Prelim Bits 04-05-2024 | UPSC Daily Current Affairs

Special 301 Report 2024

The Special 301 Report 2024 terms India 'One of The Most Challenging Economies in IP Protection, Enforcement'.

- **The "Special 301" Report** - It is an *annual* review of the global state of intellectual property *(IP) protection and enforcement*.
- **Released by** – The Office of the United States Trade Representative (USTR).
- **2024 edition** – On the adequacy and effectiveness of *U.S. trading partners' protection and enforcement* of IP rights.
- USTR continued its enhanced approach to public engagement activities.
- **Data** – It details USTR's findings in a *review of more than 100 trading partners* after significant research and enhanced engagement with stakeholders.
- The *review of Ukraine continues to be suspended* due to Russia's full-scale invasion of Ukraine in 2022.
- **Highlights of the report** – It reviews the progress made by the trading partners to resolve and address IP issues of concern to US.
- **Removal from watch list** – It includes the ***Dominican Republic and Uzbekistan*** this year for their progress on addressing concerns with IP enforcement and transparency.
- **Priority Watch List** – It placed ***7 countries*** indicating that serious problems exist in that country with respect to IP issues.
    - Argentina, Chile, ***China, India,*** Indonesia, Russia, and Venezuela.
- They will be the subject of particularly *intense bilateral engagement* during the coming year.
- **Relation with India** – There are *progress under the US-India Trade Policy Forum* in addressing issues with trademark infringement investigations and pre-grant opposition proceedings, but numerous long-standing concerns remain which are
    - **Issues** – Inadequate IP enforcement, high rates of online piracy, an extensive trademark opposition backlog, and insufficient legal means to protect trade secrets.
- **Watch list** – It places ***20 countries***.
    - Algeria, Barbados, Belarus, Bolivia, Brazil, Bulgaria, Canada, Colombia, Ecuador, Egypt, Guatemala, Mexico, Pakistan, Paraguay, Peru, Thailand, Trinidad and Tobago, Türkiye, Turkmenistan, and Vietnam.
- It merit *bilateral attention* to address underlying IP problems
- **Cross cutting issues** – It recognizes that *counterfeit products* can pose harms to the citizens of the trading partners where those counterfeit products are consumed.
- **Recognising international laws** – US continues to respect its trading partners' rights to grant *compulsory licenses* in line with WTO Agreement on Trade-Related

Aspects of Intellectual Property Rights (TRIPS Agreement) and the Doha Declaration.

References

1. The Hindu Business Line| India in in USTR's Priority Watch List
2. USTR| Special 301 Report 2024

Right to vote and the Right to be elected

Recently, the jailed head of the pro-Khalistan outfit announced his intention to contest the Lok Sabha elections from Punjab that is to be held in June 2024.

- **Political rights of jailed persons** – They have the right to contest polls while facing criminal charges unless convicted but barred from casting his vote.

  Supreme Court of India has held that right to elect and be elected do not enjoy the same status.

- **Status of 'Right to Vote'** - In 2006 Kuldip Nayar case, the court held that it is ***a statutory right***" and ***not a fundamental right***.
- **Bar** – Section 62 of the Representation of People Act, 1951 provides a series of restrictions like barring to vote
  - If he is *confined in a prison*, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police.
- **Exception** – If they have been *released on bail* or have *been acquitted* and also for those *in preventive detention.*

Anukul Chandra Pradhan case in 1997
• **Petition** – Denying voting rights to undertrial person and person who cannot afford to pay bail amount with the bailed person violate the fundamental right of 'Right to Equality'. • **SC** – It rejected this argument on 4 grounds. • Right to vote was a statutory right and could be subject to statutory limitations. • A person in prison because of their conduct "cannot claim equal freedom of movement, speech and expression". • The is connected to keeping "persons with criminal background away from the election scene".

- **Status of 'Right to be elected'** – Section 8 of the Representation of People Act, 1951 deals with disqualification on conviction for certain offences.
- *Only the convicted person will be disqualified* from contesting elections to Parliament or state legislatures.
- It is from the date of conviction onwards and face further a 6-year disqualification beginning from the date of their release.
- **Exceptions** – The Election Commission of India (ECI) is empowered to "remove" or "reduce" the period of disqualification
  - In 2019, the ECI used this power to reduce the period of disqualification of a

convicted person.

- A disqualified MP or MLA can still contest is when their *conviction is stayed on appeal* to a higher court.
- **Concerns** – As of April 2024, there are still 4,472 Criminal cases pending on MPs/ MLAs.

Reference

[The Indian Express| Polling Rights of Accused and Prisoned Persons]

World Press Freedom Index 2024

India press freedom score falls in the 2024 World Press Freedom Index.

