

## Draft protection bill

- Draft Bill on personal data protection proposes a hefty increase in penalty amounts up to ₹500 crore, while also easing rules on cross border data flows, in a big relief for large tech firms.
- The revised draft now called The Digital Personal Data Protection Bill, 2022 comes just over three months after its earlier avatar was withdrawn from Parliament.
- Narrows down the scope of the data protection regime to personal data protection, leaving out non-personal data from its ambit a move welcomed by the industry.
- The Bill proposes to impose a penalty of ₹10,000 on individuals providing unverifiable or false information while applying for any document, service, proof of identity or address, or registering a false or frivolous complaint with a Data Fiduciary (who collects and processes the data) or with the Board.
- The government, which is hopeful of introducing the Bill in the Budget session in February 2023, has introduced the concept of 'Consent Managers' in the Bill.
- Pointing out that it is not always possible to keep track of the instances in which one has given consent to the processing of personal data, the government said that a consent manager platform will enable an individual to have a comprehensive view of her interactions with Data Fiduciaries and the consent given to them.
- The Bill requires the consent of the individual to be the basis for the processing of their personal data, except in certain circumstances where seeking the consent of the Data Principal is "impracticable or inadvisable due to pressing concerns".
- Every request for consent will need to be presented to the Data Principal in clear and plain language, and an option to access such a request for consent in English or any language specified in the Eighth Schedule to the Constitution of India.
- The Data Principal shall have the right to withdraw her consent at any time, the Bill stated.
- Data Fiduciaries collecting personal data from individuals will need to provide "itemised notice" in clear and plain language containing a description of personal data sought and the purpose of processing of such personal data.
- The Bill also gives the power to the government to offer exemption from its provisions "in the interests of

sovereignty and integrity of India” and to maintain public order.

- While the earlier version of the draft Bill had recommended that a Data Protection Authority be set up to prevent the misuse of personal information, the revised Bill has proposed a Data Protection Board of India, which will be notified by the Central government.
- The draft Digital Personal Data Protection Bill, 2022, released on Friday, has used the pronouns ‘she’ and ‘her’ to refer to all individuals, as against the use of ‘he’, ‘him’, and ‘his’.

#### **THE HINDU**

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#### **Vikram s**

- Vikram, India’s first privately-developed rocket
- Developed by Hyderabad-based Startup Skyroot Aerospace Private Limited, the six-metre-tall vehicle hit a peak altitude of 89.5 km and then splashed into the Bay of Bengal about five minutes after the launch.
- This mission was titled Prarambh.
- The rocket Vikram -S is a single- stage solid fuelled, sub-orbital rocket developed over two years by incorporating advanced technologies including carbon composite structures and 3D -printed components.

- Equipped with a gross lift off mass of 545kg, and payload mass of 80 kg, Vikram carried with it three customer payloads, which will map the measurement and validation of certain flight parameters and payload integration processes.
- This was a technology demonstration flight to showcase the capabilities of the company.
- Founded by Pawan Kumar Chandana and Naga Bharath Daka in June 2018 Skyroot Aerospace is a two-time national award-winning space Startup.

#### **THE HINDU**

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#### **Rat floods**

- A study spanning 13 years has shed interesting light on flowering in *Melocanna baccifera*, a tropical bamboo species that has long fascinated researchers for its association with the occurrence of ‘bamboo death,’ ‘rat floods’ and famines in northeast India.
- Among other things, researchers detected a correlation between the sugar content in the fruit of *Melocanna baccifera* and the frenzied feeding and population boom in rats during ‘Mautam’, the cyclical, mass bamboo flowering that occurs once in 48 years.

- Called 'Muli' in northeast India, *Melocanna baccifera* is the largest fruit-producing bamboo and is native to the northeast India Myanmar region.
- During this period, they also multiply rapidly, a phenomenon dubbed 'rat floods.'
- Once the fruits are gone, they start devouring standing crops, causing famines that have claimed thousands of human lives.
- Earlier, it was presumed that 'high protein in fruits/ seeds' was attracting the rats.
- However, a JNTBGRI study in 2016 found that the fruit actually contains very little protein.
- The predation is mainly due to the high content of sugar.
- Artificial intelligence and machine learning are being refined to mimic human cognitive abilities and intuition
- The roles and missions of the IAF would have to be re-assessed since space will be a major, if not a central, player in future conflicts.
- The weaponization of space must be accepted, the Outer Space Treaty notwithstanding.
- Emphasis on unmanned platforms and space assets, including a capability for satellites on call would be necessary.
- A call on how air power, with its niche strike, Airborne Intelligence, Surveillance and Reconnaissance (ISR), and precision attack capabilities would be merged in the drive towards jointness would be an imperative.

#### **THE HINDU**

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### **Indian Air force doctrine**

- It is time that the doctrine of the Indian Air Force (IAF) it is of 2012 vintage is reviewed and made public to guide the future development and application of India's air power.
- Doctrine drives technology and given the ongoing advancements, the IAF doctrine would have to spell out the following to meet the challenges of the mid-century. Technology has progressed exponentially.
- While the Department of Military Affairs and the institution of the Chief of Defence Staff (CDS) is new, the IAF's future 'flight plan' would need a doctrinal foundation; this should not be confused with the ongoing clamour for theaterisation.
- Given the two front threat (China and Pakistan) that India faces, would we be forced into a coalition?
- While this would be a political call, 'joint operations with friendly nations' could certainly be

addressed, including commitments in partnerships such as the Quad.

- It is a fact of history that when a nation's economy improves, it has to look for raw materials beyond its borders to fuel its advancement, putting it in an adversarial mode against other powers which would be doing the same.

