

DAILY CURRENT AFFAIRS (07 August 2024)

TOPICS COVERED

1. **Bangladesh students ask Yunus to lead for now**
2. **Govt. blinks on capital gains tax on real estate (GS Paper-III: Capital Market)**
3. **Google a monopolist, rules American judge in key anti-trust case (GS Paper-III: Economy)**
4. **Range of complaints regarding Aireville township referred to agencies, says MoS (GS Paper-I: Aurovindo Ghosh)**
5. **From e-commerce deliveries to traffic management, Gurugram takes aerial route (GS paper-III: S&T)**
6. **There is pressure from poor Muslim groups to amend Wakf Act: Rijju (GS paper-I: Art & Culture)**
7. **Sheikh Hasina looks at UAE, Saudi Arabia for asylum (GS Paper-II: IR)**
8. **Trade with Bangladesh remains suspended; BSF Judicious use of sucralose as sugar**
9. **Judicious use of sucralose as sugar substitute helps diabetics: study (GS paper-III:S&T)**
10. **Ministry refuses to share staff shortage details in armed forces; cites national security (GS paper-III: Internal Security)**
11. **Dreams: a fleeting reality (GS paper-III: Basic Science)**
12. **From hope to despair (GS Paper-II: IR)**
13. **On U.P.'s stringent anti-conversion law (GS Paper-I: Secularism)**

Arvind Ghosh

- Aurobindo Ghosh, commonly known as Sri Aurobindo, was a prominent Indian philosopher, yogi, guru, poet, and nationalist.
- His contributions span various fields, including Indian independence, spirituality, and literature.
- **Born on August 15, 1872**, in Kolkata, he became a central figure in India's freedom struggle before turning towards spirituality.

Early Life and Education

- **Education:** Sri Aurobindo was educated in England from a young age, attending [St. Paul's School, London](#), and later [King's College, Cambridge](#). His education in the West gave him a profound understanding of European culture and languages, which he later used to bridge the gap between Eastern and Western philosophies.
- **Return to India:** Upon his return to India in 1893, he initially worked in Baroda in various administrative and teaching roles while deepening his knowledge of Indian culture and languages.

Role in Indian Independence

- **Nationalist Leader:** Sri Aurobindo emerged as a leading figure in the Indian nationalist movement. His writings and speeches inspired many to join the fight for independence.
- **Anushilan Samiti and Bande Mataram:** He was actively involved with revolutionary groups like Anushilan Samiti and was the editor of the nationalist newspaper, *Bande Mataram*.
- **Alipore Bomb Case:** In 1908, Sri Aurobindo was arrested in connection with the Alipore Bomb Case. He was acquitted after a year-long trial, during which he delivered several powerful speeches.

Turn to Spirituality

- **Pondicherry:** After his acquittal, Sri Aurobindo moved to Pondicherry (then a French colony) in 1910, where he dedicated himself to spiritual practice and writing.
- **Integral Yoga:** He developed the philosophy of Integral Yoga, which seeks **to transform human nature and bring about a divine life on earth**. His teachings emphasize the synthesis of material and spiritual progress.
- **Auroville:** Sri Aurobindo's vision inspired the creation of Auroville, an international township near Pondicherry dedicated to human unity and spiritual growth.

Literary Contributions

- **Major Works:** His literary contributions include seminal works like "The Life Divine," "Savitri," "The Synthesis of Yoga," and "Essays on the Gita."
- **Philosophical Writings:** His writings cover a broad spectrum, from philosophical treatises to epic poetry, exploring themes of spirituality, human evolution, and the divine.

Legacy

- **Aurobindo Ashram:** The Sri Aurobindo Ashram, established in Pondicherry, continues to be a center for spiritual practice and learning, attracting visitors and disciples from around the world.
- **Influence:** His teachings have influenced various fields, including education, with institutions like the Sri Aurobindo International Centre of Education in Pondicherry embodying his educational ideals.



REM (Rapid Eye Movement)

- **REM (Rapid Eye Movement)** sleep is one of the stages of the sleep cycle characterized by rapid movements of the eyes, low muscle tone, and vivid dreams.
- It is a critical part of the sleep cycle, contributing to cognitive functions like memory consolidation, learning, and mood regulation.
- **EEG (Electroencephalogram)** measures electrical activity in the brain. During different stages of sleep, the EEG displays distinct patterns.
- For REM sleep, the EEG shows a high level of brain activity that resembles wakefulness, with mixed frequency waves and low amplitude, indicating an activated brain state.

