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SEVEN IMPORTANT ISSUES

I. DIGITAL REVOLUTION VS PROTECTION OF PRIVACY

Why in News?

The committee of experts chaired by Justice BN Srikrishna has submitted its report titled, “A Free and Fair Digital Economy – Protecting Privacy, Empowering Indians”, to the Ministry of electronics and information technology. The committee also submitted a draft legislation on data protection titled 'the Personal Data Protection Bill, 2018'.

Introduction

With nearly 500 Million internet users India represents a digital economy, which has biggest market potential for global players. This digital revolution, also known as 'the internet economy', is expected to generate new market growth opportunities, jobs and become the biggest business opportunity for businesses in the next 30 to 40 years.

Data privacy has been a topic of raging national debate in our country in recent times. Even before Facebook rocked the world with its Cambridge Analytica scandal, there was Aadhaar -- the 12-digit number that was introduced with the aim of giving an identity to billions of unnamed and unidentified Indian citizens. That raised privacy issues and need was felt that India required a data protection law. As Aadhaar spread, privacy advocates began raising their concerns about the safety of the data that was being collected. Some even purported that the Unique Identification Authority of India (UIDAI) number was being used

by the government as a surveillance state. And so a committee comprising of a group of experts led by Justice BN Srikrishna was born on August 1st, 2017, to identify key issues related to data protection and recommend methods for addressing the same.

The committee came out with its white paper on data protection framework in India in November last year. And now, nearly a year after it was formed, it has submitted its report to the Ministry of Electronics and Information Technology along with a draft of a bill.

The need for legislation was also underlined last year with the landmark judgment in Justice K.S. Puttaswamy v. Union of India that held the right to privacy to be a fundamental right. Against this backdrop, the draft legislation on data protection submitted by a committee of experts after year-long public consultations provides a sound foundation on which to speedily build India's legal framework. It seeks to codify the relationship between individuals and firms/state institutions as one between “data principals” (whose information is collected) and “data fiduciaries” (those processing the data) so that privacy is safeguarded by design.

The Draft Personal Data Protection Bill, 2018

The Draft Personal Data Protection Bill, 2018 puts an emphasis on “informed user consent” for processing

of personal data and enshrines the Right to be Forgotten. It also prescribes steep penalties and even a list of non-bailable and cognizable criminal offences for violation of the law, recommends the setting up of a data protection authority to deal with all data-related issues in the country and wants all large data fiduciaries to appoint data protection officers.

Even amid the increasing importance being accorded to data, its safety and security, data frauds are proliferating in India as much as across the world. One of the main aims of the Personal Data Protection Bill is to maintain privacy of data and minimise frauds. The current draft is a step in the right direction as far as this is concerned. The Bill runs into 112 sections. These include positive features like broader definitions, horizontal application, extra-territorial jurisdiction and steep penalties for violations, as well as negative features like data localization requirements, many exceptions to state related processing. Amendments are proposed to the Right to Information Act and Information Technology Act, though no amendments are proposed at present to the Aadhaar Act.

Key Highlights

- **Rights of the Individual:** The Bill sets out certain rights of the individual. These include:
 - (i) Right to obtain confirmation from the fiduciary on whether

its personal data has been processed,

(ii) Right to seek correction of inaccurate, incomplete, or out-of-date personal data.

(iii) Right to have personal data transferred to any other data fiduciary in certain circumstances.

• **Obligations of the Data Fiduciary:**

The Bill sets out obligations of the entity who has access to the personal data (data fiduciary). These include:

(i) Implementation of policies with regard to processing of data.

(ii) Maintaining transparency with regard to its practices on processing data.

(iii) Implementing security safeguards (such, as encryption of data).

(iv) Instituting grievance redressal mechanisms to address complaints of individuals.

• **Data Protection Authority (DPA):**

The Bill provides for the establishment of a 'Data Protection Authority'. The Authority is empowered to:

(i) Take steps to protect interests of individuals

(ii) Prevent misuse of personal data.

(iii) Ensure compliance with the Bill. It will consist of a chairperson and six members, with knowledge of at least 10 years in the field of data protection and information technology. Orders of the Authority can be appealed to an appellate tribunal established by the Central government and appeals from the Tribunal will go to the Supreme Court.

• **Grounds for Processing Personal Data:**

The Bill allows processing of data by fiduciaries if consent

is provided. However, in certain circumstances, processing of data may be permitted without consent of the individual. These grounds include:

(i) If necessary for any function of Parliament or state legislature, or if required by the state for providing benefits to the individual.

(ii) If required under law or for the compliance of any court judgement

(iii) To respond to a medical emergency, threat to public health or breakdown of public order.

(v) For reasonable purposes specified by the Authority, related to activities such as fraud detection, debt recovery and whistle blowing.

• **Grounds for Processing Sensitive Personal Data:**

Processing of sensitive personal data is allowed on certain grounds, including:

(i) Based on explicit consent of the individual.

(ii) If necessary for any function of Parliament or state legislature, or, if required by the state for providing benefits to the individual.

(iii) If required under law or for the compliance of any court judgement.

• **Sensitive Personal Data:** It includes passwords, financial data, biometric data, genetic data, caste, religious or political beliefs, or any other category of data specified by the Authority. Additionally, fiduciaries are required to institute appropriate mechanisms for age verification and parental consent when processing sensitive personal data of children.

• **Transfer of Data Outside India:** Personal data (except sensitive

personal data) may be transferred outside India under certain conditions. These include:

(i) Where the central government has prescribed that transfers to a particular country are permissible.

(ii) Where the Authority approves the transfer in a situation of necessity.

• **Exemptions:** The Bill provides exemptions from compliance with its provisions, for certain reasons including:

(i) State security.

(ii) Prevention, investigation, or prosecution of any offence.

(iii) Personal, domestic, or journalistic purposes.

• **Offences and Penalties:** Under the Bill, the Authority may levy penalties for various offences by the fiduciary including:

(i) Failure to perform its duties.

(ii) Data processing in violation of the Bill.

(iii) Failure to comply with directions issued by the Authority. For example, under the Bill, the fiduciary is required to notify the Authority of any personal data breach which is likely to cause harm to the individual. Failure to promptly notify the Authority can attract a penalty of the higher of Rs 5 crore or 2% of the worldwide turnover of the fiduciary.

• **Amendments to Other Laws:**

The Bill makes consequential amendments to the Information Technology Act, 2000. It also amends the Right to Information Act, 2005 and to permit non-disclosure of personal information where harm to the individual outweighs public good.

Definition of Personal Data: The Committee noted that it is important to define what constitutes personal information. It defined personal data to include data from which an individual may be identified or identifiable, either directly or indirectly. The Committee sought to distinguish personal data protection from the protection of sensitive personal data, since its processing could result in greater harm to the individual. Sensitive data is related to intimate matters where there is a higher expectation of privacy (e.g., caste, religion, and sexual orientation of the individual).

Criticism: Lacuna in Data Protection

In the present expert committee report there is no formal referencing to the recommendations issued in 2012 by the Justice AP Shah chaired expert committee on privacy. The expert report also makes no mention of the different private members bills on privacy filed across 2009 to present by Members of Parliament on their own initiative, nor does it expressly study or deliberate on the recommendations issued earlier this month by the TRAI on privacy, security and ownership of data in the telecom sector.

- The bulk of the Srikrishna Committee report is on specifying the extent of a legal framework for data protection in India, how it can be claimed, a regulatory structure in the form of a Data Protection Authority and the several exceptions it suggests to these rules in certain cases.
- The education, policy setting, investigation, enforcement and adjudication functions for data protection are nearly all provided to one single national regulatory agency, name as the Data Protection Authority of India.
- The Srikrishna Committee's vision for appeals from decisions of the DPA is an Appellate Tribunal, from whom any further appeals would

go to the Supreme Court of India. However, there is no clarity on who will staff the Appellate Tribunal, in either the expert committee report or the Bill.

- There is no requirement in either the report or the draft bill of judicial members. Besides the Puttaswamy ruling, particularly since Justice Rohinton Nariman's opinion in that judgment indicated that making decisions on intrusion into privacy is one that involves a judicial role.
- The draft bill does not propose any specific measures to more directly consolidate or update Indian law regarding surveillance and communications interception by law enforcement and intelligence organisations.
- Many concerns were raised as to whether a DPA in India would ensure equal representation of different stakeholders, in order to ensure its independence. These concerns remain unaddressed, as the Bill makes no specifications as to equal representation.

The expert committee even lists the Telegraph Act, Telegraph Rules, Information Technology Act and several criminal procedure related statutes as likely needed changes. That is striking, given that it did spend time proposing amendments to the Aadhaar Act and further prioritised amendments to the Right to Information Act. The expert committee report did chose to provide detailed recommendations on Aadhaar. In effect, it appears that the Srikrishna Committee did not see making these amendments to Aadhaar - one of the largest sensitive datasets in the country and the likely the largest government "data fiduciary" – as much of a compelling objective on their end even in comparison to outlining amendments to the RTI Act.

Data Protection Authority (DPA)

The Committee has recommended setting up a Data Protection Authority which is supposed to "protect the interests of data principals", prevent misuse of personal data and ensure compliance with the safeguards and obligations under the data protection framework by corporations, governments or anyone else processing personal data (known as "data fiduciaries").

The obligations on data fiduciaries include conducting audits and ensuring they have a data protection officer and grievance redressal mechanism – the Authority will need to publish Codes of Practice on all these points. The Authority shall have the power to inquire into any violations of the data protection regime, and can take action against any data fiduciaries responsible for the same.

Established by the Central Government, the DPA would be managed by a Chairperson and six members, selected by a committee composed of the Chief Justice or another Supreme Court Justice nominated by him, the Cabinet Secretary, and one "expert of repute" appointed by the judicial member of the committee in consultation with the Cabinet Secretary.

Way Forward

In order to ensure a robust data protection law, it is essential to provide data principals with the means to enforce their rights against corresponding obligations of data fiduciaries. These rights are based on the principles of autonomy, self-determination, transparency and accountability so as to give individuals control over their data, which in turn is necessary for freedom in the digital economy. Specifically, some of these rights can be said to flow from the freedom of speech and expression and the right to receive information under Article 19(1)(a) and Article 21 of the Constitution.

The last two decades have seen an explosive expansion of the internet and the number of internet users across countries. However, what is more significant is that the private nature of internet service providers and the free flow of their services has resulted

in the globalization of the internet as well, such that information produced in one country is easily accessible in another. The flow of data remains an imperative for a healthy digital economy. However, a data protection regime that assures individuals of certain rights must ensure that such data flows are not indiscriminate and that a reasonable level of protection is accorded to such data irrespective of where it is transferred to.

Justice B N Srikrishna, under whose leadership the draft has been formulated, likened the report and the

draft Bill to buying new shoes. It will be tight in the beginning but will be comfortable later - meaning that data fiduciaries (data operating/processing entities) would take some time to adapt to the new rules. India's draft Personal Data Protection Bill 2018 walks the middle path, seemingly wanting to empower both users as well the state (giving benefit of doubts) as far as personal data protection is concerned. However, companies processing data of Indian citizens have been left in the deep end, with the draft mandating that at least one copy of all personal user data be stored in India.

General Studies Paper- II

Topic: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Topic: Important aspects of governance, transparency and accountability, e-governance-applications, models, successes, limitations and potential; citizens charters, transparency & accountability and institutional and other measures.

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2. JOHANNESBURG DECLARATION FOR INCLUSIVE GROWTH

Why in News?

The government of the Federative Republic of Brazil, the Russian Federation, the Republic of India, the People's Republic of China and the Republic of South Africa, met from 25 - 27 July 2018 in Johannesburg, at the 10th BRICS summit. The 10th BRICS summit, as a milestone in the history of BRICS, was held under the theme "BRICS in Africa: Collaboration for Inclusive Growth and Shared Prosperity in the 4th Industrial Revolution."

Introduction

The timing of the 10th BRICS summit is very crucial because whole world is facing disruption as well as geopolitical refashioning. As the grouping of five states – Brazil, Russia, India, China and South Africa – enters its second decade, it has to simultaneously manage these shocks, as well as attune itself with emerging geopolitical and geoeconomic constellations. Such engagements must be in line with the key principles and norms that have mediated BRICS behaviour in the past.

The five BRICS countries account for 26 percent of the world's landmass

and are home to 40% of the world's population and accounts for 22% of global GDP, BRICS will continue to be an influential voice as long as its convergences prevail over its divergences. Changing power equations within BRICS are being watched closely. China's dominance is a reality even as the grouping asserts the sovereign equality of all members. China-Russia proximity has been a continuing factor. Given its political and economic travails, Brazil played a low-profile role.

There is little doubt that BRICS has grown in influence, expanded the arc of its interests and established new institutions and partnerships in its first decade. In the first decade of BRICS, was the establishment of the New Development Bank which fills a critical gap in project funding. More importantly, it has created for its members the habits of working together. Intra-BRICS cooperation is on a rising trajectory. BRICS has grown in influence in its first decade but is still far from achieving its initial goals: reform of global financial governance, democratisation of the United Nations

and expansion of the Security Council – partially because two of its members (China and Russia) do not want the other three members (India, South Africa and Brazil) to obtain parity in the global pecking order.

In this backdrop, the 10th summit framed its deliberations against U.S. President Donald Trump's unconventional approach on world affairs, particularly the looming trade wars. BRICS leaders, therefore, stressed "the centrality of the rules - based, transparent, non - discriminatory, open and inclusive multilateral trading", based on the World Trade Organisation. This stemmed from their broader commitment to cooperate for strengthening multilateralism, the rule of law and an equitable international order. That one of the BRICS members (China) does not follow in word and spirit this high-sounding prescription in regard to Asian affairs may have escaped attention.

The other big idea emanating from the summit is to help nations to prepare for the fourth industrial revolution. Articulating the need for a new strategy on employment, education and skill

development as the digital revolution unfolds. The summit saw further consolidation of the business pillar. The BRICS Business Council has been actively enhancing trade and economic cooperation in diverse sectors ranging from manufacturing and energy to financial services and regional aviation. Besides, the leaders renewed their commitment to an inclusive and “people-centred approach” on development. The steady progress in interactions through sports, films, education, culture and tourism has been commendable.

BRICS and India

Moving forward, the Indian Prime Minister has urged the team to take advantage of the fourth industrial revolution lamenting that they missed the previous revolutions. Member countries have indeed expressed interested in innovation, artificial intelligence and the like. Still in Asia, BRICS has helped ease complicated relations between India and China characterized by mistrust due to a border dispute. India exports to BRICS have reportedly grown by 7.5 percent in the 1st quarter of 2018 over a corresponding period of 2017 in terms of total volumes.

BRICS Plus

China introduced the “BRICS Plus” format at the Xiamen summit last year by inviting a few countries from different regions. South Africa emulated it, arranging the attendance of top-level representation of five nations of its choice: Argentina, Jamaica, Turkey, Indonesia and Egypt. The precise role of “BRICS Plus” countries will take time to evolve. An immediate benefit is the immense opportunities it provides for networking among leaders.

For some time now, India has pushed for a BRICS brain trust. The grouping should ensure that this proposal is implemented and that it serves as a forum of ideation and coordination on issues of common, as well as global concerns. Among the

issues that must become front-and-centre to this enterprise, should be the governance of global commons, maritime and cyber being the most important examples.

A large number of bilateral meetings took place on the summit’s sidelines. For us, the most important was the interaction between Prime Minister Narendra Modi and Chinese President Xi Jinping, the third in four months, which deepened the trend towards conciliation between Asia’s two biggest powers.

The 10th BRICS Summit

The theme for the 10th BRICS Summit is: “BRICS in Africa: Collaboration for Inclusive Growth and Shared Prosperity in the 4th Industrial Revolution”. The theme is reflective of the core priorities of each one of the BRICS members, notably to strive towards the creation of an inclusive society and global partnerships that will bring prosperity to all humankind. The theme is intended to align and ensure strategic continuity with the approved themes for South Africa’s Chairship of both the South African Development Community (SADC) and the Indian Ocean Rim Association (IORA). The new areas of BRICS cooperation as proposed by South Africa, are as follows:

- Establishment of a Working Group on Peacekeeping;
- Establishment of a Vaccine Research Centre for Collaboration with BRICS vaccine innovation and development partners – this is intended to be a physical research centre focused on research and development and vaccine innovation;
- Establishment of a BRICS Gender and Women’s Forum – intended as a dedicated track for gender and women’s issues, given the economic benefit to be derived from the socio-economic empowerment of

women, particularly in developing countries;

- Leveraging the Strategy for BRICS Economic Partnership towards the pursuit of Inclusive Growth and Advancing the 4th Industrial Revolution – this is intended to foster discussions to addresses opportunities provided by the Fourth Industrial Revolution, as a means of leapfrogging development stages and bridging the digital divide; and
- Establishment of a BRICS Tourism Track of Cooperation.

Johannesburg Declaration

The summit saw the BRICS leaders come together and discuss various international and regional issues of common concern and adopted the 'Johannesburg Declaration' by consensus. The BRICS leaders have used the summit to reject the growing unilateralism and instead reiterate their commitment to the strengthening of multilateral institutions, calling for stronger intra-trade within member states. The declaration comes as the United States and China remain deadlocked in a trade war over tariffs. It cover everything from settling trade disputes and securing Syria to making more movies together and urges all countries to fully implement the Paris Agreement adopted under the principles of the United Nations Framework Convention on Climate Change (UNFCCC).

Key Highlights are:

- Strengthening multilateralism, reforming global governance and addressing common challenges.
- Strengthening and consolidating BRICS cooperation in international peace and security.
- BRICS partnership for global economic recovery, reform of

financial and economic global governance institutions and the fourth industrial revolution.

- Emphasising the centrality of people in BRICS and its programmes (people-to-people cooperation).
- Progress and exchanges in the fields of sports, youth, films, culture, education and tourism.

To begin with, making use of the untapped potential of trade between BRICS countries will be a key to avoid secular stagnation and enhance trade between countries that are not as reluctant to embrace globalization as many Western powers. In addition, more effective cooperation between India and China will be crucial to avoid geopolitical tensions or even armed conflict in Asia in the coming years and decades — a scenario that would cause a global recession, considering how much the world economy is centered on Asia. Five countries alone, of course, are not enough to address such a monumental and long-term challenge. But promoting intra-BRICS cooperation is certainly a step in the right direction.

What is BRICS?

BRICS is an acronym for the grouping of the world's leading emerging economies, namely Brazil, Russia, India, China and South Africa. The BRICS leaders' summit is convened annually with discussions representing spheres of political and socio-economic coordination, in which member countries have identified several business opportunities, economic complementarities and areas of cooperation.

BRICS norms are, in turn, shaped by two principles. The first is that of the preponderance of sovereign power. The BRICS states value sovereignty above all, resisting the influence of external actors in how these countries conduct statecraft and shape their trajectories.

The second principle is that of democratic equity — as a collective, the BRICS reject any hierarchy of countries in the international system. These principles, as well as the disruptions in contemporary global politics, suggest a three-pronged strategy for BRICS going forward — engage, resist and ideate.

BRICS: Major Outcomes of Previous Summits

The First BRIC Summit: It was held in June 2009 in Yekaterinburg, Russia to discuss issues including the global financial crisis, the international situation, future direction of BRIC dialogue and cooperation, the G20 summit, reform of international financial institutions, food security, energy security, climate change and development assistance. The summit adopted a joint statement on global food security.

Second BRIC Summit: It was held in April 2010 in Brasilia, Brazil. The leaders discussed issues including the international situation, the global financial crisis, the selection mechanism of the World Bank and International Monetary Fund's (IMF) senior management, G20 affairs and BRIC cooperation. The summit issued a joint statement to promote BRIC cooperation and coordination.

South Africa was invited to join BRIC in December 2010, after which the group adopted the acronym BRICS.

India BRICS Summit: It was held in March 2011 in Sanya, China. The theme was "Broad Vision, Shared Prosperity". The summit issued the 'Sanya Declaration'.

