

**DAILY
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AFFAIRS
ANALYSIS**

 LAKSHYA ACADEMY®

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1 – About Ecocide:

GS III

Environmental Conservation

- **Context:**

- The 'Maya train' project in Mexico, according to the Tribunal for the Rights of Nature, has committed crimes of ecocide and ethnocide.

- **About:**

- The term "ecocide," which is taken from Greek and Latin, means "killing one's environment" or "home".

- **Such murder may involve:**

- port development plans that harm local livelihoods and delicate marine life;
- deforestation;
- illicit mining for sand; and
- rivers with untreated sewage pollution.
- Four atrocities are covered by the Rome Statute of the International Criminal Court (ICC) today:
- genocide

- **Violations against humanity:**

- **Crimes of war:**

- The only law that can make a perpetrator accountable for environmental harm is a section on war crimes, but only if it happens intentionally and during hostilities.

- **Offence of violence:**

- Although there is no established legal definition of ecocide, a team of attorneys with the Stop Ecocide Foundation provided the following definition in June 2021:
- the illegal or reckless acts carried out with knowing that there is a significant possibility that those acts will result in severe, widespread, or long-term environmental damage.

- **Arguments in favour of criminalising ecocide include:**
- **A vitally important environmental protection law:**
 - Ecocide laws are tools of the law that close a gap in environmental protection.
 - The crime of ecocide protects the environment as a goal in and of itself, which is something that none of the current international criminal laws do.
 - Countries all over the world may amend their own laws in response to a change to the Rome Statute, and those nations who have included ecocide in their legal frameworks may increase pressure on the ICC.
- **Liability and accountability:**
 - Ecocide laws are intended to specify the serious harm caused by environmental devastation as well as responsibility and accountability.
 - Ecocide legislation could have prevented the destruction of the Amazon rainforest, deep-sea trawling, or even the disastrous Bhopal chemical tragedy in 1984.
 - These laws may also be used to hold corporate executives accountable.
 - Laws set restrictions and consequences for investment because no business or organization—including the World Bank—would want to fund possibly illegal activities.
- **Justice for nations with poor and medium incomes:**
 - Laws against ecocide may also serve as a call for justice for low- and middle-income nations that are disproportionately impacted by global warming.
 - Small nations like Vanuatu and Barbuda have already urged the ICC to deem environmental crimes to constitute crimes against international law.
- **Arguments against making ecocide a crime:**
- **Uncertain and false definition:**
 - It is claimed that the 2021 definition is unclear and that it sets a very low bar for accusing an entity.
 - Abstract terms like "long-term" or "widespread damage" are open to misunderstanding.
 - According to the definition, wanton damage is harm that is obviously disproportionate in comparison to the expected social and economic advantages.
 - This creates a narrative that pits development against the environment, which some have suggested could imply that it is 'right' to ruin the ecosystem as long as it benefits humans.
- **Excessive threshold:**

- The burden of proof for ecocide can likewise be too onerous.
- Environmental disasters are not generated purposefully or deliberately, contrary to what nations like Belarus and Moldova specify.
- The liability of top corporate executives and government officials may be limited or perhaps eliminated as a result of this phrasing.
- **Capabilities of the ICC:**
 - Additionally, the ICC's legal authority is constrained, and its record of successfully prosecuting cases and obtaining convictions is mixed.
 - The court's authority is specifically restricted to "natural persons," therefore absent significant reforms, the ICC will not be able to prosecute corporate entities for criminal offences.
- **The nature of transnational crime:**
 - The majority of crimes are transnational in nature since firms that engage in polluting operations have private or state-owned corporations in other nations that are not Rome Statute members.
 - For instance, Coca-Cola was charged with draining the water that nourished the wells of thousands of farmers and contaminating the land in South India with waste sludge.
- **India's position:**
 - By identifying rivers as legal individuals with the right to preserve their spirit, character, and integrity, some Indian judgements have confirmed the legal personhood of nature.
 - In T.N. Godavarman Thirumulpad vs. Union Of India & Ors, the Supreme Court referred to a "anthropogenic bias" and argued that environmental justice could only be attained if we shifted from the anthropocentric to the ecocentric viewpoint.
- **The legal framework in India for environmental and ecological governance consists of the following:**
 - 1986's Environmental (Protection) Act,
 - and the 1972 Wildlife (Protection) Act
 - CAMPA 2016, the Compensatory Afforestation Fund Act
 - separate regulations to stop water and air pollution.
- **The urgent need in India is:**
 - Institutions must be streamlined and the various laws must be combined into one comprehensive code in order for discussions concerning ecocide and the rights of nature to proceed legally.

- The Wildlife (Protection) Act of 1972, the Indian Forest Act of 1927, and other State-enacted statutes are not subject to the jurisdiction of the National Green Tribunal, India's highest environmental statutory body.
- **Challenges:**
- **Indian law itself is in conflict with itself:**
- The contentious Forest Conservation (Amendment) Bill 2023 and Biodiversity (Amendment) Bill 2023, which are said to weaken present legislative protections and result in the loss of 20–25% of the nation's forestland and the ensuing problems with biodiversity and ecosystem health, were enacted by the Parliament.
- Dealing with issues of culpability and compensation, which show the conflict between saying you support environmental protection and doing it, is a crucial difficulty.
- For instance, Bhopal gas disaster survivors continue to pursue financial recompense.
- The health effects of the accident have been felt across generations, and land and groundwater have been heavily contaminated.
- Additionally, it has been claimed in numerous independent investigations that money designated for the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) has been misappropriated or diverted for other uses.
- Despite the National Green Tribunal imposing fines of Rs 28,180 crore on seven States, it is unclear how much money was ultimately collected in fines and how it was utilised.
- **Conclusion:**
- Prior to international ecocide legislation, India must first align its environmental laws with the concept of ecocide.
- *Source → The Hindu*

2 – Details of the Staff contribution:

GS I

Government Policies and Interventions

- **Context:**

- The Delhi High Court ordered members of the Federation of Hotel and Restaurant Association of India (FHRAI) to use the phrase "staff contribution" instead of "service charge" in an interim ruling.