REM-EEG Condition:

- **REM Sleep:** This is a phase of sleep where the brain is highly active, similar to when we are awake. This phase is marked by rapid eye movements, increased brain activity, irregular breathing, and increased heart rate. Most dreaming occurs during REM sleep.
- **EEG Activation:** During REM sleep, the EEG shows patterns that are quite similar to those seen when a person is awake, characterized by low voltage and mixed frequency signals. This activated EEG is indicative of high brain activity, which correlates with vivid dreaming and the processing of emotions and memories.

D-State (Desynchronized State):

- The term **D-State** refers to the combination of REM sleep and the specific EEG patterns observed during this phase.
- This state is also known as the desynchronized or paradoxical sleep state because, despite the sleeper being in a deep sleep, their brain activity is highly desynchronized and active, akin to wakefulness.
- **Duration:** In a typical sleep cycle, the D-state, or the combined REM-EEG condition, accounts for about 25% of the total sleep duration. This means that out of a standard 8-hour sleep period, approximately 2 hours are spent in the D-state.

GS Paper III: Basic Science

Dreams: a fleeting reality



Q: What is dreaming when we sleep?

A: A dream is an involuntary series of visual or auditory imagery,

emotions, and thoughts occurring in the mind during sleep or a sleep-like state, which takes the form of a sequence of events or of a story, having a feeling of reality but totally lacking a feeling of free will. Dreams are primarily associated with REM and activated EEG. A combined duration of the REM-EEG condition called the D-state takes up 25% of normal sleep. The D-state depends on an area within the brain stem known as the **pontine tegmentum**. It is associated with a mechanism involving a chemical called **norepinephrine**. Other stages of sleep involve another chemical, **serotonin**, in the brain. The D-state is associated with variability in breathing, heart rate, and relaxation of skeletal muscles and reduction of electrical activity in muscles near the base of the tongue.

Research has found dreaming is associated with REM sleep. Most adults dream five to six times in one night. They occur every 90-100 minutes and last for 5-10



Dreams are primarily associated with REM and activated EEG. A combined duration of the REM-EEG condition called the D-state takes up 25% of normal sleep. GETTY IMAGES

minutes because the D-state occurs episodically, each episode being longer than the preceding one. The pathways of the nerve impulses from the brain to the muscles are also blocked, so the body doesn't move during dreams.



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Powering up to get to the \$30-trillion economy point (07 August)

- India's GDP growth rate is over 7%.
- India is currently the fastest-growing large economy in the world.
- Predictions suggest the 21st century could be "India's century."
- Many countries have been at a similar stage but failed to become developed nations.
- To become a \$30-trillion economy by 2047, India needs rapid economic growth through liberal economic policies.

- The private sector's potential must be harnessed.
- Income inequality criticism should not distract from growth efforts.
- Economic growth is the most effective tool for poverty alleviation and improving living standards.
- Despite socialist policies, India's poverty rate remained around 50% from Independence until 1991.
- Post-liberalisation in 1991, the poverty rate dropped to about 20% by 2011.
- Between 1991 and 2011, 350 million people were lifted out of poverty.
- India's inequality has not shown much change in the Gini coefficient since pre-1991.
- More Indians, especially those at the bottom, are better off than ever before.
- Wealth creation is inherent to economic growth and incentivizes entrepreneurship.
- The focus should be on how wealth creation improves everyone's lives.
- The easier gains from the 1990s economic reforms have been realized.
- The high-growth years of 2000-2010 were led by an IT services boom creating an affluent middle class.
- 46% of India's labor force is in agriculture, which has low productivity and underemployment, contributing only 18% of GDP.
- India's female labor force participation rate (FLFPR) is 37%, having been 26% in 2019.
- Post-COVID-19, several women have returned to work as agricultural labor.
- FLFPR in China, Vietnam, and Japan is between 60%-70%, highlighting where India needs improvement.
- India has a working-age population of 950 million, with only half employed.
- Low-skilled, employment-intensive manufacturing focused on exports can unlock this potential.
- South Korea, Taiwan, Japan, and Vietnam achieved double-digit growth through export-oriented industrialization.
- Economic growth requires openness to both exports and imports.
- From 1990 to 2013, India's exports as a percentage of GDP grew from 7% to 25%.
- India should capitalize on the China+1 moment to attract global manufacturers and enhance exports.
- High tariffs on imports should be avoided to prevent inefficiency and protect industries.
- Import tariffs can increase costs for Indian manufacturers, raising prices for exports.
- Avoiding the middle-income trap requires resisting protectionist policies.
- Out of 101 middle-income economies in 1960, only 23 reached high-income status by 2018.
- India, currently a lower-middle-income economy, aims to reach middle-income status by the early next decade and then advance further.
- Middle-income trap occurs when economies lose their edge in low-end sectors and are not competitive in high-tech sectors.
- India's issue is its inability to leverage surplus labor to grow in low-end sectors.
- The IT boom provided growth but has limited headroom.
- Moving up the value chain in manufacturing requires a foundation in low-tech manufacturing.
- Ecosystems of managers and workers ensuring scale and quality are essential for any industrial sector.
- Government officials experienced in low-tech manufacturing will find it easier to tackle more complex challenges later.
- Campaigns painting factories as sweatshops, decrying work conditions and low wages, should be reconsidered.
- Forcing employers with thin margins to spend more on employee welfare could eliminate manufacturing jobs.
- Many workers have few employment options outside of farm work.
- Avoiding the middle-income trap requires a market-led economy that supports private enterprise.
- Government should minimize interference and maximize governance.
- Reforms to enhance the 'ease of doing business' must continue without stalling.

