



Current Affairs for UPSC IAS Exam – 29 January 2021

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EXTERNAL AFFAIRS MINISTER SUGGESTS WAY FORWARD FOR CHINA TIES

Context:

India's External Affairs Minister said that a recognition of "mutual respect, mutual sensitivities and mutual interests" was key to repairing India-China relations, after what he called a year of "exceptional stress" in a relationship "profoundly disturbed" by the border crisis.

Relevance:

GS-II: International Relations

Dimensions of the Article:



1. Issues in India's relations with China in 2020
2. Way forwards suggested by India's External Affairs Minister
3. Strains in India's relations with neighbors in 2020

Issues in India's relations with China in 2020

- The Border tensions between India and China have flared up once again with at least two incidents of violent clashes and stone-pelting taking place between rival troops in Ladakh and Sikkim.
- Twenty Indian soldiers, and an unknown number of Chinese soldiers, lost their lives in a clash in 2020 in the Galwan Valley, following tensions that erupted in early May triggered by transgressions by China across the Line of Actual Control (LAC), an amassing of troops, and what India has described as a unilateral attempt to redraw the LAC in several areas in eastern Ladakh.
- Chinese MFA had accused Indian troops of "crossing the line" across Ladakh and Sikkim, of "infringement activities" and of "attempting to unilaterally change the status of border control."
- After several inconclusive rounds of talks between India and China, the recent aggravation of the border issues along LAC remains unresolved.





External Affairs Minister's views on worsening India China border issues

- Both sides had “painstakingly” worked to normalise relations after the post-1962 war freeze and the first prime ministerial visit in 1988.
- Over the years, there was no sign of progress of arriving at a common understanding of the LAC, while there was “increasing construction of border infrastructure, especially in the Chinese side.”
- India had made efforts to reduce the considerable infrastructure gap since 2014, including through greater budgetary commitments and road building.
- Even prior to the clashes - while both sides had made a common cause on development and economic issues and common membership of plurilateral groups was a meeting point, there were divergences when it came to interests and aspirations.

Way forwards suggested by India's External Affairs Minister

The External Affairs Minister suggested “three mutuals” and “eight broad propositions” as a way forward for the relationship.

- The first proposition was that agreements already reached must be adhered to in their entirety, both in letter and in spirit.
- Second proposition is that both sides also needed to strictly observe and respect the LAC, and any attempt to unilaterally change the status quo was completely unacceptable.
- Third, peace and tranquillity in border areas was the basis for the development of the relationship in other domains.
- The fourth proposition was that while both remain committed to a multipolar world, they should recognise that a multipolar Asia was one of its essential constituents.
- While each state had its interests, concerns and priorities, sensitivities to them could not be one-sided and relations were reciprocal in nature.
- As rising powers, neither should ignore the other's set of aspirations.
- While there “will always be divergence and differences”, their management is essential to establishing peaceful ties.
- The last proposition was that as civilisational states, India and China “must always take the long view”.

Strains in India's relations with neighbors in 2020



Nepal

- The Nepali Prime Minister released a new political map of Nepal claiming a part of Indian territory.
- The new map shows the Kalapani, Limpiyadhura, and Lipulekh areas in the Indian state of Uttarakhand as belonging to Nepal.
- The areas including Gunji, Navi and Kuti near Kalapani, which had been left out in earlier maps, are also included in the new map.
- Nepal's action followed large protests in Kathmandu after Indian Defense Minister Rajnath Singh opened an 80-kilometer road between Dharchula and Lipulekh in Uttarakhand, part of India's effort to improve its infrastructure along the Tibet border.



Pakistan

- Pakistan released a new political map of its own containing the whole of Jammu and Kashmir as well as parts of Gujarat.
- Calling it a “historical occasion,” Prime Minister Imran Khan said, “The political map reflects our national aspiration and supports our principled stance on Kashmir dispute.”
- The Indian MEA in a statement called it “an exercise in political absurdity” and that it “confirms reality of Pakistan’s obsession with territorial aggrandizement supported by cross-border terrorism.”



