

17th Sept, 2024

1. Digi Yatra

GS 2 (Governance)

- **Why in News:** Recent findings from a study highlight concerns about the **potential misuse of facial recognition technology**, such as the **Digi Yatra app**. While Digi Yatra aims to streamline airport check-ins and boarding, there is significant apprehension regarding the **abuse of biometric data by private entities**.

- **More on News:**

- **Developed by:** Digi Yatra Foundation and the Ministry of Civil Aviation
 - **Objective:** To provide air travelers with a hassle-free, frictionless, and health-risk-free experience.
 - **Functionality:** It uses facial biometrics as a single token to digitally confirm travel, identification, and health data.
 - **Technology:** It is based on a **Self-Sovereign Identity (SSI) ecosystem** with Privacy by Design principles to ensure security and privacy of biometric and personal information.
 - **Process:** It links a traveler's boarding pass to a **facial recognition system (FRS)** for quicker identification and smoother passage through boarding gates and pre-security checks.
- **Face Recognition Technology**
 - Facial recognition is a way of identifying a human face through technology known as biometrics, oftentimes mapping facial features from a photograph or video and then comparing the information with a database of known faces to find a match.
 - It uses technology and biometrics — typically through AI — to identify human faces.

Digi Yatra: IT wanted guard rails, aviation said app will be new normal

Ministries submitted inputs to study funded by Niti Aayog

YOUR RIGHT TO KNOW
AN EXPRESS RTI APPLICATION

AGGAM WALIA & SOUMYARENDRA BARIK
NEW DELHI, SEPTEMBER 16

THERE IS potential for abuse of facial recognition technology such as Digi Yatra by private entities and more guard rails are needed to prevent the misuse of biometric data. And, the showpiece air-



port app may soon become the de facto gateway for checking in and boarding at all airports.

These are among the key inputs provided by the ministries of IT, Civil Aviation and Home for a study on facial recognition technology and Digi Yatra, which was conducted by Vidhi Centre for Legal Policy with financial assistance from Niti Aayog, according to documents obtained by The Indian Express under the Right to Information (RTI) Act.

The inputs were submitted by the ministries between August and October 2022. Since its launch in December 2022, over 55 lakh people have downloaded the Digi Yatra app, and more than 3 crore passengers have used it to

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2. Rs 6,000-crore scheme to boost precision farming

GS 3 (Agriculture)

- **Why in News:** The Centre is planning to earmark Rs 6,000 crore to promote precision farming. In this regard, a Smart Precision Horticulture Programme will be launched by the Union Ministry of Agriculture under the existing Mission for Integrated Development of Horticulture (MIDH) scheme.
- **Precision farming**
 - **About**
 - Precision farming, also known as precision agriculture, is a modern agricultural practice that uses advanced technology like GPS, sensors, data analytics, drones, and remote sensing to monitor and manage crop production with high accuracy.
 - The goal is to **optimize inputs (like water, fertilizers, and pesticides) based on site-specific conditions to maximize yield, minimize waste, and reduce environmental impact**.
 - **Benefits**
 - **Increased Productivity:** By monitoring field variability, farmers can tailor inputs to meet the specific needs of crops, leading to improved yield and efficiency.
 - **Resource Optimization:** Precision farming ensures judicious use of water, fertilizers, and pesticides, reducing waste and lowering production costs.
 - **Environmental Benefits:** Reducing the use of chemicals minimizes soil and water contamination, promoting sustainable agricultural practices.

- **Risk Management:** Through real-time data collection and analysis, farmers can make informed decisions, reducing risks related to unpredictable weather and crop diseases.

○ Challenges

- **High Initial Cost:** Implementing precision farming technologies requires significant investment in tools and infrastructure, which can be a barrier for small farmers.
- **Technical Expertise:** Farmers need to be trained to use precision tools, interpret data, and implement the findings in their agricultural practices.
- **Digital Divide:** Access to reliable internet connectivity, especially in rural areas, limits the adoption of precision farming in many regions.
- **Data Management:** Processing and interpreting large amounts of data requires specialized software and skills, which are not always available to small-scale farmers.

● Precision farming (PF) in India

○ Context

- As a modern approach to farming, precision agriculture focuses on all aspects of resources (soil, water, nutrients) required for farming.
- However, **in India, the practice is so far developed for nutrient-use efficiency (NUE) and water-use efficiency (WUE).**
- PF in the Indian landscape is yet to become an integral part of mainstream farming systems.

○ Steps taken

- The **National Mission on Sustainable Agriculture (NMSA)** and **Pradhan Mantri Krishi Sinchayee Yojana (PMKSY)**, which focus on water-use efficiency and soil health monitoring.
- The government has also promoted the use of **drones, soil health cards, and satellite-based monitoring.**
- The government has also announced a **Digital Public Infrastructure (DPI)** for agriculture that will provide farmers with access to technology and information.
- PF technology is being developed and disseminated through the **22 Precision Farming Development Centres** in the country.
- The **Agriculture Infrastructure Fund (AIF)**, launched during Covid-19, has provisions for financing infrastructure projects for smart and precision agriculture.
- Also, funds are released to states/UTs for projects involving use of AI and machine learning, under schemes like the **National e-Governance Plan in Agriculture.**

○ Area Under Precision Farming

- Precision farming in India is still at a nascent stage, with a limited area under coverage, mostly in states like Punjab, Haryana, Maharashtra, and Andhra Pradesh.
- The technology has been mainly adopted in large commercial farms and regions with advanced irrigation facilities.

○ Challenges in India

- **Fragmented Land Holdings:** The small size of farms in India poses a challenge for the large-scale implementation of precision farming technologies.
- **Cost and Awareness:** Small farmers often lack awareness and resources to invest in high-tech solutions.
- **Infrastructure Gaps:** Lack of robust digital infrastructure in rural India limits the reach of precision farming tools.

