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1. [IMD says southwest monsoon will reach Kerala on June 6](#)

The India Meteorological Department (IMD) said that the southwest monsoon would be “slightly delayed” over Kerala and arrive on June 6.

Southwest Monsoons:

India gets southwest monsoon winds in the summers and northeast monsoons during the winters. The former arise because of the formation of intense low-pressure system over the Tibetan Plateau. The latter arise due to the high pressure cells that are formed over the Siberian and Tibetan plateaus.

Causes for Southwest monsoon:

- Intense low-pressure formation over the Tibetan Plateau because of intense heating during the summer season
- Permanent high pressure cell in the South of the Indian Ocean (East to Northeast of Madagascar in summer).
- SW monsoon winds bring heavy rainfall to most parts of the country.

Factors influencing onset of SW monsoons:

1. Intense low-pressure formation over the Tibetan Plateau
2. Permanent high pressure cell in the South of the Indian Ocean
3. Subtropical jet stream
4. African Easterly jet (Tropical easterly jet)
5. Inter-Tropical Convergence Zone (ITCZ)

Factors influencing intensity of SW monsoons:

1. Strengths of the low pressure over Tibetan plateau and the high pressure over the south Indian Ocean
2. Somali Jet
3. Somali Current
4. Indian Ocean dipole
5. Indian Ocean branch of the Walker Cell

Details:

- The normal date of onset of southwest monsoon is June 1.
- To forecast the monsoon arrival, the IMD uses a customised **weather** model which, it stated, had been wrong only once – in 2015 – since 2014.
- This model crunches 6 meteorological parameters:
 1. The minimum temperatures over northwest India
 2. The pre-monsoon rainfall peak over south Peninsula
 3. The outgoing long-wave radiation (OLR) over the South China Sea
 4. The lower tropospheric zonal wind over southeast Indian Ocean
 5. The upper tropospheric zonal wind over the east equatorial Indian Ocean



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6. The outgoing long-wave radiation (OLR) over the southwest Pacific region
 - The model has a built-in error margin of four days – a June 6 onset can mean any day from June 2-10.
 - Generally, the monsoon reaches Kerala within 10 days of reaching the Andamans.
 - However, meteorologists had indicated that the monsoon — impeded by high temperatures in the seas surrounding India, and an El Nino will advance sluggishly after reaching Kerala.
 - The IMD said it expected a “normal monsoon” but pointed to a “significant probability” of below normal rains.

2. [All out at sea: on India's engagements in the Indian Ocean](#)

Varuna Exercises:

- The ‘Varuna’ is a bilateral naval exercise initiated in 1983 and christened with its name (Varuna) in 2001.
- It forms a vital part of the Indo-French strategic partnership.
- Having grown in scope and complexity over the years, this exercise exemplifies the strong relations between the two nations, in line with the Joint Strategic Vision of India-French Cooperation in the Indian Ocean Region signed by President Emmanuel Macron and Prime Minister Narendra Modi during the former's State visit to India in March 2018.
- The Varuna exercise aims at developing interoperability between the two navies and fostering mutual cooperation by learning from each other's best practices to conduct joint operations.
- The exercise underscores the shared interests and commitment of both nations in promoting maritime security.
- The second phase of the Varuna exercises are scheduled to be held at the end of May 2019 in Djibouti.

Editorial Analysis:

- Experts opine that India is setting a high tempo of naval operations in Asia.
- As a matter of fact, in recent weeks, a series of bilateral exercises with regional navies in the Indian Ocean have demonstrated the Indian Navy's resolve to **preserve operational leverage in India's near seas.**

A Note on recent exercises:

(a) An account of events:

- In April 2019, in their biggest and most complex exercise, Indian and Australian warships held drills in the Bay of Bengal.
- This was followed by a much-publicised anti-submarine exercise with the U.S. Navy near Diego Garcia.



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- Moreover, recently, the Indian Navy held a joint exercise ‘**Varuna**’ with the **French Navy** off the coast of Goa and Karwar.
- Two Indian warships participated in a ‘group sail’ with warships from Japan, the Philippines and the United States on return from a fleet review in Qingdao.

(b) **The possible trigger?**

- For many, the trigger for India’s newfound zeal at sea is the rapid expansion of China’s naval footprint in the Indian Ocean.
- It is important to note that beyond commercial investments in Pakistan and Sri Lanka, China has established a military outpost in Djibouti, which is a key link in Beijing’s Belt and Road Initiative (BRI).
- Furthermore, reports suggest that the People’s Liberation Army (PLA) is planning an expansion of its logistics base for non-peacekeeping missions, raising the possibility of an operational overlap with the Indian Navy’s areas of interest.
- As some see it, Djibouti portends a future where China would control key nodes skirting important shipping lanes in the Indian Ocean, allowing the PLA’s Navy (PLAN) to dominate the security dynamic.

