

- **Under the 1927 Act, decisions regarding diversion of forest land for non-forest purposes are taken by the state government. The 1980 act requires additional prior approval from central government.**
- **The bill provides that such approval will not be required when forest land is diverted for constructing**
 - i. **Strategic Linear Projects** (roads, railways) of national importance and concerning national security within 100 km of India's border.
 - ii. **Security related infrastructure** upto 10 hectares,
 - iii. **Defence related projects**, a camp for paramilitary forces, or public utility projects as specified by the central government, not exceeding five hectares in a left-wing extremism affected area.
- The bill also exempts **certain type of land** from the provisions of the act, such as forest land along a rail line or a public road maintenance by the government providing access to a habitation, or to a rail, and roadside amenities upto a maximum size of 0.10 hectare.
- **Assignment/Leasing of forest land:**
 - The Original act restricts the de-reservation of forests for use of forest and non-forest purposes. Such restrictions can be lifted only with the prior approval of central government.
 - The act specifies certain activities that will be excluded from non-forest purposes, meaning that restrictions on the use of forest land for non-forest purposes will not apply. These activities include works related to the conservation, management, and development of forest and wildlife such as establishing check posts, fire lines, and wireless communication.
 - The bill adds more activities to the list such as (i) zoos and safaris under WPA, 1972 owned by the government or any authority, in forest areas other than protected areas, (ii) ecotourism facilities, (iii) silviculture operations (enhancing forest growth), and (iv) any other purpose specified by central government.
- **Powers to issue directions:** The bill adds that the central government may issue directions for the implementation of the act to any authority/organization under or recognized by Centre, State, or UT.
- **Significance:**
 - **Increase Plantation in non-forest areas:** The environment ministry says that the application of the act on land covered under dictionary meaning of forests (or deemed forests) has resulted in a "declining tendency in plantations in non-forest lands owing to the apprehension among individuals, organizations, and authorities regarding such plantations being considered forests".
 - **Removal of mandatory central government approval** for diversion of forests in certain cases is expected to reduce delays in the implementation of strategically important projects.
- **Criticism:**

- The amendment by providing blanket exemptions from the act for several types of lands and several types of projects is going contrary to the intent of the 1980 act which was enacted for prevention of de-reservation of forest lands and large scale deforestation.
- Such forest clearance activities will also violate rights of forest dwellers which were secured under the 2006 Act.
- The Apex Court in T.N. Godavarman Thirumulpad v. Union of India (UOI) and Ors (AIR 1997 SC 1228), has given a wider meaning to forest land to broaden the scope of their protection. However, the 2023 bill provides a much narrower interpretation to the term forest land by inserting section 1A to encompass only two types of land under its ambit.
- Exemption near border area would cover large parts of the north-eastern region, Uttarakhand and Himachal Pradesh and could lead to loss of biodiversity in biodiversity hotspots.
- **The purpose of allowing a zoo** inside a forest is not clear.
 - Even Supreme Court (2023) has remarked that they don't appreciate the necessity of having a zoo inside tiger reserves or national parks.
- There is also a lack of clarity on compensatory afforestation for this diverted land. Similarly, it doesn't provide for how rehabilitation/resettlement/livelihood opportunities etc. would be provided for tribals affected by this kind of diversion.

- **Conclusion:**

The overall tenor of the proposal is to make it a little easier to use forest land for non-forestry purpose. The idea is to balance the development and security needs with the forest conservation needs of India. But while doing so, it should be ensured that long term forest conservation and rights of tribals and forest dwellers are not affected in long run.

5) EB&CC: CONSERVATION EFFORTS: WETLANDS

- **Why in news?**
 - » Urban Wetlands in India need urgent attention (July 2023: Source ORF)
- **Practice Questions:**
 - » What is wetland? Explain the Ramsar concept of 'wise use' in the context of wetland conservation. Cite two examples of Ramsar sites from India. [150 words, 10 marks] [Mains 2018]
 - » Discuss the major ecological functions and services provided by wetlands. Enumerate the key challenges faced by wetlands in India.
- **What is a Wetland?**
 - » A Wetland is a **transitional land between terrestrial and aquatic ecosystem**. It is an ecosystem that is flooded either permanently or seasonally.
 - **UN Ramsar Convention** defines wetlands as 'areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh brackish or salt, including areas of marine water the depth of which at low tide doesn't exceed six meters'.
- **Significance of Wetlands:** Wetlands provide a wide range of important resources and ecosystem services such as:

- » **Water and Food Security:**
 - Rice cultivation, fishery etc.
 - » **Ecosystem Services:**
 - Ground water recharge; Water Purification (e.g. East Kolkata Wetlands)
 - **Biodiversity** -> wetlands are transition zones between two different ecosystems and thus are highly productive.
 - » **Disaster mitigation:** **Buffer** from floods, droughts, cyclones and other extreme events.
 - For e.g. Deepor Beel of Guwahati serves as the flood prone city's natural stormwater drain.
 - » **Climate Change Mitigation and Adaptation Action**
 - » **Tourism** is another area where Wetlands such as large lakes have played crucial role.
 - For e.g. Ashtamudi lake of Kerala is one of the most popular tourist attractions in Kollam.
 - » **Coastal Protection** is ensured by Wetlands as they act as buffer zones.
- **Threats faced by Wetlands of India:** As per the recently released IPBES assessment, wetlands are the most threatened ecosystem. This impacts **40% of the world's plants and animals** that live or breed on wetlands.
- » **Water Pollution**
 - **Disposal of untreated sewage; Dumping of municipal waste** etc are threatening the natural functioning of the wetlands.
 - » **Noise Pollution** caused by rapid urbanization around the wetlands continues to be an irritant and is putting migratory visitors away.
 - » **Encroachment on wetlands** in the form of haphazard real-estate development.
 - » **Very less focus on** small non-notified wetlands.
 - Absence of any inventory related to wetlands.
 - » **Lack of resources with local bodies** to ensure proper care and protection of the wetlands.
 - » **Unclear and overlapping jurisdictions** between various government agencies (for example - wetlands in Delhi are under the jurisdiction of Delhi Jal Board, Delhi Urban Shelter Improvement Board, Public Works Department, ASI and Forest Department).
 - But other than Delhi Jal Board and Forest Department, none of the other bodies have any expertise in management of wetlands.

C) EFFORTS FOR CONSERVATION OF WETLANDS

- **Global/International Efforts:**
 - a) **The Convention on Wetlands of International Importance**, called the Ramsar Convention
 - It is an intergovernmental treaty that provides the framework for the conservation and wise use of wetlands and their resources.

Prelims	The convention was <u>adopted</u> in the Iranian city of <u>Ramsar</u> in 1971 and came into force in 1975. Since then <u>almost 90% of UN member states</u> , from all the world's geographic regions, have <u>accepted and become contracting parties</u> . Headquartered in Geneva
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- The aim of the Ramsar list is "to develop and maintain an international network of wetlands which are important for the conservation of global biological diversity and for sustaining human life through the maintenance of their ecosystem components, processes and benefits".
- **Concept of Wise Use:**
 - Through this, the convention continues to emphasize that human use on sustainable basis is entirely compatible with Ramsar principles and wetland conservation in general. **Application of "wise use" concept is crucial to ensure that wetlands continue to support biological diversity as well as human well-being.**
 - The wise use guidelines emphasize on:
 1. **Adoption of national wetland policies**, involving review of local legislation and institutional arrangements to deal with wetland matters.
 2. **Development of programs** of wetland inventory, monitoring, research, training, education etc.
 3. **Take action at wetland sites**, involving the development of integrated management plans covering every aspect of the wetlands and their relationships.
 - The concept applies to all wetlands and water resources in contracting parties territories (not just to Wetlands of International Importance)

b) World Wetland Day: 2nd February

- **Domestic Efforts**
 1. **Mapping of Wetlands:**
 - As per the "National Wetland Decadal Change Atlas, 2017 published by Space Application Centre - ISRO Ahmedabad, a total of 2,31,195 wetlands (are ≥ 2.25 ha) have been mapped in the country. The total wetland area estimated is 15.98 million hectare (mha) including rivers and excluding paddy field areas that is around 4.8% of the geographical area of the country.
 2. **Wetland (Conservation and Management) Rules 2017**, was notified by MoEF&CC under the EPA, 1986. It replaced the 2010 rules.
 - **Decentralization** -> empowers states and UTs to identify and manage their wetlands.
 - **Institutions:**
 - State Wetland authorities (SWAs) headed by State environment minister, to be established in each state and UT
 - The SWAs are responsible for effective conservation, management and monitoring of ecological condition of wetlands within their jurisdiction.
 - National Wetland Committee to replace Central wetland regulatory authority and is responsible for monitoring the implementation of these rules
 - Headed by Secretary, MoEF&CC.
 - It will also advise the central government on appropriate policies and action programmes.
 - **Banned activities like dumping solid waste, electronic etc.**

- **Applicability**

- Wetland classified under RAMSAR
- Wetland notified by Central, state or UTs.

3. **Comprehensive Guidelines** for the implementation of the above rules have also been published by MoEF&CC

- These guidelines recommend that management of each notified wetlands is to be guided by an Integrated Management Plan which provides for monitoring requirement to measure changes in the wetlands and for measuring the effectiveness of management.

4. **National Plan for Conservation of Aquatic Ecosystem (NPCA)** by MoEF&CC

- It is a single conservation program for both wetlands and lakes and was formulated in 2015 by merging National Lake Conservation Program and National Wetland Conservation Program.
- It covers various activities like interception, diversion, and treatment of waste water; shoreline protection; lake front development etc.

5. **Mission Sahbhagita**

- MoEF&CC has also launched Mission Sahbhagita, on the occasion of Azadi Ka Amrit Mahotsav, which is important step towards participatory conservation and wise use of wetland to enable a society ownership approach with communities leading at the forefront.

6. **Save Wetland Campaign** has also been launched by the Ministry as part of the Mission Sahbhagita.

D) WAY FORWARD AND CONCLUSION:

- **Identification / Inventorization** of all the small/big wetlands in the country
- **Implementation of various rules** regarding protection of wetlands, prohibition of dumping etc.
- **Involving local people** especially farmers and fishermen who are dependent on the wetlands in its conservation through awareness campaigns etc.
- **Integrating Wetlands in Urban Planning:**
 - » At urban level, wetlands management should be assigned to local municipalities to increase public accountability.
 - » At the same time, there is a need to strengthen municipalities through proper allocation of resources.

Coherent management and governance of wetlands in India will not only secure ecological balance, but will also provide protection from climate risks and add to economic value of the region through employment generation in multiple forms.

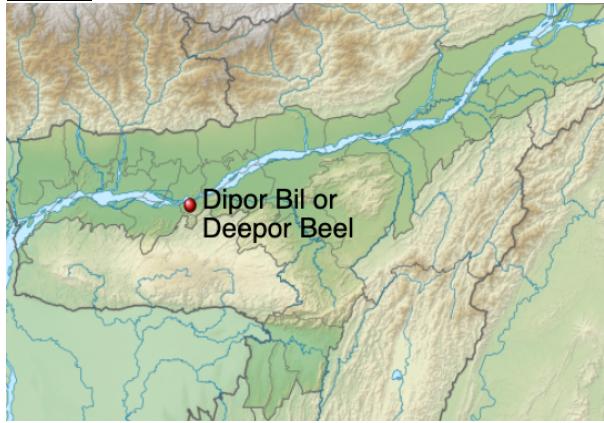
6) PRELIMS: LIST OF RAMSAR SITES IN INDIA

#	Name of the Site	State	Other Speciality

1	Tso Kar Wetland Complex	Ladakh	<p>Tso Kar Wetland Complex was included in the Ramsar list in Dec 2020.</p> <table border="1"> <thead> <tr> <th>Location</th><th>Two Lakes</th></tr> </thead> <tbody> <tr> <td></td><td></td></tr> </tbody> </table> <p>The complex is a <u>notable example of two connected lakes</u>, the freshwater Startsapuk Tso & the hypersaline Tso Kar. They are situated in <u>Changthang region of Ladakh</u>.</p> <p>Tso Kar means white lake, because of the <u>white salt efflorescence</u> found on the margins due to the evaporation of highly saline water.</p> <p>The Tso Kar Basin is also an <u>A1 category Important Bird Area (IBA)</u> as per <u>Bird Life International</u> and a <u>key staging site in the Central Asian Flyway</u>.</p> <p>The site is also amongst the <u>most important breeding areas</u> of the <u>Black-necked Crane (Grus nigricollis) in India</u>.</p> <p>This IBA is also the <u>major breeding area of Great Crested Grebe (Podiceps cristatus)</u>, <u>Bar-headed Geese (Anser indicus)</u>, <u>Ruddy Shelduck</u>, <u>Brown headed Gull</u>, <u>Lesser Sand-Plover</u>, and many <u>other species</u>.</p>	Location	Two Lakes		
Location	Two Lakes						
							
2	Tso Moriri Lake	Ladakh					
3	Wular Lake	J&K					
4	Surinsar-Mansar Lakes	J&K					
5	Hokera Wetland	J&K					
6	Hygam Wetland Conservation Reserve	J&K	<p>It falls <u>within Jhelum River Basin</u> and plays an <u>significant role as a flood absorption basin, biodiversity conservation site, eco tourism site, and livelihood security of the local community</u>.</p> <p>It is located in the <u>Baramulla district</u>. It serves as an <u>abode to many residents and migratory bird species</u>. It is also <u>recognized as an IBA</u>.</p>				

			High rate of siltation is leading to <u>wetland characteristics being changed to landmass in several areas.</u>
7	Shallbugh Wetland Conservation Reserve	J&K	It is located in <u>Srinagar district</u> . It is an abode to <u>more than 4 lakh resident and migratory birds</u> of at least 21 species.
8	Harike Lake	Punjab	
9	Kanjli Lake	Punjab	
10	Ropar Lake	Punjab	
11	Keshopur-Miani Community Reserve	Punjab	
12	Beas Conservation Reserve	Punjab	
13	Nangal WIS	Punjab	
14	Chandertal Wetland	Himachal Pradesh	
15	Pong Dam Lake	Himachal Pradesh	
16	Renuka Wetland	Himachal Pradesh	Smallest of all Ramsar site in India.
17	Asan Conservation Reserve	UK	Became Ramsar Site in Oct 2020 It is a <u>444 hectare stretch of the Asan river</u> running down to its confluence with Yamuna river in Dehradun district of UK. The river was <u>dammed by the Asan Barrage</u> in 1967 and it resulted in <u>siltation above the dam wall</u> which created <u>suitable habitat for birds</u> . This supports, <u>330 species of birds</u> including the critically endangered vultures - (red headed vulture and white-rumped vulture) and <u>Baer's Pochard</u> . It is also a <u>significant ground for migratory birds</u> . It is strategically located <u>within the Central Asian Flyways</u> . This was <u>declared conservation reserve</u> in 2005 under <u>Section 36A of Wildlife Protection Act, 1972</u> .
18	Sultanpur	Haryana	Sultanpur National Park from Haryana supports more than <u>220 species</u> of resident, winter migratory and local migratory waterbirds at critical stages of their life cycles. More than ten of these are globally threatened, including the critically endangered sociable lapwing, and the endangered Egyptian Vulture, Saker Falcon, Pallas's Fish Eagle and Black-bellied Tern

19	Bhindwas	Haryana	Bhindwas Wildlife Sanctuary, <u>the largest wetland in Haryana is a human-made freshwater wetland</u> . Over 250 bird species use the sanctuary throughout the year as a resting and roosting site. The site supports more than ten globally threatened species including the endangered Egyptian Vulture, Steppe Eagle, Pallas's Fish Eagle, and Black-bellied Tern.
20	Keoldeo Ghana NP	Rajasthan	
21	Sambhar Lake	Rajasthan	
22	Upper Ganga River (Brijghat to Narora Stretch)	Uttar Pradesh	
23	Nawab Ganj	Uttar Pradesh	
24	Parvati Agra	Uttar Pradesh	
25	Saman	Uttar Pradesh	
26	Samaspur	Uttar Pradesh	
27	Sandi	Uttar Pradesh	
28	Sarsai	Uttar Pradesh	
29	Sur Sarovar Lake (Keetham lake), Agra	Uttar Pradesh	<p>It is a <u>human made lake</u> that was created to <u>supply water to the city of Agra</u>. The wetland soon became an <u>important and rich ecosystem</u>. It now provides <u>refuge to resident and migratory birds</u>, and <u>more than 60 species of fish</u>. It is located on <u>Delhi-Mathura Highway</u> in Agra district.</p> <p>It was <u>declared a bird sanctuary in 1991</u>.</p> <p>It is also listed as an <u>Important Bird Area</u>.</p> <p>Sur Sarovar also has the <u>biggest Bear Rescue Center</u> for rescued dancing bears.</p>
30	Bakhira WLS	Uttar Pradesh	
31	Heiderpur Wetland	Uttar Pradesh	Haiderpur is one of the <u>largest human-made wetland</u> that was <u>formed in 1984 after the construction of Madhya Ganga Barrage</u> at the <u>confluence of Saloni and Ganga rivers</u> . It is a part of <u>Hastinapur WLS</u> .

			<p>It covers an <u>area of 6,908 hectares</u> and is <u>situated on the Muzaffarnagar-Bijnor border</u></p> <p>Significance:</p> <p>Source of fresh water and ground water recharge</p> <p>Biodiversity Protection:</p> <p>It hosts, <u>more than 30 species of plants, over 300 species of birds including 102 waterbirds</u> and <u>more than 40 fish and 10 mammals species</u>.</p> <p>It has <u>CR Gharials</u>; EN Hog Deer, Swamp Deer, Black bellied Tern, Steppe Eagle, etc.</p>
32	Kebartal Wetland (Kanwar Lake)	Bihar	<p>Kabartal (Kanwar Jheel) Wetland, Bihar</p> <p>Became Ramsar site in Oct 2020</p> <p>This is <u>Bihar's first Ramsar site</u>. It is located in Bihar's Begusarai district. It covers <u>2,620 hectares</u> of the Indo-Genetic plains in Northern Bihar. It is a <u>residual oxbow lake</u>, formed during the <u>meandering of Gandak river</u>, a tributary of Ganga in the geological past.</p> <p>It is an <u>important stopover along the Central Asian Flyway</u>, with <u>58 bird species</u> using it to rest and refuel.</p> <p>Some <u>critically endangered birds</u> of the site include <u>re-headed vulture</u>, <u>white rumped vulture</u>, <u>Indian Vulture</u>, <u>Baer's pochard</u>, and the <u>Sociable Lapwing</u>.</p> <p>Note: Kabartal is Asia's largest freshwater oxbow lake</p>
33	Deepor Beel	Assam	<p>It is a <u>lake located to the South West of Guwahati city</u> in Assam. It is a <u>permanent freshwater lake</u>, in a <u>former channel of Brahmaputra river</u>, to the south of the main river.</p> <p>It is also an <u>Important Bird Area</u>. It is the only Ramsar site of Assam.</p>  <p>The Deepor Bil WLS measures <u>4.1 sq km</u> within this wetland</p>

34	Loktak Lake	Manipur	
35	Pala Wetland	Mizoram	
36	Rudrasagar Lake	Tripura	
37	Nalsarovar Bird Sanctuary	Gujarat	
38	Thol Lake	Gujarat	Thol Lake Wildlife Sanctuary from Gujarat lies on the Central Asian Flyway and more than 320 bird species can be found here. The wetland supports more than 30 threatened waterbird species, such as the critically endangered White-rumped Vulture and Sociable Lapwing, and the vulnerable Sarus Crane, Common Pochard and Lesser White-fronted Goose
39	Wadhwani Lake	Gujarat	Wadhwani Wetland from Gujarat is internationally important for its birdlife as it provides wintering ground to migratory waterbirds, including over 80 species that migrate on the Central Asian Flyway. They include some threatened or near-threatened species such as the endangered Pallas's fish-Eagle, the vulnerable Common Pochard, and the near-threatened Dalmatian Pelican, Grey-headed Fish-eagle and Ferruginous Duck
40	Khijadia WLS	Gujarat	
41	Bhoj Wetlands	Madhya Pradesh	
42	Sakhya Sagar	Madhya Pradesh	
43	Sirpur Sagar	Madhya Pradesh	
44	Yashwant Sagar	Madhya Pradesh	<p>It is <u>one of the two Important Bird Areas (IBA)</u> in the Indore region as well as one of the <u>most important birding sites in Malwa region of Madhya Pradesh</u>.</p> <p>Presently it is being used for <u>water supply</u> to the city of Indore and is being also used for <u>fish culture on a commercial basis</u>.</p>
45	Sundarban Wetlands	West Bengal	<p>Largest Ramsar site in India</p> <p>Sundarbans</p> <ul style="list-style-type: none"> • It comprises of <u>hundreds of islands</u> and a <u>network of rivers, tributaries and creeks</u> in the delta of the Ganga and the Brahmaputra at the mouth of Bay of Bengal in India and Bangladesh. • Indian Sundarban consists of 60% of the country's total mangrove forest area.

