

Headlines

River interlinking - **Page No.8 , GS 3**

The right to food - **Page No.8 , GS 3**

Growth chill - **Page No.8 , GS 3**

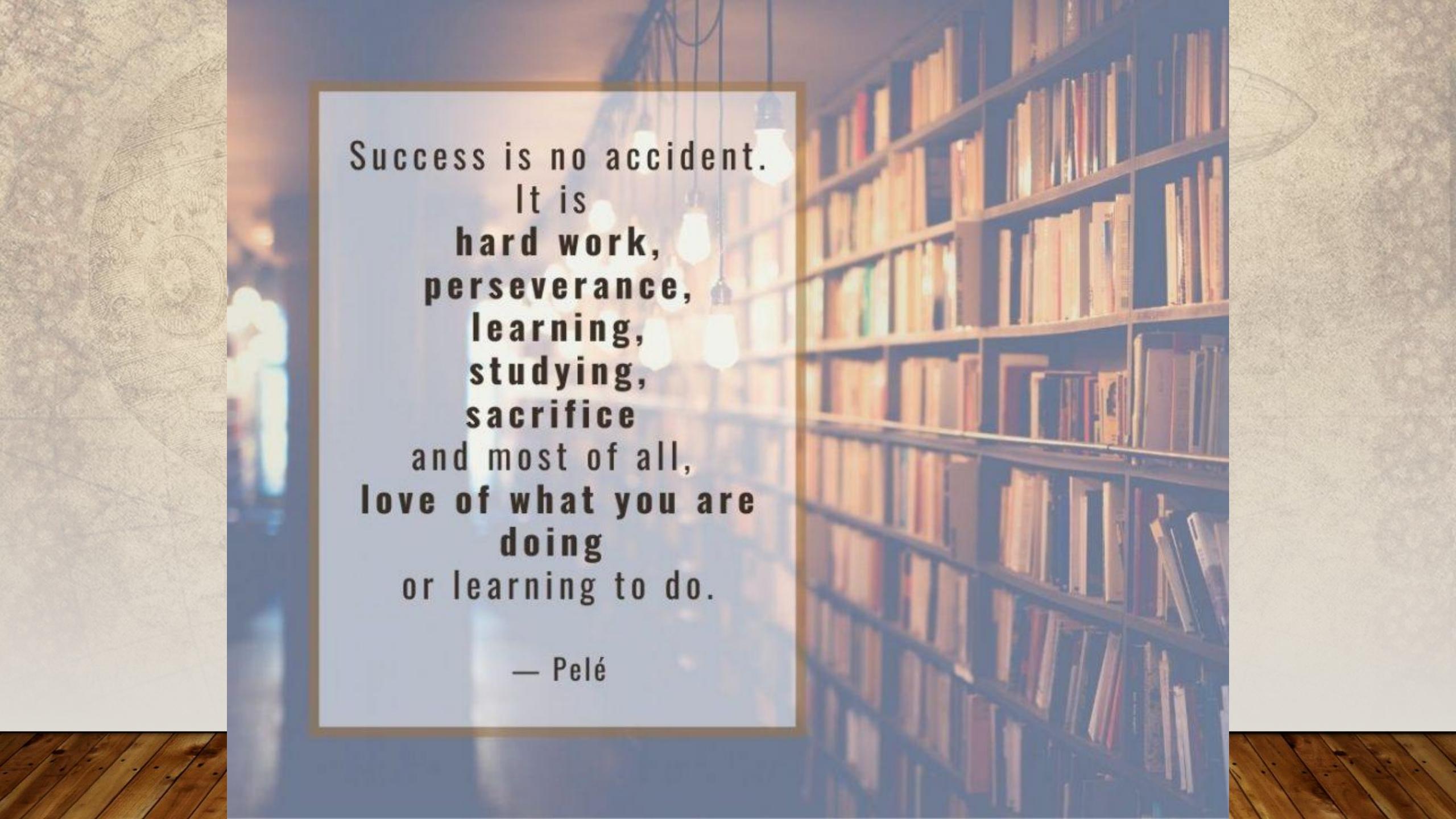
China's long game in Africa - **Page No.9 , GS 2**

CEC and EC appointment law - **Page No.13 , GS 2**

Text and Context - Unlawful Activities (Prevention) Act (UAPA)

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Success is no accident.
It is
hard work,
perseverance,
learning,
studying,
sacrifice
and most of all,
love of what you are
doing
or learning to do.

— Pelé

SC to take up pleas challenging CEC and EC appointment law in February

Page No. 13, GS 2

Krishnadas Rajagopal

NEW DELHI

Chief Election Commissioner Rajiv Kumar's retirement in February brought back into focus before the Supreme Court on Wednesday the need to fast-track a decision on the legality of a new law dealing with the appointment of Election Commissioners which gives the Union government a dominant role.

Justice Surya Kant, heading a three-judge Bench of Justices Dipankar Datta and K.V. Viswanathan, highlighted that the test regarding the validity of the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act, 2023 would hinge on whether the court's authority to pronounce binding decisions under Article 141 of the Constitution could be circumvent-



The petitioners pointed to the retirement of CEC Rajiv Kumar to advance hearing. FILE PHOTO

ed or diluted by a law. "The real test here is between the court's opinion and exercise of legislative powers," he said.

The petitions in question raised the pivotal legal question whether Parliament possessed the authority to promulgate a Gazette notification or ordinance to nullify or amend a Constitution Bench judgment.

The petitioners, includ-

for Democratic Reforms and activist Jaya Thakur, have said that the law was introduced in December 2023 to dilute a Constitution Bench judgment of the Supreme Court in the Anoop Baranwal case on March 2, 2023.

Validity of Section 7(1)

The petitions have primarily challenged the validity of Section 7(1) of the statute. Section 7(1) mandates that the President will appoint the Chief Election Commissioner and the Election Commissioners on the recommendation of a Selection Committee of the Prime Minister, the Leader of Opposition in the House of the People and a Union Cabinet Minister to be nominated by the Prime Minister.

The judgment had directed the Chief Election Commissioner and the Election Commissioners to be appointed by the Presi-

dent on the advice tendered by a Selection Committee of Prime Minister, Leader of Opposition in the Lok Sabha/leader of the single largest party in Opposition and the Chief Justice of India.

The Constitution Bench had explained that a committee of diverse heads was necessary to protect the "fierce independence, neutrality and honesty" of the institution of the Election Commission and to end government monopoly and "exclusive control" over appointments to the highest poll body.

Advocate Prashant Bhushan, for the petitioners, urged the court to fix an early date, saying the validity of the law has to be decided before the next crucial appointments to the EC. "Hear it next week," he suggested.

However, Justice Kant said the case could likely be heard on February 4.

Content.

- Chief Election Commissioner Rajiv Kumar's retirement in February brought back into focus before the Supreme Court on Wednesday the need to fast-track a decision on the legality of a new law dealing with the appointment of Election Commissioners which gives the Union government a dominant role.
- Justice Surya Kant, heading a three-judge Bench of Justices Dipankar Datta and K.V. Viswanathan, highlighted that the test regarding the validity of the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act, 2023 would hinge on whether the court's authority to pronounce binding decisions under Article 141 of the Constitution could be circumvented or diluted by a law. "The real test here is between the court's opinion and exercise of legislative powers," he said.
- The petitions in question raised the pivotal legal question whether Parliament possessed the authority to promulgate a Gazette notification or ordinance to nullify or amend a Constitution Bench judgment.

