



News Analysis (07 Mar, 2020)

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SC Order on Land Acquisition

Why in News

Recently, the **Supreme Court of India** reaffirmed its February 2018 ruling on **Section 24 on land acquisition compensation awards** in the Indore Development Authority case.

The five-judge Bench also overruled an earlier 2014 ruling under the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013**.

Background

- The **2013 Act replaced the Land Acquisition Act, 1894 (1894 Act)** and provides for higher compensation to those deprived of land by the government for both public and private sector projects.
 - It also mandates consent of a majority of land-owners and contains provisions for rehabilitation and resettlement.
- Under **Section 24(2) of the 2013 Act**, land acquisition made under the old law of 1894 lapses if the award of **compensation had been made five years before the new Act** came into force, but **has not been paid**.
 - In such situations, the process will start afresh under the new Act, which **mandates higher compensation**.
- However, there are cases of farmers and landowners refusing compensation which delays the possession by the government.
 - In such cases, the compensation is deposited in the government treasury and according to one interpretation, the acquisition process is saved.
 - This interpretation has been contended on the basis that such cases will fall under the new Act because compensation has not been paid to the landowners, and the lapsing clause in Section 24 should be applied.

- If a long-pending land acquisition process closes under the old law and fresh acquisition proceedings start under the new one, the land-owners will benefit and project proponents will have to pay higher compensation.
- In the **Pune Municipal Corporation vs Harakchand Misirimal Solanki case 2014**, a **three-judge bench** held that acquisition proceedings initiated under the 1894 Act, which were initiated five years before the 2013 law was enacted (in 2014), would lapse if the land in question was not taken control of or if compensation was not paid to displaced farmers.

The judgment came as a **relief for landowners**.

- However, in the **Indore Development Authority vs Shailendra (D) Through LRS & Ors case 2018**, another three-judge bench **declared the 2014 judgment “per incuriam”**.
 - It held that if a landowner refuses to accept the compensation offered by the developer, they cannot take advantage of their own wrongdoing and have the acquisition proceedings lapse under the old law.
 - This judgement was a **relief for developers**.

Per Incuriam

- It literally translates as "through lack of care".
- A judgment can be declared per incuriam if it does not follow a statutory provision or a binding precedent that may have been relevant.
- Such judgments can be declared to be without any legal force and are not treated as a valid precedent.

Key Points

- In the latest ruling, the Bench was interpreting **Section 24 (2)** of the 2013 Act.
- The provision said that **if the physical possession of land has not been taken or the compensation is not paid for five or more years** prior to 1st January 2014, the acquisition proceeding is **“deemed to have lapsed”**.
- The judgment said that the **compensation would be considered paid** if the amount is put in the Treasury.
 - There was no obligation that the amount should be deposited in the court in order to sustain the land acquisition proceedings.
- Thus, there is **no lapse if** possession has been taken and compensation has not been paid. Similarly, there is no lapse if compensation has been paid and possession not taken of the land.
- Further, it was also held that Section 24(2) of the 2013 Act **does not give rise to a new cause of action to question the legality of concluded proceedings** of land acquisition.

Centre Cannot Brand Organisations 'Political': SC

Why in News

The **Supreme Court** recently held that the central government cannot brand an organisation political and deprive it of its right to receive foreign funds for using legitimate forms of dissent to aid a public cause.

Background

- This move comes in the background of a petition filed by the **Indian Social Action Forum (INSAF)** challenging certain provisions of the **Foreign Contribution Regulation Act (FCRA), 2010** and the **Foreign Contribution (Regulation) Rules of 2011**.
 - The FCRA 2010 prohibited acceptance and utilisation of foreign contribution or foreign hospitality for any activities detrimental to the national interest.
 - Both, the Act and the rules confer the Centre with '**unguided and uncanalised power**' to brand organisations political and shut down their access to foreign funds.
- **Section 5(1) of the FCRA** was challenged for being vague as it allowed the Centre to decide freely whether a seemingly non-political organisation was actually political in nature. The Court said that the provision was expansive and not vague.
- **Section 5(4) of the FCRA** was also questioned as it did not exactly identify the authority before which an organisation could represent its grievance. This contention was dismissed by the apex court.
- **Various clauses of Rule 3 of the 2011 Rules** were also challenged. This provision identified the various types of 'political' activities for which/organisations whose foreign funding could be stopped by the government.