			Sundarbans Reserve Forest (SRF) <ul style="list-style-type: none"> It is the <u>largest mangrove</u> in the world and is now a wetland of international importance. So, it has now become the largest protected wetland (4,23,000 hectare) in the country.
46	East Calcutta Wetlands	WB	<p>It comprises of <u>a larger number of waterbodies distributed east of city of Kolkata across the districts of South and North 24 Parganas</u>. It is spread over <u>125 km²</u>.</p> <p>Along with the wetlands, it also has <u>254 sewage-fed fisheries</u>, agricultural and solid waste farms and some built up areas.</p> <p>It was included in the Ramasar List in Aug 2002.</p> <p>The hydrology of this wetland is unique. It doesn't have a catchment area of its own. Approximately 250 million gallons of sewage flows into it everyday.</p> <ul style="list-style-type: none"> The sewage is then <u>drawn by the local fishery owners</u> into fish ponds or bheris directly from the tributary wastewater canals. . Sunlight is enough to <u>promote high growth of dense plankton and algae</u> which serves as food for the fish population which thrive on the nutrient rich plankton. Organic pollution in the wastewater is <u>thus reduced by 80%</u> and the coliform bacteria in the wastewater is reduced by 99.9 % in these ponds. <p>The Kolkata Municipal Corporation saves <u>Rs 5,000 - 7,000 crores every year</u> - the cost of sewage treatment plant for treating so much water.</p> <ul style="list-style-type: none"> <u>Channels drain out the effluents and slurry from the treated wastewater</u>, that is then used <u>to grow rice and vegetables</u>. <u>Around 25% of Kolkata's fish and vegetables are grown with the help of this water</u>. This wetland thus support livelihood of more than a lakh population. <p>It acts as kidney of Kolkata as <u>the wastewater from the city</u> is converted into food and used in fisheries and agriculture across this wetland.</p>

			<p>Bheris are a unique feature of the Kolkata wetlands, and are shallow fishponds fed by naturally treated wastewater rich in algae, which allows for low-cost fish cultivation.</p> <p>Safety of Fish/Vegetables: Some experts have raised the issue of <u>heavy metal contamination</u> from this kind of fishery and vegetable cultivation.</p>
47	Bhitarkanika Mangroves	Odisha	<p>Bhitarkanika is also the <u>second largest mangrove ecosystem</u> in the country (after Sundarbans).</p> <ul style="list-style-type: none"> Freshwater mixed with seawater near the lower end of the <u>Brahmani and Kharasrota river</u> to produce <u>brackish water ideal for mangroves</u>. <p>Key threats:</p> <ul style="list-style-type: none"> Diversion of water from Brahmani river basin: The Talcher-Angul coal mines, steel and power generating units as well as the Kalinga Steel and power hub in Jajpur district were <u>drawing enormous quantities of freshwater from the Brahmani river</u>.
48	Chilka Lake	Odisha	
49	Satkosia Gorge	Odisha	
50	Tampara Lake	Odisha	<p>It is the <u>most prominent fresh water Lake</u> situated in the state of Odisha (Ganjam district). The depression in the ground gradually filled with rainwater from catchment flow and was called "Tamp" by the British and subsequently termed "Tampara" by the locals. It supports varied biodiversity including that of birds, fishes, phytoplanktons, and more than seven species of terrestrial plants and macrophytes. It is important habitat for <u>vulnerable species</u> such as <u>Cyprinus carpio</u>, <u>common pochard</u> (<u>Aythya ferina</u>), and river tern (<u>Sterna aurantia</u>).</p> <p>With large fish yield, it is an <u>important source of livelihood for the local communities</u>.</p>
51	Hirakud Reservoir	Odisha	<p>It is the <u>largest earthen dam</u> in Odisha which <u>started operating in 1957</u>.</p>
52	Ansupa Lake	Odisha	<p>It is the <u>largest freshwater lake</u> of Odisha situated in the <u>Banki</u> sub-division of Cuttack district and has its fame from time immemorial for its scenic beauty.</p> <p>It is an <u>oxbow lake</u> formed by <u>River Mahanadi</u> and is spread over 231 ha. It is home to several species of birds, fishes, mammals and macrophytes. It provides a safe habitat for <u>at least three</u></p>

			<p>threatened bird species - <u>Rynchops albicollis (EN)</u>, <u>Sterna acuticauda (EN)</u> and <u>Sterna aurantia</u> and three threatened fish species - <u>Clarias magur</u> (Clariidae) (EN), <u>Cyprinus carpio</u> (Cyprinidae) (VU), and <u>Wallago attu</u> (VU).</p> <p>The lake also <u>sustains fresh water demand of the surrounding area</u> and supports <u>livelihood of local communities through fisheries and agriculture</u>.</p> <p>It is a <u>famous wintering ground for migratory birds</u> and is also <u>known for its scenic beauty</u>.</p>
53	Nandur Madhameshwar	Maharashtra	
54	Lonar Lake	Maharashtra	<p>It is an ancient circular crater lake created by Meteorite strike in Maharashtra</p> <p>It got <u>National geo-heritage tag in 1979</u>.</p> <p>It is <u>relatively young geo-logically, just about 50,000 years old</u>.</p> <p>A meteorite <u>estimated to weigh two-million-tonnes slammed into the Earth</u>, creating a 1.83-km diameter crater where the lake formed. It is distinguished by a near-perfect, circular ejecta blanket, which refers to earth thrown up during the collision, around it.</p>  <p>It is an <u>endorheic</u> (i.e. no outflow) basin, almost circular in shape. The lake is <u>high in salinity and alkalinity</u>, as the lack of outflow leads to a concentration of minerals as the lake water evaporates. <u>Outside the lake</u>, there is a considerable diversity of plant and animal life, as springs which help feed the lake provide a source of fresh water.</p>
55	Thane Creek	Maharashtra	<p>It is located in Maharashtra India. Thane Creek is an <u>inlet in the shoreline of the Arabian Sea</u> that <u>isolates the city of Mumbai from the Konkan region of the Indian Mainland</u>. There are <u>several source of fresh water to the Creek</u>, the largest being the Ulhas River. It has been declared as <u>Thane Creek Flamingo sanctuary</u>.</p>

			<p>Thane creek is <u>fringed by Mangroves on both banks & comprise around 20% of the total Indian mangrove species.</u></p> <p>The mangrove serves as a nursery for several fishes & sustains the local fishery. The area is an <u>important part of the wetland complex of the Central Asian Flyway of the birds and has been categorized as IBA.</u></p> <p>Thane Creek Flamingo Sanctuary: The Western bank of the Thane Creek has been declared the "<u>Thane Creek Flamingo Sanctuary</u>".</p>
56	Kolleru Lake	AP	
57	Nanda Lake	Goa	
58	Ranganathittu Bird Sanctuary	Karnataka	
59	Point Calimere	TN	
60	Karikili Bird Sanctuary	TN	
61	Pallikaranai Marsh Reserve Forest	TN	
62	Pichavaram Mangrove	TN	
63	Gulf of Mannar Marine Biosphere Reserve	TN	
64	Konthankulam Bird Sanctuary	TN	
65	Udhayamarthandapuram Bird Sanctuary	TN	
66	Vedanthangal Bird Sanctuary	TN	
67	Vellode Bird Sanctuary	TN	
68	Vembannur Wetland Complex	TN	
69	Chitrangudi Bird Sanctuary	TN	Chitrangudi Bird Sanctuary, locally known as "Chitrangudi Kanmoli" is located in <u>Ramnathapuram district of TN</u> .

			Notable waterbirds spotted from the site are <u>spot billed Pelican</u> , <u>little egret</u> , <u>grey heron</u> , <u>large egret</u> , <u>Open billed stork</u> , <u>Purple</u> , and <u>pond herons</u> .
70	Suchindram Theroor Wetland Complex	TN	<p>It is part of the <u>Suchindram-Theroor Manakudi Conservation Reserve</u>. It is an <u>important bird area</u> and <u>lies at the southern tip of the Central Asian Flyway</u> of migratory birds.</p> <p>It was <u>formed for birds' nesting purposes</u> and it attracts thousands of birds every year.</p>
71	Vaduvur Bird Sanctuary	TN	<p>It is a <u>large human made irrigation tank</u> and <u>shelter for migratory birds</u> as it <u>provides a suitable environment for food, shelter, and breeding ground</u>.</p> <p>While these irrigation tanks have <u>socio-economic and cultural significance</u>, very little is known of their ecological importance.</p> <p>These tanks have the potential to harbor good populations of resident and wintering water birds but no studies have been done to confirm this.</p>
72	Kanjirankulam Bird Sanctuary	TN	<p>It is a <u>protected area near Mudukulathur Ramanathapuram District, TN</u>. It is <u>notable nesting site for several migratory heron species</u> that roost in the prominent growth of babul trees here.</p> <p>The breeding population of migratory waterbirds arrive here between October and February and include: Painted stork, white ibis, black ibis, little egret, great egret.</p>
73	Ashtamudi Lake	Kerala	
74	Sashthamkotta Lake	Kerala	
75	Vembanad Kol Wetland	Kerala	

A) HOW A SITE IS DESIGNATED AS RAMSAR SITE

- According to Ramsar convention "Each contracting party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance".
- **Grounds of selection:** International Significance in terms of ecology, botany, zoology, limnology, or hydrology.
 - Accordingly any wetland which meets **at least one of the criterion** of identifying **Wetlands of International Importance (9 criteria)** can be designated by the appropriate national authority to be added in the Ramsar list.

- **Group A of the Criteria:** Sites containing representative, rare or unique wetland types
 - Criterion 1: If the wetland contains a representative, rare, or unique example of a natural or near-natural wetland type found within the appropriate biogeographic region.
- **Group B of the Criteria.** Sites of international importance for **conserving biological diversity Criteria based on species and ecological communities**
 - » Criterion 2: It supports vulnerable, endangered, or critically endangered species or threatened ecological communities.
 - » Criterion 3: It supports populations of plant and/or animal species important for maintaining the biological diversity of a particular biogeographic region.
 - » Criterion 4: It supports plant and/or animal species at a critical stage in their life cycles, or provides refuge during adverse conditions.
- **Specific criteria based on water birds**
 - » Criterion 5: It regularly supports 20,000 or more water birds.
 - » Criterion 6: It regularly supports 1% of the individuals in a population of one species or subspecies of water bird.
- **Specific criteria based on fish**
 - » Criterion 7: It supports a significant proportion of indigenous fish subspecies, species or families, life-history stages, species interactions and/or populations that are representative of wetland benefits and/or values and thereby contributes to global biological diversity.
 - » Criterion 8: It is an **important source of food for fishes, spawning ground, nursery and/or migration path** on which fish stocks, either within the wetland or elsewhere, depend.
- **Specific criteria based on other taxa**
 - » Criterion 9: **It regularly supports 1% of the individuals in a population of one species or subspecies of wetland-dependent non-avian animal species.**

B) MONTREUX RECORD

- It is the principle tool of the Ramsar Convention for highlighting those sites, where an adverse change in ecological character:
 - » Has occurred
 - » Is occurring
 - » Is likely to occur as the result of technological developments, pollution or other human interference and which are therefore, in need of priority conservation attention.

3. PRELIMS FACTS

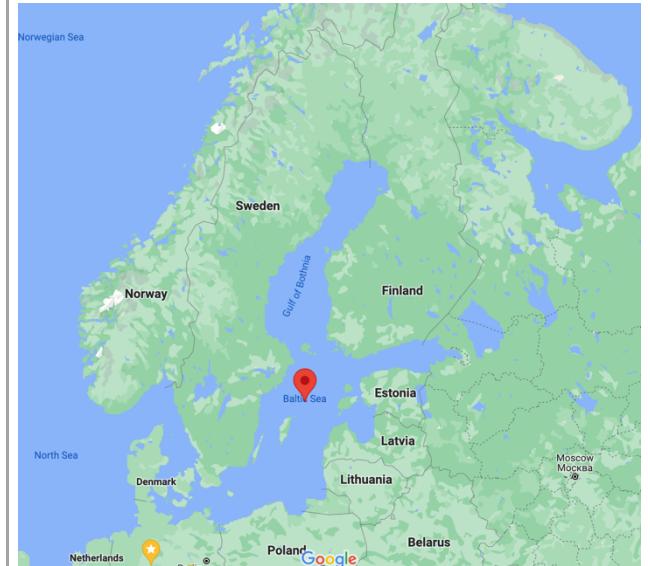
1) PLACES IN NEWS: BALTIC SEA

Baltic Sea is an arm of Atlantic Ocean. It is enclosed by Sweden, Finland, Russia, Estonia, Latvia, Lithuania, Poland, Germany and Denmark

Baltic Proper is bordered on its northern edge, at latitude 60 degree north, by Aland Islands and the Gulf of Bothnia, on its north eastern edge by Gulf of Finland.

Baltic Sea is connected to White Sea by White Sea Baltic Canal and to German Bight of the North Sea by Kiel Canal.

White-Sea Baltic Canal:



- **Recent News:**

- In **Baltic Sea**, citizen divers restore seagrass to fight climate change (July 2023)

2) EB&CC: INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (IPCC)

- **Why in news?**

- » Scotsman **James Skea** elected new IPCC chair in Nairobi. He is a professor of sustainable development at Imperial College London and will lead IPCC through its seventh assessment report (July 2023: Source: DTE)
 - The election was held at 59th session of IPCC which was held at UNEP headquarter in Nairobi, Kenya.
 - » The Intergovernmental Panel on Climate Change (IPCC) is the UN body for assessing the science related to climate change. Its job is **to assess already published scientific literature** to update our knowledge of climate change science.
 - » IPCC's Assessment Reports (ARs), which are produced every few years, are the most **comprehensive and widely accepted** scientific evaluations of the state of Earth's climate.
 - » They form the basis for government policies against climate change and provide scientific foundation for the global Climate Change negotiations.
 - » So far, **Six Assessment Reports** have been produced.
- **IPCC** was set up in 1988 by World Meteorological organization (WMO) and United Nations Environment Program (UNEP) to provide policy makers with regular assessment of the scientific basis of climate change, its impacts and future risks, and options for adaptation and mitigations.

3) MHADEI WLS

- **Why in news?**

- » The Goa bench of Bombay High Court has directed Goa government to notify the Mhadei WLS and other areas, referred to in National Tiger Conservation Authority communications and plans prepared by the Goa forest department, as a tiger reserve under the WPA within three months (July 2023: Source - IE)

- It also said that the state government should take all the steps to prepare a tiger conservation plan and forward it to the NTCA within three months of notifying the reserve.

About Mhadei WLS:

It is a protected area in the Indian state of Goa in Western Ghats. It is located in North Goa district.

The sanctuary is an area of high biodiversity, and is being considered to become a Project Tiger's tiger reserve because of the presence of Bengal Tiger.

The NTCA has suggested on multiple occasions that a tiger reserve be carved out from the uninhabited core zones of Goa's protected area and has requested the state to speed up the process of notifying the Mhadei sanctuary and certain contiguous areas as a tiger reserve.



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by Nikhil Sheth

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1. GENERAL STUDIES PAPER -2

1) POLITY AND CONSTITUTION: DIGITAL PERSONAL DATA PROTECTION BILL, 2023 (DPDP BILL, 2023)

- **Why in news?**
 - The Digital Personal Data Protection Bill, 2023 passed in both Lok Sabha and Rajya Sabha (Aug 2023)
- **Example Questions:**
 - Discuss the key challenges of the present personal data protection regime in India. How does the Digital Personal Data Protection Bill, 2023 remedy some of these challenges [15 marks, 250 words]
 - Critically analyze the provisions of the Digital Personal Data Protection Bill, 2023 in their ability in ensuring Fundamental Right to Privacy to citizens of the country [10 marks, 150 words]
 - The Digital Personal Data Protection Bill, 2023 fails to confront India's growth into a surveillance society. Discuss [10 marks, 150 words]
 - 'Data protection law is crucial not only for securing fundamental rights of citizens, but also for National Security and Economic Security' Elaborate [10 marks, 150 words]
- **Need of a Personal Data Protection Law**
 - i. **National Security:** Unauthorized leaks, hacking, cyber-crimes, and frauds may negatively impact India's national security
 - ii. **Preventing Misuse of Data:** Misuse of data has become rampant for commercial and political activities: e.g. Cambridge Analytica
 - iii. **Protecting Fundamental Rights of Citizens:** Ensuring Right to Privacy which is a fundamental right (**KS Puttaswamy judgement**)
 - Increased digital penetration -> increase in personal data breaches from major service providers
 - iv. **Strengthening of bargaining powers of Data Principals** who generally have unequal bargaining powers with respect to data fiduciaries and a law is needed for empowering them.
 - v. **Current data governance provisions** have been ineffective in protecting users data.
 - Presently, IT Act 2000 and some other sector regulations govern how different agencies collect and process user's data. However, these regimes fall short of providing effective protection to users and their personal data.
 - Under IT Act, the extant protection is premised on privacy being a statutory right, rather than a fundamental right.
 - It emphasizes on data security, but doesn't emphasize data privacy enough.
 - It has limited understanding of the kinds of data to be protected.
 - It places scant obligations on the data fiduciaries which, moreover, can be overridden by contract/user consent and;
 - The regime is not applicable on government agencies and leaves a large vacuum for data protection as government itself collects and processes large amount of personal data.

- Finally, the current regimen seems to be completely inadequate against the new technologies of data collection and processing which have emerged.
 - vi. **Absence of Institutional Framework** for data privacy and security. For e.g. there is a lack of independent supervisory authority such as privacy commissioner that individuals may approach in case of non compliance.
 - vii. There is also a need to regulate surveillance system to ensure there is a balance between government's need of surveillance and citizen's right to privacy.
 - viii. **Right to Forget** is increasingly being considered an integral part of right to privacy, but this is not available in India yet.
- **Some challenges in setting up an effective data protection regime:**
- i. Balancing Rights of Data Principals and need of data fiduciaries to process data.
 - ii. Balancing Right to Privacy of data principals and reasonable exceptions need for government.
 - iii. Due to fast changing technologies we need law which should be future proof, but at the same time it should not be very bulky and unduly detailed.
- **Therefore**, government has been working on a Data protection bill since 2017 and a new Bill, the Digital Personal Data Protection Bill 2023 has been passed in both Lok Sabha and Rajya Sabha in Aug 2023
- **Key Provision**
- i. **Definitions:**
 1. **Personal Data** is defined as any data about an individual who is identifiable by or in relation to such data.
 2. **Processing** has been defined as wholly or partially automated operation or set of operations performed on digital personal data.
 - ii. Unlike the 2019 bill, this bill narrows the scope of the data protection regime to personal data protection.
 - It will apply to the processing of digital personal data within India where such data is collected online, or collected offline and is digitized. It will also apply to such processing outside India, if it is for offering goods and services in India.
 - iii. **Consent:** Personal Data may be processed only for a lawful purpose upon consent of an individual.
 - Consent may not be required for specified legitimate uses such as voluntary sharing of data by the individual or processing by the state for permits, licenses, benefits and services.
 - iv. **Special Protection to Children:** The bill places three conditions on data processing entities for children's data.
 - Obtaining Verifiable consent; Not causing harm to children; and no tracking or monitoring children or targeting ads to them.
 - v. **Rights and Duties of Data Principal:**
 - Right to obtain information about processing, seek correction and erasure; Nominate other person to exercise rights in the event of death or incapacity; grievance redressal.

