

WHY THE CAUVERY WATER-SHARING ISSUE HAS FLARED UP AGAIN

Context

- The Cauvery water-sharing issue between Karnataka and Tamil Nadu has flared up again, despite the Supreme Court giving its verdict on the 200-year-old dispute in 2018.
- The trigger this time is the **poor rainfall in the river's catchment area in Karnataka.**

A Background of Cauvery Water Dispute

• Pre-Independence Dispute

- The dispute **originated for the first-time way back in 1892** at the time of Britishers between the **Presidency of Madras and Princely state of Mysore.**
- In 1924 Mysore and Madras reached an agreement which will be valid for 50 years.

• Post-Independence Dispute

- The agreement signed between Presidency of Madras and Princely state of Mysore ended in 1974.
- **Since 1974, Karnataka started diverting water into its four newly made reservoirs, without the consent of Tamil Nadu. This resulted in dispute in post independent India.**

SC Verdict on Cauvery Water Dispute

• Clear Division of the Quantity of Water Between TN and Karnataka

- The SC in 2018 **granted an additional share of 14.75 TMC of water to Karnataka and reduced the Tamil Nadu share by the same amount.**
- The additional share given to Karnataka was for drinking water in south Karnataka.
- This means, out of the 740 TMC of Cauvery water to be shared every year, the SC awarded 404.25 TMC to Tamil Nadu, 284.75 TMC to Karnataka, 30 TMC to Kerala.
- The court awarded 7 TMC to Puducherry and 14 TMC for environment protection and wastage into the sea.

• Formation of CWMA (Cauvery Water Management Authority)

- The SC also ordered the **creation of the CWMA and the Cauvery Water Regulatory Committee (CWRC) to adjudicate disputes** between the states within the framework of the final court orders.
- **The CWMA** is a largely apolitical authority created under the aegis of the Union water resources ministry.
- It is the central agency that now regulates the dispute between the two states.

Reason Behind the Current Dispute

- **The contention of political parties in Karnataka and Tamil Nadu** is that the SC order of 2018 has spelt out **the water-sharing norms only for a normal monsoon year and not a distress year.**
- Monsoon situation in the current season is turning out to be deficient with rainfall over 30 per cent below normal.
- The rainfall in August and September, out of the four months of monsoon that began in June, has been the **lowest in the last 123 years for Karnataka.**

Conclusion

- **Cauvery, also known as the ‘Dakshina Ganga’** has been considered as **the economic backbone of the states through which it flows**, making its impact felt most strongly in Karnataka and Tamil Nadu.
- While the contest for Cauvery can be traced back to the 11th century AD, modern-day Tamil Nadu and Karnataka have been at loggerheads over the Cauvery water sharing mechanism.
- The emphasis on regional strategy must be abandoned by the states **since cooperation and coordination are true solutions, not the conflict.**

WHAT IS THE FOREIGN CONTRIBUTION REGULATION ACT (FCRA)?

The Ministry of Home Affairs (MHA) recently amended rules pertaining to the filing of



annual returns by Non-Government Organisations (NGOs) registered under the Foreign Contribution Regulation Act (FCRA), asking them to provide details of moveable and immovable assets created by them using foreign funds.

About Foreign Contribution Regulation Act (FCRA):

- It is a law enacted by Parliament to **regulate foreign contributions (especially monetary donations) provided** by certain individuals or associations to NGOs and others within India.
- The Act, in its consolidating form, was **originally passed in 1976 and majorly modified in 2010.**
- The Act aims to **prevent foreign organisations from influencing electoral politics, social, political, economic, or religious discussions in India for wrong purposes and activities detrimental to the public interest.**
- The Act **falls under the purview of the Ministry of Home Affairs (MHA).**
- **‘Foreign Contribution’ means the donation, delivery or transfer made by any foreign source of any:**
 - **article** (not being an article given to a person as a gift for his/her personal use, the market value of which is not more than one lakh rupees);
 - **currency** (whether Indian or foreign);
 - security.
- **Contributions made by a citizen of India living in another country (e.g. a Non-Resident Indian (NRI)) from his/her personal savings through the normal banking channels, will not be treated as foreign contributions.**

Who can Receive Foreign Contributions? Any person can receive foreign contribution provided:

- The person **has a definite cultural, economic, educational, religious, or social programme;**
- The person **must have obtained FCRA registration/prior permission** from the Central Government and
- **Person includes**
 - an **individual;**
 - a **Hindu Undivided Family;**
 - an **association;**

- a company registered under Section 8 of the Companies Act, 2013;
- The foreign contribution received has to be utilised only for the purpose for which it has been received, and **not more than 20%** of the foreign contribution received in a financial year can be utilised to defray administrative expenses.
- The FCRA requires every person or NGO seeking to receive foreign donations to open a bank account for the receipt of foreign funds in the State Bank of India, Delhi.

Registration under FCRA:

- It is **mandatory** for all such NGOs to register themselves under the FCRA.
- The **applicant should not be fictitious or benami** and should not have been prosecuted or convicted for indulging in activities aimed at conversion through inducement or force, either directly or indirectly, from one religious faith to another.
- The registration is initially valid for five years, and it can be renewed subsequently if they comply with all norms.
- Registration can be cancelled if an inquiry finds a false statement in the application. Once the registration of an NGO is cancelled, it is not eligible for re-registration for three years.
- The ministry also has the power to suspend an NGO's registration for 180 days pending inquiry and can freeze its funds.
- All orders of the government can be challenged in the High Court.

ARMED FORCES TRIBUNAL (AFT)

The Armed Forces Tribunal (AFT) Chandigarh Bench Bar Association recently went on an indefinite strike in protest against the AFT chairperson's decision to transfer a judicial member from the city to Kolkata.



About Armed Forces Tribunal (AFT):

- AFT is a military tribunal in India established in 2009 under the Armed Forces Tribunal Act, 2007.
- Functions:

- To provide for the **adjudication or trial of disputes** and complaints with respect to commission, appointments, enrolment and conditions of service in respect of persons subject to the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950.
- To provide for **appeals arising out of orders, findings or sentences of courts-martial held under the said Acts** and for matters connected therewith or incidental thereto.
- The Tribunal can also dismiss the appeal if the court martial findings are found to be **justified**.
- Any appeal by a person against a decision given by the tribunal can only be taken up in the **Supreme Court**.
- **Benches:** It has its **Principal Bench at New Delhi** and **eight Regional Benches** at Jaipur, Chandigarh, Lucknow, Guwahati, Kolkata, Chennai, Kochi and Mumbai.
- **Composition:**
 - Each Bench comprises of a **Judicial Member and an Administrative Member**.
 - The **Judicial Members are retired High Court Judges**, and **Administrative Members are retired Members of the Armed Forces who have held the rank of Major General/ equivalent or above for a period of three years or more**.
 - **Judge Advocate General (JAG)**, who has held the appointment for at least one year, **are also entitled to be appointed as the Administrative Member**.
- **Functioning:**
 - The Tribunal shall transact their proceedings as per the **Armed Forces Tribunal (Procedure) rules, 2008**.
 - **All proceedings in the Tribunal will be in English**.
 - The Tribunal will normally follow the procedure as is practiced in the **High Courts of India**.



DADASAHEB PHALKE AWARD

Recently, the Union Minister of Information & Broadcasting announced that legendary actress Ms Waheeda Rehman will be honoured with Dadasaheb Phalke Lifetime Achievement Award for the year 2021.

About Dadasaheb Phalke Award:

- It is India's highest award in the **field of cinema**.
- It is presented annually at the **National Film Awards** ceremony by the Directorate of Film Festivals, an organisation set up by the Ministry of Information and Broadcasting.
- The recipients are recognized for their '**outstanding contribution** to the growth and development of **Indian cinema**'.
- The award comprises a **Swarna Kamal** (Golden Lotus) medallion, a shawl, and a **cash prize of 10 lakh rupees**.
- The award was introduced by the Government of India to commemorate Dadasaheb Phalke's contribution to Indian cinema, who is popularly known as and often regarded as "the father of Indian cinema".
- It was first presented in 1969. The first recipient of the award was **actress Devika Rani**, "the first lady of Indian cinema."

UNGA 78 - EAM S JAISHANKAR HIGHLIGHTS INDIA'S PURSUIT IN GLOBAL WELL-BEING

Why in news?

