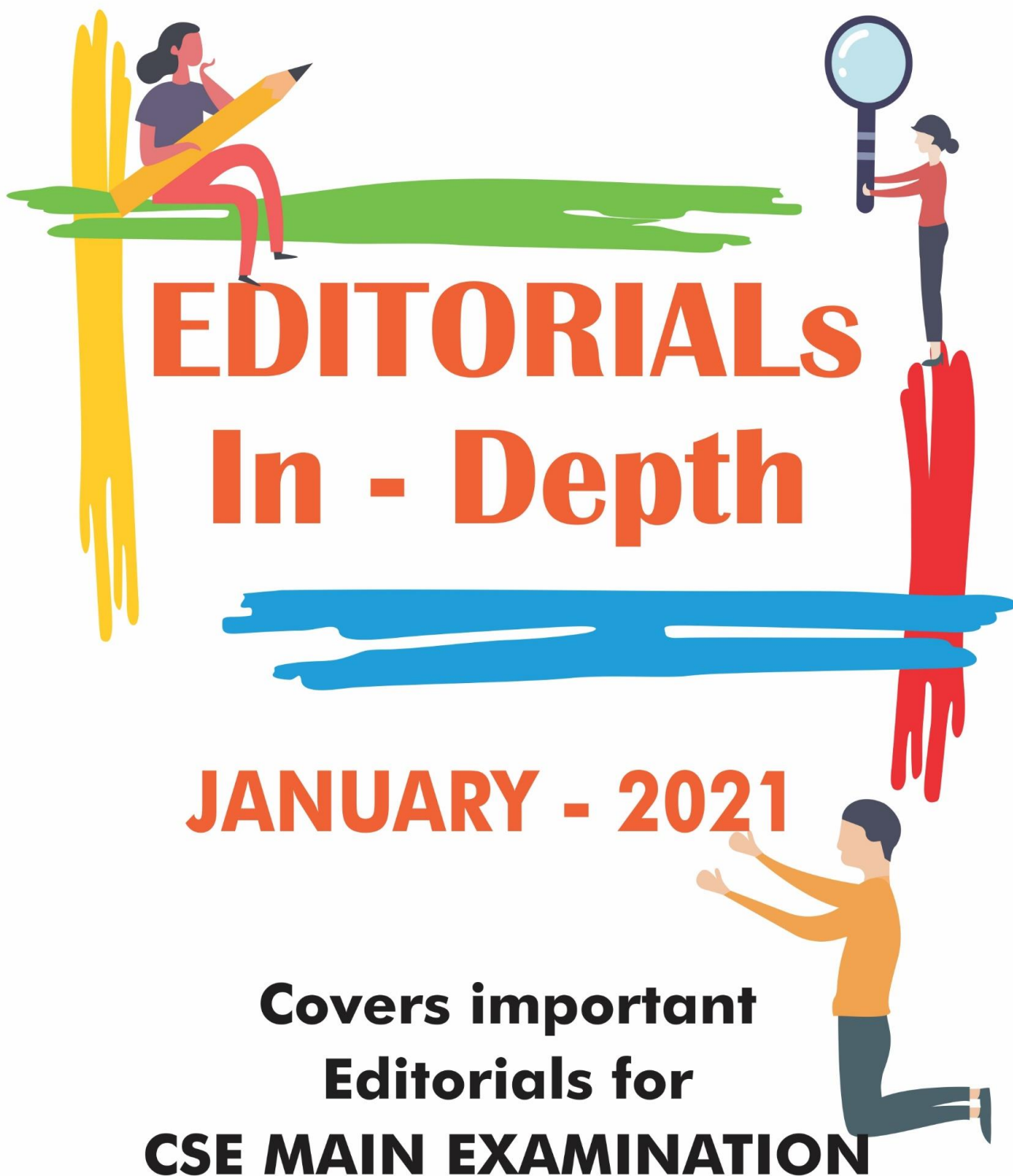




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JANUARY - 2021

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NEW LABOUR LAWS: DILUTION WITHOUT ADEQUATE DELIBERATION

GENERAL STUDIES - II (GOVERNMENT POLICIES)

The **Government recently withdrew three Bills related to labour laws and replaced them with new ones**. These Bills make significant changes to regulation of labour and the employer-employee relationship in several ways.

Background

India has a complex regime of labour laws, and several committees have recommended simplifying and rationalising them.

- Last year, the **government introduced four labour codes as Bills to replace 29 existing laws**.
- These Codes dealt with regulation of wages, occupational safety and health, social security, and industrial relations. **The Code on Wages was passed by Parliament last year**.
- Over the last few months, **the Standing Committee on Labour presented its reports on the other three Bills**. It is these three Bills that the government has replaced and introduced in the Lok Sabha.

Major changes

There are several aspects of these Bills that differ significantly from the earlier Bills.

First, the 2020 Bills raise several thresholds:

- **The Factories Act of 1948** defines any manufacturing unit as a factory if it employs 10 workers (and uses electricity) or 20 workers (without using electric power).
- These **thresholds are being raised to 20 and 40 workers**, respectively.
- **The Industrial Disputes Act of 1947** requires any **establishment employing over 100 workers to seek government permission before any retrenchment**; the threshold has been raised to 300, with the government empowered to raise it further through notification.
- These changes have been debated for over two decades but were not proposed in the 2019 Bill.
- **The Industrial Employment (Standing Orders) Act of 1946** requires employers to formally define conditions of employment under them if they have at least 100 workers.
- The 2020 Bill has increased this threshold to 300 workers.

Second, increasing government's powers:

The Code on Industrial Relations governs working conditions, trade unions, retrenchment and layoffs, dispute resolution, and establishes industrial tribunals.

- The government may, in public interest, **exempt any new industrial establishment from the provisions of this Code**.

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- **The Code on Occupational Safety, Health and Working Conditions specifies leave and maximum work hours, requires health and safety norms** including adequate lighting and ventilation and welfare measures.
- **It subsumes 13 Acts including the Factories Act.**
- **The 2020 Bill allows the State government to exempt any new factory from its provisions in the interest of increased economic activity and employment generation.**
- Given that every new factory would lead to incremental employment, this gives wide discretion to the State government to exempt new factories from basic safety and welfare norms.
- Note that the Factories Act permitted such exemption for a **limited period of three months only during a “public emergency”**.

Third, changes related to contract labour:

- **The 2019 Bill was applicable to establishments which employed at least 20 contract workers** and to contractors supplying at least 20 workers; **these thresholds have been raised to 50 workers.**
- **The 2020 Code prohibits the employment of contract workers in any core activity**, and specifically permits employment in a specified list of non-core activities including canteen, security and sanitation services.

Fourth, Occupational Safety:

- **Fourth, the 2019 Bill on Occupational Safety** allowed the government to prohibit employment of women in undertaking operations that could be dangerous to their health and safety.
- **The 2020 Bill removes this power to prohibit employment** and instead allows the government to require employers to provide adequate safeguards.

A shift in approach

- All the three Bills (both the 2019 and 2020 versions) also show a major shift in approach from the earlier laws.
- Many **essential features of the law are no longer specified in the Codes** but have been delegated to be prescribed by the government through Rules.

Concerns

An important issue for consideration is **whether there should be relaxations for small enterprises to reduce their compliance burden.**

- It may be argue that some matters such as safety standards should apply to everyone while others that provide job security could be based on the size of the firm.
- The **Occupational Safety Bill** (which prescribes safety standards and maximum work hours) **exempts small establishments from its purview** while the Industrial Relations Bill applies to all.

Conclusion

These three new Bills were introduced on Saturday, and the Business Advisory Committee of the Lok Sabha has allocated three hours for them to be discussed and passed this week.

- The provisions of the Bill affect every person working in India and every employer, and address complex issues.
- It is difficult to believe that Members of Parliament, who are attending Parliament every day including weekends, have had the time to read and understand the implications of the various provisions of the Bill.
- Therefore, it is important that there is wider scrutiny and public discussion on these Bills.

EDITORIALS IN-DEPTH – 2nd JANUARY- 2021

AN ILL-CONCEIVED, OVERBROAD AND VAGUE ORDINANCE

GENERAL STUDIES - II (GOVERNMENT POLICIES)

The U.P. religious conversion ordinance is unconstitutional, vilifies inter-faith marriages and violates key rights, says a former Supreme Court justice.

Article 213 (1) of the Constitution of India provides: “If at any time, except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses of the Legislature are in session, **the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require: ...**”

There are, therefore, three pre-conditions to be satisfied before the Governor promulgates an ordinance:

1. The State Legislature should not be in session;
2. Circumstances should exist for promulgating an ordinance and importantly,
3. Those circumstances must warrant immediate action.

Circumstances and urgency for an ordinance

There is **no established practice requiring the Governor** (or the President **under Article 123** of the Constitution) to state the circumstances for immediate action.

Therefore, while the recent Commission for Air Quality Management Ordinance gave a four page justification for immediate action, **the Farmer’s Produce Trade and Commerce Ordinance merely stated in the preamble what the ordinance provides for, but did not disclose the circumstances and urgency for immediate action.**

- **A healthy convention should develop** and the preamble to any ordinance should state the immediacy for promulgating it when the Legislature is not in session.

- This would **greatly enhance transparency in legislation**, but, more importantly, enable legislators to understand why they are, in a sense, by-passed and why a debate and discussion in the Legislature could not be awaited.

The U.P. ordinance

Highlights of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance

1. It makes religious conversion for marriage a non-bailable offence.
2. The onus will be on the defendant to prove that conversion was not for marriage.
3. The notice period to the district magistrate for the religious conversion is two months.
4. In case of conversion done by a woman for the sole purpose of marriage, the marriage would be declared null and void.

The preamble to the **The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance**, commonly called the **anti-love jihad ordinance**, merely indicates what it provides for:

- Such as, unlawful conversion from one religion to another by coercion, misrepresentation and so on “or by marriage”.
- It then proceeds to record the **satisfaction of the Governor of the existence of circumstances** and the necessity for “him/her to take immediate action”.

Circumstances requiring promulgation of the ordinance as far as marriage

If one fraudulent or coercive inter-faith marriage is taking place, **the police can certainly prevent it**, as they supposedly do in child marriages. **An ordinance is not required for it.**

- However, if **more than one such fraudulent or coercive inter-faith marriage is expected** to take place, the State government would have information of mass conversions for the purpose of marriage.
- In the normal course, **it is unlikely that these mass conversions would be in secret** and almost simultaneous.
- These can also be prevented by an alert police force by invoking existing legal provisions.

Rights issues

The offence of attempting to convert poses a bigger rights issue.

- **Section 7 of Ordinance provides** that upon receiving information (it may be fake news) that a religious conversion is designed to take place, **a police officer is authorised under the Criminal Procedure Code without orders from a Magistrate and without a warrant**, to arrest the person so designing, if it appears that the commission of the offence cannot be otherwise prevented.
- The nature of information includes an **allegation of allurement** which includes an offer of any temptation in the form of a gift or gratification.

Concerns

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- So, if a boy and girl of different religions are seen talking together or eating out, it is easy for a so-called aggrieved person (who could be any stranger) to complain to the police that he overheard a conversation in which a temptation was offered to the girl, including a pizza, as has been recently reported.
- This could trigger the arrest of the boy offering the allurements, his friends and family (as conspirators) with no questions asked.

District Magistrate (DM) permission

Should someone genuinely desire to convert but not get married, Under Section 8, that person would have to inform the District Magistrate (DM) two months in advance of the plan through a declaration.

The DM requires the police to inquire the real purpose of conversion and file a report (in a sealed cover?) with the DM.

There are several questions arise:

- What is the true purpose of the police inquiry?
- If the report concludes that the desire to convert is not for a good enough reason, can the DM refuse permission to convert?
- Is a pre-crime scenario contemplated?

Burden of proof

- Section 12 provides that the burden to prove the conversion was not on account of coercion, fraud, etc. or by marriage will be on the person who has caused the conversion.
- How is that person expected to know the mind of the converted? It is only the person converted who can answer that question and nobody else, as in Hadiya's case.

Consequences of such ordinances

The ordinance is prone to abuse and we have seen its consequences — of intimidation, bullying, arbitrary arrests and the loss of a foetus.

