

Prelim Bits 12-01-2023 | UPSC Daily Current Affairs

Title 42 and Principle of Non-refoulement

The United States announced that it will extend Title 42, to expel migrants caught crossing the U.S.-Mexico border back to Mexico.

- Title 42 dates back to a 1944 law known as the Public Health Service Act, which granted US health authorities emergency powers to prevent the spread of diseases.
- In March 2020, the Trump administration invoked the statute with the stated intent of preventing Covid-19 from spreading in the US.
- Title 42 allowed the administration to quickly expel migrants trying to cross the US-Mexico border without clearance including asylum seekers.
- These measures under Title 42 appear to be at variance with the prohibition of collective expulsion and the *principle of non-refoulement*.

Principle of Non-Refoulement

- The Principle of Non-Refoulement is guaranteed under international human rights law.
- The international principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment.
- This principle applies to all migrants at all times, irrespective of migration status.

References

1. [The Hindu - U.S. border plan risks undermining basic human rights](#)
2. [BBC - Title 42: What is the Trump-era immigration policy?](#)
3. [Indian Express - What is the U.S. 'Title 42' immigration policy?](#)

Indian Skimmer

The Godavari estuary in Andhra Pradesh has become a prime and safe habitat for the Indian Skimmers.



- Indian skimmer (*Rynchops albicollis*) which can 'skim' over water to snap up fish, is characterised by a bright orange bill.
- They are found in the coastal estuaries of western and eastern India.
- **Habitat** - It occurs primarily on larger, sandy, lowland rivers, around lakes and adjacent marshes and, in the non-breeding season, in estuaries and coasts.
- **Distribution** - It is presently confined only to India, Pakistan, Bangladesh, Nepal and Myanmar.
- It is considered as extinct in Lao PDR, Cambodia and Viet Nam.
- **In India** - About 20% of the total population of fewer than 2,500 birds nest along river Chambal.
- Around 250 Indian Skimmers were sighted in Coringa Wildlife Sanctuary in a day during the Asian Waterbird Census-2023.
- **Diet** - Feeds on surface-dwelling fish, small crustaceans and insect larvae.
- **Threats** - Habitat degradation, excessive and widespread increases in disturbance of rivers and predations.
- **Conservation Status**
 1. IUCN - Endangered

Coringa Wildlife Sanctuary

- Coringa Wildlife Sanctuary is in the East Godavari district in Andhra Pradesh.
- The sanctuary is a tidal mangrove forest at the Godavari estuary.
- About 40% of the sanctuary is only sea-backwaters.
- The sea coast of the Sanctuary is a breeding ground for Olive ridley turtles.

References

1. [The Hindu - Godavari estuary - a prime habitat for Indian Skimmer](#)
2. [East Godavari - Coringa Wildlife Sanctuary](#)

Curative Petition

A Constitution Bench of the Supreme Court made it clear to the government that it will not "try" the curative petition of the Centre like a suit, the Bhopal gas leak tragedy case.

- A curative petition may be filed after a review plea against the final conviction is dismissed.
- It is meant to ensure there is no miscarriage of justice, and to prevent abuse of process.
- A curative petition is usually decided by judges in chamber, unless a specific request for an open-court hearing is allowed.

Genesis

- Curative jurisdiction is a rare remedy evolved by a Constitution Bench of the Supreme Court in 2002 in the Ashok Hurra Vs Rupa Hurra case.
- Curative petition can be filed in the Supreme Court by elucidating the scope of -
 1. The curative nature of power conferred on the Supreme Court under **Article 142**.
 2. The power to review judgment pronounced or order made by the Supreme Court under **Article 137**.
- Every curative petition is decided on the basis of principles laid down by this case.
- The court ruled that a curative petition can be entertained if
 1. the petitioner establishes there was a violation of the principles of natural justice
 2. he was not heard by the court before passing an order
- It will also be admitted where a judge failed to disclose facts that raise the apprehension of bias.

Criteria for Curative Petition

- The SC has held that curative petitions must be rare rather than regular, and be entertained with caution.
- A curative petition must be accompanied by certification by a senior advocate, pointing out substantial grounds for entertaining it.
- It must be first circulated to a bench of the 3 senior-most judges, and the judges who passed the concerned judgment, if available.
- Only when a majority of the judges conclude that the matter needs hearing should it be listed as far as possible, before the same Bench.

References

1. [The Hindu - Will not try curative plea like a suit, says Supreme Court](#)
2. [India Kanoon - Rupa Ashok Hurra vs Ashok Hurra, 2002](#)

Global Combat Air Programme

The UK, Italy and Japan have announced the joint working mechanism for the Global Combat Air Programme (GCAP) which is a new partnership to develop combat jets.

- UK, Italy and Japan have announced the teaming for sixth-generation Global Combat Air Programme (GCAP).
- GCAP is an ambitious endeavour to develop a next-generation fighter aircraft by 2035.
- **Merger** - Japan's F-X fighter jet program was merged with the UK and Italy's 'Tempest' program to create the Global Combat Air Programme.

- The GCAP will leverage from both the Tempest and F-X programmes.
- The new jet will replace Japan's F-2s and Britain's Typhoon fighters.
- **F-35 and GCAP** - All 3 countries are already part of the US fifth-generation F-35 stealth fighter program.
- While the F-35 program will continue, the focus will shift towards the sixth generational upgrades.

Under the F-35 program, all three contribute the development of the F-35 and the different versions of the warplane are assembled in Italy and Japan.

References

1. [Financial Express - Sixth-generation Global Combat Air Programme](#)

Comprehensive and Progressive Agreement for TTP

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) Commission is in accession negotiations with the United Kingdom.

- The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) is a free trade agreement (FTA) between 11 countries in the Asia-Pacific region.
- The agreement would lower tariffs and other trade barriers among the 11 countries.
- **Signatories** - The TPP-11 countries are - Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam.
- The CPTPP entered into force on December 30, 2018 with 6 countries to have ratified the agreement: Canada, Australia, Japan, Mexico, New Zealand, and Singapore.
- For the other signatories, the CPTPP will enter into force 60 days after their ratification.
- CPTPP Commission is the decision making body of CTPP.
- **TTP and CPTTP** - The CPTPP Agreement is a separate treaty that incorporates, by reference, a majority of the provisions of the Trans-Pacific Partnership (TPP) Agreement (signed but not yet in force).
- The CPTPP preserves the ambitious scope and high quality standards and rules of the original TPP.
- **Accession** - The CPTPP includes an accession process that provides for the further expansion of the Agreement's membership.
- Any economy that is able to meet the high-standard rules and ambitious market access commitments of the CPTPP can seek to join the Agreement.
- This accession is subject to negotiations on terms and conditions with the current CPTPP members.
- **China and RCEP** - Though China is Pacific-Rim country, it is not a part of TPP, but part of Regional Comprehensive Economic Partnership (RCEP) which is viewed as an alternative to TPP.

References

1. [The Hindu - U.K., Japan sign defence pact](#)



SHANKAR
IAS PARLIAMENT
Information is Empowering