### **New technology, stress, and human resource**

- The world has already graduated to multi-domain operations where cyber, space, electromagnetic spectrum, influence operations et al. have been activated together or in stages to get a whole-of-government approach towards meeting national objectives.
- The IAF's new doctrine must accept this, even as it acknowledges that new technology would result in an information overload that actually accentuates stress in human resources.
- The IAF doctrine must underscore that 'national defense' is a national endeavour and should not be filtered through a prism of the political dispensation at the helm.
- This is vital. An air force is not about fighter aircraft alone.
- Combat enablers such as aerial refuellers, Airborne Warning and

Control Systems, transport and helicopter fleets, radars, communication systems, etc. are vital in operations.

- Their obsolescence in the coming years would land them in the same state as the fighter aircraft inventory now (30 squadrons).

### **THE HINDU**

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### **Debate on constitution**

- Article 153 provides a Governor for each State, and by virtue of Article 154, the executive power of the State shall be vested in the Governor ("Shall be exercised by him directly or through officers subordinate to him in accordance with this Constitution").
- However, Article 154(2)(a) prohibits the Governor from exercising any function "conferred by existing law on any other Authority".
- Article 163 categorically provides that "there shall be a council of ministers with the Chief Minister at the head to aid and advise the Governor... except in so far as he is by or under this Constitution required to exercise his function or any of them in his discretion"
- The Supreme Court, in *Shamsher Singh vs State of Punjab and Anr.*, decided on this issue in 1974: The

Governor exercises “all his powers and functions” by making rules for the convenient transactions of the business of the government of the State in accordance with Article 166 of the Constitution.

- These are called Rules of Business. The Court however amplified that “wherever the constitution requires satisfaction of the President or the Governor for the exercise of any power or function by the President or the Governor, as the case may be, as for example in Articles 123, 213, 311(2) proviso (c), 317, 352(1), 356 and 360.
- The satisfaction required by the Constitution is the satisfaction of the President or of the Governor in the Constitutional sense under the Cabinet system of the Government”.
- The Court went on to hold that “the discretion conferred on the Governor means that as the Constitutional or the formal head of the State, the power is vested in him”
- and that it is only in the exercise of the power under Article 356 that the Governor will be justified in exercising his discretion even against the aid and advice of his council of ministers as per his discretionary power but, in all other matters where the Governor acts in his

discretion, he will act in harmony with his Council of Ministers.

- The Constitution does not aim at providing a parallel administration basic philosophy is that in a democracy, the elected Ministers must accept responsibility for every executive act and that the Council of Ministers alone represents a responsible form of government in the States.

### **THE HINDU**

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#### **Debates in the past**

- The Constituent Assembly debates are a clear pointer.
- In 1949, Prof. K.T. Shah debating Article 130 (now Article 154) said: “... the Constitution should make it imperative upon the Governor to use its power in accordance with the Constitution and the Law, that is to say, on the advice of his Ministers as provided for in the subsequent clauses and in other parts of the Constitution.”
- It was hotly debated whether the Governor should be appointed by the President of India or should be elected.
- Fearing that this would create a parallel State leadership, the Assembly instead adopted appointment by the President.

- B.G. Kher said: "... a Governor can do a great deal of good if he is a good Governor and he can do a great deal of mischief, if he is a bad Governor, in spite of the very little power given to him under the Constitution....."
- P.K. Sen said, "... The question is whether by interfering, the Governor would be upholding the democratic idea or subverting it. It would really be a surrender of democracy... We have decided that the Governor should be a constitutional head... he would be the person really to lubricate the machinery and to see to it that all the wheels are going well by reason not of his interference, but his friendly intervention."
- Viswanathan Das said, "I have my bitter experiences in this regard. I was the Prime Minister of a province and I know how the Governor of my province was out to break my party... You cannot have democracy and autocracy functioning together."
- K.M. Munshi said, "... All things considered, it would be better to have a Governor nominated by the Centre, who is free from the passions and jealousies of local party politics."
- B.R. Ambedkar said, "The Drafting Committee felt as everybody in this House knows, that the Governor is not to have any kind of functions to use a familiar phraseology, no functions which he is required to discharge either in his discretion or in his individual judgment. ... According to the principles of the New Constitution, he is required to follow the advice of his ministry in all matters..."
- Therefore... the real issue before the House is not nomination or election, but what powers you propose to give to your Governor.
- If the Governor is a purely constitutional Governor with no more powers than what we contemplate expressly to give him in the Act... I personally do not see any very fundamental objection to the principle of nomination."
- While debating Article 143 (now Article 163) on June 1, 1949, Prof. K.T. Shah said, "Whatever may be the procedure or convention within the Cabinet itself, however, the decisions of the Cabinet may be taken, so far as the Governor is concerned, I take it that the responsibility would be of the Chief Minister who will advise also about the appointment of his colleagues or their removal if it should be necessary."
- Defending the discretionary power given to the Governor under this Article, B.R. Ambedkar amply

clarified the position by saying, “The clause is a very limited clause. It says: ‘except in so far as he is by or under this Constitution’.

- Therefore, Article 143 will have to be read in conjunction with such other articles which specifically reserve the power to the Governor.
- It is not a general clause giving the Governor power to disregard the advice of his ministers in any matter in which he finds he ought to disregard.”
- Repealing the doubts of a Member on the powers of the Governor (Article 147, now Article 167) B.R. Ambedkar said, “I cannot see what sort of interference that would constitute in the administration of the affairs of the Government... All that the Article does is to place the Governor in a position to enable him to perform what I say ... but the duties which every good Governor ought to discharge.”
- T.T. Krishnamachari, the member of the drafting Committee said, “... If my honourable friend understands that the Governor cannot act on his own, he can only act on the advice of the Ministry, then the whole picture will fall clearly in its proper place before him...”
- **THE HINDU**