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7 PM COMPILATION

1st to 15th August, 2021

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Food Fortification in India – Explained, pointwise

Introduction
A group of health experts in India have raised concerns about the country's strategy to fight malnutrition through food fortification. They argued for "extreme caution" in implementing new chemical interventions to address micronutrient deficiencies.

Before proceeding further, let us first understand few details about fortification and the need for it.

What is fortification?
Fortification is the **addition of key vitamins and minerals** such as iron, iodine, zinc, Vitamin A & D to staple foods such as rice, milk and salt to improve their nutritional content. These nutrients may or may not have been originally present in the food before processing.

Need of fortification
- According to the National Family Health Survey (NFHS-4):
  - 58.4% of children (6-59 months) are anemic
  - 53.1% women in the reproductive age group are anemic
  - 35.7% of children under 5 are underweight
- Also, It is estimated that 50-70% of these birth defects are preventable. One of the major causes is deficiency of Folic Acid.

Thus, fortification is necessary to address deficiency of micronutrients or micronutrient malnutrition, also known as **"hidden hunger"**, a serious health risk. Unfortunately, those who are economically disadvantaged do not have **access to safe and nutritious food**. Others either do not consume a **balanced diet** or lack variety in the diet because of which they do not get adequate micronutrients. Often, there is considerable loss of nutrients during the processing of food.

One of the strategies to address this problem is **fortification of food**. This method complements other ways to improve nutrition such as such as diversification of diet and supplementation of food.

Fortification in India
Currently government is promoting fortification in following 5 food items:
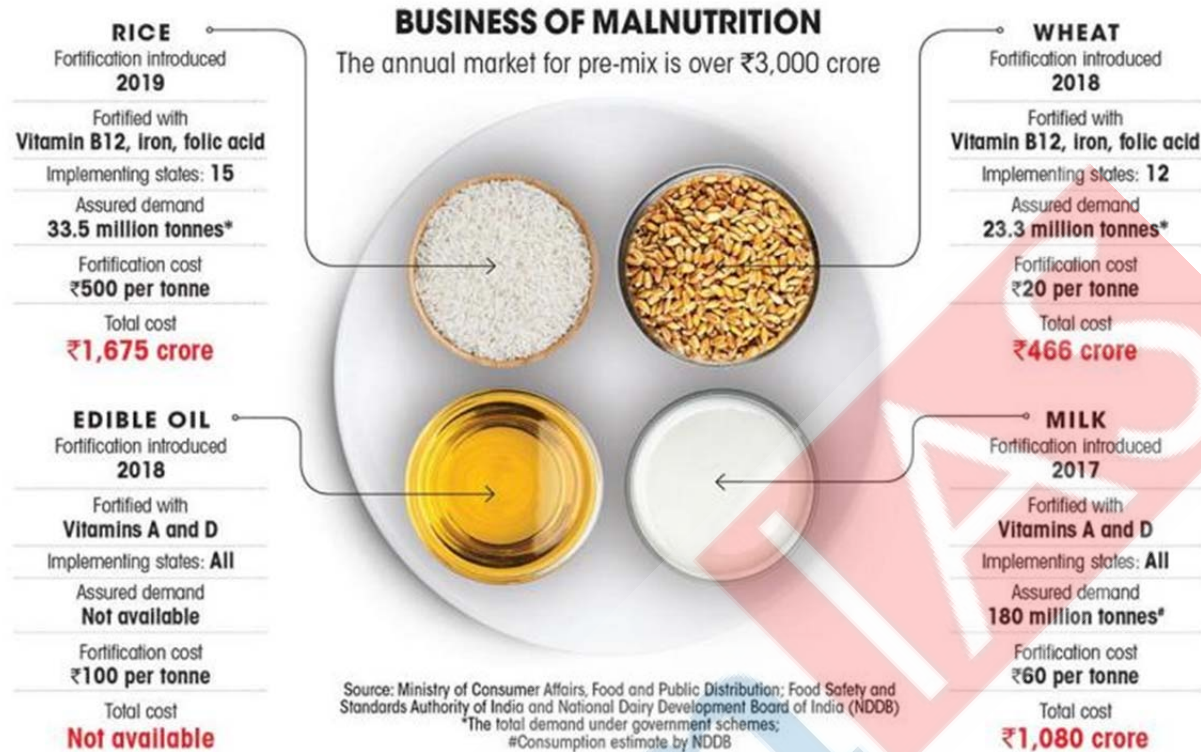- Rice, salt, edible oil, milk and wheat.

Rice: Department of Food & Public Distribution (DFPD) has been running a "Centrally Sponsored Pilot Scheme on Fortification of Rice & its distribution through Public Distribution System". The scheme was initiated in 2019-20 for a three-year pilot run. This scheme will run till 2023 and rice will be supplied to the beneficiaries at the rate of Re 1 per kilogram.

- For rice fortification, **Ministry of Consumer Affairs, Food and Public Distribution** is the nodal agency

Wheat: The decision on fortification of wheat was announced in 2018 and is being implemented in 12 states under India's flagship **Poshan Abhiyaan** to improve nutrition among children, adolescents, pregnant mothers and lactating mothers.

Edible oil: Fortification of edible oil, too, was made compulsory across the country by FSSAI in 2018.

Milk: Fortification of milk was started in 2017 under which the National Dairy Development Board of India (NDDB) is pushing companies to add vitamin D.

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BUSINESS OF MALNUTRITION
The annual market for pre-mix is over ₹3,000 crore

RICE
Fortification introduced
2019
Fortified with
Vitamin B12, iron, folic acid
Implementing states: 15
Assured demand
33.5 million tonnes*
Fortification cost
₹500 per tonne
Total cost
₹1,675 crore

WHEAT
Fortification introduced
2018
Fortified with
Vitamin B12, iron, folic acid
Implementing states: 12
Assured demand
23.3 million tonnes*
Fortification cost
₹20 per tonne
Total cost
₹466 crore

EDIBLE OIL
Fortification introduced
2018
Fortified with
Vitamins A and D
Implementing states: All
Assured demand
Not available
Fortification cost
₹100 per tonne
Total cost
Not available

MILK
Fortification introduced
2017
Fortified with
Vitamins A and D
Implementing states: All
Assured demand
180 million tonnes#
Fortification cost
₹60 per tonne
Total cost
₹1,080 crore

Source: Ministry of Consumer Affairs, Food and Public Distribution; Food Safety and Standards Authority of India and National Dairy Development Board of India (NDDB)
*The total demand under government schemes;
#Consumption estimate by NDDB

Benefits of fortification

- **High benefit-to-cost ratio**: Food fortification has a high benefit-to-cost ratio. The Copenhagen Consensus estimates that every 1 Rupee spent on fortification results in 9 Rupees in benefits to the economy. While an initial investment to purchase both the equipment and the vitamin and mineral premix is required, the overall costs of fortification are extremely low.
- **No socio-cultural barriers**: Fortification does not require any changes in food habits and patterns of people. It is a socio-culturally acceptable way to deliver nutrients to people
- **No alteration of food characteristics**: It does not alter the characteristics of the food like the taste, aroma or the texture of the food
- **Quick implementation**: It can be implemented quickly as well as show results in improvement of health in a relatively short period of time.
- **Wide reach**: Since the nutrients are added to widely consumed staple foods, fortification is an excellent way to improve the health of a large section of the population, all at once.

Issues with fortification

- **Impact on fetal development**: Consumption of **excess iron** by pregnant women can adversely affect fetal development and birth outcomes. These children have increased risk of contracting chronic diseases.
- **Loss of natural protective substances**: Sometimes, fortification can have the opposite effect. Natural foods contain protective substances such as phytochemicals and

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polyunsaturated fat that are adversely affected by the process of blending micronutrients.

- **Market-driven solution**: The researchers are worried that the push towards fortification is more to help the industry than the people and is an international market driven solution and without any scientific logic.
    o Mandatory fortification will create markets that will be hard to withdraw when we have achieved the target of reduced micronutrient deficiency.
    o **High cost**: The fortification expenditure of only the rice delivered through the social safety networks will cost the public exchequer about Rs 2,600 crores annually.
- **Impact on small industries**: Fortification creates an assured market for multinationals. It could threaten the livelihoods of small units across India. Like, in case of rice and oil processing.
- **No direct link b/w anaemia & iron deficiency**: There is no direct link between anaemia and iron deficiency. Anaemia is high among poor children in the rural areas but iron deficiency is more among the urban and rich across the country.

Also Read: **Status of malnutrition in India – Explained**

Suggestions/Measures

- **A diverse and quality diet is more helpful**: Instead of fortification, the quality of diet should be improved. Increasing the intake of foods from animal sources and fruits would be more helpful. National Institute of Nutrition, too, recommended that a diverse natural diet is required to meet the normal population need of micronutrients in its *Nutrient Requirements of Indians* released 2020.
- Food can be grown through **Amrut Krishi, an organic farming technique that would lead to an increase in food nutrition.**
- Another solution was **breast feeding** with proper latching techniques. It could make critical impacts on nutrition deficiency in the critical first 1,000 days.
- **Kitchen gardens**: A study in Maharashtra has shown that vegetables grown in organic kitchen gardens increase haemoglobin levels.
- **Include less processed or unpolished rice in the public distribution system**. This would make sure that rice bran, a rich source of various micronutrients reached people.

Way forward

Instead of pushing food fortification, the money will be better spent on alternative diet based sustainable solutions and improving the access to quality healthcare in the public sector.

Note: Biofortification differs from conventional fortification as biofortification aims to increase nutrient levels in crops during plant growth rather than through manual means during processing of the crops.

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Gilgit-Baltistan issue – Explained, pointwise

Introduction

As per media reports, Pakistani authorities have finalized a law to award provisional provincial status to strategically located Gilgit-Baltistan.

- Under the proposed law, the Supreme Appellate Court (SAC) of Gilgit-Baltistan may be abolished and the region's election commission is likely to be merged with the Election Commission of Pakistan (ECP).

About Gilgit-Baltistan

- Gilgit-Baltistan is the **northernmost territory administered by Pakistan**, providing the country's only territorial frontier, and thus a land route, with China, where it meets the Xinjiang Autonomous Region.
- It borders PoK to the south, the province of Khyber Pakhtunkhwa to the west, the Wakhan Corridor of Afghanistan to the north, the Xinjiang region of China, to the east and northeast, and the Indian-administered union territories of Jammu and Kashmir and Ladakh to the southeast.

- The territory of present-day Gilgit-Baltistan became a separate administrative unit in 1970 under the name "Northern Areas".
- The territory of Gilgit-Baltistan is **highly mountainous**. Three of the world's longest glaciers outside the polar regions are found in Gilgit-Baltistan.
  - o Biafo Glacier, Baltoro Glacier, and Batura Glacier.
- G-B Region also includes **K2,** the second highest mountain peak of the world

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Brief history of Gilgit-Baltistan

- **Was a part of J&K**: Gilgit was part of the princely state of Jammu & Kashmir, but was ruled directly by the British, who had taken it on lease from Hari Singh, the Hindu ruler of the Muslim-majority state.
- **Gilgit Scouts rebellion**: When Hari Singh acceded to India on October 26, 1947, the Gilgit Scouts rose in rebellion. The Gilgit Scouts also moved to take over Baltistan, which was then part of Ladakh, and captured Skardu, Kargil and Dras. In battles thereafter, Indian forces retook Kargil and Dras in August 1948.
- **Pak enters into agreement with Azad J&K govt**: Following the India-Pakistan ceasefire of January 1, 1949, Pakistan in April that year entered into an agreement with the "provisional government" of "Azad Jammu & Kashmir" (parts that had been occupied by Pakistani troops and irregulars) to take over its defence and foreign affairs. Under this agreement, the "AJK" government also ceded administration of Gilgit-Baltistan to Pakistan.
- **Gilgit-Baltistan not recognised as a province**: In 1974, Pakistan adopted its first full-fledged civilian Constitution, which lists four provinces —Punjab, Sindh, Balochistan and Khyber Pakthunkhwa. Pakistan-Occupied Kashmir (PoK) and Gilgit-Baltistan were not incorporated as provinces.
- **In 1975, PoK got its own Constitution,** but it remained under the control of Pakistani federal administration and the security establishment, through the Kashmir Council.
- **In 2009, Pakistan brought in the Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009,** replacing the Northern Areas Legislative Council (NALC) with the Legislative Assembly, and the Northern Areas were given back the name of Gilgit-Baltistan.
- **On November 1, 2020,** observed in Gilgit-Baltistan as "Independence Day", Imran Khan announced that his government would give the region **"provisional provincial status".**

Implications for India

- The decision by Pakistan is likely to trigger massive outrage as it will have wider repercussions which will aggravate tensions already being played out in the east along the LAC (line of actual control) on the India-China border.
- The decision, is also an acknowledgment of the importance of status quo as far as territorial control of the two countries of various parts of the former state, as it existed in 1947 before Partition, is concerned. This has merely reinforced the point that the borders as they stand today between the two countries will not change and future modalities have to reflect that.

India's stand

India has clearly conveyed to Pakistan that the entire Union Territories of Jammu and Kashmir and Ladakh, including the areas of Gilgit and Baltistan, are an **integral part of the country** by virtue of its fully legal and irrevocable accession.

