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Date: 25 January 2024

WILDLIFE (PROTECTION) LICENCING RULES, 2024

THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS OF "WILDLIFE (PROTECTION) LICENCING RULES, 2024". THIS TOPIC IS RELEVANT IN THE "ENVIRONMENT" SECTION OF THE UPSC CSE EXAM.

UPSC MAINS GS3 SYLLABUS: CONSERVATION

WHY IN THE NEWS?

The central government has enacted the **WildLife (Protection) Licencing (Additional Matters for Consideration) Rules, 2024**, which update the Wildlife Trade Rules, 1983, resulting in major modifications to the licensing process and the exclusion of some species.

ABOUT WILDLIFE LICENSING RULES 2024

• SCHEDULE I:

1. According to the guidelines established in **1983**, **no such permission** shall be granted to trade in a wild species designated in **Schedule I or Part II of Schedule II to the Wildlife Protection Act of 1972** unless the central government has previously consulted.
2. This criterion has been removed in the revised guidelines, which state that **no such licence** shall be issued if it relates to any wild animal listed in **Schedule I** to the Act, except with the prior consultation of the Central Government.
3. This implies that the limits on **Schedule I** species, which include creatures that require the highest protection, such as **tigers, elephants, rhinos**, and so on, remain in effect, with a provision for consultation.

• SCHEDULE II:

1. The revised guidelines make a substantial modification by removing licensing limitations for species classified in **Schedule II** of the Wildlife Protection Act of 1972.
 2. This means that licences for trading **Schedule II** species can be awarded without the need for central government consultation or approval, as was previously needed.
- The new rules also specify the factors that authorised officers must consider when granting licences, such as the applicant's capacity, the source and method for acquiring supplies, the sheer number of existing licences in the area, and the repercussions for hunting or trade of the relevant wild animals.

CONCERNS REGARDING THE NEW RULES

- **Exemption from Schedule II Species:**

1. The announcement does not explain why licensing restrictions for **Schedule II** species have been abolished.
2. **Schedule II** includes key species such as endangered mammals, birds, turtles, geckos, and snakes. The omission of these species from licensing regulations raises worries about the extent of protection they will receive.
3. The absence of clarity warrants additional inspection to ensure that the amended guidelines effectively address conservation objectives while not jeopardising the preservation of fragile wildlife.

- **Rationalisation of schedules**

1. The Wildlife Protection Act of 1972's schedules were rationalised in The **Wild Life (Protection) Amendment Act of 2022**, resulting in modifications to species categorization.
2. Prior to the 2022 amendment, timetables were based on species endangerment levels. The current rationalisation could have changed the criterion for categorising species.
3. Experts argue whether the absence of certain species from Schedule II is consistent with the rationalisation process, or whether those species have gained in numbers, justifying a lower degree of protection.

WHAT IS THE WILDLIFE (PROTECTION) ACT, 1972?

- The **Wild Life (Protection) Act of 1972** establishes a legislative framework for **protecting diverse kinds of wild animals and plants**, managing their habitats, and regulating and controlling commerce in wild animals, plants, and products derived from them.
- The statute also establishes timetables for plants and animals that receive varied levels of government protection and supervision.
- Following the passage of the Jammu and Kashmir Reorganisation Act, 2019, the Wildlife Protection Act of 1972 became **applicable to the UT of J&K and Ladakh**.

ABOUT LATEST AMENDMENT IS THE WILDLIFE (PROTECTION) AMENDMENT ACT, 2022.

There are now **4 schedules**, down from **6** previously.

1. **Schedule I** includes animal species that receive the greatest level of protection.
2. **Schedule II** includes animal species that have a lesser degree of protection.
3. **Schedule III** includes protected plant species.
4. **Schedule IV** for classified specimens under **CITES** (Convention on International Trade in Endangered Species of Wild Fauna and Flora).

PRELIMS PRACTICE QUESTION:

Q1) Consider the following statements regarding the Wildlife Protection Act:

- 1) Wildlife Protection Act prohibits the use of Chemicals for agriculture
- 2) The Act allows for the establishment of Zoo and Safari parks
- 3) The Act provides legal safeguards to plants under Schedule I

How many statements given above are correct?