SMART PRECISION HORTICULTURE PROGRAMME

Govt plans ₹6,000-cr scheme to boost precision farming

Likely to cover 15,000 acres in 5 yrs, benefit 60,000 farmers

HARIKISHAN SHARMA
NEW DELHI, SEPTEMBER 16

THE CENTRE is contemplating to earmark ₹6,000 crore to promote precision farming, a modern approach that uses smart technology such as Internet of Things, Artificial Intelligence, drones and data analytics to boost production through maximal use of resources while minimising environmental impact.

Union Ministry of Agriculture is planning a Smart Precision Horticulture Programme under the existing Mission for Integrated Development of Horticulture (MIDH) scheme, it is learnt.

It will cover 15,000 acres of land in five years from 2024-25 to 2028-29 and is expected to benefit about 60,000 farmers, sources said. At present, the Agriculture Infrastructure Fund (AIF), launched during Covid-19, has provisions for financing infrastructure projects for smart and precision agriculture.

Under AIF, individual farmers as well as farmers' communities such as Farmer Producer Organi-

EXPLAINED
E Positive impact

SMART AND precision agriculture maximises use of resources like water, fertilisers and pesticides to increase production quality and quantity, all while insulating farmers from vagaries of climate change and other uncertainties, besides ensuring sustainable farming.

nization, Primary Agricultural Credit Societies and SHGs are eligible for loans with interest subvention of 3% for using technological solutions in farm practices. These practices include farm/harvest automation; purchase of drones, putting up specialised sensors on field; use of blockchain and AI in agriculture; remote sensing and Internet of Things (IoT). Apart from offering financial support, the Centre is also consid-

ering collaborating with the Netherlands and Israel, where tech-based modern farming solutions are being used, through Centres of Excellences (CoEs), the sources said. The number of CoEs is likely to be 100 in the next five years. Under Indo-Israel Agriculture Project, 32 CoEs have already been set up across 14 states.

The Centre has also set up 22 Precision Farming Development Centres (PFDCs) across the country to test new technologies and modify them according to local needs.

According to the Ministry, these 22 PFDCs are located across State/Central Agricultural Universities, ICAR Institutes and IITs in TN, Karnataka, Madhya Pradesh, Odisha, Rajasthan, Haryana, Telangana, West Bengal, Ladakh, UP, Punjab, Gujarat, Uttarakhand, Maharashtra, Chhattisgarh, Jharkhand, Bihar, Himachal Pradesh, Kerala, Manipur and Assam. Besides, funds are released to states/UTs for projects involving use of AI and machine learning, under schemes like the National e-Governance Plan in Agriculture.

- **Proposal to launch scheme to boost precision farming**
 - **Scheme to promote precision farming**
 - The Indian government is planning to allocate Rs 6,000 crore to promote precision farming.
 - It will utilize smart technologies like IoT, AI, drones, and data analytics to enhance productivity and resource efficiency while reducing environmental impacts.
 - The **Union Ministry of Agriculture** is working on launching a **Smart Precision Horticulture Programme** under the **Mission for Integrated Development of Horticulture (MIDH)**.
 - **Coverage**
 - The scheme will cover 15,000 acres of land in five years from 2024-25 to 2028-29 and is expected to benefit about 60,000 farmers.
 - **Role of Agriculture Infrastructure Fund (AIF) in promoting precision farming**
 - Currently, the AIF has provisions for financing infrastructure projects for smart and precision agriculture.
 - Under AIF, individual farmers as well as farmers' communities such as Farmer Producer Organization, Primary Agricultural Credit Societies and SHGs are eligible for loans **with interest subvention of 3% for using technological solutions in farm practices**.
 - These practices include:
 - farm/ harvest automation;
 - purchase of drones, putting up specialised sensors on field;
 - use of blockchain and AI in agriculture;
 - remote sensing and Internet of Things (IoT).
 - **Collaboration with other countries to promote precision farming in India**
 - The government is also collaborating with countries like the **Netherlands** and **Israel** for advanced farming solutions, with a plan to establish **100 Centres of Excellence (CoEs)** in five years.
 - Already, **32 Indo-Israel CoEs** have been set up in 14 states.

3. Why Supreme Court must look into Compensation for Surrogates GS 2 (Social Issues)

- **Why in News:** Since the enforcement of the **Surrogacy (Regulation) Act and the Assisted Reproductive Technologies (Regulation) Act, 2021**, several concerns have emerged, particularly regarding the prohibition on payments to surrogate mothers. These concerns are currently being challenged in the Supreme Court for their constitutional validity. The debate centers on whether the prohibition on payments to surrogates adequately addresses potential exploitation and if it properly compensates the labor involved in surrogacy.
- **Concerns with Prohibition on Payments**
 - **Legal and Ethical Issues:** The Surrogacy Act prohibits **any form of payment to surrogates**, limiting **compensation to medical expenses and insurance coverage**. This prohibition may exploit surrogates by undervaluing their labor and failing to address the power imbalances between surrogates, commissioning parents, and clinics.

Pay the bearer

As SC hears challenges to Surrogacy Act, compensation in such arrangements requires closer examination



SNEHA BANERJEE

SINCE THE ENFORCEMENT of the Surrogacy (Regulation) Act and the Assisted Reproductive Technologies (Regulation) Act, 2021, several concerns have emerged, particularly regarding the prohibition on payments to surrogate mothers. These concerns are currently being challenged in the Supreme Court for their constitutional validity.

The first twist that courts in India had with surrogacy in the 2000s, were cases of children who can be at risk of being rendered stateless when they were born out of transnational surrogacy arrangements, which have been effectively banned since 2016. More recently, courts have also examined the status of parenthood via surrogacy with regard to maternity leaves, and various issues around the eligibility for commissioning parents as well as women who can act as a surrogate. *Jyotiresh Wad* is Union Ombudsman (2016) argued for prohibition on commercial surrogacy, which was brought about by the Surrogacy Act. However, there hasn't been a close examination of the question of payments to the women who act as surrogates which would follow from considering the nature of their labour.

