

20th Dec, 2024

1. Crimes Against Humanity and an Obtuse Indian Stance GS 2 (Social Issues)

• Why in News:

- Recently, the United Nations General Assembly (UNGA) adopted a resolution approving the text of a proposed treaty for the prevention and punishment of crimes against humanity (CAH).
- The journey to this point began in 2019 when the International Law Commission submitted the draft text to the Sixth Committee of the UNGA.
- This development addresses a crucial gap in international criminal law and lays the foundation for a robust legal framework to prevent and punish CAH globally

• An Analysis of the Accountability Gap in International Law

○ Lack of a Legal Framework

- Crimes against humanity (CAH) are among the most egregious violations of international law, yet the legal framework governing them lacks the comprehensiveness and clarity afforded to other international crimes like genocide and war crimes.
- This gap stems from the absence of a dedicated treaty specifically addressing CAH, unlike the Genocide Convention of 1948 and the Geneva Conventions of 1949, which provide clear mandates and obligations for preventing and prosecuting these crimes.
- CAH, despite being codified in the Rome Statute of the International Criminal Court (ICC), suffer from limitations in enforcement and scope.
 - The Rome Statute, adopted in 1998, is the treaty that established the ICC to prosecute individuals for genocide, war crimes, crimes against humanity, and aggression.
 - It aims to ensure accountability for serious international crimes and promote global justice.

○ The Jurisdictional Challenge of the ICC

- One of the primary accountability challenges lies in the ICC's limited jurisdiction.
- As a treaty-based institution, the ICC can only exercise jurisdiction over crimes committed on the territory of its member states or by their nationals, unless the United Nations Security Council refers a case to it.
- This limitation excludes a significant number of states, including major global players, from the ICC's reach
- It creates a jurisdictional void where perpetrators in non-member states can evade justice.
- Without a dedicated treaty obligating broader state cooperation, many CAH cases remain unaddressed.

○ Individual Versus State Accountability

- Another issue is the Rome Statute's focus on individual criminal responsibility, which, while vital, does not account for state accountability.
- Genocide and war crimes treaties create state obligations to prevent and punish these crimes, enabling legal actions at the state level.
- For example, The Gambia's 2019 case against Myanmar at the International Court of Justice (ICJ) was made possible because the Genocide Convention includes provisions for state responsibility.
- A CAH treaty could similarly empower states and international bodies to hold governments accountable for failing to prevent CAH, reinforcing the principle that states share responsibility for safeguarding human rights.

Crimes against humanity and an obtuse Indian stance

On December 4, 2024, the UN General Assembly (UNGA) adopted a resolution approving the text of a proposed treaty governing the prevention and punishment of crimes against humanity (CAH) treaty. This marks the beginning of the negotiation process among states for the conclusion of a CAH treaty. This resolution comes five years after the International Law Commission submitted the draft text of the CAH treaty to the Sixth Committee – the primary forum for considering legal questions in the UNGA. This development is a landmark to the international community's quest to combat impunity for CAH.

There is a gap in accountability. Alongside genocide and war crimes, CAH are among the grave international crimes which the International Criminal Court (ICC), established under the Rome Statute, seeks to punish. Importantly, genocide and war crimes are also governed by dedicated treaties, i.e., the Genocide Convention of 1948 and the Geneva Conventions of 1949, respectively. However, CAH are governed only under the Rome Statute, which includes specific criminal acts such as murder, extermination, enslavement, deportation, torture, imprisonment, and rape committed as part of a 'widespread or systematic attack' directed against any civilian population, with knowledge of the attack. CAH were first codified in the 1948 London Charter establishing the Nuremberg Tribunal to prosecute and prosecute the crimes committed in connection with the Second World War, and later in the statutes of the International Criminal Tribunal for the former Yugoslavia and Rwanda. However, there is no dedicated treaty for CAH yet, creating a gap in terms of accountability in the legal architecture of international criminal justice. There are three reasons justifying the need for a CAH treaty.

First, the jurisdiction of the ICC covers a limited number of states, making it challenging to punish perpetrators of CAH in non-member states. Second, the Rome Statute and the ICC only address individual criminal responsibility. A dedicated CAH treaty would allow for holding states accountable under international law for their failure to prevent the commission of CAH, as is the case with the Genocide Convention of 1948. For instance, in 2009, The Gambia filed a case before the International Court of Justice (ICJ) against Myanmar for alleged violations of the Genocide Convention against the ethnic Rohingya population. A dedicated CAH treaty would create an obligation for state parties to adopt administrative, legislative, or judicial measures to prevent the commission of CAH. Failure to meet this obligation could become the basis for the ICJ jurisdiction if the CAH treaty so provides. Third, a CAH treaty presents an opportunity to enlarge the scope of CAH to include, as suggested by various states in the Sixth Committee, slavery of civilian populations, gender apartheid, forced pregnancy, the use of nuclear weapons, terrorism, exploitation of natural resources, and crimes against indigenous populations.