- Duties include not registering false complaints; not furnishing false info or impersonate other person;
 - Violation of duties will be punishable.
 - vi. **Obligation of Data Fiduciaries:** Data Fiduciaries are required to maintain the accuracy of data, keep data secure, and delete data once its purpose has been met; inform data principal and data protection board in case of a breach.
 - vii. **Concession to Cross Border Data flow:** The bill allows transfer of personal data outside India, except to countries restricted by the Central government through notification.
 - viii. **Exemptions:** Central government may exempt government agencies from the provisions in the interest of security of state, public order, and prevention of offences.
 - Personal data which is processed for research, archiving, or statistical purpose will also be exempted under clause 17(2)(b).
 - ix. **Data Protection Board of India** - To be established by central government to adjudicate on non-compliance with the provision of the bill.
 - The members will be appointed for a period of 2 years and can be reappointed.
 - **Amendment to IT Act, 2000** to remove clause for obligation on corporates to award damages to affect persons in case of negligent handling of sensitive data.
 - Note: Section 43A of the IT Act, 2000 imposes an obligation on corporates to award damages to affected persons in case of negligent handling of their sensitive data. Clause 44(2) of the bill aims to exclude the application of section 43A, thereby rendering an individual who has suffered breach of their data without any relief.
 - x. **Amendment to RTI Act, 2005** to protect the personal information from disclosure.
 - Section 44(3) of the bill amends section 8(1)(j) of the RTI Act, which will have the effect of totally exempting personal information from disclosure.
- **Advantages:**
- » **Right to Privacy** (no use without consent, obligations on data fiduciary to secure data)
 - » **Ease of doing business** - concession on cross border data flow
 - » **Priority to security, public order** etc.
 - » **Institutional Framework** - to ensure data protection in the form of Data Protection Board.
- **Key Issues:**
- i. **Exemptions to government agencies** on various grounds may lead to unchecked processing of data leading to adverse implication for privacy of individuals, which has been recognized as fundamental rights.
 - Parliamentary Standing committee had recommended that order should specify a procedure, which is fair, just and reasonable. But, the bill doesn't require any procedure of safeguard to be specified.
 - ii. **No differentiation between Personal Data and Sensitive Personal Data** - Thus there is a negation of elevated level of protection that should be available to sensitive personal data.

- iii. **No regulation of harm arising from processing of Data:** The previous bills had defined various harms which may arise from processing of personal data including mental injury, identity theft, financial loss etc. But, this is missing in the current bill.
 - iv. **Right of Data Portability and Right to be forgotten is missing** in the bill
 - The Joint Parliamentary Committee, (which examined the 2019 bill) has recommended retaining of right to data portability and right to be forgotten. General Data Protection Regulations (GDPR) also recognizes these rights
 - v. **Cross border data flow** may also lead to violation of fundamental rights of citizens if protection is not available in the country where data has been transferred.
 - vi. **Independence/Autonomy of Data Protection Board of India** may be affected by short term of the members and scope of reappointment.
 - vii. **Weaking of RTI regime:** RTI activists have expressed concerns that the Bill undermines the democratic essence by depriving citizens of the valuable RTI.
- **Conclusion:**
- » In its attempt to balance national security, public order, ease of doing business, global diplomacy and cross-border cooperation, technology velocity, and data volumes, the DPDP Bill, 2023 does a fine balancing act. If some limitations discussed above are remedied, the bill can be global digital personal data protection laws' fore-runner.

2) POLITY AND CONSTITUTION: RIGHT OF ACCESS TO INTERNET AND INTERNET SHUTDOWN IN INDIA: A CALL FOR BALANCING SECURITY AND RIGHTS

- **Practice Questions:**
 - » Critically analyze the legal framework surrounding internet shutdown in India [10 marks, 150 words]
- **Introduction**
 - » According to recent report by the US digital rights advocacy group Access now for the #KeepItOn coalition, India accounted for approximately 58% of all documented shutdown globally. For the past five successive years, India has topped the global list of states that cut off the internet to their citizens.
- **Why Access to Internet is Crucial?**
 - » **Internet acts as an enabler for the protection and enjoyment of human rights, especially freedom of expression and privacy:** United Nations Human Rights Council (UNHRC) resolution in July 2021.
 - **Political rights and Human rights** are negatively hampered in the absence of internet. The violation of rights is difficult to highlight in an internet-less society.
 - » In **Anuradha Bhasin & Ors vs. Union of India**, 2020, the Supreme Court has declared that Freedom of Speech and Expression through the medium of internet is part of the fundamental right under Article 19(1)(a).
 - » **Access to Internet for citizens increases government's accountability:** For e.g., Manipur Violence Case

- » **Other reasons why access to internet is important.**
 - Access to Health, Education, government benefits etc.
 - **Economy and Business:**
 - According to Internet Freedom Foundation (IFF) the Indian economy lost an estimated \$2.8 billion in 2022 - more than any other country so far due to internet loss.
 - **Journalistic loss.**
 - **India's dream of becoming digitally empowered society and knowledge economy** is hindered by arbitrary internet shutdown.

- **Why Internet Shutdown takes place in India (reasons given by government)**
 - » **Maintenance of Law and Order:** For e.g., during Manipur Violence in May-June 2023, Internet shutdown was in force to prevent rumor mongering and coordination amongst anti-social elements.
 - » **Protection of National Security** - for e.g., after the removal of special status of J&K under Article 370, internet shutdown went on for many months to prevent anti-India forces from mobilizing and coordinating.
 - » **Prevention of Misinformation**
 - » **Internet shutdowns have also happened in India for unsubstantial grounds** which violates the principle of proportionality.
 - To stop cheating during exams.
 - To prevent protests from taking place in an area

- **Legal Provisions governing internet shutdown in India.**
 - » **Section 144 of the Code of Criminal Procedure, 1973 (CrPC):**
 - Till the year 2017, the internet shutdown was primarily imposed under this provision.
 - Most of the Internet shutdown even today are imposed under this.

 - » **Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017**, (Issued under Telegraph Act, 1885)
 - Suspension of telecom services may be issued only through a "reasoned order" and only by the **Union Home Secretary** or the **State Home Secretary** for their respective governments.
 - It may only be ordered "one the occurrence of any public emergency" or "in the interest of public safety", and if the issuing authority is satisfied that the suspension is necessary to safeguard "the interest of the sovereignty and integrity of India, the security of state, friendly relations with foreign states or public order or for preventing incitement to the commission of an offence".
 - By the next working day, the order must be placed before a three-member **Review Committee**, which decides within five days the order constitute a public emergency or threat to public safety under Section 5(2) of the Indian Telegraph Act, 1885.

- **Key issues with the legal framework:**

- **Lack of sufficient framework and Safeguards:** This leads to fewer constraints on bureaucrats imposing internet shutdowns.
 - **Problems with the working of Review Committee:**
 - **The Review Committee** consist of only executive members. This hampers fair assessment since a single arm of government (i.e. the executive) is responsible for authorization, conduct and review of the internet shutdown, which constitutes a conflict of interest.
 - **Review committee** is also sometimes referred as a toothless committee as it doesn't have the power to set aside an illegal suspension order and can only record its finding.
 - **Five days given to review committee** is not reasonable as most internet shutdowns are not more than five days long.
 - **Lack of Transparency** as the rules don't mandate the publication of the review committee's findings.
 - **Issues with Suspension of Internet under Section 144 of CrPC**
 - It doesn't even remotely contain the procedural safeguards which the 2017 rules provide.
 - It also raises an important question - **Should it be legally permissible for governments to resort to Section 144 of the CrPC** - a general law providing for maintaining public order - despite the availability of legal regimes that specifically deal with internet shutdowns?
 - According to the well-known legal maxim ***generalia specialibus non derogant***, "if a special provision has been made on a certain matter, that matter is excluded from the general provisions"
 - **Blatant ignorance of Anuradha Bhasin Judgement:** Governments have been issuing internet suspension orders, going against the spirit of the Anuradha Bhasin direction.
 - For e.g. Internet shutdown during examination to prevent cheating.
 - **Key Highlights of the Jan 2020 Judgment [Anuradha Bhasin & Ors vs. Union of India]**
 - **Access to Information and Freedom of Speech and Expression** through the medium of internet is a fundamental right under Article 19(1)(a) of the Constitution of India.
 - Freedom of **Trade and Commerce** through the medium of internet is also constitutionally protected under Article 19(1)(g).
 - Any order suspending the internet under Temporary Suspension of Telecom Services (Public Emergency or Public Services) Rules, 2017 have to be:
 - Subjected to the **principle of proportionality**,
 - Backed by **reasons**,
 - For **limited timeframe** (not indefinite) and
 - Open for **judicial review**.
 - **Note: Doctrine of Proportionality** - In its present form in India, as held in Anuradha Bhasin, the doctrine demands scrutiny at various levels:
 - First, it requires the state to show the court that the basic aim that the restriction seeks to achieve is legitimate.

- Second, the state must demonstrate that it has chosen the "least lucrative measure possible to achieve its purported objective; and
 - Third, the state must establish that there exists a rational nexus between the limitation imposed and its purported aim.

- SC also required that orders passed by state under the Internet Rules as well as under Section 144, should be proactively placed before the court in writ proceedings and should be published.
 - Earlier, the order passed by the State of J&K were not even placed in public record.

- The judgment thus, widens the scope of freedom of speech and expression; promote transparency in decision making; limits arbitrariness of executive power ad harmonizes the legal outlook with that of UNHRC's stand.

- **Other recent judgment related to Internet.**
 - The High Court of Kerala in **Faheema Shirin R.K. v. State of Kerala & Ors** in 2019 had held **Right to Internet Access** as a fundamental right. The court said that access to internet becomes the part of Right to Education as well as Right to Privacy under Article 21 of the Constitution of India.

- **Inspite of this judgment**, problems continue, and India remains the Internet shutdown capital of the world.

- **Way forward**
 - Government should balance security with Right to Education, life and work.
 - **Take steps for effective implementation of Supreme Court verdict:**
 - Provide Statutory Backing to directions laid down by the Supreme Court in the Anuradha Bhasin judgment.
 - **Awareness of the law among administration:**
 - For e.g. State of Meghalaya in an RTI reply stated that it wasn't even aware of the judgment in Anuradha Bhasin case (even after 8 months of the judgement).
 - The **Parliamentary standing committee** on IT has called for setting up parameters and a robust mechanism for internet shutdown.
 - This guideline should include the conditions for imposition of internet shutdown and maximum duration for which the curfew can remain.
 - **Improving the review system in 2017 rules:**
 - There is a need to codify defined parameters that constitute a public emergency and public safety and implement a mechanism to decide the merit of an internet shutdown.
 - **The composition of Review Committee** should be made more inclusive with more non-official members such as retired judges and public members.
 - **Rules must be in tune with changing technology** to ensure minimum disturbance to the public.
 - DoT should formulate a policy that selectively restricts specific services instead of a blanket shutdown. This will ensure that no inconvenience to the general public is caused and the objectives such as curbing misinformation, etc. are also met.
 - **Standing Committee on Communication and IT** has also made some recommendations like

- Department of Telecommunication should keep a record of number of Internet shutdown incidents.
- Lay down a clear principle of proportionality and procedure for lifting the shutdown in coordination with Ministry of Home Affairs to prevent any abuse of the suspension rules.
- It is important that a balance is maintained between human rights and freedoms with the issue of security.
- Finally, a **Constitutional bench of Supreme Court** should look into if access to Internet a fundamental right is or not.
- **Conclusion:** In today's world, Internet is the most utilized and accessible medium for exchange of information. Thus, the internet shutdown should be a very rare step. Clear guidelines and protocols should be established for implementing internet shutdown to ensure that they are only used in exceptional circumstances.

3) POLITY AND CONSTITUTION: INFORMATION TECHNOLOGY (INTERMEDIARY GUIDELINES AND DIGITAL MEDIA ETHICS CODE) AMENDMENT RULES, 2023 [IT RULES 2023]

- **Why in news?**
 - » On 6th April 2023, the Ministry of Electronics, and Information Technology (MeitY), Government of India, notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023.
 - A bunch of petitions has been filed by political satirist Kunal Kamra, the Editor Guild of India, and the Association of Indian Magazine and regional channels challenging the constitutional validity of the new rules.
- **Key features of the 2021 Rules (Before amendment of 2023)**
 - **Greater Due Diligence on Intermediaries:**
 - » They are required to publish rules, regulation, privacy policies and user agreements for access or usage of its services.
 - » The rules also specify restrictions on the types of content that users are allowed to create, upload, and share. Intermediaries have to inform users about these restrictions.
 - **Ensuring Online Safety and Dignity of Users:**
 - » Intermediaries, on receiving of complaints of contents that exposes private parts, partial nudity, sexual act, impersonation or morphed image of an individual, shall remove or disable access within 24 hours.
 - **Grievance Officer:**
 - » The rules require intermediaries to designate a grievance officer to address complaints regarding violation of the rules.
 - The rules require intermediaries to acknowledge complaints regarding violation of Rules within 24 hours and dispose of complaints within 15 days.
 - **Appeal Mechanism against decision of grievance officers**

- **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023** - notified by MeitY.
 - Confers power of Meity to notify a fact check unit of the Central Government that will identify fake or false or misleading online content in respect to any business of the Central Government.
 - **Social Media** Intermediaries (such as Facebook, Twitter) and telecom service providers shall inform the users not to host, display, upload, modify, publish, transmit, store, update or share any information pertaining to central government which has been identified as fake/false/misleading by the fact check unit.
 - **Violation** of these rules can lead to social media intermediaries losing their 'safe harbour' immunity.
 - Note: "Safe harbour" protects them from litigations against third-party content.
 - **Provisions for Online Gaming Intermediary:**
 - Defines an online gaming intermediary to mean any intermediary that "enables the users of its computer resource to access one or more online games".
 - **Regulations:** The earlier rules covering social media intermediaries are still in place, and shall now cover online gaming intermediaries, with a few more clause thrown in:
 1. **No wagering** (or betting) on the outcome of any online game will be allowed.
 2. **Prohibit online gaming intermediaries:**
 - i. From hosting, an online game which may cause harm to users;
 - ii. From hosting non-verified online games or
 - iii. Advertising (or surrogate advertisement) of non-permissible online games or any intermediary offering such an online game.
 3. Government may designate an online gaming Self-regulatory body/ bodies for permitting online games.
 4. **Additional Obligations on online gaming intermediaries** in relation to online games involving real money.
 - i. Displaying a mark of verification by the SRB.
 - ii. Informing users about the policy of withdrawal on refund of deposit, manner of determination and distribution of winning, fees etc.
 - iii. Obtaining KYC details of the users.
 - iv. Not giving credit or enabling financing by third parties to the users.
- **Analysis:**
 - **Significance:** On Provisions related to Fact Check
 - **Protects** Digital Nagrik from fake or false misleading information about central governments.
 - **Significance: For online Gaming:**
 - The amendment lays out a comprehensive framework for Online Gaming Ecosystem.
 - These rules bring clarity and certainty in terms of policy framework for young Indian startups and innovators in the field of online gaming.
 - It addresses the twin challenges of catalyzing and expanding online gaming innovation and at the same time protecting citizens from illegal betting and wagering online.

- **Analysis:**
 - » **Criticism: On Provisions related to Fact Check**
 - **No Definition of Fake News:** The 2023 rules don't define what constitutes "fake or misleading" information, nor do they specify qualifications or hearing process for a "fact check unit".
 - **Chilling Effect:** Unguided power bestowed on the fact check unit of the government to identify fake online content can have a chilling effect on the freedom of speech and expression.
 - **Bypasses the statutory prescription of section 69A of the IT Act:** This provision enables central government or its authorized officers to issue directions for blocking public access of any information through any computer resource. Here the government or authorized officer is required to follow certain processes and safeguards in blocking public access.
 - **Bypasses Supreme Court Verdict of Shreya Singhal vs Union of India** which laid down procedure for blocking content.
 - **Editor Guild of India (EGI)** and Political satirists have also said that this will violate fundamental right to free speech.
 - » **Criticism about Online Gaming Provisions:**
 - » **Ambiguous Definitions:** The definition of online gaming intermediaries still remain very broad and thus lead to ambiguity.
 - » **Flawed Model of Self Regulation:**
 - » **Legislative uncertainty:** Online gaming was not previously regulated under the provisions of the IT Act, 2000.
 - A clear parliamentary enactment is necessary, rather than bringing online games under the IT Act through the rules.

4) POLITY AND CONSTITUTION: FREEDOM OF PRESS

- **Why in news?**
 - » As per the World Press Freedom Index 2023, India is ranked 161/180 countries with a score of 36.62 in terms of Press Freedom.
 - In 2022 report, India was ranked 150.
 - India's performance is consistently falling since 2016 when it was ranked 133.
 - **Reasons:** Increased violence against journalists; Politically partisan media; Acquisition of media outlets by oligarchs.
- **Example Questions**
 - » The fourth pillar of India's democracy is under considerable stress. Discuss the key challenges impacting Freedom of Press in India. [15 marks, 250 words]
- **Introduction**
 - » Freedom of Press is considered the backbone of a democratic society. The freedom enjoyed by the press in a country is a measure the freedom enjoyed by the citizens there.

» **Constitutional Status of Freedom of Press**

- Though Freedom of Press is not directly mentioned in the Indian Constitution, it is incorporated under Article 19(1)(a) which provides for Freedom of Speech and Expression. Similarly, the **liberty of thought and expression** mentioned in the **preamble** of the Constitution includes in its ambit the freedom of press.
- **Constituent Assembly Debate** - Class Discussion
- In the **Indian Express vs Union of India**, 1985, Supreme Court upheld the view that Freedom of Press is constituted under Article 19(1)(a) of the Indian constitution.

- **Significance of Free Press**

» **4th Pillar of Democracy**

- Press is regarded as the fourth pillar of democracy as it acts as an **important check on the policies of government** which may have been formulated with malafide intention.
- By providing **correct information to people**, it makes them more aware and thus act as a **means for keeping elected officials responsible** to the people who are supposed to serve.
- **Investigative Journalism** have played a very important role in **uncovering truth which have otherwise remained hidden**. It thus acts as a vital agency to **curb corruption and injustices** in society.
- Further, it helps **government to know the moods and needs of people**. Thus free press is described as the **oxygen to democracy** and without it a democratic society can't survive.

» **Press is considered an important medium of communication**, because of its wide horizon.

» **Education and Awareness Generation:**

- Press today is considered an important mechanism to **spread education and awareness regarding many social, economic and political issues**.
- For e.g., Media plays an important role in promoting **equality of women, ending caste discrimination etc.** At the same time various newspapers, news channels etc. **educate citizens regarding insurance cover, equity investment etc.**

» **Press contributes to formulating public opinion** which helps on one hand imparting the knowledge to the society and one the other hand restraining the tyrannical actions of the government.

- Press may also serve a role in achieving **stability and solidarity** in the nation.

» **Source of Information:** The role of press is crucial as it provides comprehensive and objective information of all aspects of country's economic, political, social and cultural aspects.

» **Entertainment:** By covering topics like movies, sports etc. the press also acts as a source of entertainment for many people.

» It has also served as an **important medium of advertisement and publication**.

» And finally, it serves as a **link between different regions of the entire nation** as the freedom of speech and expression knows no boundary.

- **Regulation of Press/Media in India**
 - » Mostly self-regulated
 - » A lot of private channels have themselves set up a **News Broadcasting Standards Authority (NBSA) of India** which issues various guidelines.
 - NBSA is empowered to warn, admonish, censure, express disapproval and fine the broadcasters a sum of Rs. 1 Lakh for violation of code.
 - » **Press Council of India**
 - It is a statutory body to regulate newspapers, journals, magazines, and other forms of print Media but it cannot penalize them for violation of guidelines.
 - » **CBFC**
 - Content of Movie and Tv shows.
- **Why freedom of press has been affected? / What hinders freedom of press in India?**
 - » **Corporate Ownership and Commercialization** of new channels and papers -> Profit centric approach -> lobbying rent seeking behavior (as highlighted in telecom and coal allocation scams)
 - » **Concentration of control among few houses**
 - A study by Reporters without Borders says that the Indian media market is huge, but is **owned and controlled by few**, thus establishing a pattern of monopoly. This **concentration is a result of considerable gap in the regulatory framework** to safeguard media pluralism and prevent media concentration.
 - » In the era of **Crony Capitalism**, **Paid news** has emerged as an important factor affecting press freedom.
 - » **Newspapers partially owned by politicians or aligned to a particular political ideology.** (Lapdog media, Godi Media)
 - In the scenario of **post-truth Politics** - the lapdog media also tend to propagate those new ideas which appeals to the emotion and are disconnected to the policy. By repeated assertion of talking points, the factual rebuttals are ignored.
 - » **Government advertisements** have emerged as an important source of income for press. This sometimes is used by government to arm twist press to work according to its will.
 - » **Other statutory provisions** which hinder freedom of speech includes the Official Secrets Act, 1923, both Civil and Criminal Defamation provisions, non-codified parliamentary privileges etc.
 - » **No-Protection is available to whistle blowers** who contribute to a large extent to freedom of press and bringing transparency to public domain.
 - » **Violence Against Journalists due to poor law and order situation.**
 - India is considered one of the most dangerous countries to work as Journalist.
 - » **Misuse of state machinery to harass critical newspapers and channels.**
 - For e.g., Republic TV chief was arrested in an old abetment to suicide case.
 - » **Reasons given by Press Freedom Index for India's deteriorating performance.**
 - **Pressure from Government:** According to the index, the media in India, among nations reputed to be more democratic, faces pressure from "increasingly authoritarian and/or nationalist government".
 - **Policy issues** - Defamation, Sedition, Contempt of Court, Parliamentary Privileges etc.