The Fourth BRICS Summit: It was held in March 2012 in New Delhi, India. The theme was "BRICS Partnership for Global Stability, Security and Prosperity". The summit issued the 'New Delhi Declaration' and the BRICS report on BRICS countries' developing prospects, the cooperation process and areas with competitive advantage

to enable BRIC countries to play a more important role in the global economy in the post-financial crisis era.

The Fifth BRICS Summit: It was held in March 2013 in Durban, South Africa under theme "BRICS and Africa: Partnership for Development, Integration and Industrialization". The summit issued the 'eThekweni Declaration' and decided to set up the New Development Bank and Contingent Reserve Arrangement. The establishment of the BRICS Business Council and Think Tank Council was announced.

The Sixth BRICS Summit: It was held in July 2014 in Fortaleza, Brazil under the theme "Inclusive Growth: Sustainable Solutions". The summit issued the 'Fortaleza Declaration'. The leaders witnessed the signing of the Agreement on the New Development Bank and the Treaty for the Establishment of a BRICS Contingent Reserve Arrangement.

The Seventh BRICS Summit: It was held in July 2015 in Ufa, Russia under the theme "BRICS Partnership - a Powerful Factor of Global Development". The summit issued the 'Ufa Declaration' and adopted the strategy for BRICS Economic Partnership.

The Eight BRICS Summit: It was held in October 2016 in Goa, India under the theme "Building Responsive, Inclusive and Collective Solutions". The summit issued the 'Goa Declaration' and reiterated the commitment to strengthening BRICS partnership.

The Ninth BRICS Summit: It was in 2017 held in Xiamen, China under the theme "BRICS: Stronger Partnership for a Brighter Future". The leaders built on achievements already made with a shared vision for future development of BRICS, discussed international and regional issues of common concern and adopted the Xiamen Declaration.

Challenge of BRICS Countries

- The challenges facing the world range from country specific problems relating to domestic poverty, inequality and unemployment to climate change and a global economic system that is biased in favour of corporate interests, particularly in finance and technology.
- The two great emerging geopolitical and geoeconomic configurations of our age is the maritime Indo-Pacific and the continental Eurasia. These two new geographies will increasingly become the key sites of economic activity as well as geopolitical competition.
- One of the most immediate political challenges relate to the changing dynamics in global economic governance. The current global powerhouse, the US, appears intent on starting trade wars with both China and the European Union. Africa can't avoid being adversely affected by a trade war between these three economic powers, which are its three largest trading partners.
- The US is also pulling back from multilateral governance arrangements that it created. For example, it withdrew from the upcoming United Nations (UN) conference on migration and from the UN Human Rights Council. And Washington is effectively paralysing the World Trade Organisation (WTO) by refusing to agree to the appointment of new judges at the WTO Appellate Body.
- These developments are creating a volatile and unpredictable situation for all countries. Small players on the global stage, like South Africa and other countries on the continent, face the prospect of becoming collateral damage in the destruction of the current global governance arrangements.
- True to the principle of democratic equitability, the BRICS has a strong tradition of resisting unilateral decisions. Opposing American interventionism in the Middle East as well as North Africa, are key expressions of this collective belief. The BRICS must coordinate at the UN and other forums to check American unilateralist impulses, by framing common position on this and other global governance issues.

Way Forward

As the BRICS Summit completes 10 years since its first meeting in 2009 in Russia, it is time to look back at the impact, economic clout and the political heft that the group has gained in the last 10 years while looking at ways to consolidate it. The BRICS emerged not as a group whose strength lay in the individual capacity of each country, but as a pragmatic relationship that pools the influence of its members to achieve common objectives. Each country also has its own reason to sustain the grouping. The vision that Brazil, Russia, India, China and South Africa lay out for the next 10 years should be informed by the principles, purposes, and ambitions that guided them through their first decade. Shaping a strong identity for the grouping is probably the most pragmatic form of cooperation and what ultimately will keep the five countries together in the long run.

General Studies Paper- II

Topic: Bilateral, regional and global groupings and agreements involving India and / or affecting India's interests.



3. NATIONAL REGISTER OF CITIZENS: SEAL OF CITIZENSHIP

Why in News?

The second and final draft of the National Register of Citizens (NRC), released on 30th July, 2018 didn't include the names of around 40 lakh people of the 3.29 crore who had submitted their documents to the government of Assam. The first draft of the NRC, which had the names of 1.9 crore people, was released in December 2017. Assam is the only state in the country that has an NRC.

Introduction

The first NRC was prepared in 1951 following the first wave of immigrants from the then East Pakistan. Illegal immigration was a big issue even in those days in Assam.

The objective behind updating and publishing the 1951 NRC is to compile a list of the names of genuine Indian citizens residing in Assam and, in the process, detect foreigners, who may have illegally entered the state after

March 24, 1971. The publication of the first draft of the updated National Register of Citizens (NRC) of Assam by the Office of the State Coordinator of NRC on December 31, 2017 was an important milestone in dealing with the influx of illegal migrants from Bangladesh into that state. On November 17, 1999, at an official-level tripartite meeting to review the implementation of the Assam Accord, a decision was taken that the NRC would be updated. The Assam accord

was signed between the leaders of AASU-AAGSP and the government of India in 1985 marking an end to a six-year-long agitation. The parties agreed that all foreigners who had entered Assam between 1951 and 1961 would be given full citizenship. However, those who entered the state after 1971 will be deported. Of the 3.29 crore residents of Assam, who applied for the inclusion of their names in the NRC by submitting legacy documents, 21.9 crore names have been included as citizens in the initial list.

The demands to update the NRC of 1951 were first raised by the All Assam Students' Union (AASU) and Assam Gana Parishad more than three decades ago. The organisations had submitted a memorandum to the Centre on January 18, 1980.

Yet, the Assam Accord of 1985 did not contain any specific mention of updating the NRC. With regard to the issue of illegal Bangladeshi migrants, clause 5.8 of the Accord merely stipulated that "Foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and expelled in accordance with law. Immediate and practical steps shall be taken to expel such foreigners." In the absence of any expressed demand for updating the NRC of 1951 (a charge denied by AASU leaders), the government of India took no initiative in this regard. Instead, it constituted a number of Tribunals and Appellate Courts under both the Illegal Migrants (Determination by Tribunals) Act of 1983 and the Foreigners Tribunal Act of 1964 to detect illegal Bangladeshis.

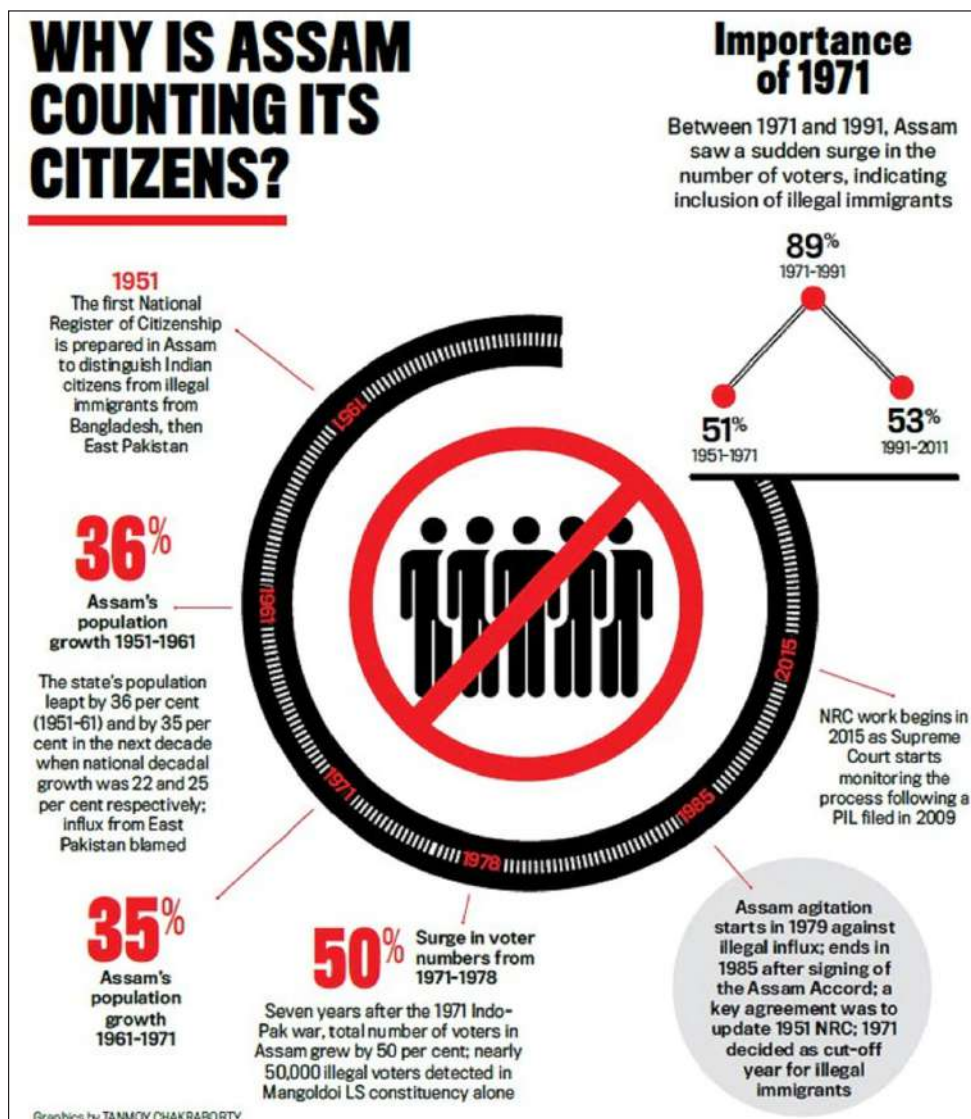
It was only in May 2005 that the first step towards updating the NRC of 1951 was taken, when a tripartite meeting between the Centre, the Assam government and AASU was held to review the progress made in the implementation of the Assam Accord. At that meeting, it was decided that the Assam government will take up and complete within two years the process of updating the NRC of 1951 by including the names that appear in the 1971 voters' lists and those of their descendants.

This is particularly so in the case of many settlers who have come to Assam from other parts of the country. State governments to which documents were sent for verification have been slow to respond. So far, only 1.5 lakh of the 5.5 lakh documents sent out for verification have been reportedly returned by other state governments. Given these hurdles, and especially the delay caused by the slow disposal of cases by other state governments, it is to be seen when the next iteration of the list would be published, how many names appear therein and whether the government would be able to publish the final NRC by the end of 2018.

So, Where is the Problem?

Census-2011 data shows sharp contrast in the percentage of Assamese and Bengali speakers in recent times.

- In 1991 there were 57.8 per cent Assamese speakers and 21.6 per cent Bengali speakers. The 2011 Census puts the number of Assamese speakers at 1.5 crore or 48.3 per cent and that of Bengali speakers at 90 lakh or 28.9 per cent.
- The rise in Bengalis speakers is understood to reflect corresponding increase in the population of Muslims, who migrated from Bangladesh in 1971 and after. The determination of illegal migrants is ascertained by the foreign-tribunal.
- The present government dismissed 19 foreign-tribunal members



last year on the grounds of unsatisfactory performance. They challenged the decision in the Gauhati High Court, which upheld the governments assessment.

- NRC coordinator Pradeep Hajela proposed a formula establishing family tree - for differentiating citizens from illegal migrant. So, those who fail to establish their Indian family tree, are likely to be classified as illegal migrants and face deportation.

However, this may not be easy given that India and Bangladesh don't have an agreement to facilitate deportation of illegal Bangladeshi immigrants to that country. This will render the identified illegal migrants as stateless people.

Assam Accord

The Assam Movement (or Assam Agitation) was a popular movement between 1979 and 1985 against undocumented immigrants in Assam. The movement was led by All Assam Students Union (AASU) and the 'All Assam Gana Sangram Parishad' (AAGSP). The agitation leaders formed a political party, Asom Gana Parishad, which came to power in 1985 and 1996. The years from 1979 to 1985 witnessed political instability, collapse of state governments, imposition of President's Rule, sustained, often violent, agitation, frequent general strikes, civil disobedience campaigns, which paralyzed all normal life for prolonged periods and unprecedented ethnic violence.

The Union Government's effort to hold a constitutionally mandated election to the state assembly in 1983 led to its near total boycott, a complete breakdown of order and the worst killings since 1947 on the basis of tribal linguistic and communal identities. The Assam Accord (1985) was a Memorandum of Settlement (MoS) signed between representatives of the government of India and the leaders of the Assam Movement in New Delhi on 15 August 1985. All those foreigners who had entered Assam between 1951 and 1961 were to be given full citizenship, including the right to vote; those who had done so after 1971 were to be deported; the entrants between 1961 and 1971 were to be denied voting rights for ten years but would enjoy all other rights of citizenship.

Who is a Citizen in Assam?

Post the Assam agitation against 'foreigners' and the subsequent Assam Accord signed in 1985 between the government of India and the All Assam Students Union, the Citizenship Act, 1955, was amended. All Indian-origin people, including from Bangladesh who entered Assam before January 1, 1966, were deemed as citizens; those who came

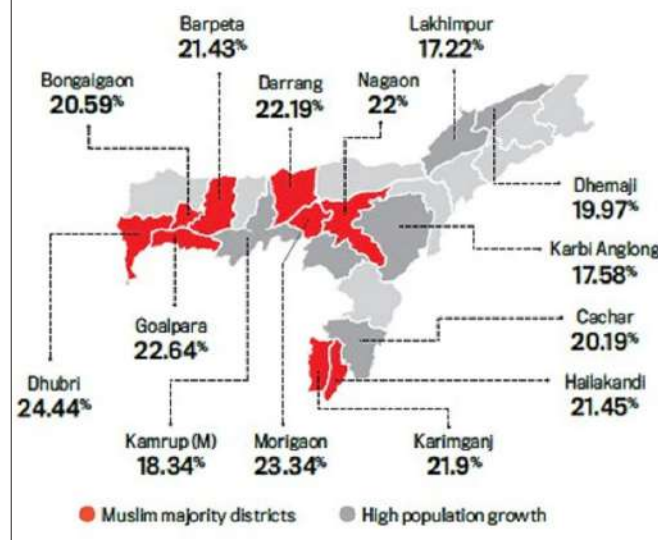
between January 1, 1966 and March 25 1971 could get citizenship after registering themselves and living for 10 years; and those who entered after March 25, 1971 were to be deported. People had to submit a form quoting legacy code, basically a PNR kind of unique code to establish their family or parental linkage before the cut-off date. Legacy documents include the electoral rolls up to March 25, 1971 and the 1951 NRC.

The National Register of Citizens

The National Register of Citizens (NRC) is the register containing names of Indian citizens. The only time that a National Register of Citizens (NRC) was prepared was in 1951 when after the conduct of the Census of 1951, the NRC was prepared by recording particulars of all the persons enumerated during that Census. The NRC is now being updated to include the names of those persons (or their descendants) who appear in the NRC, 1951, or in any of the electoral rolls up to the midnight of 24th March, 1971 or in any one of the other admissible documents issued up to midnight of 24th March, 1971, which

A Demographic Shift?

14 of the 27 districts in Assam show higher population growth than the state's average growth of 17%. Muslims are a majority in nine of them



would prove their presence in Assam or in any part of India on or before 24th March, 1971. All the names appearing in the NRC, 1951, or any of the electoral rolls up to the midnight of 24th March 1971 together are called 'Legacy Data'. Thus, there will be two requirements for inclusion in updated NRC –

1. Existence of a person's name in the pre-1971 period.
2. Proving linkage with that person. Forgetting their names included in the updated NRC, citizens shall have to submit Applications Forms (family-wise).

Issue and Challenges with NRC

- The first NRC was published in 1951 by recording particulars of all the persons enumerated during that year's census and was unique to the state of Assam. There is hardly any precedent anywhere in the world for a legal exercise that will strip such a massive population of citizenship in a single day.
- Of course, the complexity of the issue of illegal immigration in Assam, estimates of illegal

foreigners range from 4 million to 10 million, provoked this unique solution.

- Assam received migrants in great numbers in two phases one during partition days and the other around 1971 Bangladesh Liberation War. A majority of the immigrants are understood to be Muslims. Their presence in Assam has been a political issue for several decades. Lack of authentic documentation added to the problems and fanned emotive sentiments.
- The 1951 NRC became a political tool for Assam agitation that saw Prafulla Mahanta of All Assam Students Union (AASU) take centre stage and grab power in the state in 1980s. While identification and deportation process never took off, the issue became a political hot cake.

However, this may not be easy given that India and Bangladesh don't have an agreement to facilitate deportation of illegal Bangladeshi immigrants to that country. This will render the identified illegal migrants as stateless people. Bigger challenges lie ahead, especially after the final NRC list determines the precise number of deemed illegal immigrants; the state then has to grapple with what to do next.

Impact the Illegal Immigrant

An even more important issue is what happens to those people whose names do not figure in the final NRC and are declared illegal entrants into the state. The popular rhetoric for dealing with such illegal migrants has always been to deport them to Bangladesh, but this is easier said than done. Bangladesh has consistently denied that its citizens have illegally emigrated to India.

Although the Supreme Court in its order of 2014 had instructed the government of India to enter into discussions with Bangladesh on

streamlining the deportation of illegal Bangladeshis, nothing has happened on the ground as New Delhi is reluctant to raise this tricky issue lest it jeopardises relations with Dhaka.

- In the absence of any agreement under which Bangladesh agrees to take back its citizens, the government of India cannot do much except push a few illegal migrants across the border.
- The situation is further compounded by that fact that many illegal migrants who were declared foreigners by the Foreigners Tribunals have either absconded to other states to evade arrest or are dead.
- Since the deportation of illegal migrants is not feasible, the only option before the government is to let them reside in the country on humanitarian grounds but after stripping them of all citizenship rights. Such an option, however, might not go down well with the people of Assam who are at present protesting against the Citizenship Amendment Bill of 2016, which proposes to grant citizenship to all refugees (except Muslims) who have fled religious persecution in their home countries.
- Readmission agreements, however, do not always produce results, or at least the level of cooperation is less than what the deporting country expects. Among the incentives offered to sign readmission agreements are special trade concessions, increased development aid, preferential entry quotas for legal economic migrants and technical cooperation and assistance in border management.

WHAT IS NRC?

- Unique to Assam, National Register of Citizens has details of all citizens in the state
- First prepared by Union home ministry in 1951
- Present NRC meant to screen illegal immigrants who entered state after March '71. Total applicants: 3.3cr; 1.4cr names still being verified; Final NRC expected by yr-end

Conclusion

The publication of the updated NRC is indeed a positive step in so far as it puts to rest wild speculations about the extent of the illegal migrant population in Assam and the resulting polarisation that political parties have been exploiting to make electoral gains. However, the absence of any clear policy as to how to deal with the proclaimed illegal migrants has created a sense of unease in the minds of many presently residing in Assam. The need of the hour therefore is for the Union government to allay apprehensions presently in the minds of the people of Assam and take steps to contain any adverse fallout after the publication of the final draft of the NRC. At the same time, it also needs to spell out what it intends to do with the persons whose names do not figure in the final NRC.

The political condition of a stateless person is much worse than that of a prisoner. The person loses more than his or her freedom. A stateless person is no longer part of a legal and political order; he or she loses the "right to have rights". A stateless person represents "a new kind of human being — the kind that are put in concentration camps by their foes and in internment camps by their friends."

General Studies Paper- III

Topic: Role of external state and non-state actors in creating challenges to internal security.



4. RIGHT TO INFORMATION (AMENDMENT) BILL: AN OVERVIEW

Why in News?

The government has introduced 'Right to Information (Amendment) Bill 2018. It seeks to amend the Right to Information (RTI) Act, 2005. RTI activists have said the proposed amendments seek to do away with the parity given to information commissions with the election commission in terms of salary, allowances and service conditions.

Background

The RTI Act, 2005 is a central legislation extending to the entire nation including all the states (except J & K). As per the constitutional scheme of distribution of powers between the Centre and states, the Centre cannot make laws for states on subject of access to records under the control of states.

