

Assessing juvenility a ‘delicate task’: SC

(GS Paper 2, Judiciary)

Why in news?

- Recently, the Supreme Court held in a judgment held that the “delicate task” of deciding whether juveniles aged between 16 and 18, accused of heinous offences such as murder, can be tried like adults **should be based on “meticulous psychological investigation”** rather than be left to the discretion and perfunctory “wisdom” of juvenile justice boards and children’s courts across the country.



What was the case before the SC?

- The apex court’s judgment came while dismissing the appeals filed by the CBI and the relative of a Class two child who was allegedly found murdered in the washroom of his Gurugram school in 2017.
- The suspect, a Class nine student of the same school, underwent a preliminary assessment in which it was decided that he should be tried as an adult.
- The Bench found that his assessment was limited to an IQ test.
- The apex court upheld the High Court’s decision to reverse the assessment and refer the case back to the Juvenile Justice Board for a fresh ‘preliminary assessment’ of the now 21-year-old.

What is ‘Preliminary assessment’ under JJ Act of 2015?

- **Section 15 of the Juvenile Justice (Care and Protection of Children) Act of 2015** requires a “**preliminary assessment**” to be done of the mental and physical capacity of juveniles, aged between 16 and 18, who are involved in serious crimes.
- The assessment is meant to **gauge a child’s ability to understand the consequences of the offence** and the circumstances in which he or she allegedly committed the offence.
- If the Juvenile Justice Board is of the opinion that the juvenile should not be treated as an adult, it would not pass on the case to the children’s court and hear the case itself. In that case, if the child is found guilty, he would be sent to juvenile care for three years.
- On the other hand, if the Board decides to refer the case to the children’s court for trial as an adult, the juvenile, if guilty, would even face life imprisonment.

Concerns raised by Supreme Court:

- The report of the preliminary assessment decides the germane question of transferring the case of a child between 16 and 18 years of age to the children’s court.

- This evaluation of ‘mental capacity and ability to understand the consequences’ of the child in conflict with law can, in no way, be relegated to the status of a perfunctory and a routine task.
- The process of taking a decision on which the fate of the child in conflict with law precariously rests, should not be taken without conducting a meticulous psychological evaluation.
- The **court discovered that there were neither guidelines nor a specific framework** in place for conduct of the preliminary assessment.

Suggestions by the SC:

- The Supreme Court left it open for the Centre and the National Commission for Protection of Child Rights and the State Commission for Protection of Child Rights to consider issuing guidelines or directions in this regard.
- It said the Board which conducts the assessment of the child **should have at least one child psychologist**.
- It should further take the assistance of experienced psychologists or psycho-social workers.

