

## Draft notification on e waste

- Consumer goods companies and makers of electronics goods have to ensure at least 60% of their electronic waste is collected and recycled by 2023 with targets to increase them to 70% and 80% in 2024 and 2025, respectively, according to a draft notification by the Environment Ministry
- The rules bring into effect a system of trading in certificates, akin to carbon credits, that will allow companies to temporarily bridge shortfalls.
- A wide range of electronic goods, including laptops, landline and mobile phones, cameras, recorders, music systems, microwaves, refrigerators and medical equipment, have been specified in the notification.
- Along with specifying targets, the rules lay out a system of companies securing extended producer responsibility (EPR) certificates.
- These certificates certify the quantity of e-waste collected and recycled in a particular year by a company and an organisation may sell surplus quantities to another company to help it meet its obligations.
- “The earlier rules stressed collection targets. Now we are emphasising the EPR, recycling and trading. This follows from the government’s objective to promote a circular economy,”
- Companies will have to register on an online portal and specify their annual production and e-waste collection targets.
- The chief entity that will coordinate the trade of EPR certificates and monitor if companies are meeting their targets is the Central Pollution Control Board (CPCB).
- Companies that don’t meet their annual targets will have to pay a fine or an “environmental compensation”, but the draft doesn’t specify the quantum of these fines.
- In fact, companies that fall short can meet a year’s target, even after three years.
- Those that meet their targets with a year’s delay will be refunded 85% of their fine, and 60% and 30% after the second and third year, respectively.
- The EPR requires producers to set up e-waste exchange facilities to facilitate collection and recycling, and assign specific responsibility to bulk consumers of electronic products for safe disposal.

- The State governments have been entrusted with the responsibility of earmarking industrial space for e-waste dismantling and recycling facilities, undertaking industrial skill development and establishing measures for protecting the health and safety of workers engaged in the dismantling and recycling facilities for e-waste.
- According to the Global E Waste Monitor 2017, India generates about 2 million tonnes (MT) of e-waste annually and ranks fifth among e-waste producing countries, after the U.S., China, Japan and Germany.
- Most of India's e-waste is recycled by the informal sector and under hazardous conditions and a thrust of the e-waste rules is to have more of this waste handled by the formal sector.
- work within 75 metres of the temple to build public amenities, experts objected to the use of heavy machinery for digging, citing the possibility of an adverse impact on the 12th century temple.
- The ASI later observed that there was "every possibility that the OBCC during the excavation or soil removal might have destroyed the archaeological remains of the heritage site.
- The Jagannath temple has been designated a monument of national importance by the ASI and is a centrally protected monument.
- As per the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act (AMSAR), construction is prohibited within a 100-metre periphery of a protected area.
- The area extending to 200 metres around the monument in all directions is called a regulated area.
- If construction has to be undertaken in the regulated or prohibited area, permission from the National Monuments Authority (NMA) is required.
- Notably, the term "construction" as defined in the AMSAR Act does not include the construction of public toilets, urinals, and "similar conveniences". It also does not

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### **Puri heritage corridor**

- The Puri Heritage Corridor Project is a ₹3,200 crore redevelopment project of the 800-year-old Jagannath temple in Puri by the Odisha government to create an international heritage site.
- In February, when the OBCC (Odisha Bridge and Construction Corporation) started excavation

include works for the supply of water, electricity or “provision of similar facilities for publicity.

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### **QUAD**

#### **What is the Quad and why was it formed?**

- The Quad is an informal multilateral grouping of India, the U.S., Australia, and Japan aimed at cooperation for a free and open Indo-Pacific region.
- The region, composed of two oceans and spanning multiple continents is a hub of maritime trade and naval establishments.
- While not stated explicitly by the leaders, a major basis for the grouping is to check China’s growing influence in the region.
- After the Indian Ocean tsunami in 2004 wreaked havoc in the region now called the Indo-Pacific, India stepped up its rescue efforts not just on its own shores but also provided assistance to its maritime neighbours: Sri Lanka, the Maldives and Indonesia.
- Soon, the disaster relief effort was joined by three other naval powers the U.S., Australia and Japan, with then U.S. President George W. Bush announcing that the four countries

would set up an international coalition to coordinate the massive effort.