India's stand India is not a party to the Rome Statute and has consistently objected to the ICC's jurisdiction over issues such as the powers of the ICC, prosecution, the role of the UN Security Council under the Rome Statute, and the non-inclusion of 'use of nuclear weapons and other weapons of mass destruction' as a war crime. Further, India has argued that crimes committed only during armed conflicts – and not those committed during peacetime – should be considered CAH. Moreover, India does not favour the inclusion of 'forced disappearance' as an act that can constitute CAH. Instead, India advocates for the inclusion of 'terrorism' as an act amounting to CAH. India's response to a CAH treaty aligns with its aversion to the Rome Statute and the ICC. For the last few years, since 2019, India has consistently argued for an 'in-depth study' and thorough discussion on the need for a dedicated treaty. India's stance at the UNGA reflects its suspicion that a CAH treaty might duplicate the already existing regime under the Rome Statute. Further, India takes issue with the exclusion of 'terror-related acts' and the 'use of nuclear weapons' from the definition of CAH in the proposed treaty. Most importantly, reiterating that it is not a party to the Rome Statute, India has stressed at the UNGA that national legislations and the jurisdiction of national courts are more appropriate fora for dealing with CAH and other international crimes.

Lead the way Currently, India does not have domestic legislation prohibiting international crimes. In 2016, Justice S. Narasimha of the Delhi High Court in *State v. Sajjan Kumar* observed that 'neither crimes against humanity nor genocide have been made part of India's criminal law, a lacuna that needs to be addressed urgently'. Nevertheless, there is little or no debate on the need for such laws in the domestic legal and policy spaces. The recent amendments to the criminal law were a missed opportunity to include these crimes in the penal law. This is inconsistent with India's own insistence on the primacy of national and territorial jurisdiction for dealing with CAH. India should incorporate CAH and other international crimes into its domestic law, even if it is not a party to the Rome Statute, and lead the way in ending impunity for grave human rights violations – a role that India has a right to play.

- **India's Position on the CAH Treaty**

- **A Cautious Approach**

- **India's stance on the proposed CAH treaty reflects a cautious and calculated approach**, rooted in its broader concerns about international criminal justice mechanisms.
 - **As a non-signatory to the Rome Statute** of the ICC, India has consistently expressed **reservations about the ICC's jurisdiction**, the powers of its prosecutor, and the role of the United Nations Security Council (UNSC) in its framework.
 - **These concerns shape India's scepticism toward a CAH treaty**, even as the international community advances efforts to address the gaps in prosecuting such grave crimes.

- **Scepticism Toward the ICC Framework**

- **India's primary critique of the ICC** lies in its perceived **infringement on national sovereignty**.
 - **The ICC, through its jurisdiction, can investigate and prosecute individuals** from states that are not party to the Rome Statute if authorised by the UNSC.
 - **India views this provision as a potential overreach**, particularly when the UNSC's influence is often shaped by geopolitical considerations.
 - Additionally, **India has expressed concerns about the prosecutor's discretionary powers**, which it argues could lead to selective justice or politically motivated investigations.
 - **These reservations inform India's apprehension that a CAH treaty might inadvertently extend the ICC's influence** or create overlapping jurisdictions that undermine state sovereignty.

- **Disagreements on the Definition and Scope of CAH**

- India's position on CAH is also influenced by its **divergence from the existing definitions and scope proposed in international forums**.
 - While the **Rome Statute includes crimes such as enforced disappearance**, India **opposes its inclusion in the CAH framework**, arguing that it is not universally applicable or adequately defined.
 - Conversely, **India has strongly advocated for the inclusion of terrorism as a crime against humanity**, emphasising its global threat and the necessity for international recognition of its severity.
 - **India has also criticised the exclusion of nuclear weapons and other weapons of mass destruction from the definition of war crimes under the Rome Statute**, further fuelling its scepticism about the comprehensiveness of the proposed treaty.

- **Preference for National Jurisdiction**

- India's resistance to joining international treaties like the Rome Statute is rooted in its belief that **national legislations and judicial systems are better suited to address crimes against humanity and other international crimes**.
 - At the UN General Assembly, **India has consistently emphasised the primacy of domestic jurisdiction**, arguing that **local courts**, being more attuned to the specific social and political contexts, are **better equipped to ensure justice**.
 - However, **this argument reveals a contradiction: India lacks comprehensive domestic legislation addressing international crimes, including CAH**, leaving a critical gap in its legal framework.

- **Calls for Further Deliberation**

- For the past five years, **India has advocated for an in-depth study and thorough discussions on the need for a CAH treaty**.
 - It has argued that **duplicating the regime established under the Rome Statute could lead to inefficiencies and redundancies**.
 - **India's stance reflects a broader caution** about the potential proliferation of international legal mechanisms that may overlap or conflict with existing frameworks.
 - However, **this call for deliberation could also be interpreted as a delay tactic**, given India's **longstanding reservations about international criminal justice frameworks**.

