

**The Hindu Important News Articles & Editorial For UPSC CSE**

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- The Centre and the Manipur government are set to review the scope of the Armed Forces Special Powers Act (AFSPA) in the northeastern State.

## Centre, State set to review scope of AFSPA in Manipur

**Vijaita Singh**  
NEW DELHI

As ethnic violence continues, the Centre and the Manipur government are set to review the scope of the Armed Forces Special Powers Act in the northeastern State. The six-month extension of the AFSPA in Manipur comes to an end on September 30.

The Union government and the State have differing views on the inclusion of more areas under the AFSPA. While the “disturbed area” status continues in all hill districts, the Act was gradually withdrawn from all valley districts from 2022 following a “significant improvement” in the security situation. The pro-

visions of the Act were withdrawn from the Imphal municipal area in 2004.

A senior Union government official told *The Hindu* that a huge increase in the number of armed men in the State was a cause of concern and the rising cases of extortion and abductions were also being taken into consideration.

While the presence of armed men or village volunteers is prevalent in both valley and hill districts, the absence of the AFSPA in the valley districts makes it difficult for the armed forces to operate smoothly, officials said.

A State government official, however, said, “The situation here is not like



**Keeping watch:** Security personnel conduct a search operation in the vulnerable areas of hill and valley districts in Manipur. ANI

what existed in the 1990s. Extortion and abductions are there, but we are also controlling the situation. The police are active and making arrests.” In the past 16 months, 533 arrests have been made.

At least 237 people have

been killed since ethnic violence between the tribal Kuki-Zo and the Meitei people erupted in the State on May 3, 2023. The valley districts are where the Meitei people are concentrated, while the Kuki-Zo and the Nagas live in the hills.

According to data from the Union Home Ministry, 136 security-related incidents and 57 abductions were reported in Manipur from January 1 to July 31 this year, while 205 “extremists” were arrested. The ethnic violence is said to have helped insurgent groups gain a foothold in the region. The groups, mostly operating from Myanmar, advocate secession of Manipur.

The Kuki-Zo militant groups are in a suspension of operations pact with the Home Ministry. Eight Meitei insurgent groups have been banned by the Ministry. In November 2023, the Pambei faction of the United National Liberation Front, the oldest valley-

based armed group, signed a peace agreement with the Home Ministry and the Manipur government.

The National Investigation Agency registered a *suo motu* case on July 19 last year to investigate transnational conspiracy by the Myanmar-based leadership of terror outfits to wage a war against the government by “exploiting the current ethnic unrest.”

On August 8, Manipur Chief Minister N. Biren Singh told the Assembly that after May 2023, he was under pressure from Central agencies to impose the AFSPA in the valley areas too. He said the imposition of the AFSPA could not guarantee ideal law and order conditions.

### About the Armed Forces Special Powers Act (AFSPA), 1958:

- It is a law enacted by the Parliament in 1958 which gives the armed forces special powers and immunity to maintain public order in “disturbed areas”.
- When is it applied? It can be applied only after an area has been declared “disturbed” under section 2 of the Act.

### What is a Disturbed area?

- An area can be considered to be disturbed due to differences or disputes among different religious, racial, language, or regional groups or castes or communities.

### Who declares an area as disturbed?

- The Central Government, or the Governor of the State or administrator of the Union Territory, can declare the whole or part of the State or Union Territory as a disturbed area.
- It can be invoked in places where “the use of armed forces in aid of the civil power is necessary”.

### The ‘special powers’ of armed forces under AFSPA are:

- They have the authority to prohibit a gathering of five or more persons in an area, can use force or even open fire after giving due warning if they feel a person is in contravention of the law.
- If reasonable suspicion exists, the army can also arrest a person without a warrant, enter or search a premises without a warrant, and ban the possession of firearms.
- Any person arrested or taken into custody may be handed over to the officer in charge of the nearest police station, along with a report detailing the circumstances that led to the arrest.

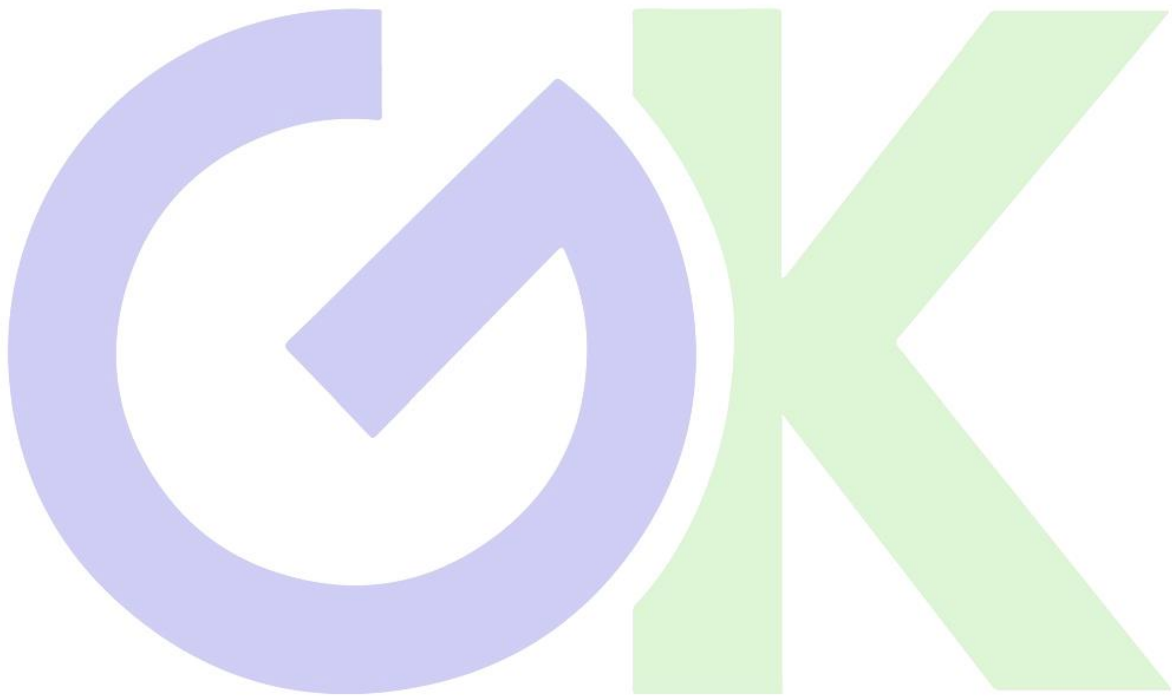
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- ▶ These armed forces are immune from prosecution unless the Union Government provides sanction to the prosecuting agencies.