(c) **Growing Presence of South Asian Navies:**

- Meanwhile, South Asian navies have been making their presence felt in the seas of the subcontinent.
- In a quest for regional prominence, Sri Lanka has positioned itself as a facilitator of joint regional endeavours, expanding engagement with Pacific powers which includes the Royal Australian Navy and the U.S. Navy.
- With China’s assistance, Pakistan too is becoming an increasingly potent actor in the northern Indian Ocean, a key region of Indian interest.
- Beijing has also been instrumental in strengthening the navies of Bangladesh and Myanmar, both increasingly active participants in regional security initiatives.
- In these circumstances, India has had little option but to intensify its own naval engagements in South Asia.

The Importance of Partnerships:

- The Indian Navy is widely acknowledged as the most capable regional maritime force in the Indian Ocean Region.
- Furthermore, the Indian Navy has played a prominent role in the fight against non-traditional challenges in the Indian Ocean.
- While its contribution to the counter-piracy mission off the coast of Somalia, humanitarian assistance and disaster relief (including in cyclone-hit Mozambique) has been substantial, a paucity of assets and capacity has forced



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the Navy to seek partners willing to invest resources in joint security endeavours.

- Partnerships are vital to the Indian Navy's other key undertaking: **detering Chinese undersea deployments in South Asia.**
- For New Delhi, China's expanding submarine forays in the Indian Ocean indicate Beijing's strategic ambitions in India's neighbourhood.
- Experts reckon that the PLAN has been studying the operating environment in the Indian Ocean in a larger endeavour to develop capabilities for sustained operations in the littorals.
- As a result, the Indian Navy's recent bilateral exercises have focussed on under-sea surveillance and anti-submarine warfare.

Reduced Visibility of Chinese Submarines:

- Sightings of Chinese submarines have decreased, which has led some to conclude that Beijing is moving to scale down its maritime operations in the Indian Ocean.
- After a 'reset' of sorts in ties following the Wuhan summit last year (2018), some observers believe that India and China are on a collaborative path.
- As a matter of fact, New Delhi's silence on China's continuing aggression in the South China Sea, and Indian warships being sent for the Chinese fleet review in Qingdao (in April, 2019) do suggest a conciliatory stance.
- Yet, reduced visibility of Chinese submarines does not necessarily prove absence.
- The truth, as some point out, is that PLAN is on a quest to master undersea 'quieting' technologies and its new submarines are stealthier than ever.
- The reason they are not being frequently sighted is because Chinese submarines are quieter and craftier than earlier.
- For its part, China has been downplaying its strategic interests in South Asia. It is concerned that too much talk about its growing naval power could prove detrimental to the cause of promoting the BRI.
- As a matter of fact, alarm at the recent BRI summit over Chinese 'debt traps' has led Beijing to revise some infrastructure projects.
- Further, India's refusal to participate in the BRI may have also prompted China to rethink its economic and military strategies in the Indian Ocean.

A Focus on Africa:

- It is important to note that Beijing hasn't indicated any change of plan in West Asia and the east coast of Africa, where most of China's energy and resource shipments originate.



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- Chinese investments in port infrastructure in Kenya, Sudan, Tanzania and Mozambique have grown at a steady pace, even as PLAN has sought to expand its presence in the western Indian Ocean.
- In response, India has moved to deepen its own regional engagement, seeking naval logistical access to French bases in Reunion and Djibouti, where the second phase of 'Varuna' will be held later in the month of May, 2019.

Concluding Remarks:

- India's Indian Ocean focus makes for an essentially defensive posture.
- Notwithstanding improvements in bilateral and trilateral naval engagements, it hasn't succeeded in leveraging partnerships for strategic gains.
- Lastly, with India's political leadership reluctant to militarise the Quadrilateral grouping or to expand naval operations in the Western Pacific, the power-equation with China remains skewed in favour of the latter.
- Critics point out that for all its rhetoric surrounding the 'free and open Indo-Pacific', New Delhi is yet to take a stand on a 'rules-based order' in littoral-Asia.
- Critics also point out that wariness for sustained operations in China's Pacific backyard has rendered the Indian Navy's regional strategy a mere 'risk management' tactic, with limited approach to shape events in littoral-Asia.