- It is an *annual index* of freedom enjoyed by journalists in *180 jurisdictions.*

> ***Press freedom*** *is defined as the ability of journalists as individuals and collectives to select, produce & disseminate news in the public interest independent of political, economic, legal, and social interference and in the absence of threats to their physical and mental safety.*

- **Released by** - Reporters sans Frontieres (Reporters without Borders), a global media watchdog headquartered in Paris, France.
- It has consultative status with the United Nations and the UNESCO.
- **Analysis** – It is assessed globally and also regionally like Africa, Americas, Asia – Pacific, Europe - Central Asia and Middle East - North Africa.
- **Score**
  - '0' - For the worst possible performance.
  - '100' - The best possible score.
- **2 Indicators** – A tally of *abuses against media and journalists* in connection with their work.
- A qualitative analysis of the situation in each country or territory based on the *responses of "press freedom specialists"* to an RSF questionnaire available in 24 languages.
- **5 categories RSF questionnaire** – Political context, legal framework, economic context, sociocultural context and security.
- **Findings of the 2024 report** – Press freedom around the world *fell by an average 7.6 points globally* and is being *threatened by* the very people who should be its guarantors, the *political authorities*.
  - **Topper** – Norway and Denmark topped.
  - **Worst performers** – *Eritrea* was at the bottom, with Syria just ahead of it.
- **India** – Its *rank improved* from 161 in 2023 to ***159 in 2024*** only because other countries had slipped in their rankings.
- Scores *dropped in all 4 categories* of questionnaire except the security indicator, thus overall score fell from 36.62 to ***31.28***.

In May 2024, Chile and UNESCO will host the 31st World Press Freedom Day Conference.

References

1. The Hindu| India's score dips in World Press Freedom Index
2. RTF| Findings of the World Press Freedom Index 2024

Chang'e 6

China launches lunar probe mission Chang'e 6.

- **Launched by** – China National Space Administration (CNSA).
- **Carried by** – Long March-5 Y8 rocket from Wenchang Space Launch Site, on the coast of southern island province of Hainan.
- **4 components** – An orbiter, a lander, an ascender and a re-entry module.
- **Mission** – It is tasked with ***collecting and then returning samples*** from the *moon's far side to Earth*.

Chang'e 6 is the 1st endeavour to collect and then return samples in the history of human lunar exploration.

India became the 1st country in 2023 to land near lunar South Pole region last year when its Chandrayaan-3's lander, carrying the Pragyaan rover successfully landed there.

- After collecting dust and rocks on the moon, the ascender will transport the samples to the lunar orbiter for transfer to the *re-entry module, which will carry them back to Earth*.
- The probe will carry out scientific exploration of the landing zone.
- **Key technologies** – Automatic sample collection, take-off and ascent from the far side of the moon.
- **International collaborations** – Scientific instruments from France, Italy and the European Space Agency/Sweden will be on board the lander and a Pakistani payload on the orbiter.

China in the past successfully launched unmanned missions to the moon which included landing a rover and has also sent a rover to Mars. It has also announced plans for a manned lunar landing by 2030.

Quick facts

- **Chang'e 4** – It landed in the *Von Karman crater in the South Pole-Aitkin Basin* in 2019 whose rover Yutu-2 became the 1st rover to successfully soft-land on the moon's far side.
- **Chang'e 5** – Its descender along with the lander landed on *Mons Rumker, a vast volcanic plain* on the moon.

References

1. The Hindu| Chang'e 6 to bring samples from far side of the Moon
2. The Hindu| Chang'e – China's lunar missions

Women reservation in SC Bar Association

The Supreme Court of India reserves seats for women in bar association committee.

- **SCBA** – Supreme Court Bar Association, is an Indian bar association which is an integral part of Supreme Court of India.
- It has been registered under the Societies Registration Act of 1860.
- It comprises of practising lawyers of the Supreme Court of India.
- It works for upholding, maintaining and consolidation of the constitutional values of democracy, rule of law and independence of Judiciary.
- **Requisite to change the rules** – Needs two-third majority in SCBA general body.
- **Need of reservation for Women** – It is only to guarantee a minimum and women members of the SCBA, subject to their eligibility, shall be entitled to contest the election for all the posts in the Executive Committee.
- A bench of *Justices Surya Kant and K V Viswanathan* directed that Supreme Court to reserve seats for women SCBA.
- **Reservation in Executive Committee** - ***33% of seats***.
    - A minimum of *3 out of 9 positions* in the Executive Committee and *2 of 6 Senior Executive* Member posts.
- **Reservation in Office-Bearer posts** – *At least one post* of the Office-Bearer shall be reserved for women candidates exclusively by turn and on rotation basis".
- In the ensuing election *for 2024-2025*, the post of ***Treasurer of the Executive Committee*** is reserved for women.

Status of Women in Indian Judiciary

• A quick, back-of-the-envelope estimation shows there are only about three lakh women in the justice delivery system.
• If 35% of subordinate judges are women, the number comes down to 13% in the high courts.
• **Supreme Court** - The 1st woman judge on the SC bench was *Justice Fathima Beevi in 1989*.
• Today, there are *only 3 women judges*.
• Until now, there has been no woman Chief Justice of India.
• **High courts** – In over 7 decades there have been only 16 women chief justices.
• Out of the 650 High Court judges in India today, *only 76* are women.
• *Justice Leila Seth* was the 1st woman to be Chief Justice of a High Court (Delhi) in 1997.

India Justice Report (IJR) points out that the gender gap remains wide in each of the subsystems that make up the justice delivery system — police, judiciary, prisons, legal aid, and human rights commissions.

References

1. The Indian Express| Women Reservation is SCBA
2. The Indian Express| Status of Women in Judiciary

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