Key Points

- SC observed that an organisation, which supports the cause of a group of citizens agitating for their rights without a political goal or objective, cannot be penalised by being declared as an organisation of a political nature.
- However, **foreign funding could be stopped** if an organisation took recourse to these forms of protest to **score a political goal**.
 - Organisations with political objectives in their memorandum of association or bye-laws cannot be permitted access to foreign funds because of their clear political nature.

- **Justifications behind the move:**

- It is to make sure that the **administration is not influenced** by foreign-funded political organisations.
- A prohibition from receiving direct or indirect foreign aid ensures that the **values of a sovereign democratic republic are protected.**
- It will also **protect the interests and fundings of voluntary organisations** having no connection with either party politics or active politics.
- Foreign funding can continue for organisations of farmers, workers, students, youth based on caste, community, religion, language, etc as long as they **work for the social and political welfare of society** and **not to further political interests.**

Source: TH

India as an Observer at IOC

Why in News

India has been accepted as an **observer of the Indian Ocean Commission (IOC).**

India's joining of the IOC as an observer has **strategic importance** as the Commission is an important regional institution in the **Western/African Indian Ocean.**

Indian Ocean Commission



- The Indian Ocean Commission (IOC) is an **intergovernmental** body created in **1984 to protect the interests of the Western Indian Ocean islands.**
- It consists of **Madagascar, Comoros, La Réunion (French overseas territory), Mauritius and Seychelles.**

- The Commission has **five observers — India, China, European Union (EU), Malta and International Organisation of La Francophonie (OIF)**.
OIF is a 54 french speaking nations collective.

Significance of an Observer Status of India

- **Engagement with the Western Indian Ocean:**
 - It will facilitate **collective engagement with the islands** in the Western Indian Ocean that are becoming strategically significant.
 - Given China's growing presence in the region, **India will be able to increase its naval presence** and gain support for its maritime projects across the **Indo-Pacific**.
 - The Western Indian Ocean (WIO) is also a strategic location of the **Indian Ocean linking the Southeastern coast of Africa to the wider Indian Ocean and beyond**.
- **Opportunity in the Mozambique Channel:**
 - The IOC islands are situated around one of the key **chokepoints** in the **Indian Ocean- the Mozambique Channel**.
The Mozambique Channel is an arm of the Indian Ocean located between the African countries of Madagascar and Mozambique.
 - The Mozambique Channel **lost its significance** post the **opening of the Suez Canal**, but the **recent hostilities near the Strait of Hormuz** brought the channel back into focus as the original route for bigger commercial vessels (especially for oil tankers).
 - **Potential of natural gas reserves in the Mozambique Channel** further increases the significance of the region.
- **Cooperation with France:**

It will also help to boost **cooperation with France** that has a strong presence in the western Indian ocean.
- **SAGAR Policy:**
 - It will help to extend **India's SAGAR (Security and Growth for all in the Region) policy** in the region.
 - SAGAR is an articulation of India's vision for the Indian Ocean which aims for enhancement of capacities to safeguard land and maritime territories & interests; deepening economic and security cooperation in the littoral; action to deal with natural disasters and maritime threats like piracy, terrorism.

Source: TH

Scheme for Adolescent Girls

Why in News

The Government is implementing the '**Scheme for Adolescent Girls (SAG)**' across the country.

About the Scheme

- **Introduced in:** 2010
- **Implemented By:** Ministry of Women and Child Development
- **Implemented Through:** Existing Anganwadi Centres (AWCs) under the **Integrated Child Development Scheme (ICDS)**.
- **Coverage:** Pan-India
- **Key Objective:** To facilitate, educate and empower Adolescent Girls (AGs) so as to enable them to become self-reliant and aware citizens.
- **Target Group:** Out of school girls in the age group of 11-14 years. The scheme aims at motivating out of school girls to go back to formal schooling or vocational /skill training.
- **Components**
 - **Nutrition:** Provision for providing specified amount of calories, protein and micronutrients to AGs, etc.
 - **Non-nutrition:** Includes health check-up, mainstreaming out of school girls into the school system, Iron and Folic Acid (IFA) supplementation, life skill education etc.
- **Funding Pattern**
 - SAG is a **centrally sponsored scheme**, implemented through Centre and State share in the ratio of 50:50 for nutrition component and 60:40 for the rest of the activities.
 - For both components, the ratio is 90:10 for North Eastern and three Himalayan States and 100% for UTs without legislation.
- **Achievement of the Scheme is measured through:**
 - **SAG- Rapid Reporting System (RRS):** It is a role based Management Information System (MIS) that captures details of the AGs that are taking benefits under this scheme.
 - **Kishore Health Card:** To record the information about the weight, height, Body Mass Index (BMI) of AGs along with other services provided under the scheme. These health cards for AGs are maintained at the AWCs.

