



News Analysis (07 Aug, 2021)

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India's Case of Permanent Seat in UNSC

Why in News

In the past, the **Obama and Trump administrations** had supported a permanent seat for India on the **United Nations Security Council (UNSC)**. However, the recent statements by the **State Department under the new US President Joe Biden**, reflects an **ambiguous or half-hearted view on this issue**.

Key Points

- **Highlights of the Recent Viewpoint:**

- The US supports a reformed Security Council that is representative, that is effective, and that is relevant.
 - However, the US offers **qualified support for building a consensus for enlargement of the UNSC** – in terms of permanent and non-permanent members.
- The US **would not support an expansion of the veto**, which is currently exercised by **five permanent members (P-5): China, France, Russia, the UK and the US**.
- Also, the US's Ambassador to the UN, had **refrained** from saying the US **supported India and other members of the G4 (Japan, Germany and Brazil)** for a permanent UNSC seat.
- It cited the regional disagreements by the **Uniting for Consensus (UFC) group** – Pakistan, South Korea, Italy and Argentina – which opposes the G4 plan.

- **Need for UNSC Reforms:**
 - **Undemocratic Nature of UNSC: Barring two regions (North America and Europe),** other regions are **either underrepresented** (like Asia) or **not represented at all** (Africa, Latin America and the Small Island developing states).
 - **Misuse of Veto Power:** The veto power is used by P-5 countries to serve the strategic interest of themselves and their allies.
 - For example, the United States has casted a veto on Council resolutions 16 times, **to support its ally Israel**, concerning **Israeli-Palestinian conflict**.
 - **Lack of Global Governance:** There are **no regulatory mechanisms for global commons** like the **Internet, Space, High Seas** (beyond one's EEZ-exclusive economic zone).
 - Also, there is no unanimity on how to deal with **global issues** like **terrorism, climate change, cybersecurity and public health** (as seen in the current pandemic).
 - Due to all these factors, the former **UN Secretary-General Kofi Annan** said that the Security Council must either reform or risk becoming increasingly irrelevant.
- **Case for Permanent Membership of India in UNSC:**
 - **India's Historic Association with the UN System:** India is the **founding member** of the UN.
 - India, till now has been **elected for eight terms** for a two-year non-permanent member seat.
 - Most significantly, **India has almost twice the number of peacekeepers** deployed on the ground than by P5 countries.
 - **India's Intrinsic Value:** India being the **largest democracy and second-most populous country** (soon to become most populous) in the world, are the primary reasons for it to be granted permanent membership in UNSC.
 - Also, India is **one of the largest economies and fastest-growing economies** of the world.
 - **India's Geopolitical Footprint:** India's acquired status of a **Nuclear Weapons State (NWS)** in May 1998 also makes India a natural claimant as a permanent member similar to the existing permanent members who are all Nuclear Weapon States.
 - Also, India has been inducted in various **export control regimes** like MTCR, Wassenaar arrangement, etc.
 - India's international profile and capabilities rise due to its ever-expanding global footprint in diverse areas like politics, **sustainable development**, economics, and culture and science and technology.
 - **Representing the developing World:** India is the undisputed leader of the Third world countries, as reflected by its leadership role in the **Non-Aligned Movement**.

Note

- In the past, **India was offered to join the UNSC by both the superpowers, the US and the then Soviet Union** in 1950 and in 1955 respectively.
However, India denied the offer due to **Cold war politics** in that era.
- India is currently (in 2021 and 2022) **a non-permanent member of the UNSC** and is president for the month of August.

RoadBlocks in India's Bid for Permanent Membership:

- It is argued by critics that India has still not signed the **Nuclear Non-Proliferation Treaty (NPT)** and also refused to sign the **Comprehensive Nuclear-Test-Ban Treaty in 1996**.
- China, **which has veto power in the UNSC** being one of its five permanent members, has been **stonewalling India's efforts to become a permanent member**.
- Though India is a bright spot in the global economy and its macroeconomic fundamentals are stable, it shows poor performance in many socio-economic indicators like the **Human Development Index**.
- India's capacity to project its military power beyond the Indian Ocean region is still to be tested. Further, **India heavily relies on weaponry imports** from US and Russia for its military requirements.