- It is ill-conceived, overbroad and vague in many respects.
- It vilifies all inter-faith marriages and places unreasonable obstacles on consenting adults in exercising their personal choice of a partner, mocks the right to privacy and violates the right to life, liberty and dignity. In short, it is unconstitutional.

EDITORIALS IN-DEPTH – 4th JANUARY- 2021

WHY ARE NOMADS BEING EVICTED FROM JAMMU AND KASHMIR?

GENERAL STUDIES - II (GOVERNMENT POLICIES)

Nomads of Jammu and Kashmir — **mostly from the Gujjar and Bakkarwal communities** living in temporary sheds or mud houses in forests and mountains — are being allegedly forcibly evicted by the government.

- Nomads use **Dokas (mud sheds)** when they migrate to the hills with their flock in summer.
- The Gujjars use log and mud sheds in pasture lands during the grazing season. They are part of the forest and environment.
- A drive has been launched to demolish these structures which they use as temporary shelters during summers.

Background

- In early November, a video of a hutment being demolished in the hills of Pahalgam went viral on social media.
- Officials claimed the **drive was launched in response to a July 2019 high court order**, calling on the administration to recover encroached forest land.
- The drive came a few days after the **Jammu and Kashmir High Court declared the 'Roshni Act' illegal and unconstitutional**.

A brief about 'Roshni Act'

The scheme, **introduced in 2001**, had allowed ownership of government land occupied by some people against a fixed amount.

- The scheme **envisaged conferment of proprietary rights** of around 20.55 lakh kanals (2.56 lakh acres) of land **to occupants to earn the targeted Rs 25,000 crore for investment into hydroelectric projects**.
- Later, a **comptroller and auditor general report** estimated that against the targeted Rs 25,000 crore, only Rs 76 crore had been realised from the transfer of land into private ownership.
- The scheme also ran **into controversy over allegations of irregularities in the transfer of land**.
- The Jammu and Kashmir High Court **in October pronounced the Roshni Act "completely unconstitutional, contrary to law and unsustainable"** and ordered a probe by the Central Bureau of Investigation into the 'land scam'.

Later, **the J&K government voided all land dealing under the Act** and gave itself six months to retrieve all the land transferred under the scheme.

Political response on Nomad Evictions

Former J&K chief minister Mehbooba Mufti claimed the objective of the drive was "to disposses" Kashmiris.

- The officer of Pahalgam Development Authority said they were following the HC order about vacating forest, wildlife and the other government land.
- Authority said they had retrieved around 1,050 kanals of land so far.

However, across Kashmir, **such forcible vacation of the land occupied by tribals is seen as part of a design to retrieve land from the locals and hand it over to outsiders and corporates.** The administration has been tarrying over the implementation of the **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) [FRA] Act, 2006**, despite the law becoming applicable to Jammu and Kashmir following the revocation of Article 370.

Forest Rights Act

On November 18, the J&K government announced that **it would implement the FRA** weeks after the government's eviction drive against nomads.

- Though enacted in 2006, **the Act didn't apply to J&K as under Article 370 central laws didn't automatically extend to the former state.**
- Over the past 15 months, **the Centre has extended a majority of central laws to J&K, but has stopped short of implementing the FRA.**
- Many an observer and politicians see **it as a deliberate omission to divest tribals of their inherent right to forest land.**

On implementation of the Act

According to the government statement, the law will allow **"...ownership, access to collect, use, and dispose of minor forest produce, and entitlement to seasonal resources among others"**.

- It will also ensure that forest dwellers are preserved from **"any form of destructive practices affecting their cultural and natural heritage"**.
- The statement, however, added that the rights conferred under this Act shall be **"heritable, but not alienable or transferrable"**.

Would the implementation of the law help the evicted forest dwellers?

The application of the FRA is priority of locals. This will give them identity and rights.

The law would help the community and it would put halt to evictions happening in Pahalgam recently and what has been happening in the Jammu region.

The way ahead

The J&K administration has planned to complete by January 15, 2021 the **'survey of claimants'** by the forest rights committees to assess the nature and extent of rights claimed at the village-level.

BREXIT AND GIBRALTAR

GENERAL STUDIES - II (EFFECT OF POLICIES OF OTHER COUNTRIES ON INDIA'S INTERESTS)

Hours before the Brexit transition period ended on New Year's Eve, **Spain announced it had struck a deal with the UK to maintain free movement to and from Gibraltar.**

- Gibraltar is a small portion of land on the **southern tip of the Iberian Peninsula** that **Britain controls but Spain claims as its own.**
- Officially remaining a British Overseas Territory, **Gibraltar will now be part of the Schengen zone and follow EU rules**, thus ensuring that a hard border does not separate it from the rest of Europe.

The status of Gibraltar

Gibraltar, **with an area of just 6.8 sq km and a population of around 34,000 people**, has been the subject of **intense dispute between Spain and Britain for centuries.**

This is mainly because of its **strategic location.**

- The territory, which is connected to Spain by a small strip of land and surrounded by sea on three sides.
- It serves as the **only opening from the Atlantic Ocean into the Mediterranean Sea**, making it a key location on the **shortest sea route between Europe and Asia via the Suez Canal.**



History of Gibraltar

Gibraltar **fell into British hands after a war in 1713**, and has since remained with Britain despite several attempts by Spain to retake it.

Due to its strategic importance, Gibraltar came to be highly fortified by Britain since the 18th century, thus earning its commonly known name– **“the Rock”**.

- **During World War II**, Gibraltar’s port was critically important for the Allies, and it continues to be a key base for NATO.
- When **Britain joined the EU in 1973**, Gibraltar was a **“crown colony”**, but was reclassified as a British Overseas Territory in 2002.
- In **two referendums**, one in 1967 and the other in 2002, Gibraltarians overwhelmingly voted to remain a British territory.
- **Currently, the territory is self-governing** in all aspects, except for defence and foreign policy, which are managed by London, and **Gibraltarians have British citizenship**.

The Spain-UK post-Brexit deal

The result of the 2016 Brexit referendum gave rise to the possibility of a hard border coming up between Gibraltar and the rest of Europe.

- Though, 96 per cent of the vote in Gibraltar were in favour of remaining in the EU.
- Gibraltarians **mainly voted ‘Remain’ because the territory’s economy depends on an open border with Spain**, which sends over 15,000 workers and 200 trucks there daily.
- However, **free movement will now continue thanks to the Spain-UK deal**, as Gibraltar is being placed in the Schengen area, **with Spain acting as a guarantor**.

Concern remains

Although the deal covers free movement, **it does not address the sovereignty dispute between Spain and the UK**.

Britain has called the deal a “political framework” for a separate treaty that it wants to sign with the EU concerning Gibraltar.

Schengen zone and Gibraltar

The **Schengen passport-free zone includes 22 countries from the EU**, and four others – Norway, Switzerland, Iceland and Liechtenstein.

- **The UK has never been a part of Schengen zone**.
- According to a BBC report, the **EU will now place Frontex border guards** for the next four years to ensure free movement to and from Gibraltar.
- The Gibraltar’s port and airport would become the external borders of the Schengen area.



What is the Schengen zone?

Schengen Area, signifies a zone where 26 European countries.

- These countries **abolished their internal borders, for the free and unrestricted movement of people**, in harmony with common rules for controlling external borders.
- They fight criminality by strengthening the **common judicial system and police cooperation**.
- Schengen Area covers most of the EU countries, **except Ireland**.
- The countries that are soon to be part of: Romania, Bulgaria, Croatia and Cyprus.
- Although **not members of the EU**, countries like: Norway, Iceland, Switzerland and Lichtenstein are also part of the Schengen zone.

EDITORIALS IN-DEPTH – 6th JANUARY- 2021

BIRD FLU OUTBREAK IN INDIA

GENERAL STUDIES - II (ISSUES RELATING TO HEALTH)

Bird flu has been reported among wild geese in Himachal Pradesh, crows in Rajasthan and Madhya Pradesh and ducks in Kerala.

- In Haryana, around one lakh poultry birds have died mysteriously in the last few days.
- In Himachal Pradesh's Pong Dam Lake, around 1,800 migratory birds have been found dead.
- In Kerala, the flu has been detected in two districts, prompting authorities to order culling of ducks.
- A bird flu alert has been sounded in Rajasthan, where over 250 crows were found dead in half a dozen districts.

How does the bird flu spread?

Wild **aquatic birds** such as ducks and geese **are the natural reservoir of Influenza A viruses** and the central players in the ecology of these viruses.

- Many birds carry the flu without developing sickness, and shed it in their droppings.
- From water birds, **many of whom migrate and travel long distances**, the viruses are thus further spread to poultry and terrestrial birds.
- Sometimes, the virus jumps over to **mammals such as pigs, horses, cats and dogs**.

What is avian influenza or bird flu?

- It is a highly contagious viral disease caused by **Influenza Type A viruses** which generally affects poultry birds such as chickens and turkeys.
- There are **many strains of the virus** – some of them are mild and may merely cause a low egg production or other mild symptoms among chickens, while others are severe and lethal.
- **Avian influenza A (H5N8) viruses** have been rapidly spreading, most likely via wild migratory birds in Asia and Europe.
- **Human infection with the A (H5N8) virus cannot be excluded**, although the likelihood is low, based on the limited information obtained to date.

When and how did the bird flu start infecting humans?

Bird flu outbreaks have been affecting poultry around the globe for decades, and culling of infected birds has been a common measure to contain the spread.

- **But it was in 1997** when humans are first known to have contracted bird flu following an outbreak in a live bird market of Hong Kong.
- It was the H5N1 strain of the virus, and 6 out of 18 infected humans died of the disease.
- Subsequently, several other strains of the virus such as H5N2 and H5N8 jumped from animals to humans, thus becoming a global public health concern.

Does it spread easily to humans?

No, it does not.

- Generally, people coming in close contact with infected alive or dead birds have contracted the H5N1 bird flu, and it does not usually spread from person to person, as per the WHO.
- **There is also no evidence, the WHO says**, and that the disease can be spread to people through properly prepared and cooked poultry food.
- **The virus is sensitive to heat**, and dies in cooking temperatures.

Bird flu in India

In India, **no case of bird flu in humans has been detected so far**, according to the Union health ministry.

- The department of animal husbandry has reported 25 episodes of H5N1 bird flu in poultry in 15 states from 2006 (when the first outbreak occurred in Maharashtra and Gujarat) till 2015.
- It has also been detected in crows.

Bird flu: symptoms and treatment

Unlike in birds, where it generally infects the gut, **the avian influenza attacks the respiratory tract of humans** and may cause severe respiratory illnesses such as pneumonia or Acute Respiratory Distress Syndrome (ARDS).

Its early symptoms include fever, cough, sore throat, and sometimes abdominal pain and diarrhoea.

- **Among poultry birds**, vaccination strategies advised by the World Organisation for Animal Health can be used to prevent the flu.
- The Organisation recommends eradicating the highly pathogenic avian influenza (HPAI) at its source to decrease the disease in avian species and further human infections.

EDITORIALS IN-DEPTH – 7th JANUARY- 2021

VERTICAL AND HORIZONTAL RESERVATIONS

GENERAL STUDIES- II (ISSUES RELATING TO DEVELOPMENT)

The Supreme Court, recently clarified the position of law on the interplay of vertical and horizontal reservations.

The **December 18 decision by a two-judge Bench** in **Saurav Yadav versus State of Uttar Pradesh case** dealt with issues arising from the way different classes of reservation were to be applied in the selection process to fill posts of constables in the state.

What are vertical and horizontal reservations?

Vertical reservation: Reservation for **Scheduled Castes, Scheduled Tribes, and Other Backward Classes** is referred to as vertical reservation.

It **applies separately for each of the groups specified** under the law.

Horizontal reservation: It refers to the equal opportunity provided to other categories of beneficiaries such as **women, veterans, the transgender community, and individuals with disabilities**, cutting through the vertical categories.

How are the two categories of quotas applied together?

The horizontal quota is applied **separately to each vertical category**, and not across the board.

- **For example**, if women have 50% horizontal quota, then half of the selected candidates will have to necessarily be women in each vertical quota category.
- It means **half of all selected SC candidates will have to be women**, half of the unreserved or general category will have to be women, and so on.

