

CORPORATE OFFICE

Delhi Office

706 Ground Floor Dr. Mukherjee
Nagar Near Batra Cinema Delhi -
110009

Noida Office

Basement C-32 Noida Sector-2
Uttar Pradesh 201301

CURRENT AFFAIRS

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CONSERVATION OF MIGRATORY SPECIES COP 14

THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS OF "CONSERVATION OF MIGRATORY SPECIES COP 14". THIS TOPIC IS RELEVANT IN THE "ENVIRONMENT AND ECOLOGY" SECTION OF THE UPSC CSE EXAM.

WHY IN THE NEWS?

Samarkand, recently Uzbekistan, has served as the venue for the conclusion of the 14th Meeting of the Conference of the Parties (CoP) to the Convention on the Conservation of Migratory Species of Wild Animals (CMS 14).

SIGNIFICANT HIGHLIGHTS OF CMS COP 14

ACCEPTANCE OF LISTING PROPOSALS:

1. All involved parties have reached an agreement to embrace the listing proposals for **14 migratory species**, which include the Eurasian lynx, Peruvian pelican, Pallas's cat, guanaco, Lahille's bottlenose dolphin, harbour porpoise, Magellanic plover, bearded vulture, Blackchin guitarfish, Bull ray, Lusitanian cownose ray, Gilded catfish, and Laulao catfish.
2. The **primary objective of these listings is to strengthen protective measures and promote conservation initiatives for these species.**

FOCUS ON THREATS:

1. Various threats to migratory species were identified, including habitat degradation, fragmentation, illegal trade, bycatch, contaminants, and human activities like fencing, oil and gas development, mining, and underwater noise.
2. Incorporating these species into the **CMS appendices is aimed at mitigating these threats and advocating for their conservation.**

COLLABORATION AND CONSERVATION ENDEAVORS:

1. The proposals underscore the significance of collaborative efforts among a range of states to address challenges faced by migratory species, engage in research activities, and implement conservation projects.
2. Range states, denoting countries or territories within the natural geographical range of a particular species, play a direct role in managing, conserving, and protecting both the species and its habitat.

3. The **emphasis has been placed on preserving existing populations, enhancing connectivity, safeguarding habitats, and restoring population levels.**

REGIONAL AND GLOBAL CONSERVATION INITIATIVES:

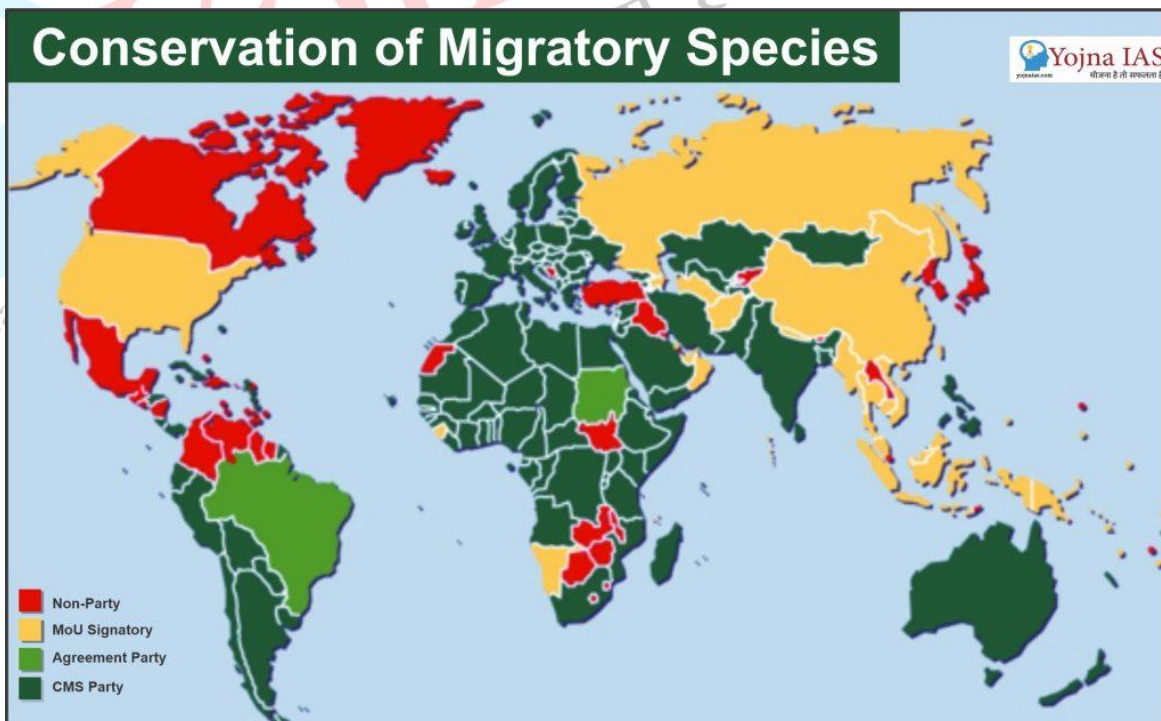
1. The acceptance of the proposals reflects a commitment to addressing conservation challenges at both regional and global levels.
2. Measures have been recommended to protect specific populations, such as the Baltic Proper population of the harbour porpoise and the Mediterranean Sea populations of various species, while also considering broader conservation strategies.

