

June Legal Affairs



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# LEGAL APTITUDE

## TOPICS

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## JUNE 2021 LEGAL AFFAIRS

### #UNION V. CENTRE: WHICH TERM TO USE?

- Recently, the **Tamil Nadu government** has decided to shun the usage of the term **'Central government' in its official communications and replace it with 'Union government'**.
- After going through the **395 Articles in 22 Parts and eight Schedules in the original Constitution**, it can be stated that the term 'Centre' or 'Central government' is nowhere used.
- Even though there is no reference to the 'Central government' in the original Constitution, the **General Clauses Act, 1897** gives a definition for it.
- Therefore, the real question is whether such definition for 'Central government' is constitutional as the Constitution itself does not approve of centralising power.



### Origin: Union Government & Central Government

- Under the British rule, the administration that the governor general ran was often described as the "Central Government".
- In 1919, for example, when a new Government of India Act passed by Britain's parliament introduced a rudimentary form of self-government and federalism in India, powers were split between **"central" and "provincial" subjects**.
- The modern term **"Union" was first officially used in 1946 by the Cabinet Mission Plan**, a British scheme to keep India united after transfer of power.
- Many members of the Constituent Assembly were of the opinion that the principles of the **British Cabinet Mission Plan (1946) be adopted**.
- Cabinet mission contemplated a Central government with very limited powers whereas the provinces had substantial autonomy.
- However, the **Partition and the violence of 1947 in Kashmir** forced the Constituent Assembly to revise its approach and it was resolved in favour of a strong Centre.

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- Due to this, the possibility of the secession of States from the Union weighed on the minds of the drafters of the Constitution and ensured that the Indian Union was “indestructible”.
- Thus, **Article 1 of Indian constitution** states that “India, that is Bharat, shall be a Union of States”.

### Difference Between Union & Centre

- **According to constitution expert**, from the point of the usage of the words, 'centre' indicates a point in the middle of a circle, whereas 'Union' is the whole circle.
- In India, the relationship between the so-called '**Centre**' and **States, as per the Constitution**, is actually a relationship between the whole and its parts.
- The sharing of powers between the Union and the States is not restricted to the executive organ of the government, it extends to other organs of government also.
- For instance, the judiciary is designed in the Constitution to ensure that the Supreme Court, the tallest court in the country, has no superintendence over the High Court.
- Though the **Supreme Court has appellate jurisdiction** — not only over High Courts but also over other courts and tribunals — they are not declared to be subordinate to it.
- In fact, the High Courts have wider powers to issue prerogative writs despite having the power of superintendence over the district and subordinate courts.
- Parliament and Assemblies identify their boundaries and are circumspect to not cross their boundaries when it comes to the subject matter on which laws are made

### Associated Issues With the Term Central Government

- **Discarded By Constituent Assembly:** The word ‘Centre’ is not used in the Constitution; the makers of the Constitution specifically discarded it and instead used the word ‘Union’.
- **BR Ambedkar clarified** that “Both the Union and the States are created by the Constitution, both derive their respective authority from the Constitution.
- According to him, the one is not subordinate to the other in its own field and the authority of one is to coordinate with that of the other”.
- **Colonial Legacy:** 'Centre' is a hangover from the colonial period because the bureaucracy in the the Secretariat, New Delhi), who are used to using the word ‘Central Laws,’ ‘Central legislature,’

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etc, and so everyone else, including the media, started using the word.

- **Conflict With Idea of Federalism:** India is a federal government. The power to govern is divided between a government for the whole country, which is responsible for subjects of common national interest, and the states, which look after the detailed day-to-day governing of the state.
- According to Subash Kashyap, using the term 'Centre' or 'central government' would mean state governments are subservient to it.

## #CONCERN OVER FUGITIVE ECONOMIC OFFENDERS

The **Enforcement Directorate** has transferred assets worth Rs. 8,441.50 crore to **public sector banks** that suffered losses to the tune of Rs. 22,585.83 crore due to frauds committed allegedly by Vijay Mallya, Nirav Modi and Mehul Choksi.

- All the three have been declared '**Fugitive Economic Offenders**' by **PMLA (Prevention of Money Laundering Act)** Court in Mumbai.
- **Extradition** requests to the **United Kingdom (UK), Antigua, and Barbuda**, have also been filed against all the three accused.



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### Fugitive Economic Offenders Act, 2018:

- **About:** It seeks to confiscate properties of economic offenders who have left the country to avoid facing criminal prosecution or refuse to return to the country to face prosecution.
- **Fugitive Economic Offender (FEO):** A person against whom an arrest warrant has been issued for committing an offence listed in the Act and the value of the offence is at least Rs. 100 crore.
- Some of the offences listed in the act are:
  - Counterfeiting government stamps or currency.
  - Cheque dishonour.
  - Money laundering.
  - Transactions defrauding creditors.

### Declaration of a Fugitive Economic Offender:

- After hearing the application, a special court (designated under the PMLA, 2002) may declare an individual as a fugitive economic offender.
- It may confiscate properties which are proceeds of crime, Benami properties and any other property, in India or abroad.
- Upon confiscation, all rights and titles of the property will vest in the central government, free from encumbrances (such as any charges on the property).
- The central government may appoint an administrator to manage and dispose of these properties.

### Bar on Filing or Defending Civil Claims:

- The Act allows any civil court or tribunal to prohibit a declared fugitive economic offender from filing or defending any civil claim.
- Further, any company or limited liability partnership where such a person is a majority shareholder, promoter, or a key managerial person, may also be barred from filing or defending civil claims.
- The authorities may provisionally attach properties of an accused, while the application is pending before the Special Court.
- **Powers:** The authorities under the PMLA, 2002 will exercise powers given to them under the Fugitive Economic Offenders Act.

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- These powers will be **similar to those of a civil court**, including the search of persons in possession of records or proceeds of crime, the search of premises on the belief that a person is an FEO and seizure of documents.

### Prevention of Money Laundering Act (PMLA): Salient Features:

- **Punishment for money-laundering:** Money laundering is punishable with rigorous imprisonment for a minimum of 3 years and a maximum of 7 years and Fine.
- If the crime involves the **Narcotic Drugs and Psychotropic Substances Act, 1985**, the punishment can go up to 10 years, along with fine.
- **Powers of attachment of tainted property:** The property is believed to be "proceeds of crime" and can be provisionally attached for 180 days. Such an order is required to be confirmed by an independent Adjudicating Authority
- **The Enforcement Directorate (ED)** is responsible for investigating offences under the PMLA.
- Also, the **Financial Intelligence Unit – India (FIU-IND)** is the national agency that receives, processes, analyses and disseminates information related to suspect financial transactions.
- **Burden of proof:** A person, who is **accused of having committed the offence** of money laundering, has to prove that alleged proceeds of crime are in fact lawful property.

### What is Money Laundering?

- **Money laundering is the process of making large amounts of money generated by criminal activity, such as drug trafficking or terrorist funding, appear to have come from a legitimate source.**
- Criminal activities like illegal arms sales, smuggling, drug trafficking and prostitution rings, insider trading, bribery and computer fraud schemes produce large profits.
- Thereby it creates the incentive for money launderer to "legitimize" the ill-gotten gains through money laundering.
- The money so generated is called 'dirty money' and **money laundering is the process of conversion of 'dirty money', to make it appear as 'legitimate' money.**

### How does Money Laundering take place?

- Money laundering is a three-stage process :
  - **Placement:** The first stage is when the crime money is injected into the formal financial system.
  - **Layering:** In the second stage, money injected into the system is layered and spread over various transactions with a view to obfuscate the tainted origin of the money.