**Where is AFSPA in force now?**

- ▶ Apart from Nagaland, the AFSPA is currently in force in Jammu and Kashmir, Assam, and Manipur except Imphal, and Arunachal Pradesh.



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In September 2023, seismic stations across the world detected an unusual signal which persisted for 9 days.

- ➔ It was caused by a massive landslide in Greenland's Dickson Fjord (i.e narrow sea inlet with steep sides or cliffs, created by a glacier).

## Massive Greenland landslide sent seismic waves around earth for 9 days

One year ago, roughly 25 million cubic metres of ice and rock splashed into the Dickson Fjord in Greenland and displaced the water enough to give rise to a 200-metre high mega-tsunami; in this way, a melting glacier led to a planet-wide tremor, and researchers warn that it may not be the last

T.V.Venkateswaran

**I**n September 16, 2023, several seismic stations worldwide detected a bizarre signal. Earthquakes are not rare. In 2023 alone, 1,712 earthquakes of magnitude 5 or more were registered worldwide. But these seismic waves were puzzling; the signatures clearly indicated that earthquakes had not caused them, and the reverberations lasted for a staggering nine days.

### A mysterious ringing

"We saw it on sensors everywhere, from the Arctic to Antarctica," Stephen Hicks, a computational seismology research fellow at University College London, and Kristian Svennevig, senior researcher at the Geological Survey of Denmark and Greenland, wrote in a recent article. They are coauthors of the study reporting their findings, published in *Science* on September 12.

When you play the violin, you pluck multiple strings together, which emit sounds at a mix of frequencies. Seismic waves from earthquakes behave the same way. However, the hum the seismologists recorded had only one frequency – like only one string of the violin had been plucked. That is not characteristic of tremors.

At first, the seismologists classified this wave as a "USO", an unidentified seismic object. "Even more puzzling was that the signal kept going for nine days," Hicks and Svennevig wrote. Earthquake vibrations also produce aftershocks. But in this case, the reverberations faded more slowly than one might anticipate from an earthquake.

### A global effort

What set off the tremble? Only powerful events like volcano eruptions or clandestine nuclear weapons tests could unleash this much energy. Seismologists were intrigued.

To resolve the enigma, more than 68 researchers from 40 universities in 15 countries teamed up across disciplines. After piecing together numerous datasets and using computer simulations, the team realised the waves were caused by a massive landslide on the banks of the Dickson Fjord in Greenland.

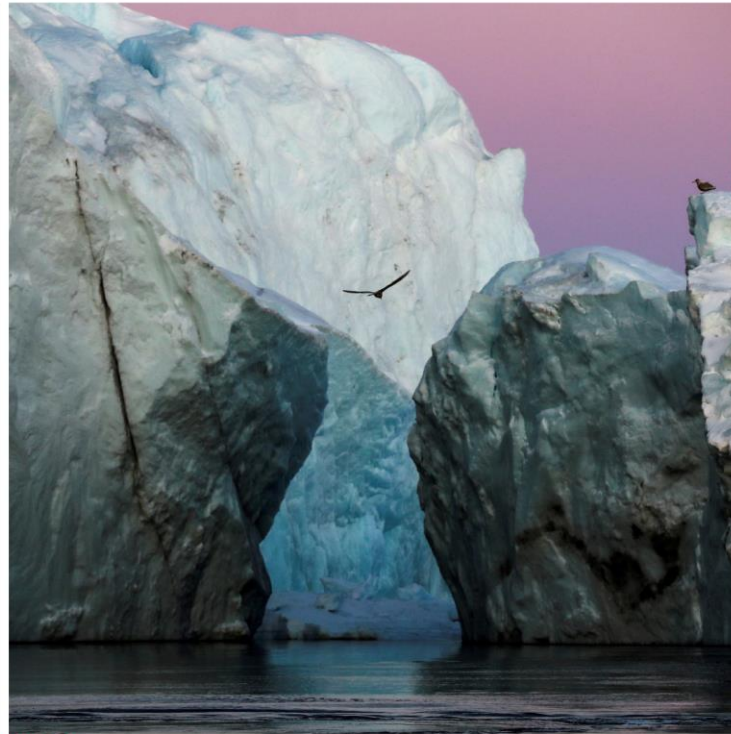
According to Hicks and Svennevig, "solving this mystery required putting many diverse pieces of evidence together, from a treasure trove of seismic data to satellite imagery, in-fjord water level monitors, and detailed simulations" of how the water reacted.

