



## News Analysis (11 Oct, 2018)

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### Establishment of National Council for Vocational Education and Training

The Union Cabinet has approved the merger of the existing regulatory institutions in the skills space - National Council for Vocational Training (NCVT) and the National Skill Development Agency (NSDA) into the National Council for Vocational Education and Training (NCVET).

- The Council would be headed by a Chairperson and will have Executive and Non-Executive Members.
- Since NCVET is proposed to be set up through merger of two existing bodies, the existing infrastructure and resources will be utilized for the most part.
- The NCVT was a regulator and assessment body of the long-term skill education space, while the NSDA was a policy formulating body of the skill development ministry helping it devise training and industry collaboration policy for the Skill India mission.
- Apart from this, the Cabinet also approved the establishment and operationalisation of two new Indian Institutes of Science Education & Research (IISERs) at Tirupati (Andhra Pradesh) and Berhampur (Odisha).

### Primary Functions of NCVET

- Recognition and regulation of awarding bodies, assessment bodies and skill related information providers.
- Approval of qualifications developed by awarding bodies and Sector Skill Councils (SSCs).
- Indirect regulation of vocational training institutes through awarding bodies and assessment agencies.
- Research and information dissemination.
- Grievance redressal.

## Benefits

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- This will lead to improvement in quality and market relevance of skill development programs lending credibility to vocational education and training encouraging greater private investment and employer participation in the skills space.
- This is also expected to facilitate the ease of doing business by providing a steady supply of skilled workforce to the industry and services.
- The institutional reform can lend credibility to the sector and can encourage greater private investment.

## Background

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- In the past, most of the country's skill training needs were met through courses offered by the Industrial Training Institutes (ITIs) and under the Modular Employable Scheme (MES), regulated by National Council for Vocational Training (NCVT) which was established in 1956.
- Since this infrastructure was not enough to meet the increasing skill requirements of the country as well as the skilling needs of the growing workforce, the Government took a number of initiatives to scale up the skilling efforts.
- At present, there are 20 Ministries/ Departments implementing skill development programs mostly using private sector training providers.
- However, in the absence of adequate regulatory oversight, numerous stakeholders have been offering training programs of varying standards with multiplicity in assessment and certification systems which are not comparable, with serious consequences for the vocational training system and thus the employability of the country's youth.
- In 2013, National Skill Development Agency (NSDA) was established to coordinate and harmonize the skill development efforts of the government and the private sector.
- The primary role of NSDA has been to anchor and operationalize the National Skills Qualification Framework (NSQF) to ensure that quality and standards meet sector specific requirements.
- However, a need was felt for an overarching regulatory authority which could tend to all aspects of short-term and long-term skill-based training.
- Quality control has been a constant worry for the skill development sector in India with the mushrooming of skill schools across India. Though Skill India had been a talking point for the government over the last few years, there has hardly been any quality assessment or monitoring of the sector, essential to the supply of efficient manpower to industries .
- In view of this, NCVET is envisaged as an institution which will perform the regulatory functions so far vested in NCVT and NSDA.

# NITI Aayog Organises Workshop on Arbitration

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Recently **NITI Aayog** and **International Chamber of Commerce(ICC)- International Court of Arbitration** have organised the Training-cum-Brainstorming Workshop on Best Practices in International Arbitration in New Delhi.

Moving towards a New India in 2022, ensuring legal reform is a key and critical priority. Complementing 'Make in India' vision with 'Resolve in India', strong alternate dispute resolution mechanisms are significant in encouraging the Ease of Doing Business and Ease of Living in India.

## Arbitration

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Arbitration is a procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute. In choosing arbitration, the parties opt for a private dispute resolution procedure instead of going to court. Arbitration ensures timely and effective enforcement of contracts.

### Types of Arbitration

There are two main types of arbitration procedures. These are:

- **Ad-Hoc Arbitration**

Ad-Hoc Arbitration can be defined as a procedure of arbitration where a tribunal will conduct arbitration between the parties, following the rules which have been agreed by the parties beforehand or by following the rules which have been laid down by the tribunal, in case the parties do not have any agreement between them.

- **Institutional Arbitration**

In the case of Institutional Arbitration, the disputing parties submit their issue to an institution that has been designated to administer the arbitral process. The institution then arbitrates the dispute according to the rules laid by them in front of the parties. The institute selects a panel which administers the whole process.