• The Way Forward for India

- To align its stated preference for national jurisdiction with its international obligations, **India must prioritise the incorporation of CAH and other international crimes into its domestic legal framework.**
- **This move would not only address the current legal lacuna but also strengthen India's credibility on the global stage.**
- Moreover, **by actively engaging in negotiations on the CAH treaty, India could advocate for the inclusion of issues it deems critical**, such as terrorism and nuclear weapons, while shaping the treaty to reflect its interests and concerns.
- **Taking a proactive role in the CAH treaty process would allow India to reaffirm its commitment to justice and human rights**, positioning itself as a leader in the fight against impunity for grave international crimes.

• Conclusion

- **The adoption of the resolution for a CAH treaty is a landmark step in the international community's efforts to combat impunity for crimes against humanity.**
- **While India's reservations reflect legitimate concerns**, its lack of domestic legislation addressing international crimes undermines its position.
- **By enacting comprehensive laws against CAH, India can not only address this inconsistency but also lead the way in the global quest for justice**, embodying the role of a true global leader.

2. Coconut oil an edible oil or a haircare product GS 2 (Governance)

• Why in News:

- For over 15 years, the classification of coconut oil as an edible oil or a haircare product under India's tax regime remained unresolved.
- The Supreme Court, on December 18, 2024, ruled that coconut oil should be classified as an **edible oil** and taxed at a lower GST rate of 5% instead of 18% for haircare products. The court based its decision on the predominant use of coconut oil as a cooking medium, particularly when packaged in small quantities. This ruling resolves a long-standing ambiguity and aligns taxation with the product's primary usage.

Taxing coconut oil: Why SC said it is for eating, not hair care

AJOY SINHA KAPURAM
NEW DELHI, DECEMBER 19

SC COINVESTED in an edible oil or a hair care product for the purpose of taxation? After the judiciary at several levels probed the question for more than 15 years, the top court has made its decision: coconut oil is an edible oil, and should be taxed at a lower rate. And it does not matter that coconut oil is sometimes sold in small packets like personal care products. Edible oils currently attract a lower rate of Goods and Services Tax (GST) (5%) than hair care products (18%).

Tax on coconut oil
Before 2017, when the GST regime was implemented, provisions of the Central Excise Tariff Act, 1985 (CET Act) were applied to coconut oil.

After 2005, when the CET Act was amended, coconut oil was included under Section III — "Animal or Vegetable Fats and Oils and Their Changing Products, Prepared Edible Fats, Animal or Vegetable Oils" — and carried an excise duty of 8%.

Preparations for use on the hair" appeared under Section VI ("Products of the Chemical or Allied Industries") of the Act, and carried an excise duty of 16%.

This was in line with the Harmonised System of Nomenclature (HSN), international taxation norms published in 1986 by the World Customs Organisation, an inter-governmental body representing 180 customs administrations around the world.

In June 2009, the Central Board of Excise and Customs under the Department of Revenue of the Union Ministry of Finance issued a circular classifying coconut oil sold in containers of less than 200 ml as hair oil, so it could be taxed at the higher rate of 16%.

The circular was withdrawn in October 2015 after rulings by tribunals and courts to the effect that "just because the retail packs of coconut oil were in sealed 200 ml or less, the same could not be presumed to be meant for use as hair oil".

In the GST regime, coconut oil is taxed at 5%, while products under the "Preparations for use on the hair" category carry an 18% tax.

Case before the SC

In 2017, central excise authorities issued show-cause notices to Mahan Agri Industries (India) Pvt Ltd, a company that sold coconut oil in packets of 500 to 2 litres, proposing to impose higher tax, classifying the oil as hair-care product.

On Mahan Agri's challenge, the Customs Excise and Service Tax Appellate Tribunal (CESTAT) in Chennai held that following the 2015 amendment to the CET Act,

coconut oil was an edible oil and not a hair care product. The Tribunal passed similar orders in challenges involving several Puducherry-based companies that sold coconut oil in small containers.

The Commissioner of Central Excise, Salem, challenged these orders before the SC.

View of the top court

In 2016, a bench of Justices Ranjan Gogoi and Indu Malhotra delivered a split verdict — Justice Gogoi held that coconut oil

should be classified as an edible oil regardless of the package size, while Justice Malhotra applied the "Common Purpose Test" and held that coconut oil sold in retail packages is "intended to be used by women for cosmetic purposes" and must be taxed as such.

On Wednesday, a bench comprising Chief Justice of India Sanjay Kumar and Justices Sanjay Kumar and R Mahadevan held that

the heading specifically provided under the law in line with international HSN norms "cannot be ignored while classifying goods".