The team even had to obtain a classified army bathymetric map of the fjord from the Danish Navy. It took about a year to assemble the jigsaw pieces and get the complete picture.

### Rocks in the water

A fjord is a geological structure created when glaciers erode a valley below sea level and the sea water floods it. They frequently feature U-shaped channels that stretch well inland, surrounded by high cliffs or hills.

A series of events, starting with the collapse of Hvite Stovhorn peak, located approximately 1.2 km from the fjord, culminated in a mega-tsunami. The rockslide rolling down gained momentum and shattered the glacier, resulting in a rock-ice avalanche. According to the



Melting away: Icebergs seen at the mouth of the Jakobshavn ice fjord near Ilulissat in Greenland. FILE PHOTO

authors, the avalanche triggered a submarine landslide. Roughly 25 million cubic metres of ice and rock, enough to fill 10,000 Olympic-sized swimming pools, splashed into the fjord, displacing the water enough to give rise to a 200-metre-high mega-tsunami, nearly three times the height of the iconic Srirangam Temple in Tamil Nadu.

### Slashing waves

The mega-tsunami did not kill anyone but it damaged an unstaffed research facility on the island of Ella, some 72 km away, as well as monuments of cultural and archaeological importance in the area.

A tsunami's waves in an ocean would have spread and dispersed. But in the 540-metre-deep and 2.7-km-wide fjord, the waves were reflected back and forth by the opposing banks. The rebounding waves reached a height of almost 110 metres.

This back-and-forth slashing in the fjord is called a seiche. About five minutes after the material plunged into the water, the waves settled slowly into a seiche with a maximum amplitude of 7.4 m and a dominant frequency of 11.45 MHz, oscillating every 90 seconds.

For more than nine days, the waves in the Dickson Fjord kept up their dance, moving from side to side around 10,000

times. These oscillations matched the strange waves the seismic stations had recorded.

### The alarm bell

The ice-rock avalanche and the waves' motions rang the earth's surface like a gong, and the reverberations spread across the globe, causing the entire earth to ring like a bell.

Researchers also examined the cause of the enormous landslide. Before the collapse, the ice at the glacier's foot had supported the rocky slopes. Satellite pictures and other data revealed the foot had been shrinking rapidly the last few decades thanks to global warming. As the ice thawed, it could not support the weight at the top. The rock breached it and slid violently downslope, concluding with the mega-tsunami.

"It is a stark reminder that we are navigating uncharted waters," Hicks and Svennevig wrote. "Just a year ago, the idea that a seiche could persist for nine days would have been dismissed as

absurd. Similarly, a century ago, the notion that warming could destabilise slopes in the Arctic, leading to massive landslides and tsunamis happening almost yearly, would have been considered far-fetched. Yet these once-unthinkable events are now becoming our new reality."

### Nature's earthshakers

A melting glacier led to a planet-wide tremor, and it may not be the last.

Arctic and subarctic regions are warming at a pace two- to three-times that of the rest of the planet. As the ice cover melts, the darker rock surfaces are exposed. They absorb more light, leading to faster melting of the ice cover in the Arctic. And we can expect glacial melting will only increase the rate of ice-related landslides.

"This certainly won't be the last such landslide mega-tsunami," Hicks and Svennevig cautioned. "As permafrost on steep slopes continues to warm and glaciers continue to thin we can expect these events to happen more often and on an even bigger scale across the world's polar and mountainous regions." (T.V. Venkateswaran is a science communicator and visiting faculty member at the Indian Institute of Science Education and Research, Mohali. tvv123@gmail.com)

About the Massive Greenland Landslide

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## Daily News Analysis

- ▶ The landslide involved a colossal volume of 25 million cubic metres of rock and ice, equivalent to filling 10,000 Olympic-sized swimming pools.
- ▶ The landslide involved 25 million cubic meters of rock and ice, which is enough to fill 10,000 Olympic-sized swimming pools.
- ▶ This event caused a mega-tsunami with waves as high as 200 meters, which significantly impacted the area.
- ▶ The seismic waves created by the landslide lasted for 9 consecutive days.
- ▶ The loss of such a large amount of glacier ice highlights how global warming is speeding up damage to these fragile environments.

### **Causes of the Greenland Landslide**

- ▶ The main reason for the landslide was global warming, which caused the glaciers in Greenland to melt and shrink over recent decades.
- ▶ The Hvide Stovhorn peak glacier had been holding up the mountain slopes, but as it thinned, the rock above it became unstable and eventually collapsed.
- ▶ The permafrost (frozen ground) on the mountain's steep slopes started melting because of rising temperatures, making the slopes unstable.
- ▶ When the rocks and ice fell into the fjord, it triggered a submarine landslide (a landslide under water), which made the event even bigger and caused a mega-tsunami.

**Page 09 : GS 1 : Indian Society : Social Empowerment**

The tragic death of 26-year-old Chartered Accountant Anna Sebastian Perayil in Pune has sparked debate about professional workload in India, with her mother citing "work stress" as the cause.

