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India's Tibet Policy

Why in News

Recently, some Chinese nationals protested against the celebration of the birthday of the Dalai Lama in India.

- The Dalai Lama and Tibet is one of the **major irritants between India and China relations.**
- China considers the Dalai Lama a separatist, who has great influence over Tibetans. India seeks to use Tibetan card in order to counter China's continuing aggression at the Line of Actual Control.



Key Points

- **Background of India's Tibet Policy:**

- For centuries, **Tibet was India's actual neighbour**, as most of India's boundaries and the 3500km LAC is with the Tibetan Autonomous Region, and not the rest of China.
- In 1914, it was Tibetan representatives, along with the Chinese that **signed the Simla convention with British India that delineated boundaries**.
- However, after **China's full accession of Tibet in 1950**, that **China repudiated the convention and the McMahon line** that divided the two countries.
- Further, in **1954**, India signed an agreement with China, agreeing to **recognize Tibet as "Tibet region of China"**.
- In 1959, following the **Tibetan uprising**, the Dalai Lama (spiritual leader of Tibetan people) and many of his followers fled to India.
- **Former Prime Minister Jawahar Lal Nehru** gave him and Tibetan refugees shelter, and **helped in setting up the Tibetan government in exile**.
- The **official Indian policy** is that the Dalai Lama is a spiritual leader, and the Tibetan community in India, with more than a lakh exiles, is not allowed to undertake any political activity.

- **Shift in India's Tibet Policy:**

- In the event of increasing tensions between India and China, there has been a shift in India's Tibet Policy. This shift in the policy, earmarks the Indian government actively managing with the Dalai Lama in public forums. For Example,
 - In 2014, Prime Minister of India (PM) had invited the head of the Tibetan government in exile in India, Lobsang Sangay, to his swearing in ceremony. However, he did not invite him in 2019 after being re-elected for a second five-year term, to ensure a smooth passage for a **second informal summit** between him and Chinese president Xi Jinping.
 - Recently, the Prime Minister of India (PM) wished the Dalai Lama in the first such public acknowledgement since 2013, the first time as PM.
- The shift in India's Tibet policy is **majorly focused on symbolic aspects**, but there are **many challenges** pertaining to India's Approach to Tibet Policy.

- **Challenges Associated with India's Approach to Tibet Policy:**
 - **Changes in Tibetan Demography:** Over the past few decades, China is promoting people from mainland China to migrate into Tibet.
 - China is increasing suppression of the Tibetan populations' links to the Dalai Lama and pouring in investment, infrastructure projects in the region.
 - **Tibetans Against Each Other:** As India-China tensions grow and turn violent after the Galwan valley clash, China has begun to raise Tibetan Militia groups.
 - Further, the Indian Army trains the Tibetan Special Frontier Force, which could lead to Tibetans fighting each other in the future.
 - **Issue of Tibetan Citizenship:** The Indian government doesn't give citizenship to Tibetans born in India after the cut-off year of 1987.
 - This has created a sense of dissatisfaction amongst the youth of the Tibetan community.
 - Further, in the past few years, the US has also increased its role, by accepting more Tibetan refugees. This will impact India's role as a sole entity arguing about the future of Tibetan refugee.
 - **Question of Dalai Lama's Succession:** The 86 years old Dalai Lama is not only the spiritual leader, but the political leader of the community worldwide.
 - The Dalai Lama asserts that his successor could be a living incarnation, in a specific area in India or even in another country like Taiwan.

Way Forward

- India currently has an executive policy (not a law) on Tibetans in India.
- While the current policy was a significant development for Tibetans' welfare in India, it is devoid of legal backing on core issues of Tibet. For example, destructive Tibetans' demand for freedom in Tibet.
- Therefore, it is high time now that India should also adopt a more assertive stand on the Tibet issue in dealing with China.
- Further, India should avoid a situation where it has a young and restive Tibetan population that resides in India, but looks outside of India for its leadership and command structure after the Dalai Lama has passed.

Source: TH

Vietnam's First Honorary Consul General in India

Why in News

Vietnam has **appointed Honorary Consul General of Vietnam in Bangalore** to promote trade, economics, investment, tourism, educational and cultural cooperation between Vietnam and the State of Karnataka.

- Industrialist **N.S. Srinivasa Murthy** based in Bengaluru has been appointed as Honorary Consul General of Vietnam for Karnataka.
- He is the **first honorary consul general of Vietnam from India**. The appointment is for a **period of three years**.



Key Points

- **India-Vietnam Relations:**

- **History of Cultural Ties:** **Cultural** and economic links between India and Vietnam date back to the 2nd century.

Both the countries have agreed to have various commemorative activities in the **year 2022, to mark the 50th anniversary of the establishment of diplomatic relations** between the two countries.

