

## TOPIC – 1

# Wassenaar Arrangement and India

### Relevancy:

- GS Mains paper III
- International Organisation, India's Nuclear policy, Wassenaar arrangement

### Recently:

- India was introduced as a member of Wassenaar Arrangement on 8<sup>th</sup> December, 2017.

### Is India a nuclear power?

- Before its nuclear weapons test in 1998, India was considered a nuclear capable country but was not recognised as one.
- This meant that there was no formal recognition that India was capable of producing both nuclear power and nuclear weapons.
- The reason for this was mainly because India had not acceded to the Nuclear Non-Proliferation Treaty (NPT) which aims to prevent spread of nuclear weapons and weapons technology and promote nuclear disarmament, which India considered discriminatory since it could do so only as a non-nuclear power.
- That would mean that the five permanent members of the UN Security Council — the U.S., the U.K., China, France and Russia — coincidentally all nuclear powers, would in effect continue to deny India the recognition as a nuclear power as well, even though it was widely acknowledged as a nuclear capable country after the 1974 "peaceful nuclear explosion" at Pokhran.

### What is India's stand?

- India wanted to break out into the open and be recognised as a nuclear power like the other nuclear countries and be part of the global nuclear order.
- For that to happen, India needed to be recognised as a nuclear power and be made part of the global non-proliferation architecture.
- There are **four groupings** of countries that multilaterally work to prevent and address proliferation of nuclear weapons: i) Wassenaar Arrangement, ii) Missile Control Technology Regime (MCTR), iii) Australia Group and iv) Nuclear Suppliers Group.

- India has recently become the member of Wassenaar Arrangement. It became MCTR's member last year.
- India is not yet a member of Australia Group and Nuclear Suppliers Group.

### What is the Wassenaar Arrangement?

- The Wassenaar Arrangement is a grouping of 42 countries, of which India is the latest member.
- Its aims include:
  - To bring about security and stability, by fostering transparent practices in the process of sale and transfer of arms and materials and technologies that can be used to make nuclear weapons with a view to prevent any undesirable build-up of such capabilities.
  - To prevent these proscribed items and technologies from falling into the hands of terrorists.
  - To “enhance co-operation to prevent the acquisition of armaments and sensitive dual-use items for military end-uses, if the situation in a region or the behaviour of a state is, or becomes, a cause for serious concern to the Participating States.”

### How do Wassenaar countries do this?

- They periodically exchange detailed and specific information on transfer or denial of items or technology, both conventional and nuclear capable, to countries outside the grouping.
- This is done through maintenance and updating of detailed lists, of dual use and munitions that are considered militarily significant.
- The disclosure of such sale or transfer is voluntary.

### What are the advantages?

- **More access to technologies:** India will be able to more easily access dual use technologies and materials and military equipment that are proscribed for non-participating members.
- **Easy sale:** India will also be able to sell its nuclear reactors and other materials and equipment indigenously produced without attracting adverse reactions.
- **Future collaborations:** It will also be in a better position to collaborate with other countries in developing such capabilities.

### Will it help India join other groups?

- As discussed earlier, there are four groupings which deal with the international regulation over Nuclear technologies i.e. Wassenaar Arrangement, MCTR, Australia Group, Nuclear Suppliers Group.
- There are more or less the same countries in all these groupings, with one crucial exception i.e. China.
- China, which has been opposed to India's entry into the NSG, is not part of both the MTCR as well as the Australia Group.
- So it should be easier to get into the Australia Group.

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## TOPIC - 2

# US National Security Strategy and India

### Relevancy:

- GS Mains paper II
- International Relations, Indo-USA, National Security Strategy (NSS)

### Recently:

- United States President Donald Trump's new national security strategy (NSS), announced recently, promises support for India's emergence as a "leading global power," while identifying China, Russia and Islamism as main threats.
- Enhancing India's global standing from being a 'balancing power' to be a 'leading power' has been a stated strategic objective of the Narendra Modi government.
- Details of NSS:
  - As per the NSS, the US seeks to increase quadrilateral cooperation with Japan, Australia, and India.
  - The strategy also talks of "expanding US defence and security cooperation with India, a Major Defence Partner of the United States, and support India's growing relationships throughout the region".
  - India finds mention as a partner in Mr. Trump's plans for South and Central Asia and Indo-Pacific, while China is named as a threat in both sections.
  - India has unequivocally welcomed U.S. President Donald Trump's announcement of the National Security Strategy (NSS) for his country during his tenure.

