 'remote voting' or 'blockchain' voting system in full swing.
- Other projects in pipeline:
 - Introduction of E-Voting for NRI(Non-Resident Indians) in the next 6-12 months.
 - Linking of Aadhaar card with EPIC (Electoral Photo Identity Card). This will improve voter identification at polling stations.

About Remote Voting Facility (RVF):

- It will enable a voter to cast his or her vote from any polling station in the country.
- It will remove the compulsion on voting only at the domicile polling station. (As the voter is registered in his domicile).
- The project is being developed by the IIT-Madras using **blockchain technology**.

Blockchain Technology:

1. A blockchain is a distributed ledger of information which is replicated across various nodes on a "peer-to-peer" network (P2P Network)
2. The data exists on multiple computers at the same time. It constantly grows as new sets of recordings or blocks get added to it in a decentralization manner.
3. All transactions that occur on a standard Blockchain are **verified and signed with cryptography** to ensure **security and anonymity**.
 - Cryptography: It is the process of converting ordinary plain text into unintelligible text and vice-versa.
 - The intended person can encrypt the coded message and use them.
4. The ledger can record many transactions such as monetary transactions, property transfer, and even ballot storage.

Probable working of Remote Voting Facility

Blockchain is a decentralized, transparent, and an encrypted data technology. This **could potentially help to minimize election tampering**. Further, the Blockchain can also **maximize polling** in elections. The probable implementation will include the following steps.

1. In the first stage, the user's voter identity will be **verified and authorized** through a multi-layered identification system. This system can have web cameras and biometric identification. This will prevent duplication.
2. In the second stage, a **blockchain-enabled personalized e-ballot paper** will be generated. The citizens will use this paper to cast his/her vote.
3. In the third stage, an **encrypted blockchain hashtag (#) will be created**. This hashtag will then be sent to all the people in the chain. So, the person cannot cheat his/her vote in other locations.

Significance of Remote Voting Facility (RVF)

1. **Firstly, Higher Voter Turnout:** The voter turn in the 2019 Lok Sabha elections was 67.11% across 542 constituencies. The RVF can increase the voter turnout in the upcoming Lok Sabha election.
2. **Secondly, Promote Inclusivity:** Individuals who are 'on the move' like students, patients, migrant labourers, essential service providers, etc. will become part of the electoral process.
3. **Thirdly, Flexibility:** RVF gives more flexibility to voters. An individual can cast his/her vote from multiple locations and not solely from one registered polling station.
4. **Fourthly, Greater Political Accountability:** RVF will give a voice to unheard groups like migrant workers. The contesting candidates generally did not concern with them, as they will not vote in elections.
5. **Fifthly, Strengthens Representative Democracy:** RVF will ensure more eligible voters cast their vote. Thus, it will help in fulfilling the ambition of the representative democracy.
6. **And lastly, Fulfils Constitutional Mandate: Article 326** of the Indian Constitution has given voting rights to every individual above 18 years i.e. **universal adult suffrage**. The spirit of this article calls for ensuring universal voter turnout in elections and RVF can help us move closer towards this.

Challenges with Remote Voting Facility

1. **Cyber Threats:** As RVF is based on blockchain, therefore it might be attacked by hackers which would distort the final result.
2. **Privacy Concern:** The process involves saving a user's biometrics and facial data. Any misuse of such by concerned authorities or hackers would undermine the right to privacy.
3. **Stakeholder's Confidence:** Nowadays, political parties and candidates are questioning the credibility of EVMs. Instilling trust over RVF will be a challenging task.
4. **Confidentiality of Voting:** As the RVF facility will be availed in front of an authorized officer, the secrecy of the voting process might get jeopardized.

Suggestions to improve Remote Voting Facility

1. The government has to do a **wider consultation** with all the concerned stakeholders before the rollout of RVF. This includes political parties and civil society groups (like the Association for Democratic reforms).
2. In the pilot phase, the Parties and candidates should **get timely notifications of RVF**. By providing real-time information can **strengthen trust** in the electoral process.
3. Also, The Election Commission should organise **the RVF hackathons** in order to build **greater public confidence**. So that the 'didn't want to vote' category people also cast their vote with confidence.
4. For ensuring a universal voter turnout, **awareness generation** should be done.
5. Further, till the RVF develops, **easing and enhancing the process of postal ballot** is desired.
 - o India used the Electronically Transmitted Postal Ballot System (ETPBS) in 2019 Lok Sabha Elections. The ETPBS helped the armed forces, central paramilitary forces and central government officers working in Indian missions abroad to cast their vote

Conclusion

Technology has played a pivotal role in strengthening the electoral process of the world's largest democracy. For example, the introduction of EVMs, VVPAT machines, C- Vigil App, etc. The launch of RVF will be a significant step. But the apparent challenges have to be resolved first. This will make Remote Voting a safe, secure, trustworthy, and transparent process.