- India maintains the Government of Pakistan or its judiciary has **no locus standi on territories** illegally and forcibly occupied by it.
- India regards Gilgit-Baltistan as **Indian territory**. A part of the former princely state of Jammu and Kashmir, Gilgit-Baltistan comprises a major chunk of the territory

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Pakistan occupied during its war with India that year. Gilgit-Baltistan together with Azad Kashmir is referred to by New Delhi as Pakistan Occupied Kashmir (POK).

- According to the Indian argument, since Gilgit-Baltistan was a part of the former princely state of Jammu and Kashmir, whose Maharaja acceded to India, it is legally India's.

Significance of Gilgit-Baltistan

The region being a trijunction *(located at the confluence of three geographical regions southern, central and eastern Asia)*, both in terms of political and geographical boundaries, makes it one of the world's most significant geostrategic points.

- **Military significance**: In case of a two-front war against India, control over GB region is capable of drastically affecting and determining the outcome. An advanced Air Force base in GB can devastate the enemy's confidence and steer the movement of conflict to India's side.
- **Rich in resources**: Home to valuable earthy resources, GB is rich in minerals deposits. These include metallic, non-metallic, energy minerals, precious stones and different rocks of industrial use. The southern areas of this region have substantial deposits of nickel, lead, copper and zircon. In its northern regions, it contains deposits of iron, silver, gold, garnet and topaz. Almost all of its mining potential is untapped and capable of generating ample wealth.
- **Strategic importance for India**: The area's strategic importance for India has increased in light of the China-Pakistan Economic Corridor agreement, under which Beijing is investing hugely to develop the area as part of its Belt and Road Initiative, and the concerns of a two-front war after the standoff in Eastern Ladakh in 2020.
- **Importance for China & Pakistan**: For China, the $46 billion China Pakistan Economic Corridor (CPEC) is a means to increasing its strategic presence in Pakistan and CPEC is part of a grand plan to enhancing influence through rail, road and pipeline connectivity to Central and West Asia while linking Gwadar to Xinjiang through Gilgit Baltistan. For this very reason, G-B region is critical for Pak as its sees it as a way to improve its economy. Without Gilgit-Baltistan, CPEC would not be possible.

Suggestions

As with any dispute, the only way to move forward is by communicating with each other to ensure mutual cooperation for collective development and progress. One thing that's clear is that no country can afford to go to war to take control over Gilgit-Baltistan. So, here are few suggestions:

- **Trilateral dialogue**: India, Pakistan and China should begin a trilateral dialogue for dispute-resolution, cooperation and common development. The problems in Jammu and Kashmir have become trilateral in nature, especially after the India-China standoff at the LAC in eastern Ladakh. Therefore, the solutions to these problems, acceptable to all concerned, can only come out of a trilateral dialogue.

Source: The Hindu, Indian Express

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One year of National Education Policy – Explained, pointwise

Introduction
The launch of the National Education Policy 2020 marked remarkable progress in the area of education and learning. **India has completed one year into the National Education Policy**.
The pandemic has slowed the progress of NEP. The NEP is essentially about learning through observation, listening, exploring, experimenting, and asking questions. All of these are hands-on experiences and these aspects are missing in the online learning.
Ever since the announcement of the NEP, the government is focused on laying the foundation for its implementation. But, to fulfill the objectives of NEP, the government should bring in reforms at multiple levels.

About the National Education Policy
The NEP is based on the recommendations of Kasturirangan and T.S.R. Subramanian committees. NEP, 2020 lays emphasis on reforms in education at all levels from pre-primary to higher education. It aims to bring transformation to the education system of India in line with contemporary needs.

Major provisions of NEP
School education
- Universalization of education by 2030 through 100% GER (Gross Enrollment Ratio) from pre-primary to secondary.
- Open schooling system (no admission requirements like NIOS) for out-of-school children.
- 5+3+3+4 curriculum system replacing existing 10+2 system.
- Teaching in mother tongue up to class 5 with no imposition of any language.
- *Higher education*
- Broad-based, multi-disciplinary, holistic UG(Undergraduate) education with provisions of a **flexible curriculum**, **integration of vocational education**, **multiple entries and exit points** with respective degrees, and also **undergraduate programs in regional languages.**
- Academic bank of credits to enable transfers of credits between institutions
- HECI (**Higher education commission of India**) as **umbrella regulator** except for legal and medical education.
- Promotion of multilingualism in schools and colleges.

Read more: National Education Policy

Developments in one year of National Education Policy
- **National boards** have tried during the Covid year **to bring in some changes in classroom transactions** connected with well-being, inclusive education, joyful learning, etc.
- **CBSE has worked to build training modules** in order to steer the programs of the NEP through its active sahodaya school complexes, **with a task force** to oversee implementation.
- The **hubs of learning have been activated**. **Innovation ambassador programs are being created,** which will help in strengthening the mentoring capacity where teachers

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are being trained on design thinking, innovations, etc. This will help create robust, smart future schools.

Planned initiatives under National Education Policy

On the first anniversary of the National Education Policy (NEP), the Centre decided to officially roll out some initiatives promised in the policy. This includes,

1. The much expected **Academic Bank of Credit** will be rolled out for students in over 290 top institutions from the current academic year 2021-22 onwards
2. All institutions in the top 100 of the National Institutional Ranking Framework as well as those who have achieved an A grade under the National Assessment and Accreditation Council will be allowed to participate in the **credit transfer system**.
   - Academic Bank of Credit will keep records of the academic credits of a student. It will **not accept any credit course document directly from the students** for any course they might be pursuing, but **only from higher education institutes**, who will have to make **deposits in students' accounts**.
   - This will help in credit verification, credit accumulation, credit transfer and redemption of students, and promotion of the students
3. **Engineering in regional languages:** The government will also announce the launch of engineering degrees in regional languages in about 14 smaller institutions.
4. The government will also announce the **establishment of the National Digital Education Architecture and National Education Technology Forum**.

Read more: PM to roll out academic credit bank

Challenges faced by the National Education Policy

1. Currently, India is grappling with **huge learning gaps**. This is because the **needs of children are more personalized and cannot be addressed only through online mode**. With the extension of school closures and fear of infections, **children are losing touch with understanding, comprehension, reading, and speaking** skills.
2. The **digital divide is also causing the education divide** in India. Today, in India, over 90 percent of students do not have devices that allow them to access online learning holistically.
3. When **the government is calling for greater autonomy**, several **universities continue to function without full-time heads and vice-chancellors**. For instance, 10 central universities, including Delhi University and JNU, remain without full-time heads.
4. The NEP asks for the highest priority to literacy and numeracy, but **the government has slashed the school education budget** by almost Rs 5,000 crore; **higher education has suffered a Rs 1,000 crore cut**.
5. The **cancellation of the Class XII board examinations** and **subsequent challenges for institutes** of higher education also needs attention.

Read more: Walking NEP talk

Suggestions to improve the National Education Policy

1. For the NEP to move forward, India **needs a robust institutional mechanism** and **large-scale capacity building** to create enthusiasm among stakeholders. **Every stakeholder** at the state, district, sub-district, block-level **has to** have ownership and **understand the concepts** of NEP.

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2. **Directorates of education have to be strengthened** in order to ensure that the **policy permeates to the district and zonal level** educational clusters.
3. To help children to realize their full potential, India requires **effective strategies to physically equip teachers and students with better tools** in the classroom, **increase access to laptops and other gadgets**, install interactive whiteboards and **provide fast and reliable internet access**.
4. India also has to lay **emphasis on vaccination of the young and old**, this will facilitate the faster reopening of schools.
5. The **state and national boards across the nation will have to start with pilot programs**. The **creation of master trainers should be done, and** they have to **train principals and teachers** in urban and rural areas.
6. **Providing the necessary financial resources**:
   - A **special purpose vehicle (SPV) needs to be created** to ensure NEP funds are available and that the implementation process is not delayed.
   - India also needs to **promote private philanthropy for funding** both public and private higher education institutions.
   - **New and additional forms of tax incentives** and other forms of incentives need to be evolved.

Read more: The vision of the National Education Policy must be served by its implementation

In order to implement the NEP, **research, evaluation and documentation** are essential **along with coordination and convergence of the policy and programs connected** with the NEP.

Source: The Indian Express

Terms to know:
- Academic bank of Credit (ABC)

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Pegasus spyware issue – Explained, pointwise

Introduction

Recently, a global collaborative investigative effort, titled the Pegasus project, revealed that Israeli company NSO Group's Pegasus spyware targeted over 300 mobile phone numbers in India. As per reports, at least 40 journalists, Cabinet Ministers, and holders of constitutional positions were possibly subjected to surveillance.

The reports are based on a leaked global database of 50,000 telephone numbers.

Earlier instance of Pegasus in India: In 2019 also, Facebook-owned WhatsApp had confirmed use of Pegasus to target journalists and human right activists in India. In that case it was alleged that the NSO Group targeted around 1,400 WhatsApp users with Pegasus. Among those then targeted in India were several human rights activists and lawyers working in tribal areas, an Elgar Parishad case accused, a Bhima Koregaon case lawyer and others.

What is Pegasus?

- It is a **spyware** created by **NSO Group**, an Israeli cybersecurity firm founded in 2010.
- The NSO Group's founders come from **Unit 8200** – Israel's elite defence force. It is also the Israel Defence Force's largest military unit and probably the foremost technical intelligence agency in the world.
- Pegasus spyware can **hack** any iOS or Android device and steal a variety of data from the infected device.
- It works by sending an **exploit link** and if the target user clicks on the link, the malware or the code that allows the surveillance is installed on the user's phone.
- Pegasus can be **deleted remotely**. It's very hard to detect and once it's deleted, **leaves few traces.**
- It can also be used to **plant messages/mails** which is why there are theories it may have been used to plant fake evidence to implicate activists in the Bhima Koregaon case.
- **Purpose:** Pegasus is designed for three main activities:
  - o collection of historic data on a device without user knowledge
  - o continuous monitoring of activity and gathering of personal information and
  - o transmission of this data to third parties.
- Israel, identifies Pegasus as a **cyberweapon**, and claims that its exports are controlled.

How Pegasus is different this time?

Pegasus spyware has **evolved from its earlier spear-phishing methods** using text links or messages to **'zero-click' attacks** which do not require any action from the phone's user. It is the worrying aspect of spyware.

- It helps spyware like Pegasus to gain control over a device **without human interaction** or human error.
- Most of these **attacks exploit software** that receives data even before it can determine whether what is coming in is trustworthy or not, like an email client.
- They are **hard to detect** given their nature and hence even harder to prevent. Detection becomes even harder in encrypted environments, where there is no visibility on the data packets being sent or received.

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Must Read: <u>**What is a Zero-Click and a spear-phishing attack? – Explained**</u>

How does Pegasus infiltrate devices?

- Pegasus utilizes "**zero click exploits**" that do not require the victim to do anything. Instead, the spyware is designed to take advantage of bugs in popular apps such as iMessage and WhatsApp to infiltrate the system.
- Pegasus can also use **unsecured websites** to infiltrate a device. These are called **network injection attacks** and also happen without the victim's intervention.
- Once inside, Pegasus seeks **root privileges** *(Root privileges is a level of control over the phone that is beyond what a regular user has)*. It enables Pegasus to establish communications with its controllers through an anonymised network of internet addresses and servers. It can then start transmitting any data stored on the phone to its command-and-control centres. This level of control also means Pegasus can turn on the phone's **cameras** and **microphones** to turn it into a **spying device** without the owner's knowledge.

Must Read: <u>**State of surveillance in India – Explained, pointwise**</u>

Implications of Pegasus spyware issue

- **National security implications**: The use of Pegasus poses a national security risk. Who else will have access to that information? How much geopolitics is now influenced by these shadowy cyber weapons?
- The issue also indicates that surveillance rules in India are not as per global standards. This **hinders India's ability to enter data sharing agreements,** which allow government agencies to access data stored overseas when required, with other countries.
- **Weakness of India's cyberwarfare capacity**: Beyond national security, the Pegasus revelations highlight a disturbing weakness in India's cyber warfare capacity. If it is indeed true that Indian government agencies had to purchase a foreign commercial cyber-weapon for their needs, then we have advertised a strategic vulnerability that is bound to be exploited unless rectified quickly.
- **Misuse of data insights**: Vendors of commercial cyber-weapons can get insights as to how their product is being used. This information can be misused by making it available to their governments.

Must Read: <u>**Surveillance laws in India and privacy concerns – Explained**</u>

Challenges

- **Checks and balances**: With the **increasing usage of such tools** both by the countries and criminal elements across the world, one important challenge is of **appropriate checks and balances** that can be built up for preventing misuse of such tools.
- **Detection is difficult**: NSO has invested substantial effort in making its software difficult to detect and Pegasus infections are now very hard to identify.
- **Duopoly of two Operating systems**: Present smartphone market, dominated by just two operating systems – Android & iOS, also makes it easier for companies like NSO Group to carry out the attacks. The scale of these monopolies or duopolies means there's not much variability. Variability makes it harder for cyber offense operations.

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Suggestions/Measures

Users

- Smartphones should always be **updated.** Doing so will ensure that one's phone is susceptible to fewer exploits.
- Arming oneself with **right knowledge about digital security** will help.

