

NEXT IAS

DAILY CURRENT AFFAIRS (DCA)

Time: 45 Min

Date: 17-05-2024

Table of Content

- SC outlines State's Duty Before Acquiring Private Property
- Draft Digital Competition Bill
- Digital Arrest
- Supreme Court limits ED's power to arrest PMLA accused

NEWS IN SHORTS

- East Sundarbans
- TAK-003 (Vaccine For Dengue)
- State of Emergency in New Caledonia
- BHISHM Cube
- India International Bullion Exchange (IIBX)
- Lead Contamination

SC OUTLINES STATE'S DUTY BEFORE ACQUIRING PRIVATE PROPERTY

Context

- The Supreme Court underscored the **constitutional safeguards required before the State can acquire private property.**

About

- It is a step to **protect private property from arbitrary state takeover** for a public purpose.
- The judgement highlighted the **necessity of adhering to fair procedures** and upholding the rights of property owners under the Indian Constitution.
 - The compulsory acquisition without following mandatory procedures followed by a grant of compensation to the owners will not make the accession constitutional.

Major Highlights of the Judgement

- As per the SC, The right to property is protected as a **constitutional right and has even been interpreted to be a human right.**
- It is generally assumed that for a valid acquisition all that is necessary is to possess the power of eminent domain [power of the sovereign to acquire property of an individual for public use without consent] to acquire, followed by grant of reasonable and fair compensation.
- Article 300 A:** The court stated that procedural justice is a cornerstone of Article 300A when the acquisition of private property by the State is for a public purpose and on the payment of compensation.
 - The phrase 'authority of law' in the Article should not be understood as merely the power of eminent domain vested in the state.
 - The requirement of a 'law' in Article 300A does not end with the mere presence of a legislation which empowers the state to deprive a person of his property.
- Seven basic rights:** The court laid down seven basic procedural rights of private citizens which constitute the "real content of the right to property under Article 300A" that the state should respect before depriving them of their private property.
 - They include, the right to notice or the duty of the state to inform the person that it intends to acquire his property;

- the right of the citizen to be heard or the duty of the state to hear the objections to the acquisition;
- the right of the citizen to a reasoned decision or the duty of the state to inform the person of its decision to acquire property;
- the duty of the state to demonstrate that the acquisition is exclusively for public purpose; the right to fair compensation of the citizen;
- the duty of the state to conduct the process of acquisition efficiently and within prescribed timelines;
- and finally, the conclusion of the proceedings leading to vesting or the right of conclusion.

Significance of the Judgement

- The ruling not only clarified the State's obligations but also strengthened the procedural protections afforded to property owners, reinforcing the constitutional principles of justice and fairness in property rights.

Right to Property

- Since the Constitution of India came into force, **the right to property was given fundamental status.**
 - Article 31 and Article 19(1)(f) ensured that any person's right against his property remains protected.
- But by the **Constitutional 44th Amendment act 1978**, these two above-mentioned articles were deleted and **were added in Part XII, containing only one article 300A.**
 - The legal status of the Right to Property was changed from the fundamental right to **constitutional right.**
- In **Jilubhai Nanbhai Khachar v. State of Gujrat**, it was held that the Right to property u/A 300A is not a basic structure of the Constitution. It is only a **constitutional right.**

Source: TH

DRAFT DIGITAL COMPETITION BILL

Context

- India has proposed The draft law, called the **Digital Competition Bill, 2024.**

About

- It has provisions to set **presumptive norms to curb anti-competitive practices** before they actually take place, and promises to impose heavy penalties for violations.

- The law could stop tech giants like Google, Facebook, and Amazon from self-preferencing their own services, or using data gathered from one company to benefit another group company.
- The proposal is similar to the **EU's Digital Markets Act (DMA)**, which requires large tech firms like Alphabet, Amazon and Apple to open their services, and not favour their own at the expense of rivals.
 - ♦ The law came in on the back of a long history of anti-competitive practices by these companies.

Background

- In March this year, the **Committee on Digital Competition Law (CDCL)** published its report outlining the **challenges associated with anti-competitive practices of digital enterprises** such as anti-steering, self-preferencing, tying, and bundling in the digital markets in India.
- The committee had proposed a Digital Competition Bill in the report, providing for **ex-ante regulations** to curb these anti-competitive practices.