Political party’s symbol by Election Commission

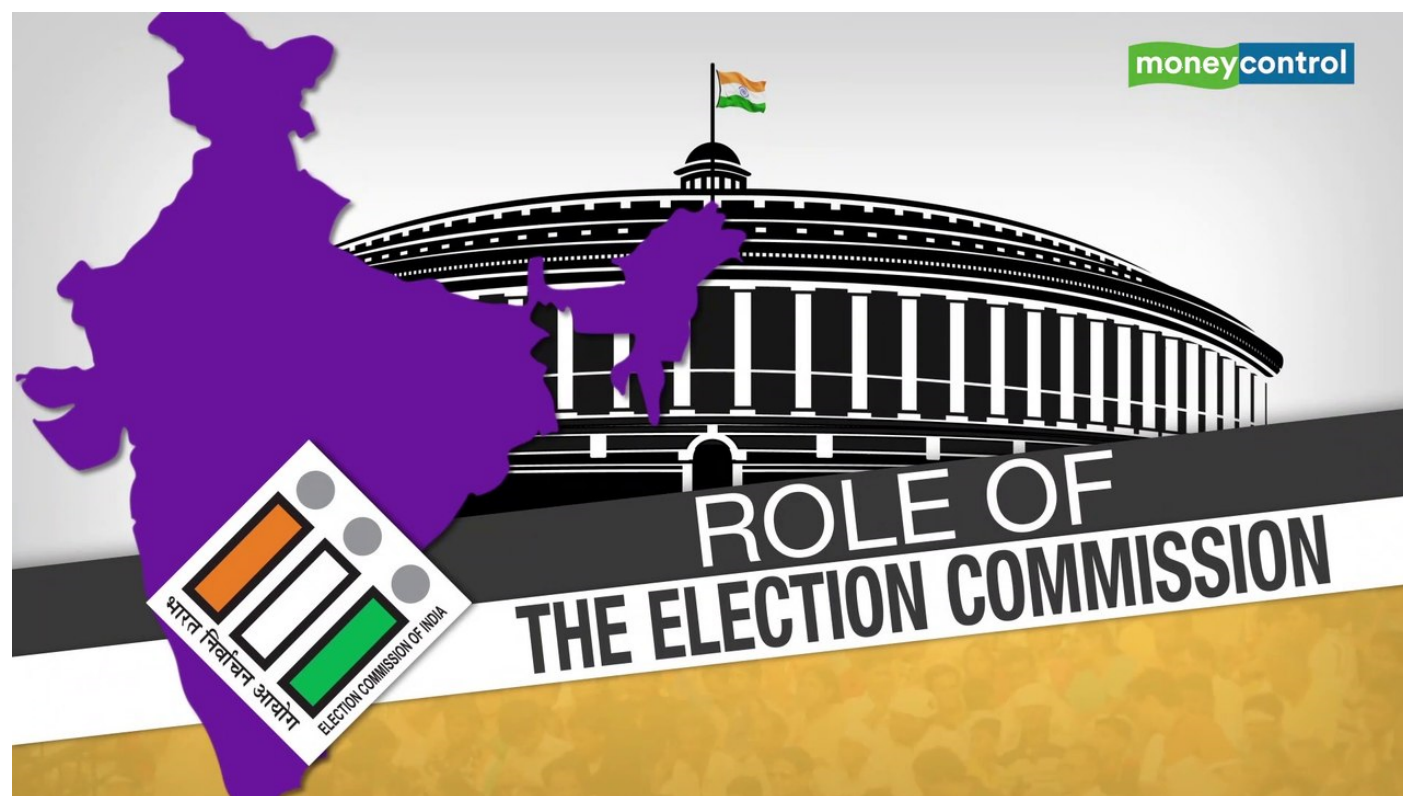
(GS Paper 2, Polity and Constitution)

Why in news?

- Recently, the Uddhav Thackeray-led Shiv Sena approached the Election Commission of India, requesting it to hear its side before deciding claims to the party’s bow-arrow symbol.

Pre-emptive move:

- It was a pre-emptive move, since Eknath Shinde, who has claimed to be the “original” Shiv Sena on the basis of the support of more than two-thirds of the party’s legislators in the Maharashtra Assembly, has not officially written to the EC yet to stake claim to the party symbol.
- If and when the Shinde camp approaches the EC, the latter will in all likelihood freeze the symbol so that neither of the two sides is able to use it until a final decision is made.



What are the EC’s powers in such a dispute?

- On the question of a split in a political party outside the legislature, **Para 15 of the Symbols Order, 1968**, states: “When the [Election] Commission is satisfied... that there are rival sections or groups of a recognised political

party each of whom claims to be that party the Commission may, after taking into account all the available facts and circumstances of the case and hearing [their] representatives... and other persons as desire to be heard decide that one such rival section or group or none of such rival sections or groups is that recognised political party and the **decision of the Commission shall be binding on all such rival sections or groups.**”

- This **applies to disputes in recognised national and state parties.**
- **For splits in registered but unrecognised parties,** the EC usually advises the warring factions to resolve their differences internally or to approach the court.

And how did the EC deal with such matters before the Symbols Order came into effect?

- Before 1968, the EC issued notifications and executive orders under the Conduct of Election Rules, 1961.
- The **most high-profile split of a party before 1968 was that of the Communist Party of India** in 1964. A breakaway group approached the EC in December 1964, urging it to recognise it as CPI(Marxist).
- They provided a list of MPs and MLAs of Andhra Pradesh, Kerala and West Bengal who supported them. The ECI recognised the faction as CPI(M) after it found that the votes secured by the MPs and MLAs supporting the breakaway group added up to more than 4% in the 3 states.