### Analysis of the NSS document:

#### Common objectives between Indian and the US:

- Mr. Trump's views of China's assault on the "sovereignty" of South Asian nations and of Pakistan's continued support to terror groups are closely aligned with India's concerns in the neighbourhood.
- It is significant that the U.S. has highlighted them. In its response, New Delhi has "appreciated the strategic importance" given to India as well as the common objectives that India and the U.S. now share.

#### Contradictory commitments:

- The document seeks to balance Mr. Trump's 'America First' politics with the country's traditional strategic principles, and consequently makes contradictory commitments.
- It calls for "advancing American principles that spreads peace and prosperity around the globe," at one place, while at another, it says America will seek partnerships with countries "each with its own cultures and dreams."

#### Dismissal by the critiques:

- Predictably, the five countries singled out by the U.S. for criticism (China, Pakistan, Russia, North Korea and Iran) have not been as warm in their response.
- China has accused the U.S. of pursuing what it calls a "cold war mentality and the zero-sum game".

- Russia has said that the strategy reeks of “imperialism” as the NSS accuses China and Russia of using their military might to deny America access to what it calls “critical commercial zones”.
- Pakistan, Iran and North Korea have also been dismissive.

### Conclusion:

- India must be mindful and should avoid getting swept by the US categorizations of its perceived security threats.
- It is imperative to follow a wait and watch policy as the NSS is not backed by a pragmatic plan.
- Moreover, there is not much stability in Trump’s policies, as against terrorism or for coalition support funds.
- For example, while the U.S. has talked of countering China’s influence in South Asia, it has not backed this with actual financial assistance for infrastructure critical to the region.
- Equally, while Mr. Trump’s words on Pakistan and terrorism are sharp, the U.S. has yet to show its hand, either in terms of military action or withholding of the support funds.
- While the U.S. strategy deals with global concerns, the past year has seen American withdrawal from pacts ranging from the **Trans-Pacific Partnership** to the **Paris agreement on climate change**.
- A tough U.S. security strategy can only be realised through **cogent policymaking** — whether it is on Israel-Palestine, North Korea, Iran or Afghanistan, Mr. Trump has been publicly at odds with his key advisers.
- A watch-and-wait stance is still India’s best option to preserve the **autonomous** and **pluralistic** nature of its engagement in areas where the U.S. faces its greatest challenges.

## Topic # 3

# Round-up of Bills to be tabled in the winter session of Parliament

### Relevancy:

- GS Prelims, GS Mains paper II
- Polity and governance, Major Bills tabled in the winter session of Parliament.

### Recently:

- The winter session of Parliament is usually held in the months of November and December.
- However, this year, it will have a total of 14 sittings spanning 22 days from December 15, 2017 to January 5, 2018.
- Some of the Bills that are slated for discussion in this year's winter session pertain to deposit insurance, triple talaq, and grievance redressal for atrocities against backward classes.

### Here is a review of the major Bills to be tabled in Parliament:

#### 1. The Motor Vehicles (Amendment) Bill, 2016

- The Bill was introduced by the Minister of Road Transport and Highways, Nitin Gadkari.
- It seeks to amend the Motor Vehicles Act, 1988 by incorporating clauses to introduce third party insurance, enhance road safety, and develop a framework for regulating taxi aggregators like Ola, Uber, and Meru.
- The Bill proposes to set a ceiling for third party insurance in case of an accident.
- The Motor Vehicles Act, 1988, which is presently in force, does not fix a maximum liability for road accidents.
- The Bill caps liability at Rs.10 lakh in the case of fatalities, and Rs.5 lakh for grievous injuries.
- A solatium fund is to be instituted to compensate victims of hit-and-run accidents.
- According to data compiled by the National Crime Records Bureau (NCRB), 1,48,707 people were killed, and 4,82,000 injured in road accidents in 2015.
- If the Bill were to be passed, the maximum compensation to be paid to victims would amount to Rs.38,970 crore, or \$6.09 billion, which is in the same ballpark as Uber's global revenue of \$6.5 billion in 2016.