INTERNATIONAL COOPERATION:

1. Range states collaborated to propose amendments to the listings and the adoption of conservation measures.
2. Countries such as North Macedonia, Kazakhstan, Uzbekistan, Chile, Argentina, Peru, Brazil, Uruguay, Ecuador, Panama, and others supported the listing proposals and called for unified efforts to safeguard migratory species and their habitats.

RECOGNITION OF ENDANGERED STATUS:

1. A number of species have been listed in the IUCN Red List as “Vulnerable,” “Endangered,” or “Critically Endangered” because of population loss and other concerns. These species include the Peruvian pelican, Lahille’s bottlenose dolphin, and Magellanic plover.
2. Listing these species in CMS appendices is intended to elevate their conservation status and provide support for habitat protection.



ABOUT CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES

Introduction to CMS:

The Convention on the Conservation of Migratory Species of Wild Animals, commonly known as the Bonn Convention, stands as a vital environmental treaty operating under the United Nations Environment Programme. Originating in Bonn, Germany, it was signed on 23 June 1979. This international accord serves as a global platform, addressing the conservation and sustainable utilisation of migratory animals and their habitats.

Global Conservation Mandate:

CMS holds the distinctive position of being the only global and UN-based intergovernmental organisation exclusively dedicated to the conservation and management of terrestrial, aquatic, and avian migratory species across their entire range. Recognising the significance of conserving migratory species, the convention underscores the need for special attention to species facing unfavourable conservation statuses.

Diverse Conservation Instruments:

Participating CMS Parties engage in various activities, ranging from legally binding treaties, termed Agreements, to less formal instruments like Memoranda of Understanding. The decision-making body of the convention is the Conference of Parties (COP).

CMS Appendices: Key Components

Appendix I:

This section of CMS catalogues endangered migratory species and imposes prohibitions on activities impacting these species. The focus is on stringent measures to protect and preserve these vulnerable populations.

Appendix II:

Appendix II features species with an 'unfavourable conservation status,' as defined by the Convention. It encourages range states to collaboratively formulate agreements for the conservation and management of these species, emphasising a cooperative approach.

- **India's Role in CMS**
- **Long-standing Partnership:** India has been a committed party to the CMS since 1983, reflecting its dedication to international conservation efforts.
- **Specific Collaborations:** India has further strengthened its commitment by signing non-legally binding Memorandum of Understanding (MOUs) with CMS. These agreements showcase India's specific efforts to contribute to the conservation and management of these migratory species.

PRELIMS PRACTICE QUESTIONS

Q1. With reference to the International Union for Conservation of Nature and Natural Resources (IUCN) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which of the following statements is/are correct? (UPSC Prelims-2015)

1. IUCN is an organ of the United Nations, and CITES is an international agreement between governments.
2. IUCN runs thousands of field projects worldwide to manage natural environments better.
3. CITES is legally binding on the States that have joined it, but this Convention does not take the place of national laws.

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

ANSWER: (b)

MAINS PRACTICE QUESTIONS

- Q1. What are the primary challenges and threats faced by migratory species, and how do these impact their conservation status?

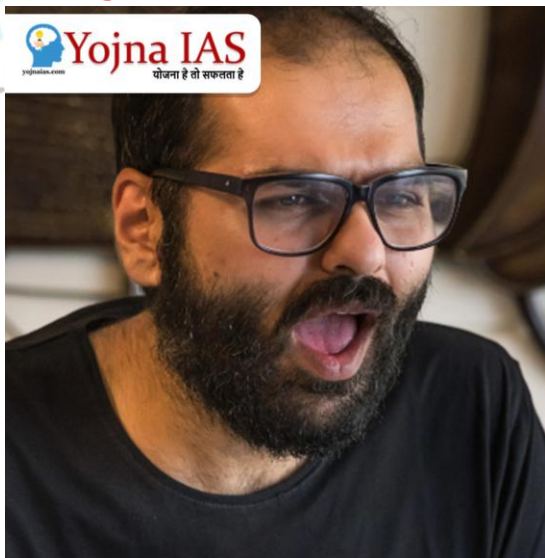
Himanshu Mishra

JUDICIAL CLARITY ON FREEDOM OF SPEECH

SOURCE- THE HINDU AND PIB.