3. [New challenges of global terrorism](#)

The Spectre of ethnic violence in Sri Lanka:

- The people of Sri Lanka have shown courage, wisdom and resilience in recovering from the traumatic effects of the country's brutal ethnic conflict between 1983 and 2010.
- As a matter of fact, an estimated 47,000 Tamil civilians, 27,000 LTTE members, 50,000 Sinhala civilians, 23,790 Sri Lankan soldiers and 1,500 members of the Indian Peace Keeping Force laid down their lives, during the conflict.
- The Sri Lankan ethnic conflict, however, did not affect the lives of "Indian Tamils" in Southern Sri Lanka, whose ancestors had migrated, as plantation workers, during British rule.
- There have, however, been recent incidents of religious tensions between the Sinhala Buddhist clergy and radicalised elements in the Muslim minority.
- Sri Lanka's relatively small Christian minority, which is peaceful and relatively affluent, had steered clear of getting drawn into any ethnic conflict.
- In these circumstances, the world was shocked to learn that in the midst of holy Easter Sunday church services on April 21st, 2019, churches in Colombo, Negombo and even the eastern port of Tamil dominated Batticaloa, were hit by bomb explosions.



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- Three hotels housing a large number of western tourists in Colombo were also targeted. As many as 253 innocent people perished in the carnage.
- **The “Islamic State of Iraq and Syria” (ISIS) soon claimed responsibility for the attack, contradicting President Trump’s claims that the terrorist outfit had been “100 per cent” crushed in Syria.**
- It soon emerged that the mastermind behind the blasts was a rabidly fundamentalist Sri Lankan Tamil, Maulvi Mohammad Zahran Hashim, who was from the town of Kathankudy, in Sri Lanka’s Tamil dominated eastern province.

Intelligence Provided by India:

- Indian intelligence agencies had provided timely warnings to the Sri Lankan Government about an impending terrorist strike by the ISIS.
- Unfortunately, these warnings were not seriously taken note of by the Sri Lanka Government.
- It is, however, imperative that India keeps in touch discreetly with the Sri Lankan Government.
- **Experts opine that we are evidently seeing the beginnings of long-term internal and regional problems and challenges, as ISIS members disperse and regroup, after being ousted from Iraq and Syria, like Al Qaeda and the Taliban did, after American military intervention in Afghanistan.**
- As the ISIS targets in Sri Lanka were the country’s peaceful Christian community and western (Christian) tourists, the bomb attacks sent ripples across the West, as the attacks came soon after the massacre of Muslims in New Zealand, during their Sunday prayers.

The Radicalisation drive in Sri Lanka:

- Sri Lanka’s Muslim community, which has done well economically in the Island, has lived in peace with both Buddhist Sinhalas and Hindu Tamils.
- **Recent studies, however, indicate that some years before the bombings, sections of Tamil Muslims from the eastern province were getting radicalised in Saudi Arabia and other Gulf Arab countries.**
- Zahran Hashim was one of those so influenced by radical Islamist practices and beliefs. Cutting across ethnic differences, Hashim made common cause with Sinhala Muslims, including two sons of a Muslim business tycoon in Colombo, who had been deeply influenced by the ISIS.
- Both the sons died in suicide bomb blasts, even as the wife of another bomber detonated explosives in a suicide bombing the same day, resulting in the deaths of three police personnel.
- **The Sri Lanka bomb blasts were thus executed by young radicalised Sri Lankan Muslims, cutting across the ethnic divide.**



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The 'spreading-out' of radicalized elements:

- Moreover, there are now signs that an estimated 75-100 Indian Muslims, who were with the ISIS in Syria, have dispersed and chosen escape routes, including through Afghanistan and Pakistan.
- Hashim has also reportedly established close institutional links with a counterpart group in Coimbatore and with people in other parts of Tamil Nadu and Kerala.
- There are now indications that after being forced out of Iraq and Syria, ISIS fighters have now dispersed across Asia, Africa and even to parts of Europe.
- While the Osama bin Laden-led Al Qaeda made it clear that its struggle was against "Jews and Crusaders," the ISIS targets all non-Muslims, as was evident from its brutal killings of Indians in Iraq.
- Moreover, the Al Qaeda operated primarily out of Afghanistan and Pakistan, apart from select Arab countries. Al Qaeda's leadership was predominantly Arab. It had very few members from other parts of the world.
- Experts opine that the ISIS poses a much more serious challenge to India than the Al Qaeda ever did, primarily because it has recruited its fighters from countries across Europe, Asia and Africa.
- It is important to note that **President George Bush praised India because not a single Indian joined or backed Al Qaeda. However, things are different with ISIS, which regards India as a part of the "Islamic State of Khorasan"**.
- Over 100 Indians are estimated to have joined the ISIS.

