# THEMOHINDU Text X Context



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#### Poison in the air

In lakh, the number of excess premature deaths linked to the exposure to air pollution in eight Indian cities between 2005 and 2018, according to a study. The study conducted by an international team of scientists and Harvard University researchers, published in the journal Science Advances, aimed to address data gaps in air quality for 46 cities in Africa, Asia and West Asia. The study shows how rapid degradation in air quality and the increase in urban exposure to air pollutants were adversely affecting the health of people in major cities of India. PTI

#### Khelo India

The number of athletes from 189 participate in the Khelo India University Games which will be held in Bengaluru from April 24 to May 3, according to Secretary in the Union Ministry of Youth Affairs and Sports Sujata Chaturvedi. The event will also witness the inclusion of two indigenous disciplines, 'Yogasana' and 'Mallakhamb', under the sports category. The event was scheduled to take place in 2021 but was put on hold due to the pandemic. PTI

#### **Ukraine refugees**

■ In million, the number of Ukrainian refugees who fled their country since the Russian invasion on February 24, according to the United Nations Refugee Agency. 90% of those who have fled Ukraine are women and children, as the Ukrainian authorities do not allow men of military age to leave. According to the UN International Organization for Migration (IOM), around 2,10,000 non-Ukrainians have also fled the country, sometimes encountering difficulty returning to their home

#### EU to help with probe

In million euros, the contribution of three European Union (EU) countries to the International Criminal Court (ICC) as it probes alleged war crimes in Ukraine. The announcements by Germany, the Netherlands and Sweden were made just after they met the ICC's chief prosecutor Karim Khan with other EU nations. Khan had announced in March that his office had opened "active investigations" into possible war crimes in Ukraine. The continuing atrocities have spurred moves to help with the probes. AFP

#### **Waste management**

In ₹ crore, the worth of projects approved by the Centre to remediate 253 lakh metric tonnes of waste spanning 186 acres of land across Delhi, according to officials. A high-level meeting by the Union Ministry of Housing and Urban Affairs (MoHUA) was held to discuss the progress made in the remediation of Okhla, Ghazipur and Bhalswa which have legacy landfill sites, under the three municipal corporations in Delhi. The issue of legacy dumpsites is a source of continuing environmental concern in India. PTI

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# Amending the Weapons of Mass Destruction Act

What were the stipulations under the earlier Act in 2005? Why did an amendment become necessary?

On April 6, 2022, the Weapons of Mass Destruction (WMD) and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022 was passed in the Lok

■ The primary objective of the WMD Act, 2005 was to provide an integrated and overarching legislation on prohibiting unlawful activities in relation to all three types of WMD, their delivery systems and related materials, equipment and technologies.

■ The Amendment expands the scope to include prohibition of financing of any activity related to WMD and their delivery systems. Additionally, to prevent acts of terrorism that involve WMD or their delivery systems, a network of national and international measures in which all nation states are equally invested is required.

#### MANPREET SETHI

The story so far: On April 5, 2022, the Weapons of Mass Destruction (WMD) and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022 was introduced in the Lok Sabha. It was passed the next day. The Bill amends the WMD and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 which prohibits the unlawful manufacture, transport, or transfer of WMD (chemical, biological and nuclear weapons) and their means of delivery. It is popularly referred to as the WMD Act. The recent amendment extends the scope of banned activities to include financing of already prohibited activities.

#### What was the purpose of the original WMD Act?

The WMD and their Delivery Systems (Prohibition of Unlawful Activities) Act came into being in July 2005. Its primary objective was to provide an integrated and overarching legislation on prohibiting unlawful activities in relation to all three types of WMD, their delivery systems and related materials, equipment and technologies. It instituted penalties for contravention of these provisions such as imprisonment for a term not less than five years (extendable for life) as well as fines. The Act was passed to meet an international obligation enforced by the UN Security Council Resolution (UNSCR) 1540 of 2004.