Key Highlights

- **Predictive Regulation:** It proposes a forward-looking, preventive, and presumptive law (an ex ante framework) that **foresees the potential harms** that can arise out of antitrust issues and prescribes pre-determined **no-go areas** is perhaps the way forward.
 - ♦ Currently, India follows an ex post antitrust framework under the Competition Act, 2002.
 - ♦ One of the biggest criticisms of the law has been that **regulating after the incidence of market abuse involves delays** — by the time the offending company has been penalised, market dynamics change to rule out smaller competitors.
- **Significant entities:** The Bill proposes that for certain “**core digital services**” like **search engines, and social media sites**, the Competition Commission of India (CCI) should designate companies as “**Systematically Significant Digital Enterprise (SSDE)**” depending on various **quantitative and qualitative parameters such as turnover, user base, market influence etc.**
 - ♦ Entities that don't fall under these parameters can still be designated as SSDEs if the CCI believes that they have a significant presence in any given core digital service.

- ♦ Entities which are designated as SSDEs, have been **prohibited from engaging in practices such as self-preferencing, anti-steering, and restricting third party applications.**
- ♦ If they violate these requirements, they can be **fined up to 10% of their global turnover.**
- **Associate Digital Enterprises:** Understanding the role that data collected by one company of a major technology group can play in benefitting other group companies, the Bill proposes to **designate associate digital enterprises (ADEs).**
 - ♦ If an entity of a group is determined to be an associate entity, they would have the same obligations as SSDEs depending on the level of their involvement with the core digital service offered by the main company.
- **Enforcement of provisions:** The draft Bill empowers the **Director General**, appointed under the 2002 Act, to investigate any contraventions when directed by the CCI.

Need for the Bill

- The big tech companies have shown a **history of engaging in anti-competitive practices**, and a presumptive framework would work better to address this.
 - ♦ Last year, Google was fined Rs 1.337 crore by the CCI for its anti-competitive conduct in the Android ecosystem.
- There is also concern that in the last decade or so, a **majority of the innovation** has been confined to within the stables of a handful of big tech companies, mostly from the US.
 - ♦ Officials believe that a big reason for this are the **high market barriers for new entrants in the sector** — in the online market.

Criticism of the Draft Bill

- **Compliance Burden:** For big tech companies, an ex ante framework with its strict prescriptive norms could lead to **significant compliance burden**, and **shift focus from innovation and research.**
 - ♦ As a result, the tech giants are calling for the current competition law to be strengthened rather than moving towards an ex ante framework.
- **Broad Definition of Entities:** Companies are also understood to be concerned about the broad definition — both quantitative and qualitative — of who a significant platform could be.

- ◆ Unlike EU's DMA which specifically names the 'gatekeeper' entities, that decision in India's draft law has been left to the **discretion of the CCI**.
- ◆ Companies believe that could lead to **arbitrary decision making**, which could potentially also impact start-ups.
- ◆ I4C has been providing inputs and technical support to police forces of states/ UTs to identify and investigate cases.

- **National Cyber Coordination Centre (NCCC)** has been set up to generate necessary **situational awareness of existing and potential cyber security threats** and enable timely information sharing for proactive, preventive and protective actions by individual entities.
- **Chakshu Facility:** It is a newly introduced feature on the **Sanchar Saathi portal** that encourages citizens to proactively report suspected fraudulent communications received via call, SMS, or WhatsApp.

Conclusion

- Ex-ante regimes tell businesses precisely how to behave, or what to do.
- Under the current ex-post regime of the Competition Act, companies are only required to ensure that their conduct in the market is not anti-competitive.
- An overlapping ex-ante regime proposed under the digital competition Bill will **force tech companies to comply with parallel legislation and undertake measures for additional compliance**.

Source: IE

DIGITAL ARREST

Context

- The Union Home Ministry has issued an alert to police departments in states and Union Territories amid the surge in 'Digital Arrest' trend.

What is 'Digital Arrest'?

- **Digital arrest** is a new and innovative tactic employed by cybercriminals to **defraud gullible victims and extort money**.
- The modus operandi in this cybercrime method is that fraudsters pose as law enforcement officials such as police, Enforcement Directorate, CBI, among others, and manipulate them into believing that they have committed some serious crime.
- The cyber fraudsters **deceive the victim into believing that he or she has been put under 'digital arrest'** and will be prosecuted if they do not pay the scamsters a huge amount of money.
- The criminals, who often use pictures or identities of police personnel to convey authenticity, usually demand money from the target for a **'compromise' and closure of the case**.

Measures taken by government

- **The Indian Cyber Crime Coordination Centre (I4C)** under the **Ministry of Home Affairs**, has blocked more than 1,000 Skype IDs linked to such activities, after collaborating with Microsoft.