- **India's is world's most dangerous country for journalists** - they are exposed to all kinds of violence including police violence, ambushes by political activists, and deadly reprisals by criminal groups.
 - **Acquisition of media outlets by oligarchs.**
- **Second Press Commission** chaired by **Justice Mathew** gave following suggestions in 1982 to promote freedom of press:
 - i. **Codification of Parliamentary Privileges** to prevent its misuse to prevent genuine criticism of a member of parliament or legislative assembly.
 - ii. **Publication of corruption and improper judicial conduct** shouldn't be punishable.
 - iii. **The present defamation laws** should be amended to bring it in line with the British defamation law of 1952.
 - iv. **Establishment of the Newspaper Development Commission.** The commission will aid and assist the small newspaper agencies. It should also distribute fairly and equitably the government advertisements.
 - v. Most of these recommendations are yet to be implemented.
- **Telecom Regulatory Authority of India (TRAI) also suggested following measures to promote Freedom of Press in 2014**
 - i. **Bar Political Parties and government departments**
 - ii. **Independent regulator**
 - iii. **Formula to calculate media dominance.**
 - It also suggested a formula for calculating media dominance that will likely affect at least some media companies in some markets
 - iv. **Paid news: Both media and payer should be held liable**
 - v. In case of "**advertisorials**", a clear disclaimer should be mandated, to be printed in bold letters, stating that succeeding content has been paid for.
 - vi. **Long term steps:** TRAI said implementing its recommendations would address the immediate purpose of curbing unhealthy media practices, but there is a need for a comprehensive evaluation of the legislative and legal framework in order to establish a robust institutional mechanism for the long term. The authority, therefore recommended that a commission, perhaps headed by retired Supreme Court Judge, be set up to comprehensively examine the various issues relating to the media.
- **Conclusion1:**
 - » Freedom of press is the heart and soul of a democratic society. Therefore, it is high time that government should take steps to release media/press from the shackles which hold it back and hinders its role as the fourth pillar of democracy.
- **Conclusion2:**
 - » Freedom of Expression and Freedom of Information are crucial pre-requisites for democracy. The award of Nobel Peace Prize to Maria Ressa and Dmitry Muratov has underscored the importance of protecting and defending these fundamental rights.

5) POLITY AND CONSTITUTION: HATE SPEECH

- **Why in news?**
 - » The Supreme Court on 28th April 2023 directed states to suo motu register FIRs on hate speech incidents and proceed against offenders without waiting for someone to lodge a complaint. (April 2023)
- **Introduction:**
 - » Hate Speech refers to any form communication (written, oral or otherwise) that expresses hostility, prejudice or violence towards individuals or groups based on attributes such as their race, ethnicity, religion, gender, sexual orientation etc. It often seeks to demean, dehumanize, or marginalize the targeted individuals or groups, and it can contribute to fostering a hostile or discriminatory environment.
- **Key Factors behind recent spurt in Hate Speech:**
 - » **Increased Religious Polarization** in society.
 - » **Caste based discrimination** leads to perpetration of hate speech and hate crime in society.
 - » **Other chauvinistic factors** promoting hate speech include regionalism, patriarchy etc.
 - » **Lack of Political Will** to enforce various legal provisions, give the perpetrator the impunity.
 - » **Increased penetration of social media and Internet** has also made it easy to spread hate crimes and hate speech easily.
- **Negative Impacts of Hate Speech:**
 - » **Hampers Fraternity, Unity and Integrity of Nation:** Hate speech can alienate individuals, groups from the society. It erodes trust between individuals and groups, hindering effective communication and collaboration across diverse communities.
 - » **Promote Social Discrimination:** When hate speech go unaddressed, it can contribute to normalization of discriminatory attitudes and behaviors.
 - » **Psychological Harm:** It can lead to anxiety, distress, and other mental health issues for individuals who are targeted by it.
 - » **Chilling Effect on Participation:** Hate speech can discourage individuals from participating in public discourse, especially those who belong to minority and vulnerable groups. This thus hampers freedom of speech.
- **Legal Provisions for Hate Speech:**
 - » India doesn't have a formal legal framework for dealing with hate speech, several provisions of IPC, can be invoked. These are primarily laws to deal with offences against religion. These include:
 - **Section 153A:** It penalizes promoting enmity between different groups on grounds on religion, race, place of birth, residence, language etc.
 - Section 153B: imputations, assertions prejudicial to national integration
 - Section 295A: It defines and prescribes punishment for deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.
 - The chapter include other provisions also:
 - **Section 295:** Penalize damage or defilement of a place of worship with intent to insult the religion;
 - **Section 296, 297 and 298** also deal with religious issues.

- **Supreme Court Verdict (April 2023)**
 - » All States to suo motu register FIRs on hate speech incidents and proceed against offenders even without waiting for someone to lodge a complaint. The penal provisions under which hate speech offenders can be booked are Section 153A, 153B, 505 (public mischief), 295A etc. of IPC.
- **Supreme Court Verdict (Oct 2022)**
 - » A supreme court verdict bench has directed the police chiefs of Delhi, UP, and Uttarakhand to take immediate suo motu action against any hate speech, by lodging criminal cases without waiting for formal complaints. Any hesitation to act in accordance with this direction will be viewed as contempt of court and appropriate action shall be taken against the erring officials.
- **Way Forward: How to tackle Free Speech**
 - » **Legal Measures:**
 - The Law Commission of India has recommended two new sections - Section 153C and Section 505A in IPC to criminalize hate speech specifically.
 - Bezbaruah Committee and Viswanathan Committee have also made similar recommendations.
 - » **Strict enforcement of laws:** Hold individuals accountable for hate speech that incites violence or other harmful actions.
 - » **Political Leadership and Messaging:** Leaders should promote the messages of unity, tolerance, and respect for diversity.
 - » **Social Media Regulations:** Collaborate with social media platforms to develop and enforce policies that curb the spread of hate speech online.
 - » **Public Awareness and Education:** Educate people about the harmful impact of hate speech on individual society. Education about diversity, tolerance, and respect for differing viewpoints can help foster a more inclusive society.
 - **Promote cultural and artistic initiatives** that celebrate India's diverse heritage and challenge stereotypes.
 - **Community engagement:** Promoting positive and respectful discourse. It can help bridge divides and reduce prejudices.
 - » **Continually adapting strategies** with the evolving nature of hate speech, both offline and online.
- **Conclusion:** Addressing hate speech requires a comprehensive and sustained effort from various sectors of society, including government, civil society, media, educational institutions and individuals. It is essential.

6) POLITY AND CONSTITUTION: PREVENTIVE DETENTION LAW AND ASSOCIATED ISSUES

- **Why in news?**
 - Laws on preventive detention are necessarily harsh, curtail the personal liberty of an individual, and so the procedure needs to be strictly adhered to: SC (July 2023: Indian Express)
 - » In this case, the Supreme Court ordered the release of a man whose detention was extended twice without the authorities considering his representation.

- » It set aside an order of the Jharkhand High Court upholding the detention of **Prakash Chandra Yadav alias Mungeri Yadav**, who was declared an 'anti-social element' under the Jharkhand Control of Crimes Act, 2002.
- Preventive detention in 2021 up by 23.7% compared to year before: NCRB Data (Sep 2022: Source: The Hindu)
 - » Number of people in custody or still detained at the end of the year highest since 2017.
- **Example Questions**
 - National Security Act, 1980 in its current form is leading to abuse of power. Comment [15 marks, 250 words]
 - Discuss the key constitutional and legal provisions dealing with preventive detention in India. [15 marks, 150 words]
- **What is Preventive Detention?**
 - Preventive detention is the arrest of a person to "prevent" a crime from happening i.e. there is a strong suspicion/probability that the arrested person if allowed to remain free would get involved in some illegal activities.
- **History of Preventive Detention Laws in the country**
 - **Bengal Regulation III of 1818** -> empowered government to arrest anyone for defence or maintenance of public order without giving the person recourse to judicial proceedings.
 - **Rowlatt Acts of 1919** -> allowed confinement of suspect without trial.
 - **Preventive Detention Act of 1950** - Expired on Dec 31, 1969
 - **Maintenance of Internal Security Act (MISA) in 1971** -> repealed in 1977 by the Janta Party government.
 - **National Security Act, 1980** -> brought by Indira Gandhi government when she came back to power.
- **Constitutional Provisions regarding Preventive Detention in India**
- **Article 22(4)-22(7)** deals with cases of **preventive detention** here certain safeguards/rights have been provided to person getting detained under Preventive Detention Laws. These safeguards are available to **both Citizens and Aliens**.
 - » **(22(4)):** No person can be detained for a period more than 3 months (reduced to 2 months by 44th amendment, but not notified yet) unless
 - a. An advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is sufficient cause for such detention.
 - Nothing in the above sub-clause shall authorize detention beyond maximum period prescribed by parliament under sub clause (b) of clause (7)
 - » **(22(5))** provides for communication of grounds on which detention order has been made and affording earliest opportunity of making representation against order.
 - » **(22(6))** Nothing in clause (5) shall cause the disclosure of facts which the authority considers to be against the public interest to disclose.
 - » **(22(7))** provides that Parliament may by law provide for

- a. The circumstances under which, and the classes of cases in which a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board.
 - b. The maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention;
 - c. Procedure to be followed by an advisory board in an enquiry.
- **Other Constitutional Provisions**
- Division of legislative powers
 - The parliament has exclusive power to make laws of preventive detention on the subjects of defence, foreign relations and security of India.
 - Both Parliament and State legislatures can concurrently make a law of preventive detention on subject of security of state, maintenance of public order and the maintenance of supplies essential to the community.
- **National Security Act, 1980**
- **About the Act**
 - » It is a law aimed at preventing crimes which may affect **India's security and public order**. The provision of the act allows for preventive detention which can be extended for months.
 - **The grounds for preventive detention under the Act include:**
 - i. Acting in a manner which is prejudicial to the defence and security of India or India's relations with foreign powers.
 - ii. Regulating the continued presence of foreigners in India or for making arrangements for their expulsion from India.
 - iii. Preventing them from acting in a manner prejudicial to the security of the state, public order, or maintenance of supplies and services essential for the community.
 - Preventive detention under NSA happens through administrative order passed by the Divisional Commissioner or the District Magistrate (DM) - and not detention ordered by police based on specific allegations or for a specific violation of law.
 - Under the NSA, an individual can be detained without charge for upto 12 months (advisory board made of high court judges have to approve detention beyond 3 months); the state government needs to be intimated that a person has been detained under the NSA.
 - The person can be detained under the NSA for upto 10 days without being told the charges against them.
 - The detained person can appeal before the high court advisory board but they are not allowed a lawyer during the trial.
- **Various Preventive Detention Laws under state governments**
- » Various state governments have their own **Goondas Acts** which provide for preventive detention for maintenance of public order, supply of essential commodities etc.

- **Criticism of the Preventive Detention laws**

1. **Violates International Human Rights, Constitutional Rights and Statutory Rights**
 - Detention without charge negatively hampers freedom of speech, freedom of movement, and right to life and personal liberty.
2. **Misuse:** Almost 90% of the preventive detention cases are set aside by the courts. This is another indication of the extent of misuse.
 - a. **Tool to obscure the flaws in the Indian Criminal Justice System** -> Buying time to investigate an offence; pretext for law enforcement agencies not to carry out thorough investigation.
 - b. **Detention due to political and ideological differences**
 - It throttles criticism of government policies.
 - For e.g. In the case of Chandrashekhar Azad, founder of the Bhim army NSA was applied after the Allahabad High court granted bail in 27 separate cases calling the charges "politically motivated".
3. **Regular Use rather than exceptional**
 - The supreme court has held that it is a drastic measure and should be applied in rarest of the rare cases but is regularly used.
4. **Against the grain of fair trial** -> **Violates nearly all due process rights.**
 - In the **normal course of criminal law**, a person accused of crime is guaranteed the **rights to a legal counsel, to be informed of charges, to appear before magistrate within 24 hours, to cross examine any eyewitness and question any evidence** presented and to be **presumed innocent until proven guilty** beyond a reasonable doubt in a court of law.
 - The **NSA doesn't apply any of the above safeguards to the preventive detention cases.**
5. **Violates Separation of Power:** As preventive detention is based on subjective satisfaction of the detaining authority.
6. **Not in sync with democratic Principles:** India is the only democratic country to have preventive detention laws even during peace time. Britain resorted to it only during the world wars. But in India it has been there since British rule.
 - In a modern democracy, the emphasis should be on restorative justice rather than retributive justice.
 - If other democratic countries can do without it, India should also be able to work without it.

- **Arguments in support of Preventive Detention laws**

- **These laws are necessary evils** as they prevent terrorist attacks or helps in responding to existential national crisis because of the seriousness of the threats.
 - **Misuse of law** can be tackled by some reforms and there is no need of repealing the law.
 - **National Security, Public Order** are clearly mentioned as grounds to impose reasonable restrictions on various right to Freedom provisions.
- **In July 2023**, the Supreme Court emphasized on the importance of strictly adhering to procedural requirements in cases concerning preventive detention laws.
 - The court recognized that "All laws on preventive detention are necessarily harsh. They curtail personal liberty of an individual, who is kept behind bars without any trial. In such cases,

procedure is all a detenu has. Laws of preventive detention must therefore be strictly complied".

- **Way forward**
 - » Indian Parliament and Judiciary should revisit the NSA to close any loopholes that permit law enforcement to abuse constitutional and statutory rights.
 - » **Reasonable ceiling on detention**
 - Parliament should at least come up with a reasonable ceiling on the maximum period of detention which at present in certain circumstances can extend upto 2 years.
 - » NCRB should come up with a mechanism to collect record of preventive detention cases as well to help make better policy on the issue.
 - » **Should be used only in exceptional circumstances.**
 - Both central and state legislature should provide for exceptional conditions in which it can be used.
 - SC has said on several occasions that Preventive Detention is a necessary evil only to prevent public disorder.
 - » Further, there should be focus on reforming criminal justice system to directly and appropriately address its weakness so that preventive detention laws are not used in normal situation.
- **Conclusion**
 - » It is time for India to catch up with the international community and recognize that preventive detention must not be used as an ordinary and regular law & order measure.

7) POLITY AND CONSTITUTION: BASIC STRUCTURE DOCTRINE

- **Why in news?**
 - 50 years of basic structure doctrine: The verdict was given on 24th April 1973 (April 2023)
 - Vice-President Jagdeep Dhankar has criticized the Supreme Court for using Basic Structure Doctrine to strike down constitutional amendments by Parliament, such as the NJAC Act. (April 2023)
- **Example Questions**
 - a. "Parliament's power to amend the constitution is a limited power and it cannot be enlarged into absolute power". In the light of this statement explain whether parliament under article 368 of the constitution can destroy the Basic structure of the constitution by expanding its amending power? (15 marks, 2019)
 - b. In the quest to protect democracy from the hands of elected parliamentary representatives, it is unacceptable to place it entirely in the hands of an unelected judiciary. In light of this comment, critically analyse the Basic structure doctrine formulated by the Supreme Court in the Keshavnand Bharti case. [15 marks, 250 words]
 - c. Discuss the evolution of the Doctrine of Basic Structure of the Constitution. How does it contribute towards strengthening India's democracy? [15 marks, 250 words]

- **What is the Basic Structure Doctrine?**

- The Basic structure doctrine is a judicial innovation of the Constitution of India which puts a limitation on the amending powers of the Parliament. It says that the Constitution has some 'Basic Features' that can't be altered or destroyed by amendments by Parliament. .

- **Evolution of the Basic Structure Doctrine - Keshavnand Bharti Case and Minerva Mill Case**

- The extent of amending powers exercised by Parliament became a cause of adjudication from the very first Constitutional Amendment Act (1951) which curtailed the Right to Property (which was a fundamental right then).
- In **Shankari Prasad case** (1951) the SC held (6/11 majority) that the powers of Parliament to amend the Constitution under Article 368 of the Constitution includes the power to amend Fundamental Rights and that the word 'law' in Article 13 of the Constitution includes only ordinary laws and not the Constitutional Amendment Acts. Thus, the Parliament can take away any of the fundamental rights by Constitutional Amendment.
- However, in **Golak Nath case** (1967), the Supreme Court reversed its earlier stand and held "the Fundamental Rights are given a transcendental and immutable' position and hence Parliament can't abridge or take away any of these rights. It also held that a CAA is also law within the meaning of Article 13 of the Constitution and hence would be void for violating Fundamental Rights.
- **The Parliament sought** to supersede the Golakhnath judgement by amending Article 368 itself through 24th CAA, 1971.
 - The amendment said that an amendment under Article 368 will not be considered a law within the meaning of Article 13 of the Constitution and the CAA can't be challenge on the ground that it affects a fundamental Right.
- **In Keshavananda vs State of Kerala** 1973, the Supreme Court upheld the 24th CAA.
 - » Thus, the question of amendability of the Fundamental Rights have been settled i.e. a CAA can amend fundamental rights in India and a CAA will not be considered law under the meaning of Article 13 of the Constitution.
 - » However, the Constitutional Bench (largest ever - 13 judges) also held that there are certain basic features of the Constitution of India, which can't be modified by an amendment under Article 368 of the Constitution of India.
 - These basic features include (without being exhaustive) - sovereignty and territorial integrity of India, the federal system, judicial review, Parliamentary system of government etc.
 - » Using the doctrine of the 'Basic feature of the Constitution', the Apex court declared second part of the section 3 of 25th CAA as unconstitutional as it limited the powers of Judicial review which is one of the basic features of the Constitution.

- Through 42nd CAA, the Parliament tried to remove any limitation on its power of amendment by adding that there is no limitation on the constituent power of the Parliament and no amendment can be questioned in any court on any ground including that of the contravention of any FR.
- However, the Supreme Court in the **Minerva Mills case** invalidated the above amendment as it excluded Judicial review which is one of the basic features of the Constitution.
 - The Court held "*Since the Constitution had conferred a limited amending power on the Parliament, the Parliament cannot under the exercise of that limited power enlarge that very power into an absolute power. Indeed a limited amending power is one of the basic features of the Constitution and, therefore, the limitations on that power cannot be destroyed*"
- **Elements of the Basic Structure**
 - So far, Supreme Court has not defined an exhaustive list of the Basic structure doctrine. But from various judgments we can enumerate following features as part of basic features of the Constitution of India
 - Supremacy of the Constitution; Sovereign, Democratic and Republican nature of the Indian Polity; Secular character of the Constitution of India; Separation of Power; Federal Character of the Constitution of India, Unity and Integrity of the nation; Welfare State; Judicial Review; Freedom and Dignity of the individual; Parliamentary System; Rule of Law; Principle of Equality; Free and Fair Elections; Independence of Judiciary etc.
- **Other important Supreme Court Verdicts which expanded the Basic Structure Doctrine:**
 - **Indira Gandhi vs Raj Narain 1975:** The Basic structure doctrine was used for the first time to strike down 39th Constitutional amendment Act (1975) provision that barred court's jurisdiction over election disputes.
 - **Kihoto Hollohan vs Zachillhu (1992):** Free and Fair Elections
 - **Indira Sawhney vs Union of India, 1992:** Rule of Law
 - **Bommai Case (1994):** Democracy, Federalism, and Secularism.
 - **M Nagraj Case (2006):** Equality
 - **Coelho Case (2007):** Judicial Review
 - **NJAC Case (2015):** Judicial Independence
- **Analysis: Positives**
 - The doctrine helps to preserve and protect the basic spirit of the Constitution from the legislative and executive overreach.
 - Legal scholar Upendra Baxi says that the basic structure doctrine was useful to apply the brakes when the engine of amending power threatened to overrun the constitution.
 - It strengthens democracy by limiting the power of a majoritarian government to undermine the Constitution's central ideals.
 - Unlimited power of amendment may have turned India into a totalitarian regime.
 - For e.g. through 39th Constitutional amendment, the Indira Gandhi government tried to remove the election of the highest constitutional functionaries such as

the PM, President etc. from the purview of judicial review. But, Supreme Court set this aside using the basic structure doctrine.

- India has **Constitutional sovereignty** rather than **Parliamentary sovereignty** (followed in Britain)
- It strengthens the Democracy of India by **enhancing the separation of power** - >Judicial review is protected as one of the basic features.
- It also **protects basic rights of citizens of India** as basic features like 'Welfare State' ensure that governments need to care for people.
- **Infrequent use of Basic Structure doctrine** by the courts makes fears of its critics misplaced.
 - » In 50 years of the doctrine, there has been **hardly any blatant case of the misuse of the provision** and **after the 1973 verdict only 6 Constitutional amendments have been struck down**.