Saurav Yadav versus State of Uttar Pradesh case

The case was on the technicalities that form a substantial question of law.

- The two candidates did not qualify in their categories.
- However, in the General-Female (unreserved-female) category, the last qualifying candidate had secured 274.8298 marks, a score that was lower than OBC candidate.
- The question before the court was that if the underlying criterion for making selections is “merit”, should OBC candidate be selected under General-Female quota instead of the OBC-Female category for having secured a higher score?

What did the court decide?

The court ruled against the Uttar Pradesh government, holding that **if a person belonging to an intersection of vertical-horizontal reserved category had secured scores high enough to qualify without the vertical reservation, the person would be counted as qualifying** without the vertical reservation, and cannot be excluded from the horizontal quota in the general category.

What was the government’s argument?

- The government’s policy was **to restrict and contain reserved category candidates to their categories, even when they had secured higher grades.**
- The court said **this was tantamount to ensuring that the general category was ‘reserved’ for upper castes.**

What was the court’s reasoning?

- The court on examining a number of hypothetical scenarios, it concluded that **if both vertical and horizontal quotas were to be applied together** — and consequently, a high-scoring candidate who would otherwise qualify without one of the two reservations is knocked off the list — then the overall selection would have candidates with lower scores.
- **On the other hand**, if a high-scoring candidate is allowed to drop one category, the court found that the overall selection would reflect more high-scoring candidates.
- In other words, the “meritorious” candidates would be selected.

The ruling strikes at the heart of the debate on “merit versus reservation”, where reservation is sometimes projected as being anti-merit.

EDITORIALS IN-DEPTH – 8th JANUARY- 2021

WHAT ARE THE SPECTRUM AUCTIONS?

GENERAL STUDIES- III (INVESTMENT MODELS)

The Department of Telecommunications (DoT), recently said that auctions for 4G spectrum will begin from March 1.

What are spectrum auctions?

A spectrum auction is a process whereby a government uses an auction system to sell the rights to transmit signals over specific bands of the electromagnetic spectrum and to assign scarce spectrum resources.

Spectrum auctions in India

Devices such as cellphones and wireline telephones require signals to connect from one end to another. These **signals are carried on airwaves**, which must be sent at designated frequencies to avoid any kind of interference.

- The Union government owns **all the publicly available assets within the geographical boundaries of the country, which also include airwaves**.
- With the expansion in the number of cellphone, wireline telephone and internet users, the need to provide more space for the signals arises from time to time.
- **To sell these assets to companies** willing to set up the required infrastructure to transport these waves from one end to another, **the central government through the DoT auctions** these airwaves from time to time.
- **These airwaves are called spectrum**, which is subdivided into bands which have varying frequencies. All these airwaves are sold for a certain period of time, after which their validity lapses, which is generally set at 20 years.

What's up for sale?

2,250 MHz of airwaves across 700 MHz, 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz and 2500 MHz bands

Who needs to buy urgently?

Jio, since a bulk of spectrum it owns and shares with RCom in the 800 MHz band expires starting July 2021

How much could the auction fetch the govt?

Analysts say given the sector health, auction will fetch ₹40,000-50,000 cr

What can be the telecom companies' bills?

Jio ₹20,000-30,000 cr

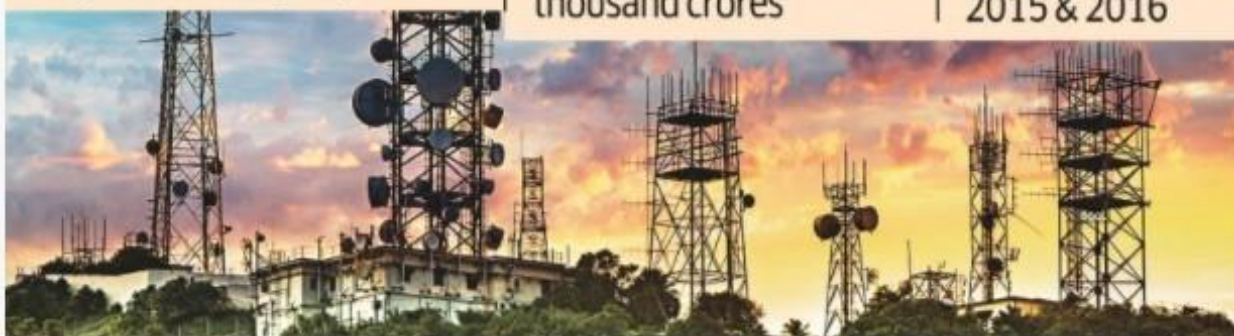
Airtel ₹10,000-15,000 cr

Vodafone Idea A few thousand crores

Last date to queue up for auction is Feb 5

Previous shopping bills

Telcos have so far spent nearly ₹3.7 lakh cr over 6 auctions – in CY 2010, 2012, 2013, 2014, 2015 & 2016



The need for a new spectrum auction

- The last spectrum auctions were held in 2016.
- The government managed to sell only 965 MHz – or about 40 per cent of the spectrum that was put up for sale.
- **The need for a new spectrum auction has arisen** because the validity of the airwaves bought by companies is set to expire in 2021.
- In the spectrum auctions the government plans to sell spectrum for 4G in the 700, 800, 900, 1,800, 2,100, 2,300, and 2,500 MHz frequency bands.
- Depending on the demand from various companies, the price of the airwaves may go higher, but cannot go below the reserve price.

The likely bidder for the spectrum

All three private telecom players, **Reliance Jio Infocomm, Bharti Airtel, and Vi** are eligible contenders to buy additional spectrum to support the number of users on their network.

- **Apart from these three**, new companies, **including foreign companies**, are also eligible to bid for the airwaves.
- **Foreign companies**, however, **will have to either set up a branch in India and register as an Indian company, or tie up with an Indian company** to be able to retain the airwaves after winning them.

How will the deferred payment plan work?

As part of **the deferred payment plan**, bidders for the sub-1 GHz bands of 700, 800 and 900 MHz can opt to pay 25 per cent of the bid amount now, and the rest later.

- In the above-1 GHz bands of 1,800, 2,100, 2,300, and 2,500 MHz frequency bands, **bidders will have to pay 50 per cent upfront**, and can then opt to pay the rest in equated annual instalments.
- The successful bidders will, however, **have to pay 3 per cent of Adjusted Gross Revenue (AGR)** as spectrum usage charges, excluding wireline services.

The spectrum auction in India has turned into a buyer's market. The minimal competition is expected, with operators picking up spectrum that provides best value for money instead of focusing on renewing all their expiring spectrum.

EDITORIALS IN-DEPTH – 11th JANUARY- 2021

THE BIRD FLU OUTBREAK IN INDIA

GENERAL STUDIES - II (ISSUES RELATING HEALTH)

In recent weeks, **Avian influenza, popularly known as bird flu**, has been reported from Kerala, Rajasthan, Madhya Pradesh, Himachal Pradesh, Haryana, Gujarat and Uttar Pradesh.

CHROMEIAS ACADEMY

- **The two virus types** identified so far in the outbreaks — **H5N1 and H5N8** — come under the category of **Highly Pathogenic Avian Influenza (HPAI)**.
- This causes major concerns to those keeping birds, because it leads to disease and death of fowl and causes economic havoc. **H5N1 is a known threat to humans as well.**

Spread of the disease

The spread of the disease in a variety of birds in several geographical regions, and the seasonal movement of migratory birds has been reported.

- This has prompted to Centre to issue an alert to States to adhere to the **National Action Plan for Prevention, Control and Containment of Avian Influenza 2021**.
- Internationally, the **World Animal Health Information System in December 2020 identified outbreaks of HPAI in Taiwan, Iran, Israel, Japan, South Korea and Vietnam, a dozen European Union countries, Ukraine, Russia and the U.K.**
- It has cost to a loss of over 4.8 million birds by the end of December 2020.

How serious is avian flu for bird health?

Avian Influenza (AI) is a **highly contagious viral disease**, affecting a variety of birds, including those connected with human consumption — chickens, ducks, turkeys, quails — as well as pet birds and wild birds.

- The World Organization for Animal Health, which collaborates with the World Health Organization (WHO) and the Food and Agriculture Organization (FAO), **says HPAI virus strains H5N1, H5N2, H5N8, H7N8 have been identified in outbreaks**, indicating active circulation.
- Infection histories point to **H5N1 and H7N9 viruses posing a threat to human health as well.**

Avian flu and wild birds

The FAO says **wild birds act as a natural reservoir of AI viruses.**

- Their migratory movement could bring these pathogens to poultry, waterfowl and other domestic birds through contact.
- **HPAI produces severe clinical signs of disease in birds**, causing a high degree of mortality and economic loss.
- **The response to an outbreak is a containment strategy**, which is primarily centred around removing the **diseased birds through culling**.
- Such mass destruction causes a severe impact on farmers.

What is the economic impact of bird flu?

India's poultry sector, according to the Ministry of Agriculture and Farmers Welfare, **is worth ₹80,000 crore.**

- **Organised sector in Poultry Sector represents 80%**, and the rest is distributed among unorganised sectors, including backyard poultry-keeping which is crucial for income and nutritional security.
- **Exports, mainly focused on West Asia, neighbouring countries and East Asia**, were valued at ₹532 crore in 2017, with an emphasis on processed products such as egg powder, yolk powder, pharma ingredients, and chicken products.

- Avian flu is seen as a threat to the further growth of the sector as a whole.

Does bird flu pose a threat to human beings?

The WHO, in its literature on avian influenza, **states that humans can be infected with virus subtypes H5N1, H7N9 and H9N2.**

- **On the H5N1 virus, the WHO says,** “Human cases of H5N1 avian influenza occur occasionally, but it is difficult to transmit the infection from person to person. When people do become infected, the mortality rate is about 60%.”
- **On the H5N8 strain,** the consensus is that **human infection cannot be ruled out**, although the likelihood is low.
- **However, H5N6 infection,** of a related clade (a descendant type) has occurred among humans, the WHO says.
- **One case of the H9N2 strain,** in a three-year old girl, was reported last October from Guangdong, China.
- Human-to-human transmission is believed to have taken place in some instances as a result of close or prolonged contact, but **“there has been no sustained human-to-human transmission identified”.**

What steps can be taken to minimise risk to domestic birds?

Governments lay down biosecurity measures to keep domestic birds safe from transmission by wild or migratory birds and prevent local spread.

- The protocol involves active surveillance of bird areas to identify emerging outbreaks.
- On the other hand, it is wrong and counterproductive, the FAO cautions, **to attempt elimination of wild birds near human settlements through hunting, poisoning, and habitat destruction.**
- Such activity disperses wild birds, and the viruses, to new areas. Moreover, hunting of wild birds and the absence of biosecurity measures bring the viruses directly to domestic fowl.

Way forward

In India, The aquatic wild birds are often found in close proximity to domestic ones in many locations in India, near lakes, dams and reservoirs, making it difficult to achieve segregation. The Central government requires veterinary staff to conduct inspections periodically under the Prevention and Control of Infectious and Contagious Diseases in **Animals Act, 2009**, to catch any signs of disease among birds and other animals early.

EDITORIALS IN-DEPTH – 12th JANUARY- 2021

INDIA AT UN HIGH TABLE

GENERAL STUDIES - II (IMPORTANT INTERNATIONAL INSTITUTIONS)

At a time when **the US is going through a chaotic transition in leadership, China is hoping to become the pre-eminent global power, and Pakistan is trying to rake up Kashmir and the human rights situation in India, India has entered the United Nations Security Council (UNSC)** as a non-permanent member this month.

It will stay on the council for two years.

