

EVA STALIN IAS ACADEMY – BEST IAS COACHING IN CHENNAI

12/24, Muthurangan Muthali St, West Tambaram, Chennai - 600045

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DAILY CURRENT AFFAIRS ANALYSIS

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1.	NATO	Prelims & Mains
2.	Section 144	Prelims & Mains
3.	Rohingya Muslims in India	Prelims & Mains
4.	Collegium System in India	Prelims & Mains
5.	5G in India	Prelims Specific Topic

1 – NATO:

GS II

International Organizations

- **Context:**

- NATO recently warned that the conflict in Ukraine could drag on for years.

- **About NATO:**

- The North Atlantic Treaty, often known as the Washington Treaty, was the United States' first peacetime military alliance with non-western countries.
- Following WWII, European countries struggled to re-establish their economies and security. To help the war-torn landscapes, economic progress necessitated a large amount of aid. While the threat from Germany and the Soviet Union loomed, assistance was also required to develop factories and provide food.
- **The Marshall Plan (1948):**
 - The United States saw the new Europe as economically robust, rearmed, and integrated, which was critical in preventing communist growth across Europe.
 - As a result, Secretary of State George Marshall presented the Marshall Plan or European Recovery Program, a massive economic aid plan for Europe that fostered European economic unification and promoted the idea of shared interests and cooperation between the US and Europe.

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- The Soviet Union, on the other hand, refused to participate in the Marshall Plan and even refused to allow its satellite governments in Eastern Europe to accept the aid. As a result, the east and west became further divided.
- **Members of NATO:**
 - Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom, and the United States were the initial members.
 - Greece and Turkey (1952), West Germany (1955; Germany from 1990); Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia (2004); Albania and Croatia (2009); Montenegro (2017); and North Macedonia (2018) joined the original signatories (2020) later.
 - In 1966, France withdrew from NATO's integrated military command but remained a member of the organisation; it rejoined the military command in 2009.
- **ARTICLE 5 AND 6:**
 - **Article 5:** An armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and as a result, they agree that, if such an armed attack occurs, each of them will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as is necessary in the exercise of the right of individual or collective self-defense recognised by Article 51 of the United Nations Charter.
 - **According to Article 6,** the treaty's geographic scope includes "an armed attack on the territory of any of the Parties in Europe or North America." Other clauses commit the allies to enhance their democratic institutions, increase their combined military capability, confer with one another, and stay open to asking other European countries to join.
- **NATO's structure is as follows:**
 - Soon after the pact went into effect, the North Atlantic Council was formed. It is made up of member state ministerial representatives who meet at least twice a year. At other times, the NATO Secretary-General chairs a permanent session of the council at the ambassadorial level.
 - In December 1950, the North Atlantic Council (NATO's governing body) established the Supreme Allied Commander Europe (SACEUR).

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- The secretary-generalship has always been held by a European, whereas the position of SACEUR has always been held by an American.
- *Source → The Hindu*

2 – Section 144:

GS II

Government Interventions in various sectors

- **Context:**
- In response to protests over the Agnipath recruitment plan, the Jaipur police commissionerate issued prohibitory orders in commissionerate boundaries for the next two months under Section 144 of the CrPC. Section 144 was implemented in two more districts, Dholpur and Kota, on Saturday.
- **What exactly is it?**
- This colonial-era law, which has been preserved in the Code, authorises a district magistrate, a sub-divisional magistrate, or any other executive magistrate empowered by the state government to issue instructions to prevent and resolve imminent danger or nuisance.
- The officer's written order may be aimed at a specific person or people in a specific location, or it could be directed at the whole public.
- In emergency situations, the magistrate may issue the order without notifying the person who is the subject of the order.
- **The following are the powers conferred by the provision:**