- Analysis: Criticisms of the Basic Structure Doctrine

- The doctrine gives judiciary the power to impose itself over a democratically formed government. It was **never contemplated by Constitution Makers**.
 - » Former Law Minister, Arun Jaitley had termed it as the "**tyranny of the unelected**".
- **Amendments help a constitution to evolve** according to the changing circumstances and scenarios. And even the **basic features of the Constitution may need to be amended for the purpose**.
- The doctrine is **counter-majoritarian in nature** and the power is exercised by **unelected judges**.
 - » The doctrine has put the judiciary in the exact position of unlimited power that it sought to prevent from occupying.
- It has acted as a **shield to resist judicial transparency and accountability**.
 - » E.g., NJAC case

- Challenges to Basic Structure Doctrine

- The doctrine has **remained ineffective** in reducing the threats to federalism.
 - For e.g., governors still misuse the emergency provisions and hamper basic structure.
- **Pressure on Judiciary** in recent years is impacting judicial independence and challenging the basic structure doctrine.

- Conclusion

- The Basic structure doctrine has served a **very important role in promoting and protecting the democratic, federal principles of the Constitution of India**. Lack of exhaustive definition of the basic structure doctrine have also allowed it to remain flexible and expand or reduce the scope as per the changing circumstances. At the same time, its crucial that the Apex Court continues with its **infrequent and limited use** of the doctrine, only when the core principles of the Constitution are being violated.

1) CLIMATE CHANGE: METHANE EMISSIONS

- **Practice Questions:**
 - » Discuss the sources, implications, and potential mitigation strategies of methane emissions in the context of global warming and climate change. How can international cooperation play a significant role in addressing this significant environmental concern? [15 marks, 250 words]
- **Introduction:**
 - » As per UNEP, Methane is a GHG which is responsible for 30% of the warming since pre-industrial times. Its contribution is 2nd only to carbondioxide.
- **Why special focus on methane is needed in our fight against climate change?**
 - » Methane has much higher global warming potential than CO₂.
 - » IPCC had said that the methane mitigation has the greatest potential to slow warming over the next 20 years.
 - A 0.3% reduction per year in methane is equivalent to net-zero for CO₂ - there would be no additional warming if this level of reduction is achieved.
- **Methane Emission: Sources:**
 - » **Natural Sources:** Wetlands, termites etc.
 - Wetlands are the largest source of methane.
 - » **Agriculture** - Rice cultivation, animal husbandry etc. generate substantial amount of methane.
 - » **Energy Production** (fossil fuel) - Among anthropogenic factors, after Agriculture, it is this sector which contributes to the highest methane production. It is released during the extraction, processing, and transport of fossil fuels, including coal, oil, and natural gas.
 - » **Leakage:** For e.g. the ruptures in the underwater Nord stream in Sep 2022 caused the single largest such release of the greenhouse gas.
 - » **Landfills** in recent times are also becoming a big source of methane emissions.
 - » **Thawing of permafrost** in polar region is also releasing methane. In future, it may become a big source of methane emissions.
- **Steps being taken:**
 - » **International Steps:**
 - **Improving Detection:**
 - UNEP has launched International Methane Emissions observatory - the Methane Alert and Response System (MARS) at COP27. It is focused on scaling up global efforts to detect and act on major emissions sources in a transparent manner and accelerate implementation of the global methane pledge.
 - » **Global Methane Pledge** announced at COP26.
 - By COP27, 150 countries have joined the initiative lead by USA and EU. They have promised to cut their methane emission by at least 30% from 2020 levels by 2030.

- **Significance:**
 - Global warming would be reduced by at least 0.2 degree Celsius by 2050, if countries deliver according to the pledge.
 - **Health benefits:** Oxidation of methane is responsible for formation of ground-level ozone (smog), which is a harmful air pollutant.
 - **Why has India not joined the pledge?**
 - India's methane emissions are 'survival emissions' and not 'luxury' emissions.
 - The two prominent source of methane in India are enteric fermentation and 'paddy cultivation' and any restriction on them would harm small and marginal farmers.
 - Other than harming farmers, it may also reduce agri production. Currently, India is one of the largest producers and exporters of rice.
 - India also argues that 6th IPCC report has highlighted that CO2 is the major global warming gas and this pledge is shifting focus to methane which has a lifetime of only 12 years, whereas CO2 can survive for more than 100 years.
- **India has not joined the global methane pledge**, but it doesn't mean the India is not worried about methane emissions. There are several fronts on which India is working.
 - National Innovation in Climate Resilient Agriculture (NICRA) project of ICAR has developed several technologies with the potential to mitigate methane emissions.
 - For instance, the 'System of Rice Intensification' has the potential to enhance rice yield from 36-49% with 22-35% less water than conventional transplanted rice. It also uses less seed, fertilizers, and pesticides.
 - Key steps involve:
 1. Planting young seedlings (less than 15 days old) with only one or two leaves
 2. Planting them singly, spaced widely apart
 3. Maintaining soil moisture at a level that promotes aerobic soil conditions
 4. Controlling weeds by mechanical means, such as hand weeding or using a rotary hoe
 5. Using organic matter to improve soil fertility
 6. Applying small amounts of fertilizer at specific stages of plant growth
 - Another technology, 'Direct Seeded Rice' reduces methane emissions as it does not involve raising nurseries, puddling, and transplanting. Unlike transplanted paddy cultivation, standing water is not maintained in this system.
 - **Harit Dhara:** It is an anti-methanogenic feed supplement developed by ICAR. It can cut down cattle methane emissions by 17-20% and can also result in higher milk production.
 - Under Crop Diversification Program, methane emission is being avoided due to diversion of paddy to alternate crops like pulses, oilseeds, maize, cotton, and agro-forestry.
- **Way Forward:**
 - **Renewable Energy Transition:** In long run it will reduce dependency on fossil fuels which will reduce emissions of both CO2 and methane.
 - **Alternate Agricultural practices:**

- Improving the effectiveness and yield of rice cultivation methods like System of Rice Intensification and Direct Seeded Rice and encouraging more farmers to adopt these practices.
 - Crop diversification to reduce dependency on rice.
 - **Focus on Burp Control:**
 - Promote anti-methanogenic feed supplement like **Harit Dhara**.
 - More R&D on alternatives. For e.g. in 2021 EU approved a food supplement, Bovaer, saying that it can consistently reduce methane emissions from dairy cows by 30-80%.
 - **Scientific Waste Management:** Reduce the waste disposal on landfills; ensure installation of landfill gas capture systems etc.; converting organic waste into biogas which can be used for energy etc.
 - **Leak Detection and Repair:** Regular monitoring and maintenance of oil and gas infrastructure can minimize methane leaks.
 - **Improved International Cooperation:** Global targets; data sharing, finance mobilization; technology transfers; Improved R&D are some of the methods by which international cooperation can contribute in fighting the challenge of methane.
- **Conclusion:** Addressing methane emissions is critical for mitigating global warming and its associated impacts. A comprehensive approach dealing with fossil fuel sector, agriculture sector and international cooperation will be needed for a more resilient and climate-resilient future.
- **Prelims Facts:**

A) TERMITES EMIT METHANE: BUT THE EXTENT OF THEIR RISK TO GLOBAL WARMING IS UNCERTAIN (SOURCE: DTE)

- As per the Global Carbon Project, In 2008-17, the world emitted 576 Tg of methane per year, of which termites contributed 9 Tg.
- **However**, scientists say that the real emissions may be greater or lesser than this. To establish certainty, there is a need to understand the relationship between termite colonies and methane.
- **How is methane produced by Termites?**
 - In natural ecosystems, they feed on and recycle the nutrients present in dead and decaying plant and animal matter.
 - It is this cellulose-rich diet that causes their emissions.
 - **Methanogenic microorganisms that live in the gut of termites** break down the cellulose entering the body and release methane.

3. PRELIMS FACTS

2) PLACES IN NEWS: SAHEL REGION

Sahel region is a semi-arid region of western and north-central Africa, extending from Senegal eastward to Sudan. It forms a transition zone between the arid Sahara desert to the north and the belt of humid Savanna to the South.

It stretches across the south-central latitude of Northern Africa between the Atlantic Ocean and the Red Sea.

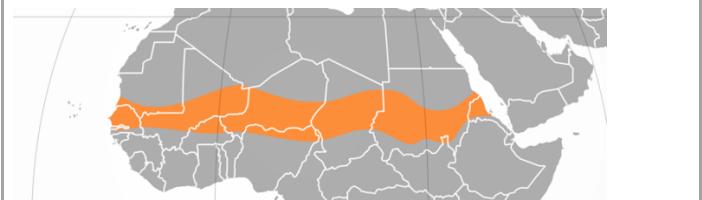
Countries: The Sahel part of Africa includes parts of northern Senegal, southern Mauritania, central Mali, Northern Burkina Faso, the extreme south of Algeria, southern Niger, the extreme north of Nigeria, Cameroon, and Central African Republic, central Chad, central and southern Sudan, the extreme north of South Sudan, Eritrea, and the extreme north of Ethiopia.

Recent examples of Coup Bid in the Wider Sahel Region:

The multifold issues of weak governments, often composed of elites of certain ethnic communities, engaging frequently in corruption, and unable to register economic and social progress, led to military takeovers of elected regimes under the pre-text of restoring stability.

A report by BBC shows that coup attempts in Africa "remained remarkable consistent at an average of around four a year between 1960 and 2000." While the number of coup d'etats in the larger African continent and the Sahel were high till the turn of the millennium, a decline was witnessed in the 2000s, followed by an upswing since 2000.

A renewed chapter of instability began in 2012 when the then fairly dormant rebellion of the Taureg people, which had taken place in the 1960s, 1990 and 2006 in northern Mali, resurfaced and spilled beyond country's borders. The situation was compounded by



Some issues faced by the region:

- There are frequent shortages of food and water due to dry harsh climate. This is exacerbated by the population increasing rapidly due to very high birth-rates across the region.
- For e.g. Niger has world's highest fertility rate.
- **Jihadist Insurgent groups** including Boko Haram, Islamic State and al-Qaeda frequently carry out major attacks in some parts of Western Sahel.

Recent African coups d'état

World leaders condemned an attempted coup in Niger, calling for President Mohamed Bazoum – a key Western ally – to be released. Seven coups since 2020 threaten sub-Saharan stability



1 Niger, Jul 26, 2023: Presidential guard members detain President **Mohamed Bazoum** (right) inside palace in Niamey. Elected in February 2021, President Bazoum has Western support in the fight against violent extremism, corruption and widespread poverty

2-3 Mali, Aug 2020: President **Ibrahim Boubacar Keita** ousted. Second coup by Col. **Assimi Goita** in May 2021. French and UN peacekeepers expelled – Russian Wagner Group deployed. Reports of summary executions



4 Chad, Apr 2021: Military takes control following death of President **Idriss Deby** after 30 years of rule. Deby's son **Mahamat Idriss Deby** declared president. Deadly protests follow amid demands for civilian rule



5 Guinea, Sep 2021: **Mamady Doumbouya** ousts President **Alpha Conde**. After promising democratic reforms, Col. Doumbouya and fellow coup leaders arrest opposition leaders and restrict media freedom



6 Sudan, Oct 2021: Gen. **Abdel Fattah al-Burhan** arrests civilian prime minister **Abdalla Hamdok** and other political leaders just two years after Sudan began transition to full civilian rule



7 Burkina Faso, Jan 2022: Army ousts President **Roch Kabore** (right). Following second putsch in September, junta leader Capt. **Ibrahim Traore** seizes power. In July 2023, U.S. sanctions Malian officials over allegations they have deployed Wagner mercenaries

Sources: Africa News, Bloomberg, Foreign Policy, Reuters Pictures: Getty Images © GRAPHIC NEWS

collapse of Muammar Gadaffi regime bordering Libya
which caused an influx of extremists and arms into the Sahel.

The rebel groups, who demand a separate state for the Tuaregs - a mere 10% of the Malian population - organized and aligned themselves with multiple Islamist groups, including Al Qaea in the Islamic Maghreb (AQIM). This led to violent Islamist group gaining ground in the tri-border region between Mali, Niger and Burkina Faso, controlling territory and conducting attacks.

Have Military Takeovers lessened the violence in Sahel?

- No Concrete evidence
- A crisis monitoring group, Armed Conflict Location & Event Data Project (ACLED), points out that successive military coups in the recent past have caused regional instability and the weakening of state institutions. It recorded that in 2022, the number of reported deaths from political violence increased by 77% in Burkina Faso and 150% in Mali from 2021.

3) PLACES IN NEWS: NIGER

Niger, officially Republic of Niger, is a western African land locked country.

Neighbouring countries: Nigeria, Benin, Burkina Faso, Mali, Algeria, Libya, and Chad.

It is one of the poorest country in the world with poor HDI performance.

Resources: It has gold mining reserves and around 5-7% of the global production of Uranium.

Capital: Niamey.



Political History of Niger:

- It was a French colony till 1960 like many of its neighbours.

Niger River: The country takes its name from the river which flows through the southwestern part of its territory,

News: Coup in Niger (July - Aug 2023)

On July 29th, 2023, General Tchiani declared himself the leader of Niger after instigating a military coup against the President, Mohammed Bazoum. The 2021 Presidential Election witnessed Niger's first peaceful democratic transfer of power since its independence from France in 1960. This is the fifth coup in Niger since then.

Gen Tchiani has been the head of Presidential guard since 2011, which means he was responsible for protecting the President from military takeover such as this.

Reactions:

African Union demanded the country's military return to their barracks and restore constitutional authority.

European Union has also announced the suspension of security and funding cooperation with Niger, declaring that the EU would not recognize the putschists who have confined the democratically elected President Mohamed Bazoum to his official residence.

- It faced a long period of instability post-independence and was rocked by four military coup between 1974 and 2010.
- Like many countries in the wider Sahel region, the Niger has also faced the rise of Islamist Extremist groups, and armed local militias supported by stretched state security forces to counter the jihadist threat, and the resulting violence and displacement.
- **Mohammed Issoufou** came to power in 2011, winning legislative elections. Under this two-term President rule, Niger saw a semblance of political stability.
- In 2021, when Mr Issoufou agreed to step down after completing his second term, the maximum number of successive allowed to a leader, his cabinet minister **Mr. Bazoum was elected President**, in the first democratic transfer of power since the country's independence.
- In July 2023, the President, Mr. Bazoum, and his family were detained by elite troops in Niger, who declared that they now hold power.
- Later, General Tchiani said in a television address that the nation would now be run by newly formed military body, the National Council for the Safeguard of the Homeland (CNSP).

Why is the West extra concerned about Niger's Coup?

Niger, owing to its relative stability, has become a democratic outlier in the Sahel military following military takeover in neighbouring Mali, Burkina Faso, and Chad since 2020.

After Military coups and anti-French sentiments, France relations with the military rulers grew hostile in Mali and Burkina Faso. After this France shifted more than 1,000 troops to Niger. In such situation, landlocked Niger was viewed by analysts as the West's "only hope" in the region to fight the militants.

How does Russia Figure in the Crisis?

Multi pro-coup protestors in Niger this week were seen waving Russian flags in the protests outside the National Assembly, the country's legislature.

Anti-French sentiments in the Sahel region has allowed Russia to make inroads in the region.

Mercenaries from Russia's Private military group Wagner are already active in Mali, from where the French have withdrawn troops after a decade.

After officially announcing the end of the French operations in Nov 2022, Burkina Faso also turned towards Moscow taking steps similar to Mali.

Niger also played an outsized role in America's Africa strategy and had become a key partner for Washington's fight against Islamist insurgents, who have killed thousands of people and displaced millions more.

The European Union also decided last year to set up a three year military training mission in Niger, to which Germany contribute troops. Italy also has around 300 soldiers in the country.

Now, with Niger also falling into the hands of a military led leadership, it is unclear when the U.S. and European countries would be able to impact security in the region.

In Niger also, Wagner chief Yevgeny Prigozhin expressed his support for the Putschist takeover of Niger. Observers now believe that Niger may open its doors to Russian influence through Wagner.

Notably, the anti-French sentiment in the Sahel has been as a reason for Russia making inroads into the region.

4) PLACES IN NEWS: NIGER RIVER

It is the principal river of Western Africa. With a length of 4,200 km, it is the third longest river in Africa, after the Nile and the Congo.

It originates in the Guinea Highlands in south-eastern Guinea near the Sierra Leone border.

Path: It runs in a crescent shape through Guinea, Mali, Niger, Benin and Nigeria, discharging through a massive delta called the Niger Delta, into the Gulf of Guinea in Atlantic Ocean.

Drainage Basin: A river drainage basin is an area drained by a river and all of its tributaries. The drainage basin of Niger includes: Cote D'IVOIRE, Guinea, Mali, Niger, Nigeria, Chad, Algeria, Burkina Faso, Benin, and Cameroon.

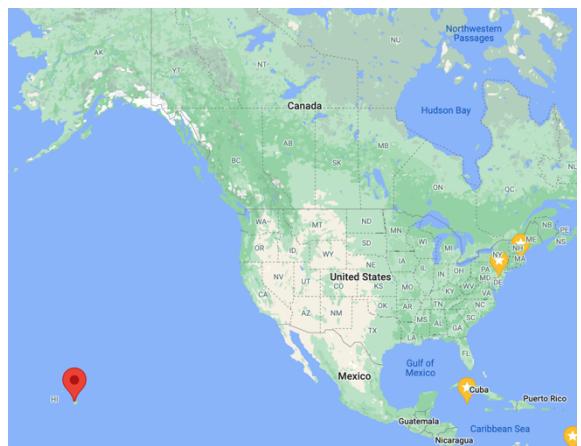


5) PLACES IN NEWS: MAUI, HAWAII

Hawaii is a state in the western USA located in the pacific ocean about 2,000 miles from the US mainland. It is the only US state outside north America and only state that is an archipelago. It is also the only US state situated in Tropics.

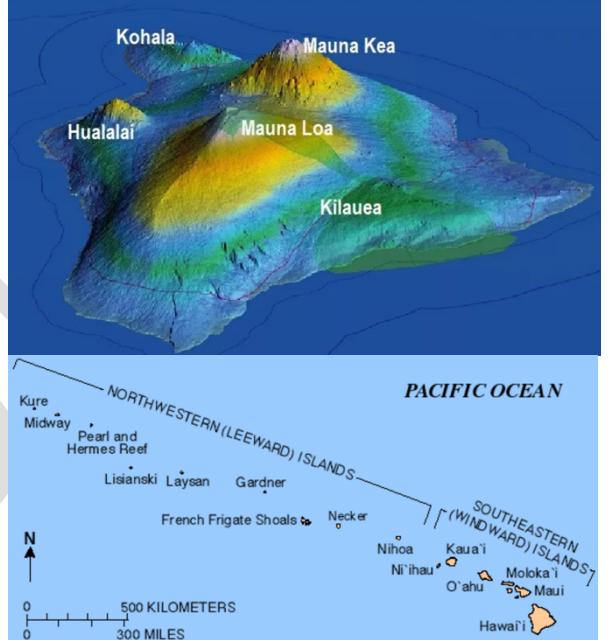
It consists of more than 130 volcanic islands

Note: Honolulu is the capital and most populous city of the US State of Hawaii. It is situated along the southeast coast of island of O'ahu, and is the westernmost and southernmost major US city.



Mauna Loa: Mauna Loa erupts after 40 years (Dec 2022)

- Mauna Loa is one of the five volcanoes that together make up the Big Island of Hawaii. The other four volcanoes are Hualalai, Kilauea, Kohala and Mauna Kea.
 - **Note:** Big Island of Hawaii is the southernmost island in the Hawaiian archipelago.
- Mauna Loa is not the tallest (that title goes to Mauna Kea), but it's the largest and makes up about half of the Island's land mass. It is the largest volcano situated in the US state of Hawaii.
- It sits immediately north of Kilauea Volcano, which is also erupting currently from its summit crater. It is well known for a 2018 eruption that destroyed 700 homes and sent rivers of lava spreading across farms and into the ocean.
- It is an **active volcano** and in written history, dating to 1843, it has erupted 33 times. Before, 2022, It had erupted in 1984.
- The **Big Island** is mostly rural and is home to cattle ranches, coffee farms and beach resorts. It's about 200 miles (320 kms) South of Hawaii's most populated island, Oahu, where the state capital **Honolulu** and beach resort **Waikiki** are both located.



Maui:

The island of Maui is the second largest (1,883 km²) of the islands of the state of Hawaii. It is also the largest of Maui county's four islands which include Moloka'I, Lana I, and unpopulated Kaho'olawe.

