



## News Analysis (08 Nov, 2019)

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## Compliance to the RTI Act, 2005

### Why in News

The think tank 'Vidhi Centre for Legal Policy' has released a report titled, 'Sunshine in the Courts: Ranking the High Courts on their compliance with the RTI Act'.

- It developed a '**Convenience Index**' which evaluates the extent to which the RTI Rules framed by the High Courts make it convenient for citizens to file RTI applications.
- According to the **Right to Information (RTI) Act, 2005**, every High Court is required to draft RTI Rules to lay down a procedure for filing RTI applications.
- Many High Courts draft RTI Rules, which while legal, make it extremely inconvenient for citizens to file RTI applications by raising unnecessary hurdles.

### Key Findings

- **Wide Gap** between the judiciary's pronouncements on the RTI Act and the manner in which the High Courts are implementing it.
- **Violation of the Act**
  - Despite **Section 8 of the RTI Act** restricting the number of grounds for denying information to citizens, the RTI rules of several High Courts have included additional grounds for rejecting requests for information.  
High Courts at Bombay, Delhi, Gauhati and Gujarat are among the ones which have created additional grounds for non-disclosure of information.
  - There is a **lack of good quality proactive disclosures** by several High Courts on their websites. This is **violative of Section 4(1)(b)** of the RTI Act.

- **Transparency**
  - There is a lack of administrative transparency and financial transparency within High Courts.
  - Fewer High Courts are only willing to provide copies of their budgets and audit reports under the RTI Act.
- **Payment of Fees**
  - High Courts of Allahabad, Chhattisgarh and Gauhati are among the ones which **do not recognise convenient modes of payments** like postal orders.  
The High Courts of Chhattisgarh and Jharkhand prescribe only court fee stamps as relevant mode of payment.
  - The **Gujarat High Court does not mention any mode of payment**, which increases uncertainty for RTI applicants.
- **Ranking on the 'Convenience Index'**
  - On the index, **not a single High Court was able to match the convenience offered by the Government of India's RTI Rules.**
  - The **High Courts at Patna, Delhi and Kerala performed the best** on the index.
  - The High Courts at Gujarat, Madras, Meghalaya and Chhattisgarh performed the worst.
- **In Comparison with the Government of India**
  - RTI rules of several High Courts provide for a **relatively inconvenient procedure** when compared to the RTI rules of the Government of India.
  - For example, many courts currently charge five times the amount charged by the Centre for filing RTI applications.
- **Recommendations**
  - The High Courts should publish **clearly discernible rules** on the website in the local language of the state.
  - Having **more modes of payment** through the RTI fees in order to make it simple for citizens to file RTI applications.

**Source: TH**

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## India Justice Report, 2019