Fact

- The petitions have primarily challenged the validity of Section 7(1) of the statute. Section 7(1) mandates that the President will appoint the Chief Election Commissioner and the Election Commissioners on the recommendation of a Selection Committee of the Prime Minister, the Leader of Opposition in the House of the People and a Union Cabinet Minister to be nominated by the Prime Minister.
- The judgment had directed the Chief Election Commissioner and the Election Commissioners to be appointed by the President on the advice tendered by a Selection Committee of Prime Minister, Leader of Opposition in the Lok Sabha/leader of the single largest party in Opposition and the Chief Justice of India.
- The Constitution Bench had explained that a committee of diverse heads was necessary to protect the “fierce independence, neutrality and honesty” of the institution of the Election Commission and to end government monopoly and “exclusive control” over appointments to the highest poll body.

Fact

- The Election Commission of India (ECI) is an autonomous constitutional authority responsible for administering Union and State election processes in India.
- It was established in accordance with the Constitution on 25th January 1950 (celebrated as National Voters' Day). The secretariat of the commission is in New Delhi.
- The body administers elections to the Lok Sabha, Rajya Sabha, and State Legislative Assemblies in India, and the offices of the President and Vice President in the country.
- It is not concerned with the elections to panchayats and municipalities in the states. For this, the Constitution of India provides for a separate State Election Commission.

Fact

- Originally the commission had only one election commissioner but after the Election Commissioner Amendment Act 1989, it was made a multi-member body.
- The Election Commission shall consist of the Chief Election Commissioner (CEC) and such number of other election commissioners, if any, as the President may from time-to-time fix.
- Presently, it consists of the CEC and two Election Commissioners (ECs).
- At the state level, the election commission is helped by the Chief Electoral Officer.

- The President appoints CEC and Election Commissioners as per the CEC and Other ECs (Appointment, Conditions of Service and Term of Office) Act, 2023.
- They have a fixed tenure of six years, or up to the age of 65 years, whichever is earlier.
- The salary and conditions of service of the CEC and ECs will be equivalent to that of the Supreme Court Judge.

Removal:

- They can resign anytime or can also be removed before the expiry of their term.
- The CEC can be removed from office only through a process of removal similar to that of a SC judge by Parliament, while ECs can only be removed on the recommendation of the CEC.

Anoop Baranwal vs Union of India Case, 2023

- A five-judge bench of the Supreme Court (SC) unanimously ruled that the appointment of the Chief Election Commissioner and the Election Commissioners shall be made by the President on the advice of a Committee consisting of the Prime Minister, the Leader of the Opposition of the Lok Sabha and Chief Justice of India (CJI).
- In case no leader of the Opposition is available, the leader of the largest opposition Party in the Lok Sabha in terms of numerical strength will be a part of such committee.

Q. Consider the following statements: (2017)

- 1. The Election Commission of India is a five-member body.**
- 2. The Union Ministry of Home Affairs decides the election schedule for the conduct of both general elections and bye-elections.**
- 3. Election Commission resolves the disputes relating to splits/mergers of recognised political parties.**

Which of the statements given above is/are correct?

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

Consider the following statements regarding the Election Commission of India (ECI):

1. The Election Commission of India is a constitutional body established under Article 124 of the Constitution.
2. The Chief Election Commissioner (CEC) and Election Commissioners (ECs) have equal powers and receive equal salary.
3. The decisions of the Election Commission are subject to judicial review.

Which of the statements given above is/are Incorrect?

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

Answer:

Correct Option: (A)

Explanation:

1. Statement 1: Incorrect. The Election Commission of India is a constitutional body established under Article 324 of the Constitution. It is responsible for conducting free and fair elections to the Parliament, State Legislatures, and the offices of the President and Vice-President of India.

2. Statement 2: Correct. The Chief Election Commissioner (CEC) and the Election Commissioners (ECs) enjoy equal powers, privileges, and salaries as per the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991.

3. Statement 3: Correct. The decisions of the Election Commission are subject to judicial review. Courts can intervene if the ECI's decisions violate constitutional provisions or statutory laws.

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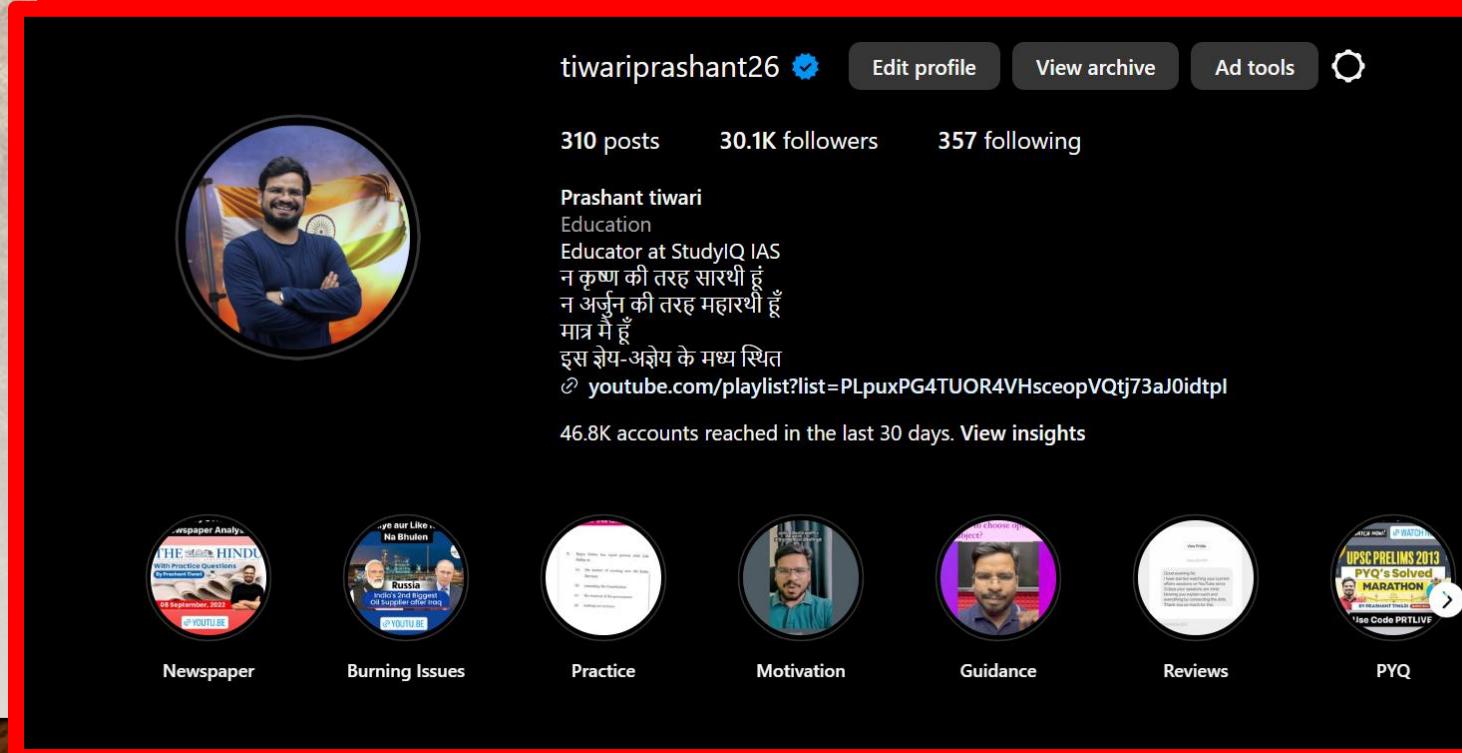
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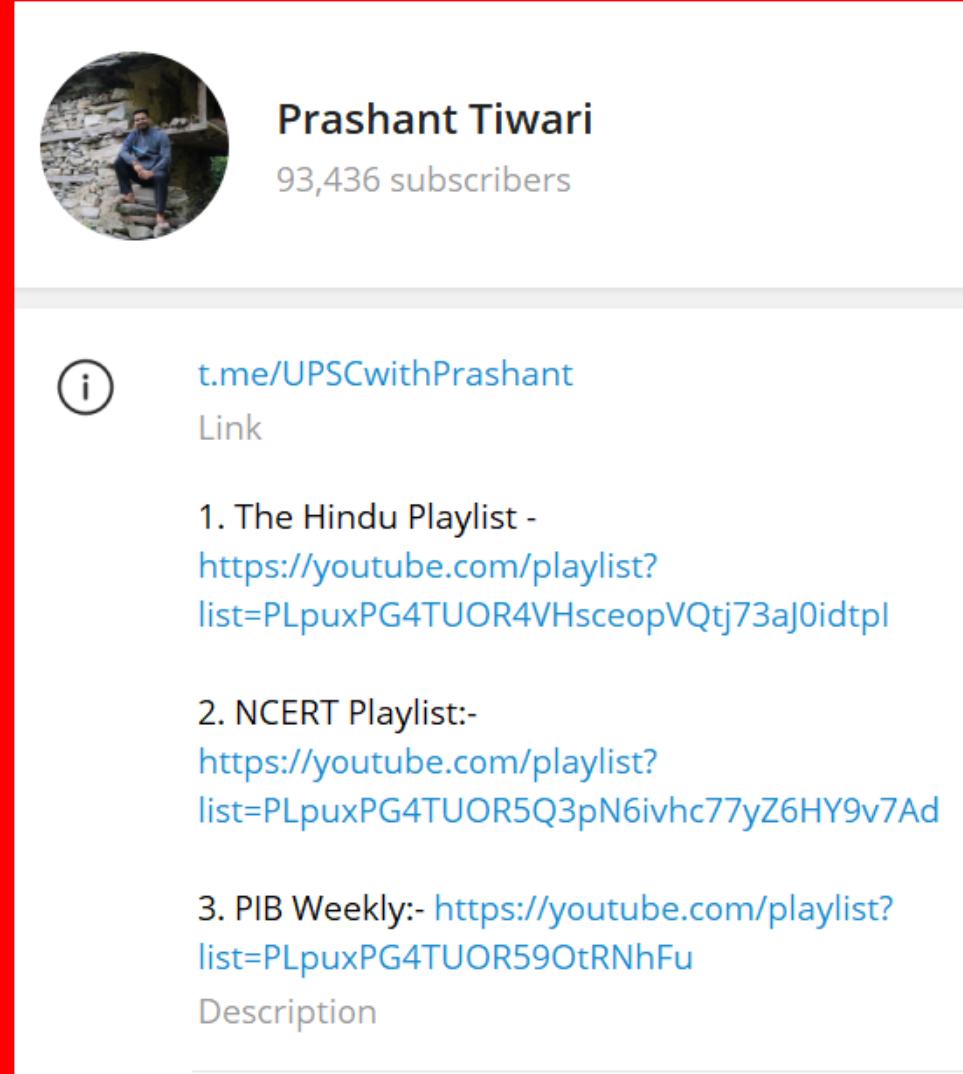
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Prashant tiwari
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Description