A cluster-led industrial model

- Government should build industrial clusters with plug-and-play infrastructure, similar to China and Vietnam.
- These clusters should include education, healthcare, and entertainment facilities to attract employers and workers.
- Indian states face higher costs for power, logistics, and financing, along with low labor productivity and high compliance burdens.
- A cluster-led model of industrial development with relaxed regulations can create a favorable environment for manufacturing.
- Focus on low-skilled manufacturing in sectors like electronics assembly and apparel to employ large numbers of people.
- Assess progress through inter-state migration, urbanization, female labor force participation rate (FLFPR), and a decline in agriculture's share of employment.
- India has significant opportunities and challenges; overcoming barriers to growth will lead to prosperity and achieving the \$30-trillion economy goal by 2047.
- Adopt a forward-thinking and ambitious approach befitting a Vishwaguru (world teacher).

A shift in the U.S. to autocratic trends (07 August)

- Since WWII, U.S. foreign policy has been framed as a moral conflict between democracies and dictatorships, though this has been selectively applied.
- The binary between democracy and autocracy is now blurred by political trends within the U.S. itself.
- In the past, American presidential politics involved policy and principle differences, with Presidents and Congress negotiating executive authority boundaries.
- Despite serious disagreements, civility and forbearance were maintained, consistent with democratic governance.

- This situation has changed; the populist faction dominating the Republican Party now embraces a strongman vision of leadership beyond customary democratic norms.
- This shift is highlighted by the July 1, 2024, Supreme Court ruling in favor of former U.S. President.
- The Supreme Court ruled in favor of President Donald Trump's desire to delay his trial regarding attempts to overturn the 2020 election until after the 2024 presidential election.
- The ruling grants American Presidents absolute immunity from prosecution for core official acts.
- Chief Justice John Roberts stated that the nature of Presidential power requires former Presidents to have immunity from criminal prosecution for official acts during their tenure.
- The decision does not place Presidents above the law but removes restrictions on potential presidential abuse of power established post-Watergate.
- Three liberal judges dissented, warning that this immunity could negatively impact American democracy.
- Justice Sonia Sotomayor emphasized that the scope of actions deemed unofficial by a President is likely to be very small.

Phases of transformation

- The American presidency has seen periods of significant power expansion.
- The rise of the administrative state began with Theodore Roosevelt and Woodrow Wilson and expanded under Franklin Roosevelt, Lyndon Johnson, and Richard Nixon.
- This state grew in size and cost, with increased government intervention and a complex bureaucracy addressing social problems.
- Presidents from both parties used this administrative power to direct public policy and build their legacies, leading to a centralized Executive Office.
- Far-right opinions view the expanding administrative state as unconstitutional, socialist, and a threat to individual liberties.
- Conservative movements, fueled by growing Republican strength and evangelical political activation, favor top-down leadership and are critical of laws hindering their ambitions.
- President George W. Bush signed the Patriot Act, expanding surveillance and allowing practices like torture that contradicted statutory law.
- Populist Republican conservatism is driven by less educated, blue-collar, rural, religious populations who feel disadvantaged by globalization.