Extending its reach to India?

- The reach of ISIS across India is evident from its links with extremists in Kashmir, apart from those established in the recent past, in Tamil Nadu and Kerala.
- **Radicalisation in our southern States poses new and serious security challenges.**
- ISIS also acknowledges its links with associates, across India's maritime frontiers in Malaysia, Thailand, the Philippines, Myanmar, Indonesia, Maldives, Saudi Arabia and the UAE. It also has a growing presence in Afghanistan and Pakistan.

Concluding Remarks:

- India will also have to take note of the distinct possibility of ISIS attempting to take advantage of tensions arising out of the Rohingya refugee crisis.



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- A senior Myanmar official recently revealed that even as ISIS was losing influence in Iraq and Syria, its supporters were moving into Myanmar's Rakhine State, where Rohingyas reside.
- Many Rohingya refugees, now in Bangladesh, could well make common cause with ISIS and with members of Pakistani backed militant outfits like the Jamat-ul-Mujahideen, to destabilise the situation along the common borders of India, Bangladesh and Myanmar.
- It is important to also note here that **Pakistan has had an abiding interest in destabilising the Sheikh Hasina-led Government in Bangladesh.**
- Apart from having to deal with continuing Pakistan sponsored terrorism, India will now also have to keep a watch on challenges that would likely arise from the ISIS, with its emerging presence in the southern States.
- Like in Sri Lanka, ISIS activities could target selected sections of the population in India, while seeking to radicalise them.
- They will pose a challenge to internal security in India.
- Lastly, **Pakistan could be expected to use the challenges posed by ISIS, to absolve itself of responsibility on actions of its trained jihadis, on Indian soil and in Bangladesh.**

4. [The need for judicial restraint](#)

Analysis:

- Experts opine that the recent trend in the Honourable Supreme Court of India is to rely more on the sociological school of jurisprudence and less on the positivist school.
- In other words, the Honourable Supreme Court is resorting more to judicial activism rather than judicial restraint, which appear to be problematic.
- This is seen in its recent judgments:
 1. on ordering time limits to burst firecrackers on Diwali, which is a function of the legislature;
 2. its judgment on linking rivers, for which there is no parliamentary legislation; and
 3. in its unpredictable decisions in cases relating to freedom of speech and expression, such as the recent one in which a BJP Yuva Morcha leader was asked in the bail order to apologise for sharing a meme, despite the guarantee in Article 19(1)(a) of the Constitution.

Types of jurisprudence:

a. Positivist Theory:

- According to the **positivist theory** laid down by jurists such as Jeremy Bentham and John Austin in the 18th and 19th centuries, and continued by



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H.L.A Hart, Hans Kelsen and others in the 20th century, **law is to be distinguished from morality and religion.**

- However bad a particular legislation is, it is law at the end of the day, provided it emanated from a competent legislature (according to the earlier natural law theory, bad law was not law at all).
- In positivist jurisprudence, **the centre of gravity of the legal system is statutory law**, i.e., law made by the legislature.
- It holds that lawmaking is not the job of the judges, but of the legislature.
- Hence, **judges should be restrained and not activist in their approach.**
- In view of the well-established principle of separation of powers of the three organs of the state, **judges should not perform legislative or executive functions, and each organ of the state should remain within its own domain, in order to avoid chaos.**
- Furthermore, it is important to note that the positivist jurisprudence places heavy reliance on the literal rule of construction, because departing from it would give a free handle to each judge to declare the law according to his own notions, and this would result in legal anarchy.
- For example, the Second Judges Case (1993) and Third Judges Case (1998), which created the collegium system of appointment of judges, were not based on any provision in the Constitution.
- It is important to note that **Article 124, which prescribes how Supreme Court judges are to be appointed, does not talk of any collegium system.**
- Yet, it is the collegium which decides the appointment of judges, despite the founding fathers of the Constitution not envisaging the same anywhere.
- In fact, despite the unanimous will of Parliament in favour of the National Judicial Appointments Commission (NJAC), **the Supreme Court declared the NJAC Act to be unconstitutional on the grounds that it would affect the judiciary's independence.**

b. Sociological Jurisprudence

- On the other hand, sociological jurisprudence, as developed in Europe and the U.S. by jurists such as Rudolph Ritter von Jhering, Eugen Ehrlich, Léon Duguit, François Geny, Roscoe Pound and Jerome New Frank, **shifts the centre of gravity of the legal system from statute to laws made by judges. It gives wide discretionary powers to judges to make laws.**
- Sociological jurisprudence and natural law have the same problem. Kelsen argued that with natural law, one can prove everything and nothing, and Bentham regarded natural law as metaphysical nonsense. Similar criticisms can be made of sociological jurisprudence, which the Supreme Court seems to be