Bangladesh

- The India Citizenship Amendment Act (CAA), which is seen as targeting Muslims, especially migrants from Bangladesh, has cratered relations.
- The Bangladeshi government has been clear about how Bangladesh views CAA, and the reference to Bangladeshi migrants as “termites” by India’s home minister created understandable anger.
- The CAA has put Bangladesh, a predominantly Muslim country that was friendly to India, in a difficult position. Bangladesh also worries about possible reverse migration, because there could be an exodus of Muslim migrants escaping persecution in India, especially from the northeastern state of Assam.

Sri Lanka

- With the Rajapaksas back in office in Sri Lanka after the recent elections, there are reports suggesting that China is keen for Sri Lanka to distance itself from India and its other partners such as Japan.
- The Sri Lankan government’s recent decision to halt a Japan-funded light rail project is one indicator that all is not well.

-Source: *The Hindu*



SC ASKS CENTRE TO FIX TIMELINE FOR JUDICIAL APPOINTMENTS

Context:

The Supreme Court urged the Centre to set a fixed timeline for clearing appointments of judges to the higher judiciary after receiving the recommendations of the collegium.

Relevance:

GS-II: Polity and Governance

Dimensions of the Article:

1. Collegium system of appointment of Judges
2. Timeline of the evolution of Collegium System of Appointment of Judges
3. About the Supreme Court's request to the Central Government
4. Timeline of various recent events in the Issue regarding Appointments to the Judiciary
5. Articles in the Constitution regarding Appointment of Judges

Collegium system of appointment of Judges

- The Collegium System is the system of appointment and transfer of judges currently is NOT a result of an Act of Parliament or by a provision of the Constitution- but it has evolved through judgments of the SC.
- The SC collegium is headed by the CJI and comprises four other senior most judges of the court.
- A HC collegium is led by its Chief Justice and four other senior most judges of that court.
- Names recommended for appointment by a HC collegium reaches the government only



after approval by the CJI and the SC collegium.

- Judges of the higher judiciary are appointed only through the collegium system and the government has a role only after names have been decided by the collegium.
- The government's role is limited to getting an inquiry conducted by the Intelligence Bureau (IB) if a lawyer is to be elevated as a judge in a High Court or the Supreme Court.
- The government can also raise objections and seek clarifications regarding the collegium's choices, but if the collegium reiterates the same names, the government is bound, under Constitution Bench judgments, to appoint them as judges.

Timeline of the evolution of Collegium System of Appointment of Judges

First Judges Case (1981)

- The First Judges Case (1981) declared that the “primacy” of the Chief Justice of India's (CJI) recommendation on judicial appointments and transfers can be refused for “cogent reasons.”
- The ruling gave the Executive primacy over the Judiciary in judicial appointments for the next 12 years.

Second Judges Case (1993)

- In the Second Judges Case (1981), SC introduced the Collegium system, holding that “consultation” really meant “concurrence”.
- It added that it was not the CJI's individual opinion, but an institutional opinion formed in consultation with the two senior-most judges in the SC.

Third Judges Case (1998)

- The Supreme Court, on the President's reference, expanded the Collegium to a five-member body, comprising the CJI and four of his senior-most colleagues.



About the Supreme Court's request to the Central Government

- The request came even as a new memorandum of procedure (MoP) on judicial appointments is pending for almost four years.
- The court said there were almost 200 proposals regarding appointments pending with the government by the end of 2020.
- It added certain proposals remain pending before the government for over six months.
- A bench headed by Chief Justice of India said that all endeavors should be made to ensure appointments come through in a time-bound manner.
- More than 400 posts of judges in High Courts are vacant out of the total posts which are around 1000.

Timeline of various recent events in the Issue regarding Appointments to the Judiciary

- In 2015, the top court struck down the National Judicial Appointments Commission Act and the 99th Constitutional Amendment, which sought to give the executive a say in the appointment of judges.
- This judgment held that judicial appointments will be carried on by the recommendations of the collegium, which comprises the CJI and four other most senior Supreme Court judges.
- The court had said that a new MoP should be put in place in consultation with the government to guide all future appointments of judges.
- A draft MoP was sent by the collegium to the Union law ministry in 2017, but the government returned it, suggesting certain improvements.
- Union law minister Ravi Shankar Prasad told Lok Sabha in March 2020 that the government's suggestions have remained pending with the top court.
- The new MoP on eligibility criteria and a timeline for judicial appointments awaits finalisation.