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### Why in News

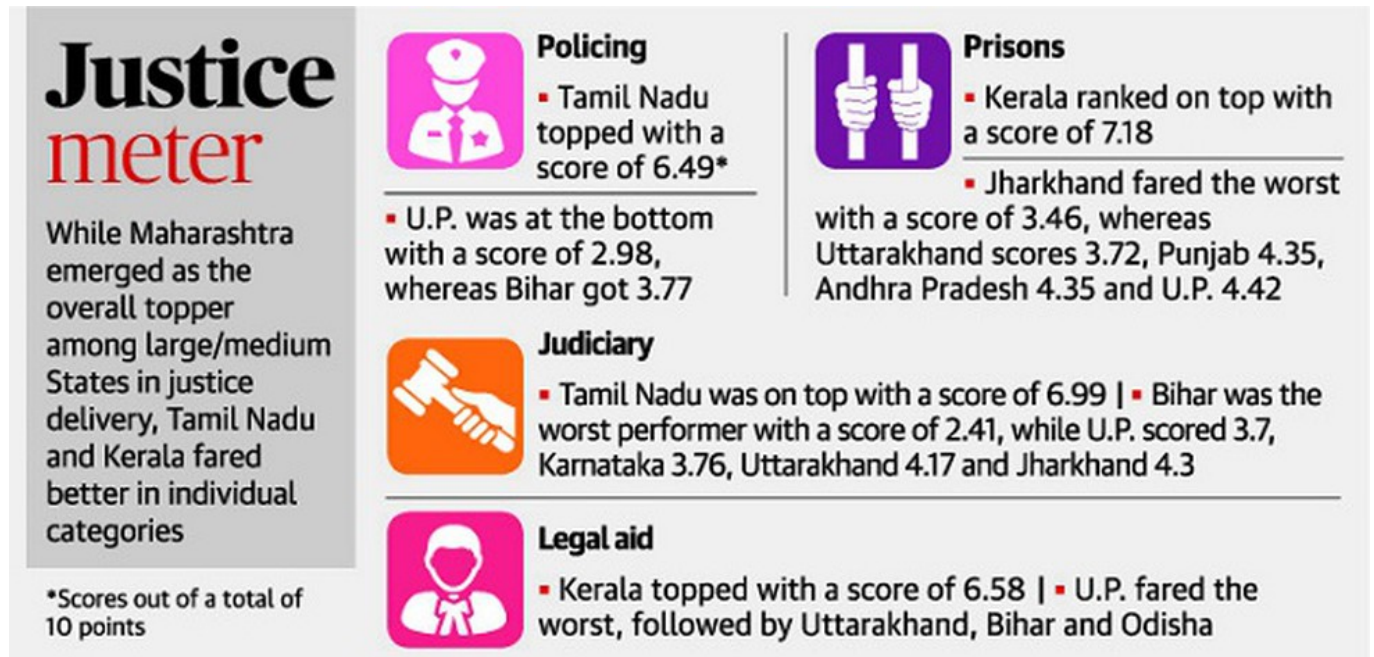
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Recently, the **India Justice Report (2019)** prepared by the **Tata Trusts in collaboration with the Centre for Social Justice, Common Cause, and the Commonwealth Human Rights Initiative** has been released.

- This is the **first-ever ranking of Indian states on justice delivery.**

- The report has divided states on the basis of the population into two parts:
  - The large-medium states (Population 1 crore and above)
  - The small states and Union Territories (Population less than 1 crore)

## Key Points



- **Maharashtra** has **topped** the list among **large-medium States** followed by Kerala, Tamil Nadu, Punjab, and Haryana.

In this category, **Jharkhand, Bihar and Uttar Pradesh** are at the **bottom**.

- **Goa** leads the list of **smaller states** followed by Sikkim and Himachal Pradesh.
- The report has been prepared based on **publicly available data of different government entities** on the **four pillars of justice delivery — police, judiciary, prisons, and legal aid**.

Each pillar is analyzed through the prism of **budgets, human resources, personnel workload, diversity, infrastructure, and five-year trends**.

## Issues with Indian Justice System

- **Vacancies**

On average, the **police** have a vacancy of **23% (2017)**, and the **judiciary** between **20%-40%** across the high courts and lower judiciary. **Gujarat** is the only state to **reduce** vacancies across all **four pillars**.

- **Representation**
  - **No State/ UT** is able to meet all its **diversity quotas** (ST, SC, and OBC). **Karnataka comes closest to achieve diversity quotas** (missed its SC reservation target by 4%).
  - **Women** are **poorly represented across the Justice system**. They account for 7% of the Police, 10 % of Prison staff and about 26.5 % of all judges in the High Court and subordinate courts.
- **Budgets**
  - The Justice system is affected by **low budget allocations**.
  - The **per capita expenditure on legal aid** is just **75 paise**.
  - **Punjab** is the **only large state** whose police, prison and judiciary expenditures have **increased** at a pace higher than the increase in overall state expenditure.
- **Judicial Pendency**
  - Nationally, at the subordinate court level, **on average** a **case remains pending for five years or more**.
  - Only **six states** i.e. Gujarat, Daman and Diu, Dadra and Nagar Haveli, Tripura, Odisha, Lakshadweep, Tamil Nadu, and Manipur **managed to clear as many court cases as were filed**.
- **Prisons**

Prisons are over-occupied at 114%, where 68% are undertrials awaiting investigation, inquiry or trial.