UN SECURITY COUNCIL STRUCTURE LOCKS INTERNATIONAL SYSTEM

UN Security Council's five permanent members' use of their veto power for their national interests leads to questioning of the legitimacy of the UNSC

UNSC STRUCTURE

- Use of force **at UN** is decided **by UNSC**
- **Five permanent** members have the right to veto a draft resolution
- To adopt a draft resolution, none of the permanent members should veto it and **9 countries** should vote in favor



China and Russia have vetoed **four draft resolutions on Syria** since 2011

The U.S. has used its veto right **42 times for Israel** since 1972

Palestine has not become a UN member, as full membership requires **UNSC approval**

China **blocks Taiwan's UN membership**, not recognizing Taiwan as a sovereign country

CRITICISM OF UN STRUCTURE

- Permanent membership system
- Five permanent members' veto right and weak equal representation due to a small number of members

PERMANENT MEMBERS



REFORM PROPOSALS

- Increasing the number of non-permanent members
- Restricting veto right

Source: TH

Collaboration of India, Sri Lanka and Maldives on Security

Why in News

Recently in a **Deputy National Security Adviser-level meeting** hosted by Sri Lanka, **India, Sri Lanka and the Maldives** have agreed to work on “**four pillars**” of security cooperation.

- The four areas covers **marine security, human trafficking, counter-terrorism, and cyber security.**
- The **meeting** which was held **under the Colombo Security Conclave**, saw **Bangladesh, Seychelles and Mauritius** participating in the role of observers.

Key Points

- **Background:**
 - Soon after the NSA (National Security Adviser) Trilateral meeting on Maritime Security in November 2020 in Colombo, this **grouping was renamed as 'Colombo Security Conclave'**. A secretariat has also been established in the capital city of Sri Lanka (Colombo).
 - This **Trilateral framework was established back in 2011**.
 - The **aim of the establishment of the Conclave** was to forge closer cooperation on maritime and security matters among the three Indian Ocean countries.
 - The initiative, **grounded in military and security collaboration**, assumes significance in the region, in the wake of the current geostrategic dynamic that India shares with Sri Lanka and the Maldives.
- **Current Geostrategic Dynamic:**
 - **Sri Lanka:** Earlier this year, **India aired security concerns over China being awarded development projects** in an island off Sri Lanka's northern province, close to India's southern border.
 - The **Maldives's engagement** with members of the **India-United States-Japan-Australia grouping**, known as the '**Quad**', has been growing over the last year, especially in the area of defence cooperation.
- **Highlights of the Latest Meeting:**
 - The **aim** of the Meeting was **to establish a maritime security mechanism for Indian Ocean Region (IOR)** including the Bay of Bengal **amid China's growing presence in the area**.
 - With the six countries attending the meeting, the **focus areas were expanded and now it covers** weapons and human trafficking, countering terrorism and violent extremism, protection of maritime environment, capacity building, transnational crimes including narcotics, and Humanitarian Assistance and Disaster Relief (HADR), etc.
 - More cooperation through **joint exercises of the navies and coast guards** to further strengthen maritime safety and security in IOR.
 - As has been reported earlier, there have been **pollution accidents in the IOR**. MV Xpress Pearl, MT New Diamond and MV Wakashio had accidents in the region and this impacted the marine environment. The members discussed ways of combating the pollution in the waters.
 - Later this year, the **three observer countries** have been invited to be **full members at the next NSA level meeting**. This meeting will take place in Maldives.

- **Significance:**
 - The **widening of thematic areas** of cooperation and **expansion of membership** to Bangladesh, Mauritius and Seychelles **indicate growing convergence among the Indian Ocean Region countries** to work together in a common platform and to deepen the spheres of engagement under a regional framework.
 - The **coming together of the 6 Indian Ocean region countries** in India's immediate neighbourhood on a common maritime and security platform is significant in a wider global context as well.
 - It **highlights India's desire to play a leading security role in the neighbourhood.**
- **Concerns:**
 - The progress of the NSA-level trilateral meeting was affected when Delhi's ties with Male deteriorated under Maldivian President Abdulla Yameen.
 - **Subregional cooperation cannot be insulated from bilateral political relations** and, hence, maintaining good bilateral relations with individual countries and responding to the growing aspirations of smaller neighbours would be crucial.
 - **Most of the smaller neighbours are more comfortable cooperating in non-traditional security than entering into hard military cooperation** with India at the subregional level.

Way Forward

- A **subregional approach** to building security cooperation has been gaining salience in **India's neighbourhood policy** in recent years. The revival of the NSA-level trilateral India-Sri Lanka-Maldives dialogue on maritime security cooperation underscores this policy approach.
- **Drawing a clear boundary of the subregion** will continue to remain a challenge as cooperation will not always be driven by the proximity factor but also by the nature of the issue itself. Having said that, some clarity on the boundary issue may help in better framing the objectives of subregional security cooperation and avoid overlapping of membership or duplication of activities.