What was the first case decided under Para 15 of the 1968 Order?

- It was the **first split in the Indian National Congress in 1969.** Then Prime Minister Indira Gandhi’s tensions with a rival group within the party came to a head with the death of President Dr Zakir Hussain on May 3, 1969.
- The Congress old guard, led by K Kamaraj, Neelam Sanjiva Reddy, S Nijalingappa and Atulya Ghosh — known as the ‘Syndicate’ nominated Reddy for the post.
- Indira Gandhi encouraged Vice-President V V Giri to contest as an Independent, and called for a “conscience vote” in defiance of the whip issued by party president Nijalingappa.
- After Giri won, Indira was expelled from the Congress, and the party split into the “old” Congress(O) led by Nijalingappa and the “new” Congress (R) led by Indira Gandhi.
- The “old” Congress retained the party symbol of a pair of bullocks carrying a yoke; the breakaway faction was given the symbol of a cow with a calf.

Is there a way other than the test of majority to resolve a dispute over election symbols?

- In almost all disputes decided by the EC so far, **a clear majority of party delegates/office bearers, MPs and MLAs have supported one of the factions.**
- Whenever the EC could not test the strength of rival groups based on support within the party organisation (because of disputes regarding the list of office-bearers), it fell back on testing the majority only among elected MPs and MLAs.
- Only in the case of the split in the AIADMK in 1987, which happened after the death of M G Ramachandran, was the EC faced with a peculiar situation. The group led by MGR’s wife Janaki had the support of the majority of MPs and MLAs, while J Jayalalithaa was supported by a substantial majority in the party organisation.
- But before the EC was forced to make a decision on which group should retain the party symbol, a rapprochement was reached.

What happens to the group that doesn’t get the parent party’s symbol?

- In the case of the first Congress split, the EC recognised both the Congress (O) and the breakaway faction whose president was Jagjivan Ram. The **Congress (O)** had a substantial presence in some states and **satisfied the criteria fixed for recognition of parties** under Paras 6 and 7 of the Symbols Order.
- However, things changed when the Election Commission dealt with the cases of splits in the Indian National Congress and Janata Dal. The disputes led to the creation of Himachal Vikas Congress, Manipur State Congress Party, West Bengal Trinamool Congress, Rashtriya Janata Dal, Biju Janata Dal, etc. The EC then did not recognise the new parties as either state or national parties.
- It felt that **merely having MPs and MLAs is not enough**, as the elected representatives had fought and won polls on tickets of their parent (undivided) parties.
- The **EC introduced a new rule** under which the splinter group of the party, other than **the group that got the party symbol had to register itself as a separate party**, and could lay claim to national or state party status only on the basis of its performance in state or central elections after registration.

Global Gender Gap Index 2022

(GS Paper 1, Social Issues)

Why in news?

- Recently, the Global Gender Gap Index for 2022 was released by the World Economic Forum (WEF).

The top 10:

- Although **no country achieved full gender parity**, the top 10 economies closed at least 80% of their gender gaps, with Iceland (90.8%) leading the global ranking.
- Iceland was the only economy to have closed more than 90% of its gender gap.**
- Other Scandinavian countries such as Finland (86%, 2nd), Norway (84.5%, 3rd) and Sweden (82.2%, 5th) are in the top five, with other European countries such as Ireland (80.4%) and Germany (80.1%) in ninth and tenth positions, respectively.
- Sub-Saharan African countries** Rwanda (81.1%, 6th) and Namibia (80.7%, 8th), along with one Latin American country, Nicaragua (81%, 7th), and one country from east Asia and the Pacific, New Zealand (84.1%, 4th), also take positions in the top 10.