The new normal

- Donald Trump became the leader of populists, showing little regard for democratic legal limitations.
- During his presidency, Trump challenged norms and institutions of two-party politics, culminating in efforts to overturn the 2020 election results.
- Populist extremism has become the norm on the political Right, energizing the Republican Party with anti-administrative state sentiment and a strongman approach.
- Trump's rhetoric, such as suggesting in July 2024 that voting might be unnecessary because things will be "fixed," highlights the threat to democratic fundamentals.
- If such populist sentiments continue, the future of democracy in the U.S. remains uncertain.

From hope to despair (07 August)

Hasina developed an authoritarian streak as she stayed on in power

- Sheikh Hasina, ousted Prime Minister of Bangladesh, escaped Dhaka amid mob violence and vandalism.
- Once a symbol of hope and economic progress, Hasina became seen as a major adversary of students and was blamed for over 300 deaths in recent protests.
- While she was initially praised for her actions against terrorism and radicalization, she faced backlash for using similar tactics against her opponents.
- Protests over quotas and growing dissatisfaction with allegations of vote rigging, media suppression, and unjust imprisonment contributed to her downfall.
- Hasina's actions, including legal actions against Muhammad Yunus, have damaged her legacy, particularly her father's legacy as Bangladesh's founder.
- The extreme violence and protests likely had political support, possibly from elements in Pakistan and the U.S., and may have involved Islamist groups, threatening the secularism and religious tolerance she promoted during her 15-year rule.
- India needs to reflect on its role in Sheikh Hasina's downfall.
- New Delhi was complicit by failing to advise Hasina on the repercussions of her actions and losing goodwill in Dhaka.
- The Modi government's strong support for Hasina led her to accept unpopular decisions, like the Citizenship (Amendment) Act.
- While ensuring Hasina's safety, India must now focus on engaging with the next regime.
- India should assist in a peaceful transition to a more inclusive democratic process in Bangladesh.

Healing a nation (07 August)

Harris's late entry to the race gives her more advantages than disadvantages

- President Joe Biden is stepping back from the November election, making Vice-President Kamala Harris the Democratic nominee.
- Harris, of Indian and Jamaican heritage, secured the nomination by winning a majority of party delegate votes.

- She is actively campaigning, focusing on her vice-presidential pick, Convention optics, debates, and media/online advertising.
- Harris chose Minnesota's Governor Tim Walz as her running mate, known for turning Republican districts Democratic.
- She has improved the Democratic position in swing states, shifting polls by 1.9% in favor of Democrats.
- Harris raised \$310 million in July, including \$200 million in the first week after entering the race.
- Kamala Harris's late entry into the race brings both advantages and risks.
- The Trump campaign has had to refocus its attacks from Biden to Harris, shifting to name-calling and race-baiting.
- This shift may allow Harris to gain the high ground, expand her political appeal, and promote a more inclusive agenda.
- Harris's campaign could reinvigorate the liberal base and demonstrate leadership on core democratic values.
- The global impact of the U.S. election includes addressing conflicts such as Gaza and Russia's actions in Ukraine.

On U.P.'s stringent anti-conversion law

Why was the original 2021 anti-conversion law amended by the Uttar Pradesh Assembly on July 30? What are its concerning features? What does it state about bail conditions and 'foreign funding'? How is it different from other similar laws in BJP-ruled States?

GS Paper I: Secularism

EXPLAINER

Aaratrika Bhaumik

The story so far:

The Uttar Pradesh Legislative Assembly on July 30 passed the Uttar Pradesh Prohibition of Unlawful Conversion of Religion (Amendment) Bill, 2024, altering the original 2021 anti-conversion law by making its provisions more draconian and susceptible to misuse.

Why was the amendment proposed?

According to the Bill's statement of reasons, the existing legislation needed to be made "as stringent as possible" owing to the alleged "organised and well-planned" involvement of "foreign and anti-national elements and organisations" in demographic change due to unlawful conversion. State government data reveals that between January 1, 2021, and April 30, 2023, 427 cases were registered under the Act.

Does it increase penalties?

