

“You make the world a better place by making daily improvements to become the best version of yourself.” Roy T. Bennett

INTERNATIONAL & BILATERAL**INDIA SIGNS LANDMARK DEFENCE PACT WITH U.S.**

India and the United States sealed the landmark Communications Compatibility and Security Agreement (COMCASA) that will lead to a new generation of bilateral military partnership.

Apart from the agreement both sides also called on Pakistan to stop terrorist strikes on other countries and urged for maritime freedom in the Indo-Pacific region.

India has already signed two of them General Security of Military Information Agreement (GSOMIA) in 2002 and the Logistics Exchange Memorandum of Agreement (LEMOA) in 2016.

The COMCASA will allow the U.S. to transfer specialised equipment for encrypted communications for US origin platforms like C-17, C-130 and P-8I aircraft.

It comes into force immediately and is valid for 10 years.

Data acquired through such systems cannot be disclosed or transferred to any person or entity without India's consent.

Both countries will implement this agreement in a manner that is consistent with the national security interests of the other.

India and the U.S. will also hold a first-ever tri service joint exercise on the east coast of India in 2019.

Both sides announced their readiness to begin negotiations on an Industrial Security Annex (ISA) that would allow Indian private sector to collaborate with the U.S. defence industry.

The GSOMIA allows sharing of classified information from the U.S. government and American companies with the Indian government and defence Public Sector Undertakings (PSUs) but not with Indian private companies.

To further defence innovation, a Memorandum of Intent was signed between the U.S. Defense Innovation Unit (DIU) and

the Indian Defence Innovation Organization – Innovation for Defence Excellence (DIO-iDEX).

This MoI will look into joint projects for co-production and co-development projects through the Defense Technology and Trade Initiative (DTTI).

NATIONAL**SC DECRIMINALISED SEX BETWEEN CONSENTING ADULTS (SECTION 377)**

The Supreme Court has decriminalised sex between consenting adults in private under Section 377. Section 377 IPC is irrational, indefensible and arbitrary, the Supreme Court ruled.

The sexual orientation of each individual in the society must be protected on an even platform, for the right to privacy and the protection of sexual orientation lies at the core of the fundamental rights guaranteed by Articles 14, 15 and 21 of the Constitution

The LGBT community possess the same human, fundamental and constitutional rights as other citizens do since these rights are losses by individuals as natural and human rights.

Respect for individual choice is the very essence of liberty under law.

Section 377 IPC assumes the characteristic of unreasonableness, for it becomes a weapon in the hands of the majority to seclude, exploit and harass the LGBT community.

It shrouds the lives of the LGBT community in criminality and constant fear mars their joy of life.

They constantly face social prejudice, disdain and are subjected to the shame of being their very natural selves. It has freed the LGBTQI communities from the yoke of a colonial law.

The LGBTQI communities can now walk tall and openly with their heads proud and held high as equal citizens with dignity, liberty and fraternity.

Ultimately, the Delhi High Court, in a seminal judgment in Naz Foundation, pronounced the

decriminalisation of sex between consenting adults in private.

The euphoria of the high court verdict was short lived because the Supreme Court in Suresh Kumar Koushal vs Naz Foundation trumped it.

The first blow to Koushal came with the NALSA vs Union of India (2014) judgment which granted gender recognition on a self-identification basis to the transgender communities

The privacy judgment of KS Puttaswamy vs Union of India and Others (2017) held that the treatment of privacy in Koushal was wrong

Navtej Johar vs Union of India case reaffirmed Delhi HC's verdict of Naz foundation in September 2018 judgment

Challenges on equality and discrimination:

The LGBTQI communities in India have not received their rightful share in all spheres of life

They have been discriminated against in employment, in education, services and all other spaces, both in the public and, especially, the private sector

There is no law at the moment which removes this discrimination

Similarly, the law on rape is inadequate to address non-consensual sex other than within the binary of man-woman sex

Such is also the case with sexual harassment

Way Forward:

There will be the demand for a same-sex marriage law

Though that may take time, as it has in many other countries, a civil partnership law can easily be brought in as an interim measure.

EXPERT PANEL RECOMMENDED MEASURES TO EASE THE CASES OF MINOR OFFENCES COMPANIES ACT

An expert panel led by corporate affairs secretary Injeti Srinivas recommended a host of measures to make penal provisions in the Companies Act, 2013, to ease the cases of minor offences.

This was aimed to improve governance, especially in ensuring the objectivity of independent directors.

The move is expected to reduce the number of cases reaching company law tribunals.

The panel noted that trivial cases pending for long in courts impose a serious cost to the economy.

In essence, the panel suggested removing the element of criminality from minor offences and reclassifying them into mere blameworthy acts that carry civil liability.

Such penalty will be levied using an online system so that there was no interface between company executives and regulatory officials.

This is expected to reduce the number of cases reaching the National Company Law Tribunal (NCLT).

The NCLT benches and courts can instead focus on speedy adjudication of more serious offences.

The panel did not seek to dilute penal provisions for serious offences, such as non-compliance of orders of statutory authorities or frauds, which will continue to be governed by existing legal provisions.