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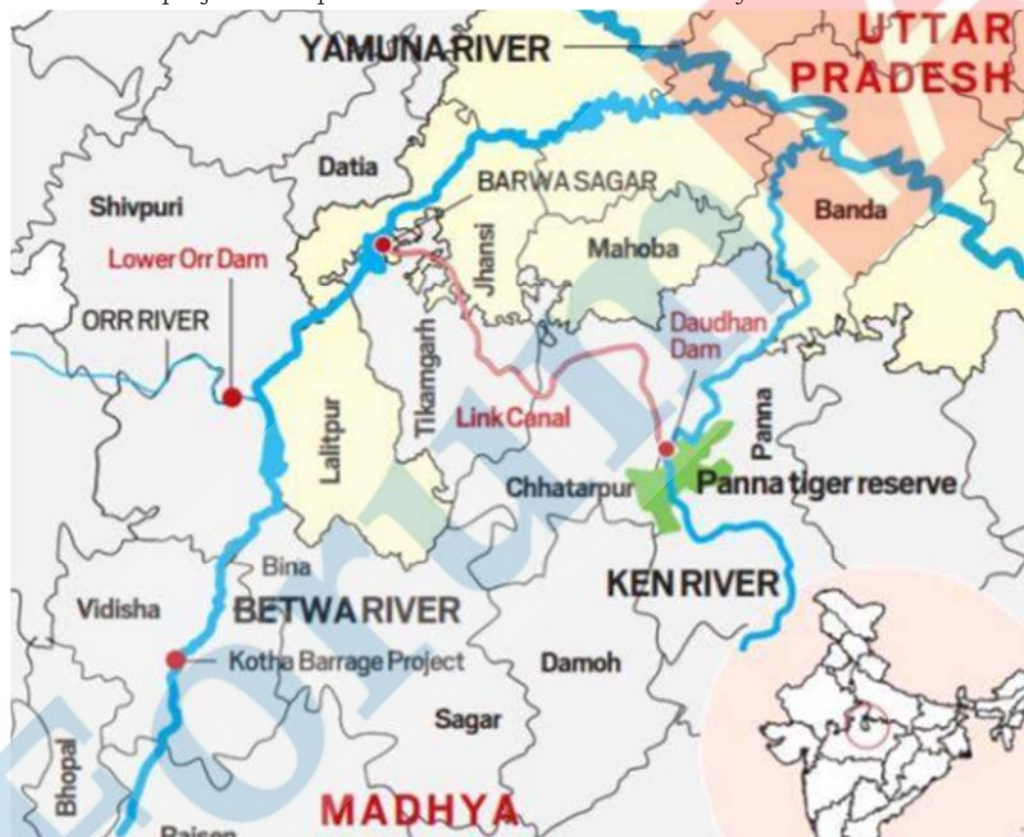
Interlinking of Rivers Project in India – Explained, Pointwise

Introduction

The Prime Minister and the Chief Ministers of Madhya Pradesh and Uttar Pradesh signed an agreement to implement the first phase of the Interlinking of Rivers project. The tripartite agreement aims to implement the Ken-Betwa River Link Project (KBLP). It is a historical moment in the ambitious interlinking of rivers project in India. In this context, this article will explain the interlinking of rivers projects and the challenges associated with them.

About Ken-Betwa Link Project

- Both the Ken and Betwa river are tributaries of the river Yamuna.
- It is the first project under the **National Perspective Plan** for the interlinking of rivers.
- **Under this project**, water from the Ken River will get transferred to the Betwa river.
- This project will spread across the districts of Madhya Pradesh and Uttar Pradesh.



About the National River Linking Project (NRLP)

The interlinking of rivers is a large-scale civil engineering project that aims to effectively manage water resources in India. The government aims to achieve this by building a network of reservoirs and canals through a **National River Linking Project (NRLP)**. It is also known as the **National Perspective Plan**

- The main objective is to transfer water from water 'surplus' basins suffering from floods to water 'deficit' basins suffering from drought/scarcity.
- The implementation of the NRLP will form a gigantic **South Asian Water Grid** with a network of nearly 3000 storage dams

- The then Ministry of Irrigation prepared this plan of interlinking of rivers in August 1980.
- The NRLP is managed by National Water Development Agency (NWDA) under the Ministry of Jal Shakti.



- The plan proposes 30 river links to connect 37 rivers across India under two components:
 - **Himalayan Rivers Development Component:** Under this, 14 river links are identified. This has two sub-components
 - Connecting the Ganga and Brahmaputra basins to the Mahanadi basin.
 - Connecting the Eastern tributaries of the Ganga with the Sabarmati and Chambal river systems.
 - **Peninsular Rivers Development Component or the Southern Water Grid:** This includes 16 river links. Ken Betwa Link Project is one among them. This part has four sub-components;
 - Linking Mahanadi and Godavari river basins to Cauvery, Krishna, and Vaigai river systems.
 - Interlinking the West-flowing rivers to the south of Tapi to the north of Bombay.
 - Interlinking a few west-flowing rivers to the east-flowing rivers.
 - Other projects include connecting Ken to the Betwa river, and Parbati & Kalisindh rivers to the Chambal river.

Present Status of the Interlinking of Rivers project

- Godavari River has been formally interlinked with the Krishna River at Ibrahimpatnam (near Vijayawada) in Andhra Pradesh in September 2015.

- India declared the Ken-Betwa Link project as the National Project. The recent agreement aims to implement the interlinking of the Ken and Betwa rivers.

Advantages of Interlinking of Rivers

1. **Hydrological Imbalance of India:** India has a large-scale hydrological imbalance with an effective rainfall period of 28 to 29 days. Further, there are certain regions that receive very high rainfall and cause flooding. On the other hand, there are regions with heavy water shortages and face droughts. Interlinking would transfer the water from flood-prone regions to draught-prone regions.
2. **Improve the inland navigation:** Interlinking of rivers will create a network of navigation channels. Water transport is cheaper, less-polluting compare to the road and railways. Further, the interlinking of rivers can ease the pressure on railways and roads also.
3. **The benefit of irrigation:** The interlinking of rivers has the potential to irrigate 35 million hectares of land in the water-scarce western peninsula. This will help India to create employment, boost crop outputs, farm incomes. Above all, the interlinking of rivers will make India a step closer to **achieving food security**.
4. **Development of power:** The interlinked rivers have the potential to generate a total power of 34000 MW(34 GW). This will help India to reduce coal-based power plant usage. Furthermore, It will also help to achieve India's Nationally Determined Contribution in Paris Climate Agreement.
5. **Other benefits:**
 - **Water supply:** The project envisages a supply of clean drinking water amounting to 90 billion CBM(Cubic Meter). It can resolve the issue of drinking water scarcity in India.
 - Similarly, interlinking of water also provides **water for industrial use** amount to 64.8 billion CBM.
 - Apart from that, interlinking can help the survival of fisheries, protect wildlife in the summer months due to water scarcity. It can also reduce forest fires occurring in India due to climatic conditions.
 - India can also **explore an additional line of defence** in the form of waterline defence.