## Way Forward

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- Judiciary and the government needs to put collaborative effort to plug the gaps in the management of the police, prisons, forensics and the filling up of vacancies.
- The efficient Indian Justice System will ensure the implementation of Article 14 (Equality before law), Article 22(1)(Protection against arrest and detention in certain cases) , Article 39(A) (Free legal aid for poor) and Article 21 (Right to protection of life and personal liberty) of the Indian Constitution.
  - It will also ensure **SDG** 16 which recognizes the need to 'provide access to justice for all and to build effective, accountable and inclusive institutions at all levels.

## Constitutional Provision

- **Article 39A** of the Constitution of India provides that State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability.

- **Articles 14 and Article 22(1)** also make it obligatory for the State to ensure equality before the law and a legal system that promotes justice on a basis of equal opportunity to all.

**Source: TH**

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## Kalapani Territory

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### Why in News

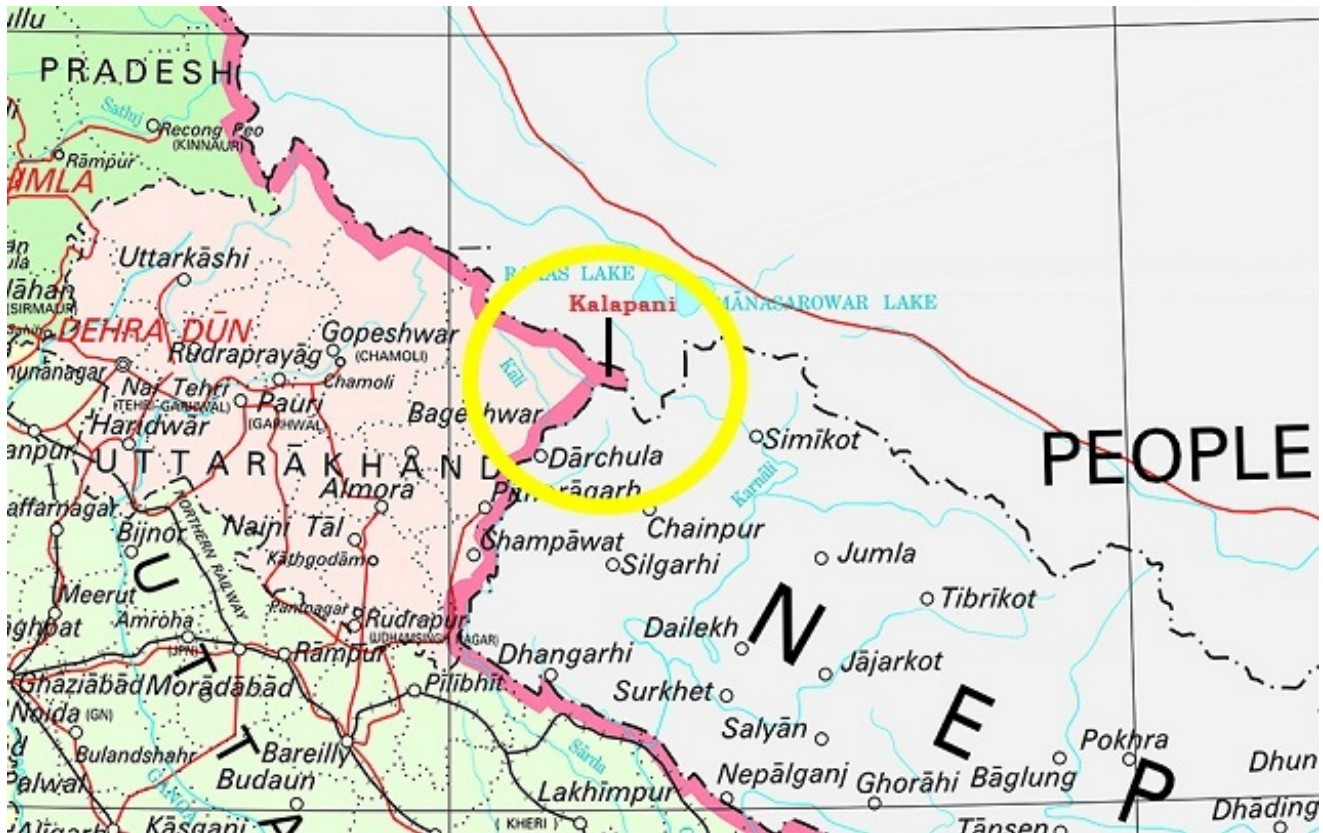
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In the recently released political map of India, after the bifurcation of the state of Jammu and Kashmir (J&K) into the Union Territories of J&K and Ladakh, the **Kalapani territory** became the bone of contention between India and Nepal.