Earlier, a person convicted of unlawful conversion faced a minimum prison term of one year and a maximum of five years, along with a fine of ₹15,000. Under the amended Bill, the minimum term has been raised to five years, and maximum to 10 years. The fine has also been increased to ₹50,000. For unlawful conversions involving a minor, a woman, or a person belonging to a Scheduled Caste or Scheduled Tribe, the penalty has been increased from a prison term of 2-10 years to 5-14 years. The minimum fine has also been raised from ₹25,000 to ₹1 lakh.

The amendment also introduces two new categories of offences. First, the newly added sub-section to Section 5 mandates a prison term of 7 years, extendable to 14 years, for anyone who secures "foreign" funds or funds from "illegal institutions for the purpose of unlawful conversion". They will also be required to pay a fine of ₹10 lakh. Second,



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if the accused causes any person to "fear of his life or property, assaults or uses force, promises or instigates marriage, conspires or induced any minor, woman or person to traffics or otherwise sells them", they shall be punished with a minimum 20 years imprisonment which can be extended to life imprisonment.

Who can register a complaint?

Under Section 4 of the original Act, only "any aggrieved person" or "his/her parents, brother, sister, or any other person who is related to him/her by blood, marriage or adoption" was authorised to file a criminal complaint for unlawful conversion. Despite this restriction, police authorities were reportedly allowing FIRs to be lodged at the behest of right-wing activists and other unauthorised third parties. However, the amendment now grants legitimacy to such third-party complaints. The revised provision stipulates that "any

person" can file an FIR related to any violation of the Act.

What about provisions for bail?

The amendment introduces stringent "twin conditions of bail" identical to those under statutes such as the Prevention of Money Laundering Act, 2002, and the Unlawful Activities (Prevention) Act, 1967. All offences related to unlawful conversion are now cognisable and non-bailable and can only be adjudicated upon by a sessions court or higher judicial forums.

Under the revised Section 7, an accused cannot be granted bail without first providing the public prosecutor an opportunity to contest the bail application. Further, if the public prosecutor opposes such a plea, the sessions court may grant bail only if "there are reasonable grounds for believing that [the accused] is not guilty of such offence" and that he or she is

unlikely to commit any crime if released on bail. The reverse burden of proof on the accused renders it virtually impossible for anyone to obtain bail until the completion of the trial.

What about other States?

In addition to Uttar Pradesh, States such as Odisha, Madhya Pradesh, and Arunachal Pradesh have had anti-conversion laws for decades, while Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, and Uttarakhand have implemented such laws more recently.

Most of these laws require individuals intending to convert, or those facilitating conversions, to notify the government. In Madhya Pradesh, the law mandates a 60-day prior "declaration of the intention to convert" to the District Magistrate for the conversion to be valid. Himachal Pradesh and Uttarakhand require a 30-day prior notice. In contrast, Uttar Pradesh not only mandates a 60-day notice but also requires the Magistrate to conduct a police inquiry to ascertain the true intention behind the conversion.

Another notable distinction is that other States confine the filing of FIRs to the aggrieved individual or their immediate family, thus excluding third parties with potential vested interests from initiating any legal action. The "twin conditions of bail" which impose a high threshold for securing interim release, are also absent in other State laws. With respect to punishment, none of the other States prescribe life imprisonment, instead, sentences vary between 2 to 10 years.

What happens next?

The constitutional validity of the amendment is likely to be challenged before the top court. A batch of petitions challenging the parent legislation and other anti-conversion laws are pending adjudication before a Bench. In May, in a separate case, a Bench had orally remarked that certain provisions of the 2021 Act appear to contravene Article 25 of the Constitution which guarantees the freedom of religion.

THE GIST

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On U.P.'s stringent anti-conversion law (07 August)

Why was the original 2021 anti-conversion law amended by the Uttar Pradesh Assembly on July 30? What are its concerning features? What does it state about bail conditions and 'foreign funding'? How is it different from other similar laws in BJP-ruled States?

- On July 30, the Uttar Pradesh Legislative Assembly passed the Uttar Pradesh Prohibition of Unlawful Conversion of Religion (Amendment) Bill, 2024.
- The amendment makes the original 2021 anti-conversion law more stringent and prone to misuse.
- The amendment was proposed to make the law stricter due to claims of organized involvement of foreign and anti-national groups in unlawful conversions.
- State government data shows 427 cases were registered under the original Act from January 1, 2021, to April 30, 2023.

Does it increase penalties?