River interlinking, the fount of environmental disaster

In December 25, 2024, Prime Minister Narendra Modi laid the foundation stone for the Ken-Betwa River Link Project, which aims to solve the water scarcity in the Bundelkhand region that covers parts of Uttar Pradesh and Madhya Pradesh. The project also includes the construction of a dam located within the Panna Tiger Reserve, raising concerns about its submergence. Upon completion, this project will link the supposed water surplus Ken river with the Betwa in drought-stricken Bundelkhand – an area that had 58% forest cover in 1938.

A misplaced model

This project, which costs around ₹45,000 crore, was launched despite the objections raised by experts, including members of an empowered committee appointed by the Supreme Court of India, and by circumventing the law that has strict terms for allowing hydroelectric power projects. Models of grandiose technological fixes as the solution to all water-related problems have gathered momentum. Politicians are now touting the concept of river interlinking for inter-basin water transfers as a geoengineering solution to continued water depletion in India.

The concept of inter-basin transfer was proposed 130 years ago by Sir Arthur Cotton, who designed irrigation dams in the Godavari and Krishna river valleys. M. Visvesvaraya, an early icon among Indian engineers, further refined this idea. K.L. Rao and Captain Dinshaw J. Dastur subsequently expanded the scope of this concept in 1970 and 1980. Initially termed the 'National Water Grid', this concept re-emerged as the 'River-Interlinking Project' (ILR) from the Ministry of Water Resources to transfer surplus waters from the Ganga and the Brahmaputra to water-deficient regions in central and southern India.

Following this, the National Water Development Agency (NWDA) was established in 1982 to conduct surveys and investigations, and to prepare feasibility reports for links under the National Perspective Plan. The NWDA identified 30 links for feasibility studies, divided into 14 Himalayan and 16 Peninsular river links. These links are anticipated to alleviate the impacts of floods and droughts, boost income in rural areas, and address water distress in agriculture.

The currently estimated cost of ₹5.5 lakh crore does not include the social, environmental and operational costs. Ultimately, all this will end up



C.P. Rajendran

Adjunct Professor at the National Institute of Advanced Studies, Bengaluru, and an author of the book, 'The Rumbling Earth – The Story of Indian Earthquakes'

as taxes on the common man. This lofty idea of interlinking the rivers, to connect surplus rivers of the country with the deficient rivers is fundamentally flawed as it overlooks the huge environmental costs and the eventual deaths of the rivers and deltaic regions.

The uncontrolled human-induced disequilibrium in natural hydrographic systems will destroy associated ecological niches with incalculable repercussions for the long-term well-being of society – an unpardonable disservice to future generations. We may also have to factor in the consequences of climate change impacting rainfall and river flow, which will aggravate the situation. It is unclear how the nation's declared commitment to mitigating human-induced climate change and river manipulation go hand in hand.

The eco-services of rivers

Policymakers ignore the point that there is no "free" surplus water in any river and simple elementary arithmetic rationalisations such as tapping the 'water lost to sea' do not consider the eco-hydrological dimensions of the issue. The supporters of these projects and the politicians do not understand or deliberately ignore viewing the river as a part of the drainage basin with constitutive ecological niches, which includes its final destination of deltaic plains, interfacing with the sea.

The eco-services of the free-flowing rivers include the flushing of silt from riverbeds to the coastal waters to form deltas. Flood water is not to be rationalised as 'surplus'. It needs to be seen as the carrier of minerals for land fertility, groundwater recharge and sustenance of biodiversity, which finally helps the livelihood of millions of marginalised people.

By diverting river water, deltaic regions are starved of water that could have helped balance saltwater from the sea. Now, however, the deltaic ecosystem will suffer from the change. The Indus Delta offers a crucial lesson. Alice Albinia, in her book, *Empires of the Indus: The Story of a River* (2008), narrates how a delta system at the mouth of the Indus – which was once "the richest in all Pakistan" – became impoverished when the British started barrage construction, which Pakistan continued after 1947.

Such examples are aplenty in India as well. The state of the downstream parts of the Narmada since the completion of the Sardar Sarovar dam is a modern example in the making.

The global examples of river channelisation have also proved to be major disasters. The channelisation of the Kissimmee river in the State of Florida, authorised by the U.S. Congress in 1954 to mitigate flooding, is an environmental disaster, resulting in the loss of wetlands. Massive resources are being spent to revive its original configuration. The current state of the Aral Sea – one of the world's largest lakes – is another example of how geoengineering projects destroy natural systems. The lake has now become a howling desert after the rivers that sustained it were diverted by irrigation projects implemented during the heady days of the Soviet Union.

