

INTERNATIONAL RELATION**Kulbhushan Jadhav Case**

Recently, Pakistan's Parliament has enacted a law to give Indian death-row prisoner Kulbhushan Jadhav the right to file a review appeal against his conviction by a military court. The bill was enacted to implement an order of the International Court of Justice (ICJ).

However, India points out that the law has several "shortcomings", and that steps are needed to implement the ICJ's order "in letter and spirit".

Key Points**Kulbhushan Jadhav Case:**

- **Arrest:** A 51-year-old retired Indian Navy officer, Jadhav was sentenced to death by a Pakistani military court on charges of espionage and terrorism in April 2017. In December 2017, Jadhav's wife and mother were allowed to meet him across a glass partition, with India contesting Pakistan's claim that this was consular access at ICJ.
- **Denial of Consular Access:** India approached the ICJ against Pakistan for denial of consular access (Vienna Convention) to Jadhav and challenging the death sentence.
- **ICJ Ruling:** In 2019, the ICJ ruled that Pakistan was obliged under international laws to provide by means of its own choosing "effective review and reconsideration" of Jadhav's conviction.
- **Pakistan's Response:** In the wake of the ICJ order, the Pakistan government had promulgated a special ordinance to allow Jadhav to file a review. Pakistan's Parliament has passed the International Court of Justice (Review and Reconsideration) Bill, 2021 aimed to fulfill the obligation under the verdict of the ICJ.

Shortcomings in the Law:

- **No Clear Road Map:** India believes the Bill reiterates a 2019 ordinance passed by Pakistan, without creating a machinery to facilitate an effective review and reconsideration in Kulbhushan Jadhav's case.
- **Extraordinary Power to Municipal Court:** It invites municipal courts in Pakistan to decide whether or not any prejudice has been caused to Jadhav on account of the failure to provide consular access.
 1. This is clearly a breach of the basic tenet, that municipal courts cannot be the arbiter of whether a State has fulfilled its obligations under international law.
 2. It further invites a municipal court to sit in appeal.

Implications of 'Effective Review and Reconsideration' for India:

- Effective review and reconsideration is a phrase which is different from 'review' as one understands in a domestic course.
- It includes giving consular access and helping Jadhav in preparing his defence.
- It means that Pakistan has to disclose the charges and also the evidence which it has been absolutely opaque about uptill now.
- Pakistan would also have to disclose the circumstances in which Jadhav's confession was extracted by the military.
- It implies that Jadhav will have a right to defend whichever forum or court hears his case.

INDEX**Smart Policing Index 2021**

According to a nationwide survey conducted by Indian Police Foundation (IPF), police in Bihar and Uttar Pradesh scored the lowest among all States when it came to perception of "sensitivity".

Earlier, the National Human Rights Commission (NHRC) had asked the Union Ministry of Home Affairs (MHA) and the State Governments to set up Police Complaints Authorities as per the judgment in Prakash Singh vs. Union of India, 2006.

Key Points**SMART Policing:**

- The SMART Policing idea was envisioned, articulated and introduced by the Indian PM at the Conference of DGPs of State and Central Police Organizations, held at Guwahati, in the year 2014.
- It envisaged systemic changes to transform the Indian Police to be: Strict and Sensitive, Modern and Mobile, Alert and Accountable, Reliable and Responsive, Techno-savvy and Trained (SMART).
- The strategy combined the development of physical infrastructure, technology adoption, a focus on the critical soft skills and attitudes, as well as a deep commitment to the values of professional excellence and service to the people, considered essential to take the Indian Police to the next level.

SMART Policing Index:

- The purpose of the IPF survey was to gather information on citizens' perceptions about the impact of the SMART policing initiative. Indian Police Foundation (IPF) is a Delhi-based think tank set up by eminent citizens including serving and retired police officers, civil servants, academics and lawyers etc – for each individual state or Union territory.
- **The survey had 10 sets of questionnaires, which included:**
 1. Six indices of “Competence-Based Indicators” dealing with issues such as police sensitivity, accessibility, responsiveness and technology adoption among others;
 2. Three indices of “Value-Based indicators” dealing with integrity of the police; and
 3. One index of “Trust”.
- The SMART scores are set on a scale of 1 to 10 and are indicative of the levels of citizen satisfaction, a score of 10 being the highest level of satisfaction.