INDIA'S REPORT CARD

Index/sub-index	2022 (146 countries)		2021 (156 countries)	
	Rank	Score	Rank	Score
Global Gender Gap Index	135	0.629	140	0.625
Political empowerment	48	0.267	51	0.276
Economic participation & opportunity	143	0.350	151	0.326
Educational attainment	107	0.961	114	0.962
Health and survival	146	0.937	155	0.937

Source: World Economic Forum

India's rank:

- It ranks **India at 135 out of 146 countries**.
- In 2021, India was ranked 140 out of 156 countries.
- India also ranks poorly among its neighbours and is behind Bangladesh (71), Nepal (96), Sri Lanka (110), Maldives (117) and Bhutan (126).
- Only Iran (143), Pakistan (145) and Afghanistan (146) perform worse than India in south Asia.

What is the Global Gender Gap Index?

- The Global Gender Gap index benchmarks the **current state and evolution of gender parity** across **four key dimensions**:
 - Economic Participation and Opportunity
 - Educational Attainment
 - Health and Survival
 - Political Empowerment
- It is the longest-standing index, which tracks progress towards closing these gaps over time since its inception in 2006.
- On each of the four sub-indices as well as on the overall index the **GGG index provides scores between 0 and 1**, where 1 shows full gender parity and 0 is complete imparity.

How has India fared on different sub-indices?

- India has approximately 662 million (or 66.2 crore) women. In 2022, India's overall score has improved from 0.625 (in 2021) to 0.629.
- India's (135th) global gender gap score has oscillated between 0.593 and 0.683 since the index was first compiled. In 2022, India scored 0.629, which is its seventh-highest score in the last 16 years.

India's performance on different sub-indices:

Political Empowerment:

- This includes metrics such as the **percentage of women in Parliament**, the percentage of women in ministerial positions etc. Of all the sub-indices, this is where India ranks the highest (48th out of 146).
- However, notwithstanding its rank, its score is quite low at 0.267. Some of the best ranking countries in this category score much better. For instance, Iceland is ranked 1 with a score of 0.874 and Bangladesh is ranked 9 with a score of 0.546.
- Moreover, India's score on this metric has worsened since last year – from 0.276 to 0.267. The silver lining is that despite reduction, India's score is above the global average in this category.

Economic Participation and Opportunity:

- This includes metrics such as the percentage of women who are part of the labour force, wage equality for similar work, earned income etc.
- Here, too, India ranks a lowly 143 out of the 146 countries in contention even though its score has improved over 2021 from 0.326 to 0.350. Last year, India was pegged at 151 out of the 156 countries ranked.
- India's score is much lower than the global average, and only Iran, Pakistan and Afghanistan are behind India on this metric.

Educational Attainment:

- This sub-index includes metrics such as literacy rate and the enrolment rates in primary, secondary and tertiary education. Here India ranks 107th out of 146, and its score has marginally worsened since last year. In 2021, India was ranked 114 out of 156.

Health and Survival:

- This includes two metrics: the sex ratio at birth (in %) and healthy life expectancy (in years).
- In this metric, India is ranked the last (146) among all the countries. Its score hasn't changed from 2021 when it was ranked 155th out of 156 countries.

Gender Parity:

- The Global Gender Report 2022, which includes the Gender Gap Index, says it will now take 132 years to reach gender parity, with the gap reducing only by four years since 2021 and the gender gap closed by 68.1%.
- But this does not compensate for the generational loss between 2020 and 2021 as the trends leading up to 2020 showed that the gender gap was set to close within 100 years.
- South Asia will take the longest to reach gender parity, which is estimated to be likely in 197 years.

India-South Korea bilateral partnership

(GS Paper 2, International Relation)

Context:

- Indo-Pacific turbulence has reached an all-time high, to the point where it rivals the diverse foreign policy challenges across the United States and Europe.
- At a time when the international rules-based order is getting increasingly contested, the options available to governments in the foreign, economic, and security policy areas (including maritime security), are under serious stress.

New foreign policy of South Korea:

- During the past five years, India and South Korea have experienced considerable divergence in their respective national objectives.
- There was a **clear drift by South Korea away from multilateral security initiatives led by the United States**, such as the Quad (the U.S., Australia, India and Japan); meanwhile, India has been actively participating in them.
- The newly elected Korean President has brought about a paradigm shift in South Korean foreign and security policies.
- South Korea's new willingness to become a global pivotal state and play an active role in regional affairs is bound to create **multiple opportunities for a multi-dimensional India- Korea partnership**.