- **Anti-Imperialist Struggle:**

- Even before official diplomatic ties were established in 1972, India **supported Vietnam's anti-colonial struggle** during its independence movement.
- During the **Cold War** period, India supported Hanoi's "Four Points" for resolving the **Vietnam conflict** (American war in Vietnam).
- India also supported Vietnam during the **Kampuchea crisis (Cambodian–Vietnamese War)** in the late 1970s.

- **Look East Policy:** The relationship was further strengthened when India, in the early 1990s, initiated its "**Look East Policy**" with the specific objective of **economic integration and political cooperation** with Southeast Asia and East Asia.

In 2014, the 'Look East Policy' was **graduated into an 'Act East Policy'**.

- **Comprehensive Strategic Partnership (CSP):** The strategic partnership was elevated to comprehensive strategic partnership in 2016, given the new security challenges of the 21st century.

- **Defence Cooperation:**
 - **Sale of military equipment to Vietnam:** Negotiations for four large patrol vessels and **BrahMos short-range cruise missiles** are going on.
 - **Training Vietnam's armed forces in military equipment:** Kilo-class submarines & Sukhoi aircraft.
 - **Military exercises:** VINBAX, IN-VPN BILAT.
- **Geostrategic Convergence:** India and Vietnam have their **shared apprehension of an aggressive China.**
 - China's virtually claiming the whole **South China Sea** as its territory and its assertiveness in the Indian Ocean.
 - China **complained about Indian cooperation for the exploration for oil in Vietnamese waters, especially in light of the disputed political status of the Spratly Islands.**
 - India and Vietnam have agreed to strengthen their strategic partnership “in line with India’s **Indo-Pacific Oceans Initiative (IPOI)** and the **ASEAN’s Outlook on Indo-Pacific** to achieve shared security, prosperity and growth for all in the region.”
- **Regional Cooperation:**
 - India and Vietnam closely cooperate in various regional forums such as **ASEAN, East Asia Summit, Mekong Ganga Cooperation**, besides UN and WTO.
 - Vietnam has supported India's bid to become a permanent member of the UN Security Council and join the Asia-Pacific Economic Cooperation (APEC).
- **Economic Cooperation:**
 - Trade and economic relations for mutual benefit, which have significantly improved over the years particularly after the **ASEAN- India Free Trade Agreement** was signed.
 - India is now among the top ten trading partners of Vietnam.
 - India is **investing in development and capacity assistance** for Vietnam through quick impact projects (QIP), proposals in the area of water resource management in Vietnam’s Mekong Delta region, Sustainable Development Goals (SDGs), and digital connectivity.
- **Science and Technology Cooperation:**
 - India and Vietnam have signed the **Framework Agreement** on cooperation in:
 - Exploration and uses of outer space for peaceful purposes, IT cooperation, **Cyber Security.**
 - Uses of Atomic Energy for Peaceful Purposes.
 - Vietnam has been a large recipient of training programs under **Indian Technical and Economic Cooperation (ITEC)** programs.
 - A proposal to set up a **Centre for Satellite Tracking and Data Reception** and an **Imaging facility in Vietnam** under **ASEAN-India Cooperation mechanism** is under consideration.

Way Forward

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- **Coordination:**
 - **Global Level:** Keeping in mind the strategic challenges in the Indo-Pacific region, primarily those posed by China, India and Vietnam should work in close coordination at multilateral institutions such as the UN Security Council, where both India and Vietnam are elected to be **non-permanent members** in 2021.
 - **Regional Level:** Vietnam's role in ASEAN may make it easier for India and ASEAN to cooperate more on regional security issues.

Some of the big powers within ASEAN like Indonesia are also likely to take stronger positions against China given its aggressive posture in the South China sea.
 - **Economic Front:** Both Countries need to leverage the economic opportunities available because of anti-China sentiments and several manufacturing firms deciding to shift from China.

India should figure out a strategy, so that India's stance of not joining **RCEP** should not become a barrier in the growth of trade between the two countries.
 - **Expedite Defence Deals:** Both Countries should expedite the process of negotiations for finalisation of defence deals.

This assumes more importance for India after the **Galwan valley Clash** & China's disrespecting international law including the 1982 UN Convention on the Law of the Sea.

Source: TH

Right to Repair Movement

Why in News

In recent years, **countries around the world** have been **attempting to pass effective 'right to repair' laws**.

- The **movement traces its roots back** to the very dawn of the **computer era in the 1950s**.
- The goal of the movement is to **get companies to make spare parts, tools and information on how to repair devices** available to **customers and repair shops** to increase the lifespan of products and to keep them from ending up in landfills.