Challenges in Interlinking of Rivers

The interlinking of rivers project has a variety of challenges. They are,

1. **Environmental Challenges:** The critics of the interlinking of rivers point out certain major environmental challenges with interlinking. They are,
 - **Submergence of vast areas of land in reservoirs:** The construction of dams leads to large-scale submergence of land. The government has to acquire large-scale lands for the smooth implementation of the project. But acquiring land for the project is not easy.
 - **Getting permits from Environmental agencies.** The submergence of land many times falls within the wildlife and protected areas. For example, In the Ken-Betwa Link Project land alone, nearly two-thirds of the land (4,206 ha of the land) falls within the Panna Tiger Reserve. So getting Environmental clearance and conducting an Environmental Impact Assessment is very hard.
2. **Social Challenges:** This includes the challenge of loss of livelihood and displacement of people. The large-scale submergence of land has to be compensated by displacing people in that area. Especially, the poor and tribal people located near the forests. So, the government not only needs to face challenges in **displacing people** but also in the **Rehabilitation of people**.

3. **International Challenges:** Countries like Bhutan, Nepal, and Bangladesh will get impact due to the Interlinking of Rivers project. For example, Bangladesh strongly objects to transferring the Brahmaputra water to the Ganga. Considering this, the smooth implementation of the project is not expected.
4. **Political Challenges: Water is a state subject** in India. So the implementation of the NRLP primarily depends on Inter-State co-operation. Several states including Kerala, Andhra Pradesh, Assam, and Sikkim have already opposed the NRLP.
5. **Economic Challenges:** NRLP is a highly capital-intensive project. The project will need Rs.5.6 lakh crores(estimated cost with the base year of 2000). A report points out that Climate change will cause a **meltdown of 1/3rd of the Hindu Kush Region's glaciers by 2100**. So, the Himalayan rivers might not have 'surplus water' for a long time. Considering this, investing billions of money in the interlinking of rivers might yield benefits only for a short time.
6. **Other Challenges:** The government is proposing a **canal irrigation** method for transmitting water from one area to the other. The maintenance of canals is also a great challenge it includes preventing sedimentation, clearing logging of waters etc.

Suggestions

1. **Integrated water resource management** is the key for India. India needs to conserve every drop of water, reduce wastage, equitable distribution of resources at the same time enhance groundwater. So the small scale simple things have to be tried instead of large scale projects.
2. Instead of interlinking rivers, India can try the **concept of virtual water**. For Example: Suppose when a country imports one tonne of wheat instead of producing it domestically, it is saving about 1,300 cubic meters of the local water. The local water can be saved and used for other purposes.
3. The government can invest the money in other areas instead of investing money for the interlinking of rivers. Such as,
 - o Conducting awareness campaigns to reduce water and food wastage. For example, the recent [catch the rain campaign](#).
 - o Can create Rainwater harvesting systems like that it created toilets with Swachh Bharat Mission. This will not only increase the groundwater recharge but also reduce soil erosion, stormwater runoff, flooding, etc.

Conclusion

We need to understand the importance of achieving small things. After all, "Big visions are realized through small steps only". So, the government has to conduct a detailed hydrological, geological, meteorological and environmental analysis of the interlinking of rivers. In that, the government must analyze the alternatives also.

India-Bangladesh relations – Explained, Pointwise

Introduction

Today is the 50th Anniversary of Bangladesh's independence and also the 50th Anniversary of India-Bangladesh relations. The Indian Prime Minister has gone to Dhaka to take part in the golden jubilee celebrations of Bangladesh's independence. This is the second time that the incumbent Indian PM has visited Bangladesh.

India played a great role in the emergence of independent Bangladesh. Further, India was also the first state to recognize Bangladesh as a separate nation. The signing of the historic Land Boundary Agreement in 2015 made India-Bangladesh relations even stronger. Yet, there are certain friction points in bilateral relationships.

About Bangladesh since Independence

During Bangladesh Independence: India provided shelter to nearly 10 million Bangladeshi refugees. Further, India also helped East Pakistan (present Bangladesh) militarily to attain Independence. The very first Independent government of Bangladesh was formed and administered from Theatre Road in Kolkata (by Sheikh Mujibur Rahman's close political associates).

Bangladesh Post-Independence: Bangladesh passed through different regimes after Independence. So, India-Bangladesh relations also oscillated.

- An assassination of Bangladesh's founding president [Sheikh Mujibur Rahman](#) occurred on August 15, 1975. This was followed by **Military rule in Bangladesh**.
 - General Ziaur Rahman became President but also got assassinated in 1981
 - Between 1982-1991 General H.M. Ershad ruled the country.
- Bangladesh returned to **parliamentary democracy in 1991**

India-Bangladesh relations so far

1. **Land Boundary Agreement in 2015:** Both the countries have achieved a remarkable feat under this Agreement. India and Bangladesh swapped the disputed islands. This allowed the inhabitants to choose their country of residence. The inhabitants were [incorporated as citizens](#) of either India or Bangladesh.
2. **Economic cooperation:**
 - Bangladesh is India's biggest trading partner in South Asia. India exported \$9.21 billion worth of goods and services in 2018-19. And, it has also imported \$1.04 billion worth of goods and services.
 - India offered duty-free access to multiple Bangladeshi products.
3. **Infrastructure Cooperation:**
 - India since 2014 provided 3 Line of Credit(LOCs) amounting to \$8 billion to Bangladesh for the construction of roads, railways, bridges, and ports. But due to slow project implementation from Bangladesh, only 51% has been utilised by it.
 - World Bank refused to fund the construction of the Padma bridge. But India provided LOCs for the construction of it.
4. **Connectivity:**
 - **Three passenger and freight railway services** are currently in operation between India and Bangladesh. At present, two more routes are also restored by both governments. The recent [Chilahati-Haldibari rail link](#) is also a significant step.
 - **Kolkata-Dhaka-Agartala Bus Service** also launched in 2015. This reduced the distance between Kolkata and Agartala from 1,650 km(through chicken's neck or Siliguri corridor) to just 500 km.