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- The provision permits a magistrate to order a person to refrain from performing a certain act or to pass an order regarding a specific property in his or her possession or under his or her management.
- This usually include restrictions on movement, the carrying of weaponry, and unauthorised gatherings.
- An assembly of three or more people is usually regarded to be illegal under Section 144.
- **Duration:**
 - Unless the state government deems it necessary to prolong it, orders issued under Section 144 stay in effect for two months. In any case, the injunction cannot be in effect for more than six months.
- **Criticisms:**
 - The section is broad, allowing the magistrate to assume unjustified ultimate power.
 - According to the statute, the first step in challenging the order is to file a revision application with the same officer who issued it in the first place.
 - Individuals who are aggrieved say that the state had already breached their rights in many cases before the High Court interfered.
 - Because the security situation differs from place to place and cannot be dealt with in the same way, issuing prohibitory orders over a vast area is not appropriate.
- **Decisions of the Supreme Court:**
 - The Supreme Court refused to strike down the law in the 1961 case of 'Babulal Parate vs State of Maharashtra and Others,' stating that it is "not accurate to suggest that the remedy of a person aggrieved by an order under the section was illusory."
 - "No democracy can survive if 'public order' is freely allowed to be disturbed by a segment of the citizenry," the court said in 1967, rejecting a challenge to the law.
 - The court stated in 1970 ('Madhu Limaye vs Sub-Divisional Magistrate') that a magistrate's power under Section 144 "is not an ordinary power coming from administration but a power utilised in a judicial way and capable of additional judicial examination."
 - The court, on the other hand, maintained the law's validity, stating that the restrictions imposed by Section 144 are protected by Article 19(2) of the Constitution's "reasonable restrictions" to basic rights.

- *Source → The Hindu*

3 – Rohingya Muslims in India:

GS II

International Relations

- **Context:**
- For decades, the Rohingya have faced systematic discrimination, marginalisation, and targeted persecution — and small and large groups have been fleeing violence in Rakhine since the 1970s.
- **Who are the Muslims of Rohingya?**
- The United Nations has labelled Rohingya Muslims as the world's most persecuted minority.
- They fled their homes in 2017 to avoid a rumoured military crackdown in Myanmar.
- For decades, minority Rohingya Muslims have fled Myanmar's Buddhist-majority country to Bangladesh and other nations, notably India, to avoid prejudice and violence.
- **What are India's Security Concerns and Issues?**
- The ongoing illegal immigration of Rohingyas into India, as well as their continued presence in India, has been proven to have major national security repercussions and poses serious security dangers.
- **Conflict of Interests:** It affects the interests of local residents in regions where large numbers of illegal immigrants are arriving.
- **Political Instability:** It also exacerbates political instability when leaders begin to mobilise citizens against migrants in order to obtain political power.
- **Militancy on the Rise:** Persistent attacks on Muslims thought to be illegal immigration have resulted in radicalization.
- **Human trafficking:** In recent decades, women's trafficking and human smuggling have become commonplace across international borders.
- **Disturbance in Law and Order:** Illegal migrants who participate in illegal and anti-national activities jeopardise the country's rule of law and integrity.
- Despite not being a signatory to the 1951 Refugee Convention or its 1967 Protocol, India has been one of the world's largest recipients of refugees.

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- As a result, if India had domestic refugee legislation, it could have discouraged any tyrannical government in the region from persecuting its people and forcing them to migrate to India.
- **South Asia Association for Regional Cooperation (SAARC) Framework on Refugees:**
- India should take the lead in encouraging other SAARC countries to draught a SAARC convention or statement on refugees.
- *Source → The Hindu*

4 - Collegium System in India:

GS II

Indian Judiciary

- **Context:**
- In the next weeks, new Chief Justices are scheduled to be appointed to five Indian High Courts.
- **About the collegium system:**
- In India, the Collegium system, often known as "Judges-selecting-Judges," is a system in which judges are selected and transferred only by judges.
- The Supreme Court's decisions, rather than an Act of Parliament or a Constitutional provision, have shaped the system.
- The Supreme Court Collegium is led by the Chief Justice of India and consists of four of the Supreme Court's most senior judges.
- A High Court collegium is led by the court's Chief Justice and four other senior-most justices. The government receives names suggested for appointment by a High Court collegium only after they have been approved by the CJI and the Supreme Court collegium.
- The government has the option of returning the recommendation to the Collegium for reconsideration.
- If the collegium's proposal is reaffirmed, the government is required to appoint the appropriate individual.
- **What was the point of having a collegium system?**