Articles in the Constitution regarding Appointment of Judges

- **Article 124(2)** of the Indian Constitution provides that the Judges of the Supreme Court are appointed by the President after consultation with such a number of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose.
- **Article 217** of the Indian Constitution states that the Judge of a High Court shall be appointed by the President consultation with the Chief Justice of India, the Governor of



the State, and, in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court.

-Source: Hindustan Times

INDIA SIGNS STRATEGIC PARTNERSHIP AGREEMENT WITH THE IEA

Context:

The Framework for Strategic Partnership between the International Energy Agency (IEA) members and the Government of India was signed to strengthen mutual trust and cooperation, and enhance global energy security, stability and sustainability.

Relevance:

GS-II: International Relations

Dimensions of the Article:

1. About International Energy Agency (IEA)
2. Benefits of India's Strategic Partnership Agreement with IEA
3. About Organisation for Economic Co-operation and Development (OECD)
4. Functions of OECD

About International Energy Agency (IEA)



- The International Energy Agency (IEA) is a Paris-based autonomous intergovernmental organisation established in the framework of the Organisation for Economic Co-operation and Development (OECD) in 1974 - in the wake of the 1973 oil crisis.
- The IEA was initially dedicated to responding to physical disruptions in the supply of oil, as well as serving as an information source on statistics about the international oil market and other energy sectors.
- Over time, the mandate of the IEA has expanded to include tracking and analyzing key global energy trends, promoting sound energy policy and encouraging multinational energy technology cooperation.
- Its mission is to ensure reliable, affordable and clean energy for its member countries and beyond.

IEA focuses on 4 main areas

1. Energy Security,
2. Economic Development,
3. Environmental Awareness and
4. Engagement Worldwide.

The IEA has 30 members at present and a candidate country must be a member country of the OECD. **(All OECD members are not IEA members.) Brazil, China, INDIA, Indonesia, Morocco, Singapore and Thailand are the associate members of IEA.**

Benefits of India's Strategic Partnership Agreement with IEA

- It will lead to a wider exchange of knowledge and will be a step towards making India a full member of the IEA.
- Strengthen mutual trust and cooperation & enhance global energy security, stability and sustainability.
- A phased increase in benefits and responsibilities for India as an IEA strategic partner.
- Building on existing areas of work and the Clean Energy Transitions Programme (CETP), such as energy security, clean and sustainable energy, energy efficiency, enhancing petroleum storage capacity, expansion of gas-based economy in India etc.

About Organisation for Economic Co-operation and Development (OECD)



- The Organisation for Economic Co-operation and Development (OECD) is an international, intergovernmental economic organization of 36 countries. OECD was founded in the year 1961 to stimulate world trade and economic progress.
- Most OECD members are high-income economies with a very high Human Development Index (HDI) and are regarded as developed countries. OECD members are democratic countries that support free-market economies.
- It provides a platform for its member countries to compare policy experiences, seek answers to common problems, identify and share best practices and coordinate domestic and international policies of its member nations.

Functions of OECD

- The OECD is responsible for publishing economic reports, statistical databases, analyses, and forecasts on the outlook for economic growth worldwide.
- The group analyzes the impact of social issues on economic growth and makes recommendations to foster economic growth globally. These recommendations extend forethoughts to the environmental concerns associated with economic development too.
- The organization endeavors to eliminate bribery and other forms of financial crimes worldwide.
- The OECD also maintains a “blacklist” of nations that are considered uncooperative tax havens.
- It also took efforts to eradicate tax avoidance by profitable corporations and in the G-20 countries. It also encourages the G-20 countries to promote tax reforms.

-Source: The Hindu

BOMBAY HC QUASHES POCSO CONVICTIONS

Context:

- The Bombay High Court quashed the conviction of a man under the Protection of



Children from Sexual Offences Act (POCSO) recently.

- Earlier in the same month, the HC had acquitted a man charged under the POCSO Act and again convicted him under 'minor offence' of IPC as, "There is no direct physical contact".
- The Supreme Court immediately stayed that order, saying that the High Court decision would set a "very dangerous precedent" and cripple the intention of POCSO to punish sexual offenders.