Source: TH

Permanent Forum of People of African Descent

Why in News

Recently, the **United Nations General Assembly** has approved a resolution establishing a **Permanent Forum of People of African Descent.**

The Forum focuses on the **themes of recognition, justice and development.**

Key Points

- **About the Forum:**

- The forum will **provide expert advice** on addressing the challenges of **racism, racial discrimination, xenophobia and intolerance**.
- It will serve as **“a platform for improving the safety and quality of life and livelihoods of people of African descent”** and their full inclusion in the societies where they live.
- It was given a **series of mandates**.
 - They include **helping to ensure “the full political, economic and social inclusion of people of African descent,”** and **providing recommendations on addressing racism to the Geneva-based Human Rights Council, the General Assembly's main committees and UN agencies.**
- The forum will consist of **10 members**:
 - five elected by the **General Assembly from all regions**.
 - five appointed by the **Human Rights Council** following consultations with regional groups and organizations of people of African descent.
- The resolution calls for the **forum's first session to take place in 2022**.

- **People of African Descent:**

- **About:**
 - There are around **200 million people** identifying themselves as **being of African descent live in the Americas**.
 - **Many millions more live** in other parts of the world, **outside of the African continent**.
- **Issues:**
 - Whether as **descendants of the victims of the transatlantic slave trade or as more recent migrants**, they constitute some of the **poorest and most marginalized groups**.
 - They still have **limited access to quality education, health services, housing and social security**.
 - They all too **often experience discrimination** in their access to justice, and **face alarmingly high rates of police violence**, together with **racial profiling**.
 - Furthermore, **their degree of political participation is often low**, both in voting and in occupying political positions.
- **Related Initiative:**
 - **Durban Declaration and Programme of Action (2001):**
 - It **acknowledged that people of African descent were victims of slavery, the slave trade and colonialism**, and continue to be victims of their consequences.
 - It **raised the visibility of them** and contributed to a **substantive advancement in the promotion and protection of their rights** as a result of concrete actions taken by States, the United Nations, other international and regional bodies and civil society.
 - In 2014, the General Assembly officially launched the **International Decade for People of African Descent (2015 - 2024)**.

Racism

- **About:**

- **Racism**, also called racialism is the **belief that humans may be divided into separate and exclusive biological entities called “races”**; that there is a causal link between inherited physical traits and traits of personality, intellect, morality, and other cultural and behavioral features; and that some races are innately superior to others.
- The term is **also applied to political, economic, or legal institutions and systems** that engage in or perpetuate discrimination on the basis of race or otherwise reinforce racial inequalities in wealth and income, education, health care, civil rights, and other areas.

Xenophobia and Racism mostly overlap, but the **stark difference** is racism is discrimination based on physical characteristics whereas xenophobia is discrimination based on the perception that someone is foreign or originating from another community or nation.

The word Xenophobia originates from the Greek word Xeno.

- Racial discrimination is there in the Indian society.

- **Initiatives Against Racism:**

- **Durban Declaration and Programme of Action (2001):** Adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.
- Every year, **21st March**, is observed as **International Day for the Elimination of Racial Discrimination**.
- **United Nations Educational, Scientific and Cultural Organization’s (UNESCO)** actions against racism through education, the sciences, culture, and communication offer an example of a way forward.
- **Global Forum against Racism and Discrimination 2021:** UNESCO’s headquarters in Paris hosted it in partnership with the Republic of Korea.
- In January 2021, the **World Economic Forum** launched a coalition of organizations committed to improving racial and ethnic justice in the workplace.
- The **‘Black Lives Matter’** protests gained momentum in not only the United States but the whole world. People, as well as many governments across different countries, came forth against the prevalence of racial discrimination worldwide.

- **Provisions Against Racial Discrimination in India:**

- **Article 15, Article 16 and Article 29** of the Constitution of India prohibit discrimination on grounds of “race”.
- Section 153A of the **Indian Penal Code (IPC)** also refers to “race”.
- India also ratified the **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)** in 1968.

Way Forward

- Through **new approaches to intercultural dialogue and learning**, youth and communities can be equipped with skills to eradicate harmful stereotypes and foster tolerance.
- Recent and new manifestations of racism and discrimination call for renewed commitments to mobilise for equality. Racism will not be overcome with mere professions of good faith but must be combatted with anti-racist action.
 - The use of new technologies and artificial intelligence in security raise the spectre of ‘techno-racism’, as facial recognition programmes can misidentify and target racialized communities.
- A **global culture of tolerance, equality and anti-discrimination** should be built first and foremost in the minds of women and men.

Source: TH

Doing Away With Retrospective Taxation

Why in News

Recently, the Government of India has introduced **The Taxation Laws (Amendment) Bill, 2021** in the Lok Sabha.

The bill **seeks to withdraw tax demands made using a 2012 retrospective legislation** to tax the indirect transfer of Indian assets.