1. a) One
2. b) Two
3. c) Three
4. d) None

ANSWER: A

MAINS PRACTICE QUESTIONS

- Q1) Explain the significance of the Wildlife Protection Act in India. How does it contribute to the conservation and protection of biodiversity?
- Q2) Discuss the role of different schedules in the Wildlife Protection Act. Provide examples of wildlife species listed under various schedules.

Himanshu Mishra

GENOCIDE ISSUE AND THE INTERNATIONAL COURT OF JUSTICE

SOURCE - THE HINDU AND PIB.

GENERAL STUDIES - INTERNATIONAL RELATIONS, INTERNATIONAL COURT OF JUSTICE, GENOCIDE, HUMAN RIGHTS, INDIA'S STAND ON THE ISSUE OF GENOCIDE. WHY IN THE NEWS ?



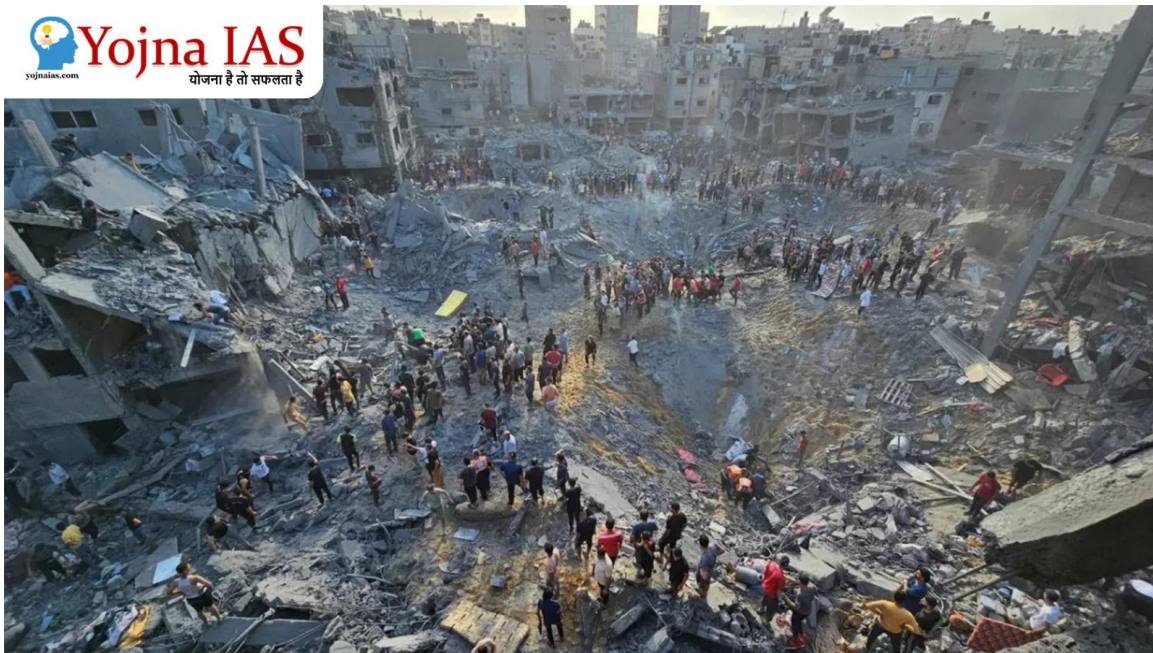
- 11 January 2024 Judges of the International Court of Justice have begun two days of legal arguments in a case filed by South Africa accusing Israel of genocide in the Gaza war. Israel has denied this allegation of genocide and called it a baseless allegation.
- South Africa's lawyers asked judges at a hearing on 11 January 2024 to issue a binding preliminary injunction on Israel, including an immediate halt to Israel's military operation in Gaza. Before the proceedings, hundreds of pro-Israel protesters protested in front of the International Court of Justice with banners reading **"Bring them home"**, referring to those still held hostage by Hamas.