The Surrogacy Act prescribes a prohibition on "buying or trading the services of surrogate motherhood by way of giving payment, reward, benefit, fees, remuneration or monetary incentive in cash or kind, to the surrogate mother or her dependents or her representative." Any "willing woman" between the ages of 25 to 35 years can act as a surrogate, once in her lifetime, altruistically, which includes coverage of medical expenses and a provision for insurance. Her informed consent is obtained through a form that delineates her rights and duties, including an "agreement" that she will "relinquish all rights" over the child upon birth. Some clauses in this also indicate that she is providing "help" to the seedless of surrogacy.

Payment to surrogate was a regular practice in the private healthcare sector that provisioned surrogacy as one of the options for seedless of infertility treatment. Various drafts of the ART Bills that included provisions to regulate surrogacy, also recognised it. It was in

2016, when a separate Surrogacy Bill was announced, that a prohibition on payments was proposed. There have been legitimate concerns of possible exploitation around the hierarchy between intending couples and clinics on the one hand and poor or distressed women who act as surrogates at the behest of intermediaries, on the other. It remains debatable if removal of provisions for any kind of payment to the surrogate necessarily addresses this concern.

Another important argument against a payment model has been that it amounts to the sale of children. The draft ART Bills addressed this by proposing schedules of payment at different points in the pregnancy, so that it is simply clear that the payment is for the "service" of gestation.

It is also noteworthy that surrogacy is a mediated practice, given that gestational surrogacy requires intrusive medical intervention. It is also now a regulated practice with a central role of various bodies like the appropriate authority, district, state and national boards that receive applications, certify eligibility and redress grievances. Surrogacy is referred to variously as a "practice" and a "procedure", in the Act. The term "service" is carefully deployed, primarily to refer to what the clinics do, and is used in the context of defining commercial surrogacy as such as "services of surrogate motherhood". So, if the "service" is what is paid for, what the women acting as surrogates are thought of as providing is "help". Therefore, the expenses incurred are sought to be provided for as an insurance cover that addresses damages and in the worst-case scenario, compensation for death. It is worth pondering over: If compensation is deemed appropriate for the death of the woman as a consequence of performing this labour, why can't compensation be given while they are alive?

Before its enactment, the Surrogacy Bills were examined by at least two Parliamentary Committees. The Department-related

Parliamentary Standing Committee of the Rajya Sabha's 102nd Report made some important recommendations for the 2016 Bill, which are relevant here. It noted that "Pregnancy is not a one-minute job but a labour of nine months with far reaching implications regarding her health, her time and her family. In the altruistic arrangement, the commissioning couple gets a child, and doctors, lawyers and hospitals get paid. However, the surrogate mothers are expected to practise altruism without a single penny." It recommended allowing "reasonable compensation" over and above medical expenses and insurance coverage. Compensation should be fixed by regulatory bodies and not according to the bargaining power of parties involved, it argued. Further, that "compensation should be commensurate with the lost wages for the duration of pregnancy, medical screening and psychological counselling of surrogate; child care support or psychological counselling for surrogate mother's own child; children, dietary supplements and medication, maternity clothing and post delivery care".

Transitioning from a primarily commercial arrangement that clinics and other intermediaries facilitated, to one where intending parents are to seek "help" from a "willing woman" to act as a surrogate, has not been smooth. On the one hand, there have been instances of arrangements going underground with reports of racketeering being busted. On the other, several of those who desire parenthood via surrogacy have struggled to find someone who would agree. Both these extremes show the need for regulating fair compensation. While the legislative intervention has set these important issues aside, it remains to be seen whether the Supreme Court views the question of fairness in compensation as distinct from the narrow logic behind prohibition.

The writer is a assistant professor, Department of Political Science, University of Hyderabad. Views are personal

- **Impact on Surrogate Mothers:** Historically, surrogate mothers received payments for their services, which has been replaced by the **altruistic model** where compensation is limited to expenses and insurance. The argument that this prohibition equates to a form of child sale has been debated. Additionally, the disparity in how surrogate labor is valued compared to other medical and legal professionals involved raises concerns about fairness and recognition of the labor involved.
- **Parliamentary Recommendations:** Prior to the **Act's enactment**, the **Parliamentary Standing Committee** recommended allowing "**reasonable compensation**" beyond just medical expenses. It suggested compensation for lost wages, psychological counseling, and other support for surrogates. This recommendation reflects the recognition of surrogacy as a significant labor and suggests that fair compensation should be provided to avoid exploitation and ensure ethical practices.
- **Fallout of the Act**
 - **Underground Practices:** The prohibition has led to instances where surrogacy arrangements go underground, with reports of illegal surrogacy rackets. This suggests that while the law aims to regulate surrogacy, it may inadvertently push practices into exploitative environments.
 - **Struggles in Surrogacy Arrangements:** The shift has made it challenging for intending parents to find willing surrogates.
 - **Supreme Court's Role:** The Supreme Court's examination of these issues will be critical in determining whether the prohibition on payments adequately addresses concerns of fairness and exploitation. The Court's decision will impact the future regulation of surrogacy and ensure that surrogates are fairly compensated for their labor.