*Working women's double shift*

Working women get only 7-10 hours for rest every day, due to work at both office and home

**DATA POINT**

**Vignesh Radhakrishnan**

The Data Point published on Monday showed how professional Indian women work the most number of hours globally. Young Indian women in professional jobs such as auditing, Information Technology, and media work more than 55 hours a week, which translates to 9-11 hours of work every day depending on whether it was a six-day or five-day work week.

The Data Point was published after the death of Anna Sebastian Perayil, a Chartered Accountant. According to her mother, Anna, 26, lost her life because of "work stress" at Ernst & Young. The letter addressed to the company's India chairman went viral, leading to discussions on the increasing workload of professionals in India.

Indian women are working in newer and demanding jobs these days. According to data, despite women undergoing more stress in office, they do not enjoy a commensurate reduction in the amount of household work they do. While families have become more accepting of women working over time, they still do not share the women's workload and care responsibilities at home.

Chart 1 shows the average time (in minutes) that men and women across employment groups spent on unpaid domestic and care activities during a day in 2019. Women who are not in the labour force (neither employed nor seeking employment, mostly housewives) spent the most time on unpaid domestic/care work, averaging 457 minutes or 7.5 hours a day. But employed women were not far behind, spending 348 minutes or 5.8 hours a day.

In Monday's Data Point, we had established that professional women spend 9-11 hours at work a day. When this data is read with the conclusion in Chart 1 – that

employed women spend about 5-6 hours doing unpaid household work – we see a worrying trend. This means that every day, working women are left with only about 7-10 hours to wind down and rest. While this may not be the case in every household and outliers do exist, the data correspond to an average Indian household.

The data show that unemployed men spend less time doing household chores than employed women – only 3.5 hours per day compared to employed women's 5.8 hours. Chart 1 shows the gap. Employed men spend 2.7 hours a day on such chores, which is about three hours less than what employed women spend.

One of the biggest factors for such a skew is marriage. Chart 2 shows the average time spent (in minutes) on unpaid domestic and care activities in a day by men and women categorised by marital status. Married women – employed or otherwise – spend eight hours in unpaid work every day, about two times more than women who never married. In contrast, married men spend 2.8 hours in unpaid house work, fewer than men who never married (3.1 hours). So, as we can see, post-marriage, household work reduces for men and doubles for women.

Moreover, there is no notable difference between urban and rural women in the amount of time they spend on household work. Table 3 lists the share of men/women aged 15-59 who participated in unpaid domestic and care activities in a day in 2019.

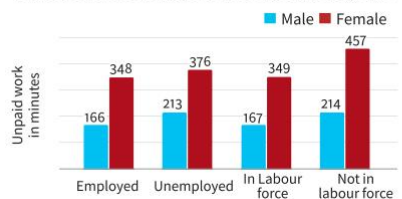
There are no regional variations either. Chart 4 shows the share of men and women aged 15-59 who participated in unpaid domestic work and employment across States. In all the States, close to 85% or more women were engaged in such chores, while in a majority of the States, the share was below 50% for men. In Haryana, Rajasthan, Himachal Pradesh, and Gujarat, the share of men doing household work was less than 20%.



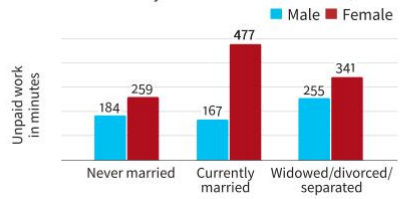
**Not enough time for rest**

Charts were sourced from the Time Use Survey (2019) and the National Family Health Survey (2019-21)

**Chart 1:** Average minutes spent per day in 2019 on unpaid domestic and care activities across employment groups



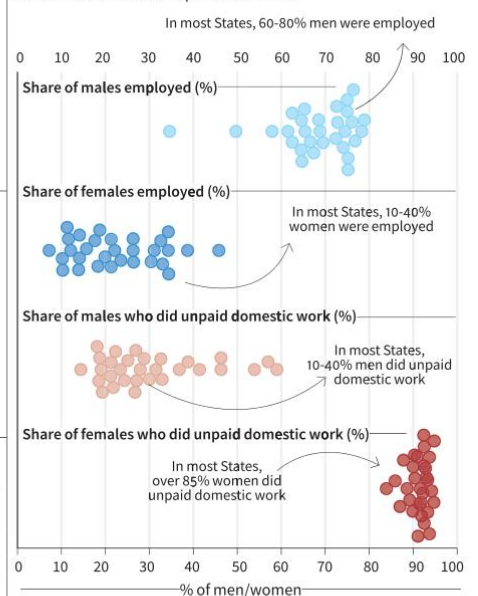
**Chart 2:** Average minutes spent on unpaid domestic and care activities in a day across marital status in 2019



**Table 3:** The table shows the % of men/women aged 15-59 who participated in select activities in 2019

Area	Gender	Employment and related activities	Unpaid domestic services
Rural	Male	69.7%	29.2%
Rural	Female	22.5%	93.2%
Urban	Male	73%	22.5%
Urban	Female	19.9%	88.8%
Total	Male	70.7%	27%
Total	Female	21.7%	91.8%

**Chart 4:** Percentage of men and women aged 15-59 who participated in unpaid domestic work and employment across States. Each circle corresponds to a State