India at UNSC

India has served **in the UN Security Council seven times previously.**

1. **In 1950-51, India, as President of UNSC**, presided over the adoption of resolutions calling for cessation of hostilities during the Korean War and for assistance to Republic of Korea.
2. **In 1967-68**, India co-sponsored Resolution 238 extending mandate of UN mission in Cyprus.
3. **In 1972-73**, India pushed strongly for admission of Bangladesh into UN. The resolution was not adopted because of a veto by a permanent member.
4. **In 1977-78**, India was a strong voice for Africa in the UNSC and spoke against apartheid. Then External Affairs Minister Atal Bihari Vajpayee spoke in UNSC for Namibia's independence in 1978.
5. **In 1984-85**, India was a leading voice in UNSC for resolution of conflicts in the Middle East, especially Palestine and Lebanon.
6. **In 1991-92**, PM P V Narasimha Rao participated in the first ever summit-level meeting of the UNSC and spoke on its role in maintenance of peace and security.
7. **In 2011-2012**, India was a strong vice for developing world, peacekeeping, counter-terrorism and Africa. First statement on Syria was during India's Presidency at the UNSC.

India's key contributions at UNSC

India played an active role in discussions on **all issues related to international peace and security**, including several new challenges which the UNSC was called upon **to deal with in Afghanistan, Cote d'Ivoire, Iraq, Libya, South Sudan, Syria and Yemen.**

- In view of the threat posed to international trade and security by piracy off the coast of Somalia, India **promoted international cooperation against the pirates.**
- **At India's initiative**, the Security Council mandated international cooperation for release of hostages taken by pirates as well as for prosecution of those taking hostages and those aiding and abetting these acts.
- India also **worked for enhancing international cooperation in counter-terrorism**, prevention of the proliferation of weapons of mass destruction to non-state actors, and the strengthening of **UN peacekeeping and peacebuilding efforts.**

Issues before India

UN REFORMS:

- New Delhi has said **it is essential that the Security Council is expanded** in both the permanent and non-permanent categories.

- It says India is eminently suited for permanent UNSC membership by any objective criteria, such as population, territorial size, GDP, economic potential, civilisational legacy, cultural diversity, political system and past and ongoing contributions to UN activities — especially to UN peacekeeping operations.

TERRORISM:

- **The international effort against terrorism** is a key priority for India in the UN.
- With the objective of providing a **comprehensive legal framework to combat terrorism**, India took the initiative to pilot a draft **Comprehensive Convention on International Terrorism (CCIT)** in 1996.
- A text of the Convention is being negotiated in the 6th Committee of the UN General Assembly.

The China challenge

- India is entering the UNSC at a time when Beijing is asserting itself at the global stage much more vigorously than ever. **China heads at least six UN organisations — and has challenged the global rules.**
- **China's aggressive behaviour in the Indo-Pacific** as well as the India-China border has been visible in all of 2020, and New Delhi will have to think on its feet to counter Beijing.
- At Pakistan's behest, **China has tried to raise the issue of Kashmir at the UNSC** — but has not found much support.
- There is some discussion among the strategic community in New Delhi on raising the issues of Taiwan, Hong Kong and Tibet at the UNSC.

Way forward:

New Delhi will weigh the pros and cons with partners on what steps to take in this direction. But, the polarising politics inside India gives a window of opportunity to its rivals, and opens up the possibility of criticism — especially on human rights issues.

As New Delhi engages with allies and plays its cards at the UNSC, it will be mindful about the Security Council "Nothing remains secret in this leakiest of all organisations."

EDITORIALS IN-DEPTH – 13th JANUARY- 2021

RECLAIMING SAARC FROM THE ASHES OF 2020

GENERAL STUDIES - II (IMPORTANT INTERNATIONAL INSTITUTIONS)

Thirty-six years after it first began, the **South Asian Association for Regional Cooperation (SAARC)**, appears to be all but dead in the water.

The year 2020 marked the sixth year since the leaders of the eight nations that make up SAARC were able to meet.

South Asian Association for Regional Cooperation (SAARC)

The idea of regional cooperation in South Asia was first raised in November 1980.

- After consultations, the foreign secretaries of the **seven founding countries—Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka**—met for the first time in Colombo in April 1981.
- The SAARC was **established with the signing of the SAARC Charter in Dhaka on 8 December 1985.**
- **Afghanistan became the newest member of SAARC** at the 13th annual summit in 2005.
- The Headquarters and Secretariat of the SAARC are at **Kathmandu, Nepal.**

Members of SAARC

SAARC comprises of eight member States:

1. Afghanistan
2. Bangladesh
3. Bhutan
4. India
5. Maldives
6. Nepal
7. Pakistan
8. Sri Lanka

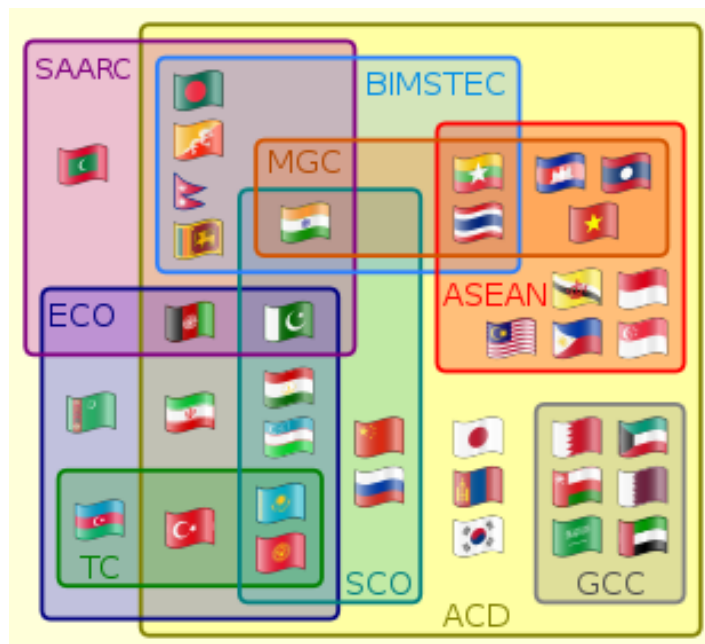
Observers to SAARC:

(i) Australia; (ii) China; (iii) the European Union; (iv) Iran; (v) Japan; (vi) the Republic of Korea; (vii) Mauritius; (viii) Myanmar; and (ix) the United States of America.

The Objectives of the SAARC

1. To promote the welfare of the people of South Asia and to improve their quality of life.
2. To accelerate economic growth, social progress and cultural development in the region and to provide all individuals the opportunity to live in dignity and to realize their full potentials.
3. To promote and strengthen collective self-reliance among the countries of South Asia.
4. To contribute to mutual trust, understanding and appreciation of one another's problems..
5. To promote active collaboration and mutual assistance in the economic, social, cultural, technical and scientific fields.
6. To strengthen cooperation with other developing countries.
7. To strengthen cooperation among themselves in international forums on matters of common interests; and

8. To cooperate with international and regional organizations with similar aims and purposes.
9. The shadows over the meets



India-Pakistan and SAARC

India's problems with Pakistan on terrorism, territorial claims and **on its role in blocking SAARC initiatives on connectivity and trade** are well known.

- Even so, **India's refusal to allow Pakistan to host the SAARC summit** because of those problems is akin to giving Pakistan a 'veto' over the entire SAARC process.
- The insistence is particularly puzzling given **that Indian Prime Minister and his ministers continued to attend Shanghai Cooperation Organisation (SCO) meetings along with their Pakistani counterparts**, including the SCO Heads of Government meeting in November where New Delhi even invited Pakistan Prime Minister Imran Khan (he deputed another official).

A time for regional initiatives

In the longer term, there will be a shift in priorities towards health security, food security, and job security, that will also benefit from an "all-of" South Asia approach.

- **The impact of COVID-19 will be seen in broader, global trends:** a growing distaste for 'globalisation' of trade, travel and migration all of which were seen to have helped the pandemic spread from China, as well as a growing preference for nativism, self-dependence and localising supply chains.
- While it will be impossible for countries to cut themselves off from the global market entirely, regional initiatives will become the **"Goldilocks option"** (not too hot and not too cold), or the happy medium between globalisation and hyper-nationalism.

China's Quest

- In dealing with the challenge from China too, both at India's borders and in its neighbourhood, a unified South Asian platform remains India's most potent countermeasure.
- At the border, it is clear that **tensions with Pakistan and Nepal amplify the threat perception from China**, while other SAARC members (minus Bhutan), all of whom are **Belt and Road Initiative (BRI)** partners of China will be hard placed to help individually.

India's steps, more bilateral

India stepped up its health and economic diplomacy in the region, but these have been bilateral initiatives, not a combined effort for South Asia.

- These are **some of the reasons that led all SAARC leaders to urgently call for the revival of SAARC during their charter day messages**.
- Despite the despondency, the rationale for its existence remains intact: while history and political grievances may be perceived differently, geography is reality.

Way forward

Seen through Beijing's prism, **India's SAARC neighbourhood may be a means to contain India, with the People's Liberation Army strategies against India over the LAC at present**, or in conjunction with Pakistan or Nepal at other disputed fronts in the future.

New Delhi must find its own prism with which to view its South Asian neighbourhood as it should be: a unit that has a common future, and as a force-multiplier for India's ambitions on the global stage.

EDITORIALS IN-DEPTH – 14th JANUARY- 2021

FARM LAWS, THEIR CONSTITUTIONAL VALIDITY, AND HOPE

GENERAL STUDIES - II (SEPARATION OF POWERS)

With the **Supreme Court of India staying the operation of the farm laws and setting up a committee of experts** to negotiate with the government and the farmers, the agitation being carried on by the farmers is entering a new phase.

- The farmers' unions have not reacted favourably to the formation of the experts' committee. As it happens, the committee does not comprise entirely impartial experts.
- Most of them are **well known and strong defenders of the farm laws**, and are critical of the agitation.

The present status

For conducting negotiations with both the government and the farmers, **the members of the committee ought to and should be known to have an open mind on the core issues**, which alone will create a necessary confidence in the parties concerned.

- The farmers have, however, **made it clear that they will not agree to anything less than the repeal of these laws**.
- This would mean that the present agitation is likely to continue indefinitely.

Ambiguity on Experts' committee report

- It is not yet clear what **impact the report of this committee will have on the final decision** of the Supreme Court on the question of the constitutional validity of the farm laws.
- That is the real issue before the Supreme Court.
- Whatever the experts' committee recommends, **the question of the constitutional validity of the farm laws can be decided only after a proper hearing of the matter before the Court**.

Not in accordance with rules

The **constitutional validity of the farm laws has been challenged** in the Supreme Court mainly on the ground that **Parliament has no legislative competence to enact these laws**, the subject matter of which is essentially in the State list.

- But there is a more fundamental reason to challenge these enactments which will be examined now.
- The **voting on the Farm Bills in the Rajya Sabha was not done in accordance with the rules of the House**.
- **These rules require the Chair to order the recording of votes (division) by members** even when one member demands it.
- The Deputy Chairman of the House, **did not order division although a few members openly and loudly demanded it**.

Voice vote is unrecognised

But the matter goes beyond the violation of the House rules. It **involves the violation of the Constitution itself**.

- **Article 100 says** that all questions at any sitting of either House shall be determined by a majority of votes of the members present and voting.
- **Majority can be determined only in terms of number**, and therefore what this Article requires is that all questions in the House should be determined by recording the votes of the members present and voting.
- **Majority cannot be determined through voice vote**. The Constitution does not recognise voice vote to determine majority in a legislature.

Violation of the Constitution

The Article 122 of the Constitution protects the proceedings of the House from judicial review.

- But, this protection is available only when the proceedings are challenged on irregularity of procedure. **Violation of the Constitution is not a mere irregularity of procedure.**
- The **Supreme Court in Raja Ram Pal's case** had clarified that the proceedings can be challenged on substantive grounds like violation of the Constitutional provisions.
- Therefore, the Farm Bills were passed in the Rajya Sabha in **violation of Article 100 of the Constitution** and can be challenged in the Supreme Court on that ground.

Options before the judiciary

The **Court can strike down the whole laws** as the **requirement of Article 107** has not been fulfilled.

- **Article 107** says that a **Bill shall not be deemed to have been passed unless it has been agreed to by both Houses.**
- The **Bills have not in fact been passed by the Rajya Sabha** because the majority had not been determined in accordance with **Article 100.**
- It would mean that the **three Bills did not become laws.**

Centrality of Parliament

- The issue **needs to be settled by the top court is only the constitutional validity of the laws.**
- In resolving a problem like the agitation by farmers against the laws, **the centrality of Parliament in the legislative process in all its dimensions should not be lost sight of.**
- Once the Court decides the legality or constitutionality of a law, the political and legislative aspects of the issue will have to be dealt with only by Parliament.