- The new law also seeks to create a uniform law that would regulate taxi aggregators, ironing out legal hurdles that arise when state regulations are in variance with Central guidelines.
- The need to monitor the functioning of mobility-enabler companies has come under the scanner following instances where the safety of passengers was compromised.

## 2. The Financial Resolution and Deposit Insurance (FRDI) Bill

- The amount of Non-Performing Assets (NPAs) that India's financial institutions are saddled with have steadily risen over the last few years.
- The FRDI Bill is aimed at insuring the money of a bank's depositors in case the bank would have to be liquidated.
- According to the response given by the Finance Minister Arun Jaitley to a question raised in the Lok Sabha on August 11, 2017, the gross NPAs of public sector banks increased by 311.22% from Rs.1,55,890 crores in 2013 to Rs.6,41,057 crores in 2017.
- The gross NPA ratio as a percentage of total assets rose from 3.84% to 12.47%.
- Likewise, the gross NPAs of private banks witness an increase of 269.47% from Rs.19,986 crores in 2013 to Rs.73,842 crores in 2017.
- The FRDI Bill proposes the setting up of a **Resolution Corporation**, "whose direction and management vests with the Board, subject to the terms and conditions of the Act." A 'Corporation Insurance Fund' is the financial vehicle which will be used to garner insurance inflows.
- The **bail-in clause** has emerged as the major bone of contention with depositors. This gives banks the authority to issue securities in lieu of the money deposited.
- While the insurance covers only ₹1,00,000 of the principal, the remainder of the sum deposited with a bank will be converted to tradable financial assets which can be redeemed.
- However, their value will not be immediately commensurate with the deposit amount since if a bank has filed for bankruptcy, the value of assets held would have also eroded.

## 3. The Representation of the People (Amendment) Bill, 2017

- This Bill seeks to assimilate the Indian diaspora into the democratic process by allowing them to cast their votes through postal or e-ballots.
- As of 2016, Indian nationals residing abroad amounted to 1.3 crore according to Ministry of External Affairs data.

- This figure is roughly ten times the population of the State of Goa, which is home to 14.59 lakh people as per the census of 2011.
- If the Representation of the People (Amendment) Bill, 2017 is passed by Parliament, it has the potential to make a tangible difference in electoral politics since parties would also have to accommodate the interests of NRIs, which may be far removed from those of their compatriots.

#### **4. The Constitution (123rd Amendment) Bill, 2017**

- This Bill was introduced by the Minister of Social Justice and Empowerment, Mr. Thaawarchand Gehlot, and was passed by the Lok Sabha in the monsoon session.
- It is being re-introduced after factoring in the changes recommended by the Upper House.
- The basic objective of the law is to institute the National Commission for Backward Classes (NCBC) whose functioning would be analogous to that of the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes.
- The Constitution grants NCSC the jurisdiction to investigate complaints regarding discrimination against backward castes and Anglo-Indians.
- The Bill will create a constitutionally mandated body to look into the complaints of educationally and economically backward classes.
- The draft Bill states that the President, in consultation with the Governors of States and Union Territories, have the power to classify based on economic background and level of education.
- The NCBC will comprise of five members appointed by the President. The body will have the power of a civil court in dealing with complaints brought before it.

#### **5. The Muslim Women (Protection of Rights on Marriage) Bill, 2017**

- The Union Cabinet has given its backing to this law that would make the practice of triple talaq a criminal offence.
- Triple talaq is a practice by which a Muslim man can arbitrarily divorce his wife by repeating the word talaq (divorce) three times.
- The practice of triple talaq has been outlawed in many Muslim-majority countries.
- The Supreme Court had termed triple 'un-Islamic' in August, drawing the ire of religious group who blamed the government for formulating a law that would encroach on their religious freedom.