Parliament adopted the RTI Act to give effect to people's right to access information from governments which is a deemed fundamental right within the meaning and scope of Article 19(1) (a) of the Constitution.

This is government of India's third attempt to amend this seminal law since its enforcement in October 2005.

- First, in August 2006, the Union Cabinet approved proposals to amend the law in order to keep file notings or opinion and advice recorded on file by officers involved in a decision-making chain on issues other than those relating to development and social issues. Thanks to the very vocal and widespread opposition from the citizenry, the government was compelled to shelve the proposal without ever introducing it in Parliament.
- Second, in 2013, government of India tabled a Bill to amend the RTI Act in order to insulate from

public scrutiny, all political parties and information that regulatory authorities hold about them. The department-related Parliamentary Standing Committee on personnel, public grievances, law and justice approved the amendment proposals despite widespread criticism from the citizenry. However that Bill lapsed with the dissolution of the 14th Lok Sabha.

In both instances, in the past, government of India's proposals to amend the RTI Act were in reaction to the progressive and pro-transparency decisions issued by information commissions, particularly, the Central Information Commission (CIC) on crucial matters such as the disclosure of file notings (between 2005-2006) and declaring the six national political parties as public authorities under the RTI Act (in June 2013).

The justification for the current round of amendments to the RTI Act which seek to give government of India near absolute power over all information commissions (Centre and State-level) mentioned in the Statement of Objects and reasons attached to the Bill is not sufficiently convincing. In the absence of any disclosure of other pertinent reasons for amending the RTI Act, this critique is limited to examining the justification publicly declared by government of India apart from the amendment proposals themselves. This critique of the Amendment Bill is based on the following core themes:

- 1) The absence of any consultation with the citizenry on the amendment proposals despite government of India being required to so do under its own Pre-Legislative Consultation Policy of 2014.

- 2) The amendment proposals may violate the right to equality before the law guaranteed under Article 14 of the Constitution.
- 3) The amendment proposals contradict government of India's 2017 policy of upgrading and harmonising the remuneration packages offered to other Tribunals and Adjudicating Authorities established under various Central laws.
- 4) The amendment proposals are contrary to the rationale informing the October, 2017 recommendations of the Law Commission of India for harmonising the salaries and terms and conditions of service of other statutory tribunals established under Central laws (even though it did not cover Information Commissions).
- 5) Parliament is being moved to confer excessive powers of delegated legislation on government of India - so the proposals are a blow to the federal scheme of the RTI Act.

The Federal Character of the RTI Act

- Under Section 15(1) of the RTI Act it is the responsibility of the state government to establish and constitute the State Information Commission (SIC). Under Section 15(3) of the Act it is the Governor of the state who is empowered to appoint the State Chief Information Commissioner and the State Information Commissioners upon the recommendation of the selection committee headed by the state's Chief Minister, a Cabinet Minister from that very state chosen by such Chief Minister and the Leader of the Opposition of the Legislative Assembly of that state.

- The salaries and allowances of the State Information Commissioners are paid up from the consolidated fund of the respective states over which government of India has no control under ordinary circumstances. Similarly, the information access disputes that State Information Commissions are called upon to hear and decide through appeals and complaints procedures under the RTI Act pertain to information or official records held by or under the control of state governments or public authorities under their jurisdiction.
- The power to remove them on grounds of proved misbehaviour or incapacity are vested with the Governor of the concerned state who shall act on the findings of the Supreme Court of India which is empowered to conduct an inquiry on such matters.
- The decisions of an SIC cannot be challenged before the Central Information Commission (CIC). In other words, the federal character of the legislative scheme of the RTI Act is unequivocal. The jurisdictional limits of the Central and state level are distinguished sharply and with adequate clarity. government of India has no role to play at all in the establishment and the functioning of the SICs. The amendment bill seeks to obliterate this federal character of the legislative scheme which is unwarranted.
- Further, Section 27(2) empowers the state governments to make rules for the manner in which appeals procedures will be conducted before the SICs. They are also empowered to make rules for fixing the salaries and allowances payable to the officials and employees of the SICs in

addition to determining their terms and conditions of service.

What does the Government want to do?

The Centre wants to amend the RTI Act so that they get to decide the tenure and salaries of the information commissioners of the CIC and the SICs through rules. Currently, the tenure of the commissioners is fixed at 5 years (with a retirement age of 65) and the salary is at the same level as that of equivalent election commissioners. The statement of objects and reasons provided by the government claims that information commissioners should not have the same status as election commissioners, Since the election commission is a constitutional body, while the information commissions are statutory bodies.

Overview of the Amendment Proposals

The amendment bill seeks to incorporate the following changes in the RTI Act as it stands today:

- 1) Remove the stipulation regarding the remuneration payable to Chief Information Commissioner and the Information Commissioners of the CIC and place discretionary power in the hands of government of India to vary it at will through the exercise of rule-making powers.
- 2) Remove the stipulation regarding the remuneration payable to the State Chief Information Commissioner and the Information Commissioners of the State Information Commissions (SICs) and place discretionary power in the hands of government of India to vary it at will through the exercise of rule-making powers.
- 3) Remove the fixity of tenure for the Chief Information and Information Commissioners at both the Central and state levels

(one term of five years maximum and superannuation at the age of 65 years) provided in the law and place discretionary power in the hands of government of India to vary it at will through the exercise of rule-making powers.

- 4) Empower government of India to make rules on the aforementioned subject matters.

Justification for the Amendment Proposals

The justification that government has provided may be summarized as follows:

- i) According to the Central government's interpretation, the election commission is a 'constitutional' body and the central and state information commissions are 'statutory' bodies. The functions being carried out by the election commission of India and Central and state information commissions are totally different.
- ii) The election commission is responsible for the superintendence, direction and control of the preparation of the electoral rolls for and the conduct of, all elections to the Parliament and to the legislature of every state and of elections to the office of the President and Vice President held under the constitution. On the other hand, the central information commission and state information commissions are statutory bodies established under the provision of the Right to Information Act, 2005.
- iii) The chief election commissioner and the election commissioners are entitled to salaries and allowances equal to that of a Judge of the Supreme Court.
- iv) The salaries and allowances and other terms and conditions of service that the information commissioners are entitled to are

equal to that of the members of the ECI (except in the case of state information commissioners whose salary and allowances are equal to that of the chief secretary of the state).

- v) As the respective mandates of the ECI and the information commissions are different, the latter's status and service conditions need to be rationalised accordingly.

Critique of the Amendment Proposals

An amendment in RTI Act aims to turn information commissioners into puppets of Central government. The elevated status of Information commissioners – be it in terms of their fixed tenure or their high salary – was meant to help ensure this. If their tenure can be cut short by the Centre and their salaries can be slashed, this leaves them in positions where they are dependent on the government, making them more susceptible to political influence. This which would defeat the entire purpose of the RTI Act – transparency.

The proposed amendments will fundamentally weaken the institution of the information commissions as it will adversely impact their ability to function in an independent manner. Information commissioners are the people who make a final determination on whether or not to provide access to information – as the Standing Committee which assessed the RTI Act when it was being drafted noted, it was essential that it be able to function with utmost independence and autonomy.

It is not known how the government ignored the fact that Article 19(1)(a) includes in its rubric both the right to express a choice through voting and also the right to information. The Supreme Court has time and again said that the right to vote and RTI are fundamental rights. Hence the CIC and

CEC stand on equal footing and have been rightly placed at par by the RTI Act, 2005 after thorough debate and consultations.

Article 19(1)(a) of the Constitution guarantees every citizen the fundamental right to freedom of speech and expression. Since its ruling in the matter of the state of U.P. vs Raj Narain & Ors., the Supreme Court has held in several cases that people's right to know what the government is doing in their name and spending taxpayer funds is a deemed fundamental right under Article 19(1)(a).

Way Forward

Government of India's justification for the amendment proposals is berthed on the issue of rationalising the status of the information commissions. In fact this is not an issue of stature at all. The current scheme of the RTI Act is designed to ensure the autonomy of the information commissions so that they may work under conditions free from government influence. Measures for ensuring operational and financial autonomy for the information commissions were incorporated in the Act because the government and other public authorities would be the principal respondents in a majority of information access disputes. Therefore Parliament and civil society advocates agreed on the current mechanism which permits the information commission to perform their appointed functions without fear or favour. The amendment proposals seek to alter this very basic feature of the RTI Act.

In its 272nd report assessing the statutory framework of tribunals, the Law Commission recalled the observation of a 7-Judge Constitution Bench of the Supreme Court in L. Chandra Kumar where the Court called for an independent supervisory body to be appointed to oversee the functioning of statutory tribunals.

Until such a mechanism is established, the tribunals should be under a nodal Ministry, it opined. The Court recommended that the Union Ministry of Law and Justice play this role until the independent supervisory mechanism is established. The Law Commission has also recommended the establishment of such a nodal agency under the Union Ministry of Law and Justice. This recommendation needs widespread debate in order to insulate bodies such as the information commissions from interference by Government of India as is being contemplated under the amendment bill.

Previous government had tried to bring in amendments to the RTI Act, but could not do so due to protests. The statements and objects of the Bill stated that the RTI Act was enacted to promote transparency and accountability of every public authority towards citizens. But by amending the Act, the government is seeking to make the commissions accountable to it and seeking to destroy its transparent functioning. If the central government had the power to decide the tenures and salaries of information commissioners, the commissioners would be under pressure not to annoy the government, which means they would be biased on delivering justice. The existence of such a justice delivery system is against the spirit of the Constitution.

General Studies Paper- II

Topic: Important aspects of governance, transparency and accountability, e-governance-applications, models, successes, limitations and potential; citizens charters, transparency & accountability and institutional and other measures.



5. EARTH OVERSHOOT DAY: ECOLOGICAL FOOTPRINT CALCULATOR

Why in News?

Humanity has already used up more resources this year than our planet can regenerate. Each year the date of Earth Overshoot Day is arguing sooner. While Earth Overshoot day was marked on 2nd August in 2017, it has arrived on 1st August in 2018.

Context of Earth Overshoot Day for India

With 7.5 billion people in the world, our needs put enormous pressure on the planet and the wildlife that we share it with. Earth Overshoot Day marks the date when humanity's annual demand on nature exceeds what Earth's ecosystems can regenerate in that year. The date, which has moved from late September in 1997 to its earliest yet in 2018, is symbolic of the unprecedented pressure that human activities are applying on nature and its resources. Last year, this day was marked on August 2 – a day before this year. Each day that this date moves up is a reminder of the fact that we are running out of time to reverse the trend.

For India in particular, data suggests that according to our current rate of consumption, we will need 2.5 countries to meet our growing demands. According to the Living Planet Report (LPR) released by WWF in 2016, the ecological footprint of the top five countries makes up about half the global total. Analysis of the 2014 National Footprint Accounts reveals that China (16 per cent) and the USA (15 per cent) generated 31 per cent of the world's total carbon footprint. The LPR further states that when multiplying population with per capita demand, India shifts from the 136th—largest footprint per capita to the third largest in total. This implies a low personal footprint at an individual

level, but a challenge when aggregated by population. This equation will be further complicated as wealth grows and consumption patterns change. Of all the environmental challenges facing India today, water stands out as a key area where better management is most needed. Fourteen of the twenty major river basins already water stressed and will move towards extreme water scarcity. Seventy percent of our surface water is polluted and 60 per cent of India's groundwater resources are expected to be in a critical state within the next decades. This poses direct challenges to livelihoods, health, food production and energy generation.

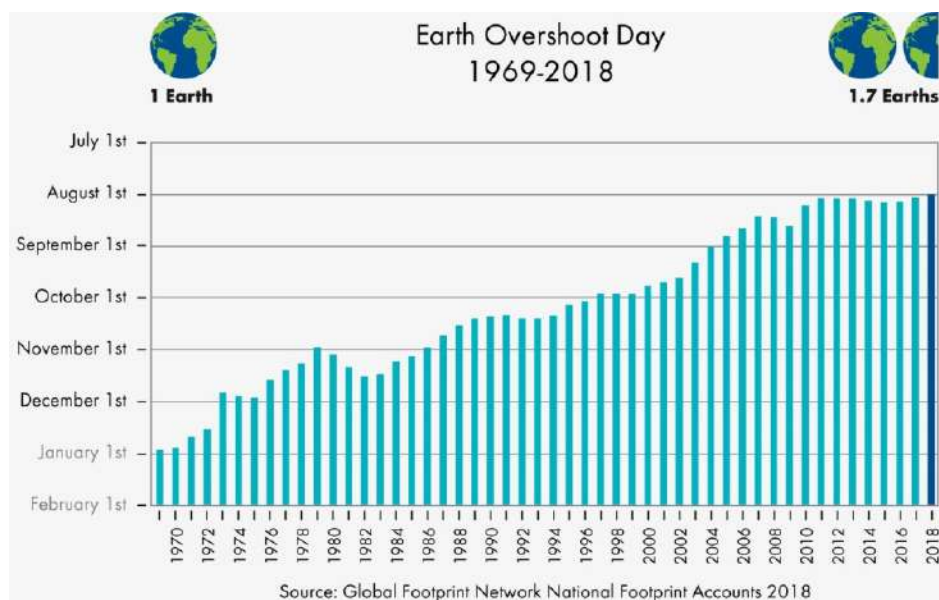
About Earth Overshoot Day

Earth Overshoot Day marks the date when humanity's demand for ecological resources and services in a given year exceeds what Earth can regenerate in that year. Earth Overshoot Day is computed by dividing the planet's bio capacity (the amount of ecological resources Earth is able to generate that year), by humanity's ecological footprint (humanity's demand for that year) and multiplying by 365, the number of days in a year.

Measuring Ecological Wealth

Just as a bank statement tracks income against expenditures, Global Footprint Network (an international research organization that has pioneered the Ecological Footprint resource accounting metric) measures a population's demand for and ecosystems' supply of resources and services. These calculations then serve as the foundation for calculating Earth Overshoot Day.

On the supply side, a city, state, or nation's bio capacity represents its biologically productive land and sea area, including forest lands, grazing lands, cropland, fishing grounds and built-up land. On the demand side, the ecological footprint measures a population's demand for plant-based food and fiber products, livestock and fish products, timber and other forest products, space for urban infrastructure and forest to absorb its carbon dioxide emissions from fossil fuels. Both measures are expressed in global hectares—globally comparable, standardized hectares with world average productivity. A hectare is equivalent to 10,000 square meters or 2.47 acres.



Each city, state or nation's ecological footprint can be compared to its bio capacity. If a population's demand for ecological assets exceeds the supply, that region runs an ecological deficit. A region in ecological deficit meets demand by importing, liquidating its own ecological assets (such as overfishing) and/or emitting carbon dioxide into the atmosphere. At the global level, ecological deficit and overshoot are the same, since there is no net import of resources to the planet.

Ecological Footprint

A measure of how much area of biologically productive land and water an individual, population, or activity requires to produce all the resources it consumes and to absorb the waste it generates, using prevailing technology and resource management practices. The ecological footprint is usually measured in global hectares. Because trade is global, an individual or country's footprint includes land or sea from all over the world. Without further specification, ecological footprint generally refers to the ecological footprint of consumption. Ecological footprint is often referred to in short form as footprint.

Every two years, Global Footprint Network, WWF and the Zoological Society of London publish the Living Planet Report, the world's leading,

science-based analysis on the health of our planet and the impact of human activity. Each year, the Global Footprint Network calculates the so-called Earth Overshoot Day. This marks the date when we have used as much from nature as our planet can renew over the whole year. Think of it as a bank account with a certain budget for the year. Starting on August 1, 2018, humanity is in the red.

The Earth is Exhausted

Our collective consumption currently exceeds by to percent what our planet Earth can renew.

- **Dirty Work:** Burning fossil fuels and wood makes up 60 percent of our ecological footprint. In absolute terms, China, the United States, the European Union and India are the world's largest CO2 emitters. Per capita consumption, however, puts those figures into perspective.
- **Forests under Pressure:** Trees provide timber, an invaluable raw material for items such as paper. But they also prevent soil erosion, help replenish the groundwater and are indispensable in climatic cycles, including as CO2 reservoirs. In Germany for example, forested area binds a mere 15 percent of the country's annual CO2 emissions. Nonetheless, 3.3 million hectares

of forest are lost worldwide each year.

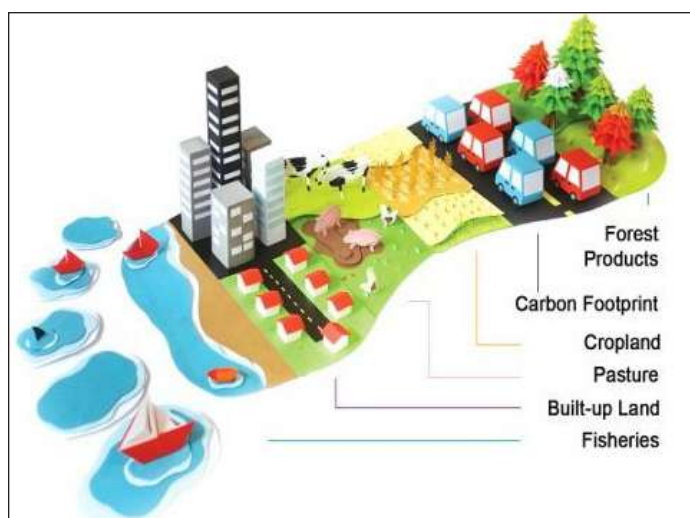
- **Farmland to Urban:** Humanity is growing. New crop areas are sprouting up everywhere — and at the same time, the world is losing farmland to urban development, soil erosion and soil degradation.

If resources were distributed equitably worldwide, everyone would be entitled to only 0.2 hectares.

- **Overfished Oceans:** As we catch ever more fish, stocks are not able to recover adequately. By now, almost a third of the world's fish stocks are considered overfished and far more than half exploited to their maximum. CO2 emissions are also acidifying the oceans, resulting in ever more difficult living conditions for marine creatures.
- **Water Scarcity:** The United Nations Environment Program estimates that almost half of the world's population will suffer from water shortages by 2030. Groundwater reserves are becoming increasingly scarce and are often contaminated. The level of pollution in from farming and household waste in rivers, lakes and other bodies of water is in some places so high that this water is not even suitable for animals.
- **Self-sufficiency on 1.8 hectares:** In mathematical terms, every human would have 1.8 hectares at his or her disposal in order to satisfy basic survival needs in an ecologically sustainable fashion.

Challenges

The practical impact of this overshoot is immense. The costs of this continued ecological overspending will result in a wide spread collapse of our ecosystems with direct and indirect impacts on our lives including increasing levels of pollution, scarcity of water and more severe natural calamities like floods and droughts. These threats often start moving people out of the places they inhabit to other cities and countries, only to add to more pressure to existing resources available in those places. While economic growth and



development brings many benefits—improved education, living standards, health measures and job opportunities, if not properly planned, it can also pose a significant challenge to the stability of natural environment. We have a critical window of opportunity now to put in place commitments and actions to reverse the trend of nature loss and help ensure the health and well-being of people and our planet.

As today's pressing issues of climate change, food scarcity and spiking prices for basic goods make clear, India's long-term economic success is dependent on the health of its own natural capital as well as that of other nations. India's current rapid industrialization and advancing technology are bringing it unprecedented economic prosperity, with gross national income per capita almost doubling since 2000. But this rapid economic growth comes at an ecological cost. India must work to manage natural capital in a way that allows maintenance of a strong economy while improving the well-being of its population.

India facing a unique challenge in the imperative to lift millions of people out of poverty and at the same time ensures that the natural resources required to sustain development are not depleted. The future lies in development trajectories that are not as resource intensive. While India has put in place some ambitious targets for renewable energy and afforestation, much more needs to be done to translate policy into practice. Integrated development planning and implementation requires government agencies to work in synergy while harnessing the power of businesses and listening to the voices of civil society. While there are several examples across the country of initiatives that have successfully integrated development and sustainability, these

need to be scaled up as a matter of urgency. Earth Overshoot Day reminds us that time is running out.