Way forward

Parliament and its systems alone can produce a satisfactory solution. The only condition is that the government which is accountable to Parliament should genuinely demonstrate its faith in those systems.

EDITORIALS IN-DEPTH – 15th JANUARY- 2021

FOREST FIRES IN HIMACHAL PRADESH

GENERAL STUDIES - III (DISASTER AND DISASTER MANAGEMENT)

Himachal Pradesh frequently witnesses forest fires during dry weather conditions. Recently, a forest fire which started **near Kullu raged for several days** before being brought under control. **Forest fires were also reported in Shimla and other parts of the state.**

Forest cover of Himachal Pradesh

Although **two-thirds of the total geographical area of Himachal Pradesh is legally classified as forest area.**

- **Much** of this area is permanently under **snow, glaciers, cold desert or alpine meadows** and is above the tree line.
- This leaves an **effective forest cover of around 28 percent of the total area** which amounts to 15,434 square kilometres, as per the Forest Survey of India.
- **Chir Pine, Deodar, Oak, Kail, Fir and Spruce** are some of the common trees found here.

Fire propensity of these forests

Except for periods of precipitation in monsoon and winter, the forests remain vulnerable to wildfires.

Forest fires are a **recurrent annual phenomenon in the state**, and most commonly occur in Chir Pine forests.

In the summer season, forest fires occur frequently in the low and middle hills of the state, where forests of Chir Pine are common.

- The dry summer season from March to June coincides with the shedding of highly-combustible needles by Chir Pine trees.
- However, due to their thick bark, the **Chir Pine trees are themselves relatively unharmed by these fires**, and can spring back to life during the monsoon season.
- **During the post-monsoon season and in winters**, forest fires are also reported in higher areas, including parts of Shimla, Kullu, Chamba, Kangra and Mandi districts, where they usually occur in grasslands.

Causes of the fire

Natural causes such as lightning or rubbing of dry bamboos with each other can sometimes result in fires, but forest officials maintain that **almost all forest fires can be attributed to human factors.**

- **People who frequently pass through a forest to gather minor produce**, take their animals for grazing or for other purposes may set up a **temporary hearth to cook food or warm themselves.**
- If they **leave behind a smouldering fire**, it can develop into a forest fire.
- Also, when people **burn their fields to clear them of stubble**, dry grass or undergrowth, the fire sometimes spreads to the adjoining forest.
- A spark can also be produced when dry pine needles or leaves fall on an **electric pole.**

Damage done by the forest fires

Forest fires can cause a lot of damage to the regeneration in the forests and their productivity.

1. **Moisture-loving trees such as Oaks and Deodars** may give way to other species and exotic weeds.

2. **Forests help maintain aquifers and continuous flow of streams and springs**, and provide firewood, fodder and non-timber produce to the local communities – all these capacities may get adversely affected in case of a fire.
3. Forest fires may **destroy organic matter in the soil and expose the top layer to erosion**.
4. They may also impact the wildlife **by burning eggs, killing young animals and driving the adult animals away** from their safe haven.
5. Sometimes, a forest fire may get out of control and **extend to human settlements**, thus posing danger to human life and property.

What is done to prevent and control forest fires?

To prevent and control forest fires the following can be done:

1. **Forecasting fire-prone days** using meteorological data,
2. Clearing camping sites of dried biomass,
3. Early burning of dry litter on the forest floor,
4. Growing strips of fire-hardy plant species within the forest, and
5. Creating fire lines in the forests are some of the methods to prevent fires (fire lines are strips in the forest kept clear of vegetation to prevent the fire from spreading).

Way forward:

For such activities, the state forest department has a fire protection and fire control unit.

In 1999, the state government notified forest fire rules which restrict or regulate certain activities in and around forest areas such as lighting a fire, burning agricultural stubble or undergrowth (ghasnis) and stacking inflammable forest produce such as dried leaves and firewood.

EDITORIALS IN-DEPTH – 16th JANUARY- 2021

OPEN SKIES TREATY AFTER

GENERAL STUDIES - II (INTERNATIONAL RELATIONS)

Russia withdraws from Open Skies Treaty after U.S. departure. It was pulling out of the Open Skies treaty, saying that the pact, **which allows unarmed surveillance flights over member countries**, had been seriously compromised by the withdrawal of the United States.

What is the Open Skies Treaty?

It was **first proposed in 1955 by former US President Dwight Eisenhower** as a means to deescalate tensions during the Cold War.

- The landmark treaty was eventually **signed in 1992 between NATO members and former Warsaw Pact countries following the demise of the Soviet Union**.

- It **went into effect in 2002** and currently has **35 signatories** along with one non-ratifying member (Kyrgyzstan).

Key features of OST

The Open Skies Treaty (OST) **aims at building confidence among members through mutual openness**, thus reducing the chances of accidental war.

- Under the treaty, **a member state can “spy” on any part of the host nation**, with the latter’s consent.
- **A country can undertake aerial imaging over the host state after giving notice 72 hours before**, and sharing its exact flight path 24 hours before.
- The **information gathered**, such as on troop movements, military exercises and missile deployments, **has to be shared with all member states**.
- Only **approved imaging equipment is permitted** on the surveillance flights, and officials from the host state can also stay on board throughout the planned journey.

Significance of the Open Skies Treaty

The OST was signed in 1992, **much before the advent of advanced satellite imaging technology** which is currently the preferred mode for intelligence gathering.

- Yet, surveillance aircraft provide key information that still cannot be gathered by satellite sensors, such as thermal imaging data.
- Also, **since only the US has an extensive military satellite infrastructure**, other NATO members would have to rely on Washington to obtain classified satellite data.
- Which would be more difficult to obtain compared to OST surveillance records that have to be shared with all members as a treaty obligation.

Open Skies Treaty: The US’s withdrawal

While it was **envisaged as a key arms control agreement**, many in Washington had for over a decade **accused Russia of non-compliance with OST protocols**, blaming Moscow of obstructing surveillance flights on its territory, while misusing its own missions for gathering key tactical data.

- Trump administration has now chosen to withdraw from the pact, as Russia is accused of “flagrantly and continuously violating the Treaty in various ways for years”.
- Russia has denied the allegations, and has called Washington’s exit as “very regrettable”.

Open Skies Treaty: Russia’s withdrawal

Russia said in a statement that **Moscow had made specific proposals to other members to mitigate against the impact of the U.S. exit** but that those proposals were not backed by Washington’s allies.

- Moscow will formally notify other member states about its exit once it has completed unspecified withdrawal procedures at home, it said.
- The exit process usually takes months to be finalised.

Sharing of intelligence

Russia has raised concerns that **despite leaving the treaty Washington could potentially retain access to overflight intelligence gathered by allies who remain members in the treaty.**

- The **Moscow had tried to get guarantees from other countries** that they would not share such intelligence with the U.S. but had not been given any assurances.

What these departures could mean for the treaty

The US had said that **it would re-engage with Russia if it sought a new treaty**— a possibility that never materialised.

- Experts believe that the same could happen with the OST, with **Russia using Washington's exit as a pretext for leaving the treaty itself.**
- **Russia's departure could adversely impact Washington's European allies,** which rely on OST data to track Russian troop movements in the Baltic region.
- **Arms control tensions have been rising between Moscow and Washington** and New START, their last remaining major nuclear arms control treaty, is set to expire in February.

EDITORIALS IN-DEPTH – 18th JANUARY- 2021

CAN COURTS STAY LAWS MADE BY THE LEGISLATURE?

GENERAL STUDIES - II (SEPARATION OF POWERS)

The Supreme Court's recent order **staying the implementation of three farm laws**, while appointing a four-member committee to thrash out issues between agitating farmers and the Union government, has been criticised in some quarters.

- The **court did not accept the Attorney General's argument** that laws made by the legislature should not be ordinarily stayed, as there is a presumption of constitutionality in favour of the laws.

Supreme Court's justification about its order on farm laws

The Bench observed in its order that, "This court cannot be said to be completely powerless to grant stay of any executive action under a statutory enactment".

This means that it was apparently making **a distinction between staying a law and staying its implementation or any action under it.**

- The **court also cited an order passed by another Bench of the Supreme Court in September 2020 on the Maratha reservation issue.**

- It directed that admissions to educational institutions for 2020-21 and appointments to posts under the government shall be made without reference to the reservation provided under the relevant legislation.
- The matter has been referred to a Constitution Bench.

What are the court's powers in regard to staying enacted law?

Under the broad **framework of judicial review under the Constitution**, the Supreme Court and High Courts have the power to declare any law unconstitutional, either because it is ultra vires (or, contrary to any provision of the Constitution) or it violates any of the fundamental rights, or invalid because it is repugnant to a central law on the same subject or has been enacted without legislative jurisdiction.

- However, interim orders staying or suspending laws enacted by the legislature are frowned upon by constitutional courts and legal scholars.
- The general argument is **that unless there are compelling reasons such as flagrant lack of constitutional validity, or absence of legislative competence** (that is, the legislative body concerned lacks the jurisdiction to enact the law in question), a law ought not to be stayed.

Why is it considered unusual for a court to suspend a law or its operation?

The main principle is that **suspending a law made by the legislature goes against the concept of separation of powers**.

- Courts are expected to **defer to the legislature's wisdom at the threshold of a legal challenge to the validity of a law**.
- The **validity of a law ought to be considered normally only at the time of final adjudication**, and not at the initial stage.
- The **second principle** is that there is a presumption that every law enacted by any legislature is constitutional and valid.
- The **onus is on those challenging it to prove that it is not**. Therefore, courts are circumspect when hearing petitions seeking suspension of a law pending a detailed adjudication.

The precedents against judicial interference at an interim stage

Case law suggests that in some cases, High Courts indeed stayed the operation of some laws.

- **In 1984**, the top court set aside an interim stay granted against the **operation of a municipal tax (Siliguri Municipality & Others vs Amalendu Das & Others)**;
- **In 2013**, it removed the stay on some provisions of and regulations under the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Health for Millions Trust vs Union of India).

While **upholding the validity of Section 45S of the Reserve Bank of India Act**, which imposed restrictions on unincorporated bodies accepting public deposits, the Supreme Court criticised interim orders by some High Courts that stayed the provision.

BALANCE SHEET OF A BAD BANK

GENERAL STUDIES - III (INDIAN ECONOMY AND ISSUES RELATING TO MOBILIZATION OF RESOURCES)

The idea of setting up a bad bank **to resolve the growing problem of non-performing assets (NPAs)**, or loans on which borrowers have defaulted, is back on the table.

What's a bad bank?

A bad bank conveys the impression that **it will function as a bank but has bad assets to start with.**

- Technically, a **bad bank is an asset reconstruction company (ARC)** or an asset management company **that takes over the bad loans of commercial banks, manages them and finally recovers the money over a period of time.**
- The bad bank is **not involved in lending and taking deposits**, but helps commercial banks clean up their balance sheets and resolve bad loans.
- The takeover of bad loans is **normally below the book value of the loan and the bad bank tries to recover as much as possible**

Apprehensions about the Bad Bank's Idea

Former RBI Governor Raghuram Rajan had opposed the idea of setting up a bad bank in which banks hold a majority stake.

He said in his book:

- “This bad bank idea is **as shifting loans from one government pocket** (the public sector banks) **to another** (the bad bank) and did not see how it would improve matters.
- Indeed, if the bad bank were in the public sector, the reluctance to act would merely be shifted to the bad bank.”

Bad Bank's Concept around the world

- US-based Mellon Bank created the **first bad bank in 1988**, after which the concept has been implemented in other countries including **Sweden, Finland, France and Germany.**
- However, **resolution agencies or ARCs set up as banks**, which originate or guarantee lending, have ended up turning into reckless lenders in some countries.
- Many other countries had set up institutional mechanisms such as the Troubled Asset Relief Programme (TARP) in the US to deal with a problem of stress in the financial system.

Need for a bad bank

The idea gained currency during Rajan's tenure as RBI Governor.