- Previously, a person convicted of unlawful conversion faced 1 to 5 years in prison and a fine of ₹15,000.
- Under the new amendment, the prison term has been increased to 5 to 10 years and the fine to ₹50,000.
- For unlawful conversions involving a minor, woman, or person from Scheduled Castes or Tribes, the prison term has been increased to 5 to 14 years, and the fine to ₹1 lakh.
- The amendment introduces two new types of offenses:

- 1 Securing foreign or illegal funds for unlawful conversion results in 7 to 14 years in prison and a fine of ₹10 lakh.
- 2 Causing fear, assault, or coercion related to unlawful conversion can result in 20 years to life imprisonment.

Who can register a complaint?

- Originally, only the aggrieved person or their close family members could file a criminal complaint for unlawful conversion.
- The amendment allows "any person" to file an FIR related to violations of the Act, legitimizing third-party complaints.
- The new law includes strict bail conditions similar to those in other serious statutes.
- Offenses related to unlawful conversion are now cognizable and non-bailable, meaning they can only be judged by a sessions court or higher.
- Under the revised Section 7, an accused must first let the public prosecutor respond before they can be granted bail.
- If the prosecutor opposes bail, the sessions court may grant it only if there are strong reasons to believe the accused is not guilty and will not commit further crimes.
- The new burden of proof makes it very difficult for accused individuals to get bail until the trial is complete.
- Besides Uttar Pradesh, other states like Odisha, Madhya Pradesh, and Arunachal Pradesh have had anti-conversion laws for a long time, while states like Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, and Uttarakhand have newer anti-conversion laws.
- Most anti-conversion laws require a notification to the government before conversion.
- In Madhya Pradesh, a 60-day notice to the District Magistrate is required for the conversion to be valid.
- Himachal Pradesh and Uttarakhand require a 30-day notice.
- Uttar Pradesh requires a 60-day notice and a police inquiry to confirm the conversion's intention.
- Other states only allow the aggrieved individual or their immediate family to file FIRs, excluding third parties.
- Other state laws do not have the stringent "twin conditions of bail" and do not prescribe life imprisonment; sentences range from 2 to 10 years.
- The amendment's constitutional validity is expected to be challenged in court.
- Petitions challenging the original law and similar laws are pending.
- A court had previously indicated that some provisions might conflict with the constitutional right to freedom of religion.

MAINS PRACTICE QUESTIONS

GS Paper I: Communalism

Question: Examine the role of state governments in regulating religious conversions. (250 Words/15 Marks)

Has the U.K. changed its stance on ICC arrest warrants?

GS Paper II: International Relation

Has an arrest warrant been issued against Israel Prime Minister Benjamin Netanyahu? Does the International Criminal Court have jurisdiction over Palestine?

Garimella Subramaniam

The story so far:

On July 26, Britain abandoned its intent to challenge the prosecutor's application for arrest warrants before the International Criminal Court (ICC) against Israel's Prime Minister Benjamin Netanyahu and Defence Minister Yoav Gallant. The latest move signals a second policy shift by the Labour government, from the previous Conservative government, after it restored funding for the UNRWA, the UN agency for Palestinian refugees.

What is the dispute about?

The chief prosecutor of the Hague Court, Karim Khan, on May 20, applied to the pre-trial chamber to serve arrest warrants against Hamas leaders Ismail Haniyeh and Mohammed Deif (since killed) and Yahya Sinwar, as well as Mr. Netanyahu and Mr. Gallant. The move was consequent to the

brutal fallout from Hamas's Operation al-Aqsa flood on October 7, 2023, and Israel's Operation Iron Swords in retaliation. The prosecutor asserted that there were reasonable grounds to believe that all of them bore criminal responsibility for war crimes and crimes against humanity. One pointed reference in Mr. Khan's application was to Tel Aviv's alleged intentional starvation of civilians as a method of warfare, a war crime under the 1949 Geneva Conventions.

What was the U.K.'s previous stance?

The Conservative government opposed the ICC's application for arrest warrants on Israeli leaders. The former prime minister Rishi Sunak called the move "deeply unhelpful." U.K. lawyers maintained that the question of the Court's jurisdiction over Israeli citizens had to be ascertained before arrest warrants could be served to Mr. Netanyahu and Mr. Gallant. This was necessary, they argued, given that the

state of Palestine was not allowed to exercise criminal jurisdiction over Israeli citizens under the 1993 Oslo Accords, which has been superseded by the 1998 Rome Statute.

What is the ICC jurisdiction issue?