It also rejected the application of the common purpose test in this case, saying the test could only be applied "where a product is not clearly defined or specifically dealt with" under the law.

"The mere fact that coconut oil can also [be used] as a cosmetic or toilet preparation, by itself, would not be sufficient to exclude it from the ambit of 'coconut oil' and subject to its classification as 'hair oil', the court said.

Also, it said, "Small sized containers are a feature common to both edible oils [and] hair oils... There must be something more to distinguish between them for classification, other than the size of the packaging."

The court noted that under the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, edible oil can be

packed in sizes of 50 ml, 100 ml, 200 ml, etc.

Common purpose test

The test is employed when a good or product can be reasonably classified under two different taxing entries — the court will see what uses the market and the public generally tend to associate it with.

■ In May 2023, the SC held that homeopathic hair oil should be classified as a "medicament" and taxed at a lower rate under the CET Act, and should not be included under "Cosmetics or Toilet Preparations".

■ In 2022, the SC considered whether essential oil and perfume preparations should be included under "Edible Fats and Oils" or "Oil seeds and Oleaginous Fruits, Manufactures Grains, Seeds and Fruit". It held that "seeds" fell under the latter heading because they are known to be used for eating in common parlance, while perfume preparations are consumed as a fresh fruit.

• Coconut Oil Taxation in India

- **Taxation Under the CET Act, 1985**
 - Prior to GST, coconut oil was taxed under the **Central Excise Tariff Act, 1985 (CET Act)**.
 - In 2005, the CET Act classified coconut oil under Section III as **"Animal or Vegetable Fats and Oils"** with an 8% excise duty, distinguishing it from haircare products under Section VI, which carried a 16% excise duty.
 - These classifications followed international norms set by the **Harmonised System of Nomenclature (HSN)** by the World Customs Organisation (1988).
- **2009 Circular and Subsequent Developments**
 - In June 2009, the Central Board of Excise and Customs issued a circular to classify **coconut oil sold in containers under 200 ml as hair oil** and taxed it at 16%.
 - However, this circular was **withdrawn in October 2015**, following tribunal and court rulings that retail packaging size alone does not define coconut oil as hair oil.
- **Taxation Under the GST Regime (2017 Onwards)**
 - With the introduction of GST in 2017, coconut oil was categorized under **edible oils**, attracting a 5% tax.
 - Haircare products under the category **"Preparations for use on the hair"** continued to attract a higher tax rate of 18%.

- **Conclusion**
 - The rulings and decisions have consistently leaned towards classifying coconut oil based on its predominant use rather than packaging size or presumed purpose.
- **Summary of Coconut Oil Tax Disputes**
 - **2007 Show-Cause Notices to Madhan Agro Industries**
 - Central Excise authorities issued show-cause notices to Madhan Agro Industries (India) Pvt. Ltd., proposing a higher tax rate by classifying coconut oil as a haircare product.
 - Madhan Agro, selling coconut oil in packets ranging from 5 ml to 2 litres, challenged the notices before the **Customs Excise and Service Tax Appellate Tribunal (CESTAT)** in Chennai.
 - **CESTAT Ruling on Coconut Oil**
 - The CESTAT ruled that coconut oil should be classified as an **edible oil**, not a haircare product, in line with the 2005 amendment to the CET Act.
 - The decision was based on the product's predominant use as an edible oil, irrespective of packaging size.
 - **Similar Cases and Appeals**
 - Similar rulings were passed by the CESTAT in challenges to show-cause notices issued to other enterprises, all based in Puducherry and producing coconut oil in small containers.
 - The **Commissioner of Central Excise, Salem**, challenged these orders before the Supreme Court, escalating the matter to the highest judicial level.
- **Supreme Court's Decision on Coconut Oil Taxation**
 - **2018 Split Verdict**
 - Justice Ranjan Gogoi held that coconut oil should be classified as **edible oil**, regardless of packaging size.
 - Justice R Banumathi applied the **"Common Parlance Test"**, ruling that coconut oil sold in small packages is perceived as **hair oil** in the market and should be taxed accordingly.
 - **2024 Final Verdict**
 - A bench comprising Chief Justice of India Sanjiv Khanna, Justice Sanjay Kumar, and Justice R Mahadevan provided clarity on the matter
 - **Rejection of Common Parlance Test**
 - The court ruled that the **Common Parlance Test** can only be applied if the product is not clearly defined or addressed under the law.
 - Since coconut oil is explicitly defined under legal and international HSN norms, the test is unnecessary.
 - **Classification Based on Specific Legal Headings**
 - The court emphasized that legal headings and international HSN norms cannot be ignored when classifying goods.
 - Coconut oil's ability to serve as a cosmetic or hair product does not exclude it from the category of edible oil.
 - **Container Size Not a Decisive Factor**
 - Small container sizes are common for both **edible oils** and **hair oils**, and container size alone is insufficient for classification.
 - The court referred to the **Standards of Weights and Measures (Packaged Commodities) Rules, 1977**, which specify permissible sizes for edible oils (e.g., 50 ml, 100 ml, 200 ml, 1 litre, etc.).
 - **Conclusion**
 - The court classified coconut oil as edible oil for taxation purposes, ensuring consistency with HSN norms and rejecting subjective market perceptions or packaging size as criteria.