The real reasons for India's water crisis

India's water crisis is spiralling out of control, primarily due to inadequate water management, poor environmental practices, law ambiguity, and corruption. A national water policy should embrace a holistic approach to watershed management, involving local citizens in monitoring the hydrological cycle and working alongside hydrologists, engineers, and biologists. The policy must incorporate effective aquifer management through the regulation of water usage. Farmers should be engaged to help devise strategies for efficient irrigation water usage. The government has limited control over wastewater management and should create innovative reuse programmes. A comprehensive study involving interdisciplinary expertise on river basins is essential before initiating significant water transfer projects.

In the book, *Let There Be Water: Israel's Solution for a Water-Starved World*, Seth M. Siegel notes that Israel's drip irrigation programmes save 25%-75% of pumped water. Israel's success story in water resource management lies in modernising irrigation techniques. This also compels farmers to use less water, fertilisers and pesticides, maintaining aquifer health at an optimum level. Along with such interventions, we must incorporate elements of vernacular practices in watershed management strategies.

Despite the current ruling regime's emphasis on 'Hindutva' and embedded Hindu belief system that extols the deityship of Indian rivers, the river interlinking project stands out as a stark contrast to such an ideology. Manipulated by dams that are in excess, mauled by human and industrial waste, and commodified for religious marketing, India's rivers are under existential threat. Who will save them?

Page No. 8, GS 3

- **Ken-Betwa River Link Project**, which aims to solve the water scarcity in the Bundelkhand region that covers parts of Uttar Pradesh and Madhya Pradesh.
- The project also includes the construction of a dam located within the Panna Tiger Reserve, raising concerns about its submergence.
- Upon completion, this project will link the supposed water surplus Ken river with the Betwa in drought-stricken Bundelkhand — an area that had 58% forest cover in 1938.
- The concept of inter-basin transfer was proposed 130 years ago by Sir Arthur Cotton, who designed irrigation dams in the Godavari and Krishna river valleys. M. Visvesvaraya, an early icon among Indian engineers, further refined this idea. K.L. Rao and Captain Dinshaw J. Dastur subsequently expanded the scope of this concept in 1970 and 1980.
- Initially termed the ‘National Water Grid’, this concept re-emerged as the ‘River-Interlinking Project’ (ILR) from the Ministry of Water Resources to transfer surplus waters from the Ganga and the Brahmaputra to water-deficient regions in central and southern India.

Content.

- Following this, the National Water Development Agency (NWDA) was established in 1982 to conduct surveys and investigations, and to prepare feasibility reports for links under the National Perspective Plan.
- The NWDA identified 30 links for feasibility studies, divided into 14 Himalayan and 16 Peninsular river links. These links are anticipated to alleviate the impacts of floods and droughts, boost income in rural areas, and address water distress in agriculture.
- The currently estimated cost of ₹5.5 lakh crore does not include the social, environmental and operational costs.
- The eco-services of the free-flowing rivers include the flushing of silt from riverbeds to the coastal waters to form deltas. Flood water is not to be rationalised as ‘surplus’. It needs to be seen as the carrier of minerals for land fertility, groundwater recharge and sustenance of biodiversity, which finally helps the livelihood of millions of marginalised people.

Content

- The KBLP is India's first initiative under the NPP, formulated in 1980 for river interlinking, implemented by Ken-Betwa Link Project Authority.
- It aims to transfer surplus water from the Ken River in Madhya Pradesh to the Betwa River in Uttar Pradesh, both of which are tributaries of the Yamuna.
- Ken River: The Ken River originates near Ahirgawan village on the north-west slopes of the Kaimur hills in Jabalpur, Madhya Pradesh.
- The river merges with the Yamuna at Chilla village near Fatehpur, Uttar Pradesh.
- Ken River is known for the rare Sajhar stone. Its major tributaries include Bawas, Dewar, Kaith, Baink, Kopra, and Bearma.
- Betwa River: Betwa, originates in the Vindhya Range in Madhya Pradesh, flows through Bundelkhand, and meets the Yamuna at Hamirpur, Uttar Pradesh.
- The major tributaries of Betwa are Newan, Orr and Dhasan. In ancient times, the Betwa was known as Vetrawati.

Content.

- The project will benefit the Bundelkhand region, which spans 13 districts in Uttar Pradesh and Madhya Pradesh. Key beneficiary districts include:
- **Madhya Pradesh:** Panna, Tikamgarh, Chhatarpur, Sagar, Damoh, Datia, Vidisha, Shivpuri, and Raisen.
- **Uttar Pradesh:** Banda, Mahoba, Jhansi, and Lalitpur.



Peninsular Component

1. Mahanadi - Godavari
2. Inchampalli - Nagarjunasagar
3. Inchampalli - Pulichintala
4. Polavaram - Vijayvada
5. Almatti - Pennar
6. Srisailam - Pennar
7. Nagarjunsagar - Somasila
8. Somasila - Grand Anicut
9. Kattalai - Vaigai - Gundar
10. Ken - Betwa
11. Parbati - Kalisindh - Chambal
12. Par - Tapi - Narmada
13. Damanganga - Pinjal
14. Bedti - Varda
15. Netravati - Hemavati
16. Pamba - Achankovil - Vaippar

Himalyan Component

1. Kosi - Mechi
2. Kosi - Ghagra
3. Gandak - Ganga
4. Ghagra - Yamuna
5. Sarda - Yamuna
6. Yamuna - Rajasthan
7. Rajasthan - Sabarmati
8. Chunar - Sone Barrage
9. Sone Dam - Souther Tributaries of Ganga
10. Manas - Sankosh - Tista - Ganga
11. Jogighopa - Tista - Farakka (Alternate)
12. Farakka - Sunderbans
13. Ganga (Farakka) - Damodar - Subernarekha
14. Subernarekha - Mahanadi

The right to food and the struggle with the PDS

Page No. 8, GS 3

In 2023, there was a report discussing the right to food in the context of Jharkhand. Similarly, a few days ago, there was another report that was in the context of Odisha. These reports highlighted something alarming – that a substantial number of households have been removed from the rolls of the Public Distribution System (PDS). This disturbing situation is not limited to Jharkhand and Odisha. Bihar, another State in the east-central region, has its own PDS tragedy.

The example of the Musahar community

Bihar was blighted by a supply crisis, when rations were needed the most, at the time of the COVID-19 pandemic. Since then, there are communities which continue to be in want of a stable supply of ration. This is more notable among extremely marginalised communities such as the Musahars. This is a community that has been pushed beyond the edge of destitution by the socio-politics of caste. Its struggle with the PDS emerges as a significant symptom of the same.

A number of Musahar households in Patna district do not have an active ration card. Even if they do have one, there is another problem – the card does not have the names of all the family members.

There are also several people who have lost access to their monthly supply of ration ever since biometric verification was made mandatory at fair price shops (FPS). In such cases, the individuals concerned are forced to get a new ration card as after verification it emerges that their names have been struck off the PDS rolls. The ruling dispensation and its over the top marketing of ‘smart cities’ clearly posits before us the disconnect between the government and the people most in need of state welfare.



Ananye Krishna

Field Researcher at the DEVISE Charitable Trust



Shailendra Kumar

Field Researcher at the DEVISE Charitable Trust

Bureaucratic hurdles are a reason why a substantial number of households have found themselves removed from PDS rolls in parts of north, central and east India

Problems with the PDS are not limited to enrolment and access. There is also the flow of corruption through the veins of the system. Households enrolled with the PDS have reported that FPS dealers have been releasing only four kilograms of food grain/person when a below poverty line (BPL) household which has a Priority Household (PHH) ration card is entitled to five kilograms a person. The four kilograms of grain being issued is rice, which is the lowest quality of ‘Usna’ rice. No amount of wheat is issued.