#### **6. The Citizenship (Amendment) Bill, 2016**



- Stopping the influx of migrants from Bangladesh was one of the key poll planks during the Assembly elections in Assam, and the Central government has repeatedly warned of the security risk involved in giving asylum to Rohingya refugees.
- The 2016 Bill was tabled in the Lok Sabha by Rajnath Singh.
- It seeks to amend the Citizenship Act, 1955 and grant citizenship to illegal migrants, especially those from Afghanistan, Bangladesh and Pakistan, and are of Hindu, Sikh, Buddhist, Jain, Parsi or Christian extraction.
- The law defines an illegal migrant as a foreigner who enters the country without valid travel documents, or one who overstays his visit.
- One of the key points of divergence from the Act is the relaxation of the time required for naturalisation.
- A foreigner who has been residing in the country for the past six years or has been in government service for that duration of time will qualify for citizenship, as opposed to the old law which required 11 years of domicile to prove naturalisation.
- This clause is waived for individuals of the aforementioned religions who are persecuted in their countries.
- The old law has the provision to revoke citizenship if the application was found to be fraud or if the person is imprisoned for two or more years, five years after having been granted citizenship.
- The Bill states that one's Overseas Citizen of India (OCI) status would be cancelled if any law is violated. It does not draw a distinction between minor infractions and serious offences.

## 7. The Transgender Persons (Protection of Rights) Bill, 2016

- The Rights of Transgender Persons Bill, 2014, was introduced as a Private Member's Bill in 2014.
- It was unanimously passed in the Upper House but was never debated in the Lok Sabha.
- The 2016 version of the legislation identifies transgenders as being "partly female or male; or a combination of female and male; or neither female nor male".
- This definition which draws a clinical caricature is a departure from the intention of the original Bill to cleanse society of the stigma it placed on transgenders.
- Moreover, to be recognised as transgenders, individuals have to submit themselves to a medical examination by a District Screening Committee comprising of a Chief Medical Officer, a psychiatrist, a social worker, and a member of the transgender community.
- The anti-discriminatory clauses of the Bill are extended to education, health care and social security.

- Some of the recommendations that find a place in the final draft include the rescue, protection, and rehabilitation of transgenders.
  - Educational institutions have been directed to adopt an inclusive approach that is gender-neutral.
  - The government has also formulated welfare schemes especially targeted at transgenders such as basic medical facilities including sex reassignment surgery.
  - Vocational training programmes are also in the pipeline.
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# TOPIC # 4

## WETLAND RULES, 2017

### Relevancy:

- GS Prelims, GS Mains paper III
- Environment, Wetlands, Ramsar Convention, Wetland Rules, 2017

### Recently:

- This year, a new legal framework for wetlands was passed, the Wetland (Conservation and Management) Rules, 2017, replacing the earlier Rules of 2010.
- Also this year, the Supreme Court passed an order directing States to identify wetlands in the country within a stipulated timeframe.
- The 2017 Wetland Rules limit monitoring and omit important wetland types

### What do the latest Rules say?

- The new rules decentralise wetlands management by giving states powers to not only identify and notify wetlands within their jurisdictions but also keep a watch on prohibited activities.
- It also indirectly widens the ambit of permitted activities by inserting the 'wise use' principle, giving powers to state-level wetland authorities to decide what can be allowed in larger interest.
- The Centre's role under the **Wetlands (Conservation and Management) Rules, 2017**, will be restricted to monitoring its implementation by states/UTs, recommending trans-boundary wetlands for notification and reviewing integrated management of selected wetlands under the Ramsar Convention — an international arrangement to preserve identified wetlands.