Key Points

- **Right to Repair:**
 - The **Right to Repair electronics** refers to **government legislation** that is **intended to allow consumers the ability to repair and modify their own consumer electronic devices**, where otherwise the manufacturer of such devices require the consumer to use only their offered services.
 - The **idea originally originated from the USA** where the **Motor Vehicle Owners' Right to Repair Act 2012**, required the manufacturers to provide the necessary documents and information to allow anyone to repair their vehicles.
- **Benefits:**
 - This will **help boost business for small repair shops**, which are an **important part of local economies**.
 - It will **help reduce the vast mountain of electrical waste (e-waste)** that piles up each year on the continent.
 - It will **save consumers' money**.
 - It will contribute to **circular economy** objectives by improving the life span, maintenance, re-use, upgrade, recyclability and waste handling of appliances.
- **Reason for Encouraging the Movement:**
 - **Electronic manufacturers** are encouraging a culture of '**planned obsolescence**'.
 - **'Planned obsolescence'** means that **devices are designed specifically to last a limited amount of time and to be replaced**.
 - This can lead to **immense pressure on the environment and wasted natural resources**.
 - **Manufacturing an electronic device** is a highly polluting process. It makes use of polluting sources of energy, such as fossil fuel, which has an adverse impact on the environment.
- **Reason for Opposing:**
 - **Large tech companies**, including Apple, Microsoft, Amazon and Tesla have argued that **opening up their intellectual property to third party repair services or amateur repairers** could lead to **exploitation and impact the safety and security of their devices**.
- **Right to Repair Movement around the World:**
 - The **United States President** has signed an executive order calling on the Federal Trade Commission **to curb restrictions imposed by manufacturers that limit consumers' ability to repair** their gadgets on their own terms.
 - The **UK, too**, introduced **right-to-repair rules** that should make it much easier to buy and repair daily-use gadgets such as TVs and washing machines.

E-waste in India

- **Official Data:**

According to the **Central Pollution Control Board (CPCB)**, India generated more than **10 lakh tonnes of e-waste in 2019-20**, an increase from 7 lakh tonnes in 2017-18.

- **Indian Initiatives:**

- **E-Waste Management Rules, 2016:**

The rules **aim to enable the recovery and/or reuse of useful material** from e-waste, thereby reducing the hazardous wastes destined for disposal and to ensure the environmentally sound management of all types of waste of electrical and electronic equipment.

- **E-Waste Clinic:**

Aimed at **segregating, processing and disposal of waste.**

Way Forward

- Right to Repair law could be **especially valuable in a country like India**, where service networks are often spotty and authorised workshops are few and far between in the hinterland.
- **India's informal repair sector** does a good job with jugaad. But the **quality of repair and maintenance services** could improve substantially if such legislation was adopted.

Source: IE

RBI's Retail Direct Scheme

Why in News

Recently, the **Reserve Bank of India (RBI)** announced the '**RBI Retail Direct**' Scheme.

In February 2021 RBI **proposed to allow retail investors to open gilt accounts** with the central bank to invest in **Government securities (G-secs)** directly.

Key Points

- **About:**

- Under the scheme, **retail investors (individuals) will have the facility to open and maintain the 'Retail Direct Gilt Account'** (RDG Account) with the RBI.
 - **Retail Investor** is a non-professional investor who buys and sells securities or funds that contain a basket of securities such as mutual funds and **Exchange Traded Funds (ETFs)**.
 - **A Gilt Account** can be compared with a bank account, except that the **account is debited or credited with treasury bills or government securities instead of money.**
- RDG accounts can be opened through an **online portal** provided for the purpose of the scheme.
- The online portal will give registered users access to primary **issuance of G-secs and access to Negotiated Dealing System-Order Matching system (NDS-OM)**.

The RBI introduced the **NDS-OM in August 2005**. It is an **electronic, screen based, anonymous, order driven trading system** for dealing in G-secs.
- It is a **one-stop solution to facilitate investment in G-secs** by individual investors.

RBI seeks to **democratize the ownership of government debt securities** beyond banks and managers of pooled resources such as mutual funds.

- **Current G-Sec Market:**

- The G-sec market is **dominated by institutional investors** which are large market actors such as banks, mutual funds and insurance companies.

These **entities trade in lot sizes of Rs 5 crore or more.**
- So, there is **no liquidity in the secondary market for small investors** who would want to trade in smaller lot sizes.

The **primary market** is where securities are created, while the **secondary market** is where those securities are traded by investors.
- There is **no easy way for them to exit their investments**. Thus, currently, direct G-secs trading is not popular among retail investors.

- **Significance:**
 - **Improved Ease of Access:**
It will make the process of G-sec **trading smoother for small investors** therefore it will **raise retail participation in G-secs** and will **improve ease of access.**
 - **Facilitate Government Borrowings:**
This measure together with relaxation in mandatory Hold To Maturity (securities that are purchased to be owned until maturity) provisions **will facilitate smooth completion of the government borrowing programme in 2021-22.**
 - **Financialise Domestic Savings:**
Allowing direct retail participation in the G-Sec market will **promote financialisation of a vast pool of domestic savings** and could be a game-changer in India's investment market.
- **Other Measures Taken to Increase Retail Investment in Government Securities:**
 - **Introduction of non-competitive bidding** in primary auctions.
Non-competitive bidding means the bidder would be able to participate in the auctions of dated government securities without having to quote the yield or price in the bid.
 - **Stock exchanges to act as aggregators** and facilitators of retail bids.
 - **Allowing a specific retail segment** in the secondary market.