GENERAL STUDIES - INDIAN CONSTITUTION AND POLITY, FUNDAMENTAL RIGHT OF SPEECH AND EXPRESSION, JUDICIAL REVIEW, SEDITION IN INDIA, CONCEPT OF TREASON, RESPONSIBILITY OF THE GOVERNANCE SYSTEM OF THE COUNTRY.

WHY IN THE NEWS ?



- Recently, a judicial decision given by Justice Gautam Patel of Bombay High Court in the Kunal Kamra case on 31 January 2024 has sparked a debate on the importance of constitutional fundamentals regarding the right to free speech on social media.
- The decision of the Bombay High Court in this case has recognized the rights of free speech from a constitutional point of view.
- It is being said that the protection of important rights of free speech recognizes the logic of judicial review as a safeguard. He has represented the convergence of constitutional principles and the sensibilities of the nation towards the vital rights of free speech.
- This decision validates the logic of judicial review as a safeguard against the excesses of majoritarian assemblies and arbitrary power.
- This judicial decision by Justice Gautam Patel of the Bombay High Court is based on the amended Rule 3(1)(B)(v) of the IT Rules 2021, which contains a legislation widely considered arbitrary and unjust. . This makes it clear that the judicial decision has recognized the argument being made by judicial review towards protecting important rights of free speech.
- The judgment also states that freedom should not be tampered with except under the restrictions provided for in Article 19(2), (6) and there should be clear protection against State encroachment against the Constitution. The decision reiterates the primacy of the important rights of free speech and seeks to secure it from a constitutional perspective.
- The judge, while interpreting freedom of expression, has described the need for full protection of freedom except for reasonable restrictions as per Article 19(2) and (6). In this he has also said that there should not be any effective and effective restriction by the state to snatch away this freedom of the individual.
- This decision makes it clear that the judge supports allowing the curtailment or restriction of speech on social media, as long as it does not include objectionable and immoral content. In this, freedom of speech on social media is being significantly protected from a legal and judicial perspective.



FREEDOM OF SPEECH AND EXPRESSION AND JUDICIAL CLARITY IN INDIA : CITIZEN'S RIGHT TO CRITICIZE :

- Every Indian in India has the right to criticize the government and the then unconstitutional policies of the government, and this cannot be defined as sedition. It gives citizens the

opportunity to express their opinions and ideas freely. This right is the fundamental basis of democracy and it is also necessary for social change in India.

DEFINITION OF TREASON IN INDIA :

- Every Indian as a citizen has the right to criticize the government and its current policies and such criticism cannot be defined as treason. If criticism is defined as sedition, India's democracy will turn into a police state.

SEDITION :



- In India, it is necessary to clearly define the laws related to sedition and treason by the Indian Constitution, so that it is not misused by any citizen of India and the fundamental rights granted by the Indian Constitution to the citizens of India can be protected.
- Section 124 (A) of the Indian Penal Code defines sedition as any attempt to cause widespread damage to the unity and integrity of the country. Treason includes the following activities –
 1. **Anti-government activity and its support.**
 2. **Attempt to degrade the Constitution of the country.**
 3. **Any direct or indirect, written or oral act which creates dissatisfaction with the system of the country at the social level.**

FREEDOM OF SPEECH AND EXPRESSION :

- Freedom of Expression: Under Article 19 of the Constitution of India, the citizens of India have been provided the right to freedom of expression to express their opinion in written and oral form.
- The right to freedom of expression is not absolute in India. Reasonable restrictions also apply on this. This right can be disrupted in the event of a threat to the unity, integrity and

sovereignty of India, in the event of adverse impact on foreign relations, or in the event of contempt of court.

- All citizens of India have freedom of thought, speech and propagation of their own and others' views. Press/Journalism is also a means of propagating ideas, hence freedom of the press is also included in Article 19 of the Indian Constitution.
- It should be used in the interest of unity and strategic prosperity of the country.



TO ENCOURAGE INNOVATION AND CURIOSITY IN THE COUNTRY OR SOCIETY :

- According to the Indian Constitution, innovation and curiosity should be encouraged in the Indian society, because only these lead to the development of the society.
- The basis of progress of a society is the tendency of innovation present in that society. The decline in innovation and curiosity in society reflects its inertia. Due to lack of curiosity, the development of the society stops and it lags behind other immediate societies.