Documentation that has no legal basis

Coming back to the issue of enrolment in PDS. The Government of Bihar offers its citizens the option to file a ration card application using a paper-based application form or by filling in an online application form through its e-PDS portal. The first option requires the Aadhaar details of the applicant and their family members. The second option requires an extra set of documents, namely caste certificate, income certificate, and residence certificate. Even when the applicant uses the first method, the officials eventually demand these certificates.

The demand for such documents is not exclusive to Bihar. Jharkhand also makes such a demand while Uttar Pradesh makes it mandatory to provide an income certificate, and Madhya Pradesh requires the submission of proof of residence.

The requirements of these certificates do not have any legal basis. Neither the National Food Security Act (NFS) of 2013 nor the PDS control order of 2015 explicate the requirement of such documents. An officer from the Food and Consumer Protection Department in Bihar has confirmed that the requirement of those certificates is an oversight in the online system. Here again we see that in the race towards

digitisation and e-governance, governments have shed all and any conception of governance and citizen welfare.

The issue of exploitation

It is notable, and most unfortunate, that the government, which has complete awareness of its systemic flaws, has made no attempt at systemic change and that people continue to be crushed under the weight of official indifference. To make matters worse, this hubris of power has provided the perfect conditions for the creation of a market of exploitation.

Most of the people, especially in the Musahar community, who seek to avail the benefits of PDS, neither have the resources nor the knowledge to interact with online processes. This situation has been aggressively exploited by middlemen who charge a sum that is north of ₹3,000 to have a ration card made. Within this market of exploitation, it is not uncommon to hear that neither document was issued nor the middleman traceable after payment.

Amidst the myriad challenges, if the people are somehow able to file their application, there is still no guarantee that they will get their ration card. While the 2015 order states that ration card should be issued within 30 days of the application being filled, there are cases of people whose applications have been pending for long – between four to 18 months. These applications are not for an entitlement which goes above and beyond the diurnal needs of a person. They are for the basic means of subsistence. It has been 24 years since the right to food was recognised as a fundamental right in the case, *People's Union of Civil Liberties vs Union of India*. Since then, governments have wound bureaucratic red tape around it so tightly that it is choking the very people it was meant for.

Content.

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- A number of Musahar households in Patna district do not have an active ration card. Even if they do have one, there is another problem — the card does not have the names of all the family members.
- There are also several people who have lost access to their monthly supply of ration ever since biometric verification was made mandatory at fair price shops (FPS).

Content.

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Content.

- The National Food Security Act of 2013 was enacted with the objective of providing food and nutritional security by ensuring access to adequate quantity of quality food at affordable prices for people to live a life with dignity.
- The Act covers up to 75% of the rural population and up to 50% of the urban population for receiving subsidized good grains under the Targeted Public Distribution System (TPDS), thus covering about two-thirds of the population.
- Under NFSA, the government is obliged to give subsidized food grains every month to the beneficiaries identified by each state government based on the economic status of households.
- Two categories of beneficiary households:
- **Antyodaya Anna Yojana (AAY):** AAY households receive 35 kg of food grains monthly.
- **Priority Households (PHH):** Each PHH member gets five kg of food grains monthly, including rice at Rs three/kg, wheat at Rs two/kg, and coarse grain at Rs one/kg.

Pradhan Mantri Garib Kalyan Anna Yojana (PM-GKAY)

- PM-GKAY was launched in 2020 as a COVID-19 relief measure.
- Under the PMGKAY, five kg of food grains per person per month are provided free to all beneficiaries covered under the NFSA. This was in addition to the food grains already provided under NFSA.
- Under the NFSA, the government provides:
- Five kilograms of food grains per person per month at Rs one/kg for coarse cereals, Rs two/kg for wheat, and Rs three/kg for rice.
- 35 kg of food grains per month to the families covered under Antyodaya Anna Yojana (AAY).
- In 2022, PMGKAY was merged with NFSA and extended until December 2023.
- Under this merger, the entire food grains under PM-GKAY and NFSA were made free of cost.

Growth chill

The economy's sputtering engines
necessitate urgent fiscal actions

The National Statistics Office (NSO) has confirmed emerging fears about the economy's evidently sluggish trajectory through this year in its first Gross Domestic Product (GDP) estimates for 2024-25. While the election-focused first quarter hit public capital spending, the second quarter (Q2) was marred by weak demand and still underwhelming public capex, dragging GDP growth to a seven-quarter low of 5.4%. The Centre and the Reserve Bank of India (RBI), which were projecting that India would log a fourth year of 7%-plus growth, had pared their hopes to 'about 6.5%' and 6.6%, respectively. This was predicated on a bump-up of about 7% in the second half of the year to offset the first half's 6% rise. The NSO, slightly less sanguine, expects GDP to grow at a four-year low pace of 6.4%, from 8.2% in 2023-24, with just agriculture seen rising significantly faster than last year. Manufacturing and mining growth may virtually halve, and though services sectors seem relatively better off, there is some concern of momentum loss. Purchasing Managers' Indices averaged lower than Q2 through Q3, for both manufacturing and services. The NSO expects private consumption to rebound 7.3% this year from just 4% last year. But Q3 trends do not indicate a significant lift-off in urban demand. So, this could be a tad optimistic despite inflation easing slightly since October.

The Finance Ministry has sought to link the demand slowdown to a "combination of monetary policy stance and macroprudential measures by the central bank". Slow wage growth has also been blamed for cramped household demand. The NSO's projection of gross fixed capital formation growth slipping to 6.4% this year from 9% in 2023-24 indicates that private capex – that is contingent on domestic and global demand – remains weak while public capex goals are unlikely to be met. Of course, these early NSO projections are largely conjured up for informing the Union Budget formulation, and some upgrades may happen later, but most economists see significant downside risks for now. Nomura economists, for instance, who have been arguing that India is in the grip of a cyclical slowdown for a while, reckon growth will end up around 6%, implying a flat-lined second half. With the global outlook also shrouded in uncertainty, winter seems to be here for India's economy. How far behind spring lags will depend on policymakers' actions, and inactions. The Union Budget 2025-26 needs to move from incremental tinkering to tailoring reforms and fiscal actions that can bring India's growth back to the 7% mark, if not 8%, at the earliest. If that entails some hard calls such as slashing income, fuel and consumption taxes, along with import tariffs, so be it. Just pining for interest rate cuts will not suffice anymore.

Page No. 8, GS 3

Content.

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- Gross Domestic Product (GDP) represents the final value of goods and services produced within a country's borders in a specific period, typically a year. The GDP growth rate is a crucial indicator of economic performance, reflecting health, growth, and development.

Content.

- **Expenditure Method:** It calculates the total amount of money spent on products and services within a nation's borders by all entities.
- **GDP (as per expenditure method) = C + I + G + (X-IM)**
- **C:** Consumption expenditure,
- **I:** Investment expenditure,
- **G:** Government spending
- **(X-IM):** Exports minus imports, that is, net exports.
- **The tax-to-GDP ratio measures the proportion of tax revenue to a country's GDP, serving as an indicator of fiscal health and the government's ability to finance public services. A higher tax-to-GDP ratio reflects better revenue generation and financial capacity.**
- **2011-12**

China's long game in Africa

In 2022, when China established its first political training school in Tanzania, the Mwalimu Julius Nyerere Leadership School, its motivation was unambiguous. With an estimated cost of \$40 million, the school was a tool for the Chinese Communist Party (CCP) to shape the future political leaders of Africa following the Chinese principles of governance.

Therefore, it is no surprise that the 120 official members of the school's first cohort were from countries with long-standing historical ties to China. These countries continue to be ruled by the liberation parties that came into power through their pre-independence struggles. The countries include South Africa, Mozambique, Angola, Namibia, Zimbabwe, and Tanzania. In fact, these six countries, along with Botswana, are also part of the Former Liberation Movements of Southern Africa, an informal coalition meant to help one another address governance challenges and stay in power.