Government Security

- A G-Sec is a **tradable instrument** issued by the Central Government or the State Governments.
- It **acknowledges the Government's debt obligation.** Such securities are **short term** (usually called treasury bills, **with original maturities of less than one year- presently issued in three tenors, namely, 91 day, 182 day and 364 day**) or **long term** (usually called Government bonds or dated securities with **original maturity of one year or more**).
- In India, the **Central Government issues both treasury bills and bonds or dated securities** while the **State Governments issue only bonds or dated securities**, which are called the State Development Loans (SDLs).
- G-Secs **carry practically no risk of default** and, hence, are **called risk-free gilt-edged instruments.**
Gilt-edged securities are high-grade investment bonds offered by governments and large corporations as a means of borrowing funds.

Source: IE

SC Upheld Authority of Delhi's Peace and Harmony Committee

Why in News

Recently, the **Supreme Court (SC)** upheld the authority of **Delhi Assembly's Peace and Harmony Committee to summon Facebook India's senior official** in connection with the February 2020 communal violence.

Key Points

- **Central Governments and Facebook's Claim:**

The formation of the Peace and Harmony committee was not within the authority of the Delhi Assembly as **law and order and police of Delhi is a central subject**.

- **Delhi Government's Justification:**

The Delhi Assembly had **relied on various entries in the state list and concurrent list**, by which the Delhi Assembly derived its power to discuss and debate on the issue in question.

- It cited **entry 1 in the state list dealing with public order**, which is distinct from **law and order and entry 1 in concurrent list** which gives sweeping **power to state assemblies to legislate on the subject 'criminal law'**.
- **Entry 39 in the state list that gave assemblies power to enforce the attendance of witnesses for the purpose of recording statements** was also relied upon.

- **SC's Ruling:**

- **Rejected Facebook's abstention:**

- Rejected the simplistic approach adopted by Facebook — that it is merely a platform posting third-party information and has **no role in generating, controlling or modulating that information.**
- Facebook **cannot claim any “exceptional privilege” to abstain** from appearing before the Peace Harmony Committee constituted by the Delhi Assembly.

- **Committee's Competence/Powers:**

An **“informed deliberation” by the Assembly's elected representatives on the best measures to combat online mass hate and violence** in their geographical jurisdiction was very much **within the Committee's competence.**

However Facebook representatives appearing before the Committee **need not answer any query from the Committee directly regarding law, order and the police**, which are subjects on which the Delhi Assembly cannot legislate.

- **Legislative Assembly's Power:**

- Dismissed Facebook's argument that the **Assembly ought to confine itself to making laws** rather than enquire into the circumstances of the riots.
- The Assembly does not only perform the function of legislating; **there are many other aspects of governance** which can form part of the essential functions of the Legislative Assembly and consequently the Committee.
 - **Legislative Privileges** are the rights belonging to the Legislature for effective discharge of their legislative functions.
 - **Article 105 and Article 194** of the Indian Constitution lay down the powers, privileges and immunities of Members of Parliament (MPs) and State Assemblies respectively.
- In the larger context, **the concept of peace and harmony goes much beyond law and order and police**, more so in view of on-the-ground governance being in the hands of the Delhi Government

- **Hybrid Governance:**

- The Centre and Delhi government must work together on governance issues in the Capital. And need to show maturity at their ends.

The social media company(Facebook) sought to take advantage of **“divergence of view”** and the **inability of both the Centre and State government** to “see eye to eye on governance issues in Delhi”.
- The SC Noted that **Delhi's hybrid administration – in which the Union government holds the prerogative for several key areas of governance** –has worked well for many years with different political dispensations in power both at the Centre and State.

Lists to Differentiate Legislative Powers:

There are **three Lists** which provide for distribution of legislative powers (**under 7th Schedule to the Constitution**):

- **Union List (List I)** - It contains **98 subjects (originally 97)** and comprises the **subjects which are of national importance and admit of uniform laws for the whole of the country.**
Only the **Union Parliament can legislate with respect to these matters** e.g. Defence, Foreign Affairs, Banking, Currency, Union Taxes, etc.
- **State List (List II)** - It contains **59 subjects (originally 66)** and comprises subjects of local or State interest.
It **lies within the legislative competence of the State Legislatures**, viz. Public Order and Police, Health, Agriculture, etc.
- **Concurrent List (List III)** - It contains **52 (Originally 47)** with respect to which; **both Union Parliament and the State Legislature have concurrent power of legislation.** The Concurrent List (not found in any federal Constitution) was to **serve as a device to avoid excessive rigidity to a two-fold distribution.**
It is a 'twilight zone', as for not so important matters, the **States can take initiative, while for the important matters, the Parliament can do so.**

Way Forward

- Misinformation on social media has had a **direct impact on vast areas of subject matter which ultimately affect the governance of States.**
- As the court found that the Peace and Harmony Committee still could summon the Facebook official without encroaching upon the turf of the Centre **now opens the gates for scrutiny of social media platforms by other States**, which however have significantly more powers with respect to law and order than the Delhi government.