Government

- **Legal framework for intelligence agencies**: The intelligence agencies in India must be provided with a legal framework for their existence and their functioning must be under Parliamentary oversight and scrutiny". This will also ensure civil liberties and rule of law are protected. The Shah Commission and the LP Singh Committee recommendations need to be looked into.
- **Governance framework for surveillance**: Pegasus shows that any country that can afford a few thousand dollars can hack the smartphones of heads of government. Hence, the need for a governance framework covering surveillance and information operations is necessary for national security
- **Curtailing discretion:** The laws in India allow for surveillance for reasons including the interest of public safety where it is necessary or expedient so to do in the interests of the sovereignty and integrity of India" and for "public order or for preventing incitement to the commission of an offence". This is a lot of discretion here, which often leads to abuse of these powers. Hence, proper limits to discretion should be laid out.
- **Trans-national treaties**: We urgently need trans-national treaties along the lines of the Paris climate accord to collectively make it difficult for rogue governments and corporations to implement surveillance at scale.

Way forward

India lacks offensive cyber capacity and is thus not a credible cyber power. It needs a serious, realist, non-partisan policy debate on the development and governance of national cyber capabilities, without compromising on the fundamental values of our democracy.

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Retrospective taxation and the Taxation Laws (Amendment) Bill – Explained, pointwise

Introduction

The government has recently introduced the Taxation Laws (Amendment) Bill, 2021, in Parliament. The bill seeks to nullify the contentious **retrospective tax law** by amending the **Income Tax (IT) Act of 1961 and the Finance Act of 2012.**

By the 2012 amendment, the government permitted itself to tax entities retrospectively in 2012, the government has so far made 17 tax demands. This includes tax claims against British telecom company Vodafone and gas major Cairn Energy. The government has collected Rs 8,100 crore in four cases, including Rs 7,800 crore from Cairn alone.

It resulted in the companies making appeals against this decision in the international arbitration. Indian government lost various retrospective Taxation cases within India and abroad also. The recent one was the French tribunal's last month order to freeze Indian properties as part of a guarantee of the amount owed to Cairn.

What is retrospective taxation?

Retrospective taxation allows a country to pass a rule on taxing certain products, items, or services. This taxation is **applied to the companies from a previous date,** i.e. before the date on which the law is passed.

Usually, the **Countries apply** retrospective tax **to correct anomalies in their taxation** policies, that have, in the past, allowed companies to take advantage of such loopholes. But, this retrospective tax hurts companies that had knowingly or unknowingly interpreted the tax rules differently.

In the past, many other countries like the USA, the UK, the Netherlands, Canada, Belgium, Australia, and Italy have retrospectively taxed companies.

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The History behind retrospective tax law

WAS INTRODUCED IN MARCH 2012

2007: Hutch sells 67% interest in Hutch Essar to Vodafone's Dutch affiliate through a Cayman Islands entity holding direct and indirect stake in the Indian company telco

➤ I-T demands $2.2bn capital gains as it involved Indian firm. Vodafone refuses to pay, says deal carried out offshore. Bombay HC rules for tax dept

Jan 2012: Supreme Court rules in favour of Vodafone

March 2012: Govt introduces 'retro amendment' to tax laws

Jan 2014: Tax probe against Cairn

March 2015: Cairn begins international arbitration under India-UK investment treaty

2016: Vodafone seeks arbitration under India-Netherlands treaty

Sept 2020: Vodafone wins arbitration award

Dec 2020: Int'l tribunal rules in favour of Cairn, orders govt to refund $1.4bn (with interest)
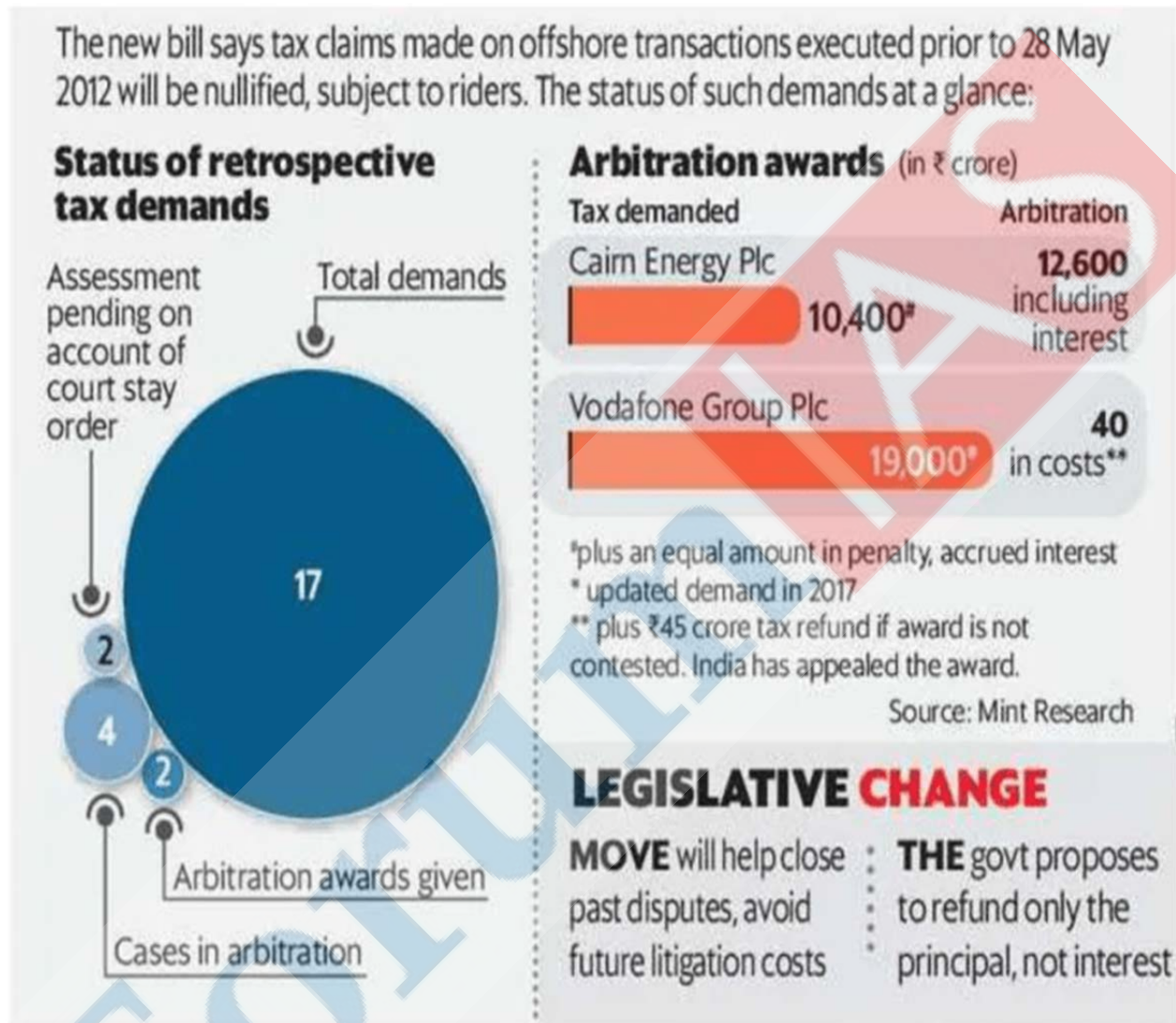
2021: Govt challenges rulings

- Earlier, the Supreme Court had ruled against the retrospective reading of the law by tax officials in the case of Vodafone. Despite that, In 2012, the Indian **government then retrospectively amended the tax code**, giving itself the power to go after **mergers and acquisitions(M&A) deals all the way back to 1962 if the underlying asset was in India**.
- The 2012 amendment to the Income Tax Act aimed to tackle complex transactions that manage to escape taxation in India involving a capital gains tax liability here.
- That included the Dutch arm of Vodafone Group buying a Cayman Islands-based company in 2007, which indirectly held a majority stake in Indian firm Hutchison Essar Ltd later renamed Vodafone India for $11 billion.
- It also covered Cairn Energy's internal restructuring of its India unit in 2006-07 before it went public.

Salient provisions of the Taxation Laws (Amendment) Bill, 2021

- According to the new bill, tax claims made on offshore **transactions,** executed **before 28 May 2012**, when the amendment to the Income Tax Act was brought out, **will be nullified**.
- The government has also proposed to **refund the amount paid in litigation** by companies **without any interest** thereon.
  - **Note**: The total amount involved for all cases is about Rs 8,100 crore.
- However, the demand raised by the Indian government will be nullified based on Specific conditions such as
  - Withdrawal of pending litigation

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- o Companies furnishing that no claim for cost, damages, interest, etc. will be claimed
- Government sources said the move was meant to send a positive message to the investor community.

The new bill says tax claims made on offshore transactions executed prior to 28 May 2012 will be nullified, subject to riders. The status of such demands at a glance:

Status of retrospective tax demands

Assessment pending on account of court stay order

Total demands

17

2

4

2

Arbitration awards given

Cases in arbitration

Arbitration awards (in ₹ crore)

Tax demanded	Arbitration
Cairn Energy Plc 10,400#	12,600 including interest
Vodafone Group Plc 19,000*	40 in costs**

#plus an equal amount in penalty, accrued interest
* updated demand in 2017
** plus ₹45 crore tax refund if award is not contested. India has appealed the award.

Source: Mint Research

LEGISLATIVE CHANGE

MOVE will help close past disputes, avoid future litigation costs

THE govt proposes to refund only the principal, not interest

Implications of Retrospective taxation laws

- Retrospective amendments militate **against the principle of tax certainty** and **damage India's reputation** as an attractive destination
  - o For instance, the 2012 amendment had resulted in companies seeking international arbitration.
- India has recently **suffered various humiliations** in international arbitration while challenging tax demands made under the retrospective clause.

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Rulings against India's retrospective taxation in the past:

Last year, the government received two adverse rulings in cases involving Vodafone and Cairn Plc

- India's imposition of tax liability on Vodafone breached an investment treaty between India and the Netherlands, ruled an **international arbitration tribunal** last year
- Cairn was awarded damages of more than $1.2 billion in December by the **Permanent Court of Arbitration** at The Hague in the retro tax case.
  - A **French tribunal** last month ordered a freeze on some 20 properties belonging to the Indian government as part of a guarantee of the amount owed to Cairn.
- **Devas Multimedia**, which has won a case against Antrix Corporation (a subsidiary of the Indian Space Research Organisation) for arbitrary cancellation of a contract. As Devas subsequently argued in a US court, nine arbitrators and three international tribunals had deemed the termination of the Devas-Antrix deal as unlawful. The sums involved in each of these cases amount to $160 million dollars.
  - Following Cairn's lawsuit in the US, **Devas Multimedia is also seeking a $1.3 billion award** to seize Air India's assets abroad.

Read more: Cairn Energy dispute and Government disputes with private entities – Explained, pointwise

Significance of Curbing Retrospective taxation laws

- The amendment while maintaining the "sovereign right to taxation", also **provides a reasonable opportunity to companies** to resolve the issue.
- It is a welcome move for foreign investors, and it will directly result in **attracting more foreign investments**.
- **Quick recovery of the economy** is the need of the hour. In this direction, foreign investment would play an important role in promoting faster economic growth and employment
- It is in line with the government's commitment to creating a **non-adversarial tax environment.**
- It is a good **opportunity for the affected taxpayers** to close all the past disputes and avoid future litigation costs
- The move is expected to end litigation with 17 companies, including Vodafone and Cairn, apart from addressing criticism about uncertainty
- The amendment also balances two different objectives.
  - One, the policy of the government to have a predictable tax regime.
  - Two, India's concern towards the adjudication of Indian tax law happening through foreign tribunals.
  - This is an attempt to find a solution through the sovereign means of Indian law and not through arbitration

Suggestions

The government now needs to be generous in its settlements with the companies that have been affected by an action that it accepts has been counter-productive for India's development.

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Essential Defence Services Bill, 2021 and Right to Strike – Explained, pointwise

Recently, the Minister of Defence introduced the Essential Defence Services Bill, 2021, in the Lok Sabha. It seeks to empower the government to declare services mentioned in it as "essential defence services" and prohibit strikes and lockouts in any industrial establishment or unit engaged in such services.

The objective behind its introduction is to augment the security of the nation and ensure a continuous supply of defence equipment for the forces. However, it has drawn criticism by the employees of ordnance factories who consider it as a step to curtail their rights and deteriorate their service conditions.

About the Essential Defence Services Bill, 2021:

The bill seeks to replace the Ordinance promulgated in June 2021. It allows the central government to prohibit strikes, lock-outs, and lay-offs in units engaged in the production of essential defense services.

Key features of the Bill include:

- **Essential defence services**: Essential defence services include any service in:
    - any establishment or undertaking dealing with the production of goods or equipment required for defense-related purposes, or
    - any establishment of the armed forces or connected with them or defense.
    - These also include services that, if stopped, **would affect the safety of the establishment** engaged in such services or its employees.
    - In addition, the government **may declare any service as an essential defence service if its cessation** would affect the:
        - production of defence equipment or goods,
        - operation or maintenance of industrial establishments or units engaged in such production, or
        - repair or maintenance of products connected with defence.
- **Public utility service**: The Bill amends the Industrial Disputes Act, 1947 to include essential defence services under public utility services.
    - Under the Act, in the case of public utility services, a six-week notice must be given before:
        - persons employed in such services go on strike in breach of contract or
        - employers carrying on such services do lock-outs.
- **Strikes**: Under the Bill, the **strike is defined as cessation of work by a body of persons acting together**. It includes:
    - mass casual leave,
    - coordinated refusal of any number of persons to continue to work or accept employment,
    - refusal to work overtime, where such work is necessary for the maintenance of essential defense services, and
    - any other conduct which results in, or is likely to result in, disruption of work in essential defense services.
- **Prohibition on strikes, lock-outs, and lay-offs**: Under the bill, the central government may prohibit strikes, lock-outs, and lay-offs in units engaged in essential defense services.