- The RBI had then initiated an **asset quality review (AQR)** of banks and found that **several banks had suppressed or hidden bad loans to show a healthy balance sheet.**
- **ARCs have not made any impact in resolving bad loans** due to many procedural issues.
- Now, with the pandemic hitting the banking sector, the RBI fears a spike in bad loans in the wake of a six-month moratorium it has announced to tackle the economic slowdown.

Will a bad bank solve the problem of NPAs?

Despite a series of measures by the RBI for better recognition and provisioning against NPAs, the problem of NPAs continues in the banking sector, especially among the weaker banks.

- Proponents of the concept feel that a **professionally-run bad bank, funded by the private lenders and supported the government, can be an effective mechanism to deal with NPAs.**
- The bad bank concept is in **some ways similar to an ARC** but is funded by the government initially, with banks and other investors co-investing in due course.
- The presence of the government is seen as a means to speed up the clean-up process.

NPA issue in the wake of the pandemic

Bad loans in the system are expected to balloon in the wake of contraction in the economy and the problems being faced by many sectors.

- The RBI noted in its recent **Financial Stability Report** that the **gross NPAs of the banking sector are expected to shoot up to 13.5% of advances by September 2021, from 7.5% in September 2020.**
- The report warned that if the macroeconomic environment worsens into a severe stress scenario, the ratio may escalate to 14.8%.
- Among bank groups, the NPA ratio of PSU banks, which was 9.7% in September 2020, may increase to 16.2% by September 2021 under the baseline scenario.

Way forward

The **K V Kamath Committee**, has said companies in sectors such as retail trade, wholesale trade, roads and textiles are facing stress.

- **Sectors that have been under stress pre-Covid** include NBFCs, power, steel, real estate and construction.
- **Setting up a bad bank is seen as crucial against this backdrop.**

EDITORIALS IN-DEPTH – 20th JANUARY- 2021

INDIA-NEPAL RELATIONS IN A NEW TRANSITION

GENERAL STUDIES - II (INDIA AND ITS NEIGHBORHOOD- RELATIONS)

Amidst the domestic political chaos, the Minister for Foreign Affairs of Nepal, visited New Delhi for the **sixth meeting of the India-Nepal Joint Commission** on January 15, 2021.

Background

- Recently, Nepal's **Prime Minister K.P. Sharma Oli dissolved the House of Representatives in late December 2020.**
- The **move was termed 'unconstitutional'** by the experts and the country's Supreme Court is hearing writ petitions against Mr. Oli.

Nepal's internal political and China

As a unique characteristic, Nepal's internal political fundamentals continue to shape its foreign policy choices.

- The **year 2020 marked China's unprecedented aggression**, with an aim to counter India's conventional edge in Nepal and South Asia at large.
- Accordingly, **China's geo-strategic, economic and infrastructural drives** were made tempting to a precarious Nepal with its fragile democracy and the adulterated ideological standing of the ruling **Communist Party of Nepal (CPN).**

Nepal- India Relations:

Business as usual

The keenly awaited meeting between Nepal and India's Foreign Ministers proved to be **more focused on confidence-building measures.**

On the development partnership front, the following initiative are discussed:

- The expansion of the **Motihari-Amlekhganj petroleum products pipeline to Chitwan.**
- The establishment of a **new pipeline on the eastern side connecting Siliguri to Jhapa in Nepal.**
- The elusive operating procedures for commencement of train services **between India and Nepal** from Jaynagar to Kurtha via Janakpur.
- Other **"cross-border rail connectivity projects**, including a possible **Raxaul-Kathmandu broad gauge railway line"**.

Cross-border movement of people and goods

The Joint Commission laid emphasis on the **need for facilitating cross-border movement of people and goods**, thus giving the sub-regional cooperation, its actual due.

- The **recently inaugurated Integrated Check Posts (ICPs) at Birgunj and Biratnagar** have helped in the seamless movement of people and trade between the two countries.
- The **construction of a third integrated check post at Nepalgunj** has already commenced.
- The **new integrated check post at Bhairahwa** would begin shortly.

Since **Nepal relies on India's seaports in a big way for trading**, and **goods are transported by road**, the integrated check posts are expected to ease trade and transit.

Moving forward in Relations

- The joint hydropower projects, including the proposed **Pancheshwar Multipurpose Project**, should get positive momentum following this round of meeting.
- India's support to two more **cultural heritage projects in Nepal**, namely, the **Pashupatinath Riverfront Development and the Bhandarkhal Garden Restoration in Patan Durbar** is significant in the times when China is exploring all avenues to disrupt Nepal's natural choice in policy-making.
- Moving away from the recent hiatus, **Nepal expressed support for India's permanent membership of an expanded UN Security Council (UNSC)** to reflect the changed balance of power.

The next meeting of the Joint Commission in Nepal should be crucial in giving a new direction to the bilateral ties, keeping a balance between change and continuity.

Stirrings for change:

Notwithstanding the **Nepali side's demand to include the boundary in the Joint Commission Meeting**, India made it clear to find a fresh mechanism to resolve any such crucial long-pending issue.

- **The growing disenchantment among the Nepali masses** over the increased centralisation of power, failure of the Provincial System in addressing the developmental issues, and unprecedented corruption provide ample room for a re-setting of Nepal's democracy.
- Worryingly, **a large section of the people want the 'cultural Monarchy' back** to substitute the Presidential system and a re-establishment of certain traditional ways to governance.

Way forward:

Like many other democracies across the world, Nepal's democracy has been affected with an **extreme rise in majoritarian sentiments**.

- Nepal cannot afford to enter in another round of political instability.
- Those who have commanding authority to spearhead India-Nepal bilateral relations must give a humane consideration to it.
- At the crossroads, Nepal needs action and to come to term with realities.

EDITORIALS IN-DEPTH – 21st JANUARY- 2021

RAPID MELTING IN THE HIMALAYAS

GENERAL STUDIES - II (CONSERVATION, ENVIRONMENTAL POLLUTION AND DEGRADATION)

The Hindu Kush Himalayas

The Hindu Kush Himalayas (HKH) are the freshwater towers of South Asia and parts of Southeast Asia. Water originating from their snow, glaciers and rainfall feed the ten largest river systems in Asia.

- There is a little understood core area known as the Hindu Kush Himalaya (HKH) region.
- The region, spread over 3,500 square kilometers across eight countries including India, Nepal and China, is also known as the Water Tower of Asia due to its reserve of frozen water.
- HKH has the maximum snow storage after the poles.
- Being a major source of water for the rivers, these glaciers are the lifeline for one-third of the population across the globe.

Glaciers in Himalayas

- There are about 15,000 glaciers in the Himalayas lying between the two syntaxial bends in the east and the west.
- In the Himalayas, glaciers cover about 40,000 sq km of area between Karakoram and Arunachal Pradesh.
- The main glaciers in the northern mountains are found in the Greater Himalayas and the Trans-Himalayan mountains (Karakoram, Ladakh and Zaskar).
- The Lesser Himalayas have small glaciers, though traces of large glaciers are found in the Pir-Panjal and Dhauladhar ranges.

What is the Snowline?

- 'Snowline' is the lower limit of perpetual snow in the region.
- The snowline in the Himalayas has different heights in different parts, depending on latitude, altitude, amount of precipitation, moisture, slope and local topography.
- There is a direct relationship between the presence of moisture and the altitude of the snowline.
- In general, more the moisture in the atmosphere, lower the altitude of the snowline and vice versa.
- In the Assam Himalaya, the snowline is about 4400 m, whereas in the Kashmir Himalayas it varies between 5200 to 5800 m.

Major Glaciers of India

- Siachin ,Karakoram
- Sasaini, Karakoram
- Hispara Karakoram, Karakoram
- Biafo, Karakoram
- Baltora, Karakoram
- Chogo Lungma
- Khordopin

- Rimo
- Punmah, Kashmir
- Gangotri ,Uttarakhand
- Zemu ,Sikkim/Nepal
- Rupal, Kashmir
- Diamir ,Kashmir

Glacier melting in Himalayas

- The Glaciers are melting and receding at an alarming rate in Himalayas.
- Glaciers in the Hindu Kush Himalayas might contain 27 per cent less ice than previously suggested, according to an international study.
- The region is expected to lose half of its present-day glacier area by 2060, a decade earlier than the previously expected deadline of 2070.

The cause of the melting

The evidence points to human-caused climate change being the dominant cause of the melting.

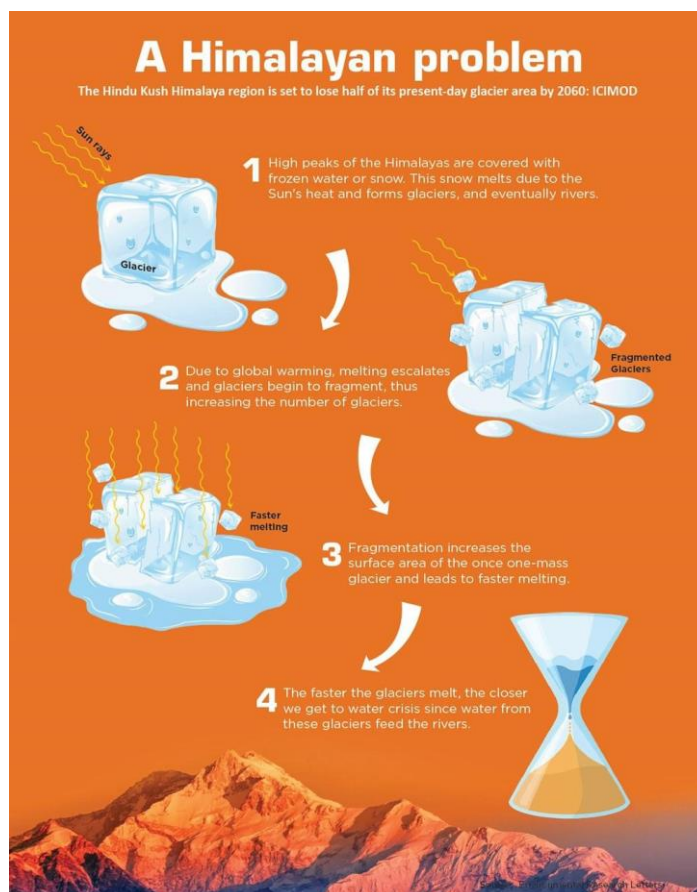
- The glaciers are shrinking at similar rates all along the mountain chain, indicating a common cause.
- Weather changes and the settling of black air pollution, which absorbs heat from the sun and speeds up melting, have only local effects.
- Temperature data from the region also shows an average rise of 1C from 2000-16 compared with 1975-2000.
- Calculations show this rise is consistent with the amount of ice being lost.

Increasing number of Himalayan Glaciers

According to the first-ever assessment of climate change impacts on the HKH region by the regional **Intergovernmental body International Centre for Integrated Mountain Development (ICIMOD)**, the number of glaciers in the Himalayan area has increased!

How is this possible?

- It's possible because the increase in the number of glaciers is primarily due to glacier fragmentation.
- In other words, the big ones are splitting into smaller ones. And this is happening due to global warming and consistent loss in areas the glaciers occupy.
- Eastern Himalayan glaciers have tended to shrink faster than glaciers in the central or western Himalayas.
- It's natural because when there is an increase in the surface area or the surface exposed to the sun, the fragmented and smaller glaciers shrink faster than the larger ones.



Significance of HKH

- The HKH region is an incredibly important asset for Asia and the world.
- It is a key source of water, energy, carbon stocks, as well as rich biodiversity.
- The rivers starting from the HKH region sustain over 200 crore people and have a hydropower potential of 500 gigawatts (GW).
- The HKH is home to unique societies and traditional knowledge, people who have learned to adapt to harsh environments and people who have secrets to our future survival.

Possible impact

- Some 800 million people depend in part on seasonal runoff from Himalayan glaciers for irrigation, hydropower, and drinking water.
- The retreat of glaciers is one of the most glaring consequences of rising global temperatures. Around the world, vanishing glaciers will mean less water for people, livestock and crops.