Clearly, the move by China to establish the political school is meant to strengthen its relationship and increase its influence among the policymakers of these countries. The political school is another platform for the leaders of these ruling liberation parties to enhance their governance capabilities through shared educational resources. This is also an example of China's broader strategy to shape Africa's political landscape by promoting its governance model based on the centrality of the ruling party and its control over the state.

Game of influence

There are several ways for a country to assert its influence. One way could be mediation or fostering dialogue among the concerned parties to facilitate positive conversations. This also helps in building a strong global image for the mediator country. Historically, the U.S. has been the most influential international



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mediator. However, China is increasingly asserting itself in this role, as seen in its involvement in resolving the Saudi Arabia-Iran and Niger-Benin disputes.

As China seeks to establish an alternative world order – often complementary to, and sometimes in contrast with, the Western-led global system – it recognises the importance of Africa's support in various multilateral forums. Africa, with 55 countries, is a significant player in international relations. And so, Beijing is intensifying its efforts to build strong ties with Africa as part of its broader strategy to shift the global balance in its favour.

However, China's engagement in Africa's politics is not a recent phenomenon. Beijing has supported African independence movements, military endeavours, and governance structures. It has also helped develop African economies through investments in infrastructure and industrial projects. This historical relationship continues to be strong, as China intensifies its focus on strengthening ties with Africa's ruling parties.

'Study tours' have remained a key part of China's public diplomacy with Africa. Every year, hundreds of African officials visit China for lectures at universities, visits to provincial governments, and cultural exchanges designed to familiarise them with Chinese traditions and governance practices.

Only now has China's game plan to influence African political elites expanded through the introduction of political schools. During the 8th Forum on China-Africa Cooperation in 2021, China acknowledged its ties to over 100 political parties across 51 African countries.

China's growing influence in Africa is evident not only in the establishment of new educational institutions but also in the deepening of its political relationships. Kenya, for example, has expressed its interest in having a leadership school that would be

financed by and modelled on the CCP's Central Party School. These efforts are accompanied by investments in infrastructure. China funded the construction of Kenya's new foreign ministry headquarters, as the two countries were celebrating 60 years of diplomatic relations.

China is not only constructing new institutions, but also refurbishing many existing ones. For instance, China funded the renovation of the Herbert Chitepo School of Ideology in Zimbabwe. Through such initiatives, it aims to establish a governance model similar to its own, based on strong, centralised party systems that offer stability and control. This highlights the effectiveness of building reciprocal relationships, particularly in countries where leadership stability and centralisation are highly valued.

Chinese diplomacy in Africa
China's approach to Africa is built on decades of patient diplomacy. While the Nyerere Leadership School represents a significant milestone, it is only one piece of China's broader strategy to embed itself deeply within Africa's political fabric. China's long-term goal is to promote a Sino-centric world order in which it plays a central role in shaping global governance structures.

However, China is also mindful of potential regime changes in Africa. It knows the importance of nurturing opposition parties to safeguard its interests in case political shifts occur. By establishing political schools and cultivating bonds with ruling and opposition parties, China is ensuring that its influence is intact regardless of political transitions.

China's long game in Africa is not just about economic influence or military strength. It is also about the subtle art of diplomacy and influence. Through its strategic investments in Africa's political future, China is ensuring that it remains a key player in shaping Africa's governance structures for years to come.

Page No. 9, GS 2

Content.

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- The countries include South Africa, Mozambique, Angola, Namibia, Zimbabwe, and Tanzania. In fact, these six countries, along with Botswana, are also part of the Former Liberation Movements of Southern Africa, an informal coalition meant to help one another address governance challenges and stay in power.
- Clearly, the move by China to establish the political school is meant to strengthen its relationship and increase its influence among the policymakers of these countries. The political school is another platform for the leaders of these ruling liberation parties to enhance their governance capabilities through shared educational resources.

Content.

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- China is increasingly asserting itself in this role, as seen in its involvement in resolving the Saudi Arabia-Iran and Niger-Benin disputes.
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Fact

- Only now has China's game plan to influence African political elites expanded through the introduction of political schools. During the 8th Forum on China-Africa Cooperation in 2021, China acknowledged its ties to over 100 political parties across 51 African countries.
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How the UAPA, a draconian law, is wrecking lives

The UAPA prohibits a judge from granting bail if, on a perusal of the police diary or the police report, the judge is of the opinion that there are 'reasonable grounds for believing that the accusation is ... *prima facie* true'

Gautam Bhateria

On January 7, Delhi police opposed the bail pleas of activists Umar Khalid, Sharjeel Imam and others, who are accused in the 2020 north-east Delhi riots case. These activists have been jailed under the Unlawful Activities (Prevention) Act (UAPA), 1967. In this article, dated August 7, 2022, Gautam Bhateria talks about how the UAPA brings in elements of a trial into a bail hearing.

In March 24, a Sessions Court in Delhi denied bail to Umar Khalid as part of a set of cases that have commonly come to be known as "the Delhi riots cases". The case of the police was that Mr. Khalid was one of the conspirators behind the February 2020 violence in Delhi, which had claimed more than 50 lives. For this, Mr. Khalid, along with many others, was charge-sheeted under the Unlawful Activities (Prevention) Act (UAPA), 1967, and jailed pending trial. Mr. Khalid has been in jail for over 500 days. The trial has not yet begun.

Much has been written about the serious problems with the manner in which the Delhi Police has conducted its investigation, and prosecution of the Delhi riots; in particular, its selective targeting of activists who were involved with the protests against the Citizenship (Amendment) Act of 2019, which was the alleged trigger for the violence, while refraining from prosecuting individuals who are on record delivering incendiary speeches. The denial of bail to Mr. Khalid highlights an equally serious problem: the broken nature of India's criminal justice system.

Bail hearing becomes trial

First, consider these facts. Mr. Khalid's bail application was filed in July 2021. The order denying bail was passed eight months later, after multiple hours-long hearings, multiple adjournments, and three deferrals of the order itself. It is important to ask why an application for bail took so many hearings and eight months to decide: in criminal law, the purpose of bail is to ensure that an individual is not unjustly denied their liberty while the trial against them is still proceeding and their guilt has not yet been established. As such, in normal circumstances, courts are supposed to consider whether an accused is a flight risk, or is likely to tamper with evidence or intimidate witnesses. If neither of those dangers exist, there is no purpose in denying an individual their freedom before their guilt has been established in a court. This, in other words, is the real meaning of the hoary phrase 'innocent until proven guilty'.

This is where the notorious UAPA comes in. Shorn of legalese, the UAPA prohibits a judge from granting an individual bail if, on a perusal of the police diary or the police report, the judge is of the opinion that there are "reasonable grounds for believing that the accusation is ... *prima facie* true." The effect of this, as the criminal legal scholar Abhinav Sekhri has pointed out, is that the UAPA introduces elements of the criminal trial into the question of bail. There are traces of this in the Indian Penal Code as well, for bail under serious



GETTY IMAGES

non-UAPA offences. This hints at a larger problem with the criminal justice system, of which the UAPA is only the starkest example. Questions of guilt or innocence are meant to be determined at the end of a trial, after evidence has been sifted, witnesses examined and cross-examined, and arguments completed. The question of guilt or innocence at the stage of bail fight freestyle, while requiring the other to follow the Marquis of Queensberry Rules (i.e., the rules of professional boxing). What the judge has before them is entirely one side of the case: the police version. In a trial, the defence would be entitled to cross-examine the prosecution's witnesses, determine inconsistencies in their testimony, examine its own witnesses, present its own evidence, and otherwise demonstrate that the case against the accused has not been made out beyond reasonable doubt. In a bail hearing, the defence can do none of that. The starting

But that is not the only problem with turning bail hearings into mini-trials. The problem is also that this mini-trial – to borrow a colourful phrase from the U.S. Supreme Court – licenses "one side ... to

fight freestyle, while requiring the other to follow the Marquis of Queensberry Rules (i.e., the rules of professional boxing)". What the judge has before them is entirely one side of the case: the police version. In a trial, the defence would be entitled to cross-examine the prosecution's witnesses, determine inconsistencies in their testimony, examine its own witnesses, present its own evidence, and otherwise demonstrate that the case against the accused has not been made out beyond reasonable doubt. In a bail hearing, the defence can do none of that. The starting

point of the bail hearing is the presumption that everything in the police report is true. Based on that presumption, all the two sides can then argue about is whether according to these "facts", the legal ingredients of the offence are fulfilled – or, in some rare cases, about whether the facts themselves are self-contradictory or flat-out implausible, so that no reliance can be placed on them even at the stage of bail. To use an analogy, it is like holding a debate between two sides, stopping it after one side finishes, allowing the other side to pose two or three questions but not say anything more, and then deciding whether the motion passes or fails.