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o Such an order can be issued in the interest of sovereignty and integrity of India, security of any state, public order, public, decency, or morality.

o The prohibition order will remain in force for six months and may be extended by another six months.

Present status of the right to strike:

The right to strike is **a statutory and a legal right,** however, the Supreme Court has reiterated in its various judgements that it cannot be said to be a fundamental right.

There is no fundamental right to strike under **Article 19(1) of the Constitution**. However, it includes the fundamental right to protest, the right to form associations, and trade unions.

The right to strike has been recognised under the **Industrial Disputes Act, 1947**, as a legal right. However, the act differentiates between a 'legal strike' and an 'illegal strike' under section 24. The act defines certain conditions, to go for a legal strike.

Other than that, the **Trade Unions Act, 1926** also recognises the right to strike. It confers immunity from civil liabilities upon the trade unions, under sections 18 and 19.

Judgements and provisions related to the right to strike

- **Article 33 of the Indian Constitution** states that Parliament, by law, can restrict or abrogate the rights of the members of the armed forces or the forces charged with the maintenance of public order.
  - o The power is given to ensure the proper discharge of their duties and maintenance of discipline among them. Thus, for the armed forces and the police, **even the fundamental right to form an association can be restricted under Article 19(4)** in the interest of public order and other considerations.
- **The Madhya Pradesh (and Chhattisgarh) Civil Services Rules, 1965**, prohibit demonstrations and strikes by government servants. It directs the competent authorities to treat the durations as unauthorised absence.
- The Supreme Court in **Delhi Police v. Union of India (1986)** upheld the restrictions to form associations by the members of the non-gazetted police force as per the Police Forces (Restriction of Rights) Act, 1966.
  - o The court held that while the right to freedom of association is fundamental, recognition of such association is not a fundamental right.
  - o Parliament can by law regulate the working of such associations by imposing conditions and restrictions on their functions
- In **T.K. Rangarajan v. Government of Tamil Nadu (2003)**, the Supreme Court held that the employees have no fundamental right to resort to strike.
  - o Further, there is a prohibition to go on strike under the Tamil Nadu Government Servants' Conduct Rules, 1973.
  - o The court said that government employees **cannot hold society to ransom by going on strike**.

Need of the bill:

- **Security of the Nation**: It is meant to provide for the maintenance of essential defense services to secure the security of the nation. These restrictions are essential, considering the **rise in Chinese assertiveness at the border and fear of Taliban intrusion** in the Kashmir region.

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- **Self-Reliance**: The ordnance factories form an **integrated base for the indigenous production** of defense hardware and equipment. The bill would boost domestic production of defense equipment, as it gives greater powers to the government for ensuring an uninterrupted supply.
- **Efficiency and Accountability**: With greater powers, the government would be able to **enforce its decision of corporatization of ordnance factories,** which is needed to improve the efficiency and accountability of ordnance factories.
  - o In June the government announced the corporatization of the Ordnance Factory Board.
  - o Under this, the 41 factories providing ammunition and other equipment to the armed forces will become part of seven government-owned corporate entities.
- **Procedural Requirement**: The President had already promulgated the Essential Defence Services Ordinance, 2021 in June 2021. As per **Article 123** of the constitution, the ordinance shall be laid before both Houses of Parliament.
  - o It shall cease to operate at the expiration of six weeks from the reassembly of Parliament, unless passed before it.

Issues with the bill:

- **First**, the employees of the Ordnance Factory Board (OFB) feel that the bill would **adversely affect their service conditions**. It would **curtail their autonomy and reduce their bargaining power** by restraining them from going on strikes.
- **Second**, it would **enhance the trust deficit** between the government and 70000 employees of 41 ordnance factories as it has been introduced without due consultation.
- **Third**, some experts are taking this bill as **a step to enable the privatisation of ordnance factories** in the future. This fear is inducing more resistance in the employees against the bill.
- **Fourth**, the bill may **suppress the genuine demands of employees** as it also allows disciplinary action and subsequent removal of a hard-working employee participating in strikes.
  - o Further, the concerned authority is allowed to dismiss or remove the employee without any inquiry, if it is not reasonably practicable to hold such an inquiry.

Suggestions:

- The government needs to initiate **confidence-building measures** with the employees of the ordnance factors. This includes conducting more conciliatory talks at the level of the Chief Labour Commissioner.
- They must consult with employees in order to address their concerns over the bill and explain the benefits and need behind its introduction.
- The **opposition parties** should be given a chance to debate over the bill in parliament. They must raise the concerns of employees and get them rectified before the bill gets officially passed.

Conclusion

Right to strike empowers labour against powerful public corporate bodies. However, national security can also not be compromised. Thus, the government should find a way to balance labour rights and national security.

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Source: The Indian Express and The Hindu, PRS

Terms to Know:

- **Essential Defence Services Bill, 2021**
- **Ordnance Factory Board**
- **Article 19(1)**

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IPCC's Sixth Assessment Report: Findings and Suggestions – Explained, pointwise

Introduction

The Intergovernmental Panel on Climate Change (IPCC) has released its Sixth Assessment Report, titled "**Climate Change 2021: The Physical Science Basis**". The report states that human activities are causing climate change, and the **planet is irrevocably headed towards warming by 1.5 degrees Celsius** over pre-industrial times **in the next two decades**.

The report predicts that based on existing commitments by countries to curb their emission, **the world is on track for global temperature warming by at least 2.7°C by 2100**, calling it **'Code red for humanity'**.

The report also mentions that unless extremely deep emission cuts are undertaken by all countries immediately, the 2015 Paris Agreement goals are unlikely to be met. The report recommended that countries should strive to achieve net-zero emissions — no additional greenhouse gases are emitted — by 2050.

About the IPCC and their reports

The Intergovernmental Panel on Climate Change (IPCC) produces assessment reports that are the **most comprehensive scientific evaluations of the state of the earth's climate**.
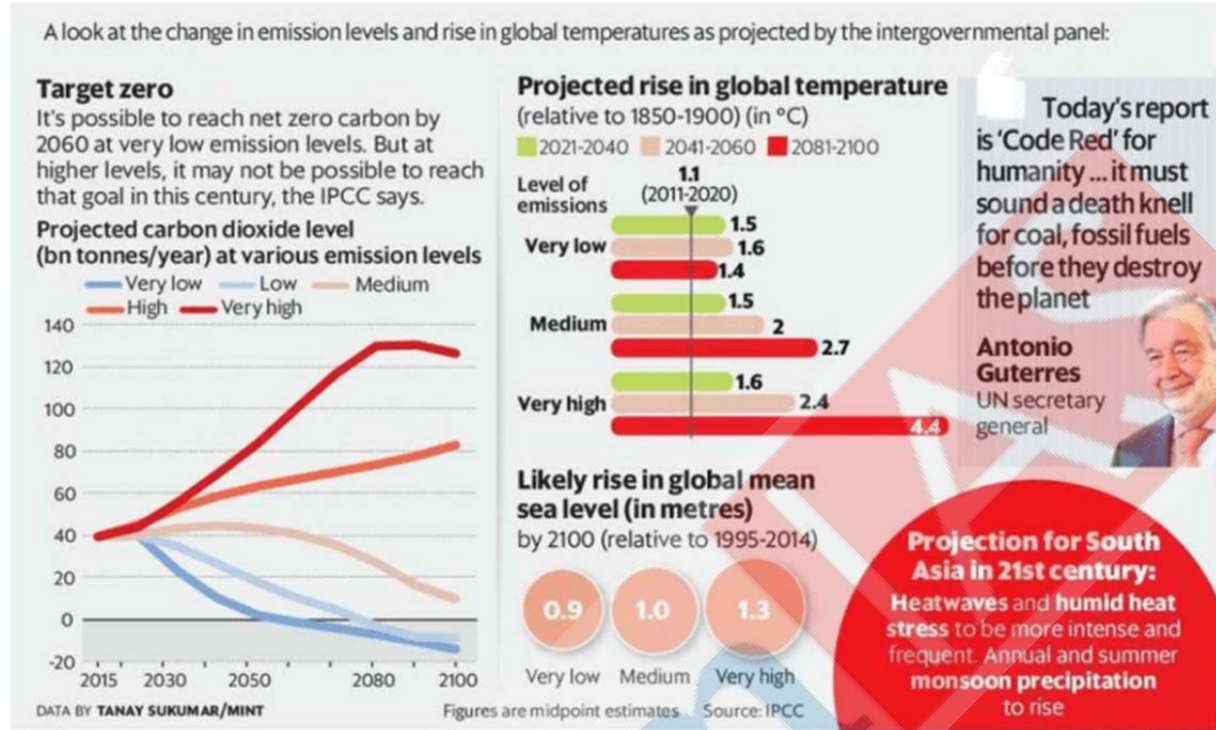
So far, 5 assessment reports have been produced, the first one was released in 1990. The 5th assessment report was released in 2014, in the run-up to the climate change conference in Paris.

IPCC was set up in 1988 by the World Meteorological Organisation (WMO) and the UN Environment Programme (UNEP). The IPCC **does not itself engage in scientific research**. Instead, it asks scientists from around the world to go through all the relevant scientific literature related to climate change and draw up logical conclusions.

The IPCC reports are created by **three working groups of scientists**.

Working Group	Concerned climate research
Working Group-I	Deals with the scientific basis for climate change
Working Group-II	Deals with the likely impacts, vulnerabilities, and adaptation issues
Working Group-III	Deals with actions that can be taken to combat climate change.

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About the IPCC's Sixth Assessment Report

A look at the change in emission levels and rise in global temperatures as projected by the intergovernmental panel:

Target zero
It's possible to reach net zero carbon by 2060 at very low emission levels. But at higher levels, it may not be possible to reach that goal in this century, the IPCC says.

Projected carbon dioxide level
(bn tonnes/year) at various emission levels

— Very low   — Low   — Medium
— High   — Very high

DATA BY **TANAY SUKUMAR/MINT**

Projected rise in global temperature
(relative to 1850-1900) (in °C)
2021-2040   2041-2060   2081-2100

Level of emissions   1.1 (2011-2020)

Very low — 1.5 / 1.6 / 1.4
Medium — 1.5 / 2 / 2.7
Very high — 1.6 / 2.4 / 4.4

Likely rise in global mean sea level (in metres)
by 2100 (relative to 1995-2014)

0.9 Very low   1.0 Medium   1.3 Very high

Figures are midpoint estimates   Source: IPCC

Today's report is 'Code Red' for humanity ... it must sound a death knell for coal, fossil fuels before they destroy the planet

Antonio Guterres
UN secretary general

Projection for South Asia in 21st century:
Heatwaves and humid heat stress to be more intense and frequent. Annual and summer monsoon precipitation to rise

The **first part (Working Group I) of IPCC's Sixth Assessment Report** release follows a two-week-long plenary session held virtually from July 26 to August 6, 2021. The **two remaining parts would be released next year**.

The **report updates the scientific consensus** and **charts the future state of the climate since the 5th Assessment Report** of 2014.

The latest scientific assessment will **influence discussions on the Conference of Parties meeting in Glasgow later this year** when countries are expected to announce plans and steps they have taken to curb emissions.