RIGHT OF DISSATISFACTION :

- In any country or state with a democratic system, the right to dissent given to its citizens is important for a healthy and mature democracy, it can bring many improvements in Indian society.
- Rights that are not clearly written in the Constitution such as the Right to Freedom of Opinion, the Right to Freedom of Conscience and the Right to Dissent are included in a healthy and mature democracy. Should be given an important place. Only after such arrangements, people's participation in democracy will increase.
- The situation of not keeping up with the changing times takes a frightening form one day and this type of dissatisfaction is destructive due to which the society has to suffer extensive and long-term losses.

ENFORCEMENT OF RIGHTS :

- Even though not clearly written rights should be given a place in the Indian Constitution, such as freedom of thought, freedom of conscience and right to dissent.

CHANGES IN SOCIAL RULES ACCORDING TO TIME :

- For progress in Indian society, there is a need to change the rules set with the changing times, so that the Indian society can accept new ideas and India's governance system can become more mature and democratic.
- Every society has some established rules. Changes in these rules are necessary with time. If the society remains bound by the inertia of these rules then the development of the society stops.
- New ideas in the society are born only on the basis of disagreement with the accepted norms of the immediate society. If everyone follows the old rules and ideas, there will be a lack of innovations in the society, for example, new ideas and religious practices are developed only when disagreement with the old practices is expressed.

SOCIAL DISCONTENTS :



- In India Social unrest should be seen as a solution and people's views should be supported in political systems.
- Social dissatisfaction spread in large areas of India is due to lack of participation of their ideas in these political systems. In a country with a mixed culture like India, all citizens like theists, atheists and spiritual have the right to express themselves. It is the ultimate duty of democracy to listen to their views, it is the responsibility of the country's governance system to remove from their views those thoughts which are irrelevant to the society.

RIGHT TO RELIGIOUS FREEDOM :

- Indian society should include all classes, religions, and ideologies, so that all citizens can express their views freely and share in prosperity.
- All citizens in India have the right to religious freedom, and listening to and supporting their views will only make the Indian democratic system more mature, inclusive and equitable for all.

CONCLUSION / PATH TO SOLUTION :



- Freedom of expression is the key to a prosperous and independent outlook coupled with judicial clarity in a society. This means that people have the right to freely express their thoughts, feelings, and expressions and the judicial structure in society should be in place to support this freedom.
- The Indian Constitution contains important subsections to ensure freedom of expression. Section 19(1)(a) clearly states that **“Every citizen has the right to express his views freely”**, This is an important norm that ensures that the foundation of prosperity and justice is based on freedom of expression.
- Judicial clarity plays an important role in India, as it ensures that the right to freedom of expression remains intact without any objections or objections. Judicial clarity refers to a situation in which free expression contributes to society and can be freely expressed without fear or restriction.
- Having judicial clarity in the society helps in ensuring freedom of expression. The judicial structure should be designed in such a way that any person has the right to express his views and expressions freely, if he is not causing harm to anyone and there is no attempt to prejudge social security or the process of justice. is unlikely.
- Judicial clarity is the foundation of a safe country/state or a safe society which commits itself to freedom of expression in the right direction. It ensures that without any restrictions or objections people can share their thoughts and ideas and move towards prosperity.
- Combined with social prosperity and judicial clarity, freedom of expression is protected and people can boldly express their views, leading to an exchange of prosperity and harmony. Thus, judicial clarity on freedom of expression creates a well-educated and vibrant society with prosperity and justice.

Through these key points, strong and structured steps should be taken to reform, democratize and develop the Indian society.

PRACTICE QUESTIONS FOR PRELIMINARY EXAM :

Q.1. Consider the following statements in the context of judicial clarity on freedom of speech in India.

1. Section 124 (A) of the Indian Penal Code defines sedition as any attempt to cause widespread damage to the unity and integrity of the country.
2. In India, the right to freedom of expression is not absolute because reasonable restrictions also apply to it.
3. Criticism of the government in India is defined as treason, because in such a situation India's democracy would turn into a police state.
4. Judicial clarity on freedom of expression creates an uneducated and lifeless society with no prosperity and justice.

Which of the above statement / statements is/are correct?

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

Answer - (D)

PRACTICE QUESTIONS FOR MAIN EXAM :

Q.1. Highlighting the Main provisions of treason/ Sedition in India, discuss how Sedition has current relevance in independent India in the context of judicial clarity on freedom of speech in India ?

Akhilesh kumar shrivastav