Such a system might possibly be defensible in a situation where criminal justice was swift, efficient, and trustworthy. If, for example, criminal trials habitually concluded within six months, it might just be possible to argue that in terrorism cases, six months of pretrial incarceration is a painful but proportionate price to pay (in my opinion, it is still unjustifiable, but there is at least a case to be made). However, that is not the case in India: a UAPA trial takes years – often more than 10 years. In such a situation, the court's decision on bail, de facto, becomes the decision on the case: the denial of bail means that a person is likely to spend a decade or more behind bars, as the trial winds on. And given the UAPA's abysmally low conviction rates, the trial will likely end in acquittal.

This, thus, explains why bail hearings take so long, and are so convoluted (although there is still little excuse for the eight-month-long process in Mr. Khalid's case). Both the defence and the prosecution know that the outcome of the bail hearing is, for all practical effects, the outcome of the case itself. The result of the denial of bail is, functionally, the same as the result of a finding of guilt: a decade-plus in jail. But, as we have seen, while the denial of bail is effectively a finding of guilt, it has none of the safeguards that the criminal law puts into place before an actual finding of guilt. The accused is first gagged from contesting the police's version and is then condemned for not being able to disprove the police's case.

Rank injustice

In a notorious judgment in *National Investigation Agency v. Zahoor Ahmad Shah Watali* (2019), the Supreme Court made a bad situation even worse by forbidding the lower courts from scrutinising in depth even the police case. This leads to absurd situations like Mr. Khalid's bail order:

A reading of the bail order shows that the court reproduces various allegations against Mr. Khalid – some of them hearsay, and therefore inadmissible during the trial, and some extremely implausible; dismisses the defence's challenges to them without any engagement; and then denies bail. Lawyers and legal scholars may disagree over whether the UAPA actually requires the courts to become stenographers for the prosecution, even under existing legal doctrine. The point, however, is that for all the reasons we have discussed above, the result is rank injustice.

Reforming the criminal justice system is the task of many years. In the immediate future, however, it is at least possible to curtail the manner in which the UAPA plays havoc with the lives of so many individuals.

Striking down or reading down its bail prohibitions and subjecting the police case to stricter scrutiny during bail hearings would be a start. It remains to be seen whether the judiciary has the will and the inclination to do so.

Gautam Bhateria is a Delhi-based lawyer.

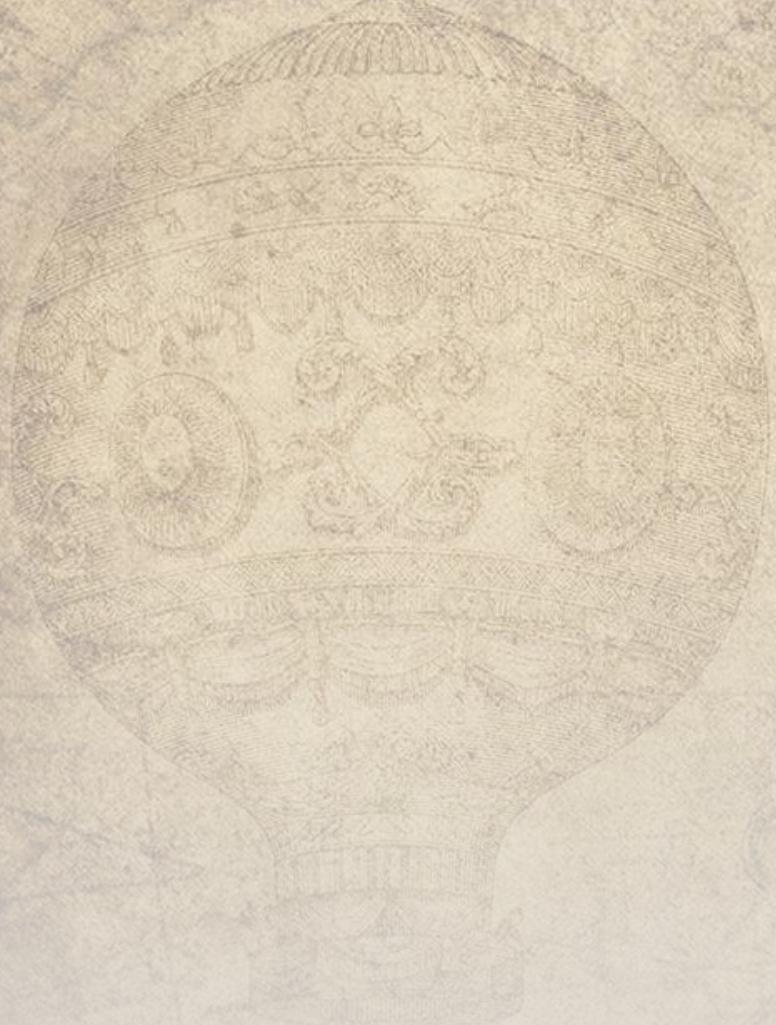
Unlawful Activities (Prevention) Act, 1967 (UAPA)

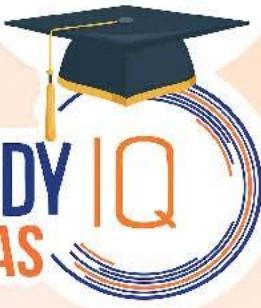
- The UAPA was introduced in 1967 as a legislation to set out reasonable restrictions on the fundamental freedoms under Article 19(1) of the Constitution, such as freedom of speech, right to assemble peacefully, and the right to form associations.
- In line with its stated objectives, the UAPA punishes the commission, funding, and support of “unlawful activities” and “terrorist acts”.
- It lays down the definitions and rules for designating an organization as an “unlawful association” if it is engaged in certain types of activities.
- ‘Unlawful activity’ is defined as any action taken by an individual or association – through an act, words, spoken or written, or by signs or visible representation – which is intended to, or supports a claim to, bring about the cession of a part of the territory of India, or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession.

- It covers activities which disclaim, question, disrupt, or are intended to disrupt the sovereignty and territorial integrity of India, and which cause or intend to cause disaffection against India.
- In 2004, the UAPA was amended, and 'terrorist activities' were brought within its fold, under which 34 outfits, including the Lashkar-e-Taiba and the Jaish-e-Mohammad, were banned.
- Under the Act, the central government may designate an organization as a terrorist organization if it:
 - commits or participates in acts of terrorism;
 - prepares for terrorism;
 - promotes terrorism;
 - is otherwise involved in terrorism;
- The 2019 Amendment gave the Home Ministry the power to designate individuals as terrorists.
- The Act extends to the whole of India.
- The UAPA applies to anyone who commits a UAPA crime in India or outside India. It applies to Indian citizens irrespective of where the crime is committed, and also includes people in Government service, and people on ships and aircrafts registered in India.