Source: TH

Incidents of Lightning

Why in News

Recently, thirty people were killed in separate **incidents of lightning** in various parts of the country.

Lightning is the **biggest contributor to accidental deaths due to natural causes.**

Key Points

- **About:**

It is a very **rapid and massive discharge of electricity in the atmosphere**. It is the process of **occurrence of a natural 'electrical discharge of very short duration and high voltage** between a cloud and the ground or within a cloud', accompanied by a bright flash and sound, and sometimes thunderstorms.

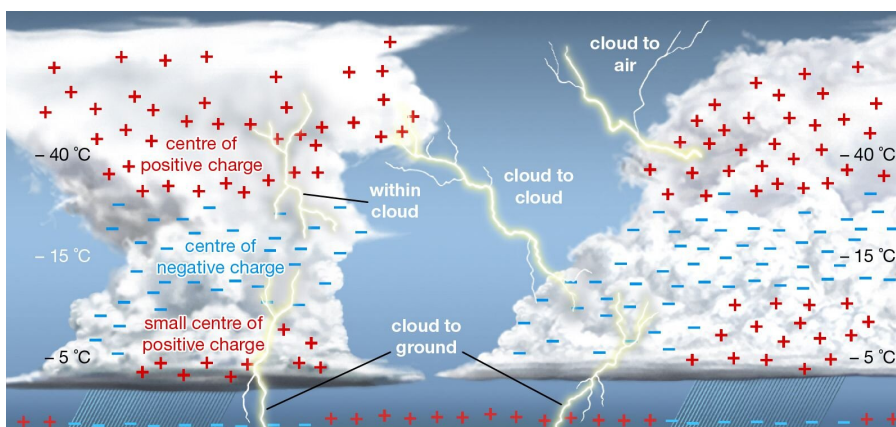
- **Inter cloud or intra cloud (IC)** lightning are **visible and harmless**.
- **Cloud to ground (CG)** lightning is **harmful as the 'high electric voltage and electric current'** leads to electrocution.

- **Process:**

- It is a result of the **difference in electrical charge between the top and bottom of a cloud**.

The lightning-generating clouds are typically about **10-12 km in height, with their base about 1-2 km from the Earth's surface**. The temperatures at the top range from **-35°C to -45°C**.

- As **water vapour moves upwards in the cloud**, it condenses into water due to decreasing temperatures. A huge amount of **heat is generated** in the process, **pushing the water molecules further up**.
- As they move to **temperatures below zero**, droplets change into small ice crystals. As they continue upwards, they gather mass, until they **become so heavy that they start descending**.
- It leads to a system where smaller ice crystals move upwards while larger ones come down. The **resulting collisions trigger release of electrons**, in a process very **similar to the generation of electric sparks**. The moving free electrons cause more collisions and more electrons leading to a chain reaction.
- The process results in a situation in which the **top layer of the cloud gets positively charged** while the **middle layer is negatively charged**.



In little time, a huge current, of the order of lakhs to millions of amperes, starts to flow between the layers.

- It **produces heat**, leading to the heating of the air column between the two layers of cloud.
- It is because of this heat that the **air column looks red during lightning**.
- The heated air column expands and produces shock waves that result in **thunder sounds**.

- **Strikes Earth's Surface:**

- The **Earth is a good conductor of electricity**. While electrically neutral, it is relatively positively charged compared to the middle layer of the cloud. As a result, an estimated **20-25% of the current flow is directed towards the Earth**.
It is this current flow that results in damage to life and property.
- Lightning has a **greater probability of striking raised objects on the ground**, such as trees or buildings.
Lightning Conductor is a device used to protect buildings from the effect of lightning. A metallic rod, taller than the building, is installed in the walls of the building during its construction.
- The most lightning activity on Earth is seen on the shore of **Lake Maracaibo in Venezuela**.

At the place where the Catatumbo river falls into Lake Maracaibo, an average 260 storm days occur **every year, and October sees 28 lightning flashes every minute** - a phenomenon referred to as the **Beacon of Maracaibo or the Everlasting Storm**.

- **Climate Change & Lightning:**

- An **increase of one degree Celsius would increase the frequency of lightning strikes by 12%**, warned California University in a study published 2015.
- A study published in Geophysical Research Letters in March 2021, too, has **established links between climate change and rising incidences of lightning in the Arctic region**.
The number of lightning strikes recorded during the summer months between 2010 and 2020 shot up from around 18,000 at the start of the decade to more than 1,50,000 by 2020.
- Therefore even the **Indian Institute of Tropical Management (IITM)** concludes that the **increase in lightning incidents may be directly related to the climate crisis**, and the **availability of more moisture over land** due to global warming.
IITM in Pune is the only institution in India that works full-time on thunderstorms and lightning.