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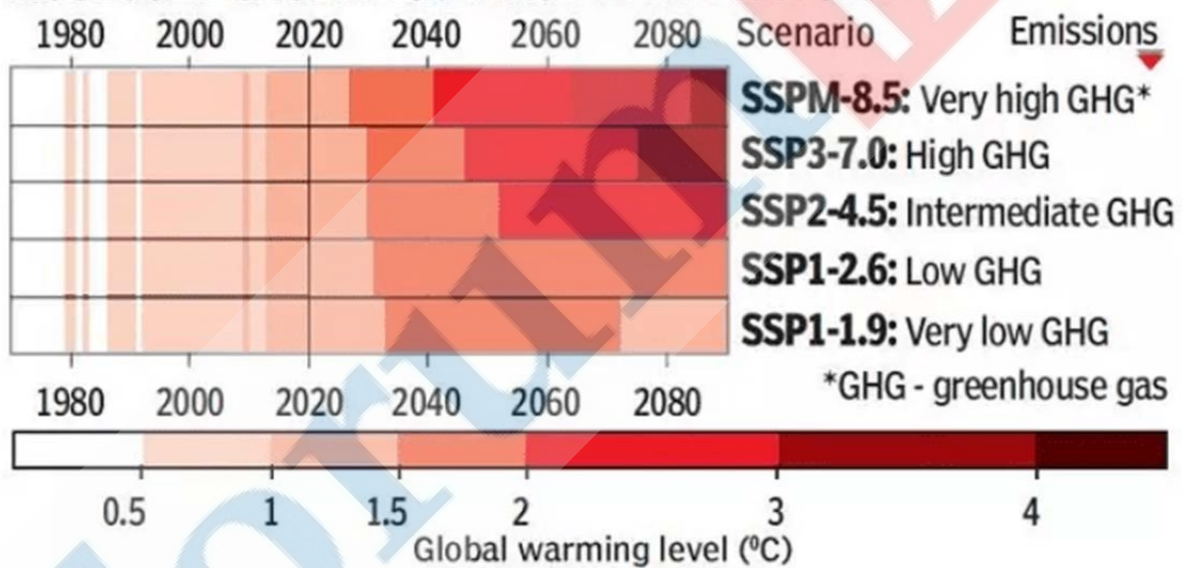**Key findings of the IPCC's Sixth Assessment Report**

KEY MESSAGES

Temperature
➤ Globally, the planet will warm up by 1.5°C in the next two decades over pre-industrial (1850-1900) level
➤ Even in the most ambitious emissions pathway (drastic reduction), it'll overshoot to 1.6°C

before temperature declines to 1.4°C at the end of the century
➤ Under existing emissions trajectory (total ambition of climate pledges to date), it'll be on track for global average temp rise of at least 2.7°C by 2100

ASSESSED GLOBAL SURFACE TEMPERATURE

| 1980 | 2000 | 2020 | 2040 | 2060 | 2080 | Scenario | Emissions |

SSPM-8.5: Very high GHG*
SSP3-7.0: High GHG
SSP2-4.5: Intermediate GHG
SSP1-2.6: Low GHG
SSP1-1.9: Very low GHG
*GHG - greenhouse gas

| 1980 | 2000 | 2020 | 2040 | 2060 | 2080 |

0.5   1   1.5   2   3   4
Global warming level (°C)

The report justifies India's position that **historical cumulative emissions are the source of the climate crisis that the World faces today**. Climate change is described by many as a far greater threat to humanity than COVID-19, because of its irreversible impacts.

Global temperature has already risen by about 1.1 degrees Celsius from pre-industrial times and warn that the **1.5-degree-Celsius threshold was likely to be breached before 2040**. The 2°C warming is likely to get exceeded by the end of this century. To limit that, the **global emissions must peak by 2025 to keep warming at 1.5°C**. But that is unlikely to occur.

This is the **first time that the IPCC has said that the 1.5 degrees warming was inevitable,** even in the best-case scenario.

The report mentions that more intense and frequent heat waves, increased incidents of extreme rainfall, dangerous rise in sea levels, prolonged droughts, melting glaciers will occur all over the world.

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The report mentions that the **benefits of immediate action can begin to show results over time scales of 10 to 20 years**.

Tropical Cyclones

The frequency of cyclones has increased by more than 50%.

Tropical cyclones are getting stronger and wetter with the increased global warming. Sea level increase, High sea surface temperature, the presence of surplus moisture in the atmosphere results in intense cyclonic events.

Read more: Floods in Europe and lessons for India – Explained, Pointwise

Green House gases and CO2 emissions
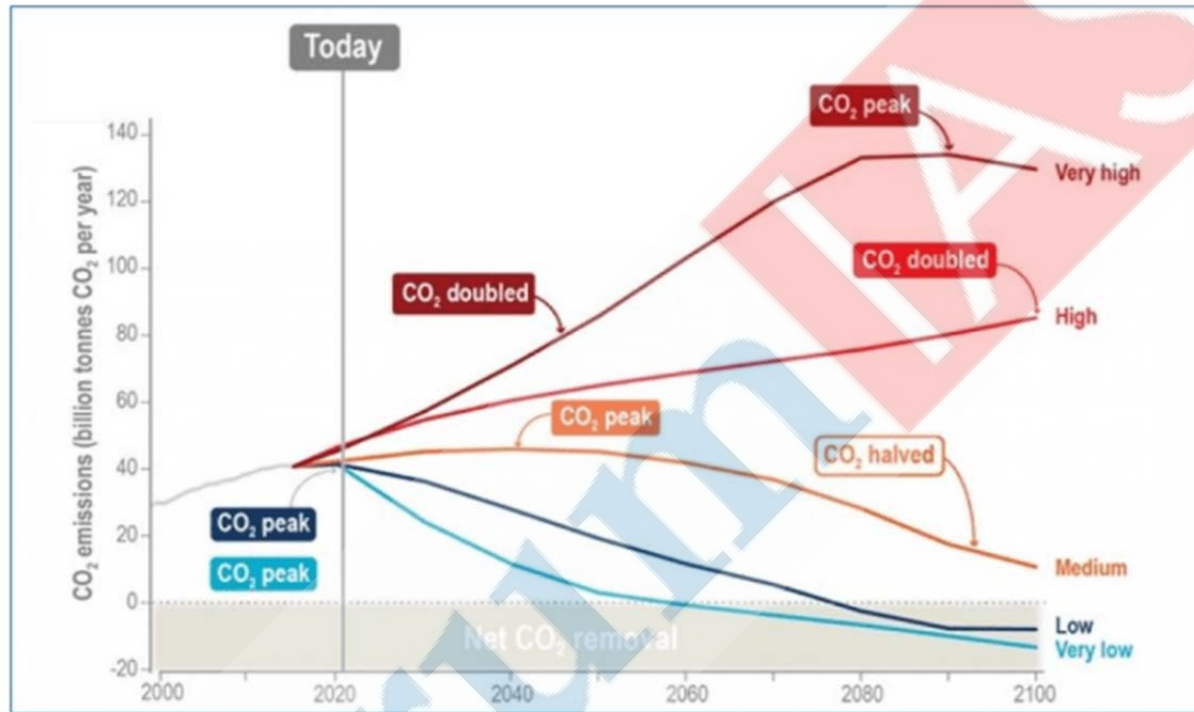
Source: Climate Change 2021: The Physical Science Basis

Humans have emitted 2,400 billion tonnes of CO2 since the late 1800s. The carbon dioxide concentrations in the atmosphere — **at around 416 parts per million** — are the **highest they have been in 2 million years**

Greenhouse-gas emissions from human activity have raised global temperatures by 1.1 degrees Celsius since around 1850.

The concentrations of lethal air pollutants such as sulphur dioxide (SO2), nitrogen dioxide (NO2), ammonia (NH3), ozone (O3) and Particulate Matter2.5 are at their highest in south Asia.

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Global total net CO₂ emissions

Billion tonnes of CO_2/yr

In pathways limiting global warming to 1.5°C with **no or limited overshoot** as well as in pathways with a **higher overshoot**, CO2 emissions are reduced to net zero globally around 2050.

Four illustrative model pathways

P1
P2
P3
P4

Timing of net zero CO₂
Line widths depict the 5-95th percentile and the 25-75th percentile of scenarios

— Pathways limiting global warming to 1.5°C with no or limited overshoot
— Pathways with **higher** overshoot
— Pathways limiting global warming below 2°C (Not shown above)

Non-CO₂ emissions relative to 2010

Emissions of non-CO₂ forcers are also reduced or limited in pathways limiting global warming to 1.5°C with **no or limited overshoot**, but they do not reach zero globally.

Methane emissions

Black carbon emissions

Nitrous oxide emissions

Source: IPCC Special Report on Global Warming of 1.5°C

Global warming
Currently, the **global mean temperature rise is 1.1°C**.
The temperatures during the most recent decade (2011-2020) exceed those of the most recent multi-century warm period, around 6,500 years ago

Sea level rise
Oceans are warming, and sea level is increasing by 3.7 mm, or about 0.1 inches, a year.
Sea-level rise has tripled compared with 1901-1971. The Arctic Sea ice is the lowest it has been in 1,000 years

Rainfall
A phenomenon such as heavy rainfall over land, for instance, could be **10.5% wetter in a world warmer by 1.5°C**, and occur **1.5 times more often**, compared to the 1850-1900 period. At a global scale, **extreme daily rainfall events would intensify by about 7%** for each additional degree Celsius of global warming

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Heatwaves

At 2 degrees of global warming, heat extremes would more often reach critical tolerance thresholds for agriculture and human health.

Snow

There has been a 40 percent decrease in Arctic sea ice since 1979.

Snow-covered areas and snow volumes will decrease during the 21st century, **snowline elevations will rise and glacier mass is likely to decline** with greater mass loss in higher greenhouse gas emission scenarios.

Rising temperatures and precipitation can increase the occurrence of glacial lake outburst floods and landslides over moraine-dammed lakes.

Mountain glaciers will continue to shrink and permafrost to thaw in all regions where they are present.

Large Volcanic events

Before the end of the century, there will be at least one large volcanic eruption. Large volcanic eruptions shoot out aerosols (small particles) into the upper atmosphere. These reflect sunlight and induce a long-term cooling effect on the surface

The compound of extreme events

The report mentions that **two or more climate change-induced events are happening back to back, triggering each other**, or occurring simultaneously. Concurrent heat waves and droughts are likely to become more frequent.

For example, a recent event in Uttarakhand, involving heavy rainfall, landslides, snow avalanche, and flooding, is a good example of a compound event.

Other findings

- If emissions continue to rise, **oceans and land**, two important sinks **would be greatly weakened in their ability to absorb atmospheric carbon dioxide**.
- **Marine heatwaves** are causing **coral bleaching and greater acidification demolishing fish stocks**.
- The **last decade was hotter than any period of time in the past 125,000 years.**
- The report mentions that humanity will continue to see the worst effects impact on lives, livelihoods, and natural habitats.

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Key findings of the IPCC's Sixth Assessment Report on India

WHAT DOES THIS MEAN FOR INDIA?

➤ The country is expected to see an **increase in frequency and severity of hot extremes**

➤ **Incidents of forest fire may go up** because of heat wave conditions

➤ Increase in rainfall will be more severe over the southern parts of India

➤ **Rain could also increase by 20%** in the southwest coast compared to 1850-1900 level

➤ Monsoon precipitation is projected to go up in the mid- to long-term over south Asia

➤ This can increase the occurrence of **glacial lake outbursts, floods and landslides** over moraine-dammed lakes

➤ Snowline elevations will rise and **glacier volumes will decline**

➤ Regional mean sea level in south Asia will continue to rise

1. The **Indian Ocean is warming at a higher rate than other oceans**. As a result, India will face the following issues.
   - Changes in **monsoon precipitation** are expected, with both annual and summer monsoon precipitation projected to increase. **More severe rain is expected over southern India** in the coming decades. The report says the **presence of aerosols and particulate matter due to human activity has influenced rainfall events** in the Indian subcontinent.
   - With a 7,517-km coastline, India will also witness a **rise in sea levels**, leading to **frequent and severe coastal flooding** in low-level areas. Across the six Indian port cities of Chennai, Kochi, Kolkata, Mumbai, Surat, and Visakhapatnam, 28.6 million people would be exposed to coastal flooding if sea levels rise by 50 cm.
   - The **global mean sea level in the Indian Ocean** is **rising at 3.7 mm annually**. Extreme sea-level events, that previously occurred once every 100 years, will now be seen nearly every year
2. **Glaciers in the Hindu Kush Himalayan (HKH) region will keep shrinking** and the snow cover will retreat to higher altitudes.
3. **Heatwaves and humid heat stress will be more intense and frequent** in the 21st century.

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4. **Northern India or specifically the Indo-Gangetic Plain** was one among three large agricultural regions along with the US Midwest and Central Valley, where **high ammonia concentrations** were seen **due to large-scale burning of biomass**.
5. India's geography makes it extra vulnerable to extreme climate events. The geography of India is such that it is surrounded by the **warm tropical waters** of the Indian Ocean on all three sides and the **melting Himalayas** on the north.

Suggestions of the IPCC's Sixth Assessment Report

The IPCC report asks nations to follow the science and embrace their responsibility to keep the goal of 1.5C alive.
- The report also suggests, countries **come forward with ambitious 2030 emission reduction targets** and **long-term strategies with a pathway to net-zero**.
  - The IPCC report also **acknowledged that India was already doing much more than it was required** to do. But the report demanded India declare net-zero emission targets.

Read more: [Net Zero Emissions Target for India – Explained, Pointwise](#)

- The **developed countries** with legacy emissions have to **take steps to deep cuts** and **transfer technology** without strings to emerging economies and **heavily fund mitigation and adaptation**.
- The IPCC report demands that **all countries should update their climate action plans,** called nationally determined contributions or NDCs **with stronger actions**.
- There must be **no new coal plants built after 2021**. **Organization for Economic Co-operation and Development (OECD) countries must phase out existing coal by 2030**, with all others following suit by 2040.
- **By 2030**, **solar and wind capacity should quadruple and renewable energy investments should triple** to maintain a net-zero trajectory by mid-century
- The **traditional knowledge of the world's indigenous peoples can be a vital** tool in the fight to mitigate the growing climate crisis. The report cited a number of instances such as,
  - Peruvian fishermen's first thought of the name 'El Niño'
  - The contributions of Inuit communities to community-based monitoring across the Arctic,
  - Indigenous Australian knowledge of climatic patterns
- **Technologies are available to disrupt the current fossil fuel-driven industrial system**. The countries now have to take disruptive actions to disrupt fossil fuels.
- A **countrywide assessment that urgently maps the risks based on the changes in climate is much needed**.

Conclusion

The mitigation strategies submitted by nations through the Paris Agreement are insufficient to keep the global temperature increase within the 1.5°C or even 2°C limits.
Scientists say a temperature rise beyond 2 degrees Celsius would result in catastrophic and irreversible changes that would make it difficult for human beings and other species to survive.
So, the IPCC's Sixth Assessment Report requires world leaders, the private sector, and individuals to act together with urgency and do everything it takes to protect our planet.