Solution: Improving Sustainability

The transformation to a sustainable, carbon-neutral world will succeed if we apply humanity's greatest strengths: foresight, innovation and care for each other. The good news is that this transformation is not only technologically possible, it is also economically beneficial and our best chance for a prosperous future. Global Footprint Network identified four key areas that are defining our long-term trends most forcefully and all of them are shaped by our individual and collective choices.

Cities: The global campaign for sustainability will be won, or lost, in cities. Between 70% and 80% of all people are expected to live in urban areas by 2050. UN Sustainable Development Goal-11 'Sustainable Cities and Communities' feature several 2030 targets, including:

- Reduce the adverse per capita environmental impact of cities.
- Provide access to safe, affordable, accessible and sustainable transport systems for all, notably by expanding public transport.
- Enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.

In particular, city planning can play a major role in shaping our need for cars. It matters because personal transportation makes up 14% of humanity's carbon Footprint.

Energy: The carbon footprint makes up 60% of humanity's ecological footprint. Over 150 years ago, the carbon Footprint of humanity was close to zero. If we want to live up to

the commitment of the 2015 Paris Climate Accord, the carbon footprint would have to be zero again before 2050. Accord therefore means phasing out fossil fuels well before 2050.

- Reducing the carbon component of humanity's ecological footprint by 50% would move Earth Overshoot Day by 93 days, or more than three months.
- Existing off-the-shelf, commercial technologies for buildings, industrial processes and electricity production could move Overshoot Day at least 21 days, without any loss in productivity or comfort.

This aligns with the UN Sustainable Development Goal-7 'Affordable and Clean Energy', which calls for substantially increasing the share of renewable energy in the global energy mix by 2030.

Food: Food demand makes up 26% of the global ecological footprint. Two major issues when addressing food sufficiency, malnutrition and hunger (UN Sustainable Development Goal-2) are:

- **Resource inefficiency in food production:** Animal calories are significantly more resource intensive than plant calories to produce. In fact, China's government is committed to reducing meat consumption by 50% by 2030. This would reduce the ecological footprint by more than 126 million global hectares and move the date of Overshoot Day back 1.5 days (according to China's current ecological footprint figures).
- **Food waste:** About one third of the food produced in the world for human consumption — 1.3 billion tonnes every year — gets lost or wasted, with high and low-income countries dissipating roughly the same quantities of food, according to the UN Food and Agriculture Organisation. That's equivalent

to 9% of humanity's ecological footprint. One target of UN Sustainable Development Goal-12 'Sustainable Consumption and Production' is to halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses, by 2030. If we cut food waste in half worldwide, we would move Overshoot Day by 11 days.

Population: The more of us there are, the less planet there is per person. If the average family size is half-a-child smaller in the future, i.e. if every second family has on average one child less, there will be one billion fewer of us in the world than the 9.7 billion that the UN expects by 2050 – and four billion fewer by the end of the century. Reducing family size at this rate is equivalent to moving back Earth Overshoot Day by about 30 days, or one month, by 2050. Long-term benefits are even more striking. This continued reduction in family size would result in 50% more bio capacity per person in 2100. More bio capacity makes it easier to have thriving lives for all within the means of the planet.

Investing in smaller families through the empowerment of women is also consistent with the UN's Sustainable

Development Goals. SDG 5 'Gender Equality' calls for ending all forms of discrimination against all women and girls everywhere. Targets include:

- Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.
- Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

Empowering women and girls results in greater gender equality and stabilizes population. If every other family in the world had one less child, we would move Overshoot Day 30 days by 2050.

Way Forward

The global moral transformation imagined by the moralists is utopian. Consuming less does not feed the hungry, without a plan for global resource redistribution. And unless we are going to impose radical population control, we will still need to figure out how to create a decent standard of living for a human population that will reach 8 billion in five years. Earth

Overshoot Day highlights unsustainable uses of natural resources, but we need scientifically robust ecological indicators to inform environmental policy and a broader understanding of ecological risks.

The obvious conclusion is that the planet certainly does not have the capacity to keep on satisfying the current rate of human demand. Using the footprint to explain the extent of humanity's overshoot, the GFN draws the attention of governments, investors and opinion leaders and demonstrates to the advantages of making ecological limits central to decision-making. Even a mild outlook indicates that a continuation of current population and consumption trends will mean that by the 2030s, we will need the equivalent of two Earths to support us. Although there should be no doubt about the validity or the seriousness of the reality of overuse, the question is whether governments and individuals will bother to take the issue seriously.

General Studies Paper- III

Topic: Conservation, environmental pollution and degradation, environmental impact assessment.



6. PREVENTION OF HIV IN INDIA: MILES TO GO

Why in News?

According to the UN report titled 'Miles to go — closing gaps, breaking barriers, righting injustices', India saw a major reduction in the number of new HIV infections, AIDS-related deaths and people living with HIV from 2010 to 2017 on the back of sustained and focused efforts.

In India, new HIV infections dropped from 120,000 in 2010 to 88,000 in 2017, AIDS-related deaths

from 160,000 to 69,000 and people living with HIV from 2,300,000 to 2,100,000 in the same time period.

Introduction

As per the UN report, between 2010 and 2017, several countries made rapid progress in reducing HIV incidence and getting antiretroviral therapy to patients. Today, three out of four people with HIV know their status and 21.7 million get treatment. While the largest reduction in incidence came

from Eastern and Southern Africa, Asia also made gains. India, in particular, brought down the number of new cases and deaths by 27% and 56%, respectively.

India has done a few things right. For example, tuberculosis is the biggest killer of HIV patients across the world. India is now able to treat over 90% of notified TB patients for HIV. Social stigma surrounding AIDS - infected people in India, while high, is declining slowly too. Survey data show that in

the last decade, the number of people unwilling to buy vegetables from a person with HIV came down from over 30% to 27.6%. But on the other hand it is important to be mindful of the challenges, because with 2.1 million cases India still is among the largest burden countries in the world.

Rocky Road for India

A decade ago, condom promotion as part of HIV prevention campaigns was so ubiquitous that the moral police started counter-campaigns alleging it destroyed the nation's culture and heritage. It didn't. What it did was lower HIV infections from an estimated 5.1 million in 2003 to 2.1 million in 2017.

Lowering infections among high-risk groups such as transgenders and female sex workers (FSW) — so called as they are considered likely to engage in high-risk behaviours that spread HIV, such as unprotected sex and sharing needles and syringes — is among the big successes of National AIDS Control Organisation (NACP), the first phase of which started in 1992. By 2004, India had expanded targeted interventions for FSWs, injecting drug users, men who have sex with men, transgender people, single male migrants, long-distance truckers etc. in the six high prevalence states of Tamil Nadu, Andhra Pradesh, Karnataka, Maharashtra, Nagaland and Manipur. Infection fell the most among transgender people, with HIV prevalence dropping from 29.6% in 2006 to 3.14% in 2017 (transgender was not surveyed as a distinct group before 2006), followed by homosexual men.

What also worked in lowering new infections is India's 'test and treat' policy, which puts everyone who tests positive on antiretroviral therapy (ART) used to treat HIV. ART boosts CD4 count — a measure of the robustness of the body's immune system — and protects against potentially fatal

infections, such as tuberculosis and pneumonia. It keeps people healthy, lowers viral load and with it, their risk of infecting others. India has been providing free ART to people with low CD4 count since 2004 and second-line drugs since 2008 to the infected, but switched to treatment for all in 2015 on the World Health Organisation's recommendation. ART prevented 1.5 lakh AIDS-related deaths every year between 2007 and 2011.

Despite successes, old challenges remain and new threats continue to emerge. New pockets of infection have emerged in the highly - populated states of Gujarat, Bihar, Delhi, Chhattisgarh, Rajasthan, Odisha, Uttar Pradesh and Jharkhand. As per new report by the International AIDS Society and Lancet Commission, the world is not on track to end AIDS by 2030, as envisioned as part of global Sustainable Development Goals. With more than two million people with HIV and an estimated 62,000 AIDS-related deaths in 2016, India alone was to the third largest HIV epidemic in the world. India has declared its aim to decrease new HIV infections by 75 per cent in the period between 2010 and 2020 and eliminate AIDS by 2030. If India took all proactive measures, including testing, anti - retroviral therapy and pre-exposure preventive treatment, in the vulnerable groups, it could hope to avert only about seven per cent of new HIV cases between now and 2028. That would still mean potentially 51,000 new infections would be avoided and about 81,000 AIDS related deaths would be prevented during this time.

Challenges

- While the targeted interventions have reduced HIV prevalence among high-risk groups, new challenges await policymakers. The demographic profile of the HIV-infected population is changing. The new risk groups are migrant workers

and housewives (who get it from their partners), people who are not in concentrated pockets and hence difficult to target.

- Some of the newer challenges that face the NACP are the dual problems of the HIV epidemic, driven by unsafe sex and injecting drugs, not only in the North Eastern states but among emerging pockets in metros and some Northern states. Till now the interventions that have been rolled out were very focused toward particular high-risk behavior. Now newer interventions need to be envisaged that deal with more than one high-risk behavior.
- Many domestic and international organizations have contributed to India's fight against HIV. As a result many stand - alone HIV control programs have come up both at national and regional levels. The major challenge is to integrate them and align them with the national program. Another major issue is integration of the HIV program with the general health system for long-term sustainability.
- With annual new infections hovering around 80,000 over the past five years, complacency set in with a visible shift to other priority health programmes. The budget outlay for the National AIDS and STD Control Programme stagnated and HIV awareness hoardings were replaced with campaigns promoting immunisation, contraception and tuberculosis prevention and treatment. The majority of the budget allocation for HIV and AIDS is spent on counselling, testing and antiretroviral therapy (ART), which is given free to treat everyone who tests positive for HIV. There's little money left for information, education and communication programmes that are central to prevention and lowering stigma.

HIV Stigma and Discrimination

Stigma and discrimination are among the foremost barriers to HIV prevention, treatment, care and support. Specifically, research has shown that stigma and discrimination undermine HIV prevention efforts by making people afraid to seek HIV information, services and modalities to reduce their risk of infection and to adopt safer behaviours lest these actions raise suspicion about their HIV status. Research has also shown that fear of stigma and discrimination, which can also be linked to fear of violence, discourages people living with HIV from disclosing their status even to family members and sexual partners and undermines their ability and willingness to access and adhere to treatment. Thus, stigma and discrimination weaken the ability of individuals and communities to protect themselves from HIV and to stay healthy if they are living with HIV.

Definitions of Stigma and Discrimination

HIV-related stigma refers to the negative beliefs, feelings and attitudes towards people living with HIV, groups associated with people living with HIV (e.g. the families of people living with HIV) and other key populations at higher risk of HIV infection, such as people who inject drugs, sex workers, men who have sex with men and transgender people.

HIV-related discrimination refers to the unfair- and - unjust - treatment - (act or omission) of an individual based on his or her real or perceived HIV status. Discrimination in the context of HIV also includes the unfair treatment of other key populations, such as some social contexts, women, sex workers, people who inject drugs, men who have sex with men, transgender people, people in prisons and other closed settings and, in some social contexts, women, young people, migrants, refugees and internally displaced people. HIV-related discrimination is usually based on stigmatizing attitudes and beliefs about populations, behaviours, practices, sex, illness and death. Discrimination can be institutionalized through existing laws, policies and practices that negatively focus on people living with HIV and marginalized groups, including criminalized populations.

Government Initiatives

India has been working tremendously hard to eradicate HIV which poses serious health challenges to a large population of the country. Efforts are now being made to reduce the number of HIV cases to zero. However, there is a long way to go for an "AIDS Free India" as the country still has about 2.5 million people, aged between 15 and 49, estimated to be living with HIV, the third largest in the world.

Some important initiatives are as follows:

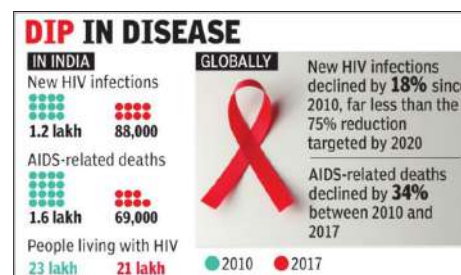
National AIDS Control Program (NACP): The National AIDS Control Programme (NACP), launched in 1992, is being implemented as a comprehensive programme for prevention and control of HIV/AIDS in India. It is now a Department of AIDS under the Ministry of Health and Family Welfare.

Indian Medical Council Act, 1956 (Professional Conduct, & Ethics) Regulations, 2002: It laid down certain duties on the part of doctors towards the HIV patients.

Immoral Trafficking Prevention Act, 1986: It provides for conducting compulsory medical examination for detection of HIV among the victims of trafficking.

HIV and AIDS (Prevention and Control) Bill, 2017: The Bill seeks to prevent and control the spread of HIV and AIDS, prohibits discrimination against persons with HIV and AIDS, provides for informed consent and confidentiality with regard to their treatment, places obligations on establishments to safeguard their rights and creates mechanisms for redressing their complaints.

National strategic plan (2017-24) and Mission SAMPARK: The Ministry of Health and Family Welfare has launched the plan with aim to eradicating HIV/AIDS by 2030. It is expected to pave a roadmap for achieving the target of 90:90:90.



Target of 90:90:90

- By 2020, 90% of all people living with HIV will know their HIV status.
- By 2020, 90% of all people with diagnosed HIV infection will receive sustained antiretroviral therapy.
- By 2020, 90% of all people receiving antiretroviral therapy will have viral suppression.

Mission 'SAMPARK' aimed at tracing those who are HIV positive and are to be brought under antiretroviral therapy (ART) services.

Way Forward

India deserves applause for its significant achievements in fighting HIV-AIDS. De-stigmatisation of HIV-AIDS is also important to fighting this deadly disease. India has the resources and the expertise; it needs the political commitment. The epidemic needs to be addressed where it is happening. It is important to empower patients and communities. The government needs to focus on testing and treatment options as early as possible. Otherwise, we will annually just keep adding more people to the pool of those who need treatment. The HIV response and the broader global health field must work together.

Besides, we need to educate our children on the dangers of having unprotected sex. This requires introduction of sex education in school curricula.

General Studies Paper- II

Topic: Issues relating to development and management of Social Sector/ Services relating to Health, Education, Human Resources.



7. RIGHT TO PRAY: ARE ONLY MALES ENTITLED

Why in News?

In the last few months, many temple managers that kept women out of holy places have been facing unprecedented legal and social challenges. A temple and ashram in Uttar Pradesh's Hamirpur district were 'purified' and the idols in it cleansed with Ganga-water after a BJP woman MLA visited it. The Shani Shingnapur temple prohibits women from entering its inner sanctum and prohibiting a woman's right to enter the famous Sabarimala temple with her menstrual cycle.

Introduction: Right to Pray

Women are constantly fighting a battle for equality. In India, they are also currently fighting to be treated as equals in the eyes of their gods. Indian feminism has always been a rather unique debate, owing to various ethnic influences that are characteristic of the cultural minefield that India is. However, this debate encompasses not only feminism, but religious practices and their conflict with constitutional law. General Women's right activists have united to challenge the restrictions imposed on women with regard to entering places of worship. This phenomenon is not recent, nor is it restricted to a single religion. Hindu temples, Muslim mosques and dargahs and even some Christian churches limit the access of women. These age-old customs are backed by a reasoning that presumes that women are somehow impure, or second-rate citizens. Most shrines cite menstruation as the ground on which the entry of women is limited, implying that a natural biological process renders a woman unworthy of the right to worship. Women activists have raised a furore in Indian courts, asserting that this ban is arbitrary, unconstitutional and in violation of their fundamental rights.

The Sabarimala fight is being seen as interference in Hindu religious rights. But whether this, or the fight for Dalits to be allowed into temples, or when we wanted Sati abolished, the debate has never been about faith, but about how faith shapes the society we live in. This was also Ambedkar's argument: that denying untouchables the right to enter religious places was a powerful way of extending the social discriminations against them. Food taboos, separate wells, separate cremation sites, 'pollution' rules — these are potent tools of control that Hindu society has long used against some sections of people. And the tools have always been made stronger by being given the sanction of the gods.

For centuries, many temple managers in India have used tradition as an excuse to stop women from entering a place of worship. But increasingly women are fighting for their right to pray by bringing their cases to court. During the recent landmark Sabarimala temple case, the Supreme Court judges held that women cannot be restricted from entering holy sites such as the Sabarimala Ayyappa Hindu temple in Kerala, India. The Sabarimala temple prohibited women from entering, arguing that they are impure while menstruating. A controversy was stoked when the board's president wanted to install machines outside the temple to check if women who are menstruating are trying to go into the temple.

Religious Inequality: Sabarimala Temple Issue

The Indian Young Lawyers Association and five women lawyers approached the Supreme Court seeking a direction to allow entry of women into the temple without age restrictions. Their petition contended that discrimination

in matters of entry into temples was neither a ritual nor a ceremony associated with Hindu religion and that such discrimination was anti-Hindu. The religious denomination could only restrict entry into the sanctum sanctorum and could not ban entry into the temple, making discrimination on the basis of sex. It is a matter of shame that such regressive practices are still followed. It is a classic case of gender discrimination which strips the person of their basic right just because of their gender.

The Bench is hearing the question whether the fundamental right of women to pray at the place of their choice can be discriminated against solely based on a biological factor (menstruation) exclusive to the female gender. The trial in the Supreme Court has also put the spotlight on a 1991 Kerala High Court judgment, which held that the restriction was in accordance with a usage from time immemorial and not discriminatory under the Constitution. Upholding the restrictions, the High Court, in its judgment, said: "According to him (The Sabarimala Thanthri), these customs and usages had to be followed for the welfare of the temple. He said only persons who had observed penance and followed the customs are eligible to enter the temple and it is not proper for young women to do so." Twenty-five years after this judgment, the Supreme Court has questioned the "logic" behind the restriction, even wondering whether there was any proof that women did not enter the sanctum sanctorum 1,500 years ago.

- **Travancore Devasom Board Argument:** The Travancore Devasom Board, which maintains the temple, had replied that the ban was in accordance to the centuries-old tradition. Women aged between

10 and 50, that is those who are in menstruating age, are barred from entering the temple. While there is no restriction on women to worship Lord Ayyappa in any other temple, their entry is prohibited in this temple.

- **Petitioner Argument:** The Sabarimala shrine in Kerala is not a denominational temple and hence does not enjoy rights under Article 26 of the Constitution to manage its own religious affairs. The Constitution empowered the state to make laws not only for social welfare but also for religious matters. The Article 25 (1) which mandates freedom of conscience and right to practise religion. All persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion. This means your right as a woman to pray is not even dependent on a legislation. It is your constitutional right. Nobody has an exclusionary right of entry to a temple.

Arguments in Favour

Women and their physiological phenomena are creations of God. If you don't believe in God, then of nature. Why should this (menstruation) be a reason for exclusion for employment or worship or anything. The Constitution upheld the ideals of liberty of thought, expression, belief and faith, be it for man or woman and the prohibition on women aged between 10 and 50 is arbitrary.

The Bench, led by Chief Justice of India Dipak Misra, asked whether the exclusion of women aged between 10 and 50 from entering a temple because they are considered 'impure' amounts to the practice of untouchability, a social evil abolished by law. We are fond of saying that Hinduism is not a religion but a way of life, which is why its practice cannot be dictated only and narrowly by religious pundits and

tantric priests, however spiritual and eloquent they might be. Where India is concerned, the religious is the social and the concept of a private temple doesn't apply.

There is no concept of private mandirs (temples). Once a temple is opened, everybody can go and offer prayers. Nobody can be excluded. The Sabarimala temple drew funds from the Consolidated Fund, had people coming from all over the world and thus, qualified to be called a public place of worship. In a public place of worship, a woman can enter, where a man can go. What applies to a man, applies to a woman.

Religion is a relationship between you and your creator. There is nothing in health, morality or public order that prevents a woman from entering and offering worship in a temple opened for the public. The prohibition in Sabarimala is discrimination not just on gender but sex. Menstruating women are viewed as polluted. Millions of faiths, beliefs may not fit Constitutional morality, board to Supreme Court. It also cited the case of women in general not being allowed into mosques of the Sunni Muslim sect to remind the court that implications of its order would be widespread.