Protests held Israeli and Dutch flags during the protest. Outside the court, some other people were also protesting and waving Palestinian flags in support of South Africa.

- The controversy attacks Israel's national identity as a Jewish state created after the Holocaust. This also includes the identity of South Africa. Its ruling party, the African National Congress, has long compared Israel's policies in Gaza and the West Bank to its history under white minority rule apartheid, which confined most blacks to the "homeland" before it ended. Had given.
- Israel has sent a legal team to the International Court of Justice to defend its military operation launched following attacks by Hamas on October 7, 2023. South Africa immediately sought to expand the case beyond the limited scope of the ongoing Israel-Hamas war. South African Justice Minister Ronald Lamola said, **"Violence and destruction in Palestine and Israel did not begin on October 7. Palestinians have experienced systematic oppression and violence for the past 76 years."**
- Vusimuzi Madonsela, co-leader of the South African delegation, said that – **"At the outset South Africa acknowledges that genocidal acts and omissions by the State of Israel are essentially part of a continuation of the illegal acts committed against the Palestinian people since 1948"** Ever since Israel declared its independence.
- Israeli Prime Minister Benjamin Netanyahu released a video statement defending his country's actions on the night of 10 January 2024. He said, **"Israel has no intention of permanently occupying Gaza or displacing its civilian population. Israel is not fighting the Palestinian population, but Hamas terrorists, and we are doing so in full compliance with international law."** He said, **"The Israeli army is trying its best to minimize civilian casualties, while Hamas is trying its best to maximize them by using Palestinian civilians as human shields."**
- Finding food, water, medicine and functioning bathrooms has become a daily struggle for Palestinians living in Gaza. On January 5, the UN humanitarian chief called Gaza "deserted" and said, **"people are facing the highest levels of food insecurity ever recorded (and) famine is imminent."** Israel has always focused its attention on the October 7 attacks, when Hamas fighters attacked several communities in Israel and killed about 1,200 people, mainly civilians. They kidnapped about 250 other people, about half of whom have been released.
- US Secretary of State Antony Blinken dismissed the matter as **"baseless"** during a visit to Tel Aviv on January 9.
- The International Court of Justice, which adjudicates on disputes between different nations, has never held any country responsible for genocide. It ruled in 2007 that – "Serbia violated its obligation to prevent genocide in the massacre of more than 8,000 Muslim men and boys in the Bosnian enclave of Srebrenica by Bosnian Serb forces in July 1995."
- The International Criminal Court, based in The Hague, prosecutes individuals for war crimes, crimes against humanity and genocide.
- The case revolves around the Genocide Convention which was drafted in 1948 after World War II and the genocide in which six million Jews were murdered. Both Israel and South Africa are signatories to the Genocide Convention. South Africa says – **"It wants the International Court to hold Israel responsible for its violations of the Genocide Convention and to hold it fully accountable under international law for those violations."**
- Balkis Jarrah, Associate of the International Justice Directors Group, said – **"South Africa's genocide case opens a legal process at the world's highest court to conduct a credible investigation of Israel's conduct in Gaza in the hope of reducing further suffering."**

- Israel is back in the dock in the International Court of Justice in February when hearings begin on a UN request for a non-binding advisory opinion on the legality of Israeli policies in the West Bank and East Jerusalem.

BACKGROUND AND ROLE OF THE GENOCIDE CONVENTION :



- The treaty adopted for the first time as the first human rights treaty by the General Assembly of the United Nations on 9 December 1948 for the survival and fundamental rights of human beings around the world is known as the **Genocide Convention**.
- This Genocide Convention codified the crime of genocide for the first time and created an international law on the prevention and punishment of the crime of genocide.
- According to this Genocide Convention – **“Atrocity or genocide committed against human beings on any religious, ethnic, racial, color or linguistic basis by any country or society at the global level is a crime whether in time of war or on a global scale.” “In times of peace either can happen anytime and anywhere.”**
- It reflects the international community’s solidarity and commitment to **‘Never again’** repeat the atrocities committed against humans on a global scale during World War II.
- The definition set out in this Genocide Convention regarding the crime of genocide has been widely adopted at both national and international levels, including in the Rome Statute of the International Criminal Court (ICC) in 1998.
- **India is the main signatory country of this convention.**
- To develop human rights and international criminal law at the international level and make them binding on all states at the international level. This provision establishes the obligation of States/Nations to take measures to prevent and punish the crime of genocide. Also ensures.
- According to Article IV of its Constitution – it mandates states/nations to enact relevant laws against genocide and to punish perpetrators **“whether they are constitutionally responsible rulers or public officials or private individuals.”**