Relevance:

GS-II: Polity and Governance

Dimensions of the Article:

1. All About Protection of Children from Sexual Offences (POCSO) Act, 2012
2. Role of Child Welfare Committee in POCSO
3. Contentions around implementation of POCSO

All About Protection of Children from Sexual Offences (POCSO) Act, 2012

- The Protection of Children from Sexual Offences (POCSO) Act, 2012 was enacted to provide a robust legal framework for the protection of children from offences of sexual assault, sexual harassment and pornography, while safeguarding the interest of the child at every stage of the judicial process.
- The framing of the Act seeks to put children first by making it easy to use by including mechanisms for child-friendly reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts.

The Act provides for a variety of offences under which an accused can be punished. It recognises forms of penetration other than penile-vaginal penetration and criminalises acts of immodesty against children too.



Offences under the POCSO act

1. Penetrative Sexual Assault: Insertion of penis/object/another body part in child's vagina/urethra/anus/mouth, or asking the child to do so with them or some other person
2. Sexual Assault: When a person touches the child, or makes the child touch them or someone else
3. Sexual Harassment: passing sexually coloured remark, sexual gesture/noise, repeatedly following, flashing, etc.
4. Child Pornography
5. Aggravated Penetrative Sexual Assault/ Aggravated Sexual Assault

- **The act is gender-neutral for both children and for the accused.**
- With respect to pornography, the Act criminalises even watching or collection of pornographic content involving children.
- The Act makes abetment of child sexual abuse an offence.
- **Mandatory Reporting:** According to the Act, every crime of child sexual abuse should be reported.
- If a person who has information of any abuse fails to report, they may face imprisonment up to six months or may be fined or both.

Role of Child Welfare Committee in POCSO

- A sexually abused child is considered as “child in need of care and protection” under Juvenile Justice (Care and Protection of Children) Act, 2015.
- Police officer should therefore inform the Child Welfare Committee about every case under the Act within 24 hours. CWC can appoint a support person for the child who will be responsible for psycho-social well-being of the child.
- This support person will also liaise with the police, and keep the child and child's family informed about progress in the case.

Child-friendly process in POCSO

- The POCSO Act also provides for various procedural reforms, making the tiring process of trial in India considerably easier for children.
- The Act has been criticised as its provisions seem to criminalise consensual sexual intercourse between two people below the age of 18.



Contentions around implementation of POCSO

Definition of child

- The Act defines a child as a person under the age of 18 years. However, this definition is a purely biological one, and doesn't take into account people who live with intellectual and psycho-social disability.
- A recent case in SC has been filed where a woman of biological age 38yrs but mental age 6yrs was raped.
- The victim's advocate argues that "failure to consider the mental age will be an attack on the very purpose of act."
- SC has reserved the case for judgement and is determined to interpret whether the 2012 act encompasses the mental age or whether only biological age is inclusive in the definition.

Contradiction with the Medical Termination of Pregnancy Act, 1971

- The POCSO Act was passed to strengthen legal provisions for the protection of children below 18 years of age from sexual abuse and exploitation.
- Under this Act, if any girl under 18 is seeking abortion the service provider is compelled to register a complaint of sexual assault with the police.
- However, under the MTP Act, it is not mandatory to report the identity of the person seeking an abortion.
- Consequently, service providers are hesitant to provide abortion services to girls under 18.

Criticisms of Mandatory Reporting

- Many child rights and women rights organisation has criticised this provision.
- According to experts, this provision takes away agency of choice from children.
- There may be many survivors who do not want to go through the trauma of criminal justice system, but this provision does not differentiate.
- Furthermore, mandatory reporting may also hinder access to medical aid, and psycho-social intervention.



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- It contradicts the right to confidentiality for access to medical, and psychological care.

Legal Aid

- Section 40 of the Act allows victims to access legal aid. However, that is subject to Code of Criminal Procedure.
- In other words, the lawyer representing a child can only assist the Public Prosecutor, and file written final arguments if the judge permits.
- Thus, the interest of the victim often goes unrepresented.

Consent

- The law presumes all sexual act with children under the age of 18 is sexual offence.
- Therefore, two adolescent who engage in consensual sexual act will also be punished under this law.
- This is especially a concern where adolescent is in relationship with someone from different caste, or religion.
- Parents have filed cases under this Act to 'punish' relationships they do not approve of.

-Source: The Hindu