International Measures

- **Budapest Convention:** It is the 1st international treaty to address cybercrime.
 - ◆ India is not a signatory to the treaty.
- **Internet Corporation for Assigned Names and Numbers (ICANN):** It is a US-based not-for-profit organization for coordinating & maintenance of several databases.
- **Internet Governance Forum:** It is the United Nations forum for multi-stakeholder policy dialogue on Internet governance issues.

Way Ahead

- Awareness campaigns to educate the public about cybersecurity best practices, potential risks of digital arrests, and how to stay safe online etc can help prevent people from becoming victims of cybercrimes.
- There is a need to implement measures to enhance digital surveillance capabilities, such as monitoring internet traffic, analyzing metadata, and deploying advanced surveillance technologies to detect and prevent illegal online activities leading to digital arrests.

Source: IE

SUPREME COURT LIMITS ED'S POWER TO ARREST PMLA ACCUSED

Context

- The Supreme Court held that a person summoned by a designated special court under the Prevention of Money Laundering Act (PMLA), is presumed to be not in custody and need not apply for bail.

About Prevention of Money Laundering Act (PMLA) 2002

- The Parliament enacted the PMLA as a result of international commitment to deal with the menace of money laundering.
- **Provisions:**
 - ♦ **Sec. 3 of PMLA defines the offense of money laundering** as any process or activity connected with the proceeds of crime and projecting it as untainted property.
 - ♦ **Prescribe obligation:** PMLA prescribes the obligation of banking companies, financial institutions and intermediaries for verification and maintenance of records of the identity of all its clients.
 - ♦ **Empowerment of officers:** PMLA empowers **Directorate of Enforcement** to carry out investigations in cases involving offense of money laundering and also to attach the property involved in money laundering.
 - ♦ **Special Courts:** It envisages the designation of one or more courts of sessions as Special Court to try the offenses punishable under PMLA.
 - ♦ **Agreement for Central Government:** It allows the Central Government to enter into an agreement with the Government of any country outside India for enforcing the provisions of the PMLA.
- However, when the ED wants to conduct a further investigation concerning the same offense, it may arrest a person not shown as an accused in the complaint filed under **Section 44(1)(b)** of the PMLA, provided the requirements of **Section 19** (procedures of arrest) under the Act were fulfilled.
 - ♦ **Section 19** of the PMLA allows ED officers to arrest an individual “on the basis of material in possession (and) reason to believe (to be recorded in writing) that the person is guilty”.
- An accused, who appears in a special court pursuant to its summons, could be exempted from personal appearance in the future.
 - ♦ On the other hand, if an accused does not appear after a summons is served, the special court could issue a bailable warrant followed by a non-bailable one.

Directorate of Enforcement (ED)

- The Directorate of Enforcement is a multi-disciplinary organization mandated with investigation of offenses of money laundering and violations of foreign exchange laws.
- It functions under the **Department of Revenue of the Ministry of Finance**.
- The origin of this Directorate goes back to 1st May, 1956, when an ‘**Enforcement Unit**’ was formed in the **Department of Economic Affairs for handling Exchange Control Laws** violations under Foreign Exchange Regulation Act, 1947 (FERA '47).
- In 1957, this Unit was renamed as ‘**Enforcement Directorate**’, and another branch was opened at Madras (now Chennai).
- In 1960, the administrative control of the Directorate was transferred from the **Department of Economic Affairs to the Department of Revenue**.

Source: TH

Stringent norms of PMLA

- The twin conditions of bail under **Section 45** of the PMLA pose stringent thresholds for an accused.
- For one, the person has to prove in court that he or she is prima facie innocent of the offense.
- Secondly, the accused should be able to convince the judge he would not commit any offense while on bail. The burden of proof is entirely on the incarcerated accused.
- The twin conditions make it almost impossible for an accused to get bail under the PMLA.

Supreme Court Judgment

- The judgment limits the power of arrest by the **Directorate of Enforcement (ED)** after a special court takes cognisance of a case.
- **The ED would have to separately apply** for the custody of a person who appears in court. The Central agency would have to show specific grounds that necessitated custody.

NEWS IN SHORT

EAST SUNDARBANS

Context:

- Recently, a fire broke out in the East Sundarbans region of Bangladesh, which is occurring almost every year during the dry season.