- Recently, the Indian Prime Minister also inaugurated the [‘Maitri Setu’ bridge](#). It is a 1.9 km long bridge that connects Sabroom in India with Ramgarh in Bangladesh.
 - Border Haats organized in the border districts also enhance trade and people to people connectivity in India-Bangladesh relations.
5. **Energy cooperation:** India at present provides a power supply of 600MW from Palatana Power Plant in Tripura. In return, Bangladesh agreed to provide a 10 GBPS internet connection to India’s North Eastern States.
 6. **Tourism sector:** Bangladeshis make up a large portion of tourists in India. In 2017, they outnumbered all the tourists arriving from Western Europe.
 7. **Medical Cooperation:**
 - Bangladesh has received 9 million doses of Covishield vaccines from India so far.
 - Apart from that, Bangladesh also accounts for more than 35% of India’s international medical patients. Bangladesh alone contributes to more than 50% of India’s revenue from medical tourism.
 8. **Other cooperation:** India-Bangladesh signed MOUs in the field of health, medicine, joint-research. Further, they both agreed to exchange knowledge between health professionals of both countries.

Challenges in India-Bangladesh relations

Despite having a wide collaboration, India-Bangladesh relations also have certain challenges. Such as,

1. **The Teesta river water dispute:** The Teesta river originates in Sikkim and flows through West Bengal and Bangladesh. In Bangladesh, the river merges with the Jamuna(the Brahmaputra in India). In 1983, an ad-hoc water sharing agreement allocated 39% of Teesta water to India and 36% to Bangladesh. The remaining 25% remain unallocated.



2. The 2011 interim deal aims to share the Teesta river water between India and Bangladesh about 42.5 per cent and 37.5 per cent respectively. But, the state of West Bengal object to this and demands and never signed the deal (Water is a state subject in India).
3. **The Issue of Drug Trafficking:** A 2007 International Narcotics Control Board mentions Bangladesh as a prime transit point of trafficking heroin from South Asia to Europe. The INCB data also mentions trafficking through India as one of the common methods of drug trafficking.

4. **The issue of Illegal migrants:** During Bangladesh independence alone, among the 10 million refugees only 6.8 million left India. The Rest stayed in parts of West Bengal and Assam.
India enacted the **Illegal Migrants Determined by Tribunals(IMDT) Act in 1983**. The Act describes procedures to detect illegal migrants from Bangladesh staying in Assam. It placed the onus of proving a person illegal migrant on the complaining person. This facilitated large scale illegal migration into India.
5. To avoid this Supreme Court in 2005, **Sarbananda Sonowal v. Union of India case** struck down the Act.
6. Armed Dacoity in border districts, fake money transfer, cattle smuggling is also a cause of concern for India. Further, the Trafficking of Illegal migrants and involving them in terrorist activities, prostitution in India is also a challenge in India-Bangladesh relations.
7. Smuggling and drug trafficking led to killings of Bangladeshi violators by India's Border Security Force. This issue was raised by Bangladesh a few times. But the issue is not yet resolved.
8. Apart from that, Bangladesh is also opposing India's proposed the Tapaimukh Dam on the Barak River in Manipur and the [Interlinking of the rivers project](#) by India.

Suggestions to Improve India-Bangladesh relations

1. The **early resolution of Teesta** is the better way to boost India-Bangladesh relations. The government has to form a tripartite committee containing members from India, Bangladesh and the State of West Bengal to determine the amount of water sharing. At present West Bengal not take place in [Joint River Commission meetings](#).
2. The government has to ensure the deportation of illegal migrants. Further, the government should not extend voting rights, nationality to illegal migrants.
3. The governments should involve joint forces to reduce border issues. Such as illegal trading, trafficking, cattle smuggling, etc. This will yield better results in curbing crime and increase better civil-military relations.
4. India needs to strengthen regional groups like SAARC, BIMSTEC etc. This will give full impetus to India's **Neighbourhood First policy**.

India's one prime interest is developing North-East India, better connectivity to South-East Asian Countries and exploring the Indo-Pacific region. To reach that, better India-Bangladesh relations is a significant step.

Pendency of Cases and Rising Vacancies in the Judiciary – Explained, Pointwise

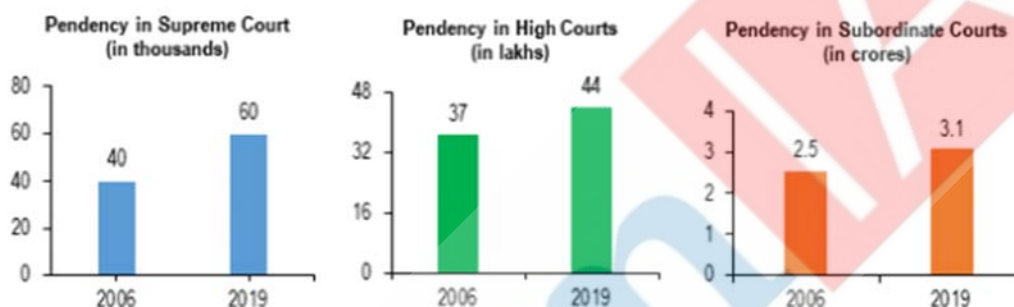
Introduction

Recently the Supreme Court asked the reason from the government for delaying the process of appointment of judges. The SC also highlighted that the government has not cleared the 55 recommendations made by the Collegium for judicial appointments to High Courts.

The total sanctioned strength in the 25 High Courts is 1,080. However, the present working strength is 661 with 419 vacancies as of March 1, 2021. The SC highlighted this as one of the reasons for the pendency of cases in the [Judiciary](#). The pendency of cases in the Judiciary is a long pending issue.