3. Manipur's Reinstatement of the Protected Area Regime

Recent events of importance

- **Why in News:** The Manipur government has announced the re-imposition of the Protected Area Regime (PAR), also known as the Protected Area Permit (PAP), after 13 years
- **What is the Protected Area Regime (PAR)?**
 - It refers to a set of regulations under the **Foreigners (Protected Areas) Order, 1958**, aimed at controlling the entry of foreign nationals into certain **strategically sensitive areas** in India.
 - These restrictions are designed to ensure **national security** and monitor foreign movement in regions vulnerable to **external threats**, particularly in **northeastern states** and other **border areas**.
- **Key Features of PAR:**
 - **Restricted access:** Foreigners cannot enter Protected Areas without prior approval from the government. A **Protected Area Permit (PAP)** is mandatory for entry into these zones, allowing authorities to track and regulate foreign activities.
 - **Sensitive zones:** Protected Areas are designated due to their **proximity to international borders, ethnic tensions, insurgency, or political instability**. Regions under the PAR include:
 - Entire states: **Arunachal Pradesh, Manipur, Mizoram, Nagaland**, and parts of **Sikkim**.
 - Parts of **Himachal Pradesh, Jammu & Kashmir, Rajasthan, and Uttarakhand**.
 - **Exceptions for Tourism:** Temporary relaxations have been introduced in the past, especially in northeastern states, to promote **tourism** and boost local economies.
 - **Reimposition:** These relaxations are withdrawn when **security concerns** outweigh the benefits, as seen in the recent reinstatement of PAR in **Manipur, Mizoram, and Nagaland**.
- **About Foreigners (Protected Areas) Order, 1958:**
 - **Framework:** Issued under the **Foreigners Act, 1946**, it controls the movement of foreigners in sensitive regions.
 - **Inner line:** Defines the boundary from Jammu and Kashmir to Mizoram, beyond which special permits are required.
 - **Protected areas:** Include whole regions like Arunachal Pradesh, Manipur, Mizoram, Nagaland, and parts of Sikkim, Himachal Pradesh, Jammu & Kashmir, Rajasthan, and Uttarakhand.
 - **Restricted areas:** Areas between the Inner Line and indigenous territories require a **Restricted Area Permit (RAP)**. Examples include the Andaman and Nicobar Islands and parts of Sikkim.
- **Current Situation and Reactions:**
 - **State responses:** Mizoram and Nagaland officials have yet to receive official directions from the Union Home Ministry, despite media reports and the Manipur government's announcement.
 - **Manipur's conflict:** The state government and Meitei civil society groups blame the influx of "illegal immigrants" from Myanmar's Chin community for the region's instability.
 - **Free Movement Regime (FMR):** The government has scrapped the FMR with Myanmar, which allowed border tribes to travel freely within a 16 km range without a visa. This decision, aimed at controlling illegal immigration, faces opposition in Mizoram and Nagaland

4. Eastern Maritime Corridor (EMC)

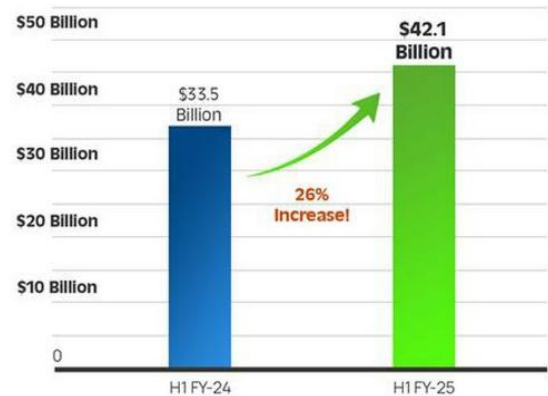
Recent events of importance

- **Why in News:** The recent launch of the Chennai-Vladivostok Eastern Maritime route has cut shipping time and costs, thereby boosting trade between India and Russia in oil, food, and machinery.
- **About Eastern Maritime Corridor (EMC)**
 - The **Chennai-Vladivostok Sea Route**, also known as the EMC, connects South India with Russia's Far East region.
 - The corridor significantly reduces cargo **transit time by up to 16 days** and cuts **distance by up to 40%**, making it a highly efficient trade route.