- The grouping held a meeting in May 2007 but did not release an official statement.
- The 2007 Indo-U.S. Malabar naval exercises also saw the partial involvement of Japan, Australia and Singapore.
- The exercises and coordination were seen by China as an attempt to encircle it, which termed the grouping as trying to build “an Asian NATO”
- The grouping was only revived an entire decade later in 2017, at a time when all four countries had revised their assessment of the China challenge; and India had witnessed the Doklam standoff.

#### **What were the objectives of the grouping?**

- The March 2021 virtual summit gave rise to the main objectives of the Quad, outlined actionable goals, and formed expert working groups in multiple areas. Coming together to foster a free and open Indo-Pacific formed the bedrock of cooperation.
- “We recommit to promoting the free, open, rules-based order, rooted in international law and undaunted by coercion, to bolster

security and prosperity in the Indo-Pacific and beyond,” the joint statement said.

- Emphasis was laid on “rule of law, territorial integrity, freedom of navigation and overflight, peaceful resolution of disputes, and democratic values” in the region.
- The other areas of immediate focus were the pandemic through strengthening equitable vaccine access for the Indo-Pacific, combating climate change, sharing critical technologies, cyber security, supply chain resilience, and infrastructure and connectivity projects.
- Quad leaders launched the Quad Vaccine Initiative (QVI) with the aim of manufacturing and distributing at least a billion COVID-19 vaccines for the Asia region by the end of 2022.
- Quad nations had also agreed to build joint connectivity projects and transparent infrastructure funding for countries in the region.
- The emphasis on connectivity saw the Quad challenge China in another sphere: a coordinated effort to provide financing and sustainable alternatives to China’s Belt and Road Initiative (BRI), which has led many nations to take loans and accept infrastructure bids from Beijing.

- The Quad also created a working group for combating climate change which would oversee efforts to foster green shipping by decarbonising maritime supply chains and promoting the use of clean hydrogen.

### **What are the future plans of the Quad?**

- According to a statement released by the Ministry of External Affairs about the agenda of the May 24 summit, “The Leaders will review the progress of Quad initiatives and Working Groups, identify new areas of cooperation and provide strategic guidance and vision for future collaboration”.
- The Quad summit is expected to discuss the Russian war in Ukraine, and the impact of three months of Western sanctions.
- Mr. Biden said yesterday that the world was “navigating a dark hour” with Russia’s attack on Ukraine, adding that the war made evident the need for decent international order.
- (India is the only member of the Quad that has not joined sanctions against Russia, while also ramping up its intake of Russian oil an estimated 40 million barrels more than it had in all of 2021).

- Mr. Biden also unveiled the 'Indo-Pacific Economic Framework' (IPEF) on May 23, which, according to Reuters is a programme to bind countries in the region more closely through common standards in areas including supply-chain resilience, clean energy, infrastructure and digital trade.
- At India was likely to be cautious about its participation in the Indo-Pacific Economic Framework as it could be seen as a counter to the 15-nation Regional Comprehensive Economic Partnership and the 17-nation Trans-Pacific Partnership that China is a member of.
- Quad members also launched a maritime monitoring plan to curb illegal fishing in the Indo-Pacific.
- Several countries have objected to Chinese fishing vessels often violating their exclusive economic zones resulting in economic losses, while also engaging in deep-sea trawling, which causes environmental damage.
- While the State governments are responsible for the establishment and management of the registration system, the Registrar General of India (RGI), who is appointed by the Central government, coordinates and unifies the activities of registration.
- Based on a comparison with the vital rates obtained from the sample survey called the Sample Registration System (SRS), the RGI estimated that the country registered about 92.7% of births and 87.8% of deaths in 2019. Corresponding figures for 2020 are not available.
- COVID-19 resulted in prolonged lockdowns. These could have significantly affected the efficiency of the CRS in the following manner.