### Key Points

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- In the latest political map of India, India reiterated its claims on the region that Nepal considers its own territory in Darchula district.  
According to India, the historic Kalapani region forms part of the state of **Uttarakhand**.
- **Background:** Kalapani is a valley that is administered by India as a part of the Pithoragarh district of Uttarakhand. It is situated on the Kailash Mansarovar route.
  - The **Kali River** in the Kalapani region demarcates the border between India and Nepal.
  - The **Treaty of Sugauli** signed by the **Kingdom of Nepal and British India** (after **Anglo-Nepalese War**) in **1816** located the Kali River as Nepal's western boundary with India. The discrepancy in locating the source of the river led to boundary disputes between India and Nepal, with each country producing maps supporting their own claims.



In the recent map issued by the Indian government, the Pakistan-occupied Kashmir forms the part of the newly-created Union Territory of Jammu and Kashmir, while Gilgit-Baltistan is located in the Union Territory of Ladakh.

### Kali River

- It is also known as **Sharda river or Kali Ganga** in Uttarakhand.
- It joins **Ghagra river in Uttar Pradesh**, which is a **tributary of Ganga**.
- **River Projects: Tanakpur** hydro-electric project, **Chameliya** hydro-electric project, **Sharda Barrage**.

**Source: TH**

## BIMSTEC Ports Conclave

### Why in News

The **first-ever BIMSTEC Conclave of Ports** is being held at Visakhapatnam, Andhra Pradesh on 7<sup>th</sup> and 8<sup>th</sup> November 2019.

### Key Highlights

- The conclave aims at providing a platform to:
  - **Enhance connectivity** through port-led initiatives,
  - **Strengthen maritime interaction** and ties between the countries,
  - Explore the possibility of **increasing economic cooperation** by furthering **EXIM trade and coastal shipping**,
  - Discuss various **investment opportunities and best practices** adopted for enhanced productivity and safety at ports.
- Three Memorandums of Understanding (MoUs) have also been signed between **Ranong Port** (Port Authority of Thailand) and the **Port Trusts of Chennai, Vishakhapatnam, and Kolkata** during the Conclave.
  - These MoUs form a significant part of **India's Act East Policy**.
  - It will also enhance **economic partnership** by cutting down the sea travel time between India and Thailand from 10- 15 days to 7 days.

### Bay of Bengal Initiatives for Multi-Sectoral Technical and Economic Cooperation

- **BIMSTEC** is a **sub-regional organization** that came into being in **1997** through the

**Bangkok Declaration.**



- **BIMSTEC** is a 7-member grouping that links five countries from South Asia namely, **Bangladesh, India, Sri Lanka, Bhutan, and Nepal**, and two from South East Asia- **Myanmar, and Thailand**.

**India attaches great importance to BIMSTEC.** The Prime Minister of India invited **BIMSTEC** members for his second swearing-in ceremony on 30<sup>th</sup> May 2019.

- **Four** BIMSTEC Summits have been held so far- Nepal (in 2018), Myanmar(2014), India (2008) Thailand (2004).

**Source: PIB**

## Cyclone Bulbul

### Why in News

The **India Meteorological Department (IMD)** has issued an **orange alert** in Indian states

of **West Bengal and Odisha** over **Cyclone Bulbul** in the Bay of Bengal.

- The **depression** over the **east-central and southeast Bay of Bengal and North Andaman Sea** has turned into a **severe cyclonic storm**.
- The landfall of the cyclone is expected between **Sagar Islands (West Bengal)** and **Khepupara (Bangladesh)**.
- The cyclone **has been named** by **Pakistan**.

Stage of warning	Colour code
Cyclone Alert	Yellow.
Cyclone Warning	Orange.
Post landfall out look	Red.

**Source: TH**

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