In 2019, then chief prosecutor Fatou Bensouda deemed it fit to seek further confirmation regarding the ICC's jurisdiction in Palestine since it was an occupied territory rather than a sovereign state. On February 5, 2021, the Hague Court ruled that it could exercise criminal jurisdiction in occupied Palestinian territories, and that its reach extended to Gaza and the West Bank, including East Jerusalem. The Court also made it categorical that its jurisdiction covered crimes committed by nationals of states-parties and by nationals of non-states-parties on the territory of a country. Thus, Israel's refusal to ratify the Rome Statute is not directly relevant since the ICC prosecutes individuals and not

countries, including citizens from states that are not signatories to the treaty.

Weeks after the February 2021 ruling, the ICC launched investigations into alleged war crimes in Palestinian territory, including the 2014 Gaza war and the illegal construction of settlements in the occupied territory.

What are the implications for Israel from U.K.'s current stance?

In the wake of the removal of Britain's objections to the prosecutor's actions, it may be a matter of time before the ICC issues arrest warrants against the five leaders. In that event, Prime Minister Netanyahu would earn the dubious distinction of becoming the first head of government backed by western countries to be indicted by the ICC. Such a scenario would expose Israel's allies, especially the U.S., to immense domestic opposition against the supply of arms to that country. Tel Aviv already faces charges of genocide in the International Court of Justice and would face further isolation around the world. A potential indictment would severely restrict Mr. Netanyahu's travels, with the imminent risk of being detained by any of the 124 signatory states to the ICC. Conversely, the Hague Court, already under attack for its narrow focus on investigating impunities among African countries, faces the risk of undermining its relevance should the judges decide not to proceed against Israel.

The writer is Director, Strategic Initiatives, AgnoShin Technologies.

THE GIST

On July 26, Britain abandoned its intent to challenge the prosecutor's application for arrest warrants before the International Criminal Court (ICC) against Israel's Prime Minister Benjamin Netanyahu and Defence Minister Yoav Gallant.

The Conservative government opposed the ICC's application for arrest warrants on Israeli leaders. The former prime minister Rishi Sunak called the move "deeply unhelpful."

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Has the U.K. changed its stance on ICC arrest warrants? (07 August)

Has an arrest warrant been issued against Israel Prime Minister Benjamin Netanyahu? Does the International Criminal Court have jurisdiction over Palestine?

- On July 26, Britain decided not to challenge the ICC's request for arrest warrants against Israeli leaders Benjamin Netanyahu and Yoav Gallant.
- This decision marks a policy shift from the previous Conservative government and follows the Labour government's reinstatement of funding for UNRWA, the UN agency for Palestinian refugees.
- The ICC prosecutor, Karim Khan, requested arrest warrants on May 20 for Hamas leaders Ismail Haniyeh, Mohammed Deif (deceased), Yahya Sinwar, and Israeli leaders Netanyahu and Gallant.
- This request was linked to the violence from Hamas's Operation al-Aqsa Flood on October 7, 2023, and Israel's retaliatory Operation Iron Swords.
- The prosecutor claimed there was reasonable evidence that these leaders were responsible for war crimes and crimes against humanity, including the alleged use of starvation of civilians as a warfare tactic, which is a war crime under the 1949 Geneva Conventions.

What was the U.K.'s previous stance?

- The Conservative government opposed the ICC's request for arrest warrants for Israeli leaders, calling it "deeply unhelpful."
- They argued that the ICC's jurisdiction over Israeli citizens needed to be clarified, as the Oslo Accords prevent Palestine from exercising criminal jurisdiction over Israelis.
- In 2019, the ICC's then-chief prosecutor, Fatou Bensouda, sought confirmation on whether the Court had jurisdiction in Palestine, given its status as an occupied territory.
- On February 5, 2021, the ICC ruled that it could exercise jurisdiction over crimes in occupied Palestinian territories, including Gaza, the West Bank, and East Jerusalem.
- The ICC's jurisdiction includes crimes committed by nationals of both member and non-member states on the territory of a member state.
- Israel's refusal to ratify the Rome Statute does not affect the ICC's ability to prosecute individuals.

International Criminal Court (ICC)

The International Criminal Court (ICC) is a permanent international tribunal established to prosecute individuals for committing serious crimes of international concern, namely:

- Genocide:** The intentional destruction, in whole or in part, of a national, ethnic, racial, or religious group.
- Crimes Against Humanity:** Wide-ranging or systematic attacks against civilian populations, including murder, torture, enslavement, and the forcible transfer of populations.
- War Crimes:** Violations of the laws and customs of war, particularly those related to the treatment of civilians and combatants.
- Crime of Aggression:** The planning, preparation, initiation, or execution of acts of aggression, including the invasion or attacks against another country.