- **Integration: In the third and the final stage, money enters the financial system in such a way that original association with the crime is sought to be wiped out and the money can then be used by the offender as clean money.**

- Bulk Cash Smuggling, Cash Intensive Businesses, Trade-based laundering, Shell companies and trusts, Round-tripping, Bank Capture, Gambling, Real Estate, Black Salaries, Fictional Loans, Hawala, False invoicing are some of the common methods of Money Laundering.

### The legal framework in India to deal with Money Laundering

- In India, the specific legislation dealing with money laundering is the Prevention of Money-Laundering Act((PMLA), 2002
- The law was enacted to combat money laundering in India and has three main objectives
  - To prevent and control money laundering.
  - To provide for confiscation and seizure of property obtained from laundered money.
  - To deal with any other issue connected with money-laundering in India.
- **Under the PMLA Act, the Enforcement Directorate is empowered to conduct a Money Laundering investigation.**
- Apart from the provisions of PMLA, there are other specialised provisions such as RBI/SEBI/IRDA anti-money laundering regulations

### Foreign Exchange Management Act, 1999

- The legal framework for the **administration of foreign exchange transactions** in India is provided by the **Foreign Exchange Management Act, 1999.**
- Under the FEMA, which came into force with effect from 1<sup>st</sup> June 2000, all transactions involving foreign exchange have been classified **either as capital or current account transactions.**
- **Current Account Transactions:** All transactions undertaken by a resident that **do not alter his/her assets or liabilities**, including contingent liabilities, outside India are current account transactions.
- Example: payment in connection with foreign trade, expenses in connection with foreign travel, education etc.
- **Capital Account Transactions:** It includes those transactions which are undertaken by a resident of India such that **his/her assets or liabilities outside India are altered** (either increased or decreased).

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- Example: investment in foreign securities, acquisition of immovable property outside India etc.
- **Resident Indians:** A 'person resident in India' is defined in Section 2(v) of FEMA, 1999 as :
- Barring few exceptions, a person residing in India **for more than 182 days** during the course of the preceding financial year.
- Any person or **body corporate registered or incorporated in India**. An office, branch or agency in India owned or controlled by a person resident outside India.
- An office, branch or agency outside India owned or controlled by a person resident in India.

## #MEHUL CHOKSI DECLARED AS 'PROHIBITED IMMIGRANT'

- The **Dominican Republic** on declared **fugitive businessman Mehul Choksi** as a '**prohibited immigrant**' for illegal entry into the country. Choksi is wanted in India for the Rs 13,500 crore PNB scam case, India's biggest banking scam.
- **Choksi** had gone missing from **Antigua and Barbuda** on May 23, 2021, **under mysterious circumstances**. He had to reside in Antigua and Barbuda as a citizen since 2018.
- Two days later on May 25, he was detained in the **country of Dominica for illegal entry**. Lawyers of Choksi alleged that he was abducted from Jolly Harbour in Antigua and brought to Dominica on a boat.
- An order dated May 25, 2021, by the Dominican Ministry of National Security and Home Affairs that declared Mehul Choksi as a prohibited immigrant also directed the police to **immediately remove Choksi from the Commonwealth of Dominica in accordance with Section 5 (1)(1) of the Immigration and Passport Act**.
- The order further stated that the Chief of Police has been instructed to take all necessary actions to have you repatriated.



## Who is Mehul Choksi?

- **Mehul Choksi** is a **fugitive businessman** who, along with his nephew **Nirav Modi** is wanted in India for the Rs 13,500 crore PNB scam case. Choksi is wanted in India for criminal breach of trust, criminal conspiracy, cheating and dishonesty, corruption, money laundering, delivery of property.
- A **Special Prevention of Money Laundering Act (PMLA)** court in March 2018 had issued a non-bailable arrest warrant **against Mehul Choksi and his nephew Nirav Modi and Neeshal Modi**.



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- **Mehul Choksi fled India in January 2018**, few months before the PNB scam came to light. The government of India has been working on getting him extradited to India. Choksi was currently living in Antigua and Barbuda as a citizen.

### What does repatriated mean? How is it different from extradition?

- The order dated May 25, 2021, by the Dominican Ministry of National Security and Home Affairs further stated that the Chief of Police has been instructed to take all necessary actions to have you repatriated.
- Repatriation means the process of sending the fugitive back to the country they fled. The **Antigua and Barbuda government** prefers that **Choksi be repatriated directly to India from Dominica**.
- Extradition is a formal process conducted by the governments of different countries to bring back or hand over the fugitives to the country they fled from so a trial can be carried out. **Extradition is conducted by a bilateral or multilateral treaty between countries.**

### Extradition Law in India:

- Extradition is the process by which one state, upon the request of another, affects the **return of a person for trial for a crime** punishable by the laws of the requesting state and committed outside the state of refuge.
- In India, the extradition of a fugitive criminal is governed under the **Indian Extradition Act, 1962**.
- This is **for both extraditing persons to India and from India** to foreign countries. The **basis of the extradition** could be a treaty between India and another country.
- At present India has an **Extradition treaty** with more than 40 countries and Extradition agreement with 11 countries.
- **Extradition Treaty: About: Section 2(d)** of The Indian Extradition Act 1962 defines an 'Extradition Treaty' as a Treaty, Agreement or **Arrangement made by India with a Foreign State, relating to the extradition of fugitive criminals** which extends to and is binding on India. Extradition treaties are traditionally bilateral in character.

### Principles Followed:

- The extradition **applies only to such offences which are mentioned in the treaty**.
- It applies the **principle of dual criminality** which means that the offence sought to be an offence in the national laws of requesting as well as requested country.

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- The requested country must be satisfied that there is a **prima facie case made against the offender**. The extradition should be made **only for the offence for which extradition was requested**.
- The accused must be provided with a **fair trial**.

### #KEDAR NATH SINGH V. STATE OF BIHAR JUDGMENT

- The **Supreme Court of India** quashed the **sedition case registered against journalist Vinod Dua in Shimla, Himachal Pradesh** after a year of an FIR lodged by a local BJP leader over Dua's YouTube show.
- **BJP Mahasu unit President Ajay Shyam** lodged a complaint against Dua stating that the



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journalist made allegations on his YouTube show on March 30 accusing Prime Minister Narendra Modi of using '**deaths and terror attacks**' to **garner votes**. Dua was charged under sections 268, (public nuisance), 124A (sedition), 505 (statements conducive to public mischief), and 501 (printing matter known to be defamatory).

- A **bench of justices Vineet Saran and U U Lalit** on October 6, 2020, had reserved the verdict after hearing the arguments for Vinod Dua, the complainant, and the Himachal Pradesh government.
- The bench stated that '**Every journalist is entitled to protection under the Kedar Nath Singh judgement, the landmark verdict of 1962 on the scope of offense of sedition in the IPC.**'
- In 1962, the Supreme Court while **upholding the validity of Section 124A (sedition) of the IPC** had ruled that sedition charges cannot be invoked against a citizen on the grounds of criticism against the measures or actions of Government as it would stifle the right to freedom of speech and expression.