- It is mandatory and binding on all states/nations at the international level, regardless of whether that state or nation has ratified the Genocide Convention or not.

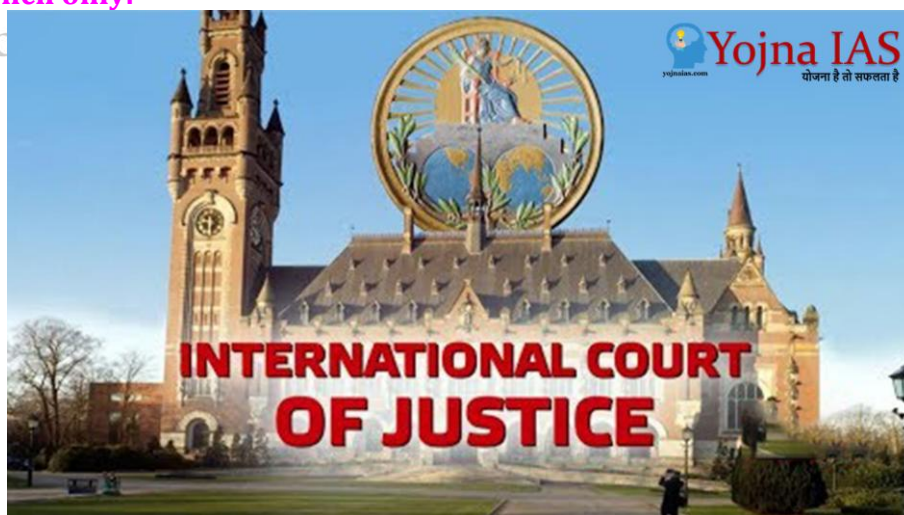


INTRODUCTION TO THE INTERNATIONAL COURT OF JUSTICE :

Establishment: It was established in the month of June 1945 by the Charter of the United Nations, but it started functioning from April 1946.

- **The International Court of Justice (ICJ)** is a principal judicial organ of the United Nations (UN).
- The International Court of Justice (ICJ) is the only organ of the United Nations that is not based in New York City.
- The International Court of Justice (ICJ) is the successor to its predecessor, the Permanent Court of International Justice (PCIJ), which came into its current existence through the United Nations.
- PCIJ held its first and inaugural meeting in February 1922 at the **Peace Palace in Hague, Netherlands**.
- The PCIJ and the League of Nations were replaced by the International Court of Justice (ICJ) and the United Nations after World War II.
- In April 1946, the PCIJ was formally dissolved and the ICJ was established and its last President, Judge Jose Gustavo Guerrero of El Salvador, was made the first President of the ICJ.

Official Languages: The official languages of the International Court of Justice (ICJ) are English and French only.



SELECTION PROCESS FOR JUDGES OF THE INTERNATIONAL COURT OF JUSTICE (ICJ) :

- **The total number of judges in the International Court of Justice (ICJ) is 15.** who are elected by the United Nations General Assembly and the Security Council. The tenure of judges of the International Court of Justice (ICJ) is for 9 years. These judges vote separately, but together.
- To become a judge in the International Court of Justice (ICJ), it is mandatory for any candidate to get a majority in both the bodies. The voting process continues several times until the judge is finally selected. The voting process ends only after a consensus is reached on the final selection of the judge.
- The President and Vice-President of the International Court of Justice (ICJ) are elected by a process of secret ballot for a three-year term.
- One-third of the judges of the International Court of Justice (ICJ) are elected every three years during the annual meeting of the UNGA at the headquarters of the United Nations in New York.
- Judges of the International Court of Justice (ICJ) are eligible to contest re-election and be re-selected through the voting process of the election.

JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE (ICJ) :

- All UN members are automatically parties to the ICJ statute, but this does not automatically give the ICJ jurisdiction over disputes involving them.
- The International Court of Justice (ICJ) gets jurisdiction only when both countries or both parties agree to it.
- The decision of the International Court of Justice (ICJ) is final and technically binding.
- The International Court of Justice (ICJ) has no way of ensuring compliance with its orders, and its authority derives from the willingness of countries to comply with them.

ROLE OF THE INTERNATIONAL COURT OF JUSTICE (ICJ) :

- The role of the International Court of Justice (ICJ), in accordance with international law, includes adjudicating any legal disputes submitted by states/nations and giving advisory opinions on legal questions related thereto by organs and specialized agencies authorized by the United Nations.
- It was first introduced by the UK in May 1947 against a dispute relating to the narrow strait of the Ionian Sea between the Greek island of Corsica and Albania on the European mainland, which was resolved by the International Court of Justice under international law.

INTERNATIONAL COURT ADMINISTRATION :

- The judges of the International Court of Justice are assisted by the Registry, the administrative organ of the International Court of Justice.

INTERRELATIONSHIP BETWEEN INTERNATIONAL COURT AND INDIA :

- The relationship between the International Court of Justice and India is very old.
- Sir Benegal Rao, who was an advisor to the Constituent Assembly of India a few years after the establishment/formation of the International Court, was a member judge of the International Court from 1952-53.
- Former Chief Election Commissioner of India Nagendra Singh was also a member of the International Court of Justice from 1973-88.

- Former Chief Justice of the Supreme Court of India RS Pathak also served as a member judge of the International Court of Justice from 1989-91.
- Former Chief Justice of the Supreme Court of India Dalveer Bhandari has also been serving as a member judge of the International Court of Justice since 2012.

INDIA'S HISTORICAL RELATIONSHIP WITH THE INTERNATIONAL COURT OF JUSTICE :

- Including the four disputes between India and Pakistan, India has appeared as a party in the International Court of Justice a total of six times, out of which the main disputes are as follows: -
- The dispute between Portugal and India over the right to navigate through Indian territory had reached the International Court of Justice, which was settled in 1960 and the dispute was ended.
- An appeal between India and Pakistan regarding the jurisdiction of the ICAO Council was made in the International Court of Justice, which was settled in 1972.
- As a result of the war between India and Pakistan in East Pakistan, the case of Pakistani prisoners of war went to the International Court, which was settled in 1973.
- The air incident between India and Pakistan on August 10, 1999 was also referred to the International Court of Justice, which was also concluded or settled in the year 2000.
- The dispute between India and Marshall Islands regarding stopping the nuclear arms race and talks related to nuclear disarmament also went to the International Court, which was concluded in 2016.
- The Indian citizen Kulbhushan Jadhav case between India and Pakistan also went to the International Court of Justice, which was concluded in 2019.

PRACTICE QUESTIONS FOR PRELIMINARY EXAM :

Q.1. Consider the following statements with reference to the International Court of Justice and Genocide Convention.

1. The headquarters of the International Court of Justice is located in The Hague, Netherlands.
2. The official languages of the International Court of Justice (ICJ) are English, Spanish, German and French.
3. The total number of judges in the International Court is 25.
4. The President and Vice-President of the International Court of Justice are elected by a process of secret ballot for six years.

Which of the above statement /statements is correct ?

- (A). Only 1 and 4
 (B) Only 2 and 3
 (C) Only 3
 (D) Only 1

Answer - (D)

PRACTICE QUESTIONS FOR MAIN EXAM :

Q.1.Outlining the background of the Genocide Convention, discuss what is the current relevance of the International Court of Justice in the context of emerging economic power in the changing geopolitical perspective?

Akhilesh Kumar Shrivastava



Yojna IAS

योजना है तो सफलता है