In all the States, close to 85% or more women were doing such chores, while in a majority of the States, the share was below 50% for men

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**What does the ILO data observe about Professional Indian women?**

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## Daily News Analysis

- ▶ **Longest Working Hours Globally:** Indian women in professions like information technology (IT), media, and professional, scientific, and technical fields work the highest number of hours globally. Women in IT and media jobs worked 56.5 hours weekly, while women in professional, scientific, and technical fields worked 53.2 hours per week in 2023.
- ▶ **Young Professional Women Work More:** Younger women, especially those aged 15-24, work even longer hours. For instance, young women in IT and media work 57 hours per week, and those in professional, scientific, and technical fields work 55 hours per week.
- ▶ **Gender Imbalance in Workforce:** Indian women are underrepresented in these sectors. Only 8.5% of the Indian workforce in professional, scientific, and technical jobs and 20% in information and communication jobs are women. This low percentage is among the lowest globally.
- ▶ **Global Comparison:** In countries like Germany, women in similar IT and media jobs work far fewer hours (32 hours weekly). Russia reports 40 hours for the same sector, highlighting how disproportionately longer Indian women work.

### Major Challenges in Indian Society:

- ▶ **Workload Stress:** The tragic death of Anna Sebastian highlights the intense workload stress that young professionals, especially women, face. High demands and long working hours can severely affect mental and physical health.
- ▶ **Male-Dominated Workspaces:** Women in professional fields face challenges working in male-dominated environments, which can result in increased pressure, lack of support, and issues of gender equity.
- ▶ **Systemic Gender Inequality:** Despite rising participation in the workforce, the gender imbalance in professional sectors reflects deeper societal and structural inequalities. Women continue to face barriers to career advancement, equal representation, and fair treatment.
- ▶ **Lack of Support:** The absence of adequate organizational support during personal tragedies (as indicated by Anna's case) points to a lack of empathy and a toxic work culture in certain professional settings.

### Government Initiatives:

- ▶ **Women in STEM (Science, Technology, Engineering, and Mathematics):** The Indian government has launched several initiatives to encourage women's participation in technical and scientific fields, including scholarships, mentorship programs, and awareness campaigns (e.g., GATI initiative).
- ▶ **Maternity Benefits:** The Maternity Benefit (Amendment) Act, 2017, increased paid maternity leave for women from 12 weeks to 26 weeks, aimed at helping women balance work and family life.
- ▶ **Gender Equality Programs:** Initiatives like Beti Bachao Beti Padhao promote girls' education and empowerment, aiming to address the long-term gender imbalance in professional spaces.
- ▶ **Skill Development Initiatives:** Government programs like Skill India and Digital India aim to provide technical and vocational training to women, helping bridge the gender gap in high-skill industries such as IT and professional services.

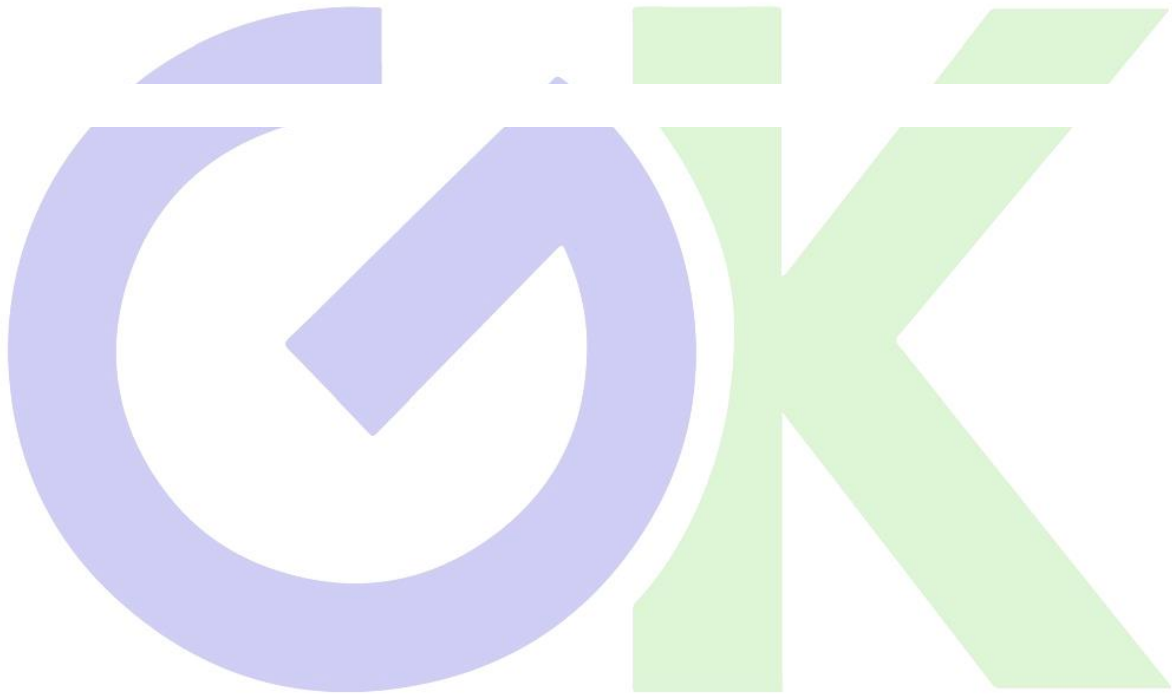
### Way forward:

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## Daily News Analysis

- ▶ **Work-Life Balance Reforms:** Enforce stricter labour regulations on working hours and promote flexible work arrangements to reduce burnout, particularly for young professionals in high-demand sectors.
- ▶ **Inclusive Workplaces:** Strengthen gender diversity and equity initiatives within male-dominated industries by fostering supportive work environments, mentorship programs, and leadership opportunities for women.