Constitutional Provisions

Articles 14 and 15(1) emphasize equality before the law and are two facets of the same fundamental right. The articles emphasize the fact that any discrimination which is based only on the ground of religion, race, caste, sex or place of birth is prohibited. Article 15(1) implies that there may be discrimination on other grounds, but these cannot be arbitrary, capricious or oppressive. They have to be reasonable.

Article 25 of the Constitution guarantees freedom of conscience and free profession, practice and propagation of religion to all the citizens of the Union of India. Article

26(b) awards to religious categories the privilege to deal with their own undertakings in the matter of religion. These rights are not absolute rights; they are subject to public order, morality and health, as well as to the other provisions of Part III.

The right under Article 25(i) is further subject to the right of the state to make any law regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice. It is further subject to the right of the State to provide legislation for social welfare and reform.

Religious Practices and Judicial Review

The religious rights guaranteed under Articles 25 and 26 are not absolute and are subject to welfare legislation made by the State. The Bombay High Court has said: "Religion in a modern democratic State is purely a matter of the individual and his God; with the religious beliefs of the citizen and his religious practices normally the State would not interfere. But if these religious beliefs or practices conflict with matters of social reform or welfare on which the State wants to legislate, such religious beliefs or practices must yield to the higher requirements of social welfare and reform."

Now sharp distinction must be drawn between religious faith and belief and religious practices. What the State protects is religious faith and belief. Article 13 of the Indian Constitution -- the main source of judicial review in the Indian context mandates that any "law" that violates a fundamental right is void. The Bombay High Court held that the definition of law cannot be restricted to Article 13(2) alone and therefore "laws in force" would include customs or usage, having the force of law. The Court chose to interpret the meaning of "law" to include customs, but not

personal law. Thus, while personal law is exempt from the application of the Constitution, customs are not. Hence, it is clear that according to Article 13 of the Indian Constitution, the court is free to strike down any "custom" or "usage" which is in contravention of the fundamental rights of a person.

India's Treaty Obligations under International Law

The Universal Declaration of Human Rights (UDHR), of which India is a signatory, requires that it gives to its citizen's freedom of religion and the right against discrimination on the basis of gender. Notably, the International Covenant on Civil and Political Rights 1966 (ICCPR), of which India is a signatory, says "Freedom to manifest one's religion or beliefs may be subject only to limitations as are prescribed by law that are necessary protect public safety, order, health, or morals or the fundamental rights and freedoms of others. As it has been established earlier, these exceptions are not relevant to women and their access to places of worship".

Further, India is also a signatory to the Convention on the Elimination of All forms of Discrimination against Women, 1979 (CEDAW), which requires India to eliminate discrimination against women and recognize that they should be treated at par with men in the eyes of the law.

The right to equality and right against discrimination fall under the ambit of jus cogens principles of international law which cannot be set aside.

Way Forward

"If the Constitution of this country has given us equal rights, then we want to assert these rights. If men are allowed to enter inner sanctums at places of worship, we, too, want that right. By entering the inner sanctum, we are seeking to do away with the wrong traditions that exist in this country." The core values of any religion comprise humanity, compassion, justice and equality. Without these, the rest is mere ritual. In the contemporary world, which is well-equipped to give space to traditions that uphold the same values, it is the space occupied by courts of law, not temples that dispense these values. We should be able to respect both perceptions of god, deities and religion (in this case the celibacy of a deity) — and women's rights evenly — so that they can be chosen by each individual — whether male or female — and not by patriarchal religious overlords, irrespective of the religion.

The purpose of a holy shrine is worship, a deeply scared and sentimental act between a person and their god. The authors do not see how restrictions on women could help the act of worship, but do believe that such restrictions take away from women a right guaranteed to them by the Constitution. In a secular state, there is little room for State intervention in matters of belief, but there is a responsibility owed to the women of this country. Not only does the State have an obligation to its citizens to uphold their rights, it has one to the international community as well. Customary international law as well as the various treaties that India is a signatory to bind the nation to the mission of providing its citizens

protection against discrimination and the right to worship and practice their religion. It is these human rights, guaranteed to each person, that we need to uphold.

Having considered both religious and constitutional factors and having regard for the limitations on legislative and judicial interference put into place by the Indian Constitution, the sanctity of religious beliefs as well as the rights guaranteed to women by the State, there is a pressing need for the legislature to create a central law which outlines the rights and duties of administrators and worshipers, especially women. This law should elaborate upon the right to worship and the right against discrimination available to all Indians in the context of entry into places of worship of all religions. Thus, it would follow that women could not be restricted from entering places of worship. Further, the judiciary should strike down all laws and customs which allow for such discrimination against women and declare them unconstitutional.

General Studies Paper- I

Topic: Social empowerment, Communalism, Regionalism & Secularism.

General Studies Paper- II

Topic: Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes; mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.



SEVEN SUBJECTIVE QUESTIONS WITH MODEL ANSWERS

Digital Revolution vs Protection of Privacy

Q1. Critically analyse the recommendations of Justice Srikrishna committee on data protection.

Hints:

- The committee of experts chaired by Justice BN Srikrishna has submitted its report titled, "A Free and Fair Digital Economy – Protecting Privacy, Empowering Indians", to the Ministry of Electronics and Information Technology. The committee also submitted draft legislation on data protection titled 'the Personal Data Protection Bill, 2018.'
- With nearly 500 Million internet users India represents a digital economy, which has biggest market potential for global players. This digital revolution, also known as 'the internet economy', is expected to generate new market growth opportunities, jobs and become the biggest business opportunity for businesses in the next 30 to 40 years.
- Data privacy has been a topic of raging national debate in our country in recent times. Even before Facebook rocked the world with its Cambridge Analytica scandal, there was Aadhaar - the 12-digit number that was introduced with the aim of giving an identity to billions of unnamed and unidentified Indian citizens.
- Key features: The Bill sets out certain rights of the individual. These include: (i) right to obtain confirmation from the fiduciary on whether its personal data has been processed, (ii) right to seek correction of inaccurate, incomplete, or out-of-date personal data and (iii) right to have personal data transferred to any other data fiduciary in certain circumstances.
- The Bill provides for the establishment of a data protection authority. The authority is empowered to: (i) take steps to protect interests of individuals, (ii) prevent misuse of personal data and (iii) ensure compliance with the Bill.
- The Bill sets out obligations of the entity who has access to the personal data (data fiduciary). These include: (i) implementation of policies with regard to processing of data, (ii) maintaining transparency with regard to its practices on processing data, (iii) implementing

security safeguards (such, as encryption of data) and (iv) instituting grievance redressal mechanisms to address complaints of individuals.

- Criticism: In the present expert committee report there is no formal referencing to the recommendations issued in 2012 by the Justice AP Shah chaired expert committee on privacy. The expert report also makes no mention of the different private members bills on privacy filed across 2009 to present by Members of Parliament on their own initiative, nor does it expressly study or deliberate on the recommendations issued earlier this month Telecom Regulatory Authority of India by the TRAI on privacy, security and ownership of data in the telecom sector.
- The expert committee report did chose to provide detailed recommendations on Aadhaar. In effect, it appears that the Srikrishna Committee did not see making these amendments to Aadhaar - one of the largest sensitive datasets in the country and the likely the largest government "data fiduciary" – as much of a compelling objective on their end even in comparison to outlining amendments to the RTI Act.
- In order to ensure a robust data protection law, it is essential to provide data principals with the means to enforce their rights against corresponding obligations of data fiduciaries. These rights are based on the principles of autonomy, self-determination, transparency and accountability so as to give individuals control over their data, which in turn is necessary for freedom in the digital economy.

Johannesburg Declaration for Inclusive Growth

Q2. BRICS Countries facing challenges from domestic poverty, inequality and unemployment to climate change and a global economic system. Discuss the relevance of BRICS summit in the respect of above statement.

Hints:

- The government of the Federative Republic of Brazil, the Russian Federation, the Republic of India, the People's Republic of China and the Republic of South

Africa, met from 25 - 27 July 2018 in Johannesburg, at the 10th BRICS Summit. The 10th BRICS Summit, as a milestone in the history of BRICS, was held under the theme BRICS in Africa: Collaboration for Inclusive Growth and Shared Prosperity in the 4th Industrial Revolution.

- The timing of the 10th BRICS summit is very crucial because whole world is facing disruption as well as geopolitical refashioning. In this backdrop, the 10th summit framed its deliberations against U.S. President Donald Trump's unconventional approach on world affairs, particularly the looming trade wars. BRICS leaders, therefore, stressed "the centrality of the rules-based, transparent, non-discriminatory, open and inclusive multilateral trading", based on the World Trade Organisation.
- The other big idea emanating from the summit is to help nations to prepare for the fourth industrial revolution. Articulating the need for a new strategy on employment, education and skill development as the digital revolution unfolds.
- The summit saw the BRICS leaders come together and discuss various international and regional issues of common concern and adopted the 'Johannesburg Declaration' by consensus. It cover everything from settling trade disputes and securing Syria to making more movies together and urges all countries to fully implement the Paris Agreement adopted under the principles of the United Nations Framework Convention on Climate Change (UNFCCC).
- Challenge of BRICS countries: The challenges facing the world range from country specific problems relating to domestic poverty, inequality and unemployment to climate change and a global economic system that is biased in favour of corporate interests, particularly in finance and technology.
- One of the most immediate political challenges relate to the changing dynamics in global economic governance. The current global powerhouse, the US, appears intent on starting trade wars with both China and the European Union. Africa can't avoid being adversely affected by a trade war between these three economic powers, which are its three largest trading partners.
- As the BRICS Summit completes 10 years since its first meeting in 2009 in Russia, it is time to look back at the impact, economic clout and the political heft that the group has gained in the last 10 years while looking at ways to consolidate it. The BRICS emerged not as a group whose strength lay in the individual capacity of each country, but as a pragmatic relationship that pools the influence of its members to achieve common objectives.

National Register of Citizens: Seal of Citizenship

Q3. Can a democracy permit so many to be in a state of liminal legality? How India addresses the fate of those eventually left off the list will ascertain whether its democracy can lay claim to being humane or not. Comment.

Hints:

- The second and final draft of the National Register of Citizens (NRC), released on 30th July, 2018 didn't include the names of around 40 lakh people of the 3.29 crore who had submitted their documents to the government of Assam. The first draft of the NRC, which had the names of 1.9 crore people, was released in December 2017.
- The National Register of Citizens (NRC) is the register containing names of Indian citizens. The NRC is now being updated to include the names of those persons (or their descendants) who appear in the NRC, 1951, or in any of the electoral rolls up to the midnight of 24th March, 1971 or in any one of the other admissible documents issued up to midnight of 24th March, 1971, which would prove their presence in Assam or in any part of India on or before 24th March, 1971.
- The first NRC was published in 1951 by recording particulars of all the persons enumerated during that year's census and was unique to the state of Assam. There is hardly any precedent anywhere in the world for a legal exercise that will strip such a massive population of citizenship in a single day.
- An even more important issue is what happens to those people whose names do not figure in the final NRC and are declared illegal entrants into the state. The popular rhetoric for dealing with such illegal migrants has always been to deport them to Bangladesh, but this is easier said than done. Bangladesh has consistently denied that its citizens have illegally immigrated to India.
- The situation is further compounded by that fact that many illegal migrants who were declared foreigners by the foreigners tribunals have either absconded to other states to evade arrest or are dead.
- Since the deportation of illegal migrants is not feasible, the only option before the government is to let them reside in the country on humanitarian grounds but after stripping them of all citizenship rights. Such an option, however, might not go down well with the people of Assam who are at present protesting against the Citizenship Amendment Bill of 2016, which proposes to grant citizenship to all refugees (except Muslims) who have fled religious persecution in their home countries.

- The publication of the updated NRC is indeed a positive step in so far as it puts to rest wild speculations about the extent of the illegal migrant population in Assam and the resulting polarisation that political parties have been exploiting to make electoral gains. However, the absence of any clear policy as to how to deal with the proclaimed illegal migrants has created a sense of unease in the minds of many presently residing in Assam.
- The need of the hour therefore is for the Union government to allay apprehensions presently in the minds of the people of Assam and take steps to contain any adverse fallout after the publication of the final draft of the NRC. At the same time, it also needs to spell out what it intends to do with the persons whose names do not figure in the final NRC.

Right to Information (Amendment) Bill: An Overview

Q4. The RTI is the only legislation after the constitution of India, which has a broad base of people's representation, consultation and discussion. It is a truly democratic piece of legislation that can empower people to challenge misgovernance. Examine.

Hints:

- The government has introduced 'Right to Information (Amendment) Bill, 2018'. It seeks to amend the right to information (RTI), 2005.
- Parliament adopted the RTI Act to give effect to people's right to access information from governments which is a deemed fundamental right within the meaning and scope of Article 19(1)(a) of the Constitution. This is the third attempt to amend this seminal law since its enforcement in October 2005 by the government.
- The Centre wants to amend the RTI Act so that they get to decide the tenure and salaries of the information commissioners of the central information Commission and the State Information Commissions through rules. Currently, the tenure of the Commissioners is fixed at 5 years (with a retirement age of 65) and the salary is at the same level as that of equivalent Election Commissioners.
- According to the Central government's interpretation, the Election Commission is a 'constitutional' body and the Central and State Information Commissions are 'statutory' bodies. The functions being carried out by the Election Commission of India and Central and State Information Commissions are totally different. On the other hand, the Central Information Commission and State Information Commissions are statutory bodies established under the provision of the Right

to Information Act, 2005. Therefore, the mandate of Election Commission of India and Central and state information commissions are different. Hence their status and service conditions need to be rationalised accordingly.

- An amendment in RTI Act aims to turn Information Commissioners into puppets of Central government. The elevated status of Information Commissioners – be it in terms of their fixed tenure or their high salary – was meant to help ensure this. If their tenure can be cut short by the Centre and their salaries can be slashed, this leaves them in positions where they are dependent on the government, making them more susceptible to political influence. This would defeat the entire purpose of the RTI Act – transparency.
- Previous government had tried to bring in amendments to the RTI Act, but could not do so due to protests. The statements and objects of the Bill stated that the RTI Act was enacted to promote transparency and accountability of every public authority towards citizens. But by amending the Act, the government is seeking to make the commissions accountable to it and seeking to destroy its transparent functioning. If the central government had the power to decide the tenures and salaries of information commissioners, the commissioners would be under pressure not to annoy the government, which means they would be biased on delivering justice. The existence of such a justice delivery system is against the spirit of the Constitution.

Earth Overshoot Day: Ecological Footprint Calculator

Q5. What is Earth Overshoot Day? Humanity consuming more resources than the Earth can regenerate and creating more waste than the planet can absorb in a year. Discuss the possible action to address the annual encroachment of Earth Overshoot Day.

Hints:

- Earth Overshoot Day marks the date when we (all of humanity) have used more from nature than our planet can renew in the entire year. In 2018, it fell on August 1. We are using 1.7 Earths. We use more ecological resources and services than nature can regenerate through overfishing, overharvesting forests and emitting more carbon dioxide into the atmosphere than ecosystems can absorb.
- The costs of this ecological overspending include deforestation; collapsing fisheries; fresh-water scarcity; soil erosion; biodiversity loss; and the buildup of carbon dioxide in the atmosphere, leading to climate change

and more severe droughts, wildfires and hurricanes. These threats can produce desperation and force many people to migrate to cities or other countries.

- The organization came up with some solutions to combat the annual encroachment of Earth Overshoot Day. Possible action addresses four areas: cities, energy, food and population. The Global Footprint Network suggests reducing driving by 50% (replacing miles with public transportation, walking and biking instead), reducing the carbon component of our ecological footprint by 50% (done primarily through phasing out fossil fuels), reducing food waste and having fewer children.
- **4 key areas for improving sustainability**
 - ◆ **Food:** If people reduced global meat consumption by 50 percent and replaced these calories through a vegetarian diet, we would move Overshoot Day by six days. If people cut food waste in half worldwide, we would move Overshoot Day by 11 days.
 - ◆ **Population:** If every other family in the world had one less child, we would move Overshoot Day 30 days by 2050.
 - ◆ **Energy:** Reducing the carbon component of humanity's ecological footprint by 50 percent would move Earth Overshoot Day by 93 days, or more than three months.
 - ◆ **Cities:** If people cut back on driving by 50 percent around the world (and assume one-third of car miles are replaced by public transportation and the rest by biking and walking), Earth Overshoot Day would move back 12 days.
- As today's pressing issues of climate change, food scarcity and spiking prices for basic goods make clear, India's long-term economic success is dependent on the health of its own natural capital as well as that of other nations. India facing a unique challenge in the imperative to lift millions of people out of poverty and at the same time ensures that the natural resources required to sustain development are not depleted. But this rapid economic growth comes at an ecological cost. India must work to manage natural capital in a way that allows maintenance of a strong economy while improving the well-being of its population.

Prevention of HIV in India: Miles to Go

- Q6. Despite success, India remains the country with the third largest population of people with HIV. India needs to scale up its interventions to tackle the HIV/AIDS burden. Discuss.**

Hints:

- According to the UN report titled 'Miles to go — closing gaps, breaking barriers, righting injustices', India saw a major reduction in the number of new HIV infections, AIDS-related deaths and people living with HIV from 2010 to 2017 on the back of sustained and focused efforts.
- In India, new HIV infections dropped from 120,000 in 2010 to 88,000 in 2017, AIDS-related deaths from 160,000 to 69,000 and people living with HIV from 2,300,000 to 2,100,000 in the same time period.
- India has done a few things right. For example, tuberculosis is the biggest killer of HIV patients across the world. India is now able to treat over 90% of notified TB patients for HIV. Social stigma surrounding AIDS-infected people in India, while high, is declining slowly too. Survey data show that in the last decade, the number of people unwilling to buy vegetables from a person with HIV came down from over 30% to 27.6%. But on the other hand it is important to be mindful of the challenges, because with 2.1 million cases India still is among the largest burden countries in the world.
- New pockets of infection have emerged in the highly-populated states of Gujarat, Bihar, Delhi, Chhattisgarh Rajasthan, Odisha, Uttar Pradesh and Jharkhand. As per new report by the International AIDS Society and Lancet Commission, the world is not on track to end AIDS by 2030, as envisioned as part of global Sustainable Development Goals.
- Some of the newer challenges that face the National AIDS Control Programme (NACP) are the dual problems of the HIV epidemic, driven by unsafe sex and injecting drugs, not only in the North Eastern states but among emerging pockets in metros and some Northern states. Till now the interventions that have been rolled out were very focused toward particular high-risk behavior. Now newer interventions need to be envisaged that deal with more than one high-risk behavior.
- Stigma and discrimination are among the foremost barriers to HIV prevention, treatment, care and support. Specifically, research has shown that stigma and discrimination undermine HIV prevention efforts by making people afraid to seek HIV information, services and modalities to reduce their risk of infection and to adopt safer behaviours lest these actions raise suspicion about their HIV status.
- India has been working tremendously hard to eradicate HIV which poses serious health challenges to a large population of the country. Efforts are now being made to reduce the number of HIV cases to zero. The Ministry of Health and Family Welfare has launched the plan with aim to eradicating HIV/AIDS by 2030. It

is expected to pave a roadmap for achieving the target of 90:90:90.

- ◆ By 2020, 90% of all people living with HIV will know their HIV status.
- ◆ By 2020, 90% of all people with diagnosed HIV infection will receive sustained antiretroviral therapy.
- ◆ By 2020, 90% of all people receiving antiretroviral therapy will have viral suppression.
- ◆ Mission 'SAMPARK' aimed at tracing those who are HIV positive and are to be brought under antiretroviral therapy (ART) services.
- India deserves applause for its significant achievements in fighting HIV-AIDS. De-stigmatisation of HIV-AIDS is also important to fighting this deadly disease. India has the resources and the expertise; it needs the political commitment. The epidemic needs to be addressed where it is happening. It is important to empower patients and communities. Besides, we need to educate our children on the dangers of having unprotected sex. This requires introduction of sex education in school curricula.

