Indian judiciary

- Judicial corruption takes two forms: political interference in the judicial process by the legislative or executive branch, and bribery.
- A distinction between substantive and procedural justice is helpful.
- Substantive justice is associated with whether the statutes, case law and unwritten legal principles are morally justified (e.g., freedom to pursue any religion), while procedural justice is associated with fair and impartial decision procedures.
- Many outdated/ dysfunctional laws or statutes have not been repealed because of the tardiness of legal reform both at the Union and State government level
- Alongside procedural delays, endemic corruption and mounting shares of under-trial inmates with durations of three to five years point to stark failures of procedural justice and to some extent of substantive justice.

Case pendency

- According to the National Judicial Data Grid, as of April 12, 2017, there are 24,186,566 pending cases in India's district courts, of which

2,317,448 (9.58%) have been pending for over 10 years, and 3,975,717 (16.44%) have been pending for between five and 10 years.

- As of December 31, 2015, there were 4,432 vacancies in the posts of [subordinate court] judicial officers, representing about 22% of the sanctioned strength.
- In the case of the High Courts, 458 of the 1,079 posts, representing 42% of the sanctioned strength, were vacant as of June 2016.
- Thus, severe backlogging and understaffing persisted, as also archaic and complex procedures of delivery of justice.

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Universities

- Our once-great institutions of learning are beset by multiple crises a financial crunch at the university level, a deficit in research opportunities for faculty, poor infrastructure and learning outcomes for students; with any protests hit hard by police brutality and campus repression.

Cash-strapped institutions

- Most Indian universities and colleges have overcrowded classrooms, poor

- ventilation and sanitation, and unsatisfactory hostel accommodation.
- The Higher Education Financing Agency (HEFA), which provides funding for all infrastructure loans to institutions, saw its budget reduced from ₹2,000 crore in FY 20-21 to ₹1 crore in FY 21-22.
- The National Research Foundation (NRF), to improve research infrastructure in universities, has not yet been approved, and may have a limited budget ($5-6 billion spread over five years).
- Clearly, funding for research needs to rise significantly, with institutions like the NRF supplementing (and not replacing) existing schemes (including those from the Ministry of Science)

Fall in standards

- This delicate balance between the right to free expression and nationalism has been fostered across political regimes, with the leadership aware of the role of universities in strengthening democracy and civil society.
- We need to embrace tolerance for a diversity of views in our campuses our students have formative experiences there and must have the

space to define themselves as individuals.

- There are just eight Indian universities in the Top 500 in the QS World University Rankings.
- The National Education Policy (2020) has sought to foster critical thinking and problem solving, along with social, ethical and emotional capacities and dispositions.
- Enabling this will require an encouraging ecosystem, with greater funding, autonomy and tolerance of universities (and activities by students/faculty).
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J & K Delimitation commission report

- After multiple objections and extensions, the J&K Delimitation Commission submitted its final report on May 5, 2022, two years after it was appointed to redraw the electoral boundaries in Jammu and Kashmir as per the mandate set by the Jammu & Kashmir Reorganisation Act, 2019.

What is delimitation?

- Delimitation is the process of redrawing boundaries of the Lok Sabha or Assembly constituencies, the Election Commission of India states.
- The process is carried out in accordance with changes in the demographic status of a State or Union Territory.
- Delimitation is done by a Delimitation Commission or Boundary Commission.
- The orders of the independent body cannot be questioned before any court.
- In the past, Delimitation Commissions were set up in 1952, 1963, 1973, and 2002.
- Before the abrogation of Article 370 that accorded a special status to J&K, delimitation of its Assembly seats was carried out by the Jammu and Kashmir Constitution and the Jammu and Kashmir Representation of the People Act, 1957.
- The delimitation of Lok Sabha constituencies, meanwhile, was governed by the Constitution.

What is the J&K Delimitation Commission?

- The last time a delimitation exercise was carried out in Jammu and Kashmir was in 1995, based on the 1981 Census. Jammu and Kashmir was under President's rule at that time.
- There was no Census in 1991 in J&K due to the tense situation in the valley. In 2001, the Jammu and Kashmir Assembly passed a law to put the delimitation process on hold till 2026.
- The Centre set up a Delimitation Commission in March 2020, six months after the State of Jammu and Kashmir was bifurcated and reorganised as the Union Territories of Jammu and Kashmir and Ladakh.
- The Commission, headed by retired Supreme Court judge Ranjana Prakash Desai, was tasked with delimiting the Assembly and Lok Sabha constituencies in the UT of J&K based on the 2011 Census and in accordance with the provisions of the Jammu and Kashmir

Reorganisation Act, 2019 and the Delimitation Act, 2002.

What are the key takeaways from the final report?

- First, J&K is split into two divisions, with Jammu having 37 Assembly seats and Kashmir 46. After the Commission's final draft, six additional Assembly seats are earmarked for Jammu (revised to 43) and one for Kashmir (revised to 47).

- The total number of Assembly seats in the UT will increase from 83 to 90.

- Second, the Commission has recommended the Centre to nominate at least two Kashmiri Pandits to the Legislative Assembly.

- Third, the panel has proposed nine seats for the Scheduled Tribes (STs).

- Seven seats have been reserved for the Scheduled Castes (SCs) in the Jammu region.

- Fourth, the Commission has also recommended that the government consider giving displaced persons from Pakistan-occupied Jammu and Kashmir representation in the Assembly through nomination.

