

### TO GIVE WORKFORCE 'NARI SHAKTI' BOOST, PM EYES WFH, FLEXI HOURS

#### In News:

- Inaugurating the two-day National Labour Conference (in Tirupati), India's PM stated that India must prepare for future labour needs by providing for flexible workplaces with flexi work hours, developing a work-from-home ecosystem, particularly to increase women participation in the workforce.
- The Conference is aimed at addressing a variety of issues concerning the implementation of the **labour codes**, discussions on migrant workers' data and **Vision-2047** for the workforce.

#### The Indian/National Labour Conference (ILC):

- It is the apex level tripartite (Government, employers, workers) consultative committee in the Ministry of Labour & Employment to advise the Government on the issues concerning the working class of the country.
- The first meeting of the Indian Labour Conference (then called Tripartite National Labour Conference) was held in **1942**. The most recent session was held in 2014-15.
- There is a need for such a conference because India has a legal obligation, as the Indian Parliament has ratified International Labour Organization (ILO) Convention (144) on strengthening the tripartite mechanism.

#### National Labour Conference, 2022:

- The two-day Conference is being organised by the Union Ministry of Labour & Employment at Tirupati, Andhra Pradesh.
- The Conference is being convened in the spirit of **cooperative federalism** to discuss various significant labour related issues.
- The Conference will have four thematic sessions on -
  - Integrating **e-Shram portal** for on-boarding social security schemes to universalize social protection;
  - **Swasthya se Samridhhi** for improving medical care through ESI hospitals run by State Governments and integration with PM Jan Arogya Yojana (PMJAY);

- Framing of rules under **four Labour Codes** and modalities for their implementation;
- **Vision Shramev Jayate @ 2047**, with focus on just and equitable conditions of work, social protection to all workers, including gig and platform workers, gender equality at work, etc.

### **The Four Labour Codes:**

- The Parliament of India passed the **4 labour codes**:
  - the Industrial Relations Code, 2020;
    - To consolidate and amend the laws relating to Trade Unions, conditions of employment in industrial establishment, investigation and settlement of industrial dispute.
  - the Code on Social Security, 2020;
    - To amend and consolidate the laws relating to social security with the goal to extend social security to all employees and workers.
  - the Occupational Safety, Health and Working Conditions Code, 2020 and
    - To consolidate and amend the laws regulating the Occupational safety and health and working conditions of the persons employed in an establishment.
    - It replaces 13 old central labour laws.
  - the Code on Wages, 2020.
    - To simplify the existing labour laws dealing with payment of wages, overtime, bonus, minimum wages etc
- Labour being a concurrent subject, states will have to frame their rules and only then can the codes be implemented in their entirety.
- These codes aim to streamline and simplify (by merging 29 pre-existing labour laws into 4) the country's existing and overlapping labour laws.
- The Ministry of Labour and Employment, Government of India, had earlier envisaged implementation of the four labour codes from April 1, 2021.

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## [JHARKHAND IN TURMOIL AMID SPECULATION OF CM BEING DISQUALIFIED AS MLA BY EC](#)

**In News:**

- The Election Commission of India has told Jharkhand Governor Ramesh Bais that Chief Minister Hemant Soren should be disqualified as an MLA for violating electoral norms.

## **Article 102 and Article 191 of the Constitution:**

- The criteria for disqualifications from membership of a state legislature are mentioned in the Article 191 of the Constitution of India.
  - Similarly, the disqualification criteria are laid down in the Article 102 relating to the membership of both the houses of Parliament.
- Under Article 191 (1), a person is disqualified for being chosen as, and for being, a member of legislative assembly or legislative council –
  - If he holds an ‘office of profit’ under the central or state government, other than an office declared not to disqualify its holder by a law passed by the legislature of the state.