- External Affairs Minister S Jaishankar addressed the 78th UN General Assembly.
- In his opening remark, Jaishankar said, **Namaste from Bharat!** Our fullest support to this UNGA's theme of rebuilding trust and reigniting global solidarity.

United Nations General Assembly (UNGA)

- **About**
 - It was established in 1945 under the **Charter of the United Nations** and is headquartered in New York City.
 - It is one of the six principal organs of the UN and serves as the main policy-making organ of the Organization.
 - It provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter of the United Nations.

- Each Member States of the United Nations has an equal vote.
- **key decisions**
- The UNGA also makes key decisions for the UN, including:
 - appointing the Secretary-General on the recommendation of the Security Council
 - electing the non-permanent members of the Security Council
 - approving the UN budget

Some of the important achievements of UNGA

- Millennium Declaration, adopted in 2000
- The 2005 World Summit Outcome Document
- 17 Sustainable Development Goals formulated in September 2015

General debate of UNGA

- The Assembly's annual general debate provides Member States the opportunity to express their views on major international issues.
- On this occasion, the Secretary-General presents on the opening day of the debate his report on the work of the Organization.

78th UNGA

- **About**
- UNGA held its 78th annual gathering from September 18–26, 2023.
- S Jaishankar led the Indian delegation at the assembly.
- **President**
- **Dennis Francis of Trinidad and Tobago** was elected by acclamation.
- In accordance with the established regional rotation, the President of the 78th session of the UNGA was to be elected from the Latin American and Caribbean States.

Theme of the 78th UNGA

- “Rebuilding trust and reigniting global solidarity: Accelerating action on the 2030 Agenda and its SDGs towards peace, prosperity, progress and sustainability for all”

WHAT IS COPYRIGHT INFRINGEMENT AND WHEN DOES IT APPLY?

Why in News?

- The Delhi High Court has issued summons to an Instagram account called People of India (POI), in a copyright infringement suit filed by the storytelling platform Humans of Bombay (HOB).
- Besides copyright infringement, HOB's plea said that the similarities between the infringing content and its own amounted to **"passing off and unfair competition"**.

What is Copyright and its Infringement?

- "Copyright" refers to the **right given by the law to creators** of literary, dramatic, musical, and artistic works and producers of cinematograph films and sound recordings.
- It is a **bundle of rights that includes** rights of reproduction, communication to the public, adaptation, and translation of a work.
- **The Copyright Act 1957** aims to safeguard creative works, which are considered to be the creator's intellectual property (IP).
- A copyrighted work will be considered "infringed" **only if a substantial part is made use of without authorisation**.
- In cases of infringement, **the copyright owner can take legal action** against any person who infringes on or violates their copyright and is entitled to remedies such as injunctions, damages, etc.

What is Passing Off?

- Suppose a brand logo is misspelt in a way that is not easy for the consumer to discern. In such cases, **the infringing products need not be identical**.
- But the **similarity in the nature, character, and performance of the goods** of the rival traders has to be established, as laid down by the SC in Cadila Healthcare Limited vs. Cadila Pharmaceuticals Limited (2001).
 - The court also said that passing-off is **a species of unfair trade competition or of actionable unfair trading**.

- By passing-off one person, through deception, attempts to obtain an economic benefit of the reputation which another has established for himself in a particular trade or business.

What is Intellectual Property (IP)?

- IP refers to **creations of the mind**, such as inventions, literary and artistic works, designs and symbols, names and images **used in commerce**.
- **IP is protected in law** enabling people to earn recognition or financial benefit from what they invent or create.
- By striking the right balance between the interests of innovators and the wider public interest, the IP system **aims to foster an environment in which creativity and innovation can flourish**.



- **Types of IP:** Copyright, Patents, Trademarks, Industrial designs, Geographical indications (GI) and Trade secrets.
- **Governing regulations:**
 - **The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS):** It is an international legal agreement, which **establishes minimum standards** for the regulation by national governments of different forms of IP.
- **IP rights in India are governed under the:** The Trade Marks Act 1999, The Patents Act 1970 (amended in 2005), The Copyright Act 1957, The Designs Act 2000, The GI of Goods (Registration and Protection) Act 1999, etc.