Key Points

- **Background:**
 - The retrospective tax law **was passed in 2012 following a Supreme Court verdict in favour of US-based Vodafone.**
 - The **Dutch arm of Vodafone Group bought a Cayman Islands-based company in 2007, which indirectly held a majority stake in Indian firm Hutchison Essar Ltd**—later renamed Vodafone India—for \$11 billion.
 - It was **introduced after an amendment to the Finance Act** enabled the tax department to **impose retrospective capital gains tax** for deals — **involving the transfer of shares in foreign entities located in India — after 1962.**
 - While the amendment was aimed at penalising Vodafone, many other companies got caught in the crossfire and have created a host of problems for India over the years.
 - It remains one of the **most contentious amendments to the income tax law.**
 - Last year, India **lost a case in international arbitral tribunal** at The Hague against taxing **Cairn Energy Plc and Cairn UK holdings Ltd** on alleged capital gains the company made when in 2006 it reorganised its business in the country before listing the local unit.

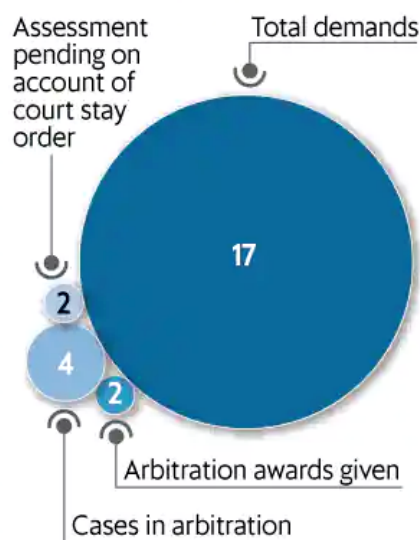
- **Proposed Changes in Bill:**

- Amendments to the Income-tax Act and Finance Act, 2012 to effectively state that **no tax demand shall be raised for any indirect transfer of Indian assets if the transaction was undertaken before 28th May 2012.**
- **Tax raised** for the indirect transfer of Indian assets before May 2012 would be **"nullified on fulfillment of specified conditions"** such as the withdrawal of pending litigation and an undertaking that no damages claims would be filed.
- It also **proposes to refund the amount paid by companies facing trail** in these cases without interest thereon.

CONDITIONS APPLY

The new bill says tax claims made on offshore transactions executed prior to 28 May 2012 will be nullified, subject to riders. The status of such demands at a glance:

Status of retrospective tax demands



Arbitration awards (in ₹ crore)

Tax demanded	Arbitration
Cairn Energy Plc 10,400#	12,600 including interest
Vodafone Group Plc 19,000*	40 in costs**

#plus an equal amount in penalty, accrued interest

* updated demand in 2017

** plus ₹45 crore tax refund if award is not contested. India has appealed the award.

LEGISLATIVE CHANGE

MOVE will help close past disputes, avoid future litigation costs

THE govt proposes to refund only the principal, not interest

Significance of the Bill:

- The bill marks a step in the direction of addressing the long-pending demand of foreign investors seeking the removal of retrospective tax for the sake of **better tax clarity.**
- This would help in establishing an **investment-friendly business environment**, which can increase economic activity and help raise more revenue over time for the government.
- This could help restore India's reputation and **improve ease of doing business.**

Retrospective Taxation

- It allows a country to pass a rule on taxing certain products, items or services and deals and charge companies from a time behind the date on which the law is passed.

- Countries use this route to correct any anomalies in their taxation policies that have, in the past, allowed companies to take advantage of such loopholes.
- Retrospective Taxation hurts companies that had knowingly or unknowingly interpreted the tax rules differently.
- Apart from India, many countries including the USA, the UK, the Netherlands, Canada, Belgium, Australia and Italy have retrospectively taxed companies.

Capital Gain

- This gain or profit comes **under the category of 'income'**.
- Hence, the capital gain tax will be required to be paid for that amount in the year in which the transfer of the capital asset takes place. This is called the capital gains tax, which can be both short-term or long-term.
 - **Long-term Capital Gains Tax:** It is a levy on the profits from the sale of assets held for more than a year. The rates are 0%, 15%, or 20%, depending on the tax bracket.
 - **Short-term Capital Gains Tax:** It applies to assets held for a year or less and is taxed as ordinary income.
- Capital gains can be reduced by deducting the capital losses that occur when a taxable asset is sold for less than the original purchase price. The total of capital gains minus any capital losses is known as the "net capital gains".
- **Capital assets** are significant pieces of property such as homes, cars, investment properties, stocks, bonds, and even collectibles or art.

Way Forward

- India needs to craft meaningful and clear dispute resolution mechanisms in cross-border transactions to prevent the disputes from going to international courts, and save the cost and time expenditure.
- Improving the arbitration ecosystem will have a positive impact on the ease of doing business.

Source: IE

Supreme Court Rules on Future Retail Vs Amazon

Why in News

Recently, the **Supreme Court** upheld the enforcement of an order by the Singapore International Arbitration Centre (SIAC)'s emergency arbitrator that puts on hold the Future Group's deal with Reliance Industries Limited.