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The Criminalisation of politics and Supreme Court – Explained, pointwise

Introduction

Recently, the SC issued few important directives to prevent the criminalisation of politics. The state governments withdraw cases against MPs and MLAs frequently. To curb that, recently, the Supreme Court held that a criminal case against an MP or MLA can be withdrawn only after getting the consent of the State High Court concerned. In another case, the Court issued few steps to weed out the criminalisation from legislators. This article explains the recent Supreme Court steps to stop the criminalisation of politics.

What is the criminalisation of politics?

The criminalisation of politics means the rising participation of criminals and people facing criminal charges in politics. The term indicates people with criminal backgrounds becoming politicians and elected representatives.

The growth of criminalisation of politics in India

- It has been observed that over the last four general elections, there has been an alarming increase in the incidence of criminals in politics.
- In 2004, 24% of the Members of Parliament had criminal cases pending against them; in 2009, that went up to 30%; in 2014 to 34%; and in 2019 as many as 43% of MPs had criminal cases pending against them.
- According to the Association of Democratic Reforms (ADR), **Nearly half of the recently elected Lok Sabha members** have criminal charges against them. This is a **26% increase as compared to 2014**.

About the recent case (case 1)

The SC bench was hearing a pending PIL, seeking the **establishment of fast-track courts for cases against legislators**.

In November 2017, the Supreme Court had ordered the setting-up of Special Courts in each state to try the pending cases. Accordingly, **12 such courts were set up across the country**.

About the withdrawal of cases against legislators

Various State governments have resorted to the withdrawal of numerous criminal cases pending against MP/MLA by utilising the power vested under Section 321 CrPC.

- Under Section 321, the public prosecutor or assistant public prosecutor may, with the consent of the court, withdraw from the prosecution of a case at any time before the judgment is pronounced.
- For instance, In 2020, the Karnataka government decided to withdraw 61 cases, many of which were against elected representatives. Similarly, the Uttarakhand government had filed for withdrawing a murder case against a sitting MLA.
- *About the Supreme Court's ruling:*
- The court held that the **power under Section 321 CrPC is a responsibility** that is to be utilised in the public interest and cannot be used for extraneous and political considerations.
- To ensure expeditious disposal of pending cases, the **SC directed the officers presiding over Special Courts or CBI Courts** involving the prosecution of MPs or MLAs **to continue in their present posts until further orders** (No transfer is permitted). This direction will be subject to their superannuation or death.

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- The court mentioned that CBI, ED and other central agencies delay filing status.
- The SC observed the following things.
  o There are no details about the States or which is the oldest case.
  o So, the SC directed the Centre to **submit detailed reports on the cases registered by CBI, ED and other central agencies** against MPs and MLAs. These cases range from corruption to money laundering.

Read more: Legislature won't act against the criminalisation of politics: SC

About the transparency in elections (case 2):

In another case, the supreme court observed that **criminalisation in the Indian political system is growing day by day**. The Court also observed that "Persons involved in the criminalisation of the political system should not be permitted to be the lawmakers."

To curb that, the February 2020 order of the SC **required political parties to publish details of criminal cases against its candidates** on their websites besides a local vernacular newspaper and a national newspaper and social media accounts. This has to be done within 48 hours of candidate selection or not less than two weeks before the first date for filing of nominations, whichever is earlier.

SC directives to curb criminalisation of politics

The **SC modified this and said the following things** to weed out criminalisation.

- **The details "shall be published within 48 hours** of the selection of the candidate".
- **Political parties to have a caption** "candidates with criminal antecedents candidates" **on their homepages**.
- The SC asked **ECI "to create a dedicated mobile application** containing information published by candidates regarding their criminal antecedents" so that voters can get all the information in one stroke and to carry awareness campaigns for voters.

Consequences of criminalisation of politics:

1. The presence of people with criminal backgrounds in politics and law-making of the country has **negative impacts on the quality of democracy.**
2. Enormous amounts of **illegal money flow into the electoral process** due to extensive links with the criminal underworld.
3. The criminalisation of politics also has the consequence of **obstructing the process of justice and causing further delays** in trials.
4. Criminals entering politics further **increases corruption in public life** and has an adverse **negative impact on the state institutions** including the bureaucracy, the executive, the legislature and the judiciary.
5. The criminalisation of politics **introduces a culture of violence in society** and sets a bad precedence for the youth to follow.

Judicial steps to control criminalisation of politics

- **In Union of India (UOI) v. Association for Democratic Reforms and Anr, 2002,** the SC held that every candidate, contesting an election to the Parliament, State Legislatures or Municipal Corporation, has to declare their criminal records, financial records and educational qualifications along with their nomination paper.
- **In Ramesh Dalal vs. Union of India, 2005,** the SC held that a sitting MP or MLA shall also be subject to disqualification from contesting elections if he is convicted and sentenced to not less than 2 years of imprisonment by a court of law.

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- The SC in **Public Interest Foundation vs Union Of India case**, 2018 had also directed political parties to publish online the pending criminal cases of their candidates.
  - o In this case, the court **left the matter of disqualification of politicians** carrying criminal charges against them, **to the Parliament** saying that the court cannot add to the grounds of disqualification.

Suggestions to control the criminalisation of politics

Election Commission Recommendations:

- The Election Commission in its "Proposed Electoral Reforms" (2016) recommended that persons charged with cognizable offences should be debarred from contesting in the elections, at the stage when the charges are framed by the competent court provided the offence is punishable by imprisonment of at least 5 years, and the case is led at least 6 months prior to the election in question.
- **2nd ARC Recommendations:** The Second Administrative Reforms Commission in its fourth report on Ethics in Governance (2008) made the following recommendations:
- Section 8 of RPA needed to be amended to disqualify all persons facing charges related to grave and heinous offences and corruption, where charges have been framed six months before the election.
- It also supported the proposal of including the filing of false affidavits as an electoral offence under Section 31 of Representation of the People Act, 1950.

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Maritime Security Challenges – Explained, Pointwise

Introduction

The issue of Maritime Security is being discussed at the global level. India recently hosted the UNSC summit on maritime security. The meeting was chaired by India, as it holds the council's membership for the month of August.

A cautious discussion and deliberation took place in the meeting over concerning issues like piracy, terrorism, smuggling, etc. The countries understood and acknowledged the importance of joint collaboration for strengthening maritime security and ensuring a rule-based order. Later on, the UNSC adopted a 5 point agenda proposed by the Indian PM for tackling maritime security.

About Maritime Security:

Currently, there is **no common definition of maritime security** in international relations. Nonetheless, the term includes issues in the maritime domain comprising **national security, marine environment, economic development, and human security**. Besides the world's oceans, it also deals with regional seas, territorial waters, rivers, and ports.

Maritime Security Issues

1. **Piracy**: There is a persistent threat of pirate attacks on ships, especially around the Somali coast. This jeopardizes trade and commerce.
2. **Terrorism**: International waters are used by terrorists to execute their operations. For instance, the 2008 Mumbai Attacks occurred due to a maritime security lapse.
3. **Illegal Migration:** International Oceans are a better way to enter into another country's territory than taking the land/air route. Thus, a higher degree of illegal migration happens through maritime waters.
4. **Transnational organized crimes:** The waters are also used for transnational organized crimes that inflict significant harm on the global economy and jeopardize the security of the state.
   - This includes illicit trafficking in narcotic drugs and psychotropic substances, trafficking in persons, illicit trafficking in firearms, etc.
5. **Environmental catastrophes**: The rising pollution level and climate change have enhanced the frequencies of cyclones, floods, etc. catastrophes across the world.

Why is India focusing on Maritime Security?

- **International Trade:** The country's major portion of imports and exports is carried on through maritime waters. Thus securing sea lanes of communication is imperative for economic growth.
- **Huge coastline:** India has over 7000 km of coastline which **enhances its vulnerability to maritime threats** as testified by the 2008 Mumbai attacks.
- **Chinese Assertion:** China is increasing its influence in the Indian Ocean region, which may threaten India's regional interest. Further, it may deter India with its naval might to coerce it on other issues.
  - For instance, in August 2020, during the Eastern Ladakh class, China sent the Yuan Wang class research vessel into the Indian Ocean.

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- **Blue Economy**: It consists of economic activities dependent on marine resources, comprising 4.1% of India's economy. The sector has immense future potential, but its development is possible only in a secure marine environment.
- **Technological Advancement**: A greater focus on maritime security is also desired due to **its rapidly evolving nature**. For instance, an Israeli ship was attacked recently by a drone in the north Arabian Sea, killing two crew members.

Mechanisms available against maritime challenges:

- **UNCLOS:** It is known as the UN Convention on the Law of the Sea or the Law of the Sea Treaty. It defines the rights and responsibilities of nations towards the use of the world's oceans.
  - It enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole.
- **SAGAR**: Indian PM put forward the SAGAR (Security and Growth for all in the Region) vision in 2015. It aims to deepen economic and security cooperation with its maritime neighbors and assist in building their maritime security capabilities.
- **IPOI**: SAGAR's vision was further elaborated through the **Indo-Pacific Oceans' Initiative (IPOI)**. The initiative focused on seven pillars of maritime security –
  - Maritime Ecology, Maritime Resources, Capacity Building, and Resource Sharing,
  - Disaster Risk Reduction and Management, Science, Technology and Academic Cooperation and Trade Connectivity and Maritime Transport.
- **QUAD**: It is a strategic dialogue between India, USA, Japan, and Australia. The objective is to ensure and support a "free, open, and prosperous" Indo-Pacific region.
- **Contact Group on Piracy off the Coast of Somalia (CGPCS)**: It is an international governance mechanism established in New York on January 14, 2009. It aims to facilitate the discussion and coordination of actions among states and organizations to suppress Somali piracy.

Issues in tackling maritime challenges:

1. **Non-obedience:** Strong nations are often seen disregarding International Law. For instance, China disobeyed the Permanent Court of Arbitration (PCA's) award over the South China Sea dispute. The ruling dismissed Beijing's claims on the entire area in the nine-dashed line in the South China Sea.
2. **Most of the Maritime region is part of the High Seas**: This peculiarity enhances the vulnerability as no individual country can exercise sole jurisdiction on high seas. It is a global common and hence many countries refrain from investing their resources for augmenting the security framework of the high seas.
3. **Lacking Universal Character**: The most fundamental treaties concerning maritime security don't possess a universal character. For instance, the US has only signed UNCLOS but not ratified it, thus generating scope for violation.
4. **No Consensus on Definition**: Decades have been passed since the adoption of UNCLOS. However, nations have failed to build a consensus over a uniform definition of maritime security.
5. **Geopolitical Interests supersede Security Concerns**: Another issue impeding maritime security is the notion of giving primacy to Geopolitical Interests. For instance,

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Russia's Geopolitical interests induce it to overlook China's violation of UNCLOS in the South China Sea region.

Suggestions:

- The recently **adopted 5 point agenda on maritime security by the UNSC should be implemented in letter and spirit**. This includes:
    - o Free maritime trade without barriers to establishing legitimate trade;
    - o Settlement of maritime disputes should be peaceful and on the basis of international law only;
    - o Responsible maritime connectivity should be encouraged;
    - o Need to collectively combat maritime threats posed by non-state actors and natural calamities;
    - o Preserve the maritime environment and maritime resources.
- Efforts should be made **for building consensus on the creation of a maritime security body** in the UNSC, as proposed by the Russian President.
- Further, all the **countries must become part of Global treaties like UNCLOS** in order to foster better cooperation and coordination on maritime security. This would also **help in agreeing to a common definition** of maritime security.

Conclusion

Countries must realize that seas are our shared heritage and sea routes are the lifeline of international trade. They should collaborate with each other in the spirit of the UN charter, which involves respecting sovereignty, non-intervention in internal affairs, and settling disputes through dialogue.

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Landslides in India: impacts and management – Explained, pointwise

Introduction

A landslide has struck the Kinnaur district of Himachal Pradesh, the 2nd time within 15 days, killing at least 14 people and burying several others. The catastrophe has been severe, with mud, rocks, and debris raining down on vehicles, including a state transport corporation bus on National Highway 5.

15% of the Indian landmass are prone to landslides, however, its vulnerability is going to rise in the future due to climate change and population pressures. This enhanced magnitude can be tackled by adopting a multi-pronged approach covering all aspects of disaster governance i.e. mitigation, preparedness, response, and rehabilitation.

What is Landslide?

A landslide is defined as the **movement of a mass of rock, debris, or earth**, down a slope due to the action **of gravity**. Areas with steep slopes, for example, mountainous regions, are particularly susceptible to landslide hazards. Earth flow, mass movement, mudflow, rotational slip, and avalanches are all examples of landslides.

Types of Landslides

- **Falls**: It happens due to the abrupt movements of the mass of geologic materials, such as rocks and boulders, that become detached from steep slopes or cliffs.
- **Topples**: It happens due to the forward rotation of a unit or units about some pivotal point, under the actions of gravity and forces exerted by adjacent units or by fluids in cracks.
- **Slides**: In this type, rocks, debris, or soil slide through slope forming material.
- **Spread**: It usually occurs on very gentle slopes or flat terrain.