## What is the UNSCR 1540?

In April 2004 the UN Security Council adopted resolution 1540 to address the growing threat of non-state actors gaining access to WMD material, equipment or technology to undertake acts of terrorism. In order to address this challenge to international peace and security, UNSCR 1540 established binding obligations on all UN member states under Chapter VII of the UN Charter. Nations were mandated to take and enforce effective measures against proliferation of WMD, their means of delivery and related materials to non-state

UNSCR 1540 enforced three primary obligations upon nation states – to not provide any form of support to non-state actors seeking to acquire WMD, related materials, or their means of delivery; to adopt and enforce laws criminalising the possession and acquisition of such items by non-state actors; to adopt and enforce domestic controls over relevant materials, in order to prevent their proliferation. It was to meet these obligations that enactment and enforcement of legislations to punish the unlawful and unauthorised manufacture, acquisition, possession, development and transport of WMD became necessary.

#### What has the Amendment added to the existing Act?

The Amendment expands the scope to include prohibition of financing of any activity related to WMD and their delivery systems. To prevent such financing, the Central government shall have the power to freeze, seize or attach funds, financial assets, or economic resources of suspected individuals (whether owned, held, or controlled directly or indirectly). It also prohibits persons from making finances or related services available for other persons indulging in such activity.

#### Why was this Amendment necessary? UNSCR 1540 undergoes periodic reviews to determine the success of its implementation and to identify gaps in enforcement. In one such review undertaken in 2016, it was concluded that the risk of proliferation to non-state actors is increasing due to rapid advances in science, technology, and

international commerce.

The statement of objects and reasons of the Bill presented in India echoes these developments for having made the Amendment necessary. Two specific gaps are being addressed – first, as the relevant organisations at the international level, such as the Financial Action Task Force have expanded the scope of targeted financial sanctions and demand tighter controls on the financing of WMD activities, India's own legislation has been harmonised to align with international benchmarks.

Secondly, with advancements in technologies, new kinds of threats have emerged that were not sufficiently catered for in the existing legislation. These notably include developments in the field of drones or unauthorised work in biomedical labs that could maliciously be used for terrorist activity. Therefore, the Amendment keeps pace with evolving threats. In fact, domestic legislations and international measures that address issues of WMD security cannot afford to become fossilised. They must be agile and amenable to modifications in keeping with the changing tactics of

#### non-state actors.

steps to fulfil new obligations, it must showcase its legislative, regulatory and enforcement frameworks to the international community. At the domestic level, this Amendment

It is also necessary that India keeps WMD

#### **Could the Amendment become** troublesome to people on account of

some members expressed concern on whether the new legislation could make existing business entities or people in the specific sector susceptible to a case of mistaken identity. The External Affairs Minister, S. Jaishankar, however, assured the House that such chances were minimal since identification of concerned individuals/entities would be based on a long

#### What is the international significance of these legislation? What is in it for

Preventing acts of terrorism that involve WMD or their delivery systems requires

### What more should India do?

India's responsible behaviour and actions on non-proliferation are well recognised. It has a strong statutory national export control system and is committed to preventing proliferation of WMD. This includes transit and trans-shipment controls, retransfer control, technology transfer controls, brokering controls and end-use based controls. Every time India takes additional

will have to be enforced through proper outreach measures to industry and other stakeholders to make them realise their obligations under the new provisions. India's outreach efforts with respect to the WMD Act have straddled both region-specific and sector-specific issues. Similar efforts will be necessary to explain the new aspects of the

security in international focus. There is no room for complacency. Even countries which do not have WMD technology have to be sensitised to their role in the control framework to prevent weak links in the global control system. India can offer help to other countries on developing national legislation, institutions and regulatory framework through the IAEA (International Atomic Energy Agency) or on bilateral basis.