Singapore International Arbitration Centre

It is a not-for-profit international arbitration organisation based in Singapore, which administers arbitrations under its own rules of arbitration and the **United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules**.

Key Points

- **Background:**

- In August 2020, Future Retail Limited (FRL) had announced that it would sell its retail and wholesale business to Reliance Retail.
- Before the deal could be executed, Amazon objected to it, alleging a breach of contract it had with Future Coupons (the promoter firm of Future Retail).
 - Amazon said that its agreement with Future Coupons had given it a “call” option, which enabled it to exercise the option of acquiring all or part of Future Retail’s shareholding in the company, within three to 10 years of the agreement.
- Subsequently, Amazon took Future Retail into Emergency Arbitration before the SIAC, where an emergency arbitrator barred the latter from proceeding with the deal.

Emergency arbitration is a mechanism which "allows a disputing party to apply for urgent interim relief before an arbitration tribunal has been formally constituted".

- **Significance of Supreme Court's Order:**

- **Dismissed FRL's argument that the "Emergency Arbitrator is not an arbitral tribunal" under the Arbitration and Conciliation Act of 1996.**
- It upheld the validity of the EA award. The judgment laid down that the **award is "exactly like an order of an arbitral tribunal" contemplated under Section 17** of the 1996 Act. Hence, an award by the EA was like an order under Section 17(1) (interim measures ordered by an arbitral tribunal) of the Act.

Section 17 of the Act prescribes the mechanism for parties to an arbitration to seek interim reliefs from the arbitral tribunal during the pendency of the arbitral proceedings.

- The EA orders were **"an important step in aid of decongesting the civil courts and affording expeditious interim relief to the parties"**.
- The court **pointed out a recommendation that a High-Level Committee constituted by the Government of India under the chairmanship of Justice B N Srikrishna** (retd) to review the institutionalisation of the arbitration mechanism in India and look into the provisions of the Arbitration Act after the 2015 Amendment Act, gave in its 2017 report.

It said that "given that international practice is in favour of enforcing emergency awards (Singapore, Hong Kong and the United Kingdom all permit enforcement of emergency awards), it is time that India permitted the enforcement of emergency awards in all arbitral proceedings".

- The judgment would serve as **a reminder to the parties to carefully agree to the terms and conditions of the arbitration.**
- **No appeal would lie under Section 37 of the Arbitration Act** against an order of enforcement of an Emergency Arbitrator's order made under Section 17(2) of the Act.
 - Section 37 of the Arbitration Act, prescribes for appeals against certain identified orders of the court and/or arbitral tribunal (as the case may be).
 - However, Section 37 (unlike Section 34) of the Act is silent on the limitation period for filing an appeal.

Arbitration

- **About:**

It is a process in which disputes are resolved between the parties by appointing an independent third party who is an impartial and neutral person called arbitrator. Arbitrators hear both the parties before arriving at a solution to their dispute.

- **Arbitration and Conciliation (Amendment) Act, 2021:**

It amends the **Arbitration and Conciliation Act (A&C Act 1996)** so as to (i) enable automatic stay on awards in certain cases and (ii) specify by regulations the qualifications, experience and norms for accreditation of arbitrators.

A&C Act 1996 is an act to amend and consolidate a law related to domestic arbitration, international commercial arbitration and enforcement of foreign arbitral awards as also to define the law relating to conciliation and for matters connected therewith or incidental therewith.

- **Features of the Act:**

- **Qualifications of Arbitrators:**

It does away with the qualifications of the arbitrators under **8th Schedule of the Arbitration and Conciliation Act, 1996** which specified that the arbitrator must be:

- An advocate under the Advocates Act, 1961 with 10 years of experience, or
- An officer of the Indian Legal Service.

- **Unconditional Stay on Awards:**

If the Award is being given on the basis of a fraudulent agreement or corruption, then the court can grant an unconditional stay as long as an appeal under Section 34 of the arbitration law is pending.

- **Benefits:**

- Would bring about parity among all the stakeholders in the arbitration process.
- Checking misuse of the provisions under Arbitration and Conciliation Act, 1996 would save the taxpayers money by holding those accountable who siphoned off of them unlawfully.

- **Drawbacks:**

- India already lags behind when it comes to the enforcement of international contracts and agreements. The Act **can further hamper the spirit of Make in India campaign and deteriorate rankings in Ease of Doing Business Index.**
- India aims to become a hub of domestic and international arbitration. Through the implementation of these legislative changes, resolution of commercial disputes could take longer duration now onwards.

Source: IE

Constitution (Scheduled Tribes) Order (Amendment) Bill, 2021

Why in News

Recently, **Rajya Sabha** has passed the **Constitution (Scheduled Tribes) Order (Amendment) Bill, 2021**.