Findings of SMART Policing Index 2021:

- Despite being attacked for insufficient sensitivity, declining public confidence and growing concerns about the quality of policing, a majority of citizens (a weighted average of 66.93%) believes that the police are doing their job well and strongly support the police.
- Southern states and some in the Northeast fared better on most policing indices compared to states in the north.
- The top five states with the highest score on overall policing are Andhra Pradesh, Telangana, Assam, Kerala and Sikkim.
- From bottom upwards are Bihar, Uttar Pradesh, Chhattisgarh, Jharkhand and Punjab.

POLITY

Repealing a Law

Recently, the Prime Minister of India announced that the three contentious farm laws that were passed in 2020 would be repealed in the upcoming winter session of Parliament.

Key Points

- Article 245 of the Constitution gives Parliament the power to make laws for the whole or any part of India, and state legislatures the power to make laws for the state.
 1. Parliament draws its power to repeal a law from the same provision.
 2. For repeal, the power of Parliament is the same as enacting a law under the Constitution.
 3. A law can be repealed either in its entirety, in part, or even just to the extent that it is in contravention of other laws.
- **Sunset Clause:** Legislation can also have a “sunset” clause, a particular date after which they cease to exist. For example, the anti-terror legislation Terrorist and Disruptive Activities (Prevention) Act 1987, commonly known as TADA, had a sunset clause, and was allowed to lapse in 1995.
- **Repealing:** For laws that do not have a sunset clause, Parliament has to pass another legislation to repeal the law.
 1. Laws can be repealed in two ways - either through an ordinance, or through legislation.
 2. Ordinance: In case an ordinance is used, it would need to be replaced by a law passed by Parliament within six months. If the ordinance lapses because it is not approved by Parliament, the repealed law can be revived.
 3. **Repealing through Legislations:** The government will have to pass the legislation to repeal the farm laws in both Houses of Parliament, and receive the President's assent before it comes into effect.
 - ✓ All three farm laws can be repealed through a single legislation.
 - ✓ Usually, Bills titled Repealing and Amendment are introduced for this purpose. It is passed through the same procedure as any other Bills.
 - ✓ The last time the Repealing and Amending provision was invoked was in 2019 when the Union government sought to repeal 58 obsolete laws and make minor amendments to the Income Tax Act, 1961 and The Indian Institutes of Management Act, 2017.

PRELIMS FACT

Project Samhati: Odisha

The new National Education Policy 2020 lays emphasis on imparting teaching in the mother tongue in primary classes. However, when seen from the context of the diverse language-base of tribal people, the task appears to be quite onerous.

- In this scenario, Odisha's decade-long experiment in multilingual education may come in handy to take up the challenge.
- The most important aspect of Mother-Tongue Based Multi-Lingual Education (MTBMLE) is that it helps save endangered tribal languages.

Key Points

- The ST and SC Development Department of the Odisha government has started a project called 'Samhati'.
 1. It intends to address the language issues faced by tribal students in early grades or elementary classes.
 2. Under this, the department plans to cover approximately 2.5 lakh students in 1,450 primary schools in the State.
- **Implementing Agency:** The Scheduled Castes and Scheduled Tribes Research and Training Institute (SCSTRTI) along with the Academy of Tribal Language and Culture (ATLC), Bhubaneswar are implementing the project.
- **Multilingual Learning:** Under Samhati, it has been decided that all teachers of primary level would be provided functional knowledge of tribal languages and ways of communicating with tribal students.
- Odisha's adivasi communities are as diverse as 21 spoken languages. Out of the 21 languages, Santhali, the only language which has been included in the eighth schedule of Constitution. It is taught in its own Ol Chiki script while the rest of tribal languages have Odia scripts.
- Only six tribal languages — Santali, Ho, Soura, Munda and Kui — have a written script.
- These students are a multilingual group unlike mono-lingual groups in regular schools.