Fact

- It has death penalty and life imprisonment as highest punishments.
- Under the UAPA, the investigating agency can file a charge sheet in maximum 180 days after the arrests and the duration can be extended further after intimating the court.
- In August, Parliament cleared the Unlawful Activities (Prevention) Amendment Bill, 2019 to designate individuals as terrorists on certain grounds provided in the Act.
- The Act empowers the Director General of National Investigation Agency (NIA) to grant approval of seizure or attachment of property when the case is investigated by the said agency.
- The Act empowers the officers of the NIA, of the rank of Inspector or above, to investigate cases of terrorism in addition to those conducted by the DSP or ACP or above rank officer in the state.





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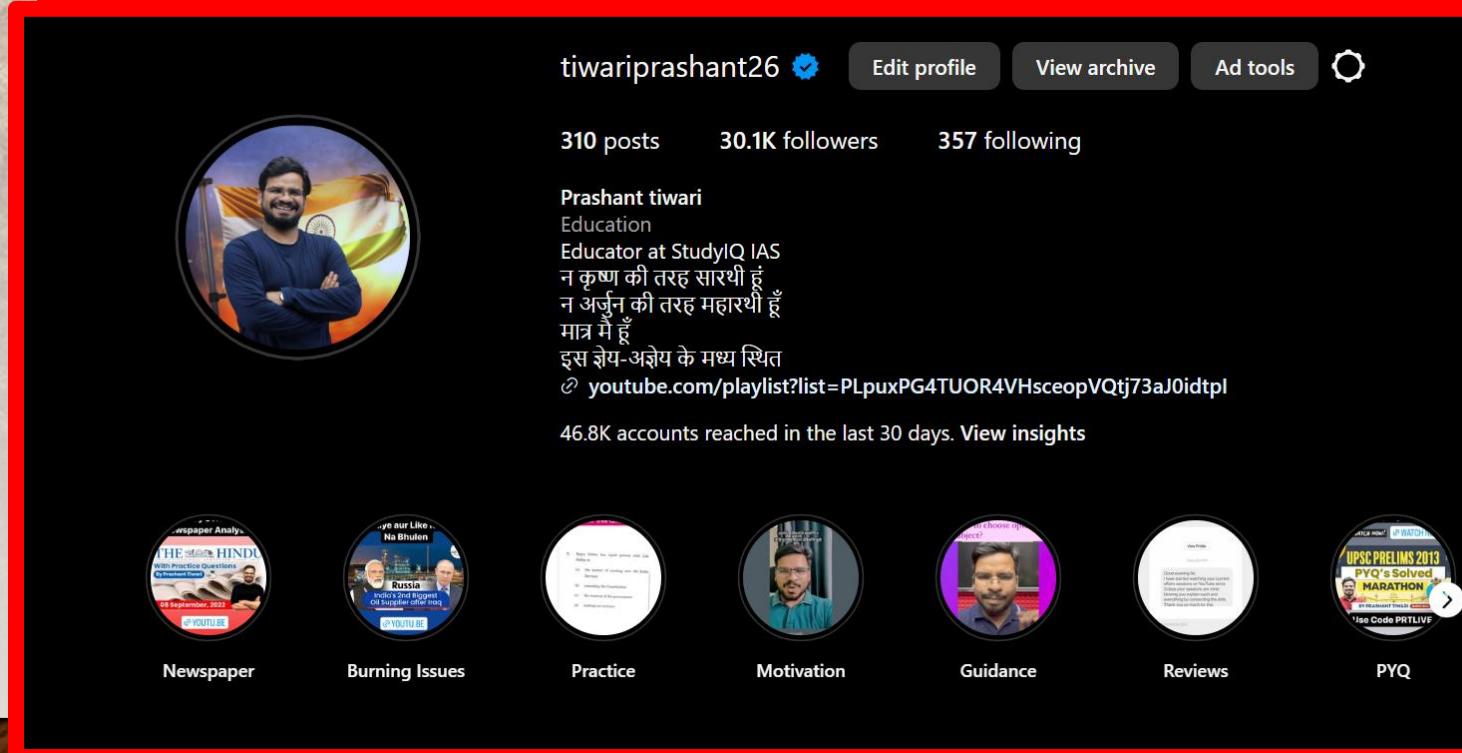
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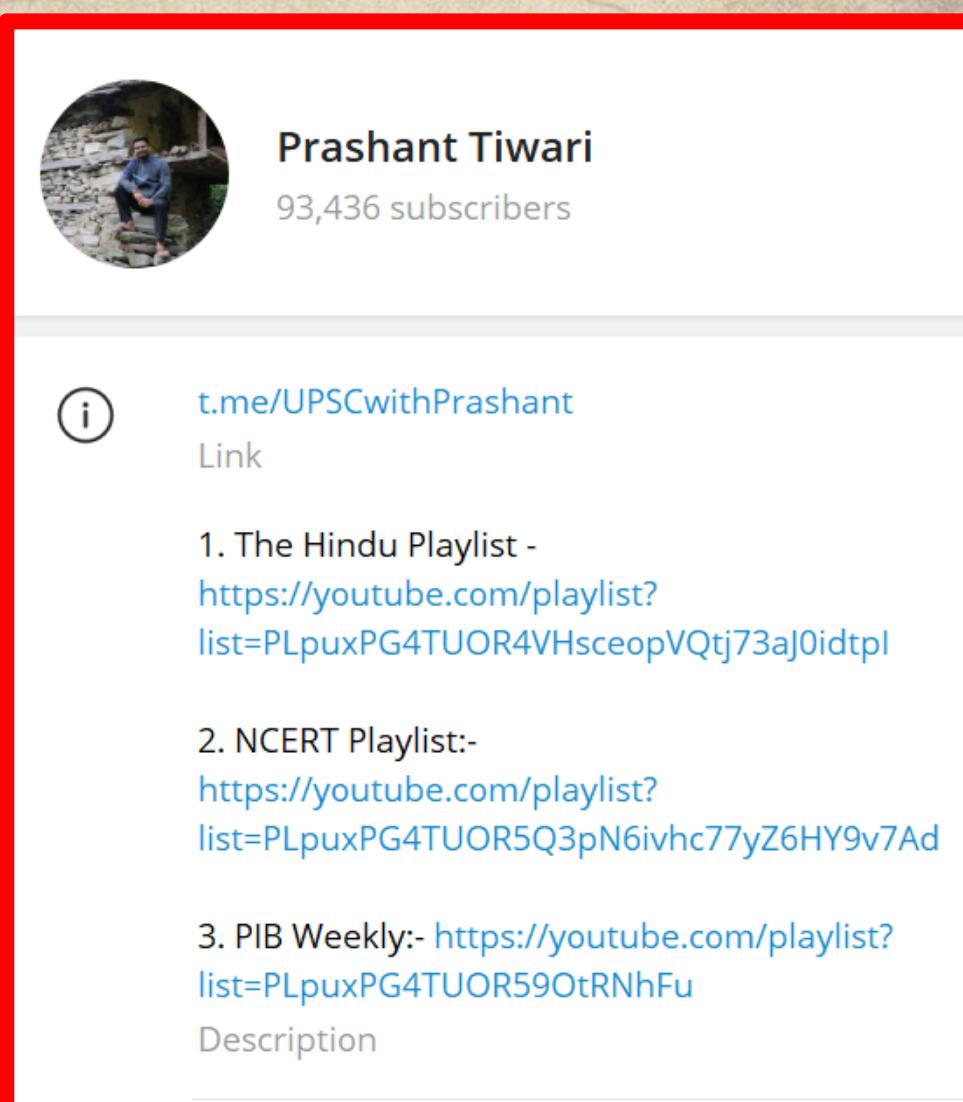
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