Source: PIB

Mahila Sabhas on the International Women's Day

Why in News

The Ministry of Panchayati Raj has directed all the States and Union Territories to organise **Special Gram Sabhas and Mahila Sabhas (Women's Assemblies)** in all **Gram Panchayats** on **8th March, 2020** to mark the **International Women's Day**.

- The **theme** of the International Women's Day 2020 is **"Generation Equality: Realizing Women's Rights"**.
- The Gram Sabhas will hold discussions on "Poshan Panchayat", land rights, education, safety, reproductive health and equal opportunity.
- It will also highlight issues like the **importance of breastfeeding during the first 1,000 days of the new-borns** for their ideal physical and mental growth; and raising awareness about **Child Helpline - 1098**.

Role of Women in Panchayati Raj Institution

- **PRI** was constitutionalized through the **73rd Constitutional Amendment Act, 1992** to build democracy at the grass roots level and was entrusted with the task of rural development in the country.
The act provides for a **Gram Sabha** as the foundation of the panchayati raj system.
- The **act provides for the reservation of not less than one-third of the total number of seats for women** (including the number of seats reserved for women belonging the SCs and STs).
- So far **20 States** have enacted legislation to raise **women's reservation to 50% in Panchayati Raj Institutions (PRIs)**.
- As a result, out of the **30.41 lakh elected representatives of PRIs, 13.74 lakh (45.2%) are elected women**, some of them from socially disadvantaged groups.

Gram Sabha

- The term Gram Sabha is defined in the Constitution under **Article 243(b)**.
- It is the primary and permanent body of the Panchayati Raj system.
- The power to annul a decision of the Gram Sabha rests with the Gram Sabha only.
- **Composition:**

Persons, those who are above 18 years, living in the village whose names are included in the electoral rolls for the Panchayat at the village level.

Powers and functions:

The constitution empowered the State Legislatures to define the powers and functions of the Gram Sabhas through laws passed by them.

Women Empowerment and Gram Panchayat Development Plan

- **The Ministry of Panchayati Raj** has framed the Gram Panchayat Development Plan (GPDP) for **integrated development planning at the Gram Panchayat** level to focus on the **community's needs and priorities**.
- The GPDP is **part of the Vision Document-2024** of the **Ministry of Panchayati Raj** that focuses on capacitating the Elected Representatives in sectoral areas to make them the Agents of Change
- Some of the **key aspects of GPDP guidelines that are relevant to Women Empowerment include** proactive participation of women in budgeting, planning, implementation and monitoring of GPDP and convening Mahila Sabhas prior to the general Gram Sabhas and their inclusion in Gram Sabhas and GPDP.

Source: PIB

Depopulation in Border Areas of Arunachal Pradesh

Why in News

The Arunachal Pradesh government has sought **pilot development projects to stop people living along its international borders, specifically with China**, from migrating to faraway urban centres in the State.

Arunachal Pradesh shares a **1,080 km border with China**, **440 km with Myanmar** and **160 km with Bhutan**.

Key Points



- The several instances of **intrusion by people from Tibet across the McMahon Line into districts of Arunachal Pradesh bordering China** have been reported.
McMahon Line is the boundary between India and China.
- Following the intrusion, the **depopulation in border villages of Arunachal Pradesh** have been observed. It is considered as a **security threat**, as it is easier for foreign armies to occupy vacant villages.
- Though possible facilities are being provided to border villagers under the **Border Area Development Programme** the state government of Arunachal Pradesh has **advocated selection of 10 census towns along the India-China border** as pilot projects for infrastructure development.
- The State government has also proposed a special package of ₹4.60 crores to the Union Home Ministry for development of infrastructure in the border areas.
- The above development is expected to dissuade people from migrating for livelihood.

