

SMART ABHYAS

Current Affairs Monthly

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for
S-400 Defence Missile System

Sabarimala : What you need
to know

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SARDAR VALLABHAI PATEL STANDS TALL

Nation dedicates a 182 metre tall 'Statue of Unity' to the man who ensured that India remained united during times of crisis.

Includes :
Daily Quiz of October
2018, RSTv and LSTv
compilations and All
India Radio Spotlight
Analysis



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A note from Smart Abhyas



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Point Blank (Facts for prelims)

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3. Rangachari Sridharan appointed Chairperson of NFRA

4. World's largest pillar-less dome inaugurated in Pune

5. Operation Samudra Maitri

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7. Sahyog-Hop Tac 2018 kicks off in Chennai

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10. 'JIMEX 18' at Visakhapatnam

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12. Cabinet approves merger of NCVT and NSDA to establish NCVET

13. First India-Israel Innovation Centre opens in Bengaluru

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15. Sikkim wins Future Policy Award 2018

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Polity and Social Issues

Government constitutes Competition Law Review Committee to review Competition Act

What is the issue ?

- The Union Government has constituted a Competition Law Review Committee to review the Competition Act, 2002.
- The Committee will be headed by Injeti Srinivas, Secretary of the Union Ministry of Corporate Affairs.

Why is this being done now ?

- The Competition Act was passed in the year 2002 and the Competition Commission of India was set up as a follow up to the Act. The Commission started functioning from 2009 and contributed immensely towards the development of competition and fair play practices in the Indian market.
- The Competition Act lays the ground rules for fair trade practices and prohibits practise of dominance, bid rigging, predatory pricing, and mergers of companies that have adverse effect on competition.
- During the past nine years, the size of the Indian Economy has grown immensely and India is today amongst the top five Economies in the World and is expected to grow further.
- Considering this, the government felt the need of strengthening the Competition Law and re-calibrate it to promote best practices which enable citizens to achieve their aspirations and subsequently, the Committee was formed.

Mandate or Terms of Reference of the Committee :

- To review the Competition Act and its rules and regulations to change business environment and bring necessary changes, if required

- To look into international best practices in the competition fields, especially anti-trust laws, merger guidelines and handling cross border competition issues

- To study other regulatory regimes, institutional mechanisms and government policies which overlap with the Competition Act

- Any other matters related to competition issue and considered necessary by the Committee.

- The Committee will submit its report within three months from the date of its first meeting.

Question related to Competition Law Review Committee:

Consider the following statements with reference to Competition Law Review Committee which was recently constituted

1. It will be headed Secretary, Ministry of Cooperate Affairs
2. Mandate is to review the Competition Act of 2002 and similar policies

Which of the following statements are true ?

- a) 1 only b) 2 only
c) Both are true d) Both are false

Solution: c

Rohingyas : What you need to know

Who are Rohingyas ?

- Rohingyas are a million-strong Muslim minority, who have been denied citizenship in Myanmar.

- Rohingya are an ethnic group, largely comprising Muslims, who predominantly live in the Western Myanmar province of Rakhine. They speak a dialect of Bengali, as opposed to the commonly spoken Burmese language.

- Since 1962 successive Myanmar governments have stripped the Rohingya population of their political and civil rights, including citizenship.

- They are often referred to as ‘Bengali’ in Myanmar, a derogatory term that implies they are illegal immigrants from Bangladesh, although Rohingya families have lived in the area for generations.

- Though they have been living in the South East Asian country for generations, Myanmar considers them as persons who migrated to their land during the Colonial rule. So, it has not granted Rohingyas full citizenship.

- According the 1982 Burmese citizenship law, a Rohingya (or any ethnic minority) is eligible for citizenship only if he/she provides proof that his/her ancestors have lived in the country prior to 1823. Else, they are classified as “resident foreigners” or as “associate citizens” (even if one of the parent is a Myanmar citizen).

- Since they are not citizens, they are not entitled to be part of civil service. Their movements are also restricted within the Rakhine state.

Where do they live ?

- The area where the Rohingya live is already the least developed in Myanmar. The World Bank estimates its poverty rate is 78%, as compared with 38% in the rest of the country.

- They have been living for decades now under apartheid like policies with severely restricted access to healthcare and education and limited freedom of movement

Rohingyas in India

- Nearly 40,000 Rohingyas are living in different places in India. The UNHCR has issued identity cards to about 16,500 of them.

- The Indian government maintains that the Rohingya Muslims are “illegal” immigrants in the country and their continuous stay posed “serious national security ramifications”

Nobel Peace Prize 2018

What is the issue ?

- The Norwegian Nobel Committee has decided to award the Nobel Peace Prize for 2018 to Denis Mukwege and Nadia Murad for their efforts to end the use of sexual violence as a weapon of war and armed conflict.

About Denis Mukwege :

- The physician Denis Mukwege has spent large parts of his adult life helping the victims of sexual violence in the Democratic Republic of Congo.

- Since the Panzi Hospital was established in Bukavu in 1999, Dr. Mukwege and his staff have treated thousands of patients who have fallen victim to such assaults. Most of the abuses have been committed in the context of a long-lasting civil war that has cost the lives of more than six million Congolese.