## **What is ‘Office of Profit’?**

- The law does not clearly define what constitutes an office of profit but the definition has evolved over the years with interpretations made in various court judgments.
- An office of profit has been interpreted to be a position that brings to the office-holder some financial gain, or advantage, or benefit. The amount of such profit is immaterial.
- In 1964, the Supreme Court ruled that the test for determining whether a person holds an office of profit is the test of appointment.
- Several factors are considered in this determination including factors such as –
  - Whether the government is the appointing authority,
  - Whether the government has the power to terminate the appointment,
  - Whether the government determines the remuneration,
  - What is the source of remuneration, and
  - The power that comes with the position.

## **What is the need for such a concept?**

- MPs and MLAs, as members of the legislature, hold the government accountable for its work.

- The essence of disqualification under the office of profit law is if legislators hold an ‘office of profit’ under the government, they might be susceptible to government influence, and may not discharge their constitutional mandate fairly.
- The intent is that there should be no conflict between the duties and interests of an elected member.
- Hence, the office of profit law simply seeks to enforce a basic feature of the Constitution- the principle of separation of power between the legislature and the executive.

### **Other Grounds on which an MLA/MLC can be disqualified:**

- The Parliament has prescribed a number of additional disqualifications in the **Representation of People Act, 1951**. Some of these grounds are:
  - He must not have been found guilty of certain election offences or corrupt practices in the elections.
  - He must not have been convicted for any offence resulting in imprisonment for two or more years.
  - He must not have failed to lodge an account of his election expenses within the time.
  - He must not be a director or managing agent nor hold an office of profit in a corporation in which the government has at least 25 per cent share.
  - He must not have been punished for preaching and practicing social crimes such as untouchability, dowry and sati.

### **Who has the final authority to disqualify an MLA/MLC?**

- Under the Article 192 of the Constitution, it has been mentioned that that if any question arises as to whether or not the member of a house of the legislature of a state has become subject to any of the disqualification criteria, the question shall be cited to the Governor of the state for decision.
- The Governor will act as per the opinion of the Election Commission (EC).
- His decision shall be final and **may not be reviewed by any court of law**.

### **Background:**

- In February 2022, allegations were raised that the current chief minister Hemant Soren had misused his post and allocated a mining plot to himself.

- It was alleged that the CM allotted a stone quarry mine of 0.88 acres for himself in Anagda Ranchi, which is against the provisions of the office of profit.
- He was accused of violating the Representation of People's Act, 1951.
- In May 2022, the Election Commission sent chief minister Hemant Soren a notice seeking his side of the story.
- In response to the EC notice, the CM argued that the clauses of the RPA Act, 1951 under which he was sought to be punished did not apply in this case.
- The EC has sent its final report to the Jharkhand Governor Ramesh Bais. The Governor has not yet announced his decision or how he proposed to go about executing it.

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## SC PANEL INDICTS FEROZEPUR SSP FOR PM SECURITY LAPSE

### **In News:**

- A committee appointed by the SC has faulted the then Ferozpur Senior Superintendent of Police for the security breach during PM Modi's visit to Punjab in January 2022.

### **In Focus: PM's Security Planning**

#### **How is PM's security planned?**

- Planning of the PM's security during any visit involves central agencies and state police forces. Broad guidelines are laid down in what is called the **SPG's Blue Book**.
- SPG (Special Protection Group) is mainly responsible for PM's security.
- Three days before any planned visit the SPG holds a mandatory Advance Security Liaison (ASL) with everyone involved in securing the event.
- This also includes Intelligence Bureau officials in the concerned state, state police officials and the concerned district magistrate.
- Once the meeting is over, an ASL report is prepared, based on which all security arrangements are made.

#### **What is chalked out during the meeting?**

- The meeting discusses how the PM would arrive (by air, road or rail) and, once he lands, how he would reach the venue (generally by helicopter or road).
- Inputs of central agencies and local intelligence are taken into consideration.
- The security of the venue — which involves aspects such as entry and exit, frisking of those coming to the venue, and placing of door frame metal detectors — is discussed.
- Even the structural stability of the dais is checked.