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During the transition to the Scale-Based Regulation (SBR) framework, the NBFC sector experienced double-digit credit growth, maintained adequate capital levels, and saw a reduction in delinquency ratios.

# NBFC sector resilient under scale-based regulations framework: RBI bulletin

**The Hindu Bureau**

MUMBAI

The non-banking financial companies (NBFC) sector in India continues to demonstrate resilience within the scale-based regulations (SBR) framework, improving in asset quality and diversifying funding base, Reserve Bank of India (RBI) officials said.

At the end of December 2023, the sector maintained double-digit credit growth, adequate capital levels, and low delinquency ratio, the officials said in an article 'Peeling the Layers: A Review of the NBFC Sector in Recent Times', published in the September 2024 edition of the RBI bulletin.



Since the introduction of SBR in October 2022, the performance metrics for NBFCs have shown significant positive trends. The asset qualities have improved, the article stated.

The gross non-performing asset (NPA) ratio has decreased significantly, falling from a range of 4.4% for government NBFCs and 10.6% for non-government

NBFCs in December 2021, to 2.4% (for government NBFCs) and 6.3% (for non-government NBFCs) by December 2023, reflecting improved asset quality and risk management within the sector.

According to the article, there has been a consistent rise in profitability, evidenced by improved return on assets (RoA) and return on equity (RoE).

As of December 2023, NBFCs have demonstrated robust credit growth, adequate capital, and low delinquency ratios, signalling a resilient financial landscape, it said.

Moreover, the extension of prompt corrective action (PCA) norms even to government-owned NBFCs

is expected to fortify the sector further. These regulations aim to enhance financial discipline and risk management.

The RBI has identified several major NBFCs as part of the upper layer under the SBR framework.

These include LIC Housing Finance, Bajaj Finance, Shriram Finance, Tata Sons, L&T Finance, Indiabulls Housing Finance, Piramal Capital & Housing Finance, Cholamandalam Investment and Finance, Mahindra & Mahindra Financial Services, PNB Housing Finance, Tata Capital Financial Services, Aditya Birla Finance, HDB Financial Services, Muthoot Finance, and Bajaj Housing Finance.

## What is Scale-Based Regulation (SBR)?

- The SBR framework was first outlined in October 2021 and became effective on October 1, 2022.
- It aims to categorize NBFCs based on their size, activities, and perceived riskiness rather than merely distinguishing between systemically important and non-systemically important entities.

## What are the key points presented by RBI on the resilience of the NBFC sector?

- Improvement in Asset Quality: Since the introduction of the Scale-Based Regulation (SBR) framework in October 2022, the asset quality of NBFCs has improved, with lower gross non-performing asset (GNPA) ratios.
- By December 2023, GNPA ratios had decreased to 2.4% for government-owned NBFCs and 6.3% for non-government NBFCs, reflecting enhanced risk management.

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- **Double-Digit Credit Growth:** The NBFC sector maintained strong credit growth throughout 2023, driven by a diversified funding base, including retail credit (gold loans, vehicle loans, and housing loans) and expanding into industrial and service sectors.
- **Improved Profitability:** The sector witnessed a rise in profitability, as evidenced by better returns on assets (RoA) and equity (RoE).
- **Net NPA (NNPA) Performance:** Upper layer NBFCs had lower GNPA ratios than middle layer NBFCs, but the latter maintained sufficient provisions for riskier portfolios, ensuring that their NNPA ratios were also controlled.
- **Compliance with SBR:** Major NBFCs in the "Upper Layer" identified by the RBI under the SBR framework, such as LIC Housing Finance, Bajaj Finance, and L&T Finance, have complied or initiated steps to comply with listing requirements.

### **Regulatory measures taken up by the NBFC sector**

- **Scale-Based Regulation (SBR) Framework:** Introduced in October 2022, the SBR framework categorizes NBFCs into different layers based on their size, systemic importance, and risk profile. For instance, strengthen asset quality, capital requirements, and risk management.
- **Prompt Corrective Action (PCA) Norms:** Effective from October 2024, PCA norms will apply to government-owned NBFCs. These measures aim to enhance financial discipline, focusing on capital adequacy and asset quality.
- **Diversification of Funding Sources:** Due to rising risk weights on bank lending, NBFCs have diversified their funding base by reducing dependence on bank borrowings and expanding into secured retail credit.
- **Listing Compliance:** Many NBFCs in the upper layer have complied or are in the process of complying with listing requirements as part of regulatory mandates.

### **What are the emerging risks that NBFCs need to cater? (Way forward)**

- **Cybersecurity Risks:** With the increasing use of digital platforms, NBFCs need to enhance cybersecurity measures to safeguard against evolving cyber threats.
- **Climate Risk:** The financial impact of climate change poses a new risk. NBFCs must integrate climate-related risks into their risk management frameworks to mitigate potential disruptions.
- **Financial Assurance Functions:** The RBI emphasizes that assurance functions like risk management, compliance, and internal audit are critical in maintaining resilience in the face of rapid changes in the financial landscape.
- **Evolving Regulatory Environment:** As the financial sector continues to evolve, NBFCs must stay ahead of regulatory changes and ensure that their risk management practices are aligned with emerging threats and new regulations.