Although the credibility of the judiciary is not a cause of concern, it is the pendency that is creating a major issue. It can have grave consequences such as denial of justice, prison overload etc. Thereby it demands urgent attention.

Status of pendency of cases in the judiciary



- From 2006-2019, an overall increase of 22% (64 lakh cases) was seen in the pendency of cases across all courts.
- As of August 2019, there are over 3.5 crore cases pending across the Supreme Court, the High Courts, and the subordinate courts. Amongst this, 87.3% of cases are in subordinate courts, 12.5% in High Courts and 0.2% in Supreme Court.

Few Important articles

- **Article 124(2)** of the Indian Constitution provides that the Judges of the Supreme Court are appointed by the President. He/she should consult such a number of the Judges of the Supreme Court and of the High Courts in the States as he/she may deem necessary for the purpose.
 - Second Judges Case (1993) – [Collegium system](#) was created to make recommendations for appointments and transfers. It comprises the [Chief Justice of India](#) and two other seniormost SC judges.
 - Post the [third judges case](#), the number of senior-most judges increased to four.
- **Article 224A** – The Chief Justice of a High Court can request a former high court judge to act as an [ad hoc judge](#). He/she can do this with the previous consent of the President.

Causes for Pendency of cases

1. **Increase in the number of cases:** An improvement in literacy levels, population growth and formulation of citizen-friendly tools like PIL have resulted in a huge influx of cases in courts.
2. **Rising Vacancies:** The courts are working below their sanctioned strength. As of 2017, High Courts have 403 vacancies out of sanctioned strength of 1,079 judges. But still, there are no filling of vacancies. Similarly, subordinate courts have 5,676

vacancies against a sanctioned strength of 22,704 judges. The delay in appointments is increasing vacancies.

3. **Rigid Procedural Requirements:** A lot of paperwork needs to be done on every case which sometimes creates unnecessary delays.
 - For instance, [Vishnu Tiwari was recently acquitted of a false rape charge](#) by Allahabad high court. His appeal was pending before the Allahabad High Court for 16 years. The reasons behind this were missing documents or documents in the wrong format for listing the case.
4. **Poor Conduct of Lawyers:** They are sometimes found indulging in collusive corruption especially at subordinate levels in order to drag the case. Moreover, the lawyers also demand frequent adjournments for not valid reasons.
5. **Inefficiencies by Police Personnel:** They are sometimes seen complacent in filing charge sheets and conducting speedy investigation which creates a delay in delivering timely judgement.
6. **Law school** focus on developing lawyers not focus on building future members of the Judiciary.

Impacts of Pendency of cases

1. **Firstly, the burden on Judges:** Rising pendency creates an excess burden on judges. Judges have sometimes seen hearing more than 100 cases in a day. This reduces the average time devoted to a case on a particular day.
2. **Secondly, overcrowding of Prisons:** Pendency enhances the number of undertrials in the prisons which eventually leads to overcrowding. [According to the NCRB data](#), In 2019 there were 4.78lakh prisoners. Out of which 69.05 % were undertrials.
3. **Thirdly, undermines Right to life:** In **Hussainara Khatoon v. Home Secretary, State of Bihar case, 1979** the SC held that the “right to a speedy trial” is a fundamental right implicit under Article 21. But pendency of cases is a clear violation of the Judgement itself.
4. **Fourthly, harassment of people:** The pendency causes harassment of the accused and victim. As they need to go through significant financial, physical and mental stress for years due to the pendency. For instance, in the recent example of [Vishnu Tiwari acquittal case](#), He spent 20 years in prison before this acquittal.
5. **Fifthly, undermines Judicial Credibility:** The **faith and trust of the common man** in the judicial setup are also lost if he/she didn't receive timely justice. It is perceived that judges are indulged in some kind of favouritism towards one of the parties and are deliberately delaying the process.
6. **Finally, unsatisfactory Disposal rate:** The disposal rate(number of cases disposed of) has stayed between 55 -59% in the Supreme Court, 28% in the High Courts, and 40% in the subordinate courts.

Suggestions to reduce Pendency of cases

1. Firstly, the rise in vacancies can be duly addressed with **timely appointments**. This would require developing a consensus over **a memorandum of procedure** between the executive and judiciary.
 - It is an agreement between the judiciary and the government. It contains a set of guidelines for making appointments to the higher judiciary.
 - The memorandum of procedure should be based on four criteria
 - Transparency in the Judicial appointments,
 - Eligibility criteria for judicial appointments,
 - A permanent secretariat to assist the collegium
 - A mechanism for complaints against candidates.

2. Secondly, the Supreme court has recommended that **retired high court judges** having domain expertise should be placed back as **Ad Hoc judges**. This will fast track the disposal of cases.
3. Thirdly, the slow disposal rate can be improved by augmenting the quality of judges. For this, the government can set up **All India Judicial Services(AIJS)**.
 - o It is a proposed cadre of judicial officers at the lower levels (below High Courts). They would be recruited through an open competitive national level exam conducted on the lines of the Civil Services Exam.
4. Fourthly, an **integrated digital system is required in the judiciary to streamline** the process. This digital system will allow smooth interaction between various institutions through a digital platform. It will normalize the format and content of data across all the systems.
5. Fifthly, the **media as the 4th pillar of democracy** should do periodic and constructive reporting on the pendency of cases. This will have a dual benefit.
 - o Placing better accountability on judges
 - o Bringing the pendency to the public domain.
6. And lastly, alternative **Dispute Resolution mechanisms** like Arbitration, Conciliation, Lok Adalats etc. should be promoted by judges. Further, legal services authorities, such as, NALSA, SALSA, DALSA and TALSA, can generate awareness.

Conclusion

The right to fair and speedy trial must be upheld in all circumstances as it is an important component of dignified life under Article 21 of the Indian Constitution. Further, the pendency of cases also depends on other reforms like [Prison reforms](#), police reforms etc. The government has to ensure those reforms as well. In conclusion, we must remember that **Justice Delayed is Justice Denied**.