### **Different layers of security**

- SPG only gives proximate security.
- When PM is travelling to any state, it is the responsibility of the state police to ensure overall security.
- They have the responsibility of intelligence gathering, route clearance, venue sanitisation and crowd management.
- Central intelligence agencies are responsible for providing inputs about any threat.
- However, it is the SPG that takes the final call on how the security is to be arranged.
- The SPG never allows the PM's movement until the local police give the go-ahead.
- State police are also supposed to conduct anti-sabotage checks and secure the route by placing not only men on the roads but also snipers on rooftops.
- The state police also provide a pilot that leads the PM's cavalcade.
- If he is likely to stay at a place, an SP-level officer is deputed as camp commandant to ensure security.
- During public meetings, rallies and road shows, apart from policemen, an SP is deputed to post men in plainclothes for security.

### **What happens if plans change suddenly?**

- A contingency plan is always made in advance. That is why the weather report is taken into consideration.
- If because of bad weather, the PM can't fly to the venue.
- So, an alternative route by road is planned in advance, the route is sanitised and security placed on the road even if the PM is supposed to fly.

- If for any reason the route is found to be not clear, the state police do not give the go-ahead. The visit is cancelled.

### **What if there are spontaneous protests?**

- Protests are always a threat to any VIP's visit and thus elaborate planning is made in advance by the state police to thwart them.
- Generally, local intelligence has inputs on which groups are planning a protest and preventive action is taken.
- Physical and electronic surveillance is mounted to gather information on such surprises.
- If there is a planned protest that cannot be stalled, then the route is avoided.

### **Background:**

- On January 5, 2022 the Prime Minister's cavalcade, on its way to Hussainiwala in Punjab, ran into a blockade by protesters en route.
- As a result, the convoy stranded on a flyover in Punjab's Ferozepur district for around 20 minutes - a major breach of security protocol.
- On January 13, responding to the PILs filed, the SC had set up a 5-member committee headed by Justice Indu Malhotra to inquire into security lapses.

### **News Summary**

- An SC-appointed Justice Indu Malhotra committee has indicted Ferozepur SSP Harmandeep Singh Hans for serious lapses in the PM security case.

### **Key highlights**

- **SSP failed to act**
  - The panel's report emphasises that the SSP failed to act despite having been asked to strengthen the security for the PM on the contingency route.
  - The PM was going to take a contingency route because of bad weather, which prevented his helicopter from taking off.
- **Suggested certain remedial measures and safeguards**
  - The committee has also suggested certain remedial measures and safeguards required for the Prime Minister's security. This includes:
    - Constitution of an oversight committee for periodic revision and updation of the Blue Book

- holding sensitisation courses for training police officers and
  - security planning for VVIP visits.
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## SAMIR KAMAT

The Appointments Committee of the Cabinet appointed Samir V. Kamat as Secretary, Department of Defence Research and Development and Chairman, Defence Research and Development Organisation (DRDO).



### About:

- Incumbent chairman G. Satheesh Reddy has been made the Scientific Adviser to the Defence Minister. Mr. Kamat will retain his post till the age of 60 or further orders.
  - The DRDO is charged with the military's research and development under the Department of Defence Research and Development in Ministry of Defence. It was formed in 1958.
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## INDIA-BANGLADESH RIVER WATER SHARING ISSUES

India and Bangladesh discussed a wide range of issues related to the major common rivers such as the Ganga, Teesta and several smaller rivers during the 38th meeting of the Joint River Commission (JRC) held recently.



### About:

- The JRC meeting discussed the whole gamut of the issues related to the common rivers between the two countries, especially the Ganga, Teesta, Manu, Muhuri, Khowai, Gumti, Dharla, Dudkhkumar and Kushiyara,” said an official statement issued by Dhaka after the talks.
- Bangladesh side requested for conclusion of the long-pending Teesta Waters Sharing Treaty at an early date. The Indian side assured of their utmost efforts in concluding the agreement.