International Centre for Integrated Mountain Development (ICIMOD)

- The ICIMOD is an intergovernmental knowledge and learning centre working on behalf of the people of the Hindu Kush Himalaya (HKH).
- It is founded in 1983 and based in Kathmandu, Nepal.
- it work in and for eight regional member countries – ***Afghanistan, Bangladesh, Bhutan, China, India, Myanmar, Nepal, and Pakistan.***

HYBRID WARFARE: WHAT DATA THEY COLLECT, WHY CAUSE FOR CONCERN

GENERAL STUDIES - III (CHALLENGES TO INTERNAL SECURITY)

Recently, the Chinese-only website of Zhenhua Data Information Technology Co, the company monitoring foreign targets, was pulled down.

What is the hybrid warfare?

Hybrid warfare is a military strategy which employs political warfare and blends conventional warfare, irregular warfare and cyberwarfare with other influencing methods, such as fake news, diplomacy and foreign electoral intervention.

- By combining kinetic operations with subversive efforts, the aggressor intends to avoid attribution or retribution.
- Hybrid warfare can be used to describe the flexible and complex dynamics of the battlespace requiring a highly adaptable and resilient response.

Hybrid warfare from China

As early as 1999, *Unrestricted Warfare*, a publication by China's People's Liberation Army, mapped the contours of hybrid warfare.

- It was a shift in the arena of violence from military to political, economic and technological.
- The new weapons in this war, wrote authors Colonel Qiao Liang and Colonel Wang Xiangsui, were those "closely linked to the lives of the common people." And one morning "people will awake to discover with surprise that quite a few gentle and kind things have begun to have offensive and lethal characteristics."
- Indeed, within countries too, political parties target the opposition via these same tools.
- Every second country is giving hybrid warfare a shot since the Russian breakthrough in 2014-15 (annexation of Crimea and undeclared conflict in eastern Ukraine).

What does Zhenhua Data do?

- It targets individuals and institutions in politics, government, business, technology, media, and civil society.
- Zhenhua, is Claiming to work with Chinese intelligence, military and security agencies.
- It monitors the subject's digital footprint across social media platforms, maintains an "information library," which includes content not just from news sources, forums, but also from papers, patents, bidding documents, even positions of recruitment.

- **Significantly, it builds a “relational database”,** which records and describes associations between individuals, institutions, and information.
- Collecting such massive data and weaving in public or sentiment analysis around these targets, Zhenhua offers “threat intelligence services.”

Laws regarding the Personal Data in India?

Under the **Information Technology Rules, 2011, under the IT Act, 2000-**

Personal data is *“any information regarding a natural person, which either directly or indirectly, in combination with other information available or likely to be available... is capable of identifying such person.”*

- This, however, **does not include information available freely or accessible in the public domain.**
- The Supreme Court of India has recognised **the right to privacy as a fundamental right under Article 21 of the Constitution** as a part of the right to “life” and “personal liberty”.

How does this monitoring flout any laws in India?

The Supreme Court has stated that **every person should have the right to control commercial use of his or her identity.**

- The court has also said that, the **“right of individuals to exclusively commercially exploit their identity and personal information, to control the information that is available about them on the internet and to disseminate certain personal information for limited purposes alone”** emanates from this right.
- But, **the existing regulations in India so do not impose any conditions** on the use of personal data for direct marketing etc.
- ***the company is undertaking this without consent... a third party scraping your geo-location from social media sites and sharing it with a rival country’s intelligence will be seen illegal, at least in some advanced jurisdictions.***
- But **privacy laws are almost impossible to enforce in a foreign jurisdiction** because they differ from country to country. That is unlikely to change anytime soon.

What’s the concern over Zhinhua’s monitoring?

- **India incrementally blocked over 100 Chinese apps for engaging in activities “prejudicial to sovereignty and integrity of India, defence of India, security of state and public order” as flare-ups intensified along the Line of Actual Control.**
- But such moves are unlikely to impact an operation like Zhenhua’s.
- There have been a string of recent reports on China’s attempts to cultivate potential assets for sensitive military, intelligence or economic information in the US and Europe through social media.

What is the purpose of this Monitoring?

The only plausible purpose is to build capacity for following up on the actionable data. Zhenhua uses the open information environment liberal democracies take for granted to target individuals and institutions.

The threat of surveillance and monitoring of foreign individuals by an authoritarian China is very real.

EDITORIALS IN-DEPTH – 23rd JANUARY- 2021

A NEW FRAMEWORK AROUND CASTE AND THE CENSUS

GENERAL STUDIES - II (ISSUES RELATING TO DEVELOPMENT AND MANAGEMENT OF SOCIAL SECTOR)

Enumerating, describing and understanding the population of a society and what people have access to, and what they are excluded from, is important not only for social scientists but also for policy practitioners and the government.

In this regard, **the Census of India**, one of the largest exercises of its kind, enumerates and collects demographic and socio-economic information on the Indian population. However, **no data exists in a vacuum. It has its own history, context and purpose.**

About the Census

The **synchronous decennial Census** going back to the colonial exercise of 1881 has evolved over time. It has been used by the government, policy makers, academics, and others to capture the Indian population, **its access to resources, and to map social change.**

Criticism of census

However, as early as the 1940s, **W.W.M. Yeatts**, Census Commissioner for India for the 1941 Census, had pointed out that, **“The census is a large, immensely powerful, but blunt instrument unsuited for specialised enquiry”.**

- This point has also surfaced in later critiques offered by scholars who consider **the Census as both a data collection effort and a technique of governance, but not quite useful enough for a detailed and comprehensive understanding of a complex society.**
- As historian and **anthropologist Bernard Cohn** had demonstrated, the **Census may in fact produce an imagination of society, which suggests the epistemological complexities involved.**

Need for caste census

Since Independence, aggregated Census data on the Scheduled Castes and Scheduled Tribes on certain parameters such as education have been collected.

- With demands to **conduct a full-scale caste census** gaining traction over time.
- The **inclusion of broader caste information as a necessity to capture contemporary Indian society** and to understand and remedy inequalities.

The main concerns

- It **would be disingenuous to ignore** the emotive element of caste and the political and social repercussions of a caste census.
- There have been concerns **that counting caste may help solidify or harden identities, or that caste may be context-specific**, and thus difficult to measure.

A road map

There is a need to deliberate on **how the census data has been used** and understood by the government and its various departments to grant or withdraw benefits.

Its **utility for the important academic exercise of mapping social inequalities and social change.**

- **Linking and syncing aggregated Census data to other large datasets such as the National Sample Surveys** or the National Family Health Surveys that cover issues that the Census exercises do not, such as maternal health.
- It would be **significant for a more comprehensive analysis**, enabling the utilisation of the large body of data that already exists.

Way forward

While the Census authorities present documents on methodology as part of a policy of transparency, there needs to be a closer and continuous engagement between functionaries of the Census and **Socio-Economic and Caste Census (SECC)**, along with academics and other stakeholders concerned.

- Before another SECC is conducted, **a stocktaking of the previous exercise, of what has been learnt from it, and what changes are necessary**, beyond changing exclusionary criteria for beneficiaries of state support, are crucial to enable the Census to facilitate effective policy work and academic reflection.
- Concerns about methodology, relevance, rigour, dissemination, transparency and privacy need to be taken seriously if this exercise is to do what it was set up to do.

EDITORIALS IN-DEPTH – 25th JANUARY- 2021

ELECTION MANIFESTOS

GENERAL STUDIES - II (STATUTORY, REGULATORY AND VARIOUS QUASI-JUDICIAL BODIES)

Electoral manifestos play a crucial role in presenting the visions of parties in a democracy.

What are the Election Manifestos?

Election manifestos, as is commonly known, are drafted before the elections, with a view to capture the imagination of the voters.

- Electoral manifestos play a crucial role in presenting the visions of parties in a democracy.
- They are a compendium of valid positions of parties on varied issues of importance to the country and to the electorate.
- They delimit issues and present a larger framework as campaign material. The power of written words carries more authority than unwritten, vague, oral promises.
- The present state of putting no obligation on the part of the ruling party for its implementation has reduced the election manifestos to a mere rhetoric of political parties to hoodwink the credulous and gullible electorate.

Guidelines

In 2013, the Election Commission of India, acting on directions given by the Supreme Court, added guidelines on election manifestos in the Model Code of Conduct (MCC).

- In *S Subramaniam Balaji vs Govt. of Tamil Nadu and Others* (July 2013), a Bench of Justices P Sathasivam and Ranjan Gogoi ruled that the “distribution of freebies of any kind, undoubtedly, influences all people”, and “shakes the root of free and fair elections to a large degree”.
- Considering there is “no enactment that directly governs the contents of the election manifesto”, the court directed the Election Commission “to frame guidelines for the same in consultation with... political parties”.
- It suggested that “a separate head for guidelines for election manifesto released by a political party can also be included in the Model Code of Conduct for the Guidance of Political Parties & Candidates”.

Model Code of Conduct (MCC)

After the Supreme Court’s directions, the Election Commission issued the following guidelines under Part VIII of the MCC:

1. The election manifesto shall not contain anything repugnant to the ideals and principles enshrined in the Constitution.
2. It shall be consistent with the letter and spirit of other provisions of Model Code of Conduct.
3. The Directive Principles of State Policy enshrined in the Constitution enjoin upon the State to frame various welfare measures for the citizens and therefore there can be no objection to the promise of such welfare measures in election manifestos.
4. Political parties should avoid making those promises which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise.
5. In the interest of transparency, level playing field and credibility of promises, it is expected that manifestos also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirements for it.

6. Trust of voters should be sought only on those promises which are possible to be fulfilled.

Prohibitory period for manifestos

The Election Commission has laid down the prohibitory period for the release of manifestos during elections-

1. In case of single-phase election, manifesto shall not be released during the prohibitory period, as prescribed under Section 126 of The Representation of the People Act, 1951.
2. In case of multi-phase elections, manifesto shall not be released during the prohibitory periods, as prescribed under Section 126 of The Representation of the People Act, 1951, of all the phases of those elections.
3. In Section 126 of the RP Act, the 'prohibitory period' signifies the "period of forty-eight hours ending with the hour fixed for conclusion of poll".

Relevance on Election manifestos

In many ways, manifestos are a formality, and their release is often no more than a photo-op in the campaign of political parties.

- They are frequently delayed, leaving no time for voters to go through the contents in order to make informed choices.
- Voting patterns in most of India are dictated largely by tribal instincts and loyalties to communities, castes, or individuals, with dispassionate argument having only a limited role to play in the choices voters make.
- The rate of compliance with election promises is erratic for all parties, and most are criticised for departing from their manifestos after coming to power.

Conclusion

This is because election manifestos are not legally enforceable documents, In 2015, a Bench of Chief Justice of India H L Dattu and Justice Amitava Roy declined to entertain a petition filed on this subject.

It says that there was no provision in law under which political parties could be held liable for not fulfilling promises made in their election manifestos.

EDITORIALS IN-DEPTH – 27th JANUARY- 2021

'OFF-BUDGET BORROWING'

GENERAL STUDIES - III (GOVERNMENT BUDGETING)

One of the most sought after details in any Union Budget is the **level of fiscal deficit**.

As such, it is keenly watched by rating agencies — both inside and outside the country. That is why most governments **want to restrict their fiscal deficit to a respectable number**.

- One of the ways to do this is by resorting to “**off-budget borrowings**”.
- Such borrowings are a way for the Centre **to finance its expenditures while keeping the debt off the books** — so that **it is not counted in the calculation of fiscal deficit**.

What is the fiscal deficit?

- It is essentially **the gap between what the central government spends and what it earns**. In other words, it is the level of borrowings by the Union government.
- This **fiscal deficit is the most important metric to understand the financial health of any government's finances**.

Background:

According to the last Budget documents, in the current financial year the Centre was set to borrow Rs 5.36 lakh crore.

- However, **this figure did not include the loans that public sector undertakings** were supposed to take on their behalf or the deferred payments of bills and loans by the Centre.
- **These items constitute the “off-budget borrowings”** because these loans and deferred payments are not part of the fiscal deficit calculation.
- Every year, **the Finance Minister announces the quantum of funds that will be raised by the government by borrowing** from the market.
- This amount and the interest due on it is **reflected in the government debt**.

What are off-budget borrowings?

Off-budget borrowings are **loans that are taken not by the Centre directly**, but by another public institution which borrows on the directions of the central government.