- **Key information:**

- The sum charged should not, according to the court, be greater than 10% of the total invoice, GST excluded.
- Now, FHRAI-affiliated hotels and eateries will boldly state on their menus that tips are not required after worker contributions have been paid.
- It is mandated that the FHRAI members refer to the amount of service charge they are currently charging as "staff contribution."

- **Service charge guidelines 2022:**

- The Central Consumer Protection Authority (CCPA) noted in the rules that service charges are optional and voluntary and cannot be collected from customers under any other name.
- It is not permitted to add the service charge to the food bill and charge GST on the entire sum.
- It cannot be automatically added to the bill without informing the customers.
- In accordance with Section 18(2)(1) of the Consumer Protection Act of 2019, the CCPA released the guidelines.

- **The filing of complaints:**

- Customers who discovered restaurants or motels breaking these rules could report them by calling the National Consumer Helpline at (1915) or by using the NCH mobile app.
- They could also ask the restaurant to not include the service charge in the bill.
- Through the eDaakhil portal, a complaint against unfair business practises may also be submitted to the Consumer Commission electronically in order to receive a swift resolution or for other reasons.

- For an inquiry and subsequent actions by the CCPA, complaints may also be addressed to the district's collector.
- *Source* → *The Hindu*

3 – About the Pradhan Mantri Dakshata Aur Kushalata Sampanna Hitgrahi (PM-DAKSH) Yojana:

GS II

Government Policies and Interventions

- **Context:**
- PM-Daksh Scheme was recently disclosed to the Parliament by the administration.
- **Regarding the Plan:**
- **Nature:**
- A Central Sector Scheme is the Pradhan Mantri Dakshata Aur Kushalata Sampanna Hitgrahi (PM-DAKSH) Yojana.
- **Aim:**
- The Scheme's primary goal is to raise the target groups' competency levels in order to prepare them for self-employment as well as paid employment for their socioeconomic growth.
- **Target audiences:**
- SCs, or Scheduled Castes
- OBCs, or Other Backward Castes
- EBCs (Economically Backward Castes)
- DNTs (Denotified Tribes)
- Safai Karamcharis, such as garbage collectors, etc.
- Women

- **Age requirements:**

- The age range for the programme is 18 to 45.

- **Income standards:**

- For SCs, Safai Karamcharis, including wastepickers and DNT, there is no revenue cap.
- For OBCs, the annual family income must be less than Rs. 3 lakh.
- The annual family income for EBCs (Economically Backward Classes) should be less than Rs.

- **The nodal ministry:**

- The Ministry of Social Justice and Empowerment launched this programme.

- **Source** → *The Hindu*

4 – Details of the Kunbis:



GS I
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Indian Culture

- **Context:**

- The Maharashtra government recently determined that Maratha people will receive Kunbi caste certificates.

- **Key information:**

- The certificates would be given to Marathas who are Kunbis according to tax or educational records from the Nizam rule and who are Marathas from the Marathwada district.
- Before it became a part of Maharashtra, the Marathwada region was a part of the formerly ruling Hyderabad empire.
- The Standard Operating Procedure for awarding caste certificates to members of the community referred to as Kunbis in documents from the Nizam rule will be decided by a five-member panel led by (retired) judge Sandeep Shinde.

- **Regarding Kunbis:**

- In Maharashtra, the community of Kunbis, which is connected to agriculture, is classified as an Other Backward Class.
- Marathas there were listed as Kunbis when Marathwada was a part of the Hyderabad province till the 1960s.
- Many were categorised as Marathas rather than OBCs when the area joined Maharashtra.
- A general name used to refer to castes of traditional farmers in Western India is "Kunbi" (also written as "Kanbi" or "Kurmi").
- These comprise the Vidarbha communities of Dhonoje, Ghatole, Hindre, Jadav, Jhare, Khaire, Lewa (Leva Patil), Lonare, and Tirole.
- This community provided the majority of the Mavala soldiers for Shivaji's armies.
- The Maratha Empire's Shinde and Gaekwad dynasties are sprung from Kunbi people.
- Although the communities are primarily found in Maharashtra, they are also present in Madhya Pradesh, Gujarat, Karnataka, Kerala, and Goa.
- *Source → The Hindu*

5 – About Investor Education and Protection Fund Authority:



Statutory and Non Statutory Bodies

- **Context:**
- IEPFA commemorates its seventh anniversary in New Delhi.
- **The IEPFA:**
- In order to manage the Investor Education and Protection Fund, the Investor Education and Protection Fund Authority was created in 2016.
- It was founded in accordance with the terms of Section 125 of the 2013 Companies Act.
- **Objectives:**
- entrusted with the duty of overseeing the Investor Education Protection Fund (IEPF) management
- Refund investors for their shares, unclaimed dividends, matured deposits/debentures, etc.
- **Raise investor awareness by:**

- Distribution of any disgorged funds among qualified candidates who can be located
- The sum collected through the disgorgement or sale of securities is referred to as the disgorged amount.
- Ministry of Corporate Affairs, the nodal ministry.

- **Composition:**

- Secretary of the Ministry of Corporate Affairs is the Authority's chair.
- Chief Executive Officer of the Authority and Joint Secretary of the Ministry of Corporate Affairs.

- *Source → The Hindu*



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