India & South Korea economic ties:

- In the last few years, India and South Korea have faced serious blockades to their economic ties. Trade between the two countries was sluggish and there was no major inflow of South Korean investment into India.

- India and South Korea were also trying to upgrade their Comprehensive Economic Partnership Agreement (CEPA) agreement, but to no avail.



Correcting a China tilt:

- South Korea's strategic policy shift to correct its heavy tilt towards China is bound to bring new economic opportunities for both countries.
- Both nations will now be in a better position to understand and accommodate the other's trade investments and supply chain needs. The **trade target of \$50 billion by 2030**, which looked all but impossible a few months ago, now seems within reach.
- The emerging strategic alignment is creating a **new convergence of capabilities and closer synergy** in new areas of economic cooperation such as public health, green growth, digital connectivity, and trade, among others.

Defence Cooperation:

- In 2020, India and South Korea signed a **Roadmap for Defence Industries Cooperation** between the Republic of India and the Republic of Korea (ROK) deal. However, due to the lack of political and strategic alignment, nothing came of it.
- With the strategic shift in South Korea's defence orientation, new doors of cooperation for defence and security have emerged.
- Advanced defence technologies and modern combat systems are the new domains for the next level of defence cooperation between the two countries.

Indo-Pacific outlook:

- South Korea's **participation in additional maritime security activities** in the Indian Ocean, such as the annual Malabar and other exercises with Quad countries, will further strengthen India's naval footprint in the Indo-Pacific region.
- During the Moon Jae-in presidency in Korea, Japan and South Korea were at loggerheads. There was little scope for strengthening the trilateral security dialogue in the region between India, South Korea and Japan.

- The shift in South Korean policies will enable a **strong India, South Korea and Japan defence policy** coordination that could effectively forge new joint regional security policies.

Strengthening fourth pillar in India's Indo-Pacific strategy:

- India has evolved excellent strategic partnerships with Japan, Vietnam and Australia. Unfortunately, so far, South Korea has not received the same level of attention from the Indian establishment. This needs to change.
- South Korea could be the **fourth pillar in India's Indo-Pacific strategy** along with Japan, Australia, and Vietnam. This can bring about a paradigm shift in India's position and influence in the region.
- The time has come for the **Indian and South Korean bilateral partnership to be strategically scaled up at the political, diplomatic and security domain levels.**
- With South Korea's emergence as a leader in critical technologies, cybersecurity and cyber-capacity building, outer space and space situational awareness capabilities, South Korea can contribute immensely to enhance India's foundational strengths in the Indo-Pacific.

Multidimensional challenges:

- However, the current emerging alignment between India and South Korea, which has the potential to bring the two countries closer together, may prove short lived if proper attention is not paid to the multi-dimensional challenges it faces.
- The Chinese leadership is adversely impacted by policy changes brought in by the Yoon administration.
- The real challenge for global geopolitics is this: can South Korea withstand the inevitable Chinese pressure and stick to its new alignment?

North Korea factor:

- South Korea's peace process with North Korea has completely collapsed. In the coming days, as North Korea conducts more missile and nuclear tests, it may lead to regional tension.
- Any breakout of hostilities on the Korean Peninsula can derail South Korea's Indo-Pacific project.
- During the Moon presidency, South Korea was forced to sign the "three no's" agreement with China. Under this agreement, Korea agreed to: no additional Terminal High Altitude Area Defense (THAAD) deployment; no participation in the U.S.'s missile defence network, and no establishment of a trilateral military alliance with the U.S. and Japan.

Way Forward:

- India can help South Korea withstand Chinese pressure and North Korean threats.
- An independent, strong, and democratic South Korea can be a long-term partner with India that will add significant value to India's Indo-Pacific strategy.
- This new partnership can have a long-term positive impact for both countries and the Indo-Pacific region. It is an opportunity that neither country can afford to miss.