4. Two Years of Project Cheetah **GS 3 (Environment)**

- **Why in News:** An ambitious project of the Central government of reintroducing Cheetahs in India successfully completed two years after being declared extinct in 1952. The **Cheetah Action Plan (CAP)** is India's initiative to reintroduce African cheetahs into the country's ecosystems.
- **What is Project Cheetah?**
 - **Launched in:** 2022
 - **Project Cheetah** is India's ambitious attempt to introduce African cats in the wild in the country. Cheetah were the only large carnivore species that went extinct in Independent India.
 - The project is the first-ever intercontinental translocation of the big cats.
 - As part of the project, 20 cheetahs have been brought to the **Kuno National Park in Madhya Pradesh** so far -- eight from Namibia in September 2022 and 12 from South Africa in February 2023.
 - **Current status:**
 - Since they arrived in India, eight adult cheetahs -- three females and five males -- have died.
 - Seventeen cubs have been born in India, with 12 surviving, bringing the total number of cheetahs, including cubs, in Kuno to 24. Currently, all are in enclosures.
 - **Objective:** Introduce African cheetahs to India to **conserve the species** and **restore degraded dry-open forest/savanna ecosystems**. The cheetahs are intended to boost eco-tourism and benefit local communities.
 - **Timeline:** The population is expected to reach Kuno National Park's carrying capacity in about 15 years and the wider landscape in 30-40 years.
 - **Why Kuno National Park?** Kuno was chosen as the most suitable location among ten surveyed sites due to its habitat and prey base. However, cheetahs have been held captive here longer than planned.

Project Cheetah audit: Lack of coordination between Centre, state, 'unjustified' expenses

KNP officials say report not final, will respond to all questions raised

ANAND MOHAN J
BRIEFAL, SEPTEMBER 16

A REPORT by the Accountant General of Madhya Pradesh has flagged concerns over the management of Project Cheetah at Kuno National Park (KNP), highlighting a "lack of coordination" between central and state government departments as well as issues regarding expenditure.

The concerns were raised in a sample audit of records -- from August 2019 to November 2023 -- that was made public Monday in response to an RTI query by wildlife activist Ajay Dubey.

Senior officials at KNP said the audit was ongoing and not final. "These are not allegations, just questions that will be answered in the coming months. It is wrong to state this is a final report. We will give all responses in coming phases," an official said.

KNP director Uttam Sharma declined to comment on the issue. The audit flagged that there was no mention of cheetah reintroduction "in the work plan and management plan", and that "there are no documents detailing where the cheetah reintroduction work began and how it started".

The audit noted that Kuno was to be developed as an alternate habitat for Asiatic lions, as per the Supreme Court's decision dated April 15, 2013, and the state government was "completely serious" about it.

"Thus, it was not clear whether the cheetah reintroduction would be conducted within Kuno National Park. Consequently, no management plan specifically addressing cheetah reintroduction is available," the report said.

The cheetah reintroduction is being conducted according to the Cheetah Action Plan 2021 prepared by the Centre. The report said: "It is evident from the statements of the Forest Division there was a lack of coordination between the departments of the Government of India and the Government of Madhya Pradesh."

"It is also clear the ground staff and the Forest Division were not involved in site selection of the cheetah reintroduction study. The matter has been



Cheetah reintroduction is being conducted according to Cheetah Action Plan 2021

brought to the attention of the government," it said.

The report also flagged an "unjustified" expenditure of over ₹50 lakh under labour expenses. It was mentioned in work plan of the Kuno Wildlife Division that "employment and alternative sources of income for the local residents near forests should be provided". The audit noted that "from September 2022 to June 2023, it was found that, in more than eight cases, brushwood removal and trench deepening work, amounting to INR 9,10,568, was carried out using JCB machines instead of labourers, contrary to the directions."

The audit further said there were irregularities in the construction of a 59-km wall. It said "67 fewer bags of cement were used than required, leading to a substantial construction", and that there was an excess payment of ₹4,14,144. It also said that royalty was not deducted for materials such as sand, gravel, stone and boulders used in the construction, which indicated a loss of revenue. "The Forest Division said discrepancies in cement usage and payments were "due to technical reasons and corrective measures would be taken in future projects". According to audit report, from 2021-22 to 2023-24 (up to January 2024), the expenditure on Project Cheetah was ₹44,14 crore, which "was not in accordance with approved management plan". It highlighted DFO Prakash Kumar's transfer long after he received training from Namibia, saying the "benefits of this training could not be utilised in the cheetah reintroduction".

- Additional sites like **Banni Grasslands** in Gujarat and **Nauradehi Wildlife Sanctuary** in Madhya Pradesh are being considered for cheetah introduction.

• **Current Issues with the Project**

- **Extended Captivity:** The cheetahs have faced **prolonged captivity**, far beyond the planned 1-2 months. This extended confinement has led to concerns about their readiness for the wild.
- Radio-collared males and females were supposed to be released in stages but have faced delays. The extended captivity may affect their ability to adapt to the wild.
- **Cheetah Fatalities:** Several cheetahs have died due to **health issues or accidents**. Problems include pre-existing health conditions, improper management, and environmental stressors.

5. **Indian military export to Israel — aiding genocide** **GS 2 (International Relations)**

- **Why in News:** The Supreme Court of India recently dismissed a petition by former civil servants, academics, and activists in the case of **Ashok Kumar Sharma and Others vs Union of India**. The petition sought to suspend existing and future licences for the export of military equipment to Israel, citing concerns over international humanitarian law violations amid ongoing conflict in Gaza. The Court's decision raises questions about judicial review limits on executive foreign policy decisions, especially concerning international humanitarian law.

Indian military export to Israel — aiding genocide

A Bench of the Supreme Court of India, headed by the Chief Justice of India, recently dismissed a petition filed by former civil servants, academics, and activists. The petition, in **Ashok Kumar Sharma and Others vs Union of India**, had sought the suspension of existing licences and the withholding of further licences by the government to public sector and private companies, for exporting military equipment to Israel during the ongoing war. While the Court made it clear that it was not ruling on the merits of the case, it went on to issue a somewhat detailed judgment. The dismissal raises important questions about the limits of judicial review over executive decisions in matters of foreign policy and especially where there are grave violations of international humanitarian law.