- **Increased Lightning Strikes in India:**

- As many as **18.5 million lightning strikes were recorded in India between April 2020 and March 2021**, according to India's second annual report on lightning released by **Lightning Resilient India Campaign (LRIC)** recently.
 - **LRIC** is a joint initiative of , Union Ministry of Earth Science, World Vision India, **UNICEF** among others.
 - The campaign aims to reduce the number of deaths to less than 1,200 a year by 2022.
- This is an **increase of 34% compared to previous year**; at least **13.8 million strikes were recorded between April 2019 and March 2020**.

Source: IE

SOP for Environmental Violations: MoEFCC

Why in News

Recently, the **Ministry of Environment, Forests and Climate Change (MoEFCC)** issued the Standard Operating Procedure (SOP) to deal with environmental violations.

The SOP is a result of orders from the **National Green Tribunal**, which earlier in 2021 directed the ministry to **put in place penalties and an SOP for green violations**.

Key Points

- **Categories of Green Violation as per the SOP:**
 - **Projects Without Clearance:**
 - Violations' involving cases where construction work, including expansion of an existing project, has begun **without the project proponent having acquired environmental clearance.**
 - Projects that are not permissible for environmental clearance.
 - The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for grant of prior environment clearance.
 - **For Example:** If a Red Industry(Industrial Sectors having **Pollution Index (PI)** score of 60 and above) is functioning in a **Coastal Regulation Zone (CRZ)-I area**, which means it was not permitted at the time of commencement of the project. Therefore, the activity shall be closed.
 - PI of any industrial sector is a **number from 0 to 100 and the increasing value of PI denotes the increasing degree of pollution** load from the industrial sector. It is developed by the Ministry of Environment, Forest and Climate Change (MoEFCC) and used for categorization of industrial sectors in **red, orange, green and white categories.**
 - **Non-Compliant Projects:**
 - Projects in which **prior environmental clearance has been accorded, but it is in violation of norms** prescribed in the approval.
 - Projects which are permissible according to environmental law but which have not acquired the requisite clearance.
 - In cases of expansion of a project, including increase in volume of production, if environmental clearance has not been received, then the **government agency can force the project proponent to revert to the level of construction/manufacturing before the expansion.**
- **Fines:**
 - In cases where operations have commenced **without the required environmental clearance, 1% of the total project cost** and in addition **0.25 % of the total turnover** during the period of violation will be levied.
 - In **violation cases**, where operations have not commenced, **1% of the total project cost incurred up to the date** of filing of the application (for instance a fine of Rs 1 lakh for a project worth Rs 1 crore) will be levied.
- **Concerns Raised by Environmentalists:**
 - The SOP normalises **post facto regularisation of violations** in which violations are first committed and then the project proponent files for clearance by which they “are let off by paying a penalty”.
 - It is the **institutionalising of violations on the basis of the polluter pays norm.**

- **Other Related Initiatives of MOEFCC:**
 - Earlier MoEFCC has published the draft **Environment Impact Assessment (EIA) Notification 2020**, with the intention of replacing the existing EIA Notification, 2006 under the **Environment (Protection) Act, 1986**.
 - In 2017, the ministry had initiated a **six-month amnesty scheme on penalising green violations**, which was later extended.

Environmental Impact Assessment

- **About:**
 - The **United Nations Environment Programme (UNEP)** defines EIA as a tool used to identify the environmental, social and economic impacts of a project prior to decision-making.
 - It aims to **predict environmental impacts** at an early stage in project planning and design, **find ways and means to reduce adverse impacts**, shape projects to suit the local environment and **present the predictions and options to decision-makers**.
 - The Environment Impact Assessment in India is **statutorily backed by the Environment Protection Act, 1986**.
- **Importance:**
 - Provides a **cost effective method to eliminate or minimize the adverse impact of developmental projects**.
 - **Enables the decision makers to analyse the effect of developmental activities on the environment** well before the developmental project is implemented.
 - Encourages the adaptation of mitigation strategies in the developmental plan.
 - Makes sure that the **developmental plan is environmentally sound and within the limits of the capacity of assimilation and regeneration** of the ecosystem.

National Green Tribunal

- It is a **specialised body set up under the National Green Tribunal Act (2010)** for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources.
- With the establishment of the NGT, **India became the third country in the world to set up a specialised environmental tribunal**, only after Australia and New Zealand, and the first developing country to do so.
- NGT is **mandated to make disposal of applications or appeals finally within 6 months of filing the same**.
- The NGT has **five places of sittings**, **New Delhi is the Principal place** of sitting and Bhopal, Pune, Kolkata and Chennai are the other four.

Source: IE

India's First Cryptogamic Garden

Why in News

Recently, **India's first cryptogamic garden** was inaugurated in the **Chakrata town of Dehradun, Uttarakhand**.