### What is the concern?

- Earlier this year, a judgment by the Uttarakhand High Court, stating that Ganga and Yamuna rivers are “living entities”, captured the national imagination.
- It is worth noting that wetlands, the other major water-based ecosystem apart from rivers, are at a moment of policy transition in the country.
- The new rules, notified by the environment ministry, decentralise wetlands management by giving states powers to not only identify and notify wetlands within their jurisdictions but also keep a watch on prohibited activities.
- Seeking to protect over 2 lakh wetlands across the country, the Centre has come out with rules to identify and manage these ecologically fragile areas which play an important role.

## What is the role played by the Wetlands?

- Wetlands are helpful in flood control, groundwater recharge, preserving plant varieties, supporting migratory birds and protecting coastlines.

## Downside of the new Rules:

- The 2017 Wetland Rules have been criticised for doing away with strong wetland monitoring systems and omitting important wetland types.
- The 2010 and 2017 Rules for wetlands both emphasise that the ecological character of wetlands ought to be maintained for their conservation.
- **'Ecological character'** refers to processes and components which make the wetland a particular, and sometimes unique, ecosystem. For example, as lagoons like Chilika (Odisha) and Pulicat (Tamil Nadu/Andhra Pradesh) are characterised by a mix of saline and fresh water, the flows of each type need to be maintained; river flood plains contain wetlands that require conservation so they can re-fuel the river with fish and other aquatic life during flooding.
- In the 2010 Rules, some related criteria were made explicit, such as natural beauty, ecological sensitivity, genetic diversity, historical value, etc. These have been omitted in the 2017 Rules.
- There are a few reasons why this is problematic. First, there is multiple interest around wetlands. Multiple interests also have governance needs, and this makes it absolutely necessary to identify and map these multiple uses.
- Leading on from this, and second, it is crucial to identify ecological criteria so that the wetlands' character can be maintained.
- The key to wetland conservation is not just understanding regimes of multiple use — but conserving or managing the integrity of the wetland ecosystem.
- Finally, restriction of activities on wetlands will be done as per the principle of 'wise use', determined by the State wetland authority.
- Whether wise use will include maintaining ecological character remains to be seen.
- No authority to issue directions, which are binding in nature to desist from any activity detrimental to wetland conservation, has been prescribed to State wetland authorities.

## Case Studies:

### 1. Salt Pans:

- Salt pans are an example how one use (of making salt) has trumped the other (of environmental balance).
- Salt pans as 'wetlands' have been omitted from the new Rules.

- They were identified as wetlands in the 2010 Rules, as they are often important sites of migratory birds and other forms of biodiversity.
- The omission in the 2017 Rules suggests that while saltpans do exist as wetlands, they do not require any conservation or ecological balance.
- The inference can also be that it would be acceptable to tip the environmental balance or integrity of such a wetland, which could lead to damage and pollution.

## **2. Deepor Beel (Guwahati, Assam):**

- The NGT (National Green Tribunal) made certain observations in this wetland this year.
- These observations pertain to multiple uses of wetlands and their abuse due to conflict of interests.
- Deepor Beel is a Ramsar site and a part of it is also wildlife sanctuary in Guwahati, Assam.
- The site harbours a wide variety of biodiversity. But it suffers from intense man-made pressure due to dumping of city's municipal waste.
- The meat eating storks (a bird) ironically eats the municipal waste, due which many of them have died.
- The fact that Deepor Beel exists as a wetland does not prevent garbage dumping; this is a fate faced by many wetlands.
- During an inspection by the NGT team, it was noted that waste was being dumped "not beyond the site but within it," and "demarcations are made by drying out areas or cutting off water sources".
- These are classic ways of killing a wetland and turning it from a wet to a dry ecosystem. The Tribunal has now asked for the "traditional" spread of the wetland.

### **Conclusion:**

- For the conservation of the wetlands, it is necessary to frame clear-cut Rules.
- The centre's role should be enhanced as the wetlands are of National importance.
- The areas of Wetlands must be clearly defined and their ecological characters must be maintained with continuous efforts.
- There should be only one aim of 'wetlands' i.e. ecological conservation. Multiple uses must not be allowed.