## mistaken identity?

In the discussion on the Bill in Parliament, list of specifics.

building a network of national and



states are equally invested. Such actions are necessary to strengthen global enforcement of standards relating to the export of sensitive items and to prohibit even the financing of such activities to ensure that non-state actors, including terrorist and black-market networks, do not gain access to such materials. Sharing of best practices on legislations and their implementation can enable harmonisation of global WMD

India initially had reservations on enacting laws mandated by the UNSCR. This is not seen by India as an appropriate body for making such a demand. However, given the danger of WMD terrorism that India faces in view of the difficult neighbourhood that it inhabits, the country supported the Resolution and has fulfilled its requirements.

It is in India's interest to facilitate highest controls at the international level and adopt them at the domestic level. Having now updated its own legislation, India can demand the same of others, especially from those in its neighbourhood that have a history of proliferation and of supporting terrorist organisations.

Manpreet Sethi is Distinguished Fellow, Centre for Air Power Studies, New Delhi

## **EXPLAINER**

## On making Kannada mandatory for UG courses

Can Kannada be prescribed as a mandatory language under the National Education Policy, 2020? How has the Centre reacted?

## KRISHNAPRASAD

The story so far: On April 6, the High Court of Karnataka stayed the implementation of two orders issued by the State Government making Kannada a compulsory language for undergraduate courses such as BA, BSc, BCom, etc., from the academic year 2021-22. With the interim order of the High Court, students admitted for the academic year 2021-22 are not required to compulsorily study Kannada for the time being.

#### What were the Government Orders? The Higher Education Department of

Karnataka, on August 7, 2021, notified a Government Order issuing guidelines to universities and affiliated colleges for implementing the National Education Policy (NEP), 2020.

As per the guidelines, students joining the undergraduate courses in Karnataka from the academic year 2021-22 were required to study Kannada as a compulsory language among the two languages mandated for the first four semesters. The government also

prescribed preparation of a separate Kannada language syllabus for those who have not studied Kannada in 10+2 level and for those whose mother tongue is not Kannada.

In another Government Order, issued on September 15, 2021, the department modified the guidelines stating that only functional Kannada is to be taught to students from outside Karnataka or from foreign countries or for those who have not studied Kannada in any level up to

#### What were the litigations that followed?

The Samskrita Bharati (Karnataka) Trust, a private institution, on September 23, 2021, moved the High Court questioning the legality of making Kannada a compulsory subject in the guise of implementing NEP 2020. Later, Shivakumar G.K. and several other students as well as Kshithija S. Shetty and fellow lecturers/professors of the Hindi language across the State joined the legal battle by filling separate petitions.

Apart from contending that making



Kannada a compulsory language to be studied in UG courses violates various fundamental rights of the students and the teaching community, the litigants mainly argued before the High Court that making the study of a language mandatory is contrary to the very purpose of NEP-2020, which purports to offer a choice-based system to promote inclusivity. Stating that NEP 2020 does not specify any mandatory language criteria for higher education courses, the litigants have also pointed out that even the reports submitted by the task force and sub-committees of the Government on Karnataka on implementation of NEP 2020, did not contain any recommendation making Kannada a mandatory language for UG courses.

#### What has been the Central government's response?

The High Court had asked the Central government to make its stand clear on whether NEP-2020 prescribes such compulsion to study a particular language. The Central government, in its written statement, clarified to the court that "there is no mention of any compulsory language in NEP-2020." The Additional Solicitor General of India, in addition to reiterating the averments made in the statement, made it clear to the court that the regional language cannot be made a compulsory subject in implementation of the NEP.

#### What had the court ruled earlier? Initially, the High Court on December 16, 2021, had directed that the students who have already chosen Kannada language should do so, but all such students who do not wish to take the Kannada language shall not be compelled to pursue it till further orders. The court had also

Kannada as a compulsory language. In view of the stand of the Central government, the court said that prima facie the Government Orders of August 7 and September 15, 2021, cannot be implemented for now.

directed the government to not insist on

## What lies ahead?

The State Advocate General of Karnataka wanted to argue on the powers of the State government to make Kannada a compulsory subject.

The court said that it would hear further arguments in July on the question of whether Kannada can be made a compulsory subject in higher studies (undergraduate) on the pretext of implementing the National Education Policy, 2020.

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