### Kedar Nath Singh v State of Bihar (1962)

- In **1952, Kedar Nath Singh**, a member of the Forward Communist Party from Bihar was convicted and imprisoned on sedition charges after he made a fiery speech against the then ruling Congress during a rally at Begusarai.
- Singh then made an appeal to the Supreme Court in 1962 questioning the constitutional validity of Section 124A. He contended that his right to free speech under Article 19 of the Constitution was compromised.
- The **Court was faced with a difficult task due to conflicting interpretations of Section 124A laid down by British era courts**. The two previous judgements, one from 1942 and another from 1947, had contrasting views about the tendency to disturb public order or the incitement to violence were offenses under Section 124A.

### What was the historic judgment in Kedar Nath Singh v State of Bihar (1962)?

- A **Constitution Bench of the Supreme Court** passed a landmark verdict upholding the validity of Section 124A (sedition) of the IPC but simultaneously limiting the scope of offense of sedition in the IPC laid down by British-era law by stating that which acts count for sedition and which don't.
- The **five-judges bench comprising Chief Justice BP Sinha, and Justices SK Das, N Rajagopala Ayyangar, JR Mudholkar, and AK Sarkar** said that any act that has the effect to subvert the Government by violence or creating public disorder would be counted as sedition. The bench also upheld Section 505 (statements conducive to public mischief) as a constitutionally valid

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offense.

- The Bench ruled that acts, within Section 124A, that create the feeling of contempt or hatred or disaffection or disloyalty against the Government would be given penal statute. Any spoken or written words that give out the idea of subverting the Government by violent means, which are included in the word 'revolution' would attract penal offense.
- However, the top court also ruled that comments expressing disapproval about the measures of government, with a view to **improvement or alteration by lawful means, without inciting feelings of violence, disloyalty, or enmity are not sedition.**
- The top court ruled further that a **citizen has a right to write or say whatever he or she likes about the Government**, or its measures, by way of criticism or comment, as long as he or she does not create public disorder or incite people to violence against the Government established by law.
- However, in the case of **Kedar Nath Singh v State of Bihar (1962)**, the top Court while upholding the **validity of Section 124A (sedition) of the IPC**, rejected the appeal of Kedar Nath on the grounds that his speech was a vilification of the Government filled with incitement to revolution and was not just criticizing the measures of the Government.

### Historical Background of Sedition Law:

- Sedition laws were **enacted in 17<sup>th</sup> century England** when lawmakers believed that **only good opinions of the government should survive**, as bad opinions were detrimental to the government and monarchy.
- The law was originally drafted in **1837 by Thomas Macaulay, the British historian-politician**, but was **inexplicably omitted when the Indian Penal Code (IPC) was enacted in 1860.**
- **Section 124A was inserted in 1870** by an amendment introduced by **Sir James Stephen** when it felt the need for a specific section to deal with the offence.
- It was one of the many draconian laws enacted to stifle any voices of dissent at that time.
- **Sedition Law Today:** Sedition is a **crime under Section 124A of the Indian Penal Code (IPC).**

### Section 124A IPC:

- It defines sedition as an offence committed when "**any person by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India**".



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- Disaffection includes **disloyalty and all feelings of enmity**. However, comments without exciting or attempting to excite hatred, contempt or disaffection, will not constitute an offence under this section.
- **Punishment for the Offence of Sedition:** Sedition is a **non-bailable offence**. Punishment under the Section 124A ranges from **imprisonment up to three years to a life term**, to which fine may be added.
- A person charged under this law is **barred from a government job**.
- They have to live without their passport and must produce themselves in the court at all times as and when required.

### Major Supreme Court Decisions on Sedition Law:

- The SC highlighted debates over sedition in **1950** in its decisions in **Brij Bhushan vs the State of Delhi** and **Romesh Thappar vs the State of Madras**.
- In these cases, the court held that a law which **restricted speech on the ground that it would disturb public order was unconstitutional**.
- It also held that **disturbing the public order will mean nothing less than endangering the foundations of the State** or threatening its overthrow.
- Thus, these decisions prompted the **First Constitution Amendment**, where **Article 19 (2)** was rewritten to replace “undermining the security of the State” with “in the interest of public order”.
- In **1962**, the SC decided on the constitutionality of Section 124A in **Kedar Nath Singh vs State of Bihar**.
- It upheld the constitutionality of sedition, but **limited its application** to “acts involving intention or tendency to create disorder, or disturbance of law and order, or incitement to violence”.
- It **distinguished these** from “very strong speech” or the use of “vigorous words” strongly critical of the government.
- In **1995**, the SC, in **Balwant Singh vs State of Punjab**, held that mere sloganeering which evoked no public response did not amount to sedition.

### Arguments in Support of Section 124A:

- Section 124A of the IPC has its utility in **combating anti-national, secessionist and terrorist elements**.
- It **protects the elected government from attempts to overthrow** the government with violence and illegal means. The continued existence of the government established by law is an essential condition of the **stability of the State**.

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- If **contempt of court** invites penal action, contempt of government should also attract punishment.
- Many districts in different states face a **maoist insurgency and rebel groups virtually run a parallel administration**. These groups openly advocate the overthrow of the state government by revolution.
- Against this backdrop, the abolition of Section 124A would be ill-advised merely because it has been wrongly invoked in some highly publicized cases.

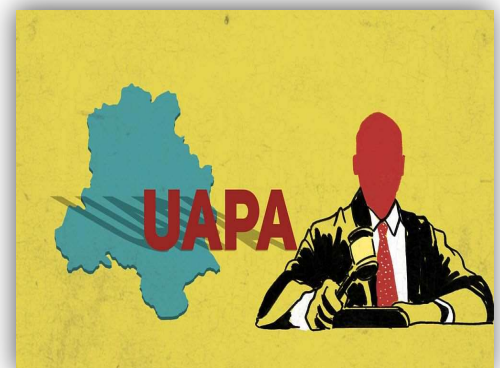
### Arguments against Section 124A:

- Section 124A is a **relic of colonial legacy** and unsuited in a democracy. It is a constraint on the legitimate exercise of **constitutionally guaranteed freedom of speech and expression**.
- Dissent and criticism of the government are essential ingredients of robust public debate in a vibrant democracy. They should not be constructed as sedition.
- **Right to question, criticize and change rulers is very fundamental to the idea of democracy.**
- The **British, who introduced sedition to oppress Indians**, have themselves abolished the law in their country. There is no reason why India should not abolish this section.
- The **terms used** under Section 124A like 'disaffection' are **vague and subject to different interpretations to the whims and fancies** of the investigating officers.
- IPC and **Unlawful Activities Prevention Act 2019** have provisions that penalize "disrupting the public order" or "overthrowing the government with violence and illegal means". These are sufficient for protecting national integrity. There is no need for Section 124A.

### #MISUSE OF UAPA-DELHI HC GRANTED BAIL TO STUDENTS

The recent Delhi High Court orders granting bail to three student activists – **Asif Iqbal Tanha, Natasha Narwal and Devangana Kalita** – jailed for over a year for their alleged role in the February 2020 riots in Delhi

- According to data provided by the Ministry of Home Affairs in Parliament, a total of 1126 cases were **registered under UAPA in 2019**, a sharp rise from 897 in 2015.
- UAPA, in relaxing timelines for the state to file charge sheets and its stringent conditions for bail, gives the state more powers compared to the Indian Penal Code.