The Issues of UNHRC Resolution against Sri Lanka and India's Stand – Explained, Pointwise

Introduction

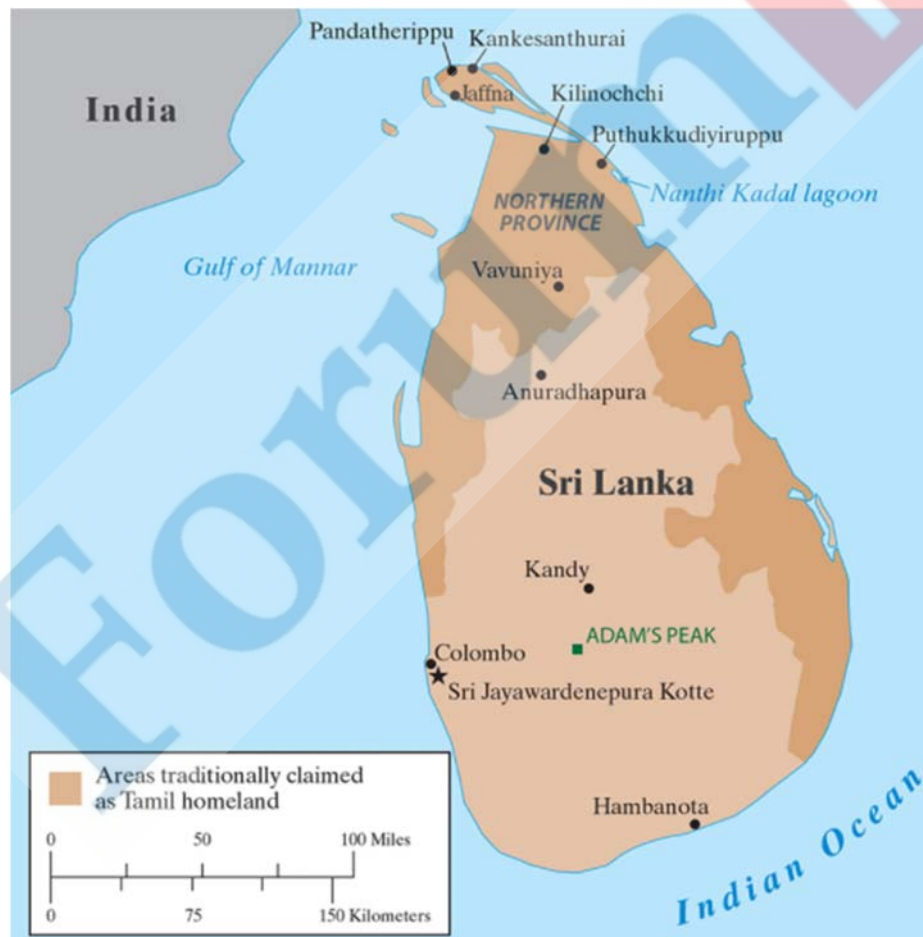
Recently [the United Nations Human Rights Council \(UNHRC\)](#) adopted a resolution against Human Rights violations in Sri Lanka. However, this is not the first resolution about Human Rights violations in Sri Lanka. The UNHRC earlier had adopted **the 30/1 resolution** in 2015. The then Sri Lankan government accepted the resolution and started working on it.

But since the swearing-in of the new government in Sri Lanka, Human Rights went on downhill. This led to the recent resolution. United Nations human rights chief Michelle Bachelet is appointed to collect evidence of war crimes.

Though the UNHRC resolution is not legally binding, its implications are numerous. In this article, we will discuss the details of the UNHRC resolution and its implications on Sri Lanka.

Reasons behind UNHRC Resolution against Sri Lanka

A Civil War broke out in Sri Lanka in 1983. The **Sinhalese-dominated Sri Lankan government** tried to control the insurgent group **Liberation Tigers of Tamil Eelam (LTTE)**. While the LTTE aimed to **establish a separate state** for the Tamil Minority people in Northern Sri Lanka.



The civil war lasted for 26-year and ended in 2009 with the defeat of LTTE. Both the Sri Lankan Government and the Tamil rebels committed atrocities in the war. According to some estimates, at least 1,00,000 people died during the civil war.

The domestic and international human rights groups including the UNHRC report highlighted the Human Rights violation by the Sri Lankan government even after the war, such as,

- The government is using state forces for murdering, torturing, forcing critics to disappear.
- The 18th Amendment to the Constitution in 2010 provided dictatorship powers to the Sri Lankan President. The powers include,
 - Re-elections any number of times,
 - President can appoint/dismiss members of Independent commissions and Judiciary, etc

The 30/1 resolution and the aftermath

To curb the HR violations in Sri Lanka UNHRC adopted the **30/1 resolution or the consensus resolution** in 2015. The resolution aimed to establish reconciliation, accountability, and human rights in Sri Lanka. The Sri Lankan government accepted the resolution under the new President and took the following steps, like,

1. Establishing a **credible judicial process**. Under this, the Sri Lankan government allowed participation of Commonwealth and other foreign judges, etc. This was to ensure proper adjudication of Human Rights Violations. (This is in line with the 30/1 resolution)
2. Enactment of 19th Amendment to Nullify the powers provided to President under 18th Amendment.

But the new government in 2020, changed the progression. Recently under the new Presidency, the government withdrew its commitments under the resolution 30/1. Further, the new Sri Lankan government also stated that the resolution was not in conformity with the Constitution of Sri Lanka.

About the recent resolution on Human Rights Violation

A **UN High Commissioner's report** highlighted Human Rights Violations in Sri Lanka. Its findings include

1. Increasing militarization in Sri Lanka
2. Intensified surveillance against rights defenders and NGOs,
3. Interference with trials in certain symbolic cases from the past, etc.

Recently the UNHRC conducted its 46th session. During this, the UNHRC adopted a resolution titled "[Promoting reconciliation, accountability and human rights in Sri Lanka](#)".