The offences proposed to be dealt with in the regulatory ecosystem of the corporate affairs ministry include:

- Prohibition of issue of shares at a discount,
- Accepting directorships in companies by executives beyond the specified number,
- Making certain disallowed payments to directors for loss of office,
- Breach of overall managerial remuneration limit and non-appointment of key managerial person in case of companies
- The offences that will not be covered under the proposed in-house penalty system include:
- Not keeping records of shareholders and significant beneficial owners.

- Non-disclosure of interest by significant beneficial owners.
- Not keeping books of accounts at the registered office.
- Violation of rules on share buyback.
- Not repaying public deposits

Violations relating to loans given to directors or companies related to them, involve public interest and have a bearing on the company's continuation as a going concern.

The panel suggested restoring an earlier provision of the Act which mandated companies to report the receipt of capital from shareholders and file a form to verify the registered office before starting operations or borrowing.

This requirement, the panel felt, will serve as an early warning system for tackling the problem of shell companies and, therefore, should be brought back.

The objectivity of independent directors and their ability to rise above situations of conflicting interest have been a corporate governance priority for the government.

Excessive payment by businesses could compromise their functioning in protecting the interests of minority shareholders.

The panel suggested that the total pay a director gets from a company, including subsidiaries and associates, other than sitting fees and reimbursement of expenses, should be capped at 20% of his or her annual income.

The idea is to prevent independent directors to develop a financial dependence on a company, which will come in their way of functioning.

GOVT. GRANTS 'TRUST' STATUS TO 'BHARAT KE VEER' INITIATIVE

The government has granted the status of a trust to 'Bharat Ke Veer', a private initiative which aids families of paramilitary personnel killed in action.

Contributions to Bharat Ke Veer have been exempted from Income Tax.

Akshay Kumar and former national badminton champion Pullela Gopichand have been included as trustees.

The initiative had now been formalized into a registered trust for providing a platform for all citizens to contribute and provide assistance to the families of martyred personnel.

The public can visit the 'Bharat Ke Veer' application and website, and contribute to support the families of jawans who die in the line of duty.

Bharat Ke Veer is a fund-raising initiative by the Ministry of Home Affairs, Government of India on behalf of members of the Indian Armed Forces.

The initiative was launched by Home Minister Rajnath Singh and supported by the noted Hindi film actor Akshay Kumar.

The corpus would be managed by a committee made up of eminent persons of repute and senior government officials, in equal number.

They would decide to disburse the fund equitably to the brave hearts family on need basis.

EDITORIAL

ALL FOR ONE, ONE FOR ALL?

Military reforms and need of Theater Command (Joining Army, Navy and Air force) has been in debate for long.

In Author views, without restructuring in higher defence organization, moving ahead with integrated command will not server the purpose.

Under restructuring Higher Defence Organization, Appointment of Chief of Defence is very vital to bring overall efficiency and encourage jointness among three services.

The Indian Air force has also expressed operational problems in being delegated under theatre commands, due to shortage of resources

Integrated theater command combined and places the resources of all forces i.e. from the IAF, the Army and the Navy at the command of single senior military commander.

The logistic resources required to support his operations will also be placed at the disposal of the theatre commander.

These 'unified combat commands' are organized either on geographical basis with a defined mission in a specific 'area of responsibility' somewhere on the globe or on a 'functional' basis.

DB Shekatkar committee has recommended the creation of 3 integrated theatre commands — northern for the China border, western for the Pakistan border and southern for the maritime role

AGAINST:

Capturing grounds beyond few KMs and taking control of maritime space is not a sustainable idea and it will lead to depletion of resources.

Theatre Commands would demand large increase in expenditure with doubtful returns

Due to advancement in special weapons that can degrade and destroy the enemy's potential, reduces the need for direct confrontation.

Each command has specific weaponry strength according to their geographical need and vision regarding the nature and character of conflict in future.

Defence services have made plans based on assumption that the war will be short and swift.

Political influence decides the start and termination of war and the manner in which they will be fought.

Such as, war in Kargil, Operation Parakram against Pakistan have political influence which hindered the Army to take effective action.

Another example is, there was an outrage in country and calls for retaliation operation after Mumbai attack. However, Political decision makers ruled out the involvement of Army to attack on Pakistan.

Even, the dominance of American Military has not achieved any political objectives in Afghanistan.

Before Indian take a concrete steps towards the Integrated Command, India need to debate on characters of future war such as:

Dealing with Hybrid Conflict involving criminal elements such as Lashkar-e-Taiba in Punjab Province of Pakistan.

What sort of weapons China may use in the war, will it use military force or technology based ballistic missile.

Psychological impact of long range missile on masses when they assume war is real between people instead of war on border.

The evolving nature of the warfare has changed the way combat is carried out and the focus on integrated commands might actually be redundant

WAY FORWARD:

All three services need to sit together to find the realistic solution.

Need of Synergy between Political Leaders and Military objectives.

India should have a plan for war, range from non-contact to full scale war.