ICJ opinion
The challenge was in view of the International Court of Justice (ICJ), in January, ordering provisional measures against Israel, for violations in the Gaza strip, of obligations under the Genocide Convention. The provisional measures included an immediate halt to all killings and destruction being perpetrated by Israel. In light of this judgment, United Nations experts warned against the transfer of weapons to Israel which may "constitute serious violation of human rights... and risk state complicity in international crimes". In July, the ICJ rendered a detailed opinion declaring that the sustained abuse by Israel renders "Israel's presence in the Occupied Palestinian Territory unlawful". The ICJ observed that "all States are under an obligation not to render aid or assistance in maintaining the situation created by Israel's illegal presence". Earlier, in an advisory opinion before it regarding military support by Germany to Israel (Nicaragua vs Germany), the ICJ had significantly stated that "the Court considers it particularly important to remind all States of their international obligations relating to the transfer of arms to parties to an armed conflict, in order to avoid the risk that such arms might be used to violate the above-mentioned Convention". Following this, there have been challenges to the export of arms to Israel in various global jurisdictions, with the Hague Court of Appeal ordering the Dutch government to halt the export of F-35 fighter jets to Israel given the risk that "components to be exported to Israel will be used to commit crimes, violations of international law". Many countries that are parties to the Geneva and Genocide Conventions have halted the supply of military equipment to Israel, in furtherance of these binding obligations. Canada, Spain and even the United Kingdom have suspended licences of companies supplying arms to Israel.

As a party to these Conventions, India has similar obligations incumbent upon it. India is obligated under the Genocide Convention to take all measures within its power to prevent genocide. Article II of the Convention makes states' complicity in genocide a punishable offence. The obligation not to supply weapons to states that are possibly guilty of war crimes is an obligation directly based on common Article I of the Geneva Conventions. The principles in these Conventions are peremptory norms of international law. India, therefore, cannot export any military equipment or weapons to Israel, when there is a serious risk that these weapons might be used to commit war crimes.

Where the Supreme Court failed
In its judgments, the Supreme Court of India has held that India is under obligation to interpret domestic law in the light of the obligations under the conventions and treaties that India has signed and ratified. However, the Court while dismissing the present case has held, that first, international obligations are not binding, since the country (Israel) which is in violation of international law (the Genocide Convention), was not before the Court. The state of Israel was not a party before the Court in such a challenge is irrelevant, since no relief was being sought against Israel, but against the government of India and private companies exporting arms to Israel, thereby violating international law obligations. The Court further stated that the petitioner's submissions were with regard to the "conduct of an independent sovereign nation, namely Israel" and that to grant the relief sought, it would have to enter findings with regard to the petitioner's allegations against Israel. Again, the allegations by the petitioners were with respect to the conduct of Israel in sanctioning military exports, thereby abetting genocide. And the determination of the conduct of the state of Israel was premised on the ICJ, that had in a detailed order of the full court, while ordering provisional measures against Israel, noted the numerous reports by UN Special Reporters and international aid organizations documenting how Gaza was a place of "death and despair". The Court's rationale is also inadmissible given its judgments that "Constitutional provisions must be read and interpreted in a manner which would enhance their conformity with the global human rights regime... and the Court must adopt an interpretation which abides by the international commitments made by the country particularly where its constitutional and statutory provisions indicate no deviation" (2017) 10 SCC 1. The ICJ has also held that states that are party to a particular convention "whether or not it is a party to a specific conflict, is under an obligation to ensure that the requirements of the

instruments in question are complied with" (Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports 2004 (II), pp. 199-200), paragraph 180. Such an obligation "does not derive only from the Conventions themselves, but from the general principles of humanitarian law to which the Conventions merely give specific expression" (Nicaragua vs United States of America). Second, the Court reasons that seeking a suspension of licences with regard to contracts with international entities, including with the state of Israel, may involve a breach of contracts and other factors. Certainly, that is what the petitioners prayed for - a halt to all licences for the export of military arms to Israel in view of the genocide and yes, pending contracts. The Court's fear that this would lead to a breach of contract is misplaced, because any party to a contract to export arms can always claim four major reasons, due to the outbreak of a war and genocide by Israel. The same situation would arise if the Government of India were to itself suspend the licences, which it can do in such situations, as done by many other countries. Being aware of the serious risk that acts of genocide could have been controlled by Israel, the government is bound to employ all means reasonably available to it to prevent genocide, which would include suspension of export licences for military aid to Israel. No contracting party can argue and let alone the court endorse as it does in this case, that licences cannot be suspended by the government in a situation of genocide because it affects the "financial viability" of the companies concerned. And, third, the "self-imposed restraint on Courts entering areas of foreign policy" was raised as another bogey to dismiss the challenge. India has binding commitments under international law, especially in the context of the application of Conventions that it has signed and ratified, and once the Supreme Court has held that such international law obligations which are not contrary to municipal law, must be read into the law of our land, the Court must step in to exercise its judicial discretion and caution the executive government when it acts in violation of these laws.

The fallout
In the midst of an unimaginable humanitarian crisis in Palestine and the international outcry against Israel's continuing genocide, the Supreme Court's failure to ensure that the Indian government halts its military aid to Israel and complies with its commitments under international law, will have serious repercussions in this war and its devastation that continues unabated.

• **Judicial Review Limits**

- **Court's Dismissal Rationale:** The Supreme Court declined to rule on the merits, focusing instead on procedural aspects. It stated that **international obligations are not binding** in this context, as **Israel was not a party to the case**. This approach overlooks the fact that the challenge was directed at the Indian government and companies, not Israel.
- **International Obligations and Domestic Law:** The Court's reasoning contradicts its previous judgments, which emphasized **interpreting domestic law in light of international obligations**. Despite the ICJ's detailed orders and obligations under conventions like the **Genocide Convention**, the Court failed to enforce these international norms domestically.
- **Foreign Policy and Contractual Concerns:** The Court cited potential breaches of contract and other fallout as reasons for dismissing the petition. It overlooked that the government could invoke force majeure to halt arms exports due to international legal obligations, thus prioritizing commercial interests over humanitarian concerns.