Border Area Development Programme

- Border Area Development Programme (BADP) was started in the year **1986-87** for balanced development of border areas of states bordering Pakistan, namely, Jammu & Kashmir, Punjab, Gujarat, and Rajasthan. **It was subsequently extended to all the land borders.**
- The programme is administered by the **Department of Border Management of the Ministry of Home Affairs (MHA).**
- States are provided a **100% non-lapsable Special Central Assistance fund** under BADP to meet the special developmental needs and well being of the people living in remote and inaccessible areas situated near the international border.
- The programme was amended in 2015 to provide the provision for third party inspection and quality control mechanism under MHA for random inspections of the BADP schemes.

Source:TH

Competition Commission of India

Why in News

The Competition Commission of India (CCI) organised the Fifth National Conference on Economics of Competition Law at the India Habitat Centre, New Delhi.

The Competition Act

- The Competition Act, 2002, as amended by the Competition (Amendment) Act, 2007, follows the philosophy of modern competition laws.
- The Act prohibits anti-competitive agreements, abuse of dominant position by enterprises and regulates combinations (acquisition, acquiring of control and M&A), which causes or likely to cause an appreciable adverse effect on competition within India.

Competition Commission of India

- Competition Commission of India is a statutory body responsible for enforcing the objectives of the Competition Act, 2002.
- CCI has been established by the Central Government with effect from **14th October 2003**.
- **Composition:** A Chairperson and 6 Members appointed by the Central Government.
- **Duty of the Commission:**
 - To eliminate practices having adverse effects on competition.
 - Promote and sustain competition.
 - Protect the interests of consumers.
 - Ensure freedom of trade in the markets of India.
- The Commission is also required to give opinion on competition issues on a reference received from a statutory authority established under any law and to undertake competition advocacy, create public awareness and impart training on competition issues.

Source: PIB

Indian National Centre for Ocean Information Services

Why in News

Recently the Indian National Centre for Ocean Information Services (INCOIS), Hyderabad celebrated **International Women's Day (March 8)**.

Key Points

- INCOIS is an **autonomous organization** under the **Ministry of Earth Sciences (MoES)**.
- It is located in **Hyderabad & was established in 1999**.
- It is a unit of the **Earth System Science Organization (ESSO), New Delhi**.

- It is mandated to provide the best possible **ocean information and advisory services** to society, industry, government agencies and the scientific community through sustained ocean observations and constant improvement through systematic and focused research.

Earth System Science Organization

- The ESSO operates as an **executive arm** of the Ministry of Earth Sciences (MoES) for its policies and programmes.
- **Aim:** to develop and improve capability to **forecast, weather, climate and hazard** related phenomena for social, economic and environmental benefits including addressing aspects relating to climate change science, and climate services.
- It is also responsible for the development of technology towards the **exploration and exploitation of marine resources**.
- It has **four major branches** of earth sciences.
 - Ocean Science & Technology
 - Atmospheric and Climate Science
 - Geoscience and Technology
 - Polar Science and Cryosphere

Source: PIB

AYUSH Grid and NAMASTE Portal

Why in News

Recently, the Minister of State for **AYUSH** has informed about the development of the **AYUSH Grid and NAMASTE Portal**.

AYUSH Grid

- AYUSH Grid, initiated by the **Ministry of AYUSH**, aims to **bring onboard all AYUSH** (Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy) **facilities including hospitals and laboratories** and to promote traditional systems of healthcare.
- The Ministry of AYUSH and Ministry of Electronics and Information Technology have already inked a pact to **collaborate with each other for the digitisation of the AYUSH sector**.

NAMASTE Portal

- **National AYUSH Morbidity and Standardized Terminologies Electronic Portal** (NAMASTE Portal) was launched on **17th October, 2017 (2nd Ayurveda day)**.
The **National Ayurveda Day** is celebrated every year on the occasion of **Dhanwantari Jayanti (Dhanteras)**.
- The portal provides standardized terminologies & morbidity codes for Ayurveda, Siddha and Unani systems of medicines.
Morbidity codes provide a comprehensive classification of diseases described in the traditional medicines system.

Source:PIB

Katchatheevu Island

- It is an **uninhabited off-shore island in the Palk Strait** originally owned by a king of **Ramnad** (present-day **Ramanathapuram, Tamil Nadu**).
- The island is used by fishermen to dry their nets.
- During the British rule, it was **administered jointly by India and Sri Lanka**.
- In the early 20th century, **Sri Lanka claimed territorial ownership** over the islet, so **in 1974 India** ceded the island to Sri Lanka, through a **joint agreement**.
Two years later through another accord, **India further gave up its fishing rights** in the region.