About the East Sundarban

- It is a part of the **Sundarbans, world's largest mangrove forest**, that stretches across the coastal region of the **Bay of Bengal in the Indian Ocean**.
- It is home to a wide variety of flora and fauna, including several endangered species.
- **Reasons highlighted for repeatedly catching fire** in East Sundarbans are reduced water inflow in canals, region's elevation, dry seasons, climate change, and lack of management.



Sundarban Wetland and Mangrove Forest

- It is one of the largest mangrove forests in the world (140,000 ha), lies on the **delta of the Ganges, Brahmaputra and Meghna** rivers on the Bay of Bengal in India and Bangladesh.
- The **Indian Sundarban**, covering the **south-westernmost part of the delta**, constitutes **over 60% of the country's total mangrove forest area** and includes **90% of Indian mangrove species**.

Fauna

- The Sundarbans are the **only mangrove habitat** which supports a significant population of tigers, and they have unique aquatic hunting skills.
 - ♦ The Sundarban Tiger Reserve has been declared a **'critical tiger habitat'** under national law and also a **'Tiger Conservation Landscape'** of global importance.
- It is home to a large number of **rare and globally threatened species** such as:

- ♦ **Northern River Terrapin** (Batagur Baska): Critically Endangered;
- ♦ **Irrawaddy Dolphin** (Orcaella Brevirostris): Endangered;
- ♦ **Fishing Cat** (Prionailurus Viverrinus): Vulnerable.
- Two of the world's four **Horseshoe Crab Species**, and eight of India's 12 species of **Kingfisher** are also found in Sundarbans.

Flora

- The Sundarbans host more than 78 species of mangroves, making it the **richest mangrove forest in the world**.
 - ♦ The Sundarbans is named after the mangrove plant **Sundari (Heritiera Minor)**.

Significance

- The mangrove forests protect the hinterland from storms, cyclones, tidal surges, and the seepage and intrusion of saltwater inland and into waterways.
 - ♦ They serve as nurseries to shellfish and finfish and sustain the fisheries of the entire eastern coast.
- These mangroves dominate the fringing areas along the creeks and backwaters, and grow along the sides of rivers in muddy as well as in flat, sandy areas.

Conservation

- **UNESCO:** Four protected areas in the Sundarbans are enlisted as **UNESCO World Heritage Sites**, viz. Sundarbans National Park (India), Sundarbans West (Bangladesh), Sundarbans South (Bangladesh) and Sundarbans East (Bangladesh).
- **Ramsar Site:** It is a **'Wetland of International Importance'** under the Ramsar Convention.

Source: DTE

TAK-003 (VACCINE FOR DENGUE)

Context:

- Recently, the World Health Organisation (WHO) announced the prequalification of a TAK-003, second vaccine for dengue.

About TAK-003

- It is a **live-attenuated vaccine** containing weakened versions of the **four serotypes of the virus** that cause dengue, helping the body to build immunity without causing the disease.

- It is developed by the Japanese drug maker Takeda Pharmaceuticals.

Administration and Use

- TAK-003 can be administered to **children aged 6 to 16 years**, with a high dengue burden and transmission intensity.
- The vaccine should be administered in a 2-dose schedule with a 3-month interval between doses, as per the WHO.
- The UK, Brazil, Argentina, Indonesia and Thailand have approved TAK-003.

Additional Information

Global Impact of Dengue

- Dengue is a **mosquito-borne disease** that is life-threatening in many cases.
- It is estimated that there are over 100 to 400 million cases of dengue worldwide each year and 3.8 billion people living in dengue-endemic countries, most of which are in Asia, Africa, and the Americas.
- Dengue cases are likely to increase and expand geographically due to climate change and urbanisation.

Dengvaxia (CYD-TDV):

- It was the first dengue vaccine to be licensed. It is a **live recombinant tetravalent dengue vaccine**, given as a 3-dose series with 6-month intervals being doses, for individuals aged 9–45 years or 9–60 years living in dengue-endemic countries or areas.
- It requires individuals to have pre-vaccination screening for previous dengue virus infection.

WHO Prequalification of a Vaccine:

- It means that the health agency has assessed and approved the vaccine for quality, safety, and efficacy.
- It ensures that the vaccine meets international standards and can be used globally, particularly in low- and middle-income countries.
- It allows the vaccine to be included in procurement by UN agencies and other global health organisations, helping in wider distribution and use in public health programs.

Source: India Today

STATE OF EMERGENCY IN NEW CALEDONIA

Context

- France declared a **state of emergency in New Caledonia** amid recent protests over the bill passed on voting rights granted to French Residents of the Island.
 - ♦ Many pro-independence Kanaks see this as a possible marginalisation of their votes' significance.