Aug 2023: the devastating Wildfires on the island of Maui, Hawaii has already caused 55 deaths and around 1,000 people are still unaccounted for.



6) POLITY: KERALA ASSEMBLY PASSES RESOLUTION URGING CENTRE TO CHANGE STATE NAME TO KERALAM (AUG 2023)

- The resolution also urges the Centre to change the usage as Keralam in all languages under the Eighth Schedule.
- The assembly sought an amendment to the Constitution, which too refers the State as Kerala.
 - While Keralam is the accepted and common usage in Malayalam, the State is generally referred to as Kerala in official records, especially in English. The first schedule of the Constitution also specifies the name of the state as Kerala.
- **Article 3** deals with the formation of new states and alteration of areas, boundaries or names of existing states.

B) UNDERSTANDING PART-1 OF THE CONSTITUTION IN THIS REGARD

Part-1 of the Constitution: Union and Its Territories

i. Article-1: Name and Territory of the Union:

- (1) India, i.e. Bharat, shall be a Union of States.
- (2) The State and Territories thereof shall be as specified in the First Schedule
- (3) The Territory of India comprises States, Uts and any other territory that may be acquired by Government of India at any time
 - **Note:** As of 2022, India consists of 28 states and eight Union Territories.

ii. Parliament's Power to Reorganize States [Article 2, 3 and 4]

1. Admission of New States:

- Parliament is empowered to enact a law to admit into the Union, or establish, new States "on such terms and conditions as it thinks fit". [Article-2]
- Note: Under this provision, Parliament can't admit or establish a new Union Territory. This can only be done by a constitutional amendment.
 - For e.g. Constitutional amendments were passed under Article 368 when Portuguese and French territories were taken over by the Gol and admitted into the Union as Union territory of Goa, Daman & Diu, Dadar & Nagar Haveli, and Puducherry.

2. Reorganization of States:

- **Parliament is empowered** to enact a law to reorganize the existing states by establishing new states out of the territories of the existing states, or by uniting two or more states or parts of states, or by uniting any territory to a part of any state; or by altering their boundaries, or by separating territory from, or increasing or diminishing area of, or by changing the name of, a state. [Article 3]
- This power is **exclusive and plenary**. It is because of this it has been said that "India is a indestructible Union of destructible units".
- The exercise of the above power is **subject to following conditions**:
 - i. A bill for any such purpose can't be introduced in the House of Parliament except on the recommendation of the President.
 - ii. If the bill affects the area, name or boundaries of a state, then before recommending its consideration to Parliament, the President has to refer the same to the State Legislature concerned for expressing its view within such time as she may fix.
- **Reasons behind the condition:**
 - » Give opportunity to the state legislature concerned to express its views on the proposals contained in the bill.
 - But parliament is in no way bound by the views. It may accept or reject what the state legislature says.
 - If the state legislature fails to express its views within the stipulated time, Parliament is free to proceed with the matter as it likes.
- **Note:**
 - » **Explanation1:** The term "State" in Article 3 includes a "Union Territory", but in case of a Union Territory, no reference need to be made to the concerned Legislature to ascertain its views and Parliament can itself take any action to its likes in the matter.
- **Reasons for inclusion of Article-3:**
 - » When the constitution was being drafted, Princely States hadn't been fully integrated.
 - » There was also a possibility of reorganization of states on linguistic basis. The Constituent assembly could anticipate that such reorganization can't be postponed for long.
 - » Therefore, Article 3 was incorporated in the Constitution providing for an easy and simple method of reorganization of states at any point of time.
- **No Need of Constitutional Amendment:**
 - » When Parliament acts, under the above mentioned constitutional provisions, to admit or create new states, or to organize the existing states, it can also effect such amendments in the First and the Fourth Schedule to the Constitution as may be necessary to effectuate the new proposals [Article 4(1)]

- » Parliament may also make all consequential, supplemental and incidental provisions as may be necessary to effectuate the new proposals, such as representation of new units in parliament, setting up of the legislative, executive and judicial organs of the state essential to the effective state administration under the Constitution, expenditure and distribution of revenue, apportionment of assets and liabilities, provisions as to services and other related matters. Any such law enacted under Article 2, 3 and 4 is not regarded an amendment of the Constitution for the purposes of Article 368 [Article 4(2)]

7) POLITY: SUSPENSION OF MPS FROM LOK SABHA AND RAJYA SABHA

- **Why in news?**
 - » AAP MP Sanjay Singh suspended from Rajya Sabha for the entire session (July 2023)
 - » 19 opposition members are suspended from Rajya Sabha for a week (July 2022)
 - **What is the reason for suspending an MP?**
 - » The general principle is that it is the role and duty of the Presiding Officer to maintain order so that the House can function smoothly. In order to ensure that proceedings are conducted in the proper manner, Speaker/Chairman is empowered to force a Member to withdraw from the House.
 - **What are the rules under which the Presiding officer acts?**
 - » **Lok Sabha:**
 - **Rule 373 of the Rules of Procedure and Conduct of Business in Lok Sabha** says that Speaker can direct a member to withdraw from the house immediately if she is of the opinion that the conduct of the member is grossly disorderly. This member shall remain absent during the remainder of the day's sitting.
 - **Rules 374 says:** Speaker may name a member who disregards the authority of the chair or abuses the rules of the house. After this, through a motion, the house may suspend the member from the house for a period not exceeding the remainder of the session.
 - House may, at any time, on a motion being made, resolve that such suspension be terminated.
 - **Rule 374A** was incorporated in the Rule Book on Dec 5, 2021 - This skirt around the requirement of moving and adopting a motion for suspension.
 - » **Rajya Sabha has similar rules:**
 - **Rule 255** of its rule book empowers chairman of the Rajya Sabha to direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately.
 - **Rule 256:** Chairman may name a member who disregards the authority of the chair or abuses the rules of the council by persistently and wilfully obstructing the business. After this, house may adopt a motion suspending the member from the service of the House for a period not exceeding the remainder of the session.
- Suspension of MP is a strong action but not very uncommon.**

8) INTERNATIONAL BODIES: ECOWAS

- **Why in news?**

- **ECOWAS** orders to standby force to deploy in Niger (Aug 2023)
 - This is an attempt to restore democratic forces in ECOWAS.
- **About ECOWAS:**
 - It is a regional political and economic union of 15 countries located in Western Africa. It was established in 1975 through the **Lagos Treaty**.
 - Its mandate is to promote economic integration among its members. Its **larger aim** is to have a single common currency and create a single trading bloc in areas of industry, transport, telecommunication, energy, financial issues, and social and cultural matters.
 - According to the website, the **Vision of ECOWAS** is the creation of a "borderless region" that is well-integrated.
 - It is meant to be a region governed by principles of democracy, the rule of law and good governance.

- **Membership:**

As of Aug 2023, there are 15 members to this grouping:

Cabo Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Cote d' Ivoire, Ghana, Togo, Benin, Nigeria, Mali, Burkina Faso, and Niger.



Following coups in some of the biggest countries in the bloc - namely **Mali, Guinea, and Burkina Faso** - it suspended the three members and refused to recognize their new governments.

- **Organizational Structure:**

- At the helm of the organizational structure is the Chairman of the Authority of **Heads of State and Government**.
 - » The Chairman is the current head of state and government and is appointed by other Heads of State and Government to oversee its affairs for one year.

- **What kind of role has ECOWAS played in the region so far?**

- Economic Cooperation
- Promoting peace by quelling military conflict.

- » ECOWAS has operated a regional peacekeeping operation known as ECOMOG, led by Nigeria in 1990s and early 2000s.
 - For e.g. in Liberia when forces were deployed in 1990 during the deadly civil war and in Sierra Leone in 1997 when a democratically elected government was overthrown.
- What might ECOWAS do in Niger?
 - Its response so far has indicated military intervention.
 - » But this would face many challenges. For e.g., both Mali and Burkina Faso, both neighbours of Nigeria, run by Military juntas, were sending a delegation of officials to Niger to show support and would consider an attack as an attack on them as well.
 - Economic Sanctions:
 - » But there is a question of whether the longstanding measures of economic sanctions - such as those imposed by ECOWAS - can work, as these countries are also leading with low economic growth prospects at the moment.



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1) EXECUTIVE: ORDINANCE MAKING POWER

- **Why in news?**
 - » In May 2023, the President of India promulgated the ordinance - 'National Capital Territory of Delhi (Amendment) Ordinance, 2023' (May 2023)
 - The ordinance promulgated by President Droupadi Murmu gave the LG of Delhi, who is appointed by the Centre, power over services, and established a "National Capital Service Authority" comprising of chief ministers and two senior IAS officials, which would decide matters "by majority of votes of the members present and voting" - essentially creating a stipulation in which the view of the elected CM could potentially be overruled.
- **Example Questions**
 - » "The ordinance route is bad, re-promulgation worse" Illustrate with examples [15 marks, 250 words]
 - » Why is there a temptation to use the power vested in the President and Governors under Article 123 and 213 of the constitution? What is the opinion of Supreme Court on frequent use of this power? [12.5 marks, 200 words]
 - » Discuss the constitutional safeguards which are designed to prevent misuse of ordinance making power of the President. [10 marks, 150 words]
- **Introduction:**
 - » **Article 123 (Article 213 for Governors)** of the constitution empowers the President to promulgate ordinance during recess of Parliament. The Ordinance making power is the most important legislative power of the President. It has been vested in her to deal with unforeseen and urgent matters.
 - » These ordinances have the same force and effect as an act of Parliament but are in the nature of temporary laws.
 - » **What can ordinance do?**
 - It cannot amend constitution. Otherwise, it can do everything which parliament is empowered to implement.
- **Constitutional Safeguards:** The exercise of the Ordinance power is subject to 4 limitations:
 - i. Ordinance can be promulgated only when atleast one of the Houses of the Parliament is not in session.
 - ii. President can make ordinance only when he is satisfied that the circumstances exist that render it necessary for him to take immediate action.
 - In Cooper case, (1970), the Supreme Court held that President's satisfaction can be questioned in a court on the ground of Malafide.
 - iii. His ordinance making power is coextensive as regards all matters except duration, with the law-making powers of the Parliament. Two implications - Subject restrictions and Article 13 restriction.
 - iv. Every ordinance issued by president during recess of Parliament must be laid before both the Houses of Parliament when it reassembles.

- If the ordinance is approved by both the houses, it becomes an act.
 - If Parliament takes no action at all, the ordinance ceases to operate on the expiry of six weeks from the reassembly of Parliament.
- **Statement explaining the circumstances.**
 - The rules of Lok Sabha require that whenever a bill seeking to replace an ordinance is introduced in the House, a statement explaining the circumstances that had necessitated immediate legislation by ordinance should also be placed before the Houses.
- **Important SC Judgments**
 - In Cooper case, (1970), the Supreme Court held that **President's satisfaction can be questioned in a court on the ground of Malafide**.
 - **D C Wadhwa Case (1987)**
 - The court ruled that successive re-promulgation of ordinances with the same text without any attempt to get the bills passed by the assembly would amount to violation of the constitution and the ordinance so re-promulgated is liable to be struck down. It held that the exceptional power of law-making through ordinance cannot be used as a substitute for legislative power of the state legislature.
 - **Krishna Kumar Singh vs. State of Bihar, 2017:** In a blow to Ordinance Raj, a 7 judge Constitutional Bench of the Supreme Court widened the boundaries of judicial review to the extent that it can now examine whether the President or the State Governor was spurred by an "oblique motive" to bypass the legislature and promulgate an ordinance.
 - Further, the court added that "the ordinance making power is not a parallel source of legislation. The court also held that "re-promulgation of ordinance is a fraud on the constitution and a sub-version of democratic and legislative process".
- **Ordinance has been a handy tool since 1952.**
 - All the governments have misused the provisions of Ordinance to sideline the legislature.
 - In the 1950s, central ordinances were issued at an average of 7.1 per year. The number peaked in the 1990s at 19.6 per year and declined to 7.9 per year in the 2010s.
 - The years 2019 with 16 ordinance and the year 2020 with 15 ordinances have again started seeking a spike.
- **Why this temptation for ordinance?**
 - Reluctance to face legislatures on certain issues
 - Lack of majority in upper house
 - Repeated and willful disruption by opposition parties
- **Conclusion**
 - It is clear that misuse of ordinance making power is tantamount to violation of Separation of Power doctrine where executive takes on the legislative responsibility. Therefore, Ordinance mechanism should only be used for emergency and adverse matters.
 - As governments, both at the Center and States, are violating this principle, the legislatures and the courts should check the practice.

- Opposition can also play an important role here by ensuring that house is functioning smoothly and thus government is given sufficient opportunity to get important laws legislated. Moreover, it will also provide the legislature an opportunity to hold government accountable by questioning it on the need of ordinance.

2) PARLIAMENT: MONEY BILL

- Why in news?
 - » Chief Justice DY Chandrachud recently made an oral remark on the constitution of a 7-judge bench for considering the money bill issue. (June 2023)
 - Its formation is due to the reference made by the Constitution bench in *Roger Mathew v. South Indian Bank* on the interpretation of Article 110(1) of the Constitution of India. The correctness of the majority judgement in Aadhaar case on this point was also doubted by the court.
 - Thereafter in the PMLA case, the question was left open for the consideration of larger bench.
 - The decision of the 7-judge bench which is yet to be formed will definitely have a far reach impact on the constitutional law and the contemporary development in the Indian Parliamentary system and politics.
- Example Questions
 - The Constitution of India provides special provisions for the passage of a Money Bill to ensure the financial independence and continuity of government function. But these provisions are sometimes being misused to bypass the Rajya Sabha in the legislative process. Illustrate some of this misuse with examples. Suggest the way forward to deal with this trickery of the money bill. [15 marks, 250 words]
- Introduction
 - » In BR Ambedkar's vision, the Constitution embodied not only a charter of rights but also a foundation for republican governance. But sometimes the constitutional provisions are misused which negatively hampers the legislative process and federal structure of the country. Provisions related to money bill are among such misused provisions.
- What is Money Bill
 - » According to Article 110 of the Constitution of India a bill is deemed to be money bill if it contains 'only' provisions dealing with all or any of the following matters:
 - the imposition, abolition, remission, alteration or regulation of any tax;
 - the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;
 - the custody of the consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;
 - the appropriation of moneys out of the consolidated Fund of India;
 - the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;

- f. the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or
 - g. any matter incidental to any of the matters specified in sub clause (a) to (f)
- » Article 110(3)-> Speaker's decision final.
- » Article 122 -> prohibits courts from inquiring into proceedings of Parliament and examining their validity.
- In order to ensure financial independence and continuity to government functioning, the Constitution gives primacy to Lok Sabha with respect to Money Bill. Such bills can only be introduced in Lok Sabha, can't be amended by Rajya Sabha. The upper house can only make some recommendations to the money bill passed by the lower house within a period of fourteen days which the lower house may accept or reject.
- Since Powers of Rajya Sabha are greatly reduced on Money bill, government (majority in Lok Sabha) sometimes bypasses the Rajya Sabha by getting a bill which doesn't satisfy the conditions for money bill declared as money bill.
- Some recent examples include:
 - » Adhaar Bill, 2016 contained provisions relating to providing of benefits, subsidies and services funded from Consolidated Fund of India, but it also contained several other provisions like allowing Adhaar to be used for opening bank accounts etc.
 - » Finance Bill, 2016 also had provisions other than those related to taxation. It amended the RBI Act to create Monetary Policy Committee. It also amended the Foreign Contribution Regulation Act (FCRA) (with retrospective effect) to change the definition of foreign company.
 - » Finance Bill, 2017 also had provisions related to structure and organization of the Tribunals.
 - » Finance Bill, 2019 was used to amend the provisions of the Prevention of Money Laundering Act (PMLA).
- Supreme Court Verdict on Aadhaar Bill, 2016 in Sep 2018
 - Accepts Adhaar as money bill.
 - The Supreme Court held that government was fine to use money bill route as long as the main focus on the bill fit the criteria - and even if other provisions were unconnected to taxation or government expenditure.
 - Dissenting Judgment: Adhaar Act as Money Bill is a fraud on constitution.
 - Justice Chandrachud said that superseding the authority of the Rajya Sabha is in conflict with the Constitutional Scheme and the legitimacy of democratic institutions.
 - He pointed to an important word in provision (i) of Article 110: "only".
- Supreme Court Verdict on Finance Bill, 2017 (Nov 2019): Rojer Mathew vs South Indian Bank Ltd and Ors

- In Nov 2019, a five Judge Constitutional Bench of the Supreme Court judgement while examining the legality of a number of changes to the composition of tribunals passed through Finance Bill, 2017, which the court struck down, it also brought up the money bill question.
 - The bench headed by CJI Ranjan Gogoi decided "It is clear to us that the majority dictum [in the Aadhaar judgment] did not substantially discuss **the effect of the word 'only'** in Article 110(1) and offers little guidance on the repercussions of a finding when some of the provisions of an enactment passed as a "Money Bill" do not conform to Article 110(1)(a) to (g)." The court was dissatisfied with the way the Aadhar judgement in the K Puttuswamy case had dealt with the issue of what could be certified as a money bill.
 - The court has thus also raised question of whether the Finance Act 2017 could have been passed as money bill.
 - The matter has been referred to a larger Seven Judge Bench.
- In July 2022, while giving verdict on the Constitutionality of PMLA, the SC reiterated that the question if the amendment to PMLA could be passed as part of Finance Bill, will be determined by a larger bench.
- Conclusion and Way Forward
- It appears that many of the bills discussed above don't qualify to be money bill under Article 110 of the Constitution. Therefore, concerns have been raised about bypassing of the upper house. The upper house has special role in Indian federal structure and therefore there is an urgent need to arrest these developments.
 - Steps that can be taken
 - The 7 judge Constitutional bench should examine the issue on priority.
 - The Supreme court should examine the issue under its power of judicial review under the principles laid down in the Kihoto Hollohan, 1992 and Raja Ram Pal, 2007 cases.
 - **Reforming the officer of Speaker** to make it more neutral as in the case of Britain.
 - Resignation from party
 - Guarantee of continuity of office
 - Election campaign on non-political issues
 - Further, **Speaker removal procedure should be made more stringent**. Instead of 50% of the total membership, allow speaker to be removed only by special majority (as in the case of a Supreme Court Judge)
 - **A committee** to decide whether a bill is **money bill** or not.
 - This committee can have representation from various political parties.
 - **Opposition parties should also play a constructive role** by reducing the disruption of upper house.

3) PARLIAMENT: DEPUTY SPEAKER

- Why in news?
 - As of Aug 2023, the post of Deputy Speaker in Lok Sabha remains vacant (Aug 2023)
- Example Question

- Discuss the key constitutional provisions regarding the office of the Deputy Speaker of Lok Sabha. What are the key functions of a Deputy Speaker [10 marks, 150 words]

- **Introduction:**
 - The post of Deputy Speaker has been lying vacant since the beginning of the 17th Lok Sabha in May 2019.

- **Constitutional Provisions:**
 - **Article 93:** The Lok Sabha shall, as soon as possible, choose two members of the House (simple majority) to be respectively **Speaker** and **Deputy Speaker** and thereof, so often as the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another member to be Speaker or Deputy Speaker, as the case may be.
 - **Article 178** contains the corresponding position for speaker and Deputy Speaker of the Legislative assembly of the state.

- **Term of Deputy Speaker, vacation of office, and disqualification**
 - Once elected, a deputy speaker usually continues in office until the dissolution of the house.
 - Speaker or deputy speaker **vacate** her office if she ceases to be member of the house.
 - They may also resign or may be removed from office by a resolution of the House of the People passed by a majority of all the then members of the house.

- **Disqualification provisions of MPs** are still valid on Speaker /Deputy Speaker except **one exception**.
 - Para-5 of the **tenth Schedule** says that a person who has been elected **speaker/deputy speaker** shall not be disqualified if she, by reason of his election to that office, voluntarily gives up the membership of the political party to which he belonged immediately before such election - and doesn't, so long as she continues to hold office thereafter, rejoin that political party or become a member of another political party.
 - **Note:** This exception is also applicable to Vice chairperson of Rajya Sabha, Speaker/Deputy Speakers of Legislative assembly and Chairman/Deputy chairman of Legislative Council.

- **Functions of Deputy Speaker**
 - Deputy Speaker is a Presiding Officer.
 - Article 95(1) of the Constitution says that when the office of speaker is vacant, the duties of the office shall be performed by the Deputy Speaker.
 - He is also ex-officio chairman of some committees by virtue of his position.
 - In case of joint sitting of the two houses and absence of speaker, Deputy Speaker presides over the joint sitting of the two houses.