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- The technology was implemented in order to improve and reinforce the appointment process.
- To ensure that the CJI's opinion is not only his or her own, but one produced by a group of people at the highest level of the court.
- Maintain the independence of the judiciary as part of the essential foundation of our democratic system and ensure the rule of law.

• **How does it work:**

- The President of India appoints the Chief Justice of India (CJI) and the other Supreme Court judges.
- The outgoing Chief Justice of India proposes his replacement.
- Since the 1970s supersession debate, it has been strictly by seniority in practise.
- SC judges are appointed by a Collegium consisting of the Chief Justice of the Supreme Court and four senior-most SC judges.
- The nominee is recommended by the Collegium to the Law Minister, who then transmits it to the Prime Minister, who advises the President on the ultimate appointment.
- The President appoints the Chief Justice of the High Court in consultation with the Chief Justice of the International Court of Justice (who consults other members of the SC collegium) and the governor of the appropriate state.
- The candidate is chosen from outside of the state in question.
- Other HC judges are appointed by the President, who consults the HC Collegium (the Chief Justice of the Court of Appeal and four senior-most HC judges), the CJI (other SC collegium members), and the Governor of the respective state.
- Judges of the Common HC are appointed by the President, who consults the Chief Justice of the India (who consults other SC collegium members) and the Governors of the individual states.

• **In India, how has the collegium system evolved?**

• **Constitution:**

- To ensure that judges are not influenced by political pressure, the constituent assembly adopted a consultative approach for appointing justices.
- It avoided parliamentary intervention while also giving the Chief Justice a veto.
- Instead, it gave the President the authority to nominate judges and move them between the high courts.
- The President (who generally acts on the recommendation of the council of ministers) was, however, required to confer with specific authorities, such as the Chief Justice of India or the Chief Justice of the High Court.

• **Case of the First Judges, 1981:**

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- In the First Judges Case of 1981, the Supreme Court determined that the term "consultation" could not be understood to entail "concurrence" Therefore the CJI's view is not binding on the executive.
- Only in extraordinary circumstances might the Executive deviate from the CJI's opinion, and any such decision could be challenged in court.
- **The Second Judges Case, 1993:**
 - In the Second Judges Case of 1993, the Supreme Court overturned its previous judgements.
 - It was now decided that consultation implied agreement, and that the CJI's opinion has supremacy, making it binding on the government.
 - The court supported its judgement by arguing that the CJI was the greatest alternative for learning about and evaluating candidates' worth.
 - The CJI, on the other hand, can only form an opinion with the help of a group of senior justices known as the 'collegium,' according to the court.
- **Case of the Third Judges, 1998:**
 - In the issue of the third judges, the Supreme Court stated that the collegium would comprise of the Chief Justice and four senior-most judges in the event of Supreme Court nominations.
 - If the CJI and two senior-most judges are appointed to the High Court, it will be the CJI and two senior-most justices.
- **Concept of NJAC:**
 - The National Judicial Appointments Commission is in charge of appointing judges across the country (NJAC)
 - The administration planned to replace the collegium with the NJAC through the 99th constitutional amendment.
 - The NJAC was made up of three Supreme Court judges, a central law minister, and two civil society experts.
 - NJAC would not suggest a person if at least two of its members did not accept such a recommendation, thereby broadening the appointment process.
 - The Supreme Court, however, overturned it in the Fourth Judges Case in 2015.
- **Case of the Fourth Judges, 2015:**
 - The Supreme Court upheld the primacy of the collegium by throwing down the NJAC law in the Fourth Judges Case of 2015.