- Fifth, in its final order, the Commission has noted that it has considered the "Jammu & Kashmir region as one single Union Territory", and merged Rajouri and Poonch (from Jammu division) with

the Anantnag constituency in the Kashmir region. The new constituency has been renamed as Kishtwar-Rajouri.

- Sixth, the Commission has said it renamed 13 constituencies considering public sentiment in the region.

- The final order of the Delimitation Commission for Jammu and Kashmir holds a lot of political significance.

- The completion of the delimitation exercise will pave the way for Assembly elections a crucial step in the possible restoration of statehood for Jammu and Kashmir.

- The Commission has added seven more Assembly seats, keeping the 2011 census as the basis.

- With this, Jammu with a population of 53 lakh (43% of the total population of 122 crore) will have 47% seats, while Kashmir which has a population of 68 lakh (56%) will have 52% of the seat

- The new constituency has five ST Assembly segments from the Jammu region.

- In J&K, Gujjar and Bakarwals form the ST community which is 11.9% of the total population, as per the 2011 census.

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Changes in Northern Ireland

The story so far:

- Northern Ireland came into existence in 1921 when Ireland was partitioned by the Government of Ireland Act, 1920 passed by the British parliament.

- Sectarian tensions between the Protestants and Catholics led to a 30-year period of militant strife, called The Troubles, which began in the late 1960s and continued until the signing of the Good Friday Agreement in 1998.

- Sinn Féin, since 1921, never won a decisive vote.

- This changed on May 7, 2022 as it was declared that Sinn Féin had won 27 seats out of 90 or 29% of the preference vote, while its closest unionist competitor, the Democratic Unionist Party (DUP), dropped its seat tally to 25.

When did the Good Friday Agreement come into existence?

- The Good Friday Agreement came into existence in April 1998.

- It was constructed in a manner that would be favourable to the rights and political representation of both Protestant and Catholic communities in Northern Ireland with the aim to eliminate violence.

- The Agreement recognised the legitimacy of both republican and loyalist demands and institutionalised a system of devolved government, power-sharing and elections to the unicameral local assembly (called Stormont) using the principle of Single Transferable Vote to ensure proportional representation.

How did Brexit impact the electoral results in Northern Ireland?

- Britain's messy divorce from the European Union (EU), better known as Brexit, impacted relations

between Northern Ireland and the U.K.

- In 2019, the U.K. and the EU agreed to the Northern Irish Protocol wherein a trade-and-customs sea border was created between Northern Ireland and the rest of the U.K.

- Further, the rationale for the Protocol was that establishing a trade-and-customs border on the island between North and South was a sure way to stoke nationalist ire that could undermine the Good Friday Agreement commitment to peace and consociationalism

- In the assembly elections that have recently concluded, it is clear that the Protocol led to shifts in the voting patterns as it became one of the many points of polarisation in Northern Ireland.

- The parties in favour of the Protocol, like Sinn Féin, improved their vote counts.

Semi common approach to data governance

- The Internet and its data lie in the hands of very large tech companies. The ownership of data has become the currency of the future.

Platform capitalists

- A handful of 'platform capitalists' now control the Internet. Platform capitalists are those who take advantage of their first mover privilege by rapidly expanding across the digital landscape.

- They then offer themselves as a platform for third party players for a price (Meta, Amazon, Microsoft, etc.).

- These companies retain and expand their control through data accumulation and extraction.

- The importance of data accumulation in the digital economy cannot be overstated.

- With the advent of the Internet of Things (IoT), 'smart' devices and related technologies, the possibility of data goes beyond that of the virtual to even the physical and social.

- Control over such data can even predict behavioural patterns. Platform capitalists have unbridled control over the data economy leading to exclusion and under-optimisation of the data for common good

- State regulators have been trying to find a solution to better re-distribute and govern data structures.

- Another approach is that of data stewardship.

- Data stewardship "refers to any institutional arrangement where a group of people come together to pool their data and put in place a collective governance process for determining who has access to this data, under what conditions, and to whose benefit."
- It can also take the model of a public-private partnership where private data can be used for governance issues and policies.
- The EU's proposal for "data altruism organisations" which will enable the pooling of non-personal data for non-profit, "general interest" purposes and the World Economic Forum's 'Data for Common Purpose' initiative are plausible examples of such an arrangement.
- By creating such privacy-focused data forums, the goal is to increase data-based value creation for optimum use.

The semi-commons approach

- Data has three layers. The semantic layer which has the encoded information. The syntactic layer which represents the information as machine-readable datasets and the physical layer which is the infrastructure through which one extracts data.

- An ideal data governance structure should prevent the possessors of the syntactic and physical layers from having exclusive rights over the semantic layer.
- A semi-commons approach to data governance seeks to balance public and private claims to data.
- It fundamentally recognises data as social commons where first movers do not get exclusive rights.

Data holders and seekers

- Data holders be it private, public, or altruistic organisations can only have non-exclusive rights over the base layer of data (raw non-processed data).
- They can use and generate profit through it but are required to share data as other data seekers are entitled to accessibility in a semi-commons approach.
- Data seekers can have access to raw non-personal data and aggregate non-personal data (after due safeguards are met for irreversible anonymisation).
- Furthermore, a semi-commons approach would help foster data-driven solutions and innovation in sectors which desperately need it.
- For example, NITI Aayog had commented that the agriculture

sector, which desperately needs more data-driven innovation

- Therefore, a semi-commons approach, in order to be actualised, calls for a thorough change of perspective wherein data should not be thought of the exclusive property of one person or company but a form of social commons which needs to be properly regulated and redistributed.

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