- Denis Mukwege is the foremost, most unifying symbol, both nationally and internationally, of the struggle to end sexual violence in war and armed conflicts. His basic principle is that “justice is everyone’s business”. Men and women, officers and soldiers, and local, national and international authorities alike all have a shared responsibility for reporting, and combating, this type of war crime.

- The importance of Dr. Mukwege’s enduring, dedicated and selfless efforts in this field cannot be overstated. He has repeatedly condemned impunity for mass rape and criticised the Congolese government and other countries for not doing enough to stop the use of sexual violence against women as a strategy and weapon of war.

About Nadia Murad :

- Nadia Murad is herself a victim of war crimes. She refused to accept the social codes that require women to remain silent and ashamed of the abuses to which they have been subjected. She has shown uncommon courage in recounting her own sufferings and speaking up on behalf of other victims.

- Nadia Murad is a member of the Yazidi minority in northern Iraq, where she lived with her family in the remote village of Kocho.

- In August 2014 the Islamic State (IS) launched a brutal, systematic attack on the villages of the Sinjar district, aimed at exterminating the Yazidi population. In Nadia Murad's village, several hundred people were massacred. The younger women, including underage children, were abducted and held as sex slaves.
- While a captive of the IS, Nadia Murad was repeatedly subjected to rape and other abuses. Her assaulters threatened to execute her if she did not convert to their hateful, inhuman version of Islam.
- Nadia Murad is just one of an estimated 3000 Yazidi girls and women who were victims of rape and other abuses by the IS army. The abuses were systematic, and part of a military strategy. Thus they served as a weapon in the fight against Yazidis and other religious minorities.
- After a three-month nightmare Nadia Murad managed to flee. Following her escape, she chose to speak openly about what she had suffered. In 2016, at the age of just 23, she was named the UN's first Goodwill Ambassador for the Dignity of Survivors of Human Trafficking.

Sexual harassment at workplace : What you need to know

Which law protects women from sexual harassment at the workplace ?

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act which was passed in 2013.
- It defines sexual harassment, lays down the procedures for a complaint and inquiry, and the action to be taken.
- It broadens the Vishaka guidelines, which were already in place.

What were the Vishaka guidelines?

- These were laid down by the Supreme Court in a judgment in 1997. This was on a case filed by women's rights groups, one of which was Vishaka. A public interest litigation was filed over the alleged gang-rape of Bhanwari Devi, a social worker from Rajasthan.
- In 1992, she had prevented the marriage of a one-year-old girl, leading to the alleged gang-rape in an act of revenge

What do the Vishaka guidelines say ?

- Legally binding, these defined sexual harassment and imposed three key obligations on institutions — prohibition, prevention, redress.
- The Supreme Court directed that they establish a Complaints Committee, which would look into matters of sexual harassment of women at the workplace.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act :

- It mandates that every employer constitute an Internal Complaints Committee (ICC) at each office or branch with 10 or more employees.
- It lays down procedures and defines various aspects of sexual harassment, including aggrieved victim — a woman “of any age whether employed or not”, who “alleges to have been subjected to any act of sexual harassment”, which means the rights of all women working or visiting any workplace, in any capacity, are protected under the Act.

How does it define sexual harassment?

Sexual harassment includes “any one or more” of the following “unwelcome acts or behaviour” committed directly or by implication:

1. Physical contact and advances
2. A demand or request for sexual favours
3. Sexually coloured remarks
4. Showing pornography
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The Women and Child Development Ministry has published a Handbook on Sexual Harassment of Women at Workplace with more detailed instances of behaviour that constitutes sexual harassment at the workplace. These include, broadly:

- Sexually suggestive remarks or innuendos; serious or repeated offensive remarks; inappropriate questions or remarks about a person's sex life

- Display of sexist or offensive pictures, posters, MMS, SMS, WhatsApp, or emails
- Intimidation, threats, blackmail around sexual favours; also, threats, intimidation or retaliation against an employee who speaks up about these
- Unwelcome social invitations with sexual overtones, commonly seen as flirting
- Unwelcome sexual advances.

“unwelcome behaviour” is experienced when the victim feels bad or powerless; it causes anger/sadness or negative self-esteem. It adds unwelcome behaviour is one which is “illegal, demeaning, invading, one-sided and power based”.

- Additionally, the Act mentions five circumstances that amount to sexual harassment — implied or explicit promise of preferential treatment in her employment; implied or explicit threat of detrimental treatment; implied or explicit threat about her present or future employment status; interference with her work or creating an offensive or hostile work environment; humiliating treatment likely to affect her health or safety.

For the Internal Complaints Committee to act, must the victim write a complaint ?

- Technically, this is not compulsory. The Act says the aggrieved victim “may” make, in writing, a complaint of sexual harassment.
- If she cannot, any member of the ICC “shall” render “all reasonable assistance” to her for making the complaint in writing. And if the woman is unable to make a complaint on account of her “physical or mental incapacity or death or otherwise”, her legal heir may do so.