## Why were student activists arrested & jailed for over a year?

- The three students had protested against the **enactment of the Citizenship (Amendment) Act (CAA)**. Delhi Police alleged that they had also fomented the riots and invoked **Unlawful Activities (Prevention) Act(UAPA)**
- Under Section 43D(5) of the act, there is a legal bar on granting bail if the court is of the opinion that there are reasonable grounds to believe that the accusation against those held is *prima facie* true.
- They also didn't get bail as the **provision of law are titled against accused**
- The accused have to demonstrate to the court that the accusation is untrue. A 2019 Supreme Court judgment bars a detailed analysis of the evidence at the bail stage and rules that bail can be denied on "the broad probabilities" of the case. These further added the burden on jailed student activists.

## Delhi High Court's Bail Order ruling

- It has found that none of the three student activists were specifically or particularly accused of any 'terrorist act'. **Once the UAPA charges were not seen to be true**, it was open to the court to admit them to regular bail and grant them the bail.
- **New approach to grant bail:** The High Court has ruled that the bail court can look at the available evidence to satisfy itself about the prima facie truth of the case. In other words, there is no statutory invincibility to the prosecution case merely because the UAPA has been invoked.
- **Calling out misuse of terror law:** The court's observed that the state, in its anxiety to suppress dissent, has blurred the line between the constitutionally guaranteed right to protest and "terrorist activity". **If such blurring gains traction, democracy would be in peril.**
- The bail orders also refer to how the Supreme Court itself, in the 1994 case of **Kartar Singh v State of Punjab**, flagged similar concerns against the misuse of another anti-terror law, the **Terrorists and Disruptive Activities (Prevention) Act, 1987.**
- **Terrorism is beyond Public disorder:** The Delhi HC said that the extent and reach of terrorist activity must travel beyond the effect of an ordinary crime and must not arise merely by causing

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disturbance of law and order or even public order; and must be such that it travels beyond the capacity of the ordinary law enforcement agencies to deal with it by ordinary law.

- **Right to protest sacrosanct:** Noting that protests against governmental and parliamentary actions were legitimate, the HC said the right to peaceful protest is not outlawed. It held that student activists protest cannot be termed as a 'terrorist act' within the meaning of the UAPA.

### Consequence of ruling on other dissenters:

- High Court has made a clear distinction between those accused of offences against the country's integrity and security on the one hand, and protesters or dissenters roped in unjustifiably under the rubric of 'terrorism' on the other.
- If the Delhi High Court's approach to grant bail is upheld by SC, it would help secure the liberty of other dissenters held under the UAPA elsewhere without sufficient basis.

### Unlawful Activities (Prevention) Act (UAPA)

- The UAPA was **originally passed in 1967**. It is an upgrade on the Terrorist and Disruptive Activities (Prevention) Act - **TADA** (lapsed in 1995) and the **Prevention of Terrorism Act - POTA** (repealed in 2004).

### Main Provisions:

- Till the year 2004, "**unlawful**" activities referred to **actions related to secession and cession of territory**. Following the 2004 amendment, "**terrorist act**" was added to the list of offences.
- The Act assigns **absolute power to the central government**, by way of which if the Centre deems an activity as unlawful then it may, by way of an Official Gazette, declare it so.
- Under the UAPA, the investigating agency can file a charge sheet in **maximum 180 days** after the arrests and the duration can be extended further after intimating the court.
- **Both Indian and foreign nationals can be charged**. It will be applicable to the offenders in the same manner, even if crime is committed on a foreign land, outside India. It has **death penalty and life imprisonment as highest punishments**.

### Amendment in 2019:



- **In August 2019, Parliament cleared the Unlawful Activities (Prevention) Amendment Bill, 2019 to designate individuals as terrorists if the individual commits or participates in acts of terrorism, prepares for terrorism, promotes terrorism or is otherwise involved in terrorism.**
- **A similar provision already existed in Part 4 and 6 of the legislation for organisations that can be designated as a “terrorist organisation”.**
- **The Act empowers the Director General of National Investigation Agency (NIA) to grant approval of seizure or attachment of property when the case is investigated by the said agency.**
- **The Act also empowers the officers of the NIA, of the rank of Inspector or above, to investigate cases of terrorism in addition to those conducted by the DSP or ACP or above rank officer in the state.**

### Issues With UAPA:

- **Undermines Individual Liberty:** It gives the state authority vague powers to detain and arrest individuals who it believes to be indulged in terrorist activities. Thus, the state gives itself more powers vis-a-vis individual liberty guaranteed under **Article 21 of the Constitution**.
- **Indirect Restriction on Right to Dissent:** The right of dissent is a **part and parcel of fundamental right to free speech and expression** and therefore, cannot be abridged in any circumstances except for mentioned in Article 19 (2).
- The UAPA, 2019 empowers the ruling government, under the garb of curbing terrorism, to impose indirect restriction on right of dissent which is detrimental for a developing democratic society.
- **Undermines Federalism:** Some experts feel that it is against the federal structure since it **neglects the authority of state police in terrorism cases**, given that ‘Police’ is a **state subject under 7<sup>th</sup> schedule of Indian Constitution**.

**#TWITTER LOSES PROTECTION UNDER SEC 79 OF IT ACT**

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- **Twitter, a social media giant, has lost its safe harbour immunity in India** over its failure of appointing statutory officers, as required by the new IT rules of the Indian Government.
- **This will mean that Twitter will no longer be protected under Section 79 of the IT Act** and its top executives will now be liable for all the content on its platform that is considered inflammatory or considered unlawful in nature.
- However, Twitter has reportedly appointed an **interim Chief Compliance Officer in India, and details of it will be soon shared with the IT Ministry of India.**
- As per the **Twitter spokesperson, the ministry** has been kept in the loop of the progress at every step of the process. An **Interim Chief Compliance Officer** has been retained and details will be shared with the **MeitY directly soon. Twitter has continued its efforts to comply with the new guidelines.**



- **What is Section 79 of the IT Act?**
- **According to section 79 of the Information Technology act**, an intermediary will not be held legally or otherwise responsible for any third-party information, data link or communication made available or hosted on its platform.
- The **protection under Section 79 will be applicable if the intermediary** in any way does not modify any information contained in the transmission, initiate the transmission of the message, or select the receiver of the message.

### Twitter loses intermediary status under Section 79: What it means?

- Without the **protection of Section 79 of the IT Act**, the social media platform will now be liable for any 'third party information data, or communication link made available or hosted by him'.
- In brief, Twitter can now be held criminally responsible for the content on its platform. **However, for the end-user, Twitter losing legal protection will have no effect.**
- After an elderly Muslim was beaten up in the town in Ghaziabad district in UP on June 5 and the video of the abuse went viral on Twitter, an FIR was filed on June 15 against 9 accused, which included '**Twitter Communications India Pvt**' and '**Twitter Inc**'.
- Tweets around the incident had indicated that the victim was forced **to chant 'Jai Shree Ram'**,

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**a claim that was later denied by the police.**

- Twitter, after losing the intermediary status, is now liable for what has been termed 'inflammatory' tweets. The social media giant has been accused in an FIR of not removing the misleading content. Twitter and several journalists have also been charged for inciting communal sentiments with the posts sharing the man's allegations.