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- The court reasoned that the NJAC law gave politicians equal influence in judge appointments to constitutional courts, which violated the Basic Structure of the Constitution's guarantee of "separation of powers" = Ultra Vires of the Constitution.
- As a result, the Supreme Court determined the collegium to be a fundamental feature of the Constitution, implying that its power could not be abolished even through a constitutional amendment.
- However, in light of the considerable criticism of the collegium, the judgement vowed to take into account the required actions to enhance the system. The Supreme Court ordered the administration to produce a Memorandum of Procedure for this purpose (MoP).
- A Memorandum of Procedure (MoP) is an agreement between the judiciary and the government that lays out the rules for appointing judges to the higher courts.
- Despite the fact that the government has forwarded the draught MoP to the Supreme Court, it is stuck between them because certain sections are alleged to take away the court's power to choose judges.
- **What are some of the criticisms of the collegium?**
- Unconstitutional and autocratic: The term "collegium" appears nowhere in the Constitution and was coined by the court to preserve control over the selection of judges.
- Undemocratic: Judges are not elected by the people and are not answerable to them or anyone else, hence collegium selection is undemocratic.
- Non-transparency and opacity: (no formal selection procedure + no published operating manual + selective posting of meeting minutes + no eligibility requirements for judges) = opacity in collegium operations.
- Promotes nepotism: For judicial positions, sons and nephews of prior judges or top lawyers are frequently chosen. As a result, it promotes mediocrity in the courts by rejecting talented individuals.
- Ineffective: The Collegium has been unable to prevent an increase in the number of judicial vacancies and court cases.
- SC's own guidelines are disregarded: The recent supersession in appointment contradicts the Supreme Court's decision in the Second Judge's case, 1993, which stated: "Seniority amongst Judges in their High Courts and on an all-India basis is significant and should be given due consideration when making appointments to the Supreme Court from amongst High Court Judges."
- Unless there is a compelling reason to leave, the order of seniority between them must be maintained when they are appointed to the Supreme Court.
- Against the grain of established norms: The 'seniority' convention has long been held as the protocol for appointments, but 'supersession' rejects and abdicates this convention, allowing subjectivity and individual prejudice to creep into the process.

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- After the fourth judge's case, no changes were made: The court did nothing to alter the NJAC Act or introduce safeguards that would have made it constitutionally valid after it was struck down. The court instead resorted to the traditional Collegium-based appointment system.
- **What is the best course of action?**
- The collegium system's subjectivity and inconsistencies emphasise the need to rethink the process of appointing judges:
- The NJAC should be reformed to ensure that the judiciary maintains its independence in its decisions, and it should be reintroduced in some manner.
- The Supreme Court should provide a written manual that should be followed during nominations, and all meeting records should be made public to promote transparency and a rule-based procedure.
- As a result, India must restore the higher judiciary's legitimacy by making the process of appointing justices transparent and democratic. Apart from reforming the collegium system, the quality of judges can also be improved through the implementation of All India Judicial Services (AIJS).
- *Source → The Hindu*

5 – 5G in India:

Prelims Specific Topic

- **Context:**
- On Saturday, Telecom Minister Ashwini Vaishnaw claimed that 5G rollout will begin in 20-25 cities and towns by the end of the year, and that India will continue to set rate standards as new services are carried out, despite its current data prices being substantially cheaper than the worldwide average.
- **About 5G:**
- The 5th generation mobile network is referred to as 5G. After 1G, 2G, 3G, and 4G networks, it is a new global wireless standard.
- It allows for the creation of a new type of network that connects nearly everyone and everything, including machines, objects, and gadgets.