- The traditional Mumbai-to-St. Petersburg route spans **8,675 nautical miles (16,066 km)** and takes over **40 days** for cargo transportation. In contrast, the Chennai-Vladivostok route is only **5,647 nautical miles (10,458 km)** and takes **24 days**, saving approximately **5,608 km** in distance.
- The EMC passes through key waterways, including the **Sea of Japan, East China Sea, South China Sea, Malacca Straits, Andaman Sea, and the Bay of Bengal.**
- Ports along the route include **Dalian, Shanghai, Hong Kong, Ho Chi Minh City, Singapore, Kuala Lumpur, Bangkok, Dhaka, Colombo, and Chennai**



Growth in India's FDI Inflows



Source - Department for Promotion of Industry and Internal Trade (DPIIT)

Other Maritime Corridors for India:

- **International North-South Transport Corridor (INSTC):** A **7,200 km** multimodal transit route connecting the **Indian Ocean and Persian Gulf** to the **Caspian Sea** via Iran, and further to Europe via Russia.
 - Includes **13 member countries** and offers three routes: Central, Western, and Eastern.
 - In 2024, Russia sent two coal-laden trains to India via the INSTC for the first time.
- **India-Middle East-Europe Economic Corridor (IMEC):** Announced at the **G20 Summit 2023**, this project connects **India, the Middle East, and Europe** via rail, road, and maritime links.
 - Includes two corridors: **East Corridor** (India to the Arabian Gulf) and **Northern Corridor** (Gulf to Europe).
 - Features **electricity cables, hydrogen pipelines, and high-speed data cables** for greater regional integration.
- **Northern Sea Route (NSR):** This **5,600 km** maritime route in the Arctic Ocean connects the Pacific and Atlantic oceans through the Arctic, is piquing the interest of numerous nations—India, Russia, and China, in particular.
 - It links the Barents and Kara Seas to the Bering Strait.
 - Offers transit times up to **50% shorter** than traditional routes like the Suez Canal.
 - Gains importance for India due to increased imports of **Russian crude oil and coal.**

5. Foreign Direct Investment (FDI)

GS 3 (Economy)

- **Why in News:** India has achieved a landmark milestone with gross FDI inflows crossing \$1 trillion since April 2000.
- **What is Foreign Direct Investment (FDI)?**
 - FDI refers to an investment made by a company or individual from one country into a business or establishment in another country. It involves not only the transfer of capital but also **expertise, technology, and skills** that contribute to the host country's economic development
 - **Types of FDI:**
 - **Greenfield Investment:** Establishing new facilities from scratch, providing high control and customisation.
 - **Brownfield Investment:** Expanding operations through mergers, acquisitions, or joint ventures, leveraging existing infrastructure.
 - **Governance:** FDI in India is governed by the **Foreign Exchange Management Act (FEMA), 1999**, and is administered by the **Department for Promotion of Industry and Internal Trade (DPIIT)** under the Ministry of Commerce and Industry.
 - **Entry routes:**
 - **Automatic Route:** Investment does not require prior government approval.

- **Government Route:** Investment requires approval from the relevant ministry or department.
- **Sectoral Policies on FDI:**
 - **Sectors under the automatic route:** These include **Agriculture and Animal Husbandry, E-commerce, Biotechnology, Renewable Energy**, and others.
 - **Sectors under the Government route:** These include **Banking, Broadcasting, Food Retail, and Satellite Operations**.
 - **Prohibited sectors:** FDI is prohibited in **atomic energy, gambling, lotteries, chit funds, real estate**, and the **tobacco industry**.
- **India's Top FDI Sources (2023–2024):** India received the highest FDI inflows from **Singapore**, followed by **Mauritius**, the **United States**, the **Netherlands**, and **Japan**.
- **FDI trends over the last decade (2014–2024):** Between April 2014 and September 2024, India received **\$709.84 billion in FDI**, accounting for **68.69% of total FDI inflows since 2000**. Key initiatives like **Make in India**, **liberalised sectoral policies**, and the implementation of GST have strengthened investor confidence.
- A significant **26% rise in FDI inflows to \$42.1 billion** in the first half of the current fiscal year underscores India's growing **appeal as a global investment destination**.