### Why Twitter lost its intermediary status?

- The new Intermediary Guidelines came into effect on May 26, 2021. However, most of the social media platforms failed to comply with the guidelines, **citing Coronavirus lockdown and restriction.**
- **On June 5, a final notice was issued to Twitter by the government asking it to comply with the statutory provisions or losing its intermediary status.**
- Later, even though other platforms agreed to comply with the rules, Twitter approached the government and asked for more time to follow the new rules. **It stated that it intends to comply with the guidelines but still needs more time because of the pandemic situation in India.**
- However, with this **continuous rift with Twitter**, the government finally announced that whoever has not yet complied with the guidelines has lost the intermediary status.
- With this, Twitter became the **first US platform to lose the protection of Section 79**, hence, losing its intermediary status in the country.

#### • What are the Indian Government's guidelines for social media platforms?

- To establish a **grievance redressal and compliance mechanism**. It will include appointing a nodal contact person, a resident grievance officer, and a chief compliance officer.
- The Social Media platforms must submit monthly reports on the complaints received from the users and the actions taken.
- The third guideline was for the **instant messaging apps to make provisions for tracking the first originator of the message.**

- The **Electronic and Information Technology Minister, Ravi Shankar Prasad** on June 16, 2021, took to Twitter and said that the simple fact of the matter is that Twitter has failed to comply with the Intermediary Guidelines that came into effect from May 26, 2021.
- He added that the company was given multiple opportunities to comply with the new IT rules but it deliberately chose the path of non-compliance.

### How platforms like Facebook, YouTube, Google saved their intermediary status?

- Other social media platforms such as **WhatsApp, Instagram, Google, or Facebook** will continue to enjoy their intermediary status under Section 79 of the IT Act in India.
- They were able to retain their immunity by following the announced guidelines. By the end of May 2021, **Facebook, Google, and WhatsApp** had submitted the details of their new compliance officers to the IT ministry.
- On June 1, 2021, **WhatsApp had named Paresh B Lal as its Grievance Officer for India**. On June 8, 2021, Spoothi Priya was named as the Grievance Officer for India by Facebook on its website.

### Traceability Provision:

- It **requires intermediaries to enable identification of the first originator** of information on their platforms.
- Rule 4(2) of the Intermediary Rules states that a **significant social media intermediary** providing services primarily in the nature of **messaging shall enable the identification of the first originator of the information** on its computer resource as may be required by a **judicial order or an order passed by a competent authority under the Information and Technology (IT) Act 2000**.
- Failure to comply with this requirement would **take away the indemnity** provided to social media intermediaries under **Section 79 of the IT Act**.

### Concerns Raised:

- **Infringes Rights to privacy and freedom of speech:** This breaks end-to-end encryption and impermissibly infringes upon users' fundamental **Rights to privacy** and **Freedom of speech**.
- **Article 19(1)(a)** of the Indian Constitution guarantees the **freedom of speech and expression**.
- The **right to privacy is protected as an intrinsic part of the right to life and personal liberty** under **Article 21** and as a part of the freedoms guaranteed by Part III of the Constitution (**Puttaswamy Judgement 2017**).
- **States throughout the world have recognised** the "important benefits" of **end-to-end encryption** and the dangers of undermining that security protocol.
- **Discourages Free Expression:** Freedom of Speech and Right to Privacy **encourages users to express their ideas and opinions, report unlawful activities, and challenge popular views without fear of reprisal**, whereas enabling the identification of the first originator of information in India subverts privacy and **discourages free expression of views**.



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- **Will Curb Freedom of Media:** Such a requirement would **put journalists at risk of retaliation for investigating issues that may be unpopular, civil** or for discussing certain rights and criticizing or advocating for politicians or policies.
- **Clients and attorneys** who could become reluctant to share confidential information for fear that the privacy and security of their communications are **no longer ensured**.
- **Traceability not Effective in Finding Originator:** Traceability would not be effective in finding the originator of a particular message because **people commonly see content on websites or social media platforms and then copy and paste them into chats**.
- It would also be **impossible to understand the context** of how it was originally shared.

## Section 79 of the IT Act 2000

- It says any **intermediary shall not be held legally or otherwise liable for any third party information, data, or communication link** made available or hosted on its platform.
- **Third party information** means any information dealt with by a network service provider in his capacity as an intermediary.
- This **protection shall be applicable if the said intermediary does not** in any way **initiate the transmission** of the message in question, **select the receiver of the transmitted message** and **does not modify any information** contained in the transmission.
- It is **not granted if the intermediary, despite being informed or notified by the government or its agencies, does not immediately disable access** to the material under question.
- The intermediary **must not tamper with any evidence of these messages or content** present on its platform, failing which it loses its protection under the Act.

## End-to-End Encryption vs Traceability

- End-to-end encryption was **designed to help ensure that nobody other than the person you are talking to can know that you sent a particular message**. This is the exact opposite of traceability, which would reveal who sent what to whom.
- **End-to-end encryption** is a system of communication where only the communicating users can read the messages.
- **Traceability would force private companies to collect and store who-said-what and who-shared-what for billions of messages sent each day**. This will require platforms to collect more data than they need, solely for the purpose of turning it over to law enforcement agencies.

**#EI SALVADOR BECOMES 1<sup>ST</sup> TO GRANT LEGAL TENDER TO BITCOIN**

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- **El Salvador** on June 9, 2021, became the **first country in the world to grant legal tender status to Bitcoin**. The El Salvador Congress approved the bill to make Bitcoin a legal tender in the country.
- The **adoption of Bitcoin, the world's largest cryptocurrency** as a legal tender will become law in 90 days.
- **El Salvador's President Nayib Bukele** had announced about sending a bill to Congress for making Bitcoin a legal tender in the country. The **bill was approved with a supermajority with 62 votes out of 84**.



### Bitcoin will revive El Salvador's remittance dependent economy

- During the Bitcoin 2021 conference in Miami, Bukele said making Bitcoin a legal tender would generate jobs in the short term and provide financial inclusion to thousands outside the formal economy.
- The economy of El Salvador relies heavily on the remittances sent back from workers abroad. In such cases, the intermediaries in the remittance chain make cuts up to 20 per cent. **Implementation of Bitcoin would severely impact the money-laundering chains in the country.**
- A report by the World showed that the country made up **about \$6 billion (approximately a fifth of GDP)** through remittances in 2019. As per more official reports, the country showed a total of \$5.9 million (22 per cent) of GDP through remittances in 2020.
- Implementation of Bitcoin will aid the people of El Salvador in quick conversion of payment received in Bitcoins into dollars and saving them from the risk of value plummeting.

### El Salvador will not be de-dollarized

- Bukele added that the US Dollar will continue to be the dominant legal tender and the use of Bitcoin would be optional. "The government will guarantee the convertibility to the exact value in dollars at the moment of each transaction," he said.