The resolution mentioned certain important points. Such as,

- The human rights situation in Sri Lanka deteriorated under the current administration.
- Further, the resolution also mentions that the rights defenders and ethnic and religious minorities are facing problems in Sri Lanka.

The resolution was adopted after the 22 states of the 47-member Council Voted in Favour. However, 11 countries including Bangladesh, China, and Pakistan voted against the resolution. On the other hand, 14 countries, including India, Indonesia, Japan, and Nepal abstained.

Impact of the UNHRC resolution

The UNHRC resolution is not a legally binding one. So there is no legal obligation on Sri Lanka to follow the resolution. But the resolution has a great moral significance. This includes,

1. **Deterioration of Country's image in front of Global community.** The resolution signals to other global countries that the government of Sri Lanka is not a credible member in fulfilling its obligations.
2. **Sanctions by individual countries:** The countries that voted in favour of the resolution may impose any sanctions or withdraw any benefits provided to Sri Lanka. For example, The European Union supported the resolution can withdraw the [Generalized Scheme of Preferences \(GSP\)](#) given to Sri Lanka.
3. **Justice in the future:** Post-resolution, the UNHCR collects, consolidates, and preserves evidence of Human Rights violations. It also allows the development of strategies to ensure future accountability. Apart from that, the UNHCR can also make recommendations to the international community on preventing any future Human Rights violations.

Other examples of UNHRC resolutions

The UNHRC aims to promote and protect human rights around the globe. Apart from that, they usually adopt a resolution to condemn, investigate alleged human rights violations in countries. The previous few resolutions include,

1. In 2018, the UNHRC resolution demanded the prosecution of Myanmar generals for committing genocide against the Rohingya Muslims.
2. Various times the UNHRC undertook resolutions to condemn the Human Rights violation by Israel in Palestine. For example in the recent 46th session also there were four resolutions related to Israel.

India's Stand on Human Rights Violations in Sri Lanka

India **never supported the Human Rights Violations** in Sri Lanka. But at the same time, India **wants the solution to the issue to be internal** and not the forced one like the 30/1 resolution. For example, India in 2012 supported a **credible investigation into human rights violations**.

Sri Lanka [requested India's support in the recent UNHRC resolution](#). But, India abstains from the recent UNHRC resolution against Sri Lanka. [India's stand include](#),

1. **India has emphasised meaningful decentralization** to meet Tamil aspirations. Also, India demanded the unity and integrity of Sri Lanka.
2. **India's concerns in Sri Lanka have been different** from the rest of the international community. India is well-informed by a sense of the long-term well-being of the Tamils. Hence, India **stresses devolution** rather than accountability.
3. **India has its own limitations in expressing** disappointment over Sri Lanka's stand on Human Rights violations. Increasing Chinese presence in the Sri Lankan region is one of such reasons.
4. India always **supported the implementation of the 13th Amendment of 1987**. The 13th Amendment is the outcome of the Indo-Lanka Accord of July 1987. This takes a middle stand on the Sri Lankan civil war. Under this amendment, the creation of Provincial Councils was encouraged. The council maintains the power-sharing arrangement between the Sri Lankan government and the LTTE. To date, the 13th amendment was the **only constitutional provision** on the settlement of the long-pending Tamil question.

Conclusion

The recent UNHRC resolutions provide moral sanctions on Sri Lanka. Since the moral sanctions are internal and vary from person to person, the implementation lies completely with the President of Sri Lanka only. But, International pressure can change Human Rights Violations in any country. So, neutral governance of countries and International pressure during violations are necessary to eliminate the human rights violation in the world.

ForumIAS

Refugee Problem in India – Explained, Pointwise

Introduction

The Refugee Problem in India is again in the limelight after the February 2021 [coup in Myanmar](#). Numerous people are coming to India from Myanmar to save their lives. However, the Indian government is reluctant to allow this influx considering the challenges posed by refugees.

India's stance towards refugees had remained accommodative in the past. It has welcomed them from diverse countries subject to national interest and resource availability.

Humanitarian spirit, national security and legal framework can tackle the current refugee problem.

About the recent Refugee Problem

- Myanmar witnessed refugee influx after the coup in the country and subsequent military rule. Some democratic groups started protesting against the coup. It resulted in the military crackdown on the dissenters.
- So, Many people in Myanmar and the security forces who oppose the coup, start fleeing the country and entering India.
- Against this backdrop, the Ministry of Home Affairs (MHA) directed Nagaland, Manipur, Mizoram and Arunachal Pradesh to [check illegal influx from Myanmar](#) into India.
 - It has also called for [sealing the border with Myanmar](#) so as to curtail the influx.
 - The ministry clarified that state governments have no powers to grant 'refugee' status to any foreigner.
 - Intelligence inputs suggest 733 Myanmar nationals have made it into Mizoram.

International conventions and forums for Refugees

United Nations Refugee Convention, 1951:

1. The 1951 Refugee Convention or **Geneva Convention** is a United Nations **multilateral treaty** for the protection of refugees.
2. The convention defines a refugee as a person who fled their homes and countries. Especially due to a well-founded fear of persecution of his/her race, religion, nationality, membership of a particular social group or political opinion.
3. The Convention also mentions people who do not qualify as refugees, such as **war criminals**.
4. The Convention builds on Article 14 of the **Universal Declaration of Human Rights** 1948. The article recognizes the right of persons to seek asylum from persecution in other countries.
5. **non-refoulement:** The cornerstone of the 1951 Refugee Convention is the principle of non-refoulement. According to this principle, a refugee should not be deported to a country where he or she faces serious threats to his or her life or freedom.
6. The 1967 protocol of the convention allowed even the non-Europeans to get refugee status. Thereby making the convention more comprehensive.

