

1. English is the language of Court: Gujarat HC

Why in News?

- A Division Bench of the Gujarat High Court has asked a convict to speak only in English as that was the language in the higher judiciary referring to Article 348 of the Constitution which mandates that the language of the High Court would be English.

What is Article 348?

- It provides for languages to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc
- Article 348 (1) provides that all proceedings in the Supreme Court and in every High court shall be in English Language until Parliament by law otherwise provides.
- Under Article 348 (2), the Governor of the State may, with the previous consent of the President, authorize the use of the Hindi language or any other language used for any Official Purpose of the State.
- It states that in the proceedings of the High Court having its principal seat in that State provided that decrees, judgments or orders passed by such High Courts shall be in English.

When is use of Other Languages Permitted?

- Section 7 of the Official Languages Act, 1963, provides that the use of Hindi or official language of a State in addition to the English language may be authorized.
- This has to be done with the consent of the President of India, by the Governor of the State for purpose of judgments etc. made by the High Court for that State.

2. What is Antrix- Devas Multimedia Deal?

Why in News?

- A Canadian court has ordered the seizure of more than \$30 million worth of Airport Authority of India's assets.

Background:

- In 2005, Devas Multimedia signed an agreement with Antrix —a commercial arm of the IISRO —to provide multimedia services to mobile users using the leased S-band satellite spectrum to be provided by Antrix.
- In 2011, the UPA-2 government canceled this agreement on the ground that it needed the S-band satellite spectrum for national security and other social purposes.

- This led to arbitration between Antrix and Devas at the International Chambers of Commerce (ICC) and two bilateral investment treaty (BIT) arbitrations. India lost all three disputes.

India's Non-Compliance:

- AAI and Air India are being targeted because they are Indian public sector entities with overseas assets and serve as a proxy for the government of India.
- The Canada court can do so through the concept of restrictive immunity.
- In the meanwhile, the National Company Law Tribunal (India) ordered the liquidation of Devas Multimedia on the ground that the affairs of the company were being carried on Fraudulently.

Why did India Cancel the Deal?

- The scandal first came to light when in 2011, the news reported that there were some Irregularities in the agreement between Antrix and Devas.
- They reported the findings of a draft audit report and pointed out discrepancies including Financial Mismanagement, conflict of interest, non-compliance of rules, and favoritism.
- This revelation came at the heel of the 2G spectrum scam which was condemned for the high level of corruption.

How can a Canadian Court order the Attachment of Indian Assets?

- State immunity — a well-established principle of international law — shields a state and its property against legal proceedings in the courts of other countries.
- This covers immunity from both jurisdiction and execution.
- However, there is no international legal instrument in force dealing with state immunity in the municipal legal systems of different countries, which has created an international void.
- Consequently, countries have filled this void through their national legislations and domestic judicial practices on state immunity.
- Typically, prominent jurisdictions such as Canada follow the concept of restrictive Immunity (a foreign State is immune only for sovereign functions) and not absolute Immunity.

How can assets of AAI be seized when the claim is against India?

- In execution proceedings, assets of an entity can be seized if that entity is an alter ego of the State that fails to comply with the arbitral award.

- In other words, if the foreign sovereign exercises such Extensive Control over the Entity, then the presumption that the entity has a separate corporate character is set aside.
- Thus, the Canadian court must have concluded that the Indian government extensively controls AAI.

What options does India have?

- The first option is to comply with the two adverse BIT awards. However, it is highly unlikely that India would do so.
- The second option is to challenge this decision in an appellate court in Canada as per Canadian law where India can try proving that the 'extensive control requirement' is not met in the case of AAI. However, state immunity from execution is purely a procedural hurdle to the enforcement of the BIT award. It cannot justify India's breach of its international law obligations enshrined in the two BITs and the continued failure to comply with the arbitral awards.

3. Sri Jagannath Temple Act of 1954

Why in News?

- The Odisha state cabinet has recently approved amendments to the Sri Jagannath Temple Act of 1954.

Highlights:

- The powers of management of the temple were passed on to the King of Khordha after three years while the colonial government continued to retain some control.
- After India gained Independence, the Jagannath Temple Act was introduced in the year 1952, which came into effect in 1954.
- The Act contains provision on land rights of the temple, duties of the sevayat (priests), administrative powers of the Shri Jagannath Temple Managing Committee, rights and privileges of the Raja of Puri and other persons connected with the management and administration of the temple.
- The power will now be delegated to temple administration and concerned officials for sale and lease of land in the name of Jagannath temple.
- Unlike earlier, no approval will be required from the state government for the process.
- The Section 16 (2) of the act states that no immovable property taken possession of by the temple committee shall be leased out, mortgaged, sold or otherwise alienated except with the previous sanction of the State Government.

4. Pradhan Mantri Formalisation of Micro food processing Enterprises (PMFME) Scheme.

Why in News?

- The Ministry of Food Processing Industries and NAFED (National Agricultural Cooperative Marketing Federation of India Limited) have recently launched six, One District One Product (ODOP) brands.

Highlights:

- It is under the Pradhan Mantri Formalisation of Micro food processing Enterprises (PMFME) Scheme.
- It has signed an agreement with NAFED for developing 10 brands of selected ODOPs under the branding and marketing component of the PMFME scheme. Out of these, six brands are Amrit Phal, Cori Gold, Kashmiri Mantra, Madhu Mantra, Somdana, and Whole Wheat Cookies of Dilli Bakes.
- It adopts the One District One Product (ODOP) approach to reap the benefit of scale in terms of procurement of inputs, availing common services and marketing of products.
- ODOP for the scheme will provide the framework for value chain development and alignment of support infrastructure. There may be more than one cluster of ODOP products in one district.
- There may be a cluster of ODOP products consisting of more than one adjacent district in a State. The States would Identify food products for districts keeping in view the existing clusters and availability of Raw Material.
- The ODOP could be a perishable produce based or cereal based or a food item widely produced in an area. E.g. mango, potato, pickle, millet based products, fisheries, poultry, etc.

5. United Nation Security Council (UNSC)

Why in News?

- The United Nation Security Council (UNSC) had recently got five new Non-Permanent members (Albania, Brazil, Gabon, Ghana and the United Arab Emirates).

Highlights:

- Estonia, Niger, St Vincent and the Grenadines, Tunisia and Vietnam finished their terms recently.

- Albania is joining for the first time while Brazil is taking an 11th turn. Gabon and Ghana each have been on the council three times before and the UAE once.
- More than 50 of the UN's 193 member countries have never been elected to the council since its formation.
- The Security Council was established by the UN Charter in 1945. It is one of the six principal organs of the United Nations.
- The other 5 organs of the United Nations are—the General Assembly (UNGA), the Trusteeship Council, the Economic and Social Council, the International Court of Justice, and the Secretariat.
- Its primary responsibility is to work to maintain international peace and security. The council is headquartered at New York.
- The council has 15 members: the five permanent members and ten non-permanent members elected for two-year terms.
- The five permanent members are the United States, the Russian Federation, France, China and the United Kingdom.
- India, for the eighth time, has entered the UNSC as a non-permanent member last year (2021) and will stay on the council for two years i.e 2021-22.
- Each year, the General Assembly elects five non-permanent members (out of ten in total) for a two-year term. The ten non-permanent seats are distributed on a regional basis.
- The council's presidency is a capacity that rotates every month among its 15 members.