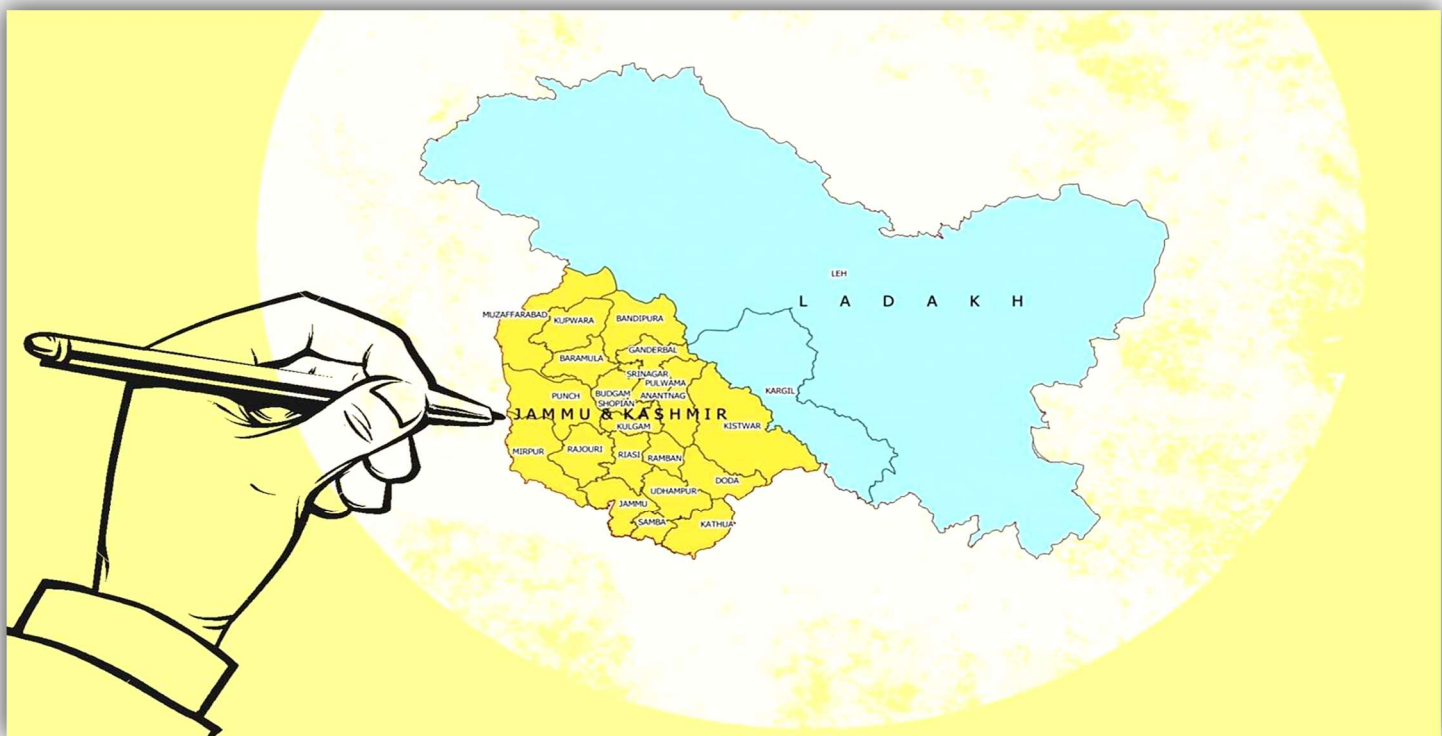
### What is Bitcoin?

- Bitcoin is a digital currency and the **world's largest cryptocurrency**. Bitcoin is the first cryptocurrency that was **created in 2009 by Satoshi Nakamoto**.
- Bitcoin is the first currency to use a decentralized peer-to-peer payment network with no central authority or middlemen. The design of the Bitcoin network is open-source which means nobody owns Bitcoin.

- Bitcoin is currently priced at \$32,987.02.

## #DELIMITATION IN JAMMU & KASHMIR

- Prime Minister Narendra Modi is expected to hold an all-party meeting to discuss the delimitation process in Jammu and Kashmir.
- The centre has invited 14 key political leaders from Jammu and Kashmir for the meeting including political heavyweights such as Congress' Ghulam Nabi Azad, National Conference leaders Farooq Abdullah and Omar Abdullah and PDP chief Mehbooba Mufti.
- This is the first time that the centre has made an attempt to reach out to the political parties in J&K after the abrogation of **Article 370** in 2019 and the **bifurcation of the erstwhile state into two Union Territories—J&K and Ladakh.**



- Several senior political leaders were put under preventive detention before the move including PDP chief Mehbooba Mufti and NC President Farooq Abdullah and his son Omar Abdullah. They

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were finally released last year.

- **Prime Minister Narendra Modi** had announced last year on the occasion of Independence Day that assembly elections would be held in J&K after the delimitation process in the Union Territory was over.

### Delimitation Process:

- Delimitation is the **act of fixing or redrawing the limits or boundaries of territorial constituencies** (Assembly or Lok Sabha seat) in a country or a province having a legislative body, as per the **Election Commission**.
- The delimitation exercise is **carried out by an independent high-powered panel known as the Delimitation Commission** whose orders have the force of law and cannot be questioned by any court.
- The exercise has been carried out over the years **to redefine the area of a constituency-based on its population size (based on the last Census)**.
- Aside from changing the limits of a constituency, the process **may result in change in the number of seats in a state**.
- This exercise also **involves reservation of Assembly seats for Scheduled Castes (SCs) and Scheduled Tribes (STs)** in accordance with the Constitution.
- **Aim:** The key aim is **to have equal representation to equal segments of the population** in order to ensure a fair division of geographical areas so that all political parties or candidates contesting elections have a level playing field in terms of a number of voters.

### Constitutional Basis for Delimitation:

- **Under Article 82, the Parliament enacts a Delimitation Act after every Census.**
- **Under Article 170, States also get divided into territorial constituencies as per Delimitation Act after every Census. Once the Act is in force, the Union government sets up a Delimitation Commission.**
- **However, the first delimitation exercise was carried out by the President (with the help of the Election Commission) in 1950-51.**
- **The Delimitation Commission Act was enacted in 1952.**
- **Delimitation Commissions have been set up four times — 1952, 1963, 1973 and 2002 under the Acts of 1952, 1962, 1972 and 2002.**
- **There was no delimitation after the 1981 and 1991 Censuses.**

### Delimitation Commission:



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- The Delimitation Commission is **appointed by the President of India** and works in **collaboration with the Election Commission of India**.
- **Composition:**
- Retired Supreme Court judge
- Chief Election Commissioner
- Respective State Election Commissioners.

### Delimitation in Jammu and Kashmir:

- The delimitation exercise in J&K in the past **has been slightly different** from those in the rest of the country because of the **region's special status**.
- The **delimitation of Lok Sabha seats** was then governed by the **Indian Constitution** in J&K, but the **delimitation of Assembly seats** was governed separately by the **Jammu and Kashmir Constitution and Jammu and Kashmir Representation of the People Act, 1957**.
- However, Jammu and Kashmir lost its special status and was **divided into two Union Territories (J&K and Ladakh)** after the **abrogation of its special status under Article 370, on 5<sup>th</sup> August, 2019**.
- Following this, a **special delimitation commission** was constituted on **6<sup>th</sup> March, 2020** to carve out Assembly and Parliament seats in the UT.