The bill provides for **modifying Part-XVIII of the Schedule to the Constitution (Scheduled Tribes) Order, 1950**, relating to the state of Arunachal Pradesh.

Key Points

About the Bill:

- It seeks to **amend the constitutional list of Scheduled Tribes as recommended by Arunachal Pradesh.**

At present, there are **18 communities with their synonyms** appearing in the illustrative list of Scheduled Tribes in respect of the state of Arunachal Pradesh.

- This **amendment** in the list of Scheduled Tribes, relating to the state of Arunachal Pradesh, will entail **no additional recurring expenditure** from the **Consolidated Fund of India**, on account of benefits likely to be provided to persons belonging to the communities proposed in the Bill.

- The **Ministry of Tribal Affairs** is funding the **welfare of 10.45 crores of Scheduled Tribes population (Census, 2011).**
- Further, the **Scheduled Tribes are also eligible** for benefits under the **Scheduled Tribes Component (STC) of schemes** under the central government and state governments.

The **basic objective of Schedule Tribe Component** is to channelize/monitor the flow of outlays and benefits from the general sectors in the Central Ministries/Departments for the development of Scheduled Tribes at least in proportion to their population.

- The Bill **removes the Abor tribe from the list** of identified STs in Arunachal Pradesh. Further, it **replaces certain STs with other tribes** (as indicated below):

Original list	Proposed changes under the Bill
Abor	Deleted from the list
Khampti	Tai Khamti
Mishmi, Idu, and Taroan	Mishmi-Kaman (Miju Mishmi), Idu (Mishmi), and Taroan (Digaru Mishmi)
Momba	Monpa, Memba, Sartang, and Sajolang (Miji)
Any Naga Tribes	Nocte, Tangsa, Tutsa, and Wancho

Scheduled Tribes in Arunachal Pradesh:

- **Nearly 64.2% of the total population** of Arunachal Pradesh is **Scheduled Tribes (STs)** according to the **2001 Census.**
- The state has registered a decadal growth of 28.1% of ST population in 1991-2001 Census.

Scheduled Tribe

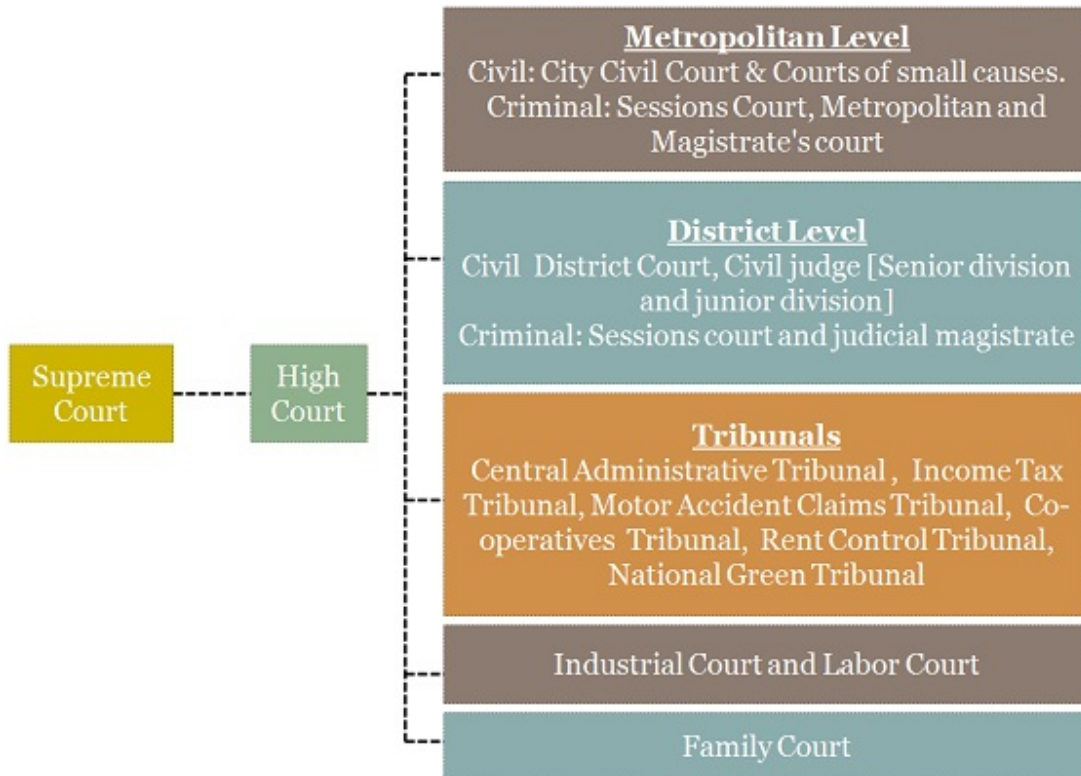
- **Article 366 (25)** of the Constitution refers to **Scheduled Tribes** as those communities, who are scheduled in accordance with Article 342 of the Constitution.
- **Article 342** says that **only those communities** who have been declared as such by the **President** through an initial public notification or through a subsequent amending Act of Parliament will be considered to be Scheduled Tribes.
- The list of **Scheduled Tribes is State/UT specific** and a community declared as a Scheduled Tribe in a State need not be so in another State.
- The **Constitution is silent about the criteria** for specification of a community as a Scheduled Tribe. Primitiveness, geographical isolation, shyness and social, educational & economic backwardness are the traits that distinguish Scheduled Tribe communities from other communities.
- There are certain Scheduled Tribes, 75 in number known as **Particularly Vulnerable Tribal Groups (PVTGs)**, who are characterised by:- a) pre-agriculture level of technology; b) stagnant or declining population; c) extremely low literacy; and d) subsistence level of economy.
- Government Initiatives: The **Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act**, 2006 (FRA); The **Provision of the Panchayats (Extension to the Scheduled Areas) Act**, 1996; Minor Forest Produce Act 2005; **SC And ST (Prevention Of Atrocities) Act**; and the Tribal Sub-Plan Strategy are focused on the socio-economic empowerment of STs.