Right to Pray: Are Only Males Entitled

Q7. Evaluate the position of women and the discriminations they face in the name of religion in the past and at present, at national as well as international level. Discusses the safeguards provided to women by the Constitution and the statutes.

Hints:

- Religious inequality is valuing or treating a person or group differently because of what they do or do not believe. The root causes of gender inequality in Indian lies in its patriarchy. Women exploitation is an age old cultural phenomenon of Indian society. The system of patriarchy finds its validity and sanction in our religious beliefs, whether it is Hindu, Muslim or any other religion.
- Indian Constitution provides for positive efforts to eliminate gender inequality; the Preamble to the Constitution talks about goals of achieving social, economic and political justice to everyone and to provide equality of status and of opportunity to all its citizens. Article 14 & 15(1) of the Constitution provides for prohibition of discrimination on grounds of sex also apart from other grounds such as religion, race, caste or place of birth. Article 15(3) authorizes the State to make any special provision for women and children.
- Article 25 guarantees freedom to practice, profess and propagate any religion and Article 26 gives freedom to manage religious affairs. Moreover, the Directive Principles of State Policy provides various provisions which are for the benefit of women and provides safeguards against discrimination.
- The denial of religious freedom contributes to gender inequality throughout the world. India, being a religiously plural society, faces this tension more so than many other societies. It is no surprise that most legal theory, developed in industrialized countries, does not concern itself with this issue. The specific responsibility of Indian legal scholars, feminists and others is to develop ideas about the relationship between law and their social institutions. It is not enough to simply replicate ideas developed elsewhere and end up with the absurd situation that in contemporary India women are denied equality by reference to anachronistic laws that are now supported in the name of progressive pluralism.
- The religious autonomy that various communities claim in turn invokes a simplistic notion of choice. Invariably there is no discussion of who is making the choice and whether the structural nature of hurdles in exercising choice makes it a futile concept for most women. With regard to personal matters it could be imagined that law, rather than enforcing religious authority, can facilitate equality by making all family laws gender non-discriminatory. Such a family law sanctioned inequalities. To close the gender gap, strengthen economies and empower women, it is imperative that religious freedom become a factor that is taken seriously and acted upon.
- Though the Constitution, under its Article 15 (1), promises non-discrimination, there is no legislation to penalise offenders. Non-discrimination is a promise made in the Constitution of India. These constitutional promises against discriminatory acts require legislative backing in the form of anti-discrimination laws and these must be extended to private and non-state spheres as well. There are procedural problems with the existing laws and there is a need for the country to bring in an anti-discrimination law for all sections of society. Religion is often seen as a barrier to gender equality. There are many stories of gender-based violence done in the name of religion. As a result, in many cases, the issues of religion and gender equality are often dismissed as too complicated to address. There appears to be no way to unwind this rather complex multi-institution.



SEVEN IMPORTANT NATIONAL & INTERNATIONAL NEWS

NATIONAL

1. 'Move Hack' Hackathon

NITI Aayog has launched 'Move Hack', a global mobility hackathon to crowd source solutions aimed at the future of mobility in India. Move Hack aims to bring about innovative, dynamic and scalable solutions to problems pertaining to mobility. The hackathon has two-pronged campaign approach: (a) "Just Code It": It aimed at solutions through innovations in technology / product / software and data analysis. (b) "Just Solve It": Innovative business

ideas or sustainable solutions to transform mobility infrastructure through technology. Move Hack is expected to unravel pioneering and ingenious solutions to pertinent mobility-related challenges and pave the way for developing integrated, interconnected and inventive global community.

Significance

Transportation and mobility are

emerging as potential drivers of innovation and economic growth of the 21st century. Rapidly evolving technologies and business models for delivering mobility services have dramatic potential to transform the global transportation sector. Mobility that ranges from pedestrian and personal transport to public transit and freight movement is extremely critical and impacts rural and urban daily lives.

2. National Sports University Bill, 2018

The Lok Sabha has passed a Bill establishing a National Sports University in Manipur as part of a vision to enhance country's standing in sports. The Bill replaces National Sports University Ordinance, 2018 promulgated by President in May 2018 to protect interests of students who already have been enrolled in National Sports University.

- It will promote sports education in the areas of sports sciences, sports technology, sports management and sports coaching. It will function as a national training centre for select sports disciplines. It may also establish campuses and study centres in other parts of the country. The university will be empowered to grant degrees, diplomas and certificates.

- The key objectives of the university are:
 - (i) Research, development and dissemination of knowledge in physical education and sports sciences
 - (ii) Strengthening physical education and sports training programmes
 - (iii) Generating knowledge capabilities, skills and competence at various levels
 - (iv) Training talented athletes to help them to evolve into international level athletes.
- In order to make the university a world-class institution, the government has signed an agreement with two Australian universities — University of

Canberra and Victoria University — for development of curriculum, research facilities and laboratories, among others.

- The university will be required to maintain a fund which will be credited with the funds that it receives from the Central government, state government and fees and money received from any other sources (grants and gifts).

Setting up of national sports university in Manipur will result in giving an opportunity for youth of country in general and of North Eastern states in particular for pursuing courses such as B.PEd, M.PEd, Diploma / certificate courses in coaching, physiotherapy, fitness, sports management, sports journalism, etc.

3. World Breastfeeding Week

August 1st to 7th every year is observed as 'World Breastfeeding Week'. In 2018, the World Health Organisation (WHO) and United Nations Children's Fund (UNICEF) issued a new 10 point guidance to further raise awareness on the criticality of early breastfeeding. According to research, breastfeeding babies for the first two years would annually save the lives of more than 8,20,000 children under the age five.

Breastfeeding is by far the most natural and ideal way to feed your baby. It contains vital vitamins and

nutrients that the baby needs in the initial months after birth. It is not just needed for proper development of the body but also provides protection against various health diseases.

About MAA

- To intensify the efforts further for promotion of breastfeeding, the Ministry of Health and Family Welfare has launched National Breastfeeding Promotion Programme — MAA (mothers' absolute affection) to ensure

adequate awareness is generated among masses, especially mothers, on the benefits of breastfeeding.

- The goal of the programme is to enhance optimal breastfeeding practices, which includes initiation of breastfeeding within an hour of birth, exclusive breastfeeding for the first six months and continued breastfeeding for at least two years.
- The programme will be monitored by UNICEF and other partners. ■

4. Bill to Restore the Provisions of SC/ST Act

The government has approved an amendment to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act which would nullify the March 20th Supreme Court order and 'remove any room for interpretation' by the courts.

On March 20th, the bench of Justices A K Goel and U Lalit laid down stringent safeguards, including provisions for anticipatory bail and a preliminary enquiry before

registration of a case under the SC/ST Act. The judges noted that there had been instances of abuse of the Act by vested interests for political or personal reasons.

The Amendment Bill seeks to insert three new clauses after Section 18 of the original Act. The first stipulates that for the purposes of the Act, preliminary enquiry shall not be required for registration of a First Information Report against

any person. The second stipulates that the arrest of a person accused of having committed an offence under the Act would not require any approval, while the third says that the provisions of Section 438 of the Code of Criminal Procedure — which deals with anticipatory bail — shall not apply to a case under this Act, not with standing any judgment or order of any court. ■

5. State's Energy Efficiency Preparedness Index

The Bureau of Energy Efficiency (BEE), Ministry of Power and NITI Aayog have launched the State Energy Efficiency Preparedness Index (SEEPI). The SEEPI has put states into four categories — front runner, achiever, contender and aspirant — based upon their efforts and achievements towards energy efficiency implementation. The composition of the index has been developed considering each state's energy consumption, its energy saving potential and its influence in

implementing energy efficiency in buildings, industry, municipalities and transport, agriculture and distribution companies.

- Five states came in the top most categories of 'front runner' states: Andhra Pradesh, Kerala, Maharashtra, Punjab and Rajasthan.
- Gujarat, Karnataka, Tamil Nadu and Haryana have been categorised in the second best category of 'achiever' states.

Such an index assumes significance in a country that is now the biggest emitter of greenhouse gases after the US and China and which is among the countries most vulnerable to climate change. India plans to reduce its carbon footprint by 33-35% from its 2005 levels by 2030, as part of its commitments to the United Nations Framework Convention on Climate Change adopted by 195 countries in Paris in 2015. ■

6. First State to Implement National Biofuels Policy

Rajasthan has become the first state in the country to implement the national policy on biofuels. It will lay emphasis on increasing production of oilseeds and establish a Centre for Excellence in Udaipur to promote research in the fields of alternative fuels and energy resources.

Significance

- The policy on biofuels seeks to help farmers dispose of their surplus stock in an economic manner and reduce the country's oil import dependence.
- It has expanded the scope of raw material for ethanol production by allowing use of sugarcane juice, sugar containing materials, starch containing materials and damaged

foodgrains like wheat, broken rice and rotten potatoes for ethanol production.

- By reducing crop burning & conversion of agricultural residues/wastes to biofuels there will be further reduction in green house gas emissions.

About Biofuels Policy

It categorises biofuels as 'Basic Biofuels' viz. First Generation (1G) bioethanol & biodiesel and "Advanced Biofuels" - Second Generation (2G) ethanol, Municipal Solid Waste (MSW) to drop-in fuels, Third Generation (3G) biofuels, bio-CNG etc. to enable extension of appropriate financial and fiscal incentives under each category.

The policy expands the scope of



raw material for ethanol production by allowing use of sugarcane juice, sugar containing materials like sugar beet, sweet sorghum, starch containing materials like corn, cassava, damaged food grains like wheat, broken rice, rotten potatoes, unfit for human consumption for ethanol production. ■

7. Mission Satyanishtha

The Indian Railways has launched a 'Mission Satyanishtha' on 27th July 2018. It aims at sensitizing all railway employees about the need to adhere to good ethics and to maintain high standards of integrity at work. The objectives of the mission are:

- To train every employee to understand the need and value of ethics in personal and public life.
- To deal with ethical dilemmas in life and public governance.

- To help understand the policies of Indian Railways on ethics and integrity and the employee's role in upholding the same.
- To develop inner governance through tapping inner resources.

Need

As per Central Vigilance Commission (CVC) statistics released every year, maximum corruption complaints are always against railway employees. In the corruption watchdog's annual

report for 2017 tabled in Parliament this year, 12,089 complaints were against functionaries of the national transporter among the total 23,609 complaints received that year.

The issues of ethics, integrity and probity in public life have been a matter of concern all over the government sector. In this context it is also extremely important that all railway servants adhere to impeccable conduct and integrity at all times. ■

INTERNATIONAL

1. Cooperation in Sustainable Urban Development

India and Germany has signed an agreement on financial and technical cooperation, with a focus on sustainable urban development and renewable energy. The priority of the cooperation was in areas of renewable energy. This will also help reduce the greenhouse gases emission and help

in achieving India's goal in curbing it. This year marks 60 years of bilateral development cooperation between India and Germany. The focus of the cooperation was on sustainable urban development in areas of sanitation, solid waste management and promotion of urban mobility.

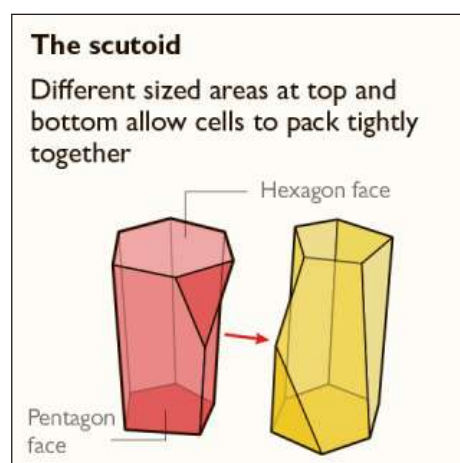
Background

In December last year, Germany had pledged nearly Rs 8,500 crore (1,055 million Euros) for development cooperation with India during Indo - German inter - governmental negotiations.

2. Scutoid Shape of the Epithelial Cells

Scientists have discovered a new shape called 'scutoid' while studying nature's way of moulding tissue to form the skin, cavity linings and the building blocks of organs. The shape has five sides on one end and six on the other and a triangular surface on one of its longer edges. Scientists have referred to it as a twisted prism kind of shape that allows the tissue to mould around organs.

Epithelial tissue, one of the four kinds of tissue that forms the human body, is composed of epithelial cells packed together in a particular



formation that has been given a nifty name: scutoid. Epithelial cells are the key cells during embryonic

development and are the building blocks of tissues and organs. Epithelial tissue doesn't just form complex 3D shapes and the outer skin layer but also the inner lining of blood vessels. Till now, the widely accepted belief is the epithelial cells assume columnar or bottle-like shapes.

This study opens the door to understanding how organs are formed during their development and what might be missing in some diseases in which this process is altered.

3. Akshay Venkatesh got Fields Medal

Akshay Venkatesh, a renowned Indian-Australian mathematician, is one of four winners of Mathematics' prestigious Fields medal, known as the Nobel Prize for math. He has won the Fields Medal for his profound contributions to an exceptionally broad range of subjects in Mathematics. The other three winners are: Caucher Birkar, a

Cambridge University professor of Iranian Kurdish origin; Germany's Peter Scholze, who teaches at the University of Bonn and Alessio Figalli, an Italian mathematician at ETH Zurich.

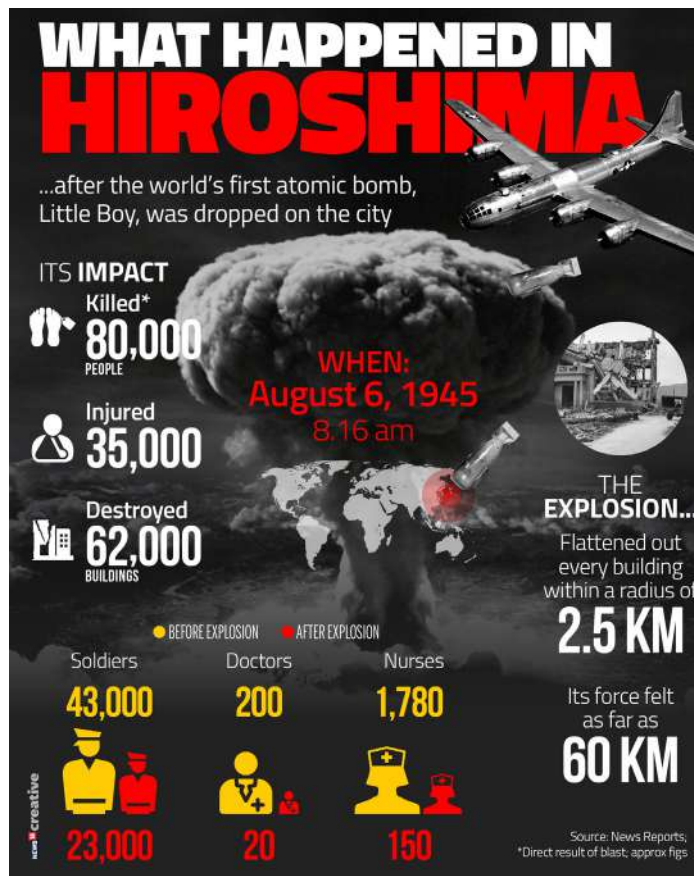
The Fields medals are awarded every four years to the most promising mathematicians under the age of 40. The prize was inaugurated in

1932 at the request of Canadian mathematician John Charles Fields, who ran the 1924 Mathematics Congress in Toronto. Each winner receives a 15,000 Canadian-dollar cash prize. At least two and preferably four people, are always honoured in the award ceremony.

4. 73rd Anniversary of Atomic Bombing in WWII

Hiroshima marked the anniversary of the August 6th, 1945, atomic bombing with a somber ceremony to remember the people killed and injured and a call to eliminate weapons amid hopes of denuclearizing North Korea. The US attack on Hiroshima killed 140,000 people and the bombing of Nagasaki killed more than 70,000 three days later, leading to Japan's surrender and ending World War II. Survivors of the bombing are known as hibakusha.

Nuclear deterrence and nuclear umbrellas flaunt the destructive power of nuclear weapons and seek to



maintain international order by generating fear in rival countries. This approach to guaranteeing long-term security is inherently unstable and extremely dangerous. World leaders must have this reality etched in their hearts as they negotiate in good faith the elimination of nuclear arsenals, which is a legal obligation under the Nuclear Non - Proliferation Treaty. Furthermore, they must strive to make the treaty on the prohibition of nuclear weapons a milestone along the path to a nuclear-weapon-free world.

5. Habitable Planets outside Our Solar System

Scientists have identified a group of planets outside our solar system where the same chemical conditions that may have led to life on Earth exist. The researchers, from the University of Cambridge in the UK, found that the chances for life to develop on the surface of a rocky planet like Earth are connected to the type and strength of light given off by its host star.

The researchers have identified a range of planets where the UV light from their host star is sufficient to allow chemical reactions to take place and that lie within the habitable range where liquid water can exist on the planet's surface.

They found that stars around the same temperature as our Sun emitted enough light for the building blocks

of life to have formed on the surfaces of their planets. Cool stars, on the other hand, do not produce enough light for these building blocks to be formed, except if they have frequent powerful solar flares to jolt the chemistry forward step

by step. Planets that both receive enough light to activate the chemistry and could have liquid water on their surfaces reside in what the researchers have called the abiogenesis zone. Among the known exoplanets which reside in the abiogenesis zone are several planets detected by the Kepler telescope, including Kepler 452b, a planet that has been nicknamed Earth's 'cousin', although it is too far away to probe with current technology.

Next-generation telescopes, such as NASA's TESS and James Webb Telescopes, will hopefully be able to identify and potentially characterise many more planets that lie within the abiogenesis zone.

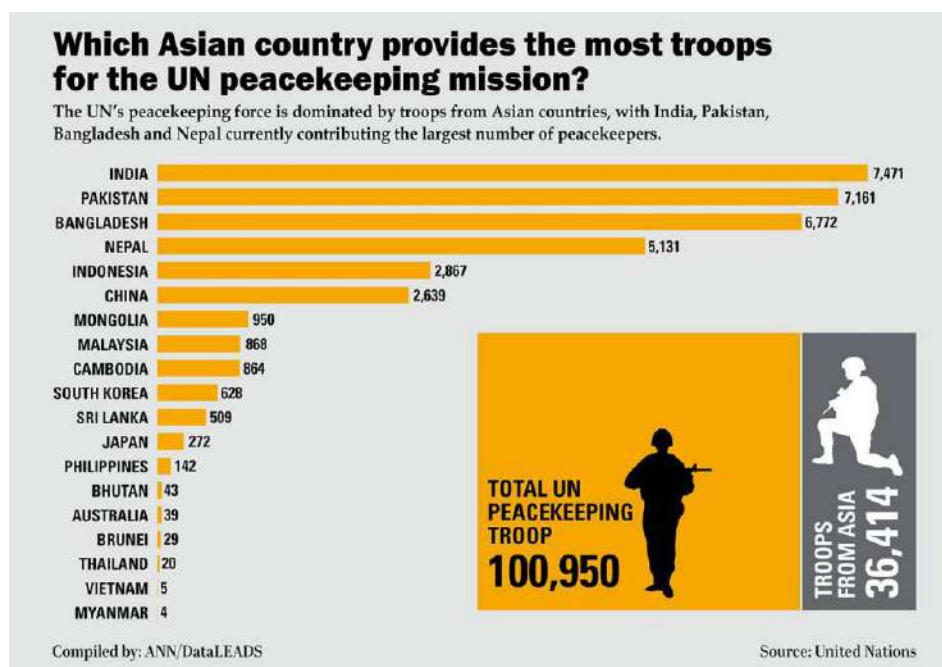


6. Indian Peacekeepers Praised by UN

The United Nations (UN) has lauded India's "invaluable" contribution to its peacekeeping missions, commanding the Indian uniformed men and women for their inspirational service to the cause of peace. UN appreciate India for traveling around most hostile environments on the planet.