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- Internet speeds in the 5G high-band spectrum have been tested to reach 20 Gbps (gigabits per second), although the greatest internet data speed in 4G has been reported at 1 Gbps in most circumstances.
- **From the First Generation through to the Fifth Generation:**
 - 1G was introduced in the 1980s and only supported voice conversations. It operated on analogue radio signals.
 - 2G, which employs digital radio signals and provides both speech and data transmission with a bandwidth of 64 Kbps, was introduced in the 1990s.
 - With speeds ranging from 1 to 2 Mbps, 3G was introduced in the 2000s and has the ability to send telephone signals such as digitised voice, video calls, and conferencing.
 - 4G was introduced in 2009, with peak speeds ranging from 100 Mbps to 1 Gbps and the ability to support 3D virtual reality.
- **Different 5G Bands:**
 - 5G primarily operates in three bands, namely the low, mid, and high frequency spectrums, each of which has its own set of benefits and drawbacks.
 - **Low Band Spectrum:**
 - The maximum speed of Internet and data exchange is limited to 100 Mbps in terms of coverage and speed (Megabits per second).
 - This means that telecommunications providers can utilise and install it for commercial cellular users who don't have high-speed Internet needs.
 - However, the low band spectrum may not be ideal for the industry's specialised needs.
 - **Mid-Band Spectrum:**
 - It has faster speeds than the low-band spectrum, but it has restrictions in terms of coverage area and signal penetration.
 - This band could be utilised by industries and specialised production units to create captive networks that can be tailored to their specific demands.
 - **High Band Spectrum:**
 - It has the fastest speed of all three bands, but its coverage and signal penetration intensity are severely limited.

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- This band significantly improves future 5G technology applications such as the Internet of Things (IoT) and smart technologies, although it will necessitate significant infrastructure.
- **5G's Applications:**
 - In general, 5G is used in three sorts of connected services: enhanced mobile broadband, mission-critical communications, and the enormous Internet of Things.
 - Enhanced Mobile Broadband: 5G mobile technology can usher in new immersive experiences like Virtual Reality (VR) and Augmented Reality (AR) with faster, more uniform data rates, lower latency, and cheaper cost-per-bit, in addition to making our devices better.
 - Mission-Vital Communications: With ultra-reliable, available, low-latency networks, 5G can enable new services that can alter sectors, such as remote control of critical infrastructure, cars, and medical operations.
 - Massive Internet of Things: 5G's capacity to scale down data speeds, power, and mobility—providing incredibly lean and low-cost connectivity solutions—is designed to seamlessly connect a massive number of embedded sensors in nearly anything.
 - 5G might be a key facilitator of the fourth industrial revolution when combined with IoT, cloud, big data, AI, and edge computing.
- **India's 5G Rollout Challenges:**
 - Low Fiberization Footprint: India needs to enhance its fibre connectivity, which currently connects only 30% of the country's telecom towers.
 - This number needs to double for a successful 5G launch and uptake in India.
 - 'Made in India' is a phrase that means "made in India." Hardware Challenge: The restriction on certain foreign telecom OEMs (original equipment manufacturers), which are responsible for the majority of 5G technology development, is a significant roadblock in and of itself.
 - High Spectrum Pricing: The cost of 5G spectrum in India is several times that of the worldwide average.
 - India's cash-strapped carriers would suffer as a result.
 - Selecting the Most Appropriate 5G Technology Standard: To speed the adoption of 5G technology, the battle between the domestic 5Gi standard and the global 3GPP standard must be resolved.
 - While 5G has clear advantages, it also increases the cost of launching 5G India and poses interoperability challenges for telecoms.
- **Next Steps:**
 - Boosting Domestic 5G Production: If the government wants to realise the 5G India dream, it must support and boost indigenous 5G hardware manufacture at an unprecedented rate.

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- **Pricing Rationalization:** This spectrum pricing needs to be rationalised so that the government can earn enough money from the auction without jeopardising India's 5G prospects.
- **Bridging the Rural-Urban Gap:** 5G may be used in a variety of band spectrums, with the low band spectrum having a significantly longer range, which is beneficial to rural areas.
- **Source → The Hindu**