Source:TH

Sorry State of Tribunals

Why in News

Recently, the **Supreme Court** (SC) expressed displeasure against the Central government by asking whether it intends to “close” **tribunals** across the country by not filling up vacancies that have been pending for years.



Key Points

- **About Tribunals:**

- Tribunal is a **quasi-judicial institution** that is set up to deal with problems such as resolving administrative or tax-related disputes.
- It performs a number of **functions like adjudicating disputes, determining rights between contesting parties, making an administrative decision, reviewing an existing administrative decision** and so forth.
- Tribunals were not part of the original constitution, it was incorporated in the Indian Constitution by **42nd Amendment Act, 1976**.
 - **Article 323-A** deals with Administrative Tribunals.
 - **Article 323-B** deals with tribunals for other matters.
- The Tribunals were set up to reduce the workload of courts, to expedite decisions and to provide a forum which would be manned by lawyers and experts in the areas falling under the jurisdiction of the Tribunal.

- **Issues Concerning Tribunals:**
 - **Persisting Vacancies:** The SC noted that, the **vacancies of 20 presiding officers, 110 judicial members and 111 technical members** were pending across the country in various tribunals.
 - For example, in the **National Green Tribunal, Income Tax Appellate Tribunal, Central Administrative Tribunal**.
 - These persisting vacancies make them redundant.
 - **Ignoring Recommendations:** Recommendations of names by the selection committees led by sitting Supreme Court judges to fill up the vacancies have been largely ignored by the government.
 - **Denying Right of the People to Access Justice:** The Court pointed out that with tribunals defunct and High Courts having no jurisdiction over the areas of law wielded by tribunals, litigants have nowhere to go for justice.
 - **Problem of Non-Uniformity:** Added to this is the problem of non-uniformity across tribunals with respect to service conditions, tenure of members, varying nodal ministries in charge of different tribunals.
 - These factors contribute significantly to malfunctioning in the managing and administration of tribunals.
- **Related Development:**
 - **The Tribunals Reforms (Rationalisation and Conditions of Service) Bill, 2021** has been introduced in Lok Sabha.
 - The Bill **dissolves certain existing appellate bodies** and transfers their functions to other existing judicial bodies.
 - The **term of office for the Chairperson and members of a Tribunals will be four years**, subject to an upper age limit of seventy years for the Chairperson, and sixty-seven years for other members.
 - The Bill specifies that a person should be at least 50 years of age to be eligible for appointment as a Chairperson or member.

Way Forward

- Reforming the tribunals system in India may as well be one of the keys to remedy the age-old problem that still cripples the Indian judicial system – **the problem of judicial delay and backlog**.
- To regulate the matters of tribunals without compromising their independence is the establishment of the **National Tribunals Commission (NTC)**.

Source: TH

Abanindranath Tagore

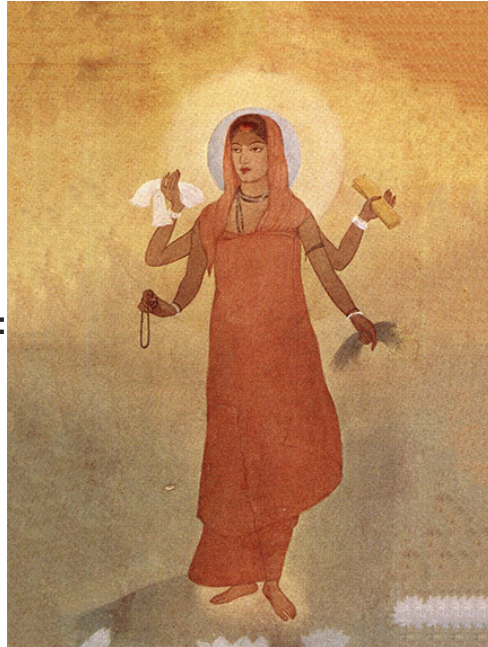
Why in News

The year-long celebrations marking **150 years of Abanindranath Tagore** will be started soon, with a host of online workshops and talks paying tributes to the leading light of the **Bengal School of Art**.