About

- It is a **French overseas island territory** in the Pacific Ocean.
- **Location:** New Caledonia is located around 1,500 km to the east of Australia.



- **Demography:** Indigenous groups, specifically the **Melanesian Kanak people**, have inhabited it for a few thousand years.
- **History:** Western colonial interest in the island began with the arrival of **British explorer James Cook in 1774**.
 - ♦ In 1853, it was annexed by France – beginning a long period of control over the island resulting in a significant French population.
 - ♦ In 1998, the **Nouméa Accord** was signed between France and New Caledonia for granting **limited autonomy** to the island.
 - ♦ Further, three referendums have been held – in 2018, 2020 and 2021 – on the question of independence. In all three cases, the majority voted against independence.
- **Polity:** There are 41% Melanesian Kanaks and 24% people of European origin (mostly French).
 - ♦ The Kanaks generally favour independence, while European-origin groups and other immigrants want French rule to continue.

Source: IE

BHISHM CUBE

Context

- Indian Air Force has tested **BHISHM Cube**, a state-of-the-art **indigenous mobile hospital**, for airdrop in Agra.

About

- The cube is a part of the broader initiative named **Project BHISHM – Bharat Health Initiative for Sahyog, Hita and Maitri**, is tailored to **treat up to 200 casualties**.
- These cubes are robust, waterproof, and light, designed for various configurations, making them **ideal for diverse emergency scenarios**.
- During mass casualty incidents (MCIs), **varying from basic aid to advanced medical and surgical care**, the Aid Cube can be **deployed in just 12 minutes**.
- The portable hospital consists of **two master cube cages**, each containing 36 mini cubes.
- It integrates **artificial intelligence (AI) and data analytics** to facilitate effective coordination, real-time monitoring, and efficient management of medical services in the field.
- It is also equipped with **advanced medical facilities**, including an operation theatre, X-ray machines, blood test equipment, and ventilators.

Source: AIR

INDIA INTERNATIONAL BULLION EXCHANGE (IIBX)

Context

- State Bank of India (SBI)** has become the first trading-cum-clearing member at the India International Bullion Exchange (IIBX).

What is India's International Bullion Exchange?

- IIBX will facilitate efficient price discovery with the assurance of responsible sourcing and quality, apart from giving impetus to the financialisation of gold in India.
- IIBX is the country's first bullion exchange in **GIFT City Gandhinagar**.

What is a Bullion?

- Bullion** refers to physical gold and silver of high purity that is often kept in the form of bars, ingots, or coins.

- Bullion can sometimes be considered legal tender and is often held as reserves by central banks or held by institutional investors.

Source: TOI

LEAD CONTAMINATION

Context

- Researchers have developed a compact and inexpensive technology for detecting and measuring lead concentrations in water.

What is Lead?

- Lead (Pb)** is in a **bluish-white color** and is **soft and ductile metal**.
- It is a **naturally occurring toxic metal** found in the Earth's crust.
- Lead is used** in various industries such as paints, cosmetics, dyes, ammunition, and jewelry, among numerous others, but the battery sector remains the major consumer of this metal by utilizing **85 percent** of the production.

Lead Contamination

- The World Health Organization** estimates that **240 million** people worldwide are exposed to drinking water that contains unsafe amounts of toxic lead.
- It affects** brain development in children, causes birth defects, and produces a variety of neurological, cardiac, and other damaging effects.
- There is no known safe blood lead concentration; even blood lead concentrations as low as **3.5 µg/dL** may be associated with decreased intelligence in children, behavioral difficulties and learning problems

Sources of Lead Poisoning

- Anthropogenic Sources**
 - Mobilization of lead in raw materials such as fossil fuels and other extracted and treated ores and metals.
 - Releases during the manufacture, use and disposal of products using lead (e.g. paint, batteries, toys).

- ◆ Direct releases from waste to soil and aquatic environment.
- ◆ **Leaded gasoline.**
- **Natural Sources**
 - ◆ Volcanoes.
 - ◆ Weathering of Rocks.
 - ◆ Exudates from vegetation.

Lead Poisoning in India

- The affected states are **Bihar, Uttar Pradesh, Madhya Pradesh, Jharkhand, Chhattisgarh, and Andhra Pradesh** accounting for **40%** of the population with high blood lead levels.
- Lead toxicity in India contributes to **4.6 million Disability-Adjusted Life Years (DALYs)** and **165,000 deaths annually.**

Source: **MIT**