Is there a time-frame within which the complaint has to be made?

- The Act states the complaint of sexual harassment has to be made “within three months from the date of the incident”.
- For a series of incidents, it has to be made within three months from the date of the last incident. However, this is not rigid.
- The ICC can “extend the time limit” if “it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period”.

The ICC is to record these reasons.

Does an inquiry follow immediately?

- Section 10 of the Act deals with conciliation.
- The ICC “may”, before inquiry, and “at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation” — provided that “no monetary settlement shall be made as a basis of conciliation”.

How does the inquiry take place?

- The ICC may forward the complaint to the police under IPC Section 509 (word, gesture or act intended to insult the modesty of a woman; maximum punishment one year jail with fine).
- Otherwise, the ICC can start an inquiry that has to be completed within 90 days. ICC has similar powers to those of a civil court in respect of the following matters: summoning and examining any person on oath; requiring the discovery and production of documents.
- While the inquiry is on, if the woman makes a written request, the ICC “may” recommend her transfer, leave for three months, or any other relief to her as may be prescribed.
- When the inquiry is completed, the ICC is to provide a report of its findings to the employer within 10 days. The report is also made available to both parties. The identity of the woman, respondent, witness, any information on the inquiry, recommendation and action taken, the Act states, should not be made public.

What follows after the ICC prepares its report ?

- If the allegations are proved, the ICC recommends that the employer take action for sexual harassment for misconduct “in accordance with the provisions of the service rules” of the company.
- These will obviously vary from company to company. It also recommends that the company deduct from the salary of the person found guilty, “as it may consider appropriate”. Compensation is determined based on five aspects: suffering and emotional distress caused to the woman; loss in career opportunity; her medical expenses; income and financial status of the respondent; and the feasibility of such payment.

- After the recommendations, the aggrieved woman or the respondent can appeal in court within 90 days

What happens if a complaint is found to be false?

- Section 14 of the Act deals with punishment for false or malicious complaint and false evidence.
- In such a case, the ICC “may recommend” to the employer that it take action against the woman, or the person who has made the complaint, in “accordance with the provisions of the service rules”.
- The Act, however, makes it clear, that action cannot be taken for “mere inability” to “substantiate the complaint or provide adequate proof”.

Deenbandhu Chhotu Ram : What you need to know

What did he stand for ?

- He sought to articulate the suffering of the peasantry. His basic thesis was that farming was the primary human activity.

His story :

- Chhotu Ram came from a debt-ridden family who held 10 acres of arid land. The Hindi-speaking southern region of undivided Punjab (now Haryana) witnessed frequent droughts and famine, leading to dependence of farmers on moneylenders.
- Patronised by Sir Chhaju Ram, a Jat businessman and philanthropist, Chhotu Ram studied at the Christian Mission School at Delhi, and later at St Stephen’s College, before getting a law degree from Agra College.
- As he began legal practice in 1912, Chhotu Ram founded the Jat Sabha, followed by the launch of the Jat Gazette in 1915. He joined the Congress in 1916 and was president of the Rohtak District Congress Committee from 1916 to 1920.
- Chhotu Ram helped in the British Army recruitment effort for the First World War, and was instrumental in the recruitment of 22,144 Jats from Rohtak area. He again backed a massive recruitment drive of the British during the Second World War.

- The Congress boycotted the 1920 elections, while Chhotu Ram got elected on a Zamindara Party ticket.

- In 1923, he formed the Unionist Party in alliance with Fazl-e-Hussain and Sir Sikandar Hayat Khan. Under the leadership of Khan, the party won the general elections of 1936 and formed a coalition government along with the Congress and Sikh Akali Dal. Chhotu Ram became the Revenue Minister.

Reforms he played a role in :

- As a member of the pre-Partition Punjab Legislative Council, his first major achievement was the passage of the Punjab Land Revenue (Amendment) Act, 1929, which remains a landmark social legislation till date.
- The exploitation of the peasantry by moneylenders was brought to an end with a series of measures, starting with the Punjab Regulation of Accounts Act, 1930.
- It was followed by the Punjab Debtors Protection Act of 1936 and the Punjab Relief of Indebtedness Act, 1943.
- It became mandatory for moneylenders to register themselves, without which they could not advance loans or prosecute farmers. All land attached and sold after June 8, 1901, and mortgaged for 37 years, was restored to its owners. Farmers were required only to give an application on plain paper to the district collector.
- If any moneylender had recovered twice the loan amount, the farmer was given his land back. Reconciliation boards were set up; confiscation of milch cattle, oxen, camels and carts or means of earning was barred.
- The Punjab Agricultural Produce Markets Act was passed in 1939. Popularly called the Mandi Act, it provided for the constitution of market committees in notified areas, and helped free the farmer from exploitation.
- A consolidation of land holdings was undertaken after passing the Consolidations Holding Act, 1936, amended in 1945. Not only were all these laws passed; Chhotu Ram also ensured their implementation.
- A grateful peasantry rewarded him with the titles of Deen-bandhu and Rahbar-e-Azam. The British honoured him with a knighthood in 1937.