6. Lokayukta GS 2 (Governance)

- **Why in News:** Lokayukta Investigation in Karnataka
- **About the Lokayukta:**
 - It is **State-level anti-corruption body** tasked with investigating complaints of corruption and maladministration against public officials.
 - It is inspired by the **Ombudsman system** in Scandinavian countries.
 - It was recommended by the **first Administrative Reforms Commission, 1966** chaired by Morarji Desai.
 - The first Lokayukta was established in **Maharashtra in 1971**.
- **Legal Framework:**
 - **Lokpal and Lokayukta Act, 2013:**
 - Mandates the establishment of **Lokpal at the Union level and Lokayukta in states**.
 - Requires that at least **50% of members belong to SCs, STs, OBCs, minorities, or women**.
 - Lokayukta is a **statutory body** without constitutional status.
 - **Lokayukta Selection and Removal:**
 - Typically, a **former Chief Justice of a High Court or former Supreme Court judge**.
 - Selected by a panel comprising the CM, Chief Justice of the HC, and leaders of both legislative houses, among others.
 - Removal requires **impeachment by the state assembly**.
- **Work and Functions:**
 - Investigates **corruption and maladministration** complaints.
 - Ensures **speedy redressal of public grievances**.
 - Can recommend action but lacks binding enforcement powers unless provided by state-specific legislation.
- **Current issue**
 - The **Karnataka High Court (HC)** has stayed the **Lokayukta investigation** into the alleged **MUDA (Mysore Urban Development Authority) land allotment scam** involving the Chief Minister's family, following a plea for a **CBI probe**.
 - The case revolves around the **allocation of 14 housing sites** worth **₹56 crores** to CM's wife under a controversial **50:50 land compensation scheme**.

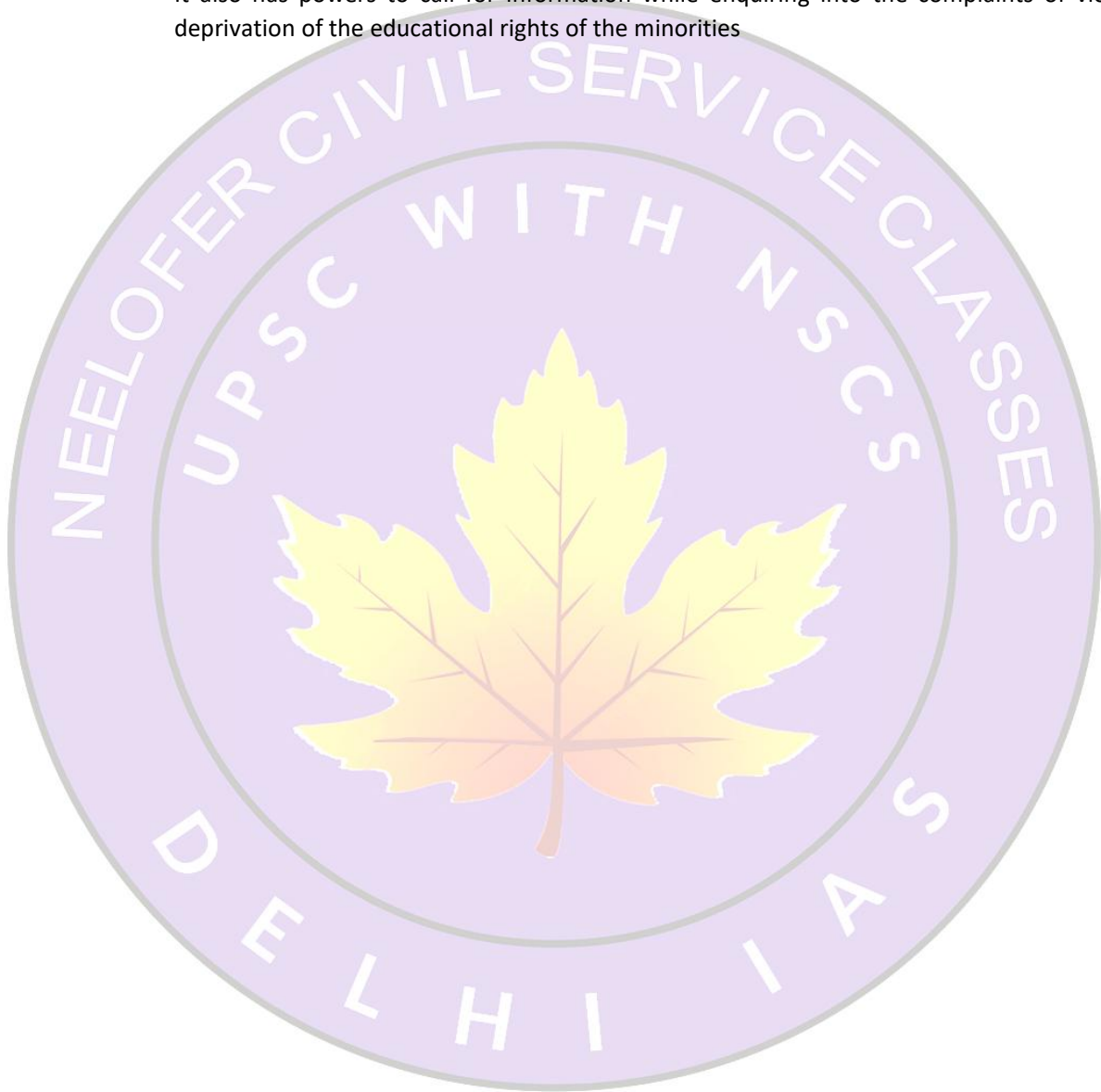
7. National Green Tribunal (NGT) GS 3 (Environment)