The garden will be housing nearly 50 species of lichens, ferns and fungi (*collectively known as Cryptogamae*).

Note:

- **Plant kingdom** can be divided into two sub-kingdoms viz. **Cryptogams and phanerogams**.
- Cryptogams consist of seedless plants and plant-like organisms whereas phanerogams consist of seed-bearing plants.
 - Phanerogams are further divided into two classes i.e. **gymnosperms and angiosperms**.

Key Points

- **Factors Responsible for Location of this Garden:**
 - This garden is at Deoban in Chakrata at a height of 9,000 ft.
 - This site is chosen **because of its low pollution levels and moist conditions** which are conducive for the growth of these species.
 - Further, Deoban **has pristine majestic forests of Deodar and Oak** which create a natural habitat for cryptogamic species.
- **Cryptogams:**
 - A cryptogam is a **plant that reproduces with the help of spores**.
 - The word "**Cryptogamae**" implies 'hidden reproduction', referring to the fact that they do not produce any reproductive structure, seed, or flower.
 - Due to this, they are called "**flowerless**" or "**seedless plants**" or '**lower plants**'.
 - They **need a moist environment** to survive.
 - These are **present in aquatic and terrestrial places**.
 - **Algae, bryophytes, lichens, ferns and fungi are the best-known groups** of cryptogams.

- **Classification of Cryptogams:** Cryptogams are classified into 3 groups based on the various structural and functional criteria of the plant.
 - **Thallophyta:** Thallophyta is a division of the plant kingdom including primitive forms of plant life showing a simple plant body. They **lack roots, stems, or leaves**.
 - It **includes algae**-like Spirogyra, Sargassum, etc.
 - They are predominantly aquatic and found both in marine as well as freshwater habitats.
 - **Bryophyta:** Bryophytes comprise a limited variety of **non-vascular land plants**. They prefer moist habitats but they can survive in dry environments too. Example- hornworts, liverworts, mosses, etc.
 - They occupy an intermediate position between algae and pteridophytes.
 - Since bryophytes can survive in both water and land, they are considered as the '**amphibians of the plant kingdom**'.
 - **Pteridophyta:** A pteridophyte is a vascular plant that disperses spores. It is the first plant to **have xylem and phloem**.
Ferns are the largest living group of primitive vascular plants.
- **Other Types of Cryptogams:**
 - **Liches:** Lichens are a complex life form that is a **symbiotic partnership of two separate organisms, a fungus and an algae**.
 - **Fungi:** It is a kingdom of usually **multicellular eukaryotic organisms** that are **heterotrophs**.

CRYPTOGAMS
VERSUS
PHANEROGAMS

Cryptogams refer to a plant or plant-like organisms that produce spores	Phanerogams refer to the higher plants that produce seeds
Consist of Thallophyta, Bryophyta and Pteridophyta	Consist of gymnosperms and angiosperms
Major reproduction method is the production of spores	Major reproduction method is the production of gametes
Most lack well-differentiated stem, leaves, and roots	Plant body is well-differentiated into stem, leaves and roots
Do not have a well-developed vascular system	Have a well-developed vascular system
Contain hidden reproductive organs	Contain well-developed reproductive organs
Require external water for fertilization	Do not require external water for fertilization
Seedless plants	Seed-bearing plants
Spores germinate and produce new plants	Seeds germinate and produce new phanerogams
Less evolved plants	Comparatively well-evolved
Examples include algae, mosses, liverworts, hornworts, and ferns	Examples include conifers, Ginko, cycads, gnetophytes, and dicots
	Visit www.pediaa.com

Source: IE

Section 66A of the IT Act


Why in News

The Supreme Court has issued a **notice to the Centre** on the use of **Section 66A of the Information Technology Act, 2000** that was scrapped several years ago.

- The court struck down the provision as **unconstitutional** and a **violation of free speech** in 2015 in the **Shreya Singhal Case**.
- The IT Act, 2000 provides for legal recognition for transactions through electronic communication, also known as **e-commerce**. The Act also penalizes various forms of cyber crime.

WHAT THE COURT SAID

THE SUPREME COURT STRUCK DOWN A PROVISION IN THE CYBER LAW WHICH PROVIDES POWER TO ARREST A PERSON FOR POSTING ALLEGEDLY OFFENSIVE CONTENT ONLINE

 **THE PUBLIC'S** right to know is directly affected by Section 66A of the Information Technology Act. The provision "clearly affects" the right to freedom of speech and expression.

Terms like "annoying", "inconvenient" and "grossly offensive" used in the provision are vague as it is difficult for the law enforcement agency and the offender to know the ingredients of the offence.