• **Fallout of the Decision**

- **Impact on Humanitarian Crisis:** The Supreme Court's dismissal could impede efforts to halt military aid to Israel, amidst severe humanitarian crises in Gaza. This inaction might contribute to the ongoing devastation and international criticism of Israel's conduct.
- **Judicial Review in Foreign Policy:** The decision underscores the constraints of judicial review over executive actions in foreign policy, especially in contexts involving humanitarian law violations. It highlights a gap in enforcing international legal commitments within domestic judicial frameworks.
- **Legal and Ethical Implications:** The Court's stance raises significant concerns about India's adherence to its international legal obligations, potentially undermining global trust in India's commitment to human rights and humanitarian laws.

6. How do Emergency Provisions Impact Centre-State Relations? GS 2 (Governance)

• Introduction:

- The recent surge in violence in Manipur has reignited discussions on Centre-State relations in India, particularly regarding the use of emergency provisions.
- These provisions allow the central government to intervene in the affairs of state governments under specific circumstances.

How do emergency provisions impact Centre-State relations?

What is the federal structure of governance in India? How do Articles 355 and 356 affect federalism?

Rangarajan R.

The story so far:
The recent spate of renewed violence in Manipur has once again triggered the discussion around Centre-State relations and the use of emergency provisions by the Centre.

What is our federal set up?
India is a federation with governments at the Centre and the States. The Seventh Schedule to the Indian Constitution distributes the power between the Union and States. Under this scheme, it is the domain of the State governments to maintain law and order in their respective States.

What are emergency provisions?
The emergency provisions are provided in Part XVIII of the Constitution. Articles 355 and 356 deal primarily with the affairs of government in a State under the part. Article 355 imposes a duty on the Centre to protect every State from external aggression and internal disturbance. It

also specifies that the Centre should ensure that every State government operates according to the Constitution. Article 356 allows for the imposition of the President's rule if a State's government cannot function in accordance with constitutional provisions. While in the U.S. and Australia, federal government functions also involve protecting States, their constitutions do not contain provisions for removing State governments.

R. R. Ambedkar explained the purpose of Article 355, keeping in mind the federal character of our polity, that if the Centre is to interfere in the State's administration under Article 356, it must be by or under some obligation which the Constitution imposes on the Centre. Hence, Article 355 was incorporated to check any arbitrary or unauthorised use of Article 356.

What have the courts ruled?
Dr. Ambedkar again in the constituent Assembly wished that Article 355 and 356 would never be called into operation and would remain a dead letter. However, it was a travesty of the Constitutional

principles and federalism that Article 356 was amended on several occasions removing elected governments that enjoyed majority in the States. Reasons varied from loss in Lok Sabha elections to deterioration of law and order in the States. It was only after the Supreme Court's categorical judgement in the *S.R. Bommai* case (1994) that such misuse was restricted. The court held that Article 356 should be imposed only in the event of a breakdown of constitutional machinery, as distinguished from an ordinary breakdown of law and order. It also held that the imposition of the President's rule is subject to judicial review and should not be misused for political reasons.

On the other hand, the scope of Article 355 has been widened by various Supreme Court rulings. In *State of Rajasthan Vs Union of India* (1977), the court had a narrow interpretation of Article 355 as justifying the employment of Article 356. However, in subsequent cases such as *Naga People's Movement of Human Rights Vs Union of India* (1998), *Sarkamdas Chowdhury Vs Union of India* (2005), and *H.S. Gann Vs Union of India*

(2005), the scope of Article 355 has been expanded. The court has held that the Centre has a duty to ensure that the State government functions in accordance with the Constitution. The court has also held that the Centre has a duty to ensure that the State government maintains law and order. The court has also held that the Centre has a duty to ensure that the State government protects the rights of its citizens. The court has also held that the Centre has a duty to ensure that the State government maintains the integrity of the State.

(1997), the legal position with respect to Article 355 has shifted. The scope of actions under this article has been widened to permit all statutorily and constitutionally available actions by the Union to discharge its duties of protecting the State and ensuring that its governance is in accordance with the Constitution.

What are the suggestions?

The Sarkaria Commission on Centre-State Relations (1987), the National Commission to Review the Working of the Constitution (2002), and the Punchhi Commission on Centre-State Relations (2010) have all opined that Article 251 not only imposes a duty on the Union but also grants it the power to take necessary actions for the effective performance of that duty. Imposition of the President's rule under Article 356 must be used as a last resort in situations of utmost gravity and urgency.

The situation in Manipur is grave. Large-scale violence against innocent civilians, women and children, looting of ammunition from police armory, drone and missile attacks targeting civilians cannot be viewed as just an ordinary breakdown of law and order.

Constitutional as well as political expediency, considering that the same party is in power at the Centre and the State, has resulted in Article 356 not being invoked. However, under Article 355, all possible institutions and agencies should continue to be pursued to restore normalcy at the earliest.
Rangarajan R is a former IAS officer and author of 'Tolly Simplified'. Views expressed are personal.

THE GIST

India's federal system divides powers between the Union and State governments, with States responsible for maintaining law and order.

Articles 355 and 356 of the Constitution allow the Centre to intervene in States under certain conditions. Article 355 mandates the Centre to protect States from external and internal threats, while Article 356 permits the imposition of President's rule if a State's government fails to function according to the Constitution.

• India's Federal Structure:

- India operates under a federal system, where governance is shared between the Centre and the States.
- The Constitution, through its **Seventh Schedule**, divides powers between the two levels of government.
- Law and order are primarily the responsibility of the State governments.
- However, in cases where there is a breakdown of governance, the Centre has the authority to intervene under certain emergency provisions.