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**Term In News : Fjord**

A diesel fuel spill from a ship that sank recently spreads to the Greenland fjord.



**About Fjord:**

- ▶ A fjord is a long, deep, narrow body of water that reaches far inland.
- ▶ Fjords are often set in a U-shaped valley with steep walls of rock on either side.
- ▶ Fjords are found mainly in Norway, Chile, New Zealand, Canada, Greenland, and the U.S. state of Alaska.

**How are Fjords Formed?**

- ▶ Fjords have been shaped throughout the span of several ice ages by slow-moving glaciers.
- ▶ As the glacier moved, it cut away at the top layers of ice and into the sediment below.
- ▶ Melting waters also carved away into the land, meaning that many fjords are actually deeper than the sea that feeds into it.

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## Daily News Analysis

- ▶ Where the fjord meets the sea, also known as the mouth, many glaciers left behind shall or shoal rock deposits.
- ▶ Because the mouth is a shallower opening than the body of the fjord, it results in extremely fast-moving water (this includes strong currents and saltwater rapids).
- ▶ Fjords commonly are deeper in their middle and upper reaches than at the seaward end.
- ▶ This results from the greater erosive power of the glaciers closer to their source, where they are moving most actively and vigorously.
- ▶ Because of the comparatively shallow thresholds of fjords, the bottoms of many have stagnant water and are rich in black mud containing hydrogen sulfide.
- ▶ Some features of fjords include coral reefs and rocky islands called skerries.

### Epishelf Lakes:

- ▶ Another feature of some fjords is the presence of epishelf lakes. These lakes occur when melted fresh water becomes trapped under a floating ice shelf.
- ▶ This freshwater does not mix with the saltwater below, but rather floats on top of it.

# India's defence exports and humanitarian law

The Supreme Court of India, earlier this month, dismissed a public interest litigation (PIL) asking that the central government be directed to stop exporting defence equipment to Israel as Tel Aviv is allegedly committing war crimes in Gaza. The top court refused to intervene, reportedly because foreign policy is not its domain. However, the issue that the PIL raised is a normative one that goes beyond Israel. It must be clearly understood given India's aspirations to become a major defence exporting nation.

It is critical to recall that quite a few countries have curbed defence exports to Israel. For instance, a court in the Netherlands ordered the Dutch government to block the export of all F-35 fighter jet parts to Israel. The basis of this order is a European Union (EU) regulation, which prohibits military equipment export to a country if there is a clear risk that the recipient country would use such equipment to violate international humanitarian law (IHL). Likewise, the United Kingdom government, acting under the Export Control Act, reviewed Israel's compliance with IHL concerning the ongoing conflict in Gaza. It concluded that there is a clear risk: if certain arms are exported to Israel, they would be used to commit or facilitate serious violations of IHL.

## Legal gap

There is no equivalent of the U.K.'s Export Control Act or the EU regulations in Indian law requiring an assessment of a country's compliance with IHL obligations in deciding whether to export defence equipment to such a country. The Indian Foreign Trade Act, 1992 (FTA) read with the Weapons of Mass Destruction and their Delivery Systems (Prohibition of



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Having India amend its domestic laws would be a better way to strengthen its credibility and assess the international humanitarian law-compliance of countries importing its defence goods

Unlawful Activities) (WMDA) Act, 2005 empowers the central government to regulate the export of designated goods relevant to India for various reasons. These reasons are listed in Sections 3(5) and 2(l) of the WMDA and FTA, respectively. In addition to things such as India's national security, an important factor listed in these sections is India's "international obligations under any bilateral, multilateral or international treaty, Covenant, Convention". In short, the central government can prohibit the export of defence goods due to India's international law obligations. This is the closest Indian law gets to connecting the export of defence goods with international law. As per India's domestic law, the central government, unlike in the U.K. and the EU countries, is not under an obligation to review the IHL compliance of the country to which India is exporting defence goods. Thus, the legal gap.

The Supreme Court, in several cases, such as *Vishakha vs State of Rajasthan*, has not just used international law to enlarge the content of domestic law but has also judicially incorporated international law to fill the vacuum created by the absence of domestic law on the subject. The current situation falls squarely in this category. This is how we need to legally frame this issue instead of making it a foreign policy topic. So, the next question is about what the international law on arms trade is and how it binds India.

## International law

The most important treaty in this regard is the Arms Trade Treaty (ATT), aimed at regulating international trade in conventional arms. Article 6(3) of the ATT bars a country from supplying conventional arms if it has the "knowledge" that these arms "would be used" to inter alia commit war crimes. Article 7 obligates states to assess

whether the conventional arms they export would be used by the importing country to commit or facilitate a serious violation of IHL.

Interestingly, India is not a signatory to this treaty. As a result, this treaty is not binding on India and cannot be judicially incorporated, though some provisions of the ATT reflect customary international law.