- Such borrowings are used to fulfil the government's expenditure needs.
- But **since the liability of the loan is not formally on the Centre**, the loan is not included in the national fiscal deficit.
- This helps keep the country's fiscal deficit within acceptable limits.

How are off-budget borrowings raised?

The government can ask an implementing agency **to raise the required funds from the market through loans or by issuing bonds**.

For example:

Food subsidy is one of the major expenditures of the Centre. In the Budget presentation for 2020-21, the **government paid only half the amount** budgeted for the food subsidy bill to the Food Corporation of India.

- The **shortfall was met through a loan** from the National Small Savings Fund. This allowed the Centre to halve its food subsidy bill from Rs 1,51,000 crore to Rs 77,892 crore in 2020-21.

- **Public sector banks are also used to fund off-budget expenses.** For example, loans from PSU banks were used to make up for the shortfall in the release of fertiliser subsidy.

Conclusion

If these numbers were included, the fiscal deficit will go up in absolute terms.

- Given the **various sources of off-budget borrowing**, the true debt is difficult to calculate.
- For instance, it was widely reported that in July 2019, just three days after the presentation of the Budget, the CAG pegged the actual fiscal deficit for 2017-18 at 5.85% of GDP instead of the government version of 3.46%.

EDITORIALS IN-DEPTH – 28th JANUARY- 2021

PURSUING NATIONAL INTERESTS, AT THE UN HIGH TABLE

GENERAL STUDIES - II (IMPORTANT INTERNATIONAL INSTITUTIONS)

India deserves a **permanent seat at the high table of the United Nations**, the UN Security Council (UNSC), but is almost sure not to have it anytime soon.

Therefore, its **two-year non-permanent stint at the UNSC** should be viewed as a once-in-a-decade opportunity to clearly identify and pursue its national interests regionally and globally, **rather than chase chimerical goals such as a permanent membership or to issue please-all platitudes.**

Timing of membership:

New Delhi's entry into the UNSC **coincides with the emergence of a new world order.**

The new world order is marked by **systemic uncertainty, little care for global commons, absence of global leadership, the steady division of the world into rival blocs, and an age marked by unabashed pursuit of narrow national interests**, putting even the rhetoric about a value-based global order on the backburner.

- Efforts by the newly-inaugurated Biden administration in the United States, especially to rejoin the Paris Climate Agreement and, possibly, the Iran nuclear deal, **may go on to ameliorate some of the harsh impact of this dog-eat-dog global (dis)order.**
- The UNSC has also reached a point wherein **its very relevance is in serious doubt**, let alone serious expectations of it to live up to **its primary objective: "the maintenance of international peace and security"**.

India in new world order:

India has also been different in this **new world order.**

It is **no longer an ardent believer in the fantastical claims** about a perfect world at harmony with itself, **nor is it a timid bystander in global geopolitics**.

- Contemporary India is **more self-confident, resolute and wants to be a shaper of geopolitics** even though it lacks the material wherewithal, economic heft, and domestic consensus, to action its ambitions.
- But at least **its mindset has changed**, from being satisfied on the margins to desiring to be at the centre stage.
- **On the downside**, however, its hard realism is not just a foreign policy attribute but reflective of and stems from **its domestic political dynamics, worrying as it were**.

New Delhi's pursuit of its interests at the UNSC should, therefore, reflect its material and geopolitical limitations, and its energies should be focused on a clearly identified agenda.

The China factor:

New Delhi's tenure at the UNSC comes **in the wake of its growing military rivalry with Beijing**, the impact of which has already started to be felt at the UNSC meetings in New York.

- **China's opposition to having India chair the Counter-Terrorism Committee (CTC) in 2022** was a precursor to the things to come on the high table.
- If the **Biden administration were to continue with Donald Trump's policy of pushing back Chinese aggression** including at the UNSC, New Delhi might find itself some useful allies in checking Chinese aggression in the region.

Alignment with the West:

Greater Indian alignment with the West at the UNSC, an unavoidable outcome, could, however, **widen the growing gulf between Moscow and New Delhi** given Russia's increasing dependence on Beijing in more ways than one.

- It might not be **possible for New Delhi to sit on the fence anymore**; doing so would bring more harm than goodwill in an international system where battle lines are sharpening by the day.
- **India's seat at the UNSC is also significant vis-à-vis China** because the next two years will be key to ensure **checking further Chinese incursions along the Line of Actual Control** and building up enough infrastructure and mobilising sufficient forces in the forward areas.

Focus on terror:

Terror is likely to be a **major focus for India** at the UNSC.

External Affairs Minister's statement at the UNSC Ministerial Meeting on the **20th Anniversary of Security Council Resolution 1373** and the establishment of the **Counter Terrorism Committee** has set the stage for New Delhi's approach on the issue:

"Terrorists are terrorists; there are no good and bad ones. Those who propagate this distinction have an agenda. And those who cover up for them are just as culpable".

- New Delhi recently assumed the **chair of the Taliban sanctions committee** which assumes significance given the fast-moving developments in Afghanistan and India's new-found desire to engage with the Taliban.

- India must, however, **formulate its policy towards terrorism with far more diplomatic finesse and political nuance** especially given that it is chairing the Taliban sanctions committee while courting the very same Taliban.
- If New Delhi wishes to make its mark on the global discourse and policy formulation on terrorism, it would need to approach them with far more clarity and intellectual coherence.

Think beyond reforms:

New Delhi's pursuit of its national interest at and through the UNSC must also be tempered by the sobering fact that the UNSC is unlikely to admit new members any time soon, if ever at all.

- **India's past global engagements and efforts** have often been contingent on the hope that it would one day be admitted to the UNSC given its irrefutable claim.
- But a cursory glance at the recent debates on UNSC reforms and the state of the international system today should tell us that **bending over backwards to please the big five to gain entry into the UNSC will not make a difference.**

So New Delhi must focus its energies on what it can achieve during the short period that it would be in the UNSC rather than what it wishes happened.

EDITORIALS IN-DEPTH – 29th JANUARY- 2021

CSR EXPENDITURE RULES HAVE CHANGED FOR INDIAN COMPANIES

GENERAL STUDIES - III (INCLUSIVE GROWTH AND ISSUES ARISING FROM IT)

The Corporate Affairs Ministry has **amended the rules for Corporate Social Responsibility (CSR) expenditure** by India Inc. **to allow companies to undertake multi-year projects**, and also require that all CSR implementing agencies be registered with the government.

What is the Corporate Social Responsibility (CSR)?

The "Corporate Social Responsibility" in general can be referred in general as **a corporate initiative to assess and take responsibility for the company's effects on the environment and impact on social welfare.**

Under CSR, businesses can invest their profits in areas such as promoting rural development in terms of healthcare, sanitation, education including skill development, environmental sustainability, etc.

How is it regulated in India?

India is one of the **first countries in the world to make CSR mandatory for companies** following an amendment to the Companies Act, 2013 (Companies Act) in 2014.

Section 135(1) of the Companies Act prescribes thresholds to identify companies which are required to constitute a CSR Committee – those, in the immediately preceding financial year of which:

1. Net worth is Rs 500 Crore or more; or.
2. Turnover is Rs 1000 Crore or more; or.
3. Net profit amounts to Rs 5 Crore or more.

CSR is applicable to companies before completion of 3 financial years.

The Act encourages companies to **spend 2% of their average net profit in the previous three years** on CSR activities.

CSR activities:

The indicative activities, which can be undertaken by a company under CSR, have been specified under **Schedule VII of the Act**.

The activities include:

- Eradicating extreme hunger and poverty,
- Promotion of education, gender equality and empowering women,
- Combating Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and other diseases,
- Ensuring environmental sustainability;
- Contribution to the Prime Minister's National Relief Fund;
- Any other fund set up by the Central Government for socio-economic development;
- Funds for the welfare of the Scheduled Castes, the Scheduled Tribes, other backward classes, minorities and women etc.

How do the new rules enable corporations to undertake multi-year CSR projects?

The amended CSR rules allow companies to **set off CSR expenditure above the required 2 per cent expenditure in any fiscal year** against required expenditure for up to three financial years.

Experts do, however, note that there was ambiguity whether the rule would apply for expenditure undertaken prior to the amendment.

What are the changes required for implementing agencies?

A large number of companies conduct CSR expenditure through implementing agencies.

But, the **new amendment restricts companies from authorising** either a Section 8 company or a registered public charitable trust **to conduct CSR projects on their behalf**.

- **A Section 8 company** is a company registered with the purpose of promoting charitable causes, applies profits to promoting its objectives and is prohibited from distributing dividends to shareholders.
- Experts note that the change would impact CSR programmes of a number of large Indian companies that conduct projects through private trusts.

What are other key changes?

- **The amended rules require** that any corporation with a CSR obligation of **Rs 10 crore** or more for the three preceding financial years **would be required to hire an independent agency to conduct impact assessment of all of their project** with outlays of Rs 1 crore or more.
- Companies will be allowed to count 5 per cent of the CSR expenditure for the year up to Rs 50 lakh on impact assessment towards CSR expenditure.

EDITORIALS IN-DEPTH – 30th JANUARY- 2021

THE TIGHTROPE BETWEEN PRODUCTION AND INDUSTRIAL PEACE

GENERAL STUDIES - III (INVESTMENT MODELS)

Apple has decided to place its Taiwanese supplier, Wistron Corp., on probation by not giving new orders is a step forward in corporate accountability and ethical business operations.

This decision was taken after an audit of the serious lapses in labour practices that led to violence in its facility in Narasapura in Karnataka.

Realities of manufacturing

That it took violence for the workers to be 'seen' and 'heard', and for corrections to be undertaken points to the realities of high-tech manufacturing outsourced through supply chains in the global south.

- In fact, many of the suppliers subcontracting in the high-end electronics sector including those for Apple, **have been involved in wilful violations of labour standards and practices.**
- Until recently, the **default response of the brands has been evasion of responsibility** by either shifting the onus to the subcontracting firms or keeping things in silent mode.
- **The prevailing norms of work arrangements** practised by the suppliers themselves downstream, was through hired labour from multiple subcontractors/third party work supply firms.
- This process **creates ambiguity in identifying the primary employer** and thereby, seriously constrains the workers from getting effective redress of their grievances.

The China experience

The **labour contention and the resultant violence** at the Wistron facility can be comprehended better by taking into cognisance the operations of Taiwanese suppliers/subcontractors over the years in China.

Offshore assembly facilities was created by

- Riding on the global transformation of industrial production and increased outsourcing by corporate giants in the United States, Europe and East Asia.
- as part of the strategies of maintaining lean workforces,
- the unlimited supply of rural migrant labour at low wage levels, and
- the Chinese economic reforms

Further, the huge potential of the Chinese consumer market along with increased investment by the Chinese diaspora also played a role in facilitating the decision.

Much trauma for workers

As Apple and other brands churn out 'smart' devices at increased speeds, and with tight timelines 24×7, **the burden falls literally on the shoulders of the workers** employed in the supplier factories.

- Forcing them **to work under harsh conditions, doing overtime, long tiring shifts without much breaks, and under constant disciplinary monitoring** by supervisors.
- The **regimented work practices** on the assembly line are matched by **low pay and little or no social security**, leading to strain and traumatic experiences, both physical and mental.

Safeguards vs. investments

That many of these **exploitative labour practices and violations of safeguards** could be **carried over when these facilities move into the Indian terrain** is illustrated by the occurrence in the Wistron facility.

- In fact, **when they combine with the precarities already embedded in India's manufacturing sector**, the consequences are debilitating for labour.
- This becomes all the more pertinent, in the backdrop of increasing **keenness of governments in India to attract Taiwanese investments**.
- The **passing of the new labour codes** further **erodes existing modicum of labour protection**.
- The fear of **'flight of capital'**, coupled with weak state capacity in supervision make state administrations reluctant to step in unless things escalate.

Prognosis ahead

Increasingly, following pressure from the consumers' side and also being highly conscious of its brand image, Apple has provided a **'Code of Conduct'** to all its suppliers.

- It is seeking to monitor and audit compliance of labour standards and safeguards.
- **In the absence of avenues for workers to channelise their grievances** — representative associations and unions — frequent labour unrest including to the extent of violent confrontations, could very well be a daily reality in these high-end manufacturing facilities.



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