- **Powers of Deputy Speaker**
 - In general, the deputy speaker has the same powers as the speaker when presiding over a sitting of the house. All references to the speaker in the rules are deemed to be references to the Deputy Speaker when he presides.
 - Further, no appeal lies to the Speaker against a ruling given by Deputy Speaker or any person presiding over a sitting of the House in the absence of Speaker.

- **Note:** Deputy Speaker is not subordinate to Speaker. When he presides over a sitting, he has all the powers of a speaker.
- **Is it mandatory to elect a deputy speaker?**
 - Constitutional experts point out that both Article 93 and Article 178 use the words "shall" and "as soon as may be" - indicating that not only is the selection of Speaker and Deputy Speaker mandatory, it must be held at the earliest.
- **Is there a time frame?**
 - **Constitution** provides for "as soon as possible".
- **Conventions which are being followed:**
 - **Generally**, the practice in both Lok Sabha and the State Legislative Assemblies has been to elect speaker during the (mostly short) first session of the new House - usually on the third day after oath-taking and affirmation take place over the first two days.
 - The **election of deputy speaker** generally takes place in the second session, even though there is no bar in having the elections in the first session of the new Lok Sabha/Assembly. But the election of **deputy speaker** is usually not delayed beyond the second session without genuine and unavoidable constraints.
 - Since, the term of Morarji Desai government, the tradition of the post of the Deputy Speaker going to the Opposition party has been followed.
- **Why Deputy Speaker hasn't been elected yet?**
 - The ruling party hasn't been able to agree on a suitable opposition party member for the post. Opposition doesn't have the required numbers to choose their own person.
 - **Speaker from the ruling party:** Rule 8 of The Rules of Procedure and Conduct of Business in Lok Sabha provides that the election shall be held on such date as the Speaker may fix", and the Deputy Speaker is elected once a motion proposing his name is carried.
- **Can Courts intervene in situation of non-appointment of deputy speaker?**
 - No Precedent, nothing mentioned in the Constitution.
 - Further, Article 122(1) says that validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure.
 - However, constitutional experts say that courts do have jurisdiction to at least enquire why there has been no election to the post of Deputy Speaker, since the constitution envisage an election "as soon as may be".
- **Significance of Deputy Speaker**
 - **Continuity of the Speakers Office** by acting as the Speaker when the office becomes vacant due to illness, death, resignation, or any other reason.
 - **Unlike the panel of chairpersons**, appointed by Speaker, which comprise of 9 MPs from various political parties, who preside over the house when the Speaker is not in the chair, they don't enjoy the same constitutional or administrative power as the speaker.

- Further, since the position of deputy speaker by convention is held by opposition party, it increases the accountability of majority party to legislative process to some extent.
- Conclusion**
 - The post of the speaker and deputy speaker are both crucial for the smooth working of the Parliament and thus their appointments should be made as soon as possible right at the beginning of the new term of Lok Sabha.

4) DELIMITATION COMMISSION

- Understanding Delimitation and Delimitation Commission:**
 - Delimitation is the act of redrawing boundaries of Lok Sabha and State Legislative Assemblies to represent changes in population.
 - The exercise of delimitation is carried out by an independent, high powered body, called Delimitation Commission. It is appointed by GoI under the provisions of the Delimitation Commission Act.
- Purpose:**
 - Ensuring equal representation to equal segment of a population ("one value one vote" principle)
 - Fair division of geographical areas so that one party doesn't have advantage over others in election.
- Constitutional Provisions**
 - Article 82: Readjustment After Each Census:** The allocation of seats in the Lok Sabha to the states and division of each state into territorial constituencies shall be readjusted in such a manner as Parliament may by law determine.
 - According to this provision, the Parliament has enacted the Delimitation Commission Acts in 1952, 1962, 1972 and 2002.
 - The 42nd Constitutional Amendment Act, 1976 froze the allocation of seats in the Lok Sabha to the states and division of each state into territorial constituencies till the year 2000 at the 1971 level.
 - Therefore, there were no delimitation commission after 1981 and 1991 census.
 - The 84th Constitutional Amendment Act, 2001 extended this freeze for another 25 years (i.e. upto year 2026)
 - But, it allowed internal readjustment and rationalization of territorial constituencies in the states on the basis of population figures of 1991.
 - Later, the 87th Amendment Act of 2003 allowed this readjustment and rationalization on the basis of 2001 census and not 1991 census.
 - Why?**
 - The states which were effectively implementing population control measures were at a disadvantage. The fear of losing meaningful political representation was specially great in the southern states which not only had great success in

controlling populations but also economically developed such that they generated a lot more per capita revenue than the northern states.

- Article 170 has similar provisions for division of states into territorial constituencies.

- **Composition of Delimitation Commission (as per the 2002 Act)**

- Chairperson - A sitting or former judge of the Supreme Court, to be appointed by the Central government
- Ex-officio member - The Chief Election Commissioner or an Election Commissioner nominated by the Chief Election Commissioner.
- Ex-officio members - The State Election Commissioners of the concerned states

- **Associate Members (Members without any voting rights)**

- As per the 2002 Act, The Delimitation Commission shall have 10 associate members for each state.
 - Five Lok Sabha members from the state nominated by speaker of the Lok Sabha speaker
 - Five MLAs from the state nominated by legislative assembly speaker

- **Judicial Bar**

- As per section 10(2) of the 2002 Act, the order of delimitation commission will have the force of law and will not be called into question in any court.

- **Objective of creating Delimitation Commission**

- Provide equal representation for equal population segments, and a fair division of geographical areas, so that no political party has an unfair advantage.

A) DELIMITATION COMMISSION FOR J&K, ASSAM, ARUNACHAL PRADESH, MANIPUR, NAGALAND (FORMED IN MARCH 2020)

- As per the section 3 of the Delimitation Act, 2002.
- **Purpose**
 - Delimitation of Assembly and Parliamentary Constituencies in the UT of J&K and state of Assam, Arunachal Pradesh, Nagaland and Manipur.
- **Delimitation of J&K** has been completed as per the provisions of the J&K Reorganization Act. It is based on the 2011 census.
- **Why delimitation of only these states?**
 - Assam, Arunachal Pradesh, Nagaland and Manipur were left out of the delimitation exercise 2002-08.
 - The four states had moved to Guwahati High Court against 2002-08 exercise, challenging the use of the 2001 census for reference. They demanded that delimitation be called off till NRC was not updated.

B) DELIMITATION COMMISSION'S FINAL REPORT FOR UT OF JAMMU AND KASHMIR (MAY 2022)

- Erstwhile J&K state had 111 assembly seats - 46 in Kashmir, 37 in Jammu, 4 in Ladakh and 24 seats reserved for POK. (Since Ladakh is a separate territory, the present J&K had 107 seats in the assembly). It didn't provide reservation for STs in the assembly.
- **Final Order of the Delimitation Commission:**
 - » **Assembly:** An increase of 7 seats: 114 seats for J&K (including 24 seats reserved for POK)
 - Reservation of seats for STs, SCs and Kashmiri Pandits.
 - » **Lok Sabha:** Total number of LS seats remain 5 (but they have been reorganized)
 - All LS constituencies now comprise 18 assembly segments each.
- It has further recommended an unspecified number of seats for those who were forced to migrate from Pakistan controlled areas.
- » **Analysis: Positives**
 - The commission has done well to ensure that all communities in the UT of J&K will have a share in the assembly including Dogras of Jammu, the Scheduled Castes, the Scheduled Tribes, and the Kashmiri Muslims.
 - The completion of the delimitation exercise paves the way for assembly elections - a crucial step in the possible restoration of statehood for J&K.
- » **Analysis: Criticism**
 - The regional parties have criticized the delimitation as a highly political exercise intending to benefit the ruling dispensation at the Center.
 - In 2002, the then J&K government amended the J&K Representation of the People Act to freeze delimitation exercise until 2026, as the rest of the country.
 - 44% of population in Jammu have got 48% of the seats and 56% of the population in Kashmir have got only 52% of the seats.

C) ELECTION COMMISSION COMES OUT WITH FINAL REPORT ON ASSAM DELIMITATION (AUG 2023)

- **Key Highlights:**
 - All assembly and parliamentary constituencies in the state of Assam were delimited (redrawn) based on 2001 census.
 - **No change in numbers:** Assembly constituencies (126); Parliamentary Constituencies (14)
 - **Nomenclature modified for 19 assembly constituencies and 1 parliamentary constituencies.**
 - **Reservation for STs and SCs in 19 Assembly, 2 Lok Sabha and nine assembly and 1 Lok Sabha seats** respectively. [Overall reserved assembly seats for both SCs and STs have increased]
- **Criticism:**
 - Use of 2001 data (when the 2011 data existed) [for J&K delimitation, the 2011 data was used]

D) CRITICISM AND CONCLUSION OF DELIMITATION EXERCISE

- Delimitation based on population seriously harms the states which are better in implementing family planning norms.

- The state's political influence at Center reduces.
- It pits Indian citizens against one another across arbitrary, divisive cleavages - North vs South, Hindi vs non-Hindi, so on, and so forth.
- **Sometimes delimitation commission are influenced by the politics** and the delimitation is criticized for weakening the political influence of some groupings.
- **Conclusion**
 - A properly functioning delimitation commission is crucial for effective working of a democracy. At the same time there is need to create a balance between a regular conduct of delimitation and proper enforcement of the family planning norms. A politically neutral delimitation commission will also go a long way in ensuring acceptance of the outcomes of the delimitation commission.

5) FEDERAL ISSUES: INTER-STATE RIVER WATER ISSUES

- **Why in news recently?**
 - Why is Cauvery Water Sharing Issue flaring up again (Aug 2023: Source-TH)
 - Supreme Court Bench recuses from hearing Pennaiyar river water dispute (July 2023)
 - » Justice Bopanna hails from Karnataka and Justice Sundresh form Tamil Nadu. The bench referred to the original suit filed by TN against Karnataka to the Chief Justice of India for Constitution of an appropriate bench.
 - » **Background:**
 - In 2018, TN had moved the court against Karnataka's work on check dams and diversions' structure on the river.
 - The Union Cabinet has filed an affidavit before the Supreme Court to apprise it that, pursuant to its order, the centre submitted a proposal to cabinet secretariat for formation of **Pennaiyar Water Dispute Tribunal** to resolve the Pennaiyar river water dispute between TN and Karnataka.
 - Experts question timing of Chhattisgarh's release of water into Mahanadi (April 2023)
 - » Water experts and political leaders accused the neighbouring state of attempting to mislead the Mahanadi Water Dispute Tribunal led by Supreme Court Justice A.M. Khanwilkar.
 - » As per Odisha, Chhattisgarh has opened 20 gates at Kalma Barrage through which 1,000 - 1,500 cusecs of water is flowing into Mahanadi in Jharsuguda district - a rarity as Chhattisgarh hardly releases water during non-Monsoon season.
 - » **Note:** Mahanadi Water Disputes Tribunal was formed in March 2018. This tribunal has been asked to submit the report by 2025.
- **Example Questions:**
 1. Constitutional mechanism to resolve the inter-state water disputes have failed to address and solve the problems. Is the failure due to structural or process inadequacy or both? Discuss [12.5 marks, 200 words] [CSM, 2013]
 2. Disputes between the riparian states on sharing of river waters in post-independence era India are becoming increasingly complex. Objectively analyze the major disputes in this connection with special reference to the southern states? [CSM 2010]

3. Riparian rights are a source of disputes. How are they resolved in a federal system? [10 marks Mains 1986]
4. Discuss the key challenges and gaps in the institutional and political fabric of inter-state river water governance within the Indian federal system. [15 marks, 250 words]
5. Setting up of a permanent tribunal to adjudicate river water dispute among states is a positive step forward. Critically Evaluate [10 marks, 150 words]
6. Discuss the key factors behind origin of the river water disputes. Why, in recent years, the river water disputes are becoming more and more difficult to resolve? [12.5 marks, 200 words]

- **Introduction**

- » Inter-state river water disputes have become one of the most contentious issues in the Indian federalism today. Disputes are no longer just about water allocation, but have become hugely politicized.

- **Constitutional Provisions regarding Inter-State River Water Disputes**

1. Article 262 of the constitution say that Parliament may by law will provide for adjudication of any inter-state river water dispute and the Parliament may also provide that Judiciary will not exercise any jurisdiction in respect of any such dispute.
2. Schedule 7 distributes legislative power concerning water between Centre and States to ensure optimum utilization while balancing the interests of the states.
 - Entry 56 of Union list gives power to the Union Government for the regulation and development of interstate river valleys to the extent declared by Parliament to be expedient in public interest.
 - Entry 17 of the state list deals with water i.e., water supply, irrigation, canal, drainage, embankments, water storage and water power.

- **Laws formed by the Parliament.**

- » Under the provisions of Article 262, the parliament has enacted two laws
 - i. **The River Boards Act (1956)**
 - ii. **Inter-State Water Dispute Act (1956)**
- » **The River Board Act** provides for the establishment of river boards for the regulation and development of inter-state river and river valleys. A river board is established by Central Government on the request of state governments concerned to advise them.
- » **The Inter-State Water Dispute Act (1956)** empowers central government to set up an ad hoc tribunal for the adjudication of a dispute between two or more states in relation to the waters of an inter-state river or river valley.
 - The decision of the tribunal is final and binding on the parties to the dispute.

- Neither Supreme Court nor any other court is to have jurisdiction in respect of any water dispute which may be referred to such a tribunal under this Act.
- **What is the need of extra judicial machinery to set inter-state water dispute?**
 - The supreme court would indeed have jurisdiction to decide any dispute between states in connection with water supplies, if legal rights or interests are concerned; but the experience of most countries has shown that rules of law based upon the analogy of private proprietary interests in water do not afford a satisfactory basis for settling disputes between the states where the interests of the public at large in the proper use of water supplies are involved.
- India has 25 major river basins, with most rivers flowing across states. As river basins are shared resources, a coordinated approach between the states, with adequate involvement of the Centre, is necessary for preservation, equitable distribution and sustainable utilization of river water.
- **However**, interstate rivers in India have become sites of contestations.
 - For e.g., Pennaiyar river dispute (between Karnataka and TN); Mahadayi River dispute (between Karnataka and Goa), Krishna Water Dispute (Andhra, Telangana, Maharashtra and Karnataka); Cauvery Water Dispute (TN, Kerala, Karnataka, Puducherry)
- **Sources of Inter-State River Water Disputes:**
 - Imprecise distribution of power between the Centre and the States, creating federal jurisdictional ambiguity.
 - **Union list** mentions 'interstate water', the State List simply uses the term "water" to signify what is essentially "surface water" confined within the boundaries of the state.
 - This has allowed states to legislate on the entire extent of surface water available within its borders, regardless of whether the source of the river or its tributary is located outside its boundary or the river is draining into another state.
 - **Evolving state borders:**
 - The changing borders complicate the existing jurisdictional and resource-sharing agreements and eventually become source of inter-state political contestation, leading to historico-geographical ambiguity in inter-state river water governance.
 - **Institutional Ambiguity regarding which body is ultimate adjudicatory power on ISWDs in India.**
 - While Article 262 deters the highest judiciary from adjudicating ISWDs, Article 136 empowers it to hear appeals against the tribunals and ensure the implementation of the tribunal.
 - **Hostile hydro-politics at subnational level:**
 - Identity politics, coupled with demand for resources, have triggered major mass-based political mobilization in the country.
 - **Increasing water scarcity**
 - Depleting ground water, drying rivers and increasing droughts are leading to long legal wrangles between states.

- Some problems in Current Water Dispute mechanism
 - i. Delays
 - Constitution of Adhoc tribunal itself takes a lot of time on many occasions
 - Protracted Proceedings and Extreme delay in resolutions
 - Cauvery water resolution took more than 25 years.
 - **Delay in government notification** of the final tribunal order also in some cases have been a cause of concern.
 - ii. **Absence of baseline data** agreeable by all states
 - iii. **Opacity in institutional framework and guidelines** that define these proceedings
 - "There are too many options, and there is too much discretion at too many stages of the process."
 - This leads to litigations and counter litigations and thus cases go on for years.
 - iv. **Ensuring compliance of the order of tribunal has become a problem**
 - Generally states go to Supreme Court challenging the tribunal awards and ensuring compliance of the tribunal's verdict becomes difficult
 - v. **No upper age limit for the Chairman or the Members**
 - Affects efficiency of tribunals
 - vi. **Politicization of Inter-State water dispute** makes any compromise on the part of any party difficult.
- Planned amendment to the 1956 act.
 - i. **Inter-State Water Disputes (Amendment) Bill, 2019: Permanent Tribunal, Benches and Dispute Resolution Committee**
 - The bill seeks to amend the Inter-State River Water Dispute Act, 1956 with a view to streamline adjudication of inter-state river water disputes and make the present institutional architectural robust.
 - **Key Provisions of the Bill:**
 - **Dispute Resolution Committee (1Y+6m);**
 - **Single Permanent Tribunal[2Y+1Y; fix term and age limit];**
 - **Benches for each dispute** from permanent tribunal;
 - **Assessors** to provide technical support to tribunals;
 - **Data Collection agency at national level** to maintain databank;
 - Decision final and binding
 - **Analysis of the bill**
 - **Positives**
 1. **Dispute Resolution Committee** will contribute towards reduce the cases going to the Tribunal. By bringing two sides on negotiating table, it will also be helping in promoting **cooperative federalism**.
 2. **Single Permanent Tribunal** should improve the quality of judgement as well as the efficiency of it. It will ensure a **permanent infrastructure** for river water dispute resolution and delays which are caused in the process of getting a tribunal formed will end.

- Earlier, delays used to be caused due to delays in finding judges for the tribunal etc. Now the permanent tribunal will do away with such limitations.
 - 3. **Faster Awards:** Time bound mechanisms ensure an improvement over the current mechanisms.
 - 4. **Automatic Awards**
 - A reason for delay in the earlier mechanism was that sometimes center took years to notify the award of the ad-hoc tribunal. e.g. - this took three years for the Krishna award.
 - Now, the proposals are that the award will be notified automatically by the tribunal.
 - 5. **Expert agency to collect data** on rainfall, irrigation and surface water flows would be very beneficial
 - Party states have a tendency to fiercely question data provided by other side.
 - A permanent forum having reliable data in its hands sounds like an ideal mechanism to apportion water.
 - 6. **Dispute resolution committee may help in** reducing the unnecessary litigations.
 - But its benefit will depend on the mechanism's efficiency.
- **Limitations**
1. **Difficult for a single tribunal to deal with all the inter-state water sharing issues**
 - Given the number of ongoing inter-state disputes and those likely to arise in future, it may be difficult for a single institution with a former Supreme Court judge as its chairperson to give its ruling within three years.
 2. **Ensuring compliance will still be a problem**
 - It's interlocutory order as well as final award are likely to be challenged in the Supreme Court.
 - In Dec 2016, in a landmark verdict, the Supreme Court said it had unfettered power to hear an appeal arising from a river water dispute tribunal under Article 136 of the constitution. It has interpreted the ouster clause in the Inter-State Water Disputes Act as one that merely bars the court from entertaining an original complaint or suit on its own, but not its power to hear appeals against the tribunal decision.
 - **Thus finality and enforcement of tribunal's award may remain elusive.**
 3. **Transparency would still be an issue**
 - Opacity in proceedings and guidelines have not been resolved in the new mechanism.
 4. **Tribunal only deal with infrastructural and architectural mechanisms. Political postures and brinkmanship will remain an issue.**
 5. **States don't tend to agree over a particular piece of data**
 - Challenge is not about gathering of data, but more about states agreeing over a particular piece of data. The challenge is also about tapping the data to produce knowledge that can be used for decision making.

- **Way Forward:**

- Focus on **avoiding/preventing water conflict**. Here water harvesting, planning of resource use etc is going to play a key role.
- There needs to be **development of consensus among states** about a critical role that centre will play in the river water dispute resolution.
- Without cooperation between states, the inter-state river water disputes will keep raising its head. The problem will only be resolved if there are **robust and replicable institutional model for inter-state cooperation**. The River Board mechanism which is supposed to facilitate inter-state collaboration over water resources should be reinvigorated.
- There should be a **mechanism to regularly monitor** the implementation of the tribunals order.
- A **robust institutional mechanism** which is not only fast but also transparent is must to placate states and public.
- **Consensus at electoral level** also needs to be achieved for long term resolution of dispute.
 - It can be achieved by the "**Positive politicization**" of the issue, which can only happen when the electorate is sensitized regarding the tangible economic and ecological costs of prolonged disputes.
 - Here, political parties, which are chief mass mobilizers, will have no immediate incentive. Instead, other institutions must create the narratives: the media; civil society; academia; and social political and environmental activists working at the grassroot level.
- **Involvement of Local People** in the dispute resolution process: A mechanism should be devised to consider inputs from civil society in a transparent manner.