- Teesta River is a 414 km long river that rises in the Pauhunri Mountain of eastern Himalayas, flows through the Indian states of Sikkim and West Bengal through Bangladesh and enters the Bay of Bengal.
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## SUPREME COURT-PICKED PANEL FINDS NO PROOF OF PEGASUS ON 29 PHONES IT GOT

### **In News:**

- The SC said its technical expert committee could not find Pegasus spyware in the 29 mobile phones of complainants, but detected malware in five of them.

### **Pegasus Spyware**

- Pegasus is a malware/spyware developed by Israel's NSO Group.
- Spyware is a type of malicious software/malware that is installed on a computing device without the end user's knowledge.
- It invades the device, steals sensitive information.
- The spyware suite is designed to access any smartphone through zero-click vulnerabilities remotely.
- Once a phone is infiltrated, the spyware can access entire data on that particular phone.
- It also has real-time access to emails, texts, phone calls, as well as the camera and sound recording capabilities of the smartphone.

### **Snooping Row**

- A global collaborative investigative project has discovered that Israeli spyware Pegasus was used to target thousands of people across the world.
- The report claimed that, in India, at least 300 people were targeted.
- This included two serving Ministers in the current government, three Opposition leaders, one constitutional authority, several journalists and business persons.
- The Pegasus row also reached the SC when the Editors Guild of India filed a petition in the Supreme Court seeking direction for a probe by a special investigation team.

- In a judgment, the SC bench led by CJI NV Ramana stated that national security ground raised by the State cannot totally exclude judicial review.
- The SC emphasised the importance of free speech and press freedom and expressed concerns about unauthorised surveillance.

### Technical committee constituted

- The Supreme Court constituted a technical committee under the oversight of Justice (ret'd) R.V. Raveendran to look into the allegations of snooping.
- The committee divided the court-appointed task into two areas:
  - One is regarding the inquiry itself.
  - Second is regarding recommendations about the enhancement of existing laws and procedures related to surveillance and securing rights including privacy, cyber security, etc.
- The committee has submitted its report to the three-judge Bench led by Chief Justice of India N. V. Ramana.

### Indian laws on snooping

- Section 5(2) of The **Indian Telegraph Act, 1885**, states that the government can intercept a message or class of messages.
- This can be done only in the interests of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states or public order or for preventing incitement to the commission of an offence.
- SC in its verdict in the **People's Union for Civil Liberties (PUCL) vs Union of India** case said telephonic conversations are covered by the right to privacy. This can be breached only if there are established procedures.
- After that GoI established a procedure for surveillance.
  - Under Rule 419A of the Telegraph Rules, surveillance needs the sanction of the Home Secretary at the Central or State level.
  - But in unavoidable circumstance can be cleared by a Joint Secretary or officers above, if they have the Home Secretary's authorisation.
- In the **S. Puttaswamy vs Union of India** verdict of 2017, the Supreme Court further reiterated the need for oversight of surveillance.

- It stated that surveillance should be legally valid and serve a legitimate aim of the government.
  - Section 69 of the **Information Technology Act, 2000** also facilitates government interception of any information through any computer resource.
  - The procedure for it is detailed in the Information Technology Rules, 2009.
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## BATTERY WASTE MANAGEMENT RULES, 2022

Union Ministry of Environment published the Battery Waste Management Rules, 2022 on 24th August, 2022 to ensure environmentally sound management of waste batteries.



### About:

- New rules will replace Batteries (Management and Handling) Rules, 2001.
  - The rules cover all types of batteries, viz. Electric Vehicle batteries, portable batteries, automotive batteries and industrial batteries.
  - The rules function based on the concept of Extended Producer Responsibility (EPR) where the producers (including importers) of batteries are responsible for collection and recycling of waste batteries and use of recovered materials from wastes into new batteries.
  - The rules will enable setting up a mechanism and centralized online portal for exchange of EPR certificates between producers and recyclers/refurbishers to fulfil the obligations of producers.
  - The rules promote setting up of new industries and entrepreneurship in collection and recycling/refurbishment of waste batteries.
  - The funds collected under environmental compensation shall be utilised in collection and refurbishing or recycling of uncollected and non-recycled waste batteries.
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