Way Forward

A tribal student sees the world through his own language. The mother-tongue based education is a welcome step. There are some civil society organisations in Odisha that have demonstrated promising models of the MTBMLE education system (e.g. Kalinga Institute of Social Sciences (KISS)).

The tribal languages are used as a medium of instruction in primary schools, these languages need to be standardised.

Efforts should be made to develop textbooks in tribal languages in sync with the syllabus of State boards, government textbook norms and National Education Policy.

DAILY ANSWER WRITING PRACTICE

Qns. With more young adults entering higher education and increasing job aspirations not matching their educational profile, the new National Employment Policy must accommodate for these trends. Discuss. (250 words)

Ans:

Introduction

According to various studies in India, over 62% of the population in India is aged between 15 and 59 years, and the average age of the population is less than 30 years. India is thus going through the stage of 'demographic dividend' that represents the prospective for economic growth based on the age structure of the population. The government is in the process of setting up an expert committee for drafting a National Employment Policy. Its goal is to enable productive and sufficient job creation, a task that has proven elusive.

Body

Crucial aspects that need attention while formulating a forward-looking policy.

- A less widely used but highly insightful measure, the employment-to-population ratio, and second, the regional employment profile of young adults (aged 20-29 years).
- Employment as a share of the labour force is used more commonly but does not provide an accurate understanding of the demographic challenge facing India.
- In contrast, changes in the employment-to-population ratio tell us whether the economy is generating jobs fast enough to keep a constant proportion employed.
- It is common to analyse the employment pattern of the entire employed working-age population, without paying attention to the age profile of the workforce.
- Young adults tend to be at the start of their career, some are still in higher education, their skills (or lack thereof) are more relevant to newer job roles, and they change jobs often. Policymakers should examine labour-market changes with a special focus on young adults.

- Sectoral analysis shows that a sharp decline in farm work among young adults mimics the pattern in more developed economies.
- Not only has unemployment risen, the proportion of young adults in higher education has also jumped.

Overall, with rising education levels, young adults look for aspirational jobs and are ready to wait for one that suits them, resulting in higher unemployment rates. The new employment policy needs to take this aspirational aspect into account. An excessive focus on labour-intensive manufacturing is unlikely to hold appeal among the educated youth. Alternatively, India's education system needs to be remoulded to reduce its focus on formal higher education and raise the profile (and appeal) of skill-based occupations and manufacturing work.

Conclusion

Employment patterns may not reflect young adult's aspirations. A new employment policy, therefore, should pay close attention to the labour-market dynamics of young adults in India.

DAILY QUIZ

Q1. Consider the following statements about Competition Commission of India:

1. It was established under the Competition Act, 2002.
2. Its chairman and members are appointed by the President of India.

Which of the statements given above is/are correct?

- a. **1 only**
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Q2. Consider the following statements about Dengue:

1. It is a highly contagious disease caused by a virus that attacks the liver.
2. It is an easily treatable disease.

Which of the statements given above is/are correct?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. **Neither 1 nor 2**

Q3. Consider the following statements:

1. In tropical regions, Zika virus disease is transmitted by the same mosquito that transmits dengue.
2. Sexual transmission of Zika virus disease is possible.

Which of the statements given above is/are correct?

- a. 1 only
- b. 2 only
- c. **Both 1 and 2**
- d. Neither 1 nor 2

Q4. With reference to Creative Cities Network, consider the following statements:

1. It is a project of UNESCO launched in 2004.
2. It was created to promote cooperation with and among cities that have identified creativity as a strategic factor for sustainable urban development.

Which of the statements given above is/are correct?

- a. 1 only
- b. 2 only
- c. **Both 1 and 2**
- d. Neither 1 nor 2

Q5. Which one of the following statements is not correct?

- a. Hepatitis B virus is transmitted much like HIV.
- b. **Hepatitis B, unlike Hepatitis C, does not have a vaccine.**
- c. Globally, the number of people infected with Hepatitis B and C viruses are several times more than those infected with HIV.
- d. Some of those infected with Hepatitis B and C viruses do not show the symptoms for many years.