United Nations High Commissioner for Refugees (UNHCR)

1. It was created in 1950, during the aftermath of the Second World War, to help millions of Europeans who had fled or lost their homes.
2. It is a global organization for saving lives, protecting rights and building a better future. The organisation covers refugees, forcibly displaced communities and stateless people

Global Refugee Forum (GRF)

1. The United Nations High Commissioner for Refugees (UNHCR), the UN Refugee Agency, and the government of Switzerland together host the GRF.
2. It aims to debate and discuss the response of the world's countries to the global refugee situation.

Refugee Problem in India

- India **does not have a separate statute for refugees**. Until now India is dealing with refugees on a case-by-case basis.
- India is **not a signatory to the 1951 Convention** on Refugees or the 1967 Protocol Relating to the Status of Refugees.
 - However, India is a **signatory to a number of United Nations and World Conventions on Human Rights**. Such as the Universal Declaration of Human Rights (UDHR). It affirms basic rights for all persons – citizens and non-citizens in the same manner.
- India has been **generous to refugees and asylum-seekers**. The two largest Refugee Influx in India are including some 62,000 Sri Lankans and some 100,000 Tibetans are directly assisted by the Government of India.
- In late 2011, the Rohingya started to arrive in India's Northeast following stepped-up persecution by the Myanmar armed forces.
- According to the Home Ministry, there are roughly 14,000 Rohingya refugees in India who are registered with the UNHCR. Apart from that, there are estimates of around 40,000 Rohingya living in India illegally.

[Read about the legal Provisions for Refugees in India](#)

Factors behind Refugee Problem in India*Direct causes for Refugee Problem*

- **Prevent persecution:** Refugees often face a grave threat of persecution in their native countries that induce them to migrate towards safe havens like India.
- **Accommodative approach:** Despite being a non-signatory to the 1951 refugee convention, India has welcomed refugees since 1947. This includes Tibetans, Bangladeshis, Afghans etc.
- **Diversity:** The multi-religious, multicultural and multi-ethnic diversity of India creates social bonds with numerous foreign citizens. For instance, it was the Tamilian Bond that induced Sri Lankan Tamils to look towards India for migration during the civil war. Similarly, the kinship between Myanmar people and Manipur people is attracting the Myanmar refugees towards India.

Indirect causes for Refugee Problem

- **Open Borders:** This is not a direct factor but it facilitates movement towards India. Many people from Myanmar were able to enter India due to the open border.
- **A deficiency of Personnel:** The government's order to curb the refugee influx from Myanmar was not implemented effectively. As the Assam Rifles wasn't able to effectively monitor the border with just three battalions.
- **Favourable Agreements:** The majority of refugees from Myanmar are holding their position around the Free Movement Regime. It is a region of 16 km on either side, where there is unrestricted access as per a pact between the two countries.
- **Unstable Neighbourhood countries:** India's neighbourhood countries are facing one or other problems since their formation. For example, the Civil war was now followed by [Human Rights Violation in Sri Lanka](#). Similarly, the [Bangladesh liberation war](#) later followed by military rule, etc.

Arguments in favour of permitting Refugee Influx

- **Humanitarian Rights:** India has an **implicit obligation under UDHR** to protect the human rights of non-citizens as well. Thus, the refugees facing persecution threat should be allowed into India.
- **Prevent Civil War:** The armed rebel groups have threatened Myanmar's military with retaliation if the atrocities do not stop. If India returns back the Myanmar, then more hatred will be generated that might trigger a civil war in future.
- **Responsible Regional Power:** The country aspires to be regional and global power that itself calls for adopting an accommodative stance towards refugees.
- **Champion of Democracy:** The world's largest democracy has a responsibility of protecting the rights of people who put their lives in danger for upholding democracy. This was seen recently in Myanmar.

Arguments against permitting Refugee Influx

Refugee Influx poses many [challenges to India's internal security](#). This include,

1. **Social consequences of permitting refugees:**
 - **Refugees might create an identity crisis** with the indigenous people. For example, Bangladeshi refugees in Assam and Arunachal threaten to overtake the indigenous population of the region.
 - **Difficult to identify and deport them back** to their country after a few years. For example, the Rohingya refugees entered through the North-East. But later they **spread to all other states**.
2. **Economic consequence of permitting refugees:**
 - **Increased financial responsibility of the state.** According to the UNHCR report in 2014, there were **more than 200,000 refugees in India**. India at present does not have the financial capacity to satisfy all their basic needs.
 - **Decreases domestic wage level and replaces the native people.** Since illegal immigrants and refugees require food and shelter, they also work at very low wages in their settling areas.
3. **Political consequence of permitting refugees:**
 - **Issue of terrorism:** These refugees, since not accepted by governments, are vulnerable to join terror outfits for work and revenue.

Suggestions to solve the Refugee Problem

- Firstly, India should put forward its **constructive arguments** in the upcoming UNSC meeting related to the Myanmar coup. A proposal to impose global sanctions on Myanmar can be considered here.
- Further, there is a need to **formulate a comprehensive refugee policy** that would provide greater clarity in differentiating between a refugee/illegal migrant.
 - A National Immigration Commission can be appointed to frame a **National Migration Policy** and a **National Refugee Policy** for India.
- Thirdly, the government has to strengthen **the Foreigners Act 1946** and also sign bilateral agreements with neighbourhood countries regarding deportation.
- Fourthly, the **states must cooperate with the centre on the refugee problem**. As law and order is a state list while international relations come under the Union list.
- Fifthly, the states should follow the MHA guidelines of 2018 to identify illegal immigrants. The MHA recommendations include,
 - Restrictions of Illegal Migrants specific locations as per provisions of law
 - Capturing their biographic and biometric particulars
 - Cancellation of fake Indian documents

- Initiating legal proceedings including deportation proceedings as per provisions of law

Conclusion

The people demanding refuge are in a vulnerable situation and see a last ray of hope in an inclusive and tolerant country. Considering this, there should be an intake of refugees but not at the cost of the native population. So, It is high time for India to define a clear-cut refugee policy.

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