• Understanding Emergency Provisions:

- The emergency provisions are encapsulated in **Part XVIII of the Constitution**, specifically **Articles 355 and 356**.
- Article 355 mandates the Centre to protect states from external aggression and internal disturbances, while ensuring that state governments function according to the Constitution.
- Article 356 grants the Centre the power to impose President's Rule in a state if it fails to comply with constitutional norms. These provisions are unique to
- India, as similar federal systems like the U.S. and Australia do not allow the central government to remove state governments.

• Historical Context and Judicial Interpretation:

- B.R. Ambedkar, while drafting these provisions, expressed hope that they would remain unused.
- However, **Article 356 has been misused on numerous occasions to remove state governments**, often for political reasons.
- It was only after the landmark 1994 Supreme Court judgment in the **R. Bommai case** that limitations were imposed on the use of Article 356.
 - The court ruled that **it could only be invoked in cases of a constitutional breakdown**, not merely for a law-and-order issue.
 - Additionally, the **court emphasized that the imposition of President's Rule would be subject to judicial review**.
- On the other hand, the scope of Article 355 has expanded through various court rulings.
- Initially interpreted narrowly, cases like **Naga People's Movement of Human Rights vs Union of India** (1998) have broadened its application, allowing the Centre to take a wider range of actions to fulfil its duty of protecting states.

• Recommendations from Various Commissions:

- Several commissions have examined the use of emergency provisions in Centre-State relations.
- The **Sarkaria Commission (1987)**, the **National Commission to Review the Working of the Constitution (2002)**, and the **Punchhi Commission (2010)** all concur that Article 355 places a duty on the Union government, but any actions under Article 356 should be used as a last resort.
- They emphasize that it should only be invoked in extreme situations.

- **The Case of Manipur:**

- The violence in Manipur has brought the issue of emergency provisions to the forefront once again.
- The situation in the state, marked by widespread violence, looting of police ammunition, and targeted attacks, goes beyond a simple law-and-order breakdown.
- Yet, despite the severity of the crisis, Article 356 has not been invoked.
- This is likely due to political considerations, as the same party holds power both at the Centre and the State.
- However, Article 355 is being utilized, and the Centre is taking steps to restore normalcy through various instructions and actions.

- **Conclusion:**

- While India's federal structure emphasizes state autonomy, emergency provisions like Articles 355 and 356 give the Centre considerable power to intervene when necessary.
- However, these provisions must be used judiciously to maintain the delicate balance between the Centre and the States.
- The situation in Manipur highlights the complexities of this relationship, where political, constitutional, and legal factors all play a role in determining the extent of the Centre's involvement.

7. India's Renewable Energy Revolution Story

GS 3 (Economy)

- **Why in News:**

- At the 4th Global Renewable Energy Investors Meet and Expo (RE-INVEST 2024) in Gandhinagar, the PM declared that **India's solar revolution story will be painted in gold** when the history of the 21st century is written.
- This is because installed **solar energy capacity in India has increased by 30 times in the last 9 years** reaching 89.43 GW (as of August 2024).
- The PM also highlighted that the **government has taken many big decisions in the green energy sector**.

- **Renewable Energy Installed Capacity in India:**

- **As of August 2024, Renewable Energy (RE) sources** (including large hydropower) have a **combined installed capacity of 199.52 GW**.
- The following is the installed capacity for Renewables:
 - Wind power: 47.19 GW
 - Solar Power: 89.43 GW
 - Biomass/Cogeneration: 10.35 GW
 - Small Hydro Power: 5.07 GW
 - Waste To Energy: 0.60 GW
 - Large Hydro: 46.92 GW
- As per REN21 Renewables 2024 Global Status Report, **India stands 4th globally** in RE installed capacity (including large hydro), **4th in Wind Power capacity and 5th in Solar Power capacity**.

- **Growth of Renewable Energy Installed Capacity in India:**

- India's installed non-fossil fuel capacity has **increased 396% in the last 8.5 years** and stands at more than 207.76 GW (including large hydro and nuclear), which is **about 46% of the country's total capacity**.
- **The country has set an enhanced target** at the UNFCCC's COP26 (Glasgow, 2021) of **500 GW** of non-fossil fuel-based energy by **2030** - the world's largest expansion plan in renewable energy under the **Panchamrit Pledge**

'Renewable energy sector will power India's growth'

At investors' meet in Gujarat, PM Modi outlines major announcements of his govt. in first 100 days of third term: says that India is first G-20 country to reach the Paris climate goals ahead of time

The Hindu Bureau
AHMEDABAD

Prime Minister Narendra Modi on Monday inaugurated the fourth Global Renewable Energy Investors Meet and Expo (RE-INVEST) in his home State of Gujarat, and said that India was at the forefront of harnessing renewable energy sources, including solar power, to fight climate change.

Speaking on the occasion, Mr. Modi said 140 crore Indians had pledged to make the country the world's third largest economy, and the renewable energy sector would power the country's rapid economic growth in the years to come.

Sustaining at the top
"India aims to not only reach the top but to sustain at the position," Mr. Modi said, adding that the world believes India is the best bet of the 21st century.

"India is preparing a base not only for today but for the next thousand years," he said, adding that in the first 100 days of his



PM Narendra Modi addressing the fourth Global Renewable Energy Investors Meet & Expo in Gandhinagar on Monday. [AP/SOHA](#)

third term, the government had taken multiple decisions to expand physical and social infrastructure.

Mr. Modi outlined some of the major announcements of his government this time, including the decisions to create 12 new industrial cities and eight high-speed road corridor projects; the launch of over 15 semi-high speed Vande Bharat trains; promoting research with the inception of a fund worth ₹1 trillion; various initiatives to drive e-mobility; high performance biomanufacturing; and the Bio-E3 poli-

cy. The creation of a viability gap funding scheme for offshore wind energy projects worth more than ₹7,000 crore was a big move to promote off-shore wind farms in the coastal States, he said.