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relying on. In other words, **the court can lay down anything as law according to its own subjective notions.**

- Experts point out that in recent times, **the Supreme Court has increasingly adopted the sociological school of jurisprudence in an aggressive manner.**
- It is important to note that **in a parliamentary democracy, the buck ultimately stops with the citizens, who are represented by Members of Parliament.**
- **The Supreme Court was never envisaged to perform the role of an unelected, third legislative chamber.**
- Experts point out that the Supreme Court is performing this role not in exceptional circumstances, but in its everyday functioning.
- **Of all the three organs of the state, it is only the judiciary that can define the limits of all the three organs. This great power must therefore be exercised with humility and self-restraint.**

Usage of Sociological Jurisprudence: Rare circumstances

- The usage of sociological jurisprudence can be justified in very rare circumstances, such as in the Supreme Court's decision to strike down Section 377 of the Indian Penal Code.
- In *Griswold v. Connecticut*, Justice Hugo Black of the U.S. Supreme Court warned that **“unbounded judicial creativity would make this Court into a day-to-day Constitutional Convention”.**
- In his book, *Nature of the Judicial Process*, Justice Cardozo of the U.S. Supreme Court wrote, **“The Judge is not a knight errant roaming at will in pursuit of his own ideal of beauty or of goodness”.**
- Further, Chief Justice Neely of the West Virginia State Supreme Court observed: “I have very few illusions about my own limitations as a Judge. I am not an accountant, electrical engineer, financier, banker, stock broker, or systems management analyst. It is the height of folly to expect judges to intelligently review a 5000 page record addressing the intricacies of a public utility operation. It is not the function of a judge to sit as a super board or with the zeal of a pedantic schoolmaster substituting his own judgment for that of an administrator.”
- In conclusion, the Supreme Court should limit its usage of the sociological school of jurisprudence to only the most exceptional situations, and employ the positivist school as far as possible.

5. [Morphed freedoms: on Mamata photo controversy](#)

Narration of events: A Critic's Perspective

- The police in Howrah registered a case and arrested Priyanka Sharma under irrelevant and non-existent provisions.



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- A magistrate showed little application of mind while remanding her to judicial custody, and even the Supreme Court, while ordering her immediate release, did not recognise sufficiently the perverse manner in which the law was being used.
- Experts opine that it is a matter of some consolation that the apex court observed a day later that the arrest was arbitrary and pulled up the West Bengal government for delaying Ms. Sharma's release for technical reasons.
- The police, apparently realising that there was no offence in the first place, has filed a closure report terming the complaint a 'mistake of fact'.
- Critics opine that this is a reflection of the level of acrimony between the ruling Trinamool Congress and the BJP in the midst of a violence-marred, multi-phase election that the police entertained a complaint from a Trinamool Congress activist and booked Ms. Sharma for criminal defamation and offences under the provisions of the **Information Technology Act**.
- It is possible that some considered the morphed image — in which Ms. Banerjee's face was appended to an actor's photograph at a museum event in New York — defamatory. However, **it is unclear how the police could arrest someone for defamation based on a third party's complaint**.
- A cyber-crime police station handled the case, apparently because it involved **Section 66-A of the IT Act, a provision declared unconstitutional in 2015, and Section 67-A, which can be used only when sexually explicit material is transmitted in electronic form**.
- Thus, experts opine that **what was at best a case of defamation, a non-cognisable and bailable offence, was projected as a cyber-crime with the sole aim of getting the accused remanded**.
- While magistrates are often known to act mechanically — although that is no excuse for remanding the accused in this case — **it is disconcerting that a Bench of the Supreme Court ventured to advise her to apologise for sharing the image on Facebook**.

Tendering an apology in writing:

- Critics assert that the court included a gratuitous sentence in its order that **"the detenu shall, however, at the time of release, tender an apology in writing"**.
- Experts opine that the inclusion of an apology requirement **gives the impression that the court was more concerned about cooling frayed tempers than about the blatant misuse of the law**.

Continued invocation of Section 66-A:

- Another disconcerting aspect is that the police continue to invoke Section 66-A.



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- In January, 2019 the apex court sought the Centre's response on a petition that claimed that police officials were unaware that the section is no more on the statute book.
- In conclusion, as the main issue of freedom of expression thrown up by this case is going to be heard in detail later, it is hoped the aberrant developments so far will give way to a reasoned verdict.

Thank you!