When judicially trained minds can reach on different conclusions while going through the same content, then how is it possible for law enforcement agency and others to decide as to what is offensive and what is grossly offensive. What may be offensive to a person may not be offensive to the other. (sic)

THE CONTENTIOUS SECTION

66A Punishment for sending offensive messages through communication service, etc. Any person who sends, by means of a computer resource or a communication device —

(a) any information that is grossly offensive or has menacing character; or

(b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, persistently by making use of such a communication device,

(c) any electronic mail for the purpose of causing annoyance or inconvenience or to deceive the addressee, shall be punishable with imprisonment for a term which may extend to three years and with fine.

Key Points

- **About Section 66A:**
 - It **empowered police** to make arrests over what policemen, in terms of their subjective discretion, could construe as **"offensive" or "menacing" or for the purposes of causing annoyance, inconvenience, etc.**
 - It prescribed the **punishment for sending messages through a computer or any other communication device** like a mobile phone or a tablet, and a conviction could fetch a **maximum of three years in jail.**

- **Issues with Section 66A:**

- **Based on Undefined Actions:**

The court observed that the **weakness of Section 66A lay in the fact** that it had created an **offence on the basis of undefined actions**: such as causing “**inconvenience, danger, obstruction and insult**”, which do not fall among the exceptions granted under **Article 19 of the Constitution**, which **guarantees the freedom of speech**.

- **Subjective Nature:**

The court also **observed that the challenge was to identify** where to draw the line. Traditionally, it has been drawn at incitement while terms like **obstruction and insult remain subjective**.

- **No Procedural Safeguards:**

- In addition, the court had noted that **Section 66A did not have procedural safeguards like other sections of the law** with similar aims, such as the need to obtain the concurrence of the Centre before action can be taken.

Local authorities could proceed autonomously, literally on the whim of their political masters.

- The **Court did not strike down** two other provisions- **sections 69A and 79 of the IT Act** – and said that they can remain enforced with certain restrictions.

Section 69A provides power to issue directions to **block public access of any information** through any computer resource and **Sec 79 provides for exemption from liability of intermediary** in certain cases.

- **Against the Fundamental Rights:**

Section 66A was **contrary to both Articles 19 (free speech) and 21 (right to life) of the Constitution**.

Right to know is the species of the **right to speech and expression** provided by the **Article 19(1) (a) of the constitution of India**.

Way Forward

- There is a pressing **need to move from a system where communication about judicial decisions** is at the mercy of initiatives by scrupulous officers, to a method not **contingent on human error to the greatest possible extent**. The urgency cannot be overstated.
- **Enforcing unconstitutional laws** is sheer wastage of public money.
- But more importantly, **until this basic flaw is addressed**, certain persons will remain exposed to denial of their right to life and personal liberty in the worst possible way imaginable.
- They will **suffer the indignity of lawless arrest and detention**, for no reason other than their poverty and ignorance, and inability to demand their rights.

Source: TH

Tiger Corridor in Rajasthan

Why in News

The Rajasthan government will develop a **tiger corridor connecting** the newly proposed '**Ramgarh Tiger Reserve**', **Ranthambore Tiger Reserve** and **Mukundra Hills Tiger Reserve**.

Sariska Tiger Reserve is another Tiger reserve in Rajasthan.



Key Points

- **About the Animal Corridor:**
 - **Wildlife or animal corridors** are meant to ensure safe passage for animals between two isolated habitats.
 - In wildlife parlance, corridors are mainly of two types: **functional and structural**.
 - **Functional corridors** are defined in terms of functionality from the perspective of the animal (basically areas where there has been recorded movement of wildlife).
 - **Structural corridors** are contiguous strips of forested areas and structurally connect the otherwise fragmented blocks of the landscape.
 - When structural corridors are affected by human anthropogenic activities, functional corridors automatically widen because of animal use.
 - In 2019, the **National Tiger Conservation Authority** in collaboration with the **Wildlife Institute of India** published a document, mapping out **32 major corridors across the country**, management interventions for which are operationalised through a Tiger Conservation Plan.
 - The states are required to **submit a Tiger Conservation Plan** under section **38V of the Wildlife (Protection) Act, 1972**.
- **Other Protected Areas in Rajasthan:**
 - **Desert National Park**, Jaisalmer
 - Keoladeo National Park, Bharatpur
 - **Sajjangerh wildlife sanctuary**, Udaipur
 - National Chambal Sanctuary (on tri-junction of Rajasthan, Madhya Pradesh and Uttar Pradesh).

Project Tiger

- Project Tiger is a **Centrally Sponsored Scheme** of the **Ministry of Environment, Forests and Climate Change** launched in 1973 to provide central assistance to the tiger States for tiger conservation in designated tiger reserves in India.
- The project is administered by the **National Tiger Conservation Authority (NTCA)**.

National Tiger Conservation Authority (NTCA)

- It is a statutory body under the **Ministry of Environment, Forests and Climate Change**.
- It was established in 2005 following the recommendations of the Tiger Task Force.
- It was constituted under enabling provisions of the **Wildlife (Protection) Act, 1972**, as amended in 2006, for strengthening tiger conservation, as per powers and functions assigned to it.

Source: IE