India has been well aware of its energy requirements to make it a developed nation by 2047, and had decided to build its future on the basis of renewable energy sources, including solar power, wind power, nuclear power and hydro power, he said, because conventional energy supply sources were depleting and were also high-

ly polluting.

India is the first G20 nation to achieve the climate commitments set in Paris - nine years before the deadline," Mr. Modi said in his inaugural address at the event, in the presence of several Chief Ministers and other functionaries, and delegates from around 40 countries.

Lauding State governments for developing solar and wind energy infrastructure, he emphasised the government's target of achieving 500 GW of renewable energy by 2030, and said the government had "turned the green transition into a people's movement".

During his speech, the Bharatiya Janata Party (BJP) leader also recalled his re-election as Prime Minister for a third term, and added that the country's aspirations were the reason for it.

Mr. Modi also stressed that the poor, Dalits, and the deprived believed that the government's third term would become a guarantee for a dignified life for the marginalised sections of society.

- **Key Growth Drivers of Renewable Energy in India:**
 - **Government commitments:**
 - **Reduce India's total projected carbon emission** by 1 Bn tonnes by 2030,
 - **Reduce the carbon intensity** of the nation's economy by less than 45% by the end of the decade, an
 - **Achieve net-zero** carbon emissions by 2070.
 - **Proposed solar cities and parks:**
 - The government approved solar city per state and the setting up of 57 solar parks of 39.28 GW capacity across the nation.
 - The government is also giving a push to **Floating PV Projects**.
 - **National Green Hydrogen Mission:** The government launched the mission with an aim to produce 5 million metric tonne (MMT) green hydrogen per annum with an associated renewable energy capacity of about 125 GW by 2030.
 - **Off-shore Wind Energy:** The medium and long-term targets for off-shore wind power capacity additions are 5 GW by 2022 and 30 GW by 2030.
 - **Wind-Solar Hybrid Policy:** In 2018, national policy was announced to promote an extensive grid-connected wind-solar PV hybrid system for efficiently utilising transmission infrastructure and land.
 - **AatmaNirbhar Bharat:** The PLI scheme in Solar PV manufacturing was introduced under AatmaNirbhar Bharat.
 - **Promoting FDI:** Up to 100% FDI is allowed under the automatic route for renewable energy generation and distribution projects subject to provisions of the Electricity Act 2003.
 - **Union Budget 2024 Highlights:**
 - The Centrally Sponsored Scheme for Solar Power (Grid) has been allocated INR 10,000 Cr.
 - **PM-Surya Ghar Muft Bijli Yojana** has been allocated INR 6,250 Cr. Under this scheme, the government provides funds and helps in installation of solar rooftops in every household.
 - Exemption of Basic Customs Duty (BCD) on imports of 25 critical minerals important for the renewable energy sectors has also been announced.
- **About the RE-INVEST 2024:**
 - Organised by the **Ministry of New and Renewable Energy (MNRE)**, Government of India, **RE-Invest is a global platform** bringing together key players in the renewable energy sector.
 - **The conference will delve into the future of energy**, exploring trends, technologies, and policies shaping the global renewable energy landscape and help in achieving **UN SDGs 7 and 13**.
 - **This unique platform will foster collaboration**, knowledge sharing, and investment opportunities to advance India's renewable energy goals.
- **Government Initiatives/ Achievements in the Green Energy Sector Highlighted by the PM at the RE-INVEST 2024:**
 - **A new Bio E3** (Biotechnology for Economy, Environment, and Employment) policy has been approved for promoting high performance bio manufacturing.
 - For offshore wind energy projects, **a viability gap funding scheme** has been approved with an outlay of ₹Rs 7000 crore
 - The Union government has set aside a **₹1 trillion research fund** for taking several initiatives for electric mobility and high-performance bio manufacturing.
 - **India is the first G-20 country to meet climate commitments** made in Paris nine years before the deadline.

MCQ Current Affairs

17th Sept, 2024

1. Which one of the following best describes 'Syntretus perlmani', recently seen in the news?

- a) A viral pathogen
- b) A rare type of beetle species
- c) A new species of parasitoid wasp
- d) A newly identified species of butterfly

2. Consider the following statements regarding the Line of Actual Control (LAC):

- A. It is a military demarcation line that separates the Indian and Pakistani-controlled parts of Jammu and Kashmir.
- B. It is not recognised as an official border.

Which of the statements given above is/are correct?

- a) A only
- b) B only
- c) A and B
- d) Neither of two

3. Consider the following statements regarding Integrated Ocean Energy Atlas:

- A. It provides information about the potential of ocean energy resources encompassing marine meteorological and hydrological energy forms.
- B. It is developed by the India Space Research Organisation (ISRO).

Which of the statements given above is/are correct?

- a) A only
- b) B only
- c) A and B
- d) Neither of two

4. Consider the following statements regarding CREATE setup:

- A. It is an initiative of the Union Ministry of Micro, Small & Medium Enterprises.
- B. It helps advance rural industrialization and fostering enterprise creation.

Which of the statements given above is/are correct?

- a) A only
- b) B only
- c) A and B
- d) Neither of two

5. Consider the following statements regarding Smart Precision Horticulture Programme:

- A. It is an initiative under the Mission for Integrated Development of Horticulture (MIDH) scheme.
- B. It uses smart technology like the Internet of Things, Artificial Intelligence, drones and data analytics to boost production.

Which of the statements given above is/are correct?

- a) A only
- b) B only
- c) A and B
- d) Neither of two

Answers Current Affairs
17th Sept, 2024

1. c
2. b
3. a
4. c
5. c