## Arbitration Practices in India

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- Currently India has ad-hoc arbitration.
- Arbitration proceedings in India before 2015 are governed under Arbitration and Conciliation Act, 1996 and according to the proposed Arbitration and Conciliation (Amendment) Bill, 2018 the proceedings after Oct 23, 2015 will be dealt under Arbitration and Conciliation Act, 2015 . The Act is based on the United Nations Commission on International Trade Law (UNCITRAL) model law.

## The Arbitration and Conciliation (Amendment) Bill, 2018

The Arbitration and Conciliation (Amendment) Bill, 2018 seeks to amend the Arbitration and Conciliation Act, 1996. The Act contains provisions to deal with domestic and international arbitration, and defines the law for conducting conciliation proceedings. Key features of the Bill are:

- **Arbitration Council of India:** The Bill seeks to establish an independent body called the Arbitration Council of India (ACI) for the promotion of arbitration, mediation, conciliation and other alternative dispute redressal mechanisms.
- **Appointment of arbitrators:** Under the 1996 Act, parties were free to appoint arbitrators. In case of disagreement on an appointment, the parties could request the Supreme Court, or the concerned High Court, or any person or institution designated by such Court, to appoint an arbitrator.
- Under the Bill, the Supreme Court and High Courts may now designate arbitral institutions, which parties can approach for the appointment of arbitrators.
- For international commercial arbitration, appointments will be made by the institution designated by the Supreme Court.
- For domestic arbitration, appointments will be made by the institution designated by the concerned High Court.
- In case there are no arbitral institutions available, the Chief Justice of the concerned High Court may maintain a panel of arbitrators to perform the functions of the arbitral institutions.
- **Relaxation of time limits:** Under the 1996 Act, arbitral tribunals are required to make their award within a period of 12 months for all arbitration proceedings. The Bill proposed to remove this time restriction for international commercial arbitrations.
- **Completion of written submissions:** Currently, there is no time limit to file written submissions before an arbitral tribunal. The Bill requires that the written claim and the defence to the claim in an arbitration proceeding, should be completed within six months of the appointment of the arbitrators.
- **Confidentiality of proceedings:** The Bill provides that all details of arbitration proceedings will be kept confidential except for the details of the arbitral award in certain circumstances. Disclosure of the arbitral award will only be made where it is necessary for implementing or enforcing the award.
- **Applicability of Arbitration and Conciliation Act, 2015:** The Bill clarifies that the 2015 Act shall only apply to arbitral proceedings which started on or after October 23, 2015.

## Importance of Workshop on Arbitration

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- The workshop is part of ongoing efforts to institutionalize and streamline dispute resolution to make India a hub for doing business.

- There is an emerging need for understanding and implementing arbitration across the spectrum of commercial contracts.
- The workshop covered basic concepts of international arbitration and included best practices on drafting of arbitration agreements, factors to consider when deciding on the seat, venue, institution and governing law.
- It also covered topics related to the selection of arbitrators; enforcement of arbitral awards and the role of courts before, during and after the arbitration.

## NITI Aayog Encouraging Arbitration in India

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- NITI Aayog highlighted the importance of Arbitration by organizing a successful conference on international arbitration in 2016 which was presided over by the President of India and Prime Minister of India with participation from the Chief Justices of all SAARC countries.
- The conference explored the vitality of commercial arbitration, both domestic and international, as the preferred method of resolving disputes between parties.
- NITI Aayog also organized the two-day National Law Day Conference in 2017, with the Law Commission of India, in which debate and discussion were taken up on a multitude of legal aspects, including dispute resolution.

## Way Forward

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- With government's thrust on 'Make in India', it is important for investors, both domestic and international, to have faith in the dispute resolution mechanism in India.
- Use of arbitration for dispute resolution will greatly reduce pendency of cases and boost investor confidence in India.

## ICC-International Court of Arbitration

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- The International Court of Arbitration is an institution for the resolution of international commercial disputes.
  - It is part of the International Chamber of Commerce (ICC) which is world's largest business organization working to promote international trade and responsible business conduct.
  - It has been helping to resolve difficulties in international commercial and business disputes to support trade and investment since 1923.
  - It performs an essential role by providing individuals, businesses and governments alike with a variety of customisable services for every stage of their dispute.
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## Government Notifies E-flow for Ganga

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The Central Government has notified the minimum environmental flows for River Ganga with an aim to maintain the natural pattern of the river flow (*Aviral Dhara*).