The UN's Department of Public Information (DPI) is carrying out a major communications campaign titled 'UN Peacekeeping – Service and Sacrifice' during the 70th anniversary year of UN peacekeeping. The campaign is aimed at expressing the world body's gratitude to UN peacekeepers as well as to the countries who are sending their uniformed men and women to serve in the peacekeeping missions.

India's longstanding service has not come without cost; as of June 2018, over 160 Indian peacekeepers have paid the ultimate price while serving with the United Nations. More than 200,000 Indians have served in



49 of the 71 peacekeeping missions established around the world since 1948. Currently, there are around 6,700 uniformed peacekeepers from India, the vast majority of them in the Democratic Republic of Congo and in

South Sudan. India has also provided 15 Force Commanders to various missions and was the first country to contribute to the trust fund on sexual exploitation and abuse, which was set up in 2016. ■

7. UAE Launched Amnesty Scheme for Overstayers

The UAE has launched a landmark three-month visa amnesty programme that will benefit hundreds of illegal foreign workers, including Indians, who are overstaying their permits. The programme allows the workers to leave the country without paying penalty and also gives them six months

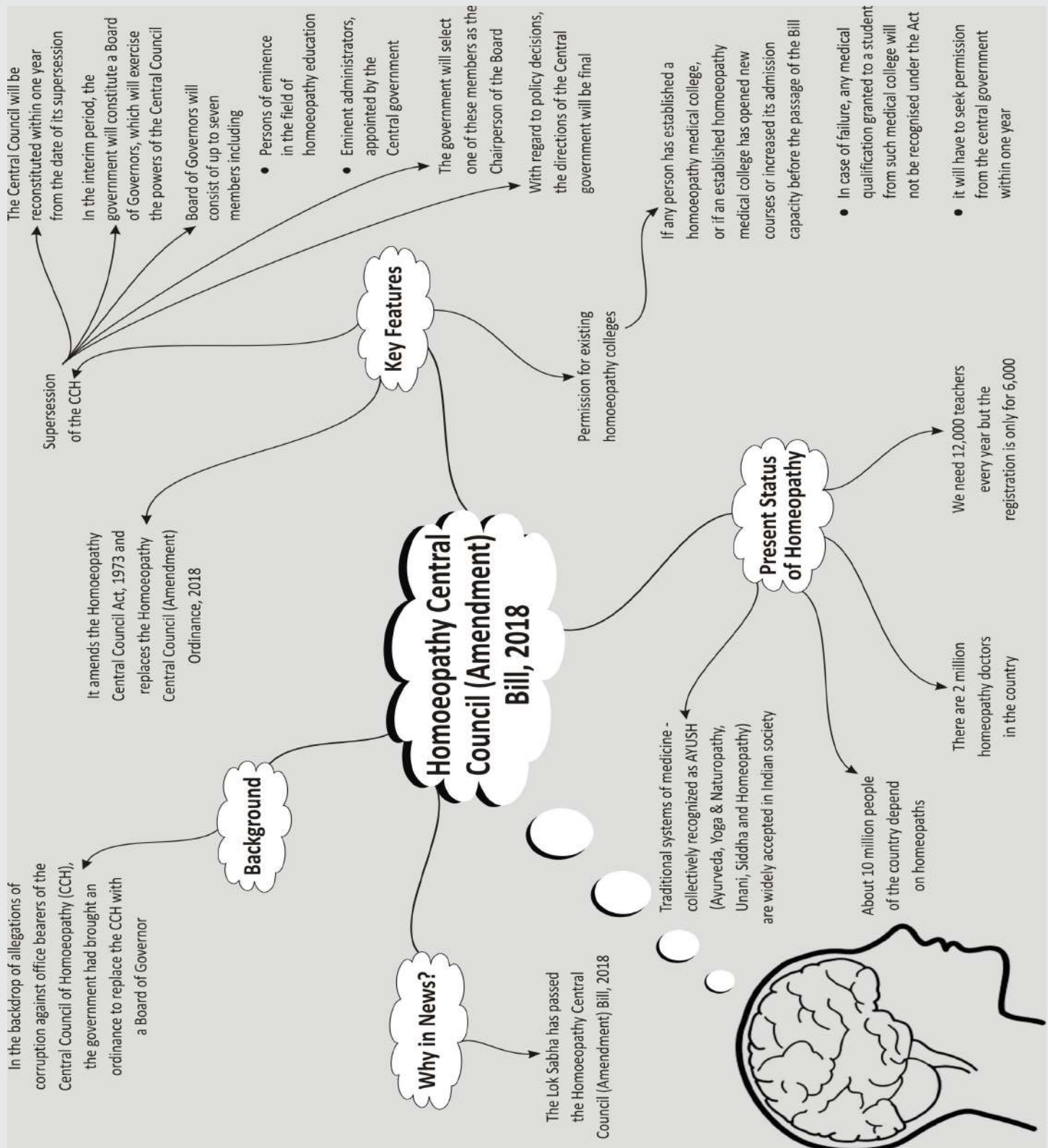
to find a job. The UAE is home to 2.8 million Indian expatriates, the largest expatriate community in the country.

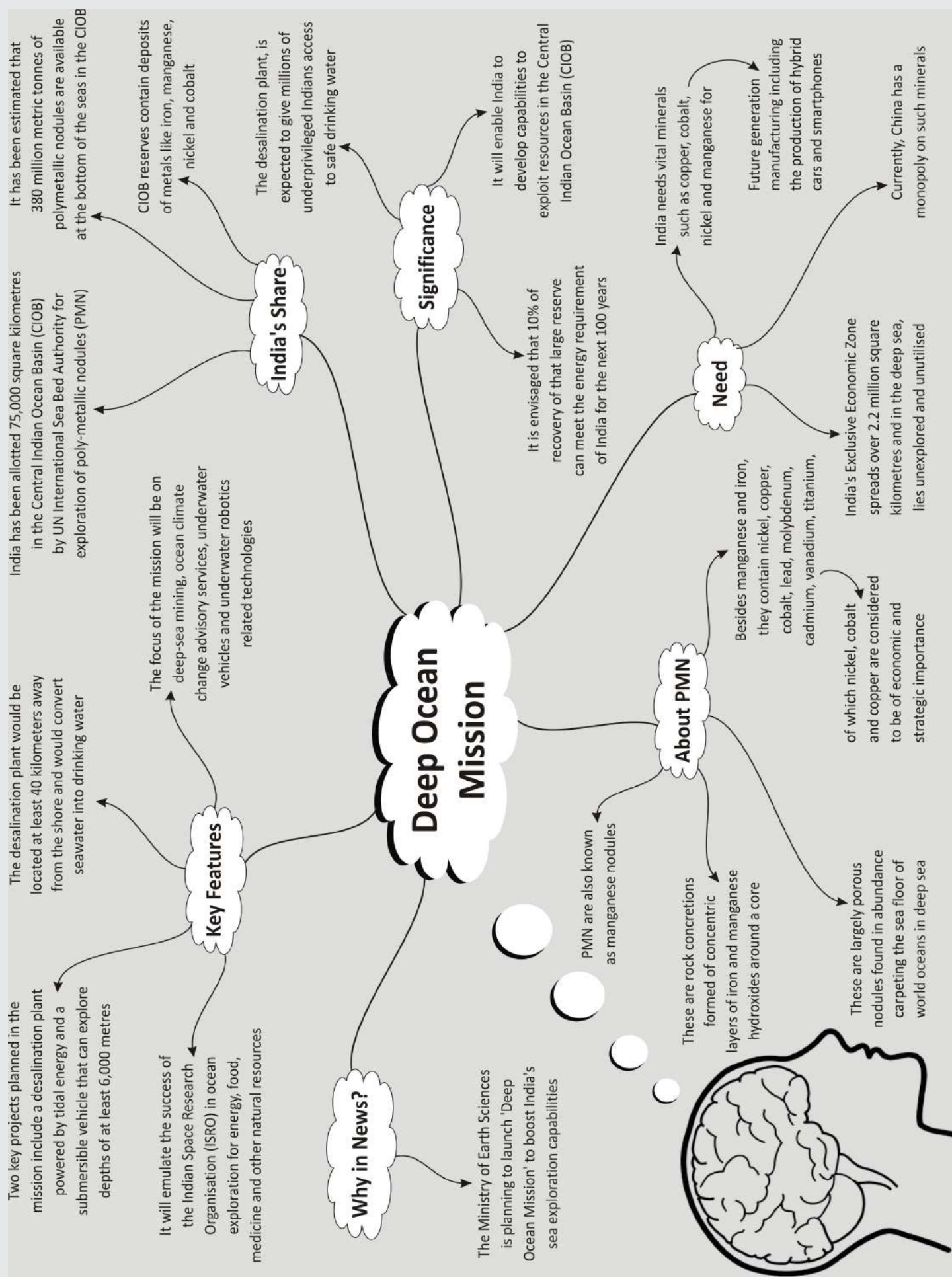
The government did not release specific numbers, but said thousands of people, primarily labourers from countries like India, Bangladesh, Sri Lanka, Pakistan, Nepal and the

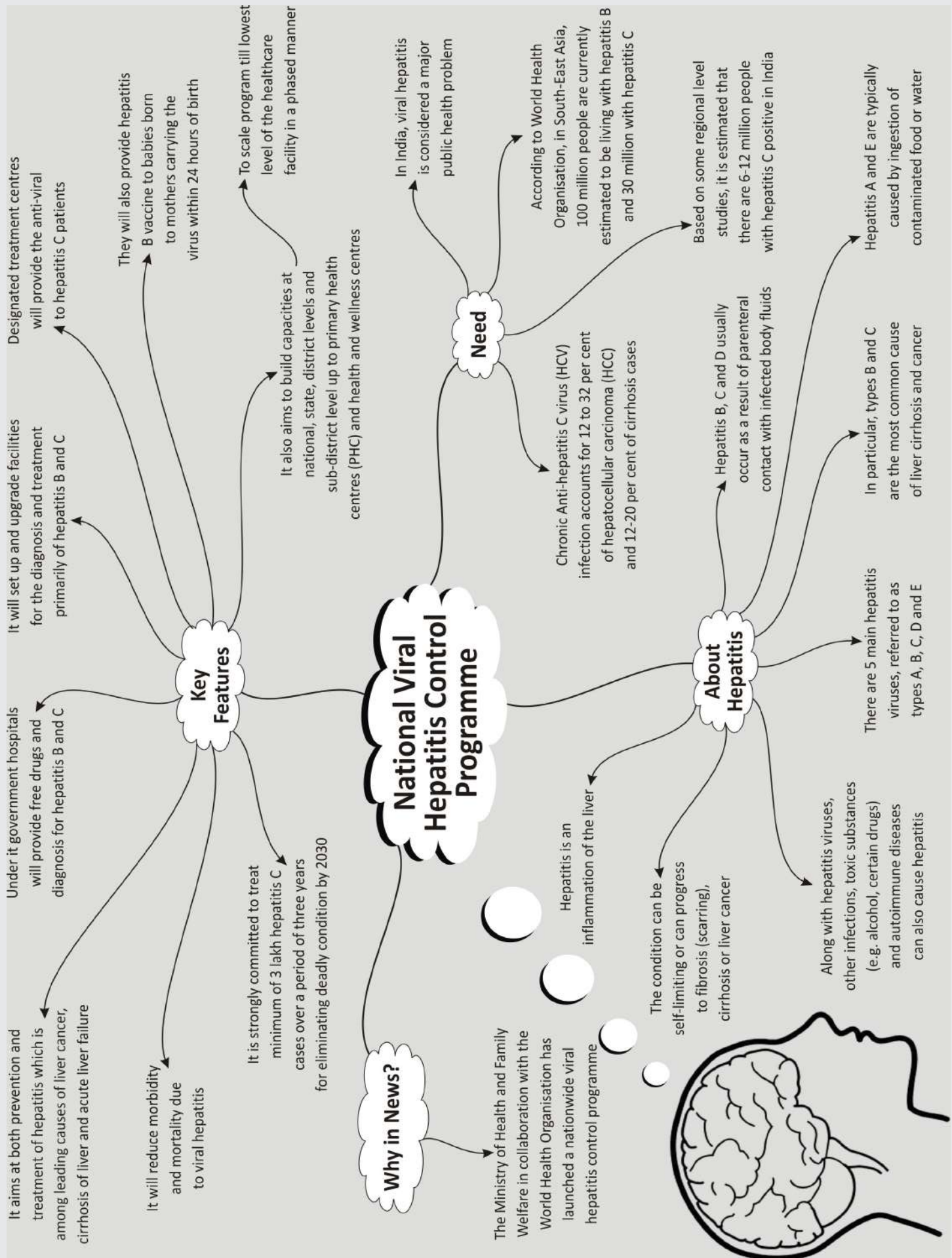
Philippines, will benefit from the the amnesty scheme.

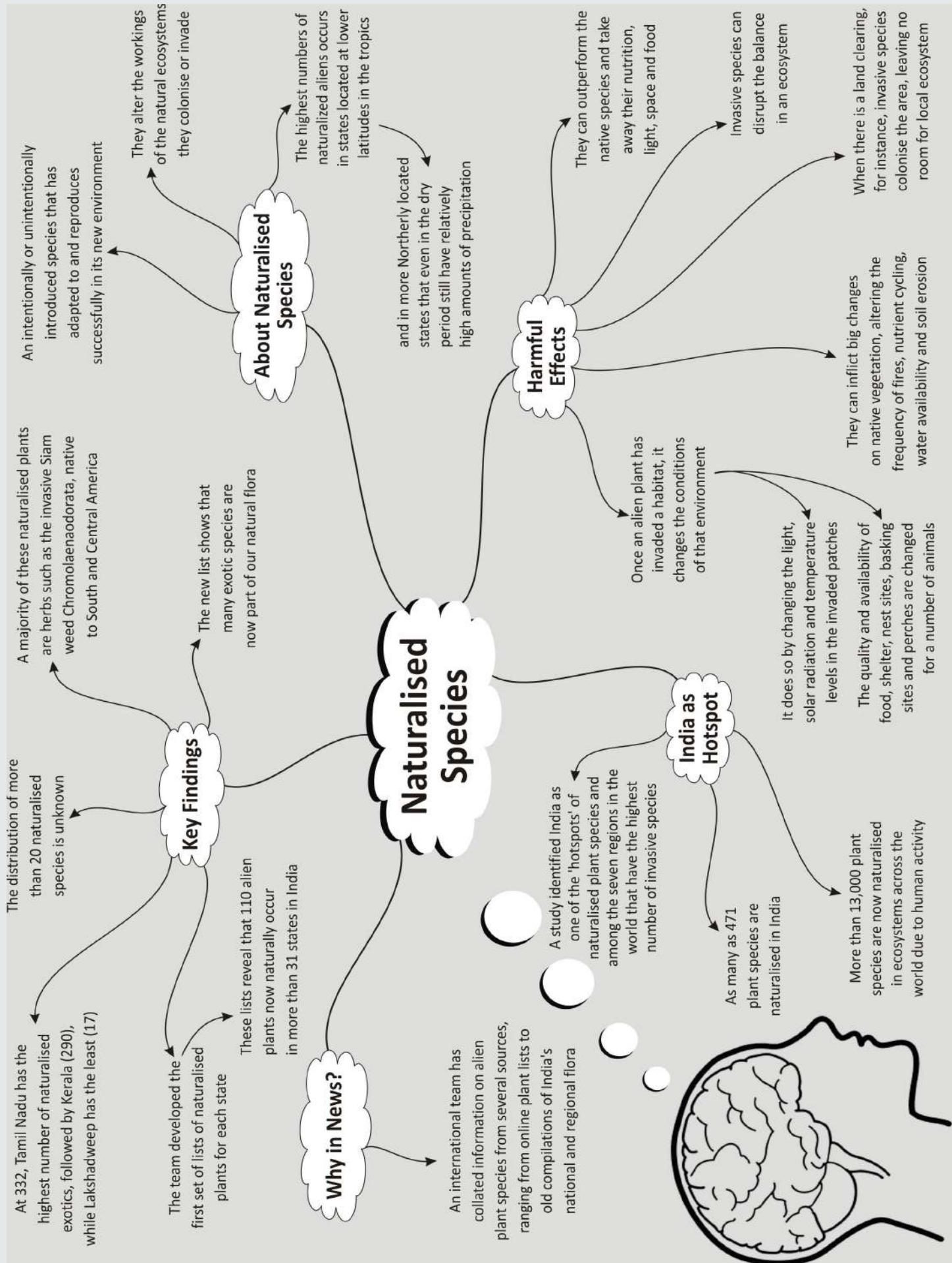
Blacklisted and those who have legal cases against them are not eligible for amnesty. This is the third such amnesty announced by the UAE government in just over a decade. ■