Landslides and India

- Landslides and avalanches are among the major hydro-geological hazards that affect large parts of India.
- Around 15% of the country's region is prone to landslides. The Himalayas of Northwest and Northeast India and the Western Ghats are two regions of high vulnerability.
- Some major recent incidents are Kerala (2018), Himachal Pradesh (2018), Uttarakhand (2018), Tamenglong-Manipur (2018), and Kalikhola, Manipur (June 2017).

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Landslide Zonation Map
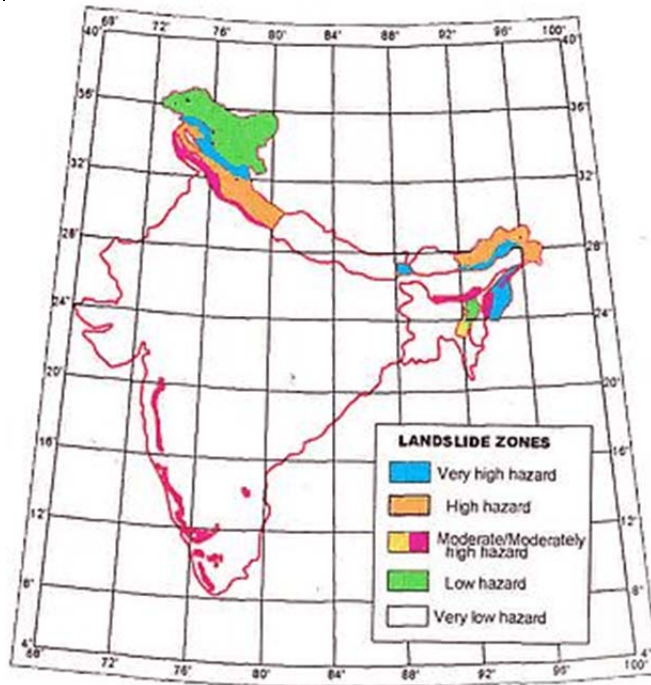
Source: NDMA

Causes behind Landslides

Natural causes

- **Earthquakes**: They cause a sudden shaking of earth's crust which creates stress on materials, thus leading to landslides.
- **Heavy Rainfall**: The occurrence of heavy or continuous rainfall may lead to heavy landslides in the areas of steep slopes. Water works as a lubricating agent and loosens up the material. For instance, the 2013 Uttarakhand Cloudburst brought immense landslides in the region.

Anthropogenic causes

- **Infrastructure Development**: The creation of roads, railways, dams, etc. in the mountainous region can result in landslides. For instance, **the development of Konkan Railways in western ghats** is considered a significant reason behind the frequent occurrence of landslides in the region.
- **Mining:** It involves removing the surface of the earth for mineral exploration, which loosens the grip of material. Further explosions are also a part of mining, which may result in landslides.
- **Deforestation**: Trees are cut for agricultural and industrial activities which loosens the soil grip and makes the region more vulnerable to landslides.
- **Unsustainable Tourism:** The rising tourist influx in the Himalayan region puts greater pressure on land as more infrastructure and amenities are needed to accommodate them. This leads to more construction and greater landslides.

Landslide Vulnerability in India

- **Climate change:** The most recent report by the Intergovernmental Panel on Climate Change (IPCC) stated that a global rise of 1.5 degrees Celsius (from pre-Industrial times)

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was inevitable in the next two decades. This would increase glacier melt and more water would flow over the steep slopes, thereby generating more landslides.

- **Tectonically active Himalayas:** They are young fold mountains that lie on the convergence of two tectonic plates. This enhances the probability of earthquakes, which can result in an increased number of landslides.
- **Population Pressure:** India has only 2.4% of the world's area, but holds approximately 17% of the world's population. Further, the population is going to rise till 2050, this calls for creating more infrastructure in the fragile ecosystems.
- **Nature of Rivers:** The rivers in Himalayan regions are mighty and in their youthful stage. They do a lot of downcutting, which enhances the occurrence of landslides.

Read more: 1st International Conference on "Landslides Risk Reduction and Resilience-2019"

Impacts of landslides

- **Loss of Lives:** The most traumatizing impact of a landslide is the loss of precious human and animal lives. In the recent Kinnaur Landslide, already 14 confirmed deaths have been reported.
- **Restricts Movement:** The mud, rocks, and debris moving down the slope create a barrier on critical transportation routes like highways, railway lines, etc. This restricts the movement of goods and people.
- **Infrastructural Damage**: Several houses, buildings, roads, and other infrastructure get damaged whenever a landslide occurs.
- **Economic Losses:** A significant amount is spent on reconstructing the lost infrastructure, rehabilitating of masses, and providing relief support to the impacted people.
- **Jeopardize Water Availability:** When landslides occur on the slopes of a river valley, the sliding mass may reach the bottom of the valley and cause partial or complete blockage of the river channel. This accumulated mass of landslide debris resulting in the blockage of a river is commonly termed as a **Landslide dam**. It may impair the availability of water for nearby people.

Steps taken for Landslide Management in India

- **National Landslide Risk Management Strategy (2019):** It addresses all the components of landslide disaster risk reduction and management, which includes –
    - hazard mapping, monitoring, and early warning system, awareness programs,
    - capacity building, training, regulations, and policies, stabilization and mitigation of landslides, etc.
- **National Disaster Management Authority (NDMA) Guidelines on Landslide Hazard Management (2009):** It tells measures that should be taken to avoid or mitigate the risk posed by landslide hazards. Some guidelines –
    - Delineating areas susceptible to landslide hazards
    - Encouraging implementation of successful landslide remediation and mitigation technologies.
    - Developing institutional capacity and training for geoscientists, engineers, and planners is necessary for the effective management of the landslide hazard.

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- **National Institute of Disaster Management (NIDM)**: It is a premier institute that provides Capacity Building support to various National and State level agencies in the field of Disaster Management & Disaster Risk Reduction.
- However, the above efforts are unable to deliver optimum results due to limited resources, financial constraints, and the use of obsolete technology for landslide management.

Suggestions

- **First**, states like Himachal Pradesh and Uttarakhand which are in the high-risk zone should take great caution in pursuing disruptive projects. There should be **proper implementation of Environmental impact assessment** norms before initiating mining or dam construction.
- **Second**, there should be the **adoption of landslide micro zoning procedures** for mountainous and other highly vulnerable regions.
- **Third**, more **funding** should be given to Landslide planning and mitigating agencies to improve disaster management potential.
- **Fourth**, there should be **involvement of locally available trained manpower** to intensify the hazard reduction and public awareness programs.
- **Fifth**, **mitigation strategies like limiting agriculture** to valleys and areas with moderate slopes, promoting large-scale **afforestation** programs, and **construction of bunds** to reduce the flow of water, etc. should be encouraged.

Conclusion

India has a high degree of vulnerability towards the occurrence of Landslides. It is therefore not possible for the government to completely stop their occurrence. Although, it can definitely curtail their adverse impact by developing robust resilience in consonance with the **Sendai Framework for Disaster Risk Reduction** 2015-2030.

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The State of Urban Wetlands in India – Explained, pointwise

Introduction

Four more wetlands have been recognized as wetlands of international importance under the Ramsar Convention, taking the number to 46. The inclusion will provide better protection and conservation of the wetlands, especially the urban wetlands.

However, the estimates of Wetlands International South Asia shows that **nearly 30% of the natural wetlands in India have been lost** in the last three decades. This should raise an alarming bell for the nation, as wetlands provide multiple services and play a critical role in sustaining the ecological balance of the region.

Therefore, the country should take proactive steps towards their rejuvenation and augmenting their resilience.

About Wetlands

- A wetland is a land area that is saturated with water, either permanently or seasonally, and it takes on the characteristics of a distinct ecosystem.
- Nearly 4.6% of India's land is designated as wetlands. They cover an area of 15.26 million hectares.

State of Urban Wetlands

- According to estimates by **Wetlands International South Asia**, nearly 30% of the natural wetlands in India have been lost in the last three decades.
- Vadodara lost 30.5% of its wetlands between 2005 and 2018. Hyderabad lost 55% of its wetlands
- Mumbai lost 71%, Ahmedabad 57%, Bengaluru 56%, Pune 37% and Delhi-National Capital Region lost 38% wetlands

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Reasons behind loss of Urban wetlands

The loss is attributed to the following reasons:

- **Illegal construction, unsustainable urbanization**, agricultural expansion and pollution.
- **Inefficient waste management,** rising pollution and unchecked urban development.
- **Construction and eutrophication** from pollution
- **Lack of knowledge**: In addition to urbanization needs, lack of awareness and knowledge on wetlands and their ecosystem services can also be blamed for this widespread loss.
- **Damming and water abstraction**: Similarly, wetlands are impacted profoundly by damming and water abstraction. Keoladeo Ghana Sanctuary, Loktak Lake, Chilika Lake, Vembanad Kole are among those severely impacted by dams that affect water and silt flows.

Importance of Wetlands

1. **Firstly**, wetlands help in **flood control** by acting as natural sponges. They temporarily store and gradually release stormwater. Also, roots of wetland vegetation hold soils in place, thus stabilizing the banks of rivers and streams.
2. **Secondly**, wetlands play an important role in **maintaining the quality of water** in deep-water ecosystems. Wetlands trap the sediments suspended in water- a process called sediment trapping. They also remove phosphorus and nitrogen and help prevent eutrophication of lakes and ponds. For this function, wetlands are often referred to as **"Kidneys of the Earth"**.
3. **Thirdly**, wetlands host a large number of species of microbes, plants, insects, amphibians, reptiles, birds, fish and mammals.
4. **Fourthly**, wetlands help in **carbon sequestration**. They act as carbon sinks and wetland soil contains a high amount of carbon.
5. **Fifthly**, wetlands help in **natural groundwater recharge and discharge**. They store water that replenishes the groundwater. Further, they discharge groundwater into lakes, rivers, and streams during dry periods.
6. **Sixthly**, wetlands help in **regulating local climatic conditions,** particularly temperature and climate.
7. **Seventhly**, wetlands provide numerous **economic benefits.** These include-
   o Water supply; fisheries; timber and other building materials;
   o Energy resources, such as peat and plant matter; medicinal plants; recreational and tourism opportunities.

Conservation measures

1. **Wetlands Conservation and Management Rules, 2017:** It prohibits conversion for non-wetland uses, setting up or expansion of industries in wetland areas.
   o Further, under this, each state and Union Territory will have to set up a wetland authority that will define strategies for wetlands conservation.
2. **National Wetland Inventory and Assessment**: Indian Space Research Organization carried out it using remote sensing satellites from 2006 to 2011. It mapped around two lakh wetlands in India.

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3. **The National Plan for Conservation of Aquatic Ecosystems**: It is a single conservation programme for both wetlands and lakes. It seeks to promote better synergy and avoid overlap of administrative functions.
   o It was formulated in 2015 by merging of the National Lake Conservation Plan and the National Wetlands Conservation Programme.
4. **Centre for Wetland Conservation and Management (CWCM):** Its establishment was announced in February 2021. It aims to address specific research needs and knowledge gaps in the conservation and management of wetlands.
5. **Ramsar Convention:** It is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.
   o Currently, **46 sites in India** are designated as Ramsar sites. Sultanpur National Park and Bhindawas Wildlife Sanctuary from Haryana have been recently added.
6. **Montreux Record**: It is a register of wetland sites on the List of Ramsar wetlands of international importance. It shows such sites where there has been or likely to be adverse ecological changes due to anthropogenic activities. Indian sites in the Montreux Record are Keoladeo National Park (Rajasthan), Loktak Lake (Manipur).

Issues/concerns

- **Poor Identification**: Besides ISRO's National Wetland Inventory and Assessment, **little effort has been made by the states** in identifying wetlands.
- **Narrow Focus**: Conservation efforts are mostly centred on the notified Ramsar sites and ignore several other urban wetlands that are equally important.
- **Half-Hearted Implementation**: The steps haven't been duly implemented as regulatory bodies like the **Central Wetland Regulatory Authority only have advisory powers**.
- **Lack of Community Participation**: Existing laws ignore the participation of local communities in governing and monitoring wetlands. This limits their success.

Suggestions

- **First**, Mega urban schemes like **Smart Cities Mission and Atal Mission for Rejuvenation and Urban Transformation** need to add the aspects of sustainable management of wetlands.
- **Second**, there is also a need **for more scientific data, imagery, maps and other relevant tools** to provide knowledge on the status of wetlands. Further focus needs to be placed on innovative and sustainable ideas.
   o For instance, The National Mission for Clean Ganga in January 2021 **formulated a toolkit for the management of wetlands** and water bodies in urban areas, as well as studying the concerns of rapid urbanization.
   o Similarly, the Ministry of Jal Shakti (water resources) has launched a massive scientific and community-based programme. It aims to **manage and develop health cards** of 10 wetlands in each of 50-plus Ganga districts.
- **Third**, the **ecosystem services** of wetlands need to be highlighted in our development policies, urban planning and climate change mitigation.
   o For instance, **the Delhi Master Plan 2041 is referred to as a 'Green-Blue policy**'. Under this, water bodies and land are interdependent, growing with the help of each other, while offering environmental and social benefits.