- A river's e-flow is the quantity and timing of water that is essential for the river to perform its ecological functions and also important from the social and cultural standpoint.
- As part of the Centre's Namami Gange river cleaning project, *Aviral Dhara* (uninterrupted flow) is one of two important components, along with *Nirmal Dhara* (Unpolluted flow).
- The notification issued by the Government will ensure that the river has at least the minimum required an environmental flow of water even after the river flow gets diverted by projects and structures for purposes like irrigation, hydropower, domestic and industrial use etc.
- The **National Mission for Clean Ganga has laid down the minimum e-flow norms** will apply to the **upper Ganga River Basin** - starting from originating glaciers and through respective confluences of its head tributaries which meet at Devaprayag **up to Haridwar** - and the **main stem of the river Ganga up to Unnao district of Uttar Pradesh**.
- The **compliance of minimum environmental flow** is applicable to all **existing, under-construction and future projects**.
- The existing projects which currently do not meet the norms will have to ensure that the desired environmental flow norms are complied with **within a period of three years**.
- The mini and micro-projects which do not alter the flow characteristics of the river or stream significantly are exempted from these environmental flows.
- The **flow conditions** in these river reach will be **monitored at hourly intervals** from time to time.
- **The Central Water Commission is the designated authority and the custodian of the data and will be responsible for supervision, monitoring, regulation of flows and reporting of necessary information to the appropriate authority and also take emergent decisions about the water storage norms in case of an emergency.**
- The project developers or authorities will have to install automatic data acquisition and data transmission facilities at appropriate locations at project sites.
- The Central Government through National Mission for Clean Ganga may direct release of additional water in the River Ganga to meet special demand as and when required.
- The notification also stipulated that the concerned Central and State authorities will implement demand-side management plans to reduce water withdrawal from River Ganga by adopting good and scientific practices such as the efficient method of irrigation, reuse and recycle of water including monitoring and regulation of groundwater withdrawals for various purposes.

## **National Mission for Clean Ganga(NMCG)**

- NMCG is the implementation wing of National Council for Rejuvenation, Protection, and Management of River Ganga.
- It was established in the year 2011 as a registered society.
- The aims and objectives of NMCG are:
  - To ensure effective control of pollution and rejuvenation of the river Ganga by adopting a river basin approach to promote inter-sectoral co-ordination for comprehensive planning and management
  - To maintain minimum ecological flows in the river Ganga with the aim of ensuring water quality and environmentally sustainable development

## **Central Water Commission**

- Central Water Commission is a premier technical organization of India in the field of Water Resources.
- It is presently functioning as an attached office of the Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India.
- The Commission is entrusted with the general responsibilities of initiating, coordinating and furthering in consultation of the State Governments concerned, schemes for control, conservation, and utilization of water resources throughout the country, for purpose of flood control, irrigation, navigation, drinking water supply and water power development.

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## **Important Facts for Prelims (11th October 2018)**

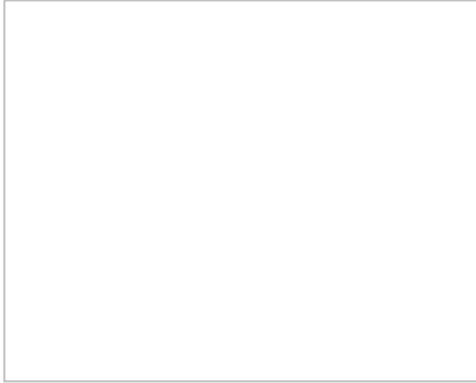
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### **IWAI to Launch New Ro-Ro Service to Majuli Island**

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- Inland Waterways Authority of India (IWAI) will start a new Roll on-Roll off (Ro-Ro) facility in collaboration with the Government of Assam for Majuli Island which currently faces serious challenges of connectivity.
- The Ro-Ro ferry services are vessels made to carry wheeled cargo that are driven on and off the ferry on their own wheels or using a platform vehicle.
- The wheeled cargo includes, cars, trucks, semi trailer trucks, trailers, and railroad cars.
- This Ro-Ro facility will cut down the circuitous road route of 423 kms that trucks take from Neamati to Majuli Island via Tezpur Road Bridge, by limiting the distance to only 12.7 kms with the use of river route.
- The commencement of Ro-Ro services to Majuli island will augment connectivity not only in Assam but the entire North Eastern Region.

### **Majuli Island**



- Majuli is the biggest inhabited riverine islands in the world located in the river Brahmaputra.
- It is India's First island district. It has 144 villages with a population of over 1,50,000.
- Majuli was once 1200 square kilometres but due to excessive erosion has shrunk to under 500 square kilometres.
- It is the nerve centre of neo-Vaishnavite culture. It has many 'Satras' (religious and cultural institutions).
- It has been included in the tentative list of World Heritage Sites by UNESCO.