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### **CRS**

- The registration of births and deaths is governed by the Registration of Births and Deaths (RBD) Act, 1969.
- One, the registrars could not work during lockdowns in many areas.
- Two, people could not travel to the registrar's office to report the births/deaths that had occurred at home within the prescribed time.
- Three, in case of a delay of more than 30 days in reporting, the procedure of getting an affidavit or a Magistrate's order as required under Section 13 of the RBD Act is cumbersome. Since it is a requirement under the Act, it could

not be relaxed through executive orders.

- Four, in some States, the functionaries handling registration were deployed on COVID-19-related duties and could not register the events.

### **Section 295A of IPC**

- maliciously hurt religious sentiments (Section 295A in the IPC)
- The Legislative Assembly debates at the introduction of Section 295A expressed concern about its subjectivity that could be misused. The rationale behind the provision was to deal with intentional insults to religion or outraging religious feelings
- It was anticipated that it could be misused to suppress honest, candid, and bona fide criticism, and hinder historical research towards social reform.
- The judiciary laid down two ways to measure the effect one by establishing a link between speech and public disorder, and by measuring the effects from the standards of a reasonable man, and not from one who fears all hostile viewpoints.
- Unlike bodily harm that can be verified, sentimental hurt cannot be tested against strict measures

- India's Constitution celebrates diversity with the guarantee of free speech.

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### **Union of India vs Mohit Minerals**

- On May 19, in Union of India vs Mohit Minerals, the Supreme Court of India delivered a ruling which is likely to have an impact far wider than what the Centre might have imagined when it brought the case up on appeal.
- At stake was the validity of a levy imposed on importers, of Integrated Goods and Services Tax (IGST) on ocean freight paid by foreign sellers to foreign shipping lines.
- The Gujarat High Court had declared the tax illegal. The Supreme Court affirmed the ruling
- It held, for instance, that both Parliament and the State legislatures enjoy equal power to legislate on Goods and Services Tax (GST), and that the Goods and Services Tax Council's recommendations were just that: recommendations that could never be binding on a legislative body.
- Reacting to the ruling, the Union Ministry of Finance has claimed that

it “does not in any way lay down anything new”, and that it “does not have any bearing on the way GST has been functioning in India, nor lays down anything fundamentally different to the existing framework of GST.

- What Mohit Minerals holds, though, is that State governments, on a proper construal of the Constitution, need to hardly feel circumscribed by any such limitation.
- As such, according to the Court, State legislatures possess the authority to deviate from any advice rendered by the GST Council and to make their own laws by asserting, in the process, their role as equal partners in India’s federal architecture.
- In July 2017, the Union government introduced the GST regime through the 101st constitutional Amendment, it did so based on an underlying belief that tax administration across India needed unification. ‘One Nation, One Tax’, was the mantra.
- To give effect to this idea, many entries in the State list of Schedule VII of the Constitution were either deleted or amended.
- No longer could State governments, for example, legislate on sale or purchase of goods (barring a few exceptions, such as petroleum and liquor) through the ordinary legislative route. Instead, a power to legislate on GST was inserted through a newly introduced Article 246A.
- This provision overrode the general dominion granted to Parliament and State legislatures to bring laws on various subjects and afforded to them an express authority to make legislation on GST.
- In addition, the 101st Amendment also established, through Article 279A, a GST Council.
- This body comprises the Union Finance Minister, the Union Minister of State for Finance, and Ministers of Finance from every State government.
- The Council was given the power to “make recommendations to the Union and States” on several different matters.
- These include a model GST law, the goods and services that may be subjected to or exempted from GST and the rates at which tax is to be levied.
- Article 246A, which was introduced by the 101st Amendment, is one such clause.
- The provision provides concomitant power both to the Union and to the

State governments to legislate on GST.

- It does not discriminate between the two in terms of its allocation of authority.
- That allocation, according to the Court, cannot be limited by a reading of Article 279A, which establishes a GST Council, and which treats the Council's decisions as "recommendations."
- Today, because of the ruling in Mohit Minerals, State governments will be free to exercise independent power to legislate on GST.
- It is possible that this might lead to conflicting taxation regimes, with the idea of 'One Nation One Tax' rendered nugatory.
- But as the Court puts it, "Indian federalism is a dialogue between cooperative and uncooperative federalism where the federal units are at liberty to use different means of persuasion ranging from collaboration to contestation."

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