### Issues with Delimitation:

- **States that take little interest in population control could end up with a greater number of seats** in Parliament. The southern states that promoted family planning faced the possibility of having their seats reduced.
- In 2002-08, Delimitation was done based on the 2001 census, but the total number of seats in the Assemblies and Parliament decided as per the 1971 Census was not changed.
- The Constitution has also **capped the number of Lok Shaba & Rajya Sabha seats to a maximum of 550 & 250 respectively** and increasing populations are being represented by a single representative.
- The **Delimitation Commission** set up for J&K is headed by Justice (retired) Ranjana Prakash Desai and comprises election commissioner and the state election commissioner as members along with five associate members -**Union Minister Jitendra Singh, MP Jugal Kishore Singh, National Conference leaders Dr. Farooq Abdullah, Hasnain Masoodi and Mohammad Akbar Lone**.
- The commission has been mandated to delimit the constituencies of the Union Territory in accordance with the provisions of **part V of the Jammu and Kashmir Reorganisation Act, 2019** (34 of 2019) and the provisions of the Delimitation Act, 2002 (33 of 2002).

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- The number of constituencies in J&K is now expected to be raised from 107 to 114 but this also takes into account 24 seats falling under Pakistan-occupied Kashmir (PoK), as per the **J-K Reorganisation Bill, 2019, introduced in Parliament in August 2019 by Home Minister Amit Shah.**
- Earlier, the effective strength of the Jammu and Kashmir Assembly was 87, excluding the vacant PoK seats and including four seats falling in the Ladakh region. Ladakh is now a separate union territory with no legislature.

## #DRONE ATTACKS IN JAMMU

Recently, **Drones** were used for the **first time to drop explosive devices**, triggering blasts inside the Air Force Station's technical area in Jammu.



### Drone

- Drone is a layman terminology for **Unmanned Aircraft (UA)**. There are three subsets of Unmanned Aircraft- **Remotely Piloted Aircraft, Autonomous Aircraft and Model Aircraft.**
- Remotely Piloted Aircraft consists of remote pilot station(s), the required command and control links and any other components, as specified in the type design.
- Besides **combat use**, drones are used for a **range of purposes** like package delivery, in agriculture (spraying pesticides etc), monitoring environmental changes, aerial photography, and during search and relief operations, among others.

### Drone Attacks and Concerns:

- Over the past two years, **drones have been deployed regularly by Pakistan-based outfits** to smuggle arms, ammunition and drugs into Indian Territory.
- Drones fly low and therefore **cannot be detected by any radar system.**
- According to government figures, **167 drone sightings were recorded along the border with Pakistan in 2019**, and in **2020, there were 77 such sightings.**
- With the **rapid proliferation of drone technology and exponential growth** of its global market in recent years, the possibility of a drone attack cannot be ruled out even in the safest cities in the world.
- Drones are **becoming security threats particularly in conflict zones** where non-state actors are active and have easy access to the technology.
- **For example: 2019 twin drone attacks** on Aramco crude oil production in Saudi Arabia.

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- What makes combat drones in the hands of non-state actors most dangerous is the **threat of them being used to deliver weapons of mass destruction**.
- **Weapons of mass destruction** are weapons with the **capacity to inflict death and destruction on such a massive scale** and so indiscriminately that its very presence in the hands of a hostile power can be considered a grievous threat.
- In the military domain, **small drones have been proliferating at a rate that has alarmed** battlefield commanders and planners alike.
- In certain incidents, the **small drones were also armed with explosive ordnance**, to convert them into potentially lethal guided missiles, thus demonstrating the growing sophistication with which these potent warriors have found relevance in combat zones.

### Reason for Increasing Drone Attacks:

- **Cheap:** The primary reason for this proliferation is that **drones are relatively cheaper in comparison to conventional weapons** and yet can achieve far more destructive results.
- **Remotely Controlled:** The biggest advantage that comes with using a drone for combat purposes is that **it can be controlled from a remote distance** and does not endanger any member of the attacking side.
- **Easy to Operate:** It is this **easy-to-procure, easy-to-operate**, and proven damage potential that makes it important for any country to equip its forces with anti-drone combat technology.

### Rules for Drone Regulations in India:

- **Unmanned Aircraft System (UAS) Rules, 2020:** It is a set of rules notified by the government that aims to **regulate the production, import, trade, ownership, establishment of the drone ports (airports for drones) and operation of UAS**.
- It also seeks to **create a framework for drones use by businesses**.
- **National Counter Rogue Drones Guidelines 2019:**
- The guidelines had suggested a **number of measures to counter rogue drones** depending on the vitality of assets being protected.
- For places of critical national importance, the rules called for deployment of a model that consists of primary and passive detection means like radar, **Radio Frequency (RF) detectors, electro-optical and infrared cameras**.
- In addition to this, soft kill and hard kill measures like **RF jammers, Global Positioning System (GPS) spoofers, lasers, and drone catching nets** were also suggested to be installed.

### Other Initiatives:

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- **Directed-Energy Weapon: Defence Research and Development Organisation (DRDO)** has developed two **anti-drone Directed-Energy Weapon (DEW) systems**, with a 10-kilowatt laser to engage aerial targets at 2-km range and a compact tripod-mounted one with a 2-kilowatt laser for a 1-km range. But they are yet to be productionized in large numbers.
- **Smash-2000 Plus:** The armed forces are now also importing a limited number of other systems like Israeli '**Smash-2000 Plus**' **computerized fire control and electro-optic sights**, which can be mounted on guns and rifles to tackle the threat from small hostile drones in both day and night conditions.

## #UNION CABINET APPROVED MODEL TENANCY ACT

- The Union Cabinet approved the **Model Tenancy Act** on June 2, 2021 that aims to streamline the **legal framework for the process of renting a property in India**. The centre had released a draft of the law in 2019.
- The **Model Tenancy Act is a part of the government's efforts** to enable the institutionalization of rental housing by gradually shifting it towards the formal market.
- The act aims to **balance the interests and rights of property owners and tenants** and proposes the establishment of a rent authority, separate rent courts and tribunals in every state to ensure speedy dispute resolution of rent-related disputes. It mandates the requirement of a written agreement for renting of any property.



## Why do we need the Model Tenancy Act?

- **As per 2011 Census, over 1 crore houses were lying vacant in urban areas.** This is reportedly because the existing rent control laws are restricting the growth of **rental housing and discouraging owners from renting out their vacant houses due to fear of losing possession.**
- The **absence of a model law** leads to informal agreements with arbitrary clauses and often litigation arising out of disputes. Both the tenants as well as the owner are often found at the wrong end of a bargain in informally drafted agreements.
- The **Model Tenancy Act aims** to address this very concern and facilitate the unlocking of vacant houses for rental housing purposes and create a vibrant, sustainable and inclusive rental housing market in the country.
- As per the Act, one of the key ways to encourage property owners from renting their vacant houses is to bring transparency and accountability in the existing system of renting of places and to balance the interests of both the property owner and the tenant in a judicious manner.



- The states are free to adopt the Act as it is with fresh legislation, as it is a state subject, or they can amend their existing rent law to factor in the new MTA.