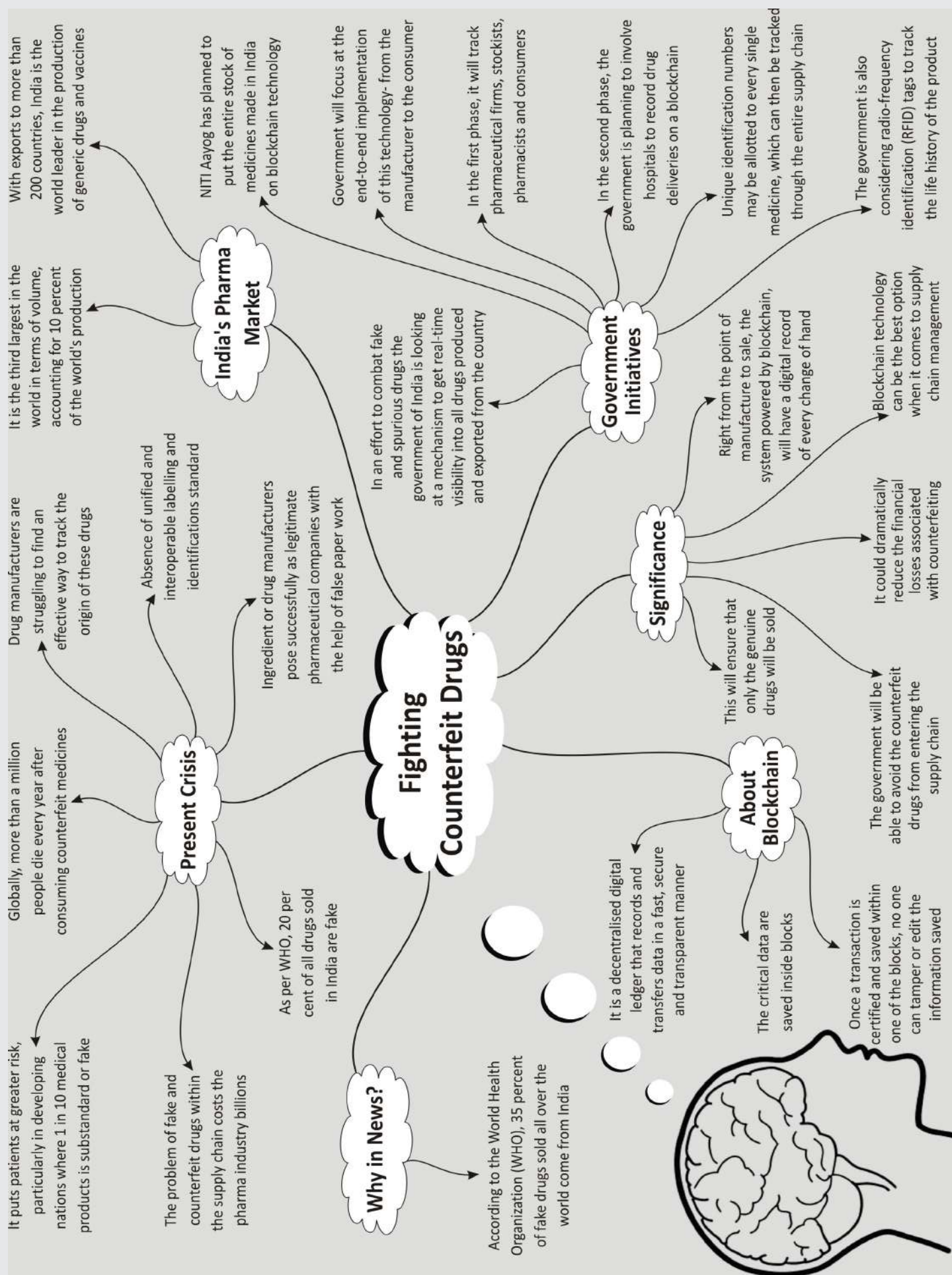
SEVEN BRAIN BOOSTERS

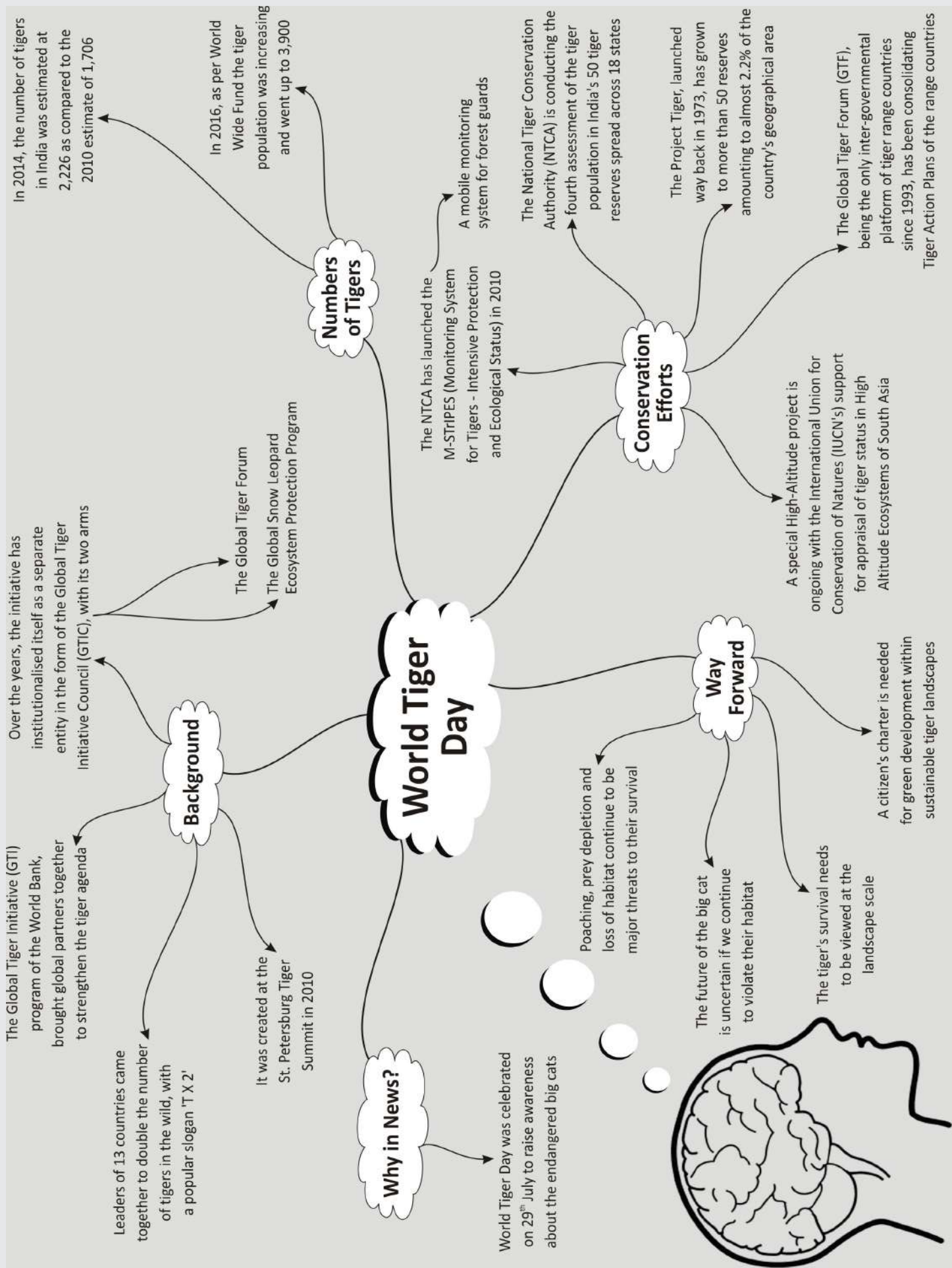


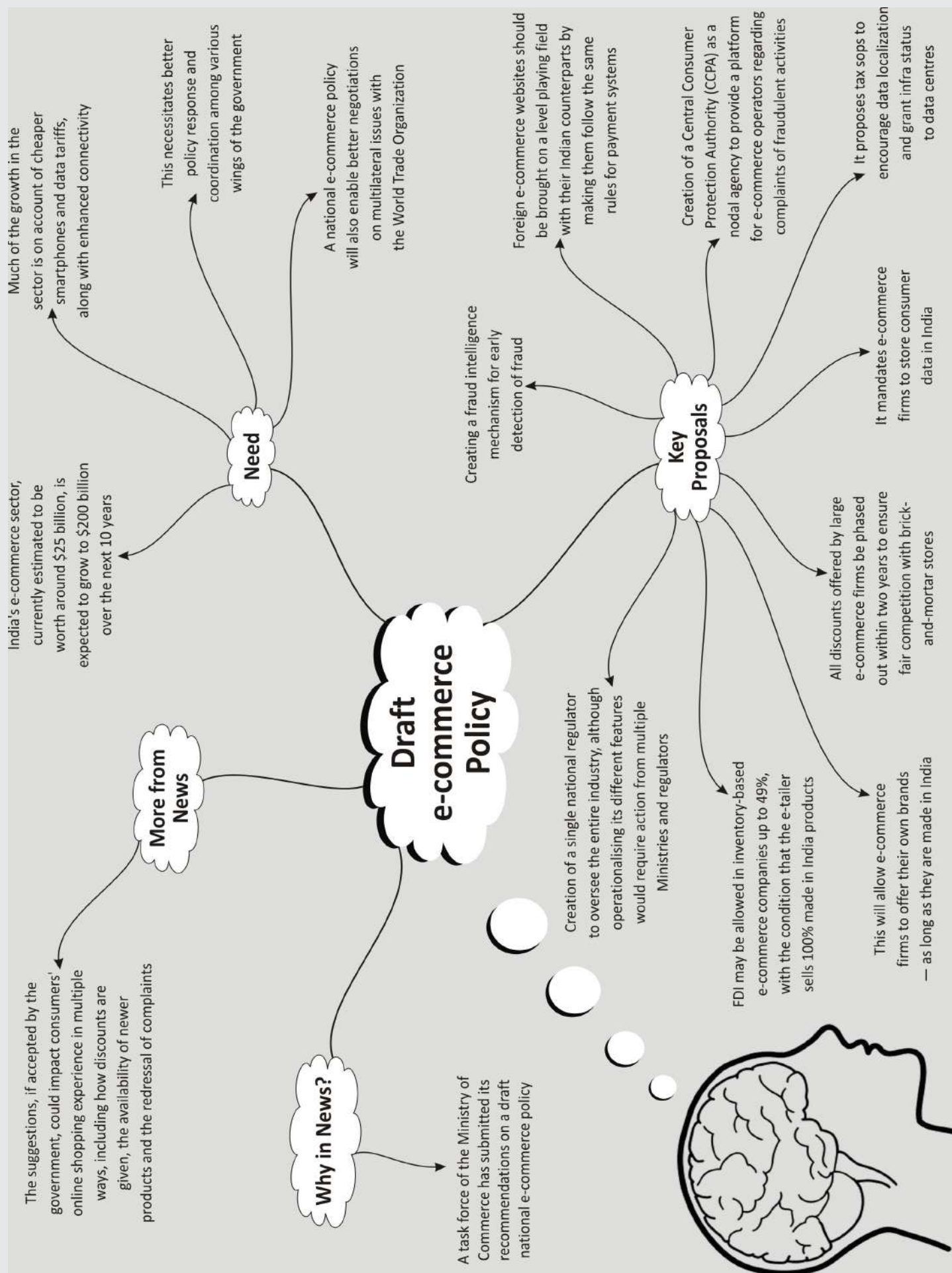












SEVEN MCQ's WITH EXPLANATORY ANSWERS

(Based on Brain Boosters)

Homoeopathy Central Council (Amendment) Bill, 2018

Q1. Consider the following statements in respect of 'Homoeopathy Central Council (Amendment) Bill, 2018:

1. It amends the Homoeopathy Central Council Act, 1973 and replaces the Homoeopathy Central Council (Amendment) Ordinance, 2018.
2. It seeks to provide constitutional status to 'Central Council of Homoeopathy (CCH)'.

Which of the statements given above is/are correct?

- a) 1 only b) 2 only
c) Both 1 and 2 d) Neither 1 nor 2

Answer: (a)

Explanation: Statement 1 is correct. Recently, the Lok Sabha has passed the Homoeopathy Central Council (Amendment) Bill, 2018 to bring accountability and quality in homoeopathy education system.

Statement 2 is not correct. It provides that the Central Council will be reconstituted within one year from the date of its supersession and the Central government will, in the interim period, constitute a Board of Governors, which will exercise powers of the Central Council. The members of the Board of Governor will replace the existing functionaries of the CCH and comprise seven eminent homeopathy practitioners and administrators who will be appointed by the government.

Deep Ocean Mission

Q2. With reference to the 'Deep Ocean Mission', consider the following statements:

1. The Ministry of Earth Sciences is planning to launch 'Deep Ocean Mission' to boost India's sea exploration capabilities.
2. The focus of the mission will be on deep-sea mining, ocean climate change advisory services, underwater vehicles and underwater robotics related technologies.

Which of the statements given above is/are correct?

- a) 1 only b) 2 only
c) Both 1 and 2 d) Neither 1 nor 2

Answer: (c)

Explanation: Both statements are correct. Ministry of Earth Sciences is planning to launch 'Deep Ocean Mission' to boost India's sea exploration capabilities. The Ministry has drawn up a five year plan with an aim to explore deep oceans. Two key projects planned in the mission include a desalination plant powered by tidal energy and a submersible vehicle that can explore depths of at least 6,000 metres. The focus of the mission will be on deep-sea mining, ocean climate change advisory services, underwater vehicles and underwater robotics related technologies.

National Viral Hepatitis Control Programme

Q3. Consider the following statements in respect of 'National Viral Hepatitis Control Programme':

1. It aims to treat hepatitis A cases for eliminating deadly condition by 2030.
2. Hepatitis A and E are typically caused by ingestion of contaminated food or water.

Which of the statements given above is/are correct?

- a) 1 only b) 2 only
c) Both 1 and 2 d) Neither 1 nor 2

Answer: (b)

Explanation: Statement 1 is not correct. The Ministry of Health and Family Welfare in collaboration with the World Health Organisation has launched a nationwide viral hepatitis control programme to treat minimum of 3 lakh hepatitis C (not hepatitis A) cases over a period of three years for eliminating deadly condition by 2030. The programme aims at both prevention and treatment of hepatitis which is among the leading causes of liver cancer, cirrhosis of liver and acute liver failure.

Statement 2 is correct. There are 5 main hepatitis viruses, referred to as types A, B, C, D and E. Hepatitis A and E are typically caused by ingestion of contaminated food or water. Hepatitis B, C and D usually occur as a result of parenteral contact with infected body fluids.

Naturalised Species

Q4. Consider the following statements in respect of 'naturalised species':

1. Naturalised species is a native species that has the ability to reproduce successfully in its new environment.
2. They can inflict big changes on exotic vegetation, altering the frequency of fires, nutrient cycling, water availability and soil erosion.

Which of the statements given above is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Answer: (d)

Explanation: Both statements are incorrect. A naturalised species is a non-native that has the ability to reproduce successfully in its new environment. They alter the workings of the natural ecosystems they colonise or invade. The highest numbers of naturalized aliens occurs in states located at lower latitudes in the tropics and in more Northerly located states that even in the dry period still have relatively high amounts of precipitation. They can outperform the native species and take away their nutrition, light, space and food.

Fighting Counterfeit Drugs

Q5. Consider the following statements in respect of blockchain technology in fighting counterfeit drugs:

1. The NITI Aayog has planned to put the entire stock of medicines made in India on blockchain technology.
2. Government will focus at the end-to-end implementation of this technology- from the manufacturer to the consumer.

Which of the statements given above is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Answer: (c)

Explanation: Both statements are correct. According to the World Health Organization (WHO), 35 percent of fake drugs sold all over the world comes from India and 20 per cent of all drugs sold in India are fake. In an effort to combat fake and spurious drugs the NITI Aayog has planned to put the entire stock of medicines made in India on blockchain technology. Government will focus at the end-to-end implementation of this technology- from the manufacturer to the consumer, which will make the leakage or infusion of spurious or fake drugs into the system impossible.

World Tiger Day

Q6. Consider the following statements:

1. The National Tiger Conservation Authority is a statutory body under the Wildlife (Protection) Act, 1972.
2. Every year, July 28 is celebrated as the Global Tiger Day.

Which of the statements given above is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Answer: (a)

Explanation: Statement 1 is correct. The National Tiger Conservation Authority is a statutory body under the Ministry of Environment, Forests and Climate Change constituted under enabling provisions of the Wildlife (Protection) Act, 1972, as amended in 2006, for strengthening tiger conservation.

Statement 2 is not correct. Every year, July 29 is celebrated as the Global Tiger Day to raise awareness about the endangered big cats. As per the assessment of the Status of Tigers, Co-predators and Prey (2014), the number of tigers in India is estimated at 2,226 as compared to the 2010 estimate of 1,706.

Draft e-commerce Policy

Q7. With reference to the 'draft e-commerce policy', consider the following statements:

1. It proposes an idea of creating a single national regulator to oversee the entire industry.
2. It allowed 50% FDI in inventory-based e-commerce companies, with the condition that the e-tailer will sell 100% made-in-India products.

Which of the statements given above is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

Answer: (a)

Explanation: Statement 1 is correct. It proposes an idea of creating of a single national regulator to oversee the entire industry, although operationalising its different features would require action from multiple Ministries and regulators.

Statement 2 is not correct. FDI may be allowed in inventory-based e-commerce companies up to 49%, with the condition that the e-tailer will sell 100% made-in-India products. This will allow e-commerce firms to offer their own brands — as long as they are made in India.



SEVEN IMPORTANT FACTS FOR PRELIMS

1. Which country was elected as the President of the Asia-Pacific Institute for Broadcasting Development (AIBD)?

–India

2. Which state recently launched the 'Mukhyamantri Kanya Utthan Yojana' for girl child?

–Bihar

3. Which state's High Court recently banned the commercial use of elephants?

–Uttarakhand

4. Which city hosted the International Conference on Sustainable Growth through Material Recycling?

–New Delhi

5. Which Indian railway station was renamed as Deen Dayal Upadhyaya Junction?

–Mughalsarai Junction

6. What is the tagline for Geographical Indication (GI) certified products?

–'Invaluable Treasures of Incredible India'

7. Which country has launched the high-resolution earth observation satellite- Gaofen-11?

–China

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SEVEN IMPORTANT INDEX

S.N.	Index	Related Organisation	Best	Worst	India's Present Position	India's Last Year Position
1.	End of Childhood Index- 2018	Save the Children	Singapore	Niger	113 rd	116 th
2.	International Intellectual Property Index	U.S. Chamber of Commerce's Global Innovation Policy Center's (GIPC)	USA	Venezuela	44 th	43 rd
3.	. Global Democracy Index- 2018	Economist Intelligence Unit (EIU)	Norway	North Korea	42 nd	32 nd
4.	Environmental Performance Index (EPI) – 2018	Yale University, Columbia University and World Economic Forum	Switzerland	Burundi	177 th	141 st
5.	Global Hunger Index- 2017	International Food Policy Research Institute (IFPRI)	Collectively Ranked by 14 Countries*	Central African Republic	100 th	97 th
6.	Global Gender Gap Index- 2017	World Economic Forum	Iceland	Yemen	108 th	87 th
7.	Global Competitiveness Index- 2018	World Economic Forum	Switzerland	Yemen	40 th	39 th

* Belarus, Bosnia & Herzegovina, Chile, Croatia, Cuba, Estonia, Kuwait, Latvia, Lithuania, Montenegro, Slovak Republic, Turkey, Ukraine and Uruguay.



SEVEN PRACTICE QUESTIONS FOR MAIN EXAM

Answer each of the following questions in 200 words:

- Q1. The bankruptcy process is forcing banks to book massive losses, with most accounts headed for liquidation. Critically discuss how 'Project Sashakt' will address these issues.
- Q2. "Perfectly free trade is neither likely nor good." Comment.
- Q3. Modern market economy requires a strong system of property rights. India is a mess on this front. Clear land titles will make it easier for the poor to borrow from the formal financial sector. Discuss the need for digitizing land records in India.
- Q4. Evidence from randomized evaluations shows how mobile technology can transform and empower the lives of rural Indian women. Discuss how gender equality should be as much of a policy priority as improving ease of doing business in India.
- Q5. In India there are national commissions aplenty, all supposed to be parastatal watchdogs to oversee the implementation of human rights and civil liberties. Are national commissions white elephants? Critically evaluate.
- Q6. Private sector engagement in skill development has been taken up by standalone private training partners and not employers. The latter could have made the system demand-driven. Discuss it in the light of Somaiya committee on ITIs.
- Q7. What do you understand by tax heavens? How they pose a threat to nation's security? Do crackdowns on tax havens help recover taxes? Discuss.

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	English	✓	✓
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AN INTRODUCTION

Dhyeya IAS, a decade old institution, was founded by Mr. Vinay Singh and Mr. Q. H. Khan. Ever since its emergence it has unparalleled track record of success. Today, it stands tall among the reputed institutes providing coaching for Civil Services Examination (CSE). The institute has been very successful in making potential aspirants realize their dreams which is evident from the success stories of the previous years.

Quite a large number of students desirous of building a career for themselves are absolutely less equipped for the fairly tough competitive tests they have to appear in. Several others, who have a brilliant academic career, do not know that competitive exams are vastly different from academic examination and call for a systematic and scientifically planned guidance by a team of experts. Here one single move may invariably put one ahead of many others who lag behind. Dhyeya IAS is manned with qualified & experienced faculties besides especially designed study material that helps the students in achieving the desired goal.

Civil Services Exam requires knowledge base of specified subjects. These subjects though taught in schools and colleges are not necessarily oriented towards the exam approach. Coaching classes at Dhyeya IAS are different from classes conducted in schools and colleges with respect to their orientation. Classes are targeted towards the particular exam. Classroom guidance at Dhyeya IAS is about improving the individuals capacity to focus, learn and innovate as we are comfortably aware of the fact that you can't teach a person anything, you can only help him find it within himself.

DSDL Prepare yourself from distance

Distance Learning Programme, DSDL, primarily caters the need of those who are unable to come to metros for economic or family reason but have ardent desire to become a civil servant. Simultaneously, it also suits to the need of working professionals, who are unable to join regular classes due to increase in work load or places of their posting. The principal characteristic of our distance learning is that the student does not need to be present in a classroom in order to participate in the instruction. It aims to create and provide access to learning when the source of information and the learners are separated by time and distance. Realizing the difficulties faced by aspirants of distant areas, especially working candidates, in making use of the Institute's classroom guidance programme, distance learning system is being provided in General Studies. The distance learning material is comprehensive, concise and exam-oriented in nature. Its aim is to make available almost all the relevant material on a subject at one place. Materials on all topics of General Studies have been prepared in such a way that, not even a single point will be missing. In other words, you will get all points, which are otherwise to be taken from 6 -10 books available in the market/library. That means, DSDL study material is undoubtedly the most comprehensive and that will definitely give you added advantage in your Preliminary as well as Main Examination. These materials are not available in any book store or library. These materials have been prepared exclusively for the use of our students. We believe in our quality and commitment towards making these notes indispensable for any student preparing for Civil Services Examination. We adhere all pillars of Distance education.