Key Points

- **About:**
 - **Birth:** Abanindranath Tagore took birth **in a family of Tagores of Jorasanko in Kolkata in 1871.**
 - He was a nephew of **Rabindranath Tagore**.
 - **Abanindranath's Ideology:** In his youth, Abanindranath received training in European and Academic style from European artists.
 - However, during the last decade of the 19th century, he **developed a distaste for European naturalism** (which represented things closer to the way one sees them - inspired by the principles of natural science).
 - He **leaned towards painting images with historic or literary allusions**. He drew **inspiration from Mughal miniatures**.
 - Another source of inspiration came from the **visit of the Japanese philosopher and aesthetician Okakura Kakuzo** to Kolkata in **1902**.

- **Contribution to Indian Freedom Struggle:**



- In the **last decades of the nineteenth century**, a new art movement emerged which received its primary stimulus from the growing nationalism in India.
- In Bengal, **a new group of nationalist artists** gathered around Abanindranath Tagore.
- He was arguably the first major exponent of an artistic idiom that sought to **modernise the Mughal and the Rajput styles** in order to **counter the influence of Western models of art under the colonial regime**.
- Though many of the paintings of this new trend primarily focused on **themes of Indian mythology and cultural heritage**, they are important sources for studying the modern art movement in India and for the art historians.
- His unique interpretation of **swadeshi themes created a new awakening** and heralded a revival of Indian art.
- He was the creator of the iconic **‘Bharat Mata’ painting**.
- **Victoria Memorial Hall** is the custodian of the **Rabindra Bharati Society** collection, the single-largest collection of works by the artist.

Bengal School of Painting

- It is also called the **Renaissance School or the Revivalist School**, as it represented the **first modern movement of Indian art**.
- It **rediscovered the glories of Indian art** and consciously tried to produce what it considered a truly Indian art inspired by the creations of the past.
- Its **leading artist was Abanindranath Tagore** and its **theoretician was E.B. Havell**, the principal of the Calcutta School of Art.

Source: TH

Major Dhyhan Chand Khel Ratna Award

Why in News

Recently, the Prime Minister renamed the **Rajiv Gandhi Khel Ratna Award**, the country's highest sporting honour, after hockey wizard **Major Dhyan Chand**.

This **came a day after the Indian men's hockey team won the bronze medal** in the ongoing Tokyo Olympics and hours after the women's team finished fourth.

Key Points

- **About:**

- The Rajiv Gandhi Khel Ratna Award will hereby be called the **Major Dhyan Chand Khel Ratna Award**.
The now renamed Major Dhyan Chand Khel Ratna award **comes with a cash prize of Rs 25 lakh**.
- Rajiv Gandhi Khel Ratna Award is **the highest sporting award given by the Ministry of Youth Affairs and Sports for the spectacular and most outstanding performance** in the field of sports by a sportsperson over a period of four years.
The award comprises **a medallion, a certificate, and a cash prize of Rs 7.5 lakh**.
- The Khel Ratna award was **instituted in 1991-1992** and the first recipient was Chess legend Viswanathan Anand. Among the other winners were Leander Paes, Sachin Tendulkar, Dhanraj Pillay, Pullela Gopichand, Abhinav Bindra, Anju Bobby George, Mary Kom and Rani Rampal in 2020.

- **Major Dhyan Chand:**

- Known as The Wizard, Major Dhyan Chand, a field hockey player, played international hockey from 1926 to 1949, scoring over 400 goals in his career.
- Dhyan Chand, born in Allahabad, was **part of the Olympic team that won gold medals in 1928, 1932 and 1936**.
- Apart from the Khel Ratna award, the **country's highest award for lifetime achievement in sports is known as the Dhyan Chand Award**. It was instituted in 2002.
- The National Stadium in New Delhi was also renamed as the **Dhyan Chand National Stadium in 2002**.
- The **National Sports Day is observed every year across India on 29th August** to mark the birth anniversary of Major Dhyan Chand who was born on 29th August 1905.
The President of India on this occasion honours the eminent athletes from various sports with the prestigious **Khel Ratna, Arjuna Awards, Dronacharya Awards, and Dhyan Chand Award**.

Source: IE