1. **Establishment:** The ICC was established by the **Rome Statute**, which was adopted on July 17, 1998, and entered into force on July 1, 2002. It is headquartered in The Hague, Netherlands.
2. **Jurisdiction:** The ICC has jurisdiction over crimes committed by individuals rather than states. It can prosecute individuals from countries that are parties to the Rome Statute or individuals accused of crimes committed in the territory of state parties.
3. **Complementarity:** The ICC is intended to be a court of last resort. It only prosecutes cases when national jurisdictions are unwilling or unable to act. This principle of complementarity ensures that the court does not replace national justice systems.
4. **Structure:** The ICC is composed of the following key organs:
 - **The Presidency:** Responsible for the overall administration of the court.
 - **Judicial Divisions:** Comprising judges who conduct trials and appeals.
 - **Office of the Prosecutor:** Responsible for investigating and prosecuting crimes.
 - **Registry:** Provides support services for the court and ensures proper administration.
5. **Victims' Rights:** The ICC also emphasizes the role of victims in the justice process, allowing them to participate in proceedings and seek reparations.
6. **International Cooperation:** The ICC relies on states to arrest and transfer individuals to The Hague. International cooperation is crucial for its operations, including gathering evidence and ensuring witness protection.

International Court of Justice (ICJ)

- The **International Court of Justice (ICJ)** is the principal judicial organ of the United Nations (UN) and is located in The Hague, Netherlands.
- Established in 1945 by the UN Charter, the ICJ is tasked with settling legal disputes between states and providing advisory opinions on legal questions referred to it by UN organs and specialized agencies.

Key Features of the ICJ:

1. **Purpose and Functions:**
 - **Dispute Resolution:** The ICJ settles disputes between sovereign states, which may involve issues of territorial integrity, diplomatic relations, treaties, and issues of sovereignty.
 - **Advisory Opinions:** The court provides advisory opinions on legal questions referred to it by the UN General Assembly, Security Council, or other UN bodies and agencies.
2. **Composition:**
 - The ICJ is composed of **15 judges**, elected for nine-year terms by the UN General Assembly and the Security Council.
 - Judges are elected based on their qualifications, objectivity, and diverse geographical representation.
 - The judges come from various legal traditions and countries to ensure a balanced representation.
3. **Jurisdiction:**
 - The ICJ's jurisdiction is governed by the **Statute of the ICJ**, which is an integral part of the UN Charter. Its jurisdiction includes disputes submitted by states and requests for advisory opinions.
 - It can only hear cases involving countries that have accepted its jurisdiction, either by agreeing to it through treaties, special agreements, or by making declarations accepting its jurisdiction in general.
4. **Procedural Aspects:**
 - **Written and Oral Proceedings:** Cases before the ICJ involve both written pleadings and oral arguments, allowing both sides (the applicant and the defendant) to present their cases.
 - **Judgments:** The ICJ's judgments are binding on the parties involved in the case and must be complied with under international law. However, the court has no direct enforcement power; compliance relies on the goodwill of states or the mechanisms of the UN Security Council.
5. **Significance:**
 - The ICJ plays a crucial role in maintaining international law and order. By providing a platform for peaceful resolution of disputes, it helps prevent conflicts between states.
 - Its advisory opinions contribute to the development and clarification of international law and can influence UN policy and state behavior.

Notable Cases:

The ICJ has handled numerous significant cases, including:

- **North Sea Continental Shelf Cases (1969):** Addressed issues of maritime boundaries.
- **Nicaragua vs. United States (1986):** Concerned the use of force and intervention in the affairs of another state.
- **Bosnia and Herzegovina vs. Serbia and Montenegro (2007):** A case concerning genocide under the Genocide Convention.
- **The Avena Case (Mexico vs. United States):** Involved the rights of foreign nationals facing the death penalty.

Challenges:

- **Enforcement of Judgments:** While the ICJ's decisions are binding, the absence of a direct enforcement mechanism poses challenges in ensuring compliance.
- **Political Influences:** The ICJ sometimes faces criticism about political biases in state relations, especially in contentious geopolitical contexts.



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