### Model Tenancy Act: Key Objective

- The Model Tenancy Act aims to formalise the shadow market of rental housing and unlock vacant properties and thus increase rental yields, remove exploitative practices, **reduce procedural barriers in registration and increase transparency and discipline.**

### What does the law propose?

- The Model Tenancy Act proposes setting up of **Rent Authority, Rent Courts and Rent Tribunals to dispose of complaints in time-bound fashion.**
- The law states that if orders get backlogged these courts will lose their potency as has happened with consumer courts.
- The law proposes setting up the infrastructure and providing adequate staffing. State governments are expected to play a critical role in this.
- The law also mandates written agreements for all new tenancies to minimize petty disputes. The rent and duration of renting the property will be fixed by **mutual consent between owner and tenant through the written agreement and it will then be submitted to the concerned district 'Rent Authority'.**
- **The Act also proposes three months' notice** to tenants before a hike in rent to ensure landowners can get the market price for their properties while at the same time the tenants also get enough notice to make adequate arrangements to make the increased payment.
- The Act also caps security deposits for residential properties to ensure that tenants are not forced to pay a huge amount at the start of their tenancy, as is the **norm in metro cities such as Mumbai and Bengaluru.** Under the Act, only two months' rent can be taken as advance for residential property. The current norm in metro cities is to take **5-12 months' rent in advance.**
- In case the tenant fails to vacate the premises in accordance with the tenancy agreement, then that person will be liable to pay the landlord twice the monthly rent for the first two months and then four times till he/ she continues to occupy the rented property.
- In case the property owner fails to make any refund, he/ she will be liable to pay simple interest to the tenant at a rate that may be prescribed from time to time on the amount he omitted or failed to refund.

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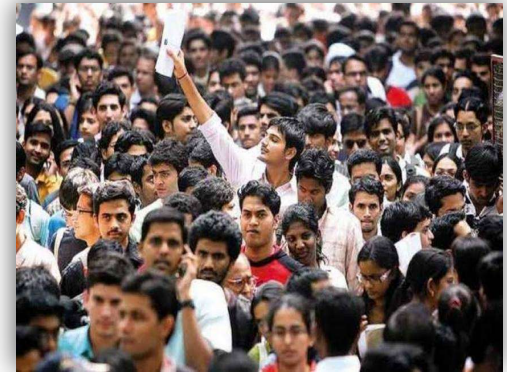
- In case of a dispute between the owner and tenant, the parties will be required to first approach 'Rent Authority' and if they are not satisfied with the **Rent Authority's order, they can approach the 'Rent Court' and finally the 'Rent Tribunal'**.
- As per the act, no property owner can withhold any essential supply to the premises occupied by the tenant in the event of a dispute or on any other pretext. They will be required to provide a 24-hour notice to the tenants before undertaking any repair work that may disrupt utilities' supply.
- Further, the tenants cannot be evicted during the continuance of the tenancy agreement unless otherwise agreed to in writing by both parties.
- **The landlord will be responsible for structural repairs under the Model Tenancy Act** except those necessitated by damage caused by the tenant unless otherwise agreed in the tenancy agreement. **The repairs include changing and plumbing pipes, whitewashing of walls and painting of doors and windows and changing of internal and external electrical wiring and related maintenance.**
- The tenant will be responsible for drain cleaning, switches and socket repairs, kitchen fixtures repairs and replacement of glass panels in windows, doors and maintenance of gardens and open spaces etc.
- In cases where the landlord has proposed to make any improvement or construct any additional structure on the premises that has been rented out and the tenant refuses to allow it, **then the landlord can make an application in this behalf to the Rent Court.**
- The tenant cannot carry out any structural change or construct any permanent structure in the premises let out on rent without the written consent of the landlord.

## Background

- **The Model Tenancy Act had been in the pipeline since 2015 but had been held up till this point.** The act will cover all **urban areas as well as all rural areas.** The new Act is not expected to affect existing tenancies.
- The government had decided in 2015, before the launch of the **Housing for All by 2022 Mission, that 20 percent of the two crore houses to be created will be exclusively for rent.**
- The decision was based on a 2013 task force report for Rental Housing, which held that affordable rental housing addresses the issues of the underprivileged and inclusive growth, in a more direct manner than affordable ownership housing.

## #NATIONAL POPULATION REGISTER (NPR)

- According to a Union Home Ministry manual, migrants belonging to **six non-Muslim minority communities from Afghanistan, Pakistan and Bangladesh**, while applying for long-term visas (LTVs), can also produce National Population Register (NPR) enrolment slips as proof of the duration of their stay in India.
- The NPR number is part of an illustrative list of more than 10 documents that could be provided to apply for an LTV, which is a precursor to acquiring Indian citizenship either by naturalization or registration under Section 5 and 6 of the Citizenship Act, 1955, for the **six Non-Muslim communities**
- These communities are: Hindus, Sikhs, Jains, Parsis, Christians and Buddhists.
- The **special provision of LTVs for Hindus and Sikhs from Pakistan and Afghanistan was first made in 2011.**
- It was also asserted that the awareness drive is not related to the **Citizenship (Amendment) Act, 2019 (CAA)**, which is intended to benefit undocumented migrants from the six groups who entered India before the 2014 cut-off date.
- The **CAA** is yet to be implemented.



## About NPR

- The NPR was first compiled in 2010 simultaneously with the decadal Census exercise and later updated in 2015. It already has a database of 119 crore residents.
- The **NPR is a register of usual residents linked with location particulars** down to the village level. It is updated periodically “to incorporate the changes due to birth, death and migration”.
- The next phase of the NPR, expected to include contentious questions on date and place of birth of father and mother, last place of residence and mother tongue, was to be simultaneously

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updated with the 2021 House Listing and Housing Census that has been indefinitely postponed due to the COVID-19 pandemic.

**Context:** The government has proposed changes to the e-commerce rules under the Consumer Protection Act to make the framework under which firms operate more stringent.

### Key Changes mooted are:

- **Commonalities with the IT intermediary rules:** The draft rules also stipulate the appointment of a chief compliance officer, a nodal contact person for 24x7 coordination with law enforcement agencies.
- **Fall-back liability:** Here, e-commerce firms will be held liable in case a seller on their platform fails to deliver goods or services due to negligent conduct, which causes loss to the customer. Earlier, the platform used to direct an aggrieved person to seller, now they will be able to reach out to the platform itself.
- **Fair platform:** The rules propose to restrict e-commerce companies from “manipulating search results or search indexes” so as to prevent preferential treatment to certain products.
- **Push for made-in-India products:** E-commerce entities offering imported goods or services to ‘incorporate a filter mechanism to identify goods based on country of origin and suggest alternatives to ensure a fair opportunity to domestic goods’.
- **Ban of “specific flash sales” by e-commerce entities:** While as per the draft rules, conventional e-commerce flash sales are not banned, specific flash sales or back-to-back sales “which limit customer choice, increase prices and prevents a level playing field are not allowed”.

### Analysis of the draft rules

- **Greater Oversight by Government:** Following the enactment of New IT Rules, the draft e-commerce amendments show the Government’s increasing keenness to exercise greater oversight over all online platforms.
- **Fair Market practices:** There were accusations that the pricing practices of two large e-commerce giants (Amazon and Walmart owned Flipkart) are skewed to favour select sellers on their platforms. The draft rules aim to makes marketplaces fair & level playing to all.



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- **Level playing field for offline retailers:** The deep-pocketed e-commerce companies have adopted deep discounting strategies to enhance their market share. This predatory business practices have hurt offline retailers. New rules aim to rectify this.



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