

## 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](#)

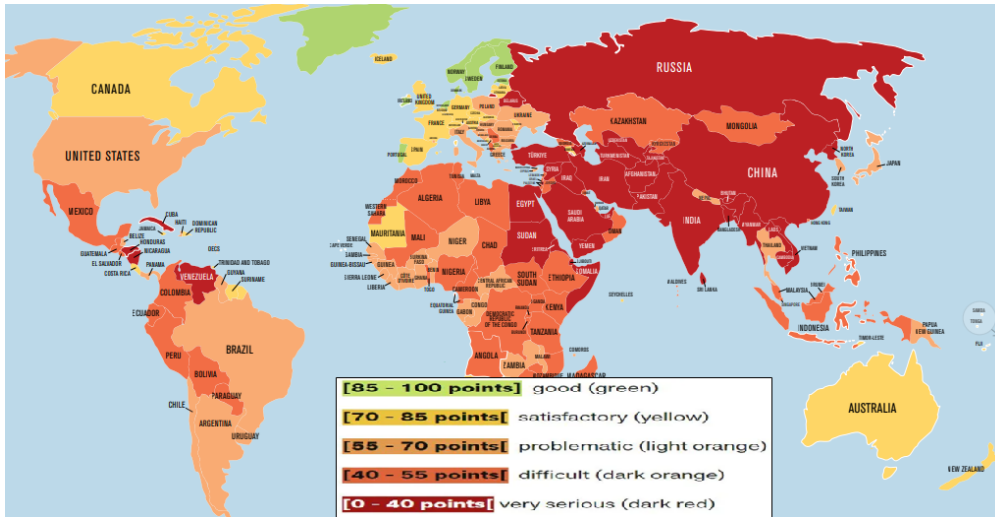
## World Press Freedom Index 2024

*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 31<sup>st</sup> 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 1<sup>st</sup> endeavour to collect and then return samples in the history of human lunar exploration.

India became the 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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](#)