## The obligation

What about India's liability under the IHL? Common Article 1 of the Geneva Conventions, which is binding on India, obligates all states 'to respect and to ensure respect for' IHL. As it was held by the International Court of Justice in *Nicaragua vs United States*, this provision imposes a negative obligation on states. Thus, countries are under obligation not to supply weapons to a country 'if there is an expectation, based on facts or knowledge of past patterns, that such weapons would be used to violate the Conventions'. Scholars argue that the certainty required for the exporting state that its weapons will be used by the importing state to commit violations of the Geneva Conventions is quite high.

When India's domestic laws, the WMDA and the FTA, are read in light of India's IHL obligations, a clear duty arises not to supply weapons to a country that would use them to breach its IHL obligations. But rather than deriving this obligation using international law, it would be better for India to amend the WMDA and the FTA, to explicitly assess the IHL compliance of countries importing Indian defence goods. This way, India will shore up its credibility as a responsible defence-exporting nation.

*The views expressed are personal*

## GS Paper 03 : Indian Economy

**UPSC Mains Practice Question** Analyse the challenges and opportunities in the defence export ecosystem of India and discuss the measures that can be taken to enhance the country's potential in this sector. (250 w /15 m)

## Context :

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## Daily News Analysis

- ▶ Having India amend its domestic laws would be a better way to strengthen its credibility and assess the international humanitarian law-compliance of countries importing its defence goods.

### Introduction

- ▶ The Supreme Court of India, earlier this month, dismissed a public interest litigation (PIL) asking that the central government be directed to stop exporting defence equipment to Israel as Tel Aviv is allegedly committing war crimes in Gaza.
- ▶ The top court refused to intervene, reportedly because foreign policy is not its domain. However, the issue that the PIL raised is a normative one that goes beyond Israel. It must be clearly understood given India's aspirations to become a major defence exporting nation.
- ▶ About defence exports: It is critical to recall that quite a few countries have curbed defence exports to Israel. For instance, a court in the Netherlands ordered the Dutch government to block the export of all F-35 fighter jet parts to Israel.
- ▶ The basis of this order is a European Union (EU) regulation, which prohibits military equipment export to a country if there is a clear risk that the recipient country would use such equipment to violate international humanitarian law (IHL).
- ▶ Likewise, the United Kingdom government, acting under the Export Control Act, reviewed Israel's compliance with IHL concerning the ongoing conflict in Gaza.
- ▶ Admission of risks: It concluded that there is a clear risk: if certain arms are exported to Israel, they would be used to commit or facilitate serious violations of IHL.

### Legal gap

- ▶ Lack of an equivalent law: of the U.K.'s Export Control Act or the EU regulations in Indian law requiring an assessment of a country's compliance with IHL obligations in deciding whether to export defence equipment to such a country.
- ▶ The Indian Foreign Trade Act, 1992 (FTA) read with the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) (WMDA) Act, 2005 empowers the central government to regulate the export of designated goods relevant to India for various reasons.
- ▶ These reasons are listed in Sections 3(5) and 2(l) of the WMDA and FTA, respectively.
- ▶ The international obligations: In addition to things such as India's national security, an important factor listed in these sections is India's "international obligations under any bilateral, multilateral or international treaty, Covenant, Convention".
- ▶ The permission to prohibit: the central government can prohibit the export of defence goods due to India's international law obligations.
- ▶ This is the closest Indian law gets to connecting the export of defence goods with international law.
- ▶ According to India's domestic law: the central government, unlike in the U.K. and the EU countries, is not under an obligation to review the IHL compliance of the country to which India is exporting defence goods. Thus, the legal gap.

### What has been the stand of the Supreme Court

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## Daily News Analysis

- ▶ Filling up the Vacuum: The Supreme Court, in several cases, such as Vishakha vs State of Rajasthan, has not just used international law to enlarge the content of domestic law but has also judicially incorporated international law to fill the vacuum created by the absence of domestic law on the subject.

### International law

- ▶ Arms Trade Treaty (ATT): aimed at regulating international trade in conventional arms. Article 6(3) of the ATT bars a country from supplying conventional arms if it has the "knowledge" that these arms "would be used" to inter alia commit war crimes.
- ▶ Article 7 obligates states: to assess whether the conventional arms they export would be used by the importing country to commit or facilitate a serious violation of IHL.
- ▶ Interestingly, India is not a signatory to this treaty.
- ▶ As a result, this treaty is not binding on India and cannot be judicially incorporated, though some provisions of the ATT reflect customary international law.

### The obligation

- ▶ Common Article 1 of the Geneva Conventions, which is binding on India, obligates all states 'to respect and to ensure respect for' IHL.
- ▶ Imposing obligations: As it was held by the International Court of Justice in Nicaragua vs United States, this provision imposes a negative obligation on states.
- ▶ Thus, countries are under obligation not to supply weapons to a country 'if there is an expectation, based on facts or knowledge of past patterns, that such weapons would be used to violate the Conventions'.
- ▶ Scholars argue that the certainty required for the exporting state that its weapons will be used by the importing state to commit violations of the Geneva Conventions is quite high.

### Conclusion

- ▶ When India's domestic laws, the WMDA and the FTA, are read in light of India's IHL obligations, a clear duty arises not to supply weapons to a country that would use them to breach its IHL obligations.
- ▶ But rather than deriving this obligation using international law, it would be better for India to amend the WMDA and the FTA, This approach will explicitly evaluate the compliance of countries importing Indian defense goods with International Humanitarian Law (IHL). By doing so, India can enhance its credibility as a responsible defence-exporting nation.