- **Why in News:** The southern bench of NGT issued a three-day ultimatum to the Kerala Government to address the issue of illegal biomedical and solid waste dumping in Tamil Nadu.
- **About National Green Tribunal (NGT):**
 - NGT was established under the **National Green Tribunal Act, 2010** for the **efficient and timely disposal of cases related to environmental protection, forest conservation, and natural resource management**.
 - The principal bench is located in **New Delhi**, with additional benches in **Bhopal, Pune, Kolkata, and Chennai**.
- **Composition of NGT:**
 - The Tribunal comprises:
 - **Chairperson:** A retired **Supreme Court judge**.
 - **Judicial members:** Retired **High Court judges**.
 - **Expert members:** Professionals with at least **15 years of experience** in fields related to environment or forest conservation.
 - **Structure of benches:** Each bench includes **at least one judicial member and one expert member** to ensure balanced decision-making.
- **Powers and Jurisdiction of NGT:**
 - **Scope:** NGT handles **civil cases** related to environmental issues and laws listed in **Schedule I of the NGT Act**:
 - **The Water (Prevention and Control of Pollution) Act, 1974.**
 - **The Water (Prevention and Control of Pollution) Cess Act, 1977.**
 - **The Forest (Conservation) Act, 1980.**
 - **The Air (Prevention and Control of Pollution) Act, 1981.**
 - **The Environment (Protection) Act, 1986.**
 - **The Public Liability Insurance Act, 1991.**
 - **The Biological Diversity Act, 2002.**
 - **Special powers:**
 - Acts as an **appellate authority** for environmental cases.
 - Operates on principles of **natural justice**, not bound by the Code of Civil Procedure, 1908.
 - Mandated to resolve cases within **six months** of filing.
- **Current Order:**
 - **Details of the tribunal's order:** Kerala must either **retrieve the waste** or **formalise an agreement with Tamil Nadu's Common Biomedical Waste Treatment Facility** for proper disposal.
 - Kerala had previously been directed to pay **₹69,000 for cleanup efforts** in a similar case in Nanguneri.

8. National Commission for Minority Educational Institutions GS 2 (Social Issues)

- **Why in News:** Recently, the Union Minister for Education addressed 20th Foundation Day of the National Commission for Minority Educational Institutions in New Delhi.
- **About National Commission for Minority Educational Institutions (NCMEI):**
 - It was established by the **National Commission for Minority Educational Institutions (NCMEI) Act 2004**.
 - It is a **quasi judicial body** and has been endowed with the **powers of a Civil Court** for the purpose of discharging its functions under the Act.
 - It aims to safeguard the educational rights of the minorities enshrined in **Article 30(1)** of the Constitution.
 - The Commission has three main roles namely **adjudicatory, advisory and recommendatory**.
 - **Powers of the Commission:**

- It decides **all questions relating** to the status of any institution as a **Minority Educational Institution (MEI)**.
- It serves as an appellate authority in respect of disputes pertaining to Minority Status/No Objection Certificate (NOC).
- Educational institutions aggrieved by the order of refusal to grant Minority Status Certificate/No Objection Certificate by the competent authority of State/UT, can appeal to the Commission against such orders.
- The Commission has the power to **cancel the minority status** of an educational institution granted by an Authority or Commission, on grounds laid down in the Act.
- It also has powers to call for information while enquiring into the complaints of violation or deprivation of the educational rights of the minorities



MCQ Current Affairs
20th Dec, 2024**1. Consider the following statements regarding Joint Parliamentary Committee:**

- A. It is an ad-hoc body formed to carry out detailed scrutiny of a specific matter by the Parliament.
- B. It is set up after one House of Parliament has passed a motion and the other has agreed to it.

Which of the statements given above is/are correct?

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

2. Consider the following statements regarding Varmam therapy:

- A. It is a traditional healing modality within the Siddha system of medicine.
- B. It is a drugless and non-invasive therapy used in pain management.

Which of the statements given above is/are correct?

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

3. Which one of the following departments is responsible for administering Foreign Direct Investment (FDI) in India?

- a) Department of Economic Affairs
- b) Department for Promotion of Industry and Internal Trade
- c) Department of Financial Services
- d) Department of Investment and Public Asset Management

4. Consider the following statements with reference to the Protected Area Regime (PAR):

- A. It is regulated under the Foreigners (Protected Areas) Order, 1958.
- B. These restrictions are designed to ensure national security and monitor foreign movement in regions vulnerable to external threats.

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 the Lokayukta:

- A. It is a State-level anti-corruption body tasked with investigating complaints of corruption and maladministration against public officials.
- B. The Lokpal and Lokayukta Act, 2013 mandates the establishment of Lokayukta in States.

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
20th Dec, 2024

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