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- **Fourth**, there is a need to **enhance the role of the community** in wetland conservation. For instance, a public-spirited individual named **Ramveer Tanwar resurrected around 20 ponds and lakes in and around Noida** with community support.
    - o They used a **five-point wetland revival process**. First, hyacinth and garbage are cleaned off the water. Then, the water body is divided depending on its size and water is drained from each section. The bottom is left to dry completely and if required, they excavate the bottom.
    - o A path is created around the area for plants and finally, water is flown back in it and the water body is rejuvenated.

Conclusion

A climate-resilient future for India demands smart and innovative ideas along with increasing space for people's participation in management and decision-making for their wetlands as envisaged by **the Ramsar Convention on Wetlands**.

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Integrated Theatre commands in India – Explained, pointwise

Introduction

The creation of Theatre Commands (Theaterization) is being called the biggest military reform that India has seen till now. The plan is to have five unified or theatre commands, which will help in better planning and military response, and aim to have a unified approach to fighting any future war.

But, the entire process has been riddled with a visible lack of consensus amongst the three arms of the military forces. In light of the internal differences over the structure and scope of the theatre commands, a committee has been set up to resolve all issues.

The panel includes the Vice Chiefs of the three services, the Chief of Integrated Defence Staff to the Chairman Chiefs of Staff Committee, and representatives Ministries such as Home Affairs, Finance, and Law.

What is a Theatre Command (TC)?

A theatre command is a military structure wherein all the assets of the army, air force and navy in a particular theatre of war are under the operational control of a three-star general.

- In a TC, the logistic resources required to support his operations will also be placed at the disposal of the theatre commander.
  - As of now, the Services have to speak to each other in times of need and urgency to request their assets to conduct a particular operation.
- These 'unified combat commands' are organized either on a **geographical basis** *(with a defined mission in a specific 'area of responsibility' somewhere on the globe)* or on a **functional basis**.
- **Existing commands in India**: 19 commands exist as of now *[14 geographic commands, 3 functional and 2 joint commands: the Strategic Forces Command (SFC) and Andaman and Nicobar Command (ANC)]*
- **Global examples**: More than 32 countries in the world, including the US, Russia, and China, already have some form of theatre or joint command in place. China's Western Theatre Command covers India. The US was the first country to come up with a theaterization concept.
- <u>Note</u>: ANC is the **first** and **only tri-service theater command** of the Indian Armed Forces, based at Port Blair, to cover India's strategic interests in Southeast Asia and the Strait of Malacca. While SFC is responsible for India's nuclear assets

Rationale behind theaterization

- To have a **unified approach** to fighting future wars in a coordinated manner.
- Another major factor, pushing for the need for Theatre Commands, has been the **broad military reforms within the Chinese military**. For e.g.: China's Western Theater Command looks after the entire borders with India, unlike India where it has multiple Commands and structures to respond with different officers at the top.

Must Read: **Origins of Theatre warfare**

Planned Theatre Commands

According to the current proposal, there will be five theatre commands, namely

- Northern Land Theatre *(Jammu and Kashmir, Ladakh and Central sector)*
- Western Land Theatre *(Pakistan-centric)*

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- Eastern Land Theatre
- Maritime Theatre Command *(merging of the eastern and western naval commands, besides getting elements from the Army and the Air Force)*
- Air Defence Command

Related committees & reforms

The need for a unified approach to war fighting was brought out in the deliberations after the 1999 Kargil battle.

- The **Kargil Review Committee** and the then Group of Ministers besides the **Naresh Chandra Committee** had called for structural changes in higher defense management.
- It was the **Shekatkar committee,** headed by Lt Gen. (retd) D.B. Shekatkar, which had recommended the creation of the post of CDS and theatre commands. Until this committee, every other panel had only spoken about the need for unified planning.
- The **CDS appointment** and the decision to create the **Department of Military Affairs (DMA)** within the Ministry of Defence can all be seen as steps in the direction of achieving jointness between the three branches of the armed forces.

Benefits of theaterization

- **Increased efficiency**: It will lead to rationalization of war fighting resources, and efficiency of executions resulting in an integrated action to counter threats.
- **Cost-effective in the long run:** Theaterization will help in better planning and military response and also bring down costs. While the cost may go up in the immediate future since all theaters would have to be armed with sufficient systems, it will prove to be cost-effective in the long term as all acquisitions will be a unified one.
- **Rationalization of the command structure**: The present command structure in the Indian military is pretty uneven. The Indian Army has seven commands, while a much smaller Indian Air Force has a similar number and the Indian Navy has three commands. This structure will be rationalized under the theatre command concept.

Challenges/issues/concerns

- **IAF's concerns**: While the Army and the Navy are on board on the issue of theaterization, the IAF while supporting the move says there can't be multiple theatres. They argue that a single theatre is what is needed. IAF fears that it will lose control over its assets and operations.
- **No need for theaterization**: Experts have said that there has been no occasion during actual warfare when the three services have not operated with commendable cooperation. Hence, there is no need for an integrated theatre command.
  - Also, in recent times, no progressive country has created Theatre Commands to defend its home territory. The Western militaries call themselves expeditionary forces (our military is termed as defence forces). Hence, they created joint commands to project their power overseas, not for home-defence.
- **Different service cultures**: The service culture and way of functioning of the three services is very different. The Indian Army has regimental affiliations and is bound by its legacy. The legacy issues may not be that much in the Indian Air Force or the Indian Navy. Finding the right mix will remain a challenge.
- **Massive funding**: Creating infrastructure for the Theatre commands will also require huge amounts of funding.

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Suggestions/Measures

1. **A supportive ecosystem**: In order for Theatre Commands to be effective, there needs to be a supporting ecosystem. India still remains the 2nd largest arms importer in the world. Hence, indigenous technology and hardware by self-reliance should be a priority.

2. **Managing internal & external security**: There needs to be an assessment of how the internal and external security will be managed under the theatre commands. It is because there are lakhs of paramilitary personnel and the Indian Coast Guard.

3. **Parliament's role**: The legislature needs to play a far more pro-active role. A Dedicated Standing Committee of Parliament should be created. It needs to be staffed with military advisers and other professionals to independently monitor the transition very minutely.

4. **Geography-based theatres**: Keeping in mind the changing nature of threats, India can also aim for four geography-based theatres—Northern, Southern, Eastern, and Western—each equipped to use land, sea, air, space, and cyber power to handle all threats in their areas.

5. **No theatre should 'belong' to any service**, and command appointments should be decided based on talent and experience in joint operations.

6. **Budgetary allocations and the distribution of funds** need to be clearly worked out to enable the setting up of a seamless theatre command system

7. **Modular structure**: In the theaterization debate, India must not forget to modularize its armed forces. The present big hierarchical formations need to be divided into many small networked brigades. Multiple studies have shown that these are superior to the division-based structure in terms of deployability, employability, and sustainability.

Way forward

India operates the 4th largest military in the World, and with each service acting independent of each other, the formation of theatre commands is indeed a need of the hour. But, the successful launch of the Theatre Commands should not be rushed. Issues and concerns of all the stakeholders must be resolved first.

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Functioning of Parliament: Challenges and way forward – Explained, pointwise

Introduction

Over the years, the underlined functioning of Parliament has declined, which is not a good sign for a healthy democracy. Recently, the Chief Justice of India also flagged the issue of **lack of discussion in legislative assemblies** on various laws before they are passed. The CJI also remarks that there used to be "wise" and "constructive" debates in the past, but now the **lawmaking is in a "sorry state of affairs"** now, has **led to "gaps" and "ambiguity in making laws"**

The recent session of Parliament has ended abruptly, and before its scheduled date. This is not such a first session, instead, this is the **fourth consecutive session that has been cut short**. The pandemic led to the curtailment of two sessions in 2020. This led to non-discussion of various important issues like Chinese incursion into Ladakh, Farmers issue, Covid-19 response, and strategy, Pegasus controversy, etc.

If this pattern continues, the new Parliament building will be a modern and spacious venue for a dysfunctional institution. So, let us understand the issues involved in the functioning of Parliament.

Monsoon session of Parliament

Some crucial bills passed in this session, without any major debate in the parliament, like,

1. 127th Amendment bill
2. The Taxation Laws (Amendment) Bill, 2021
3. General Insurance Business (Nationalisation) Bill
4. Deposit Insurance and Credit Guarantee Corporation (DICGC Bill)
5. Tribunal Reforms Bill

Issues with the functioning of parliament

- **Frequent Adjournment of Parliament sessions**: In recent times, Parliament sessions are adjourned frequently. This hampers the work of Parliament. For instance,
  - In December 2010, soon after the 2G scam had broken out, the then winter session recorded just 6 percent work.
  - For the past 10 years, the Rajya Sabha has functioned for less than 25% of its scheduled time.
  - In the 2021 Monsoon session, Lok Sabha was scheduled to work for six hours per day for 19 days. Instead, it sat only for 21 hours in total or 21% of what was conceived, as per the PRS Legislative Research
- **Less scrutiny of Bills/government policies**: Most of the bills were passed without any scrutiny, as they were passed in the same session in which they were introduced. For instance, in the recent monsoon session,
  - Except for the 127th Constitution Amendment bill, the rest of the **bills were passed on an average of 8 minutes**.
  - Also, there was no discussion in LS on any policy issue. In RS, only one discussion was seen related to the management of COVID.
  - During the 15th LS, 18% of bills were passed in the same session. In 16th LS, the count rose to 33%.
- **Less number of Bills sent to committees for scrutiny**: Only 12% of the government's legal proposals have been sent to committees for scrutiny in the current Lok Sabha.

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This number was 27% in the 16th (2014-19), 71% in the 15th (2009-14), and 60% in the 14th (2004- 09) Lok Sabha.

- **Lack of Parliamentary debate**: For instance, in the recent monsoon session, out of 20 bills, **18 bills were passed without any discussion in LS** apart from 1 bill on Schedule Tribes (Order) Amendment bill, which saw discussion of 15 minutes
- **Reduced working hours of Parliament**: The Parliament working hours are getting reduced day by day. For instance,
  - o For the past 10 years, the Rajya Sabha has functioned for less than 25% of its scheduled time.
  - o In 2020, Parliament sat in session for 33 days only.
- **Resort to money Bill route:** Several key pieces of legislation have been passed as Money Bills, despite the fact that they did not fit this category.
- All this denotes that the **passage of these laws was more in form than in substance**.

Read more: Parliament is abdicating its oversight role

Implications of reduced Parliament's functions

1. With reduced debate and parliamentary committee interference, the ability of **the Opposition, to hold the government accountable** for its functioning, will also get reduced.
2. Elaborate discussions prevent hasty legislation and help the legislators to understand the core issue behind the bills and help them to rectify them in Parliament itself. Thus, the better functioning Parliament will **reduce the burden on the courts and reduce unnecessary litigation**.
   - Recently, the **Chief Justice of India has raised concerns over the gaps in law-making** which led to a lot of litigation and inconvenience to citizens, courts & other stakeholders.
3. Moreover, the **insertion of the Tenth Schedule** through the 52nd Constitutional Amendment Act, 1985, has rendered the **individual positioning of an MP toothless**.
   - It is the party whip's decision that prevails over the interest of a constituency, represented by its respective MP.
4. A major chunk of the **bills in the Parliament is passed using 'voice voting'**, when compared to the **much more reliable 'division voting'** that can record the response of each member, including abstentions.

Read more: We, the people, miss our houses

Significance of Parliamentary System in India

1. **Represents Diverse Group:** The parliamentary form of government provides an opportunity to various ethnically, racially, linguistically and ideologically diverse groups to share their views in the framing of laws and policymaking.
2. **Responsible Government**: The parliament can check the activities of the executive, as the latter is responsible to the former. The members of the parliament can ask questions, move resolutions, and discuss matters of public importance to pressurize the government.
3. **Prevents Authoritarianism:** In a parliamentary system, the tendency of authoritarianism decreases as the power is vested in the council of ministers rather

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than a single individual. The parliament can remove the government through a no-confidence motion.

4. Other benefits include,
   - The debates and discussions assist Parliament in **making informed decision-making**.
   - These debates provide a forum for MPs to **express their opinions and concerns** and contribute towards making policy.
   - The debate allows parliamentarians to **voice the interest of the people** of their constituencies.

Suggestions to improve the functioning of Parliament

- Parliament **can change its rules to give MPs more teeth in questioning the government** and empower its committees to become critical stakeholders in the law-making process.
- The CJI has raised concerns over the lack of intellectuals and lawyers in the house. So, the **legal community and lawyers** should not confine themselves to their profession. They should take the lead and **actively participate in social & public life**.
- The government can **amend the rules of procedure** of both the Houses of Parliament under Article 118 of the Indian Constitution. It will **make it mandatory to refer bills to the parliamentary committees** and **prescribing appropriate action against unruly members**.
  - o Article 118 deals with the rules and procedures of the House
- **Review of Anti-Defection law**:
  - o In order to revive debate and deliberations in Parliament, the **use of whip can be restricted to no-confidence motion only**.
  - o The **adjudicating power** of the speaker vis-à-vis anti-defection law can be transferred **to the Election Commission of India**.
- The government can introduce the **Legislative Impact Assessment**.
  - o **Every legislative proposal must incorporate a detailed account** of social, economic, environmental, and administrative impact for wider awareness and subsequent legal assessment.
  - o A **new Legislation Committee** should be formed in the Parliament **to oversee and coordinate legislative planning**.
- In order **to strengthen the role of the opposition**, the institution of the **shadow cabinet** can be formed in India like Britain.

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