## Goa Maritime Symposium – 2018

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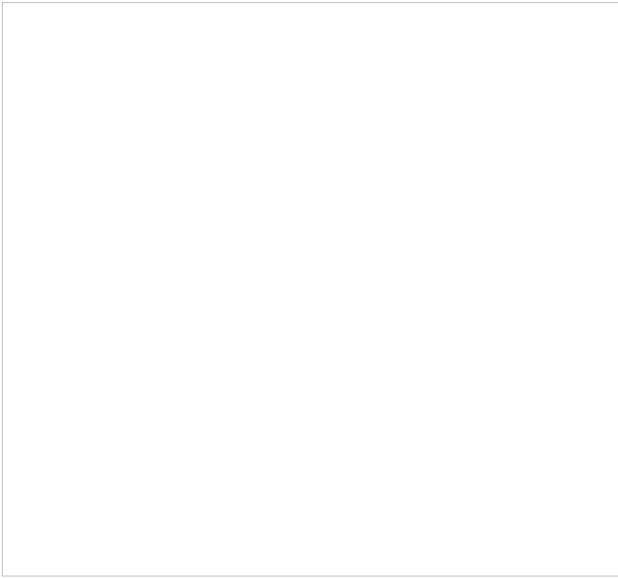
- To strengthen friendly relations with maritime neighbours, the Indian Navy is hosting the 'Goa Maritime Symposium – 2018' on 16th October 2018.
- The theme for the one day symposium is "Building Stronger Maritime Partnerships in IOR" The focus of the symposium is on capacity building among IOR Navies to tackle emerging maritime threats, as well as discussing cooperative strategies for enhancing interoperability among partner maritime agencies.
- The 16 Indian Ocean littoral countries participating in the Symposium include Indonesia, Malaysia, Singapore, and Thailand from South East Asia; Bangladesh, Myanmar, and Sri Lanka from India's immediate neighbourhood; the island nations of Seychelles, Mauritius and Maldives; Oman in West Asia; and South Africa, Madagascar, Kenya, Tanzania and Mozambique from Africa.
- The symposium will facilitate interaction in the Indian Ocean Region for sharing ideas on common issues of maritime interest.
- With the Indian Ocean Region (IOR) becoming the locus of the 21st century strategic landscape, the symposium will play a constructive role in bringing together stakeholders that have a role in evolving strategies, policies and implementation mechanisms in the maritime domain.
- Further it is aligned with the objective of 'SAGAR' (Security and Growth for All in the Region) initiative of India which envisions enhanced engagement with countries beyond shores with the aim of building greater trust and promoting respect for maritime rules, norms and peaceful resolution of disputes.

## International Fleet Review (IFR)- 2018

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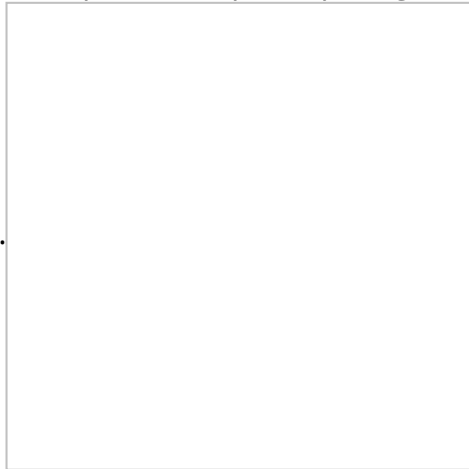


Guided missile destroyer INS Rana has reached Jeju in South Korea to participate in the International Fleet Review (IFR) which is being held from October 8 to 15.



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- However, Japan is not participating in international fleet review hosted by South

Korea.



- It has refused Seoul's request to remove the Japanese navy's "rising sun" flag.
- The flag portrays a red sun with 16 rays extending outward and is mandatory for Japan's naval ships under domestic laws. Many countries in Korean peninsula see the red-and-white flag as a symbol of Japan's past military aggression and its colonisation.
- A Naval Fleet Review is a long-standing tradition followed by navies all over the world. The idea of a Review was conceived as a show of naval might or an inspection of readiness for battle at sea.
- In India, the President, as the Supreme Commander of the armed forces, reviews the Fleet once during his tenure. Ten Reviews have taken place in India since Independence in 1947. The first was held in 1953 and the last in 2016.