- **Conclusion**

- River water disputes are very crucial issues and have implications for India's integration. The 2019 bill brings in the infrastructural changes, but India still needs to work upon policy level changes. There needs to be more focus on defining key principles to enhance transparency in functioning of Tribunals, increasing cooperation between states, integrating river water dispute resolution with India's water policy and finally, increased focus on environmental protection.

6) FEDERAL ISSUES: INTER-STATE BORDER DISPUTES IN NORTH-EAST INDIA

- **Why in news?**
 - Meghalaya committed to resolve inter-state border dispute with Assam: CM (Aug 2023)
- **Border Disputes in North-East** are associated with Assam as four states were carved out of it over the years:
 - i. **Assam-Meghalaya Border Dispute:**
 - During the British rule, the undivided Assam included present-day Nagaland, Arunachal Pradesh, Meghalaya and Mizoram. Meghalaya was carved out in 1972, its boundaries demarcated as per the Assam reorganization (Meghalaya) Act of 1969, but has held different interpretation of the border since.
 - Assam and Meghalaya have a longstanding dispute in 12 stretches of their 884 km shared border.
 - In March 2022, the two states signed a pact resolving dispute in 6/12 areas.
 - In May 2023, the two CMs start talks to resolve border disputes in six remaining sectors.

ii. Assam - Arunachal Border Dispute finally resolved (April 2023)

- **Background:**

- The border dispute between the two states dates back to 1873, when the then British government introduced the inner line regulations, vaguely separating the plains from the frontier hills (now Arunachal Pradesh) that were later designated as the North-East Frontier Tracts in 1915.
- Based on the Bordoloi committee report (1951), around 3,648 sq km of the plain area of Balipara and Sadiya foothills was transferred from Arunachal Pradesh to Assam's then Darrang and Lakhimpur.

- **Dispute:**

- In 1972 Arunachal Pradesh was separated from Assam as an UT. Since then it maintained that transfer of 3,648 sq km was done in an arbitrary and defective manner without consultation of its people them. Assam on the other hand, has been holding that the demarcation as per 1951 notification is constitutional and legal.
- Further, at the time of separation, the inter-state borders were not properly demarcated triggering claims and counter claims by people living on both sides of the inter-state border.

- **Various attempts at resolving the issue:**

- Between 1971 and 1974, there were multiple efforts to demarcate the boundary that didn't work out due to constant conflicts amongst the people living in the disputed areas.
- A **tripartite committee** (representatives of the two states and Union), set up in 1979 also met with limited success as AP reneged and refused to accept the recommendations. Later Assam also juked the proposal and moved to Supreme Court against Arunachal Pradesh for encroachment of its territory by Arunachal.
- **Supreme court formed a Local Boundary Commission** in 2007 headed by a retired judge of SC. It submitted its report in 2014 and recommended transfer of some of the lands which were taken away from NEFT based on Bordoloi declaration in 1951. It also urged two states to arrive at consensus through discussion.

- **The Namsai Declaration:**

- Resolution efforts gained momentum in 2022 as both the parties had BJP rule.
- Two states decided that all border issues between them will be confined to those raised before the Local Boundary Commission in 2007.
- Both states formed 12 regional committees for joint verification of 123 disputed areas/ villages and to make recommendations keeping in view the historical perspective, administrative convenience, contiguity and people's will.
- The first joint meeting of the inter-state regional committees was held in Aug 2022, at Namsai, after the field inspection of the inter-state border areas. Based on the discussion at the meeting, the first treaty between the two states - the Namsai declaration was signed. As per the declaration, the two states agreed to restrict the number of contested villages to 86 instead of 123.
 - Other 37 disputed villages was agreed upon.

- **Later in April 2023**, the two CMs in front of the Home Minister Amit Shah signed an MoU to end 50 years of dispute.
 - They agreed that they will not be making any new further claims.
 - Boundary demarcation of most of the remaining regions/villages will be finalized in next six months.
 - The final boundary demarcation will be done by survey of India based on the MoU.
- **Why the dispute could be resolved this time?**
 - Close and Constant monitoring by the Central government.
 - PM Modi had made it very clear that the disputes would have to be resolved very fast and in a spirit of give and take. Home Minister Amit Shah also kept a close watch on the progress.
 - **Significance:**
 - Ushering in peace and development in the entire region.

iii. Assam Nagaland

- The dispute predates formation of Nagaland as a state in 1963. The demand was raised in both the Nine Point Agreement (1947) and 16 point agreement (1960) that Naga representatives signed. Nagaland demands 12,488 sq kms of Assamese territory. Large forested areas of Assam had been encroached by the Naga rebels and violent clashes along Assam Nagaland border occurred regularly. Major armed conflicts were also reported in some situations.
- CMs of Assam and Nagaland held talks in April 2023 on settlement of border disputes and agreed in-principle on oil exploration in the disputed areas of economic benefit.

iv. Assam Mizoram Border Dispute

- It is rooted in Mizoram's rejection of the colonial notification on which the inter-state boundary is based.
- While the Assam Mizoram boundary is based on a 1933 notification, according to North-eastern area (recognition) Act, 1971, Government of Mizoram has maintained that the border should be based on an 1875 notification.
- In Sep 2022, Assam and Mizoram agreed to form regional communities to resolve the inter-state disputes.

- Root of the Border Dispute in the North-east

- **Colonial Legacy:**
 - The British never governed the region as an integral part but treated it as a frontier region that they left ungoverned to a large extent. They viewed NE as a buffer between India and China.
 - They were even not keen on demarcating borders between India and Burma as Burma was also part of British India.
- **The territorial Evolution of North-East India** after independence:

- In 1950, Assam was the only full fledged states. Manipur and Tripura were UT at the time. But, since then there are 7 full fledged states mostly created from the erstwhile Assam territory.
 - Difficult terrain also made demarcation difficult.
 - Underlying ethnic tensions and presence of militance in the region.
 - Militants use ethnic tensions and border disputes to instigate violence.
- Way forward:
 - Learn from the success of Assam-Arunachal Border dispute -> Effective involvement of the Centre would be crucial for inter-state land boundary disputes to be resolved.
 - Robust and Replicable model for inter-state cooperation. Northeast Council which is supposed to facilitate inter-state collaboration need to be reinvigorated.
 - Positive Politicization: It will happen only when the electorates are sensitized regarding the tangible socio-economic benefits of peaceful cordial border dispute resolution and there is more emphasis on national identity than on regional identity.
 - Adjudication by Supreme Court can be the last resort which states could approach to get their grievances resolved.
 - Inclusion of locals would bridge the gap between government and people, thus enhancing communication.
 - Resolving various border disputes at village level can address genuine grievances and put people's interest first for effective solutions.
- Conclusion:
 - The best solution would come from increased cooperation between states and if they are both ready to compromise in the spirit of cooperative federalism.

A) INTER-STATE BORDER DISPUTE (OUTSIDE NORTH-EAST INDIA)

- Haryana Himachal border dispute is over Parwanoo region, which lies next to the Panchkula district of Haryana. Haryana has laid claim to a large part of the land and has accused the hill state of encroaching upon the area.
- Ladakh-Himachal: Both claim Sarchu, a major halt point for those travelling through Leh-Manali highway. The region is located in between Lahaul and Spiti district of Himachal and Leh district of Ladakh.
- Maharashtra Karnataka: Dispute is over Belgaum district. The district has sizeable population of both Marathi and Kannada speaking people and the two states continue to fight over the region.
- Odisha-Andhra Pradesh: The disputed area is Kotia which is claimed by both the states.
- Kerala-Tamil Nadu also have some disputes in some of the districts.
- Different mechanisms to resolve current Inter-State Disputes:
 - i. Bilateral Talks in coordination with Centre: For e.g., the success in Assam-Arunachal dispute was made possible for this reason.
 - ii. Inter-State Council formed under Article 263 of the Constitution is expected to inquire and advise on disputes between states and make recommendations for better policy coordination.
 - iii. Zonal Councils set up under the States Reorganization Act can be crucial in increasing coordination.

- iv. **Adjudication Route:** As per Article 131 of the Constitution of India, the Supreme Court has original and exclusive jurisdiction to decide disputes between states.
- **Way Forward:**
 - i. **Increase the role of Inter-State Councils by regularly meeting and discussing various issues:** For e.g., in the last 16 years, only two meetings of ISCs have been held.
 - ii. **Other suggestions already discussed with Northeast Border Dispute**

2. GENERAL STUDIES PAPER – 3

1) S&T: SPACE AND ASTRONOMY: PSLV-C56

- Why in news?

- ISRO's PSLV C-56 puts 7 satellites in orbit (July 2023)
- PSLV C-54 successfully places earth observation satellite (OCEANSAT-3, formally called EOS-6), 8 nano satellite in orbit (Nov 2022)

- Practice Questions:

- Why is Polar Satellite Launch Vehicle (PSLV) considering the workhorse of ISRO? Discuss the capabilities and achievements of PSLV [15 marks, 250 words]

- The PSLV is the third-generation satellite launch vehicle of India. It is an expandable system and was the first Indian Launch Vehicle to be equipped with Liquid Stage.

- **Note:** ISRO has over the years realized **5 generations of rockets** – SLV, ASLV, PSLV, GSLV, and GSLV-MK-III.

- Where is PSLV used?

- It was developed to allow India to launch its Indian Remote Sensing (IRS) satellite into **Sun synchronous orbit**, a service that was, until the advent of the PSLV, commercially available only from Russia.
- PSLV can also launch small size satellites into **Geostationary Transfer Orbit**.

- It is one of the world's most reliable launch vehicles.

- Launches So Far

- Developed in early 1990s, its first launch in 1993 was a failure.
- First successful launch of PSLV took place in 1994 and till Aug 2023 (i.e., PSLV C-56), PSLV has had 58 launches with only two failures.

- Technical Specifications of PSLV

- Capabilities

- Payload to SSPO (sun synchronous polar orbit): 1,860 Kg
- Payload to Sub GTO: 1,425 Kg
- **Key features of PSLV Engines:** PSLV has four stages using solid and liquid propulsion alternatively.

- Expansion of capabilities: Strap on Motors

- PSLV uses 6 solid rocket strap-on motors to augment the thrust provided by the first stage in its PSLV-G (1678 kg in SSPO) and PSLV-XL (1750 kg to SSPO) variants. PSLV-DL, PSLV-QL versions use 2 and 4 straps on motors respectively. PSLV-CA (1100 kg in LEO) uses no strap on motors.



» **Key Significance and Achievements of PSLV**

- **Reliability:** Only 2 failures in almost 3 decades of service and 58 launches.
- **Commercial use:** PSLV has launched **more than 350 foreign satellites** from 34 different countries so far.
- It has played significant role in various major ISRO missions (including Chandrayaan-1, MOM, IRNSS system etc.)
- **India's Soft Power:** PSLV by providing the capability to launch satellites for foreign countries enhances India's soft power in the region.
- Many **learnings** from the development of PSLV has helped scientists develop several non-space applications like fire resistant tiles, better engines for missiles etc.

» **Conclusion**

- Today, ISRO is playing a key role of connecting continents and people via its satellite launch business model. From education to mobile telephony/ communications and navigation to business, the footprint of ISRO is becoming all pervasive.

A) PSLV C-57/ ADITYA-L1 MISSION (AUG 2023)

- ISRO has announced that the much-awaited Aditya-L1 mission will launch on-board PSLV-C57 mission to study the sun.

B) PSLV-C56 / DS-SAR MISSION (JULY 2023)

- The launch of PSLV C-56 carrying DS-SAR satellite, along with 6 co-passengers [all 7 Singaporean satellites] was accomplished successfully on July 30, 2023.
- PSLV C-56 was configured in core alone model, similar to C-55.
- **DS-SAR** is a 360 kg satellite into a Near-equatorial Orbit (NEO) at 5 degrees inclination and 535 km altitude.
 - DS-SAR satellite is used for satellite imagery requirements of various agencies within the government of Singapore.
 - It carries a Synthetic Aperture Radar (SAR) payload developed by Israel Aerospace Industries (IAI). This allows DS-SAR to provide all weather day and night coverage, and capable of imaging at 1m-resolution at full polarimetry.
- **The co-passengers were:**
 - VELOX-AM, a 23 kg technology demonstration microsatellite
 - ARCADE Atmospheric coupling and dynamic explorer (ARCADE), an experimental satellite
 - SCOOB-II, a nanosatellite flying a technology demonstrator payload.
 - NuLion by NuSpace, an advanced 3U nanosatellite enabling seamless IoT connectivity in both urban & remote locations.
 - Galassia-2, a nanosatellite that will be orbiting at low earth orbit.
 - ORB-12 STRIDER, satellite is developed under an international collaboration.

- After the launcher placed all the seven satellites into a 535 km circular orbit, PS4 stage was brought back to a lower orbit of 295 km X 300 orbit. This has been done so that the stage spends less time in space, reducing its duration from over two decades to less than two months, before re-entering into the earth's orbit.

C) PSLV C-55/TELEOS-2 MISSION (APRIL 2023)

- **PSLV C-55/ TeLEOS-2** was launched successfully on April 22, 2023, from SDSC-SHAR, Sriharikota.
- This is a dedicated commercial mission through NSIL with TeLEOS-2 as primary satellite and Lumelite-4 as a co-passenger satellite.
- The satellite weigh about 741 kg and 16 kg respectively. Both belong to Singapore.
- **POEM-2:** The mission has the PSLV Orbital Experiment Module (**POEM**), where the spent PS4 stage of the launch vehicle would be utilized as an orbital platform to carryout scientific experiment through non-separating payloads. The payloads belong to ISRO, Bellatrix, Dhruva Space, and Indian Institute of Astrophysics.

2) S&T: PHYSICS: SUPERCONDUCTIVITY

- **Why in news?**
 - In Aug 2023, two South Korean researchers posted two related papers on the internet, not yet peer-reviewed, claiming that a lead-based compound they had developed had shown superconducting properties at room temperature, under normal pressure conditions. (Aug 2023)
- **Example Questions:**
 - What is superconductivity? Discuss its key applications. [10 marks, 150 words]
- **Definition**
 - Some materials when they are cooled below certain temperatures ($T_{critical}$), they lose all electrical resistivity. This is called superconductivity.
 - » It is one of the nature's most intriguing quantum phenomenon and was first discovered more than 100 years ago in mercury cooled to temperature of liquid helium (-270 degree C) by Heike Kamerlingh-Onnes in 1911. He received 1913 physics Nobel Prize.
 - » **How many elements show superconductivity** - Class discussion.
- **At what temperature superconductivity is achieved:**
 - The first material to have been discovered to show superconductivity was mercury. Most of the other materials commonly used as superconductors - Lead, Aluminium, Tin, Niobium, and several others also become superconducting at comparable temperatures, called **Critical temperature**.
 - **In some cases**, superconductivity is achieved at slightly higher temperature but that is under increased pressure conditions.

- Even the materials that are classified as '**high temperature superconductors**', as of now, show superconductivity properties only well below -150 degree C.
- The temperature at which the metals change from normal conducting state to superconducting state is called **Critical/Transition** temperature.
 - For e.g. below 4 degree Kelvin the metal mercury becomes a superconductor, therefore critical temperature for mercury is 4 K.

- The transition from normal conducting stage to superconducting stage is reversible.

- The super conducting material shows **some extra ordinary properties** which make them very important for modern technology. The research is still going on to understand and utilize these extraordinary properties of superconductors in various fields of technology.

» **Infinite conductivity** (zero electric resistance)

- **Persistent current**

» **Meissner Effect:** a superconductor, expel the magnetic field and doesn't allow the magnetic field to penetrate inside it. This phenomenon in superconductors is called Meissner effect.

» **Critical temperature**

» **Critical magnetic field**

» **Critical Current**

- Applications of Superconductivity

» **Medical Sector:** Used in magnetic resonance imaging, Magnetic Source imaging etc.

» **Electric Engineering:** For generation of high performing generators, motors, transformers, relays, superconducting magnets etc.

» **Electronics:** **Quantum Computing**, high quality sensors, filters, circuitry radar etc.

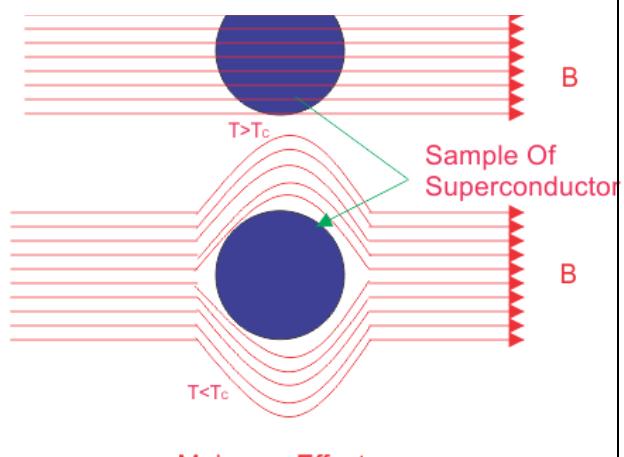
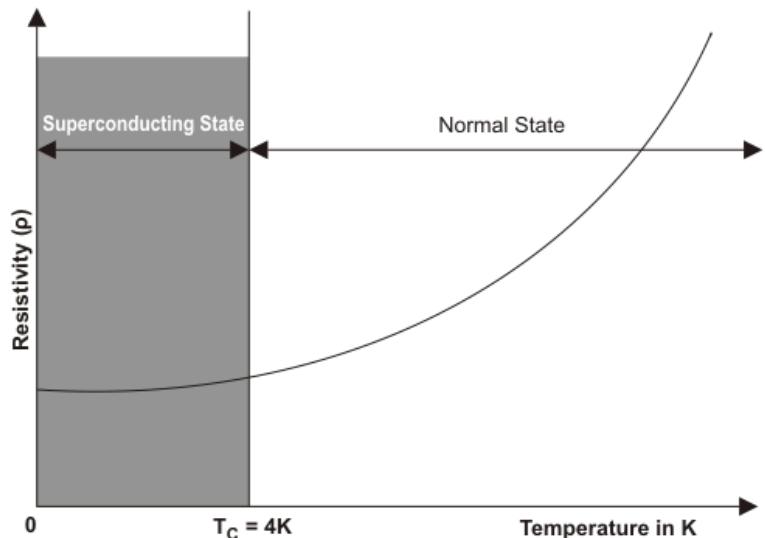
» **Transportation:** Magnetically levitated trains, Marine propulsion motors etc.

» **Fundamental Physics:** Particle accelerators, Magnets, Plasma / fusion research etc.

- Superconductivity at Room Temperature???

» The holy grail of superconductivity today is to find or create materials that can transfer energy between each other in a non-pressurized container.

- If an efficient superconductor becomes possible at room temperature, it would revolutionize power transmission system for industry, commerce, and transportation.



- » **Several Wrong Claims and Skepticism:** In recent years several claims of achieving superconductivity at room temperature has been found to be wrong. This has made scientific community a bit skeptic about any such new claim.
 - For e.g. in July 2023 only a research paper published in Physical Review Letters in 2021, by a US-based researcher making a similar claim had to be retracted.
 - Scientists at IISc Bengaluru had made similar claims in 2018, only to be sent for more reviews. The case is still unresolved.
- » **In July 2023**, the South Korean researchers have posted two related papers on internet, not yet peer reviewed, claiming that a lead-based compound that they had developed had shown superconducting properties at room temperature, under normal pressure conditions. They are calling this material to be LK-99.

- **Conclusion**

- » Superconductivity at room temperature and room pressure if achieved could revolutionize a number of sectors including energy, transportation, health etc. This remains a holy grail yet to be achieved.

3. PRELIMS FACTS

1) CULTURE: NATIONAL HANDLOOM DAY: 7TH AUG

- In India, National Handloom Day is observed annually on 7th Aug to honour the handloom weavers and their significant contribution in the country's economy and culture. The GoI officially designated this day in 2015.
- **Theme** for 2023: "Handloom for Sustainable Fashion". It emphasizes on the significance of handloom weaving as an environmentally friendly and sustainable substitute for machine made fabrics.
- **History:** The origins of this day can be traced back to Swadeshi Movement which was launched on 7th Aug 1905.

2) PLACES IN NEWS: SOUTH CHINA SEA – TRITON ISLAND

The South China Sea is a marginal sea of the Western Pacific Ocean.

It is bounded in the north by the shores of South China (hence the name), in the west by the Indochinese Peninsula, in the east by the islands of Taiwan and Northwestern Philippines (mainly Luzon, Mindoro and Palawan), and in the south by Borneo, eastern Sumatra and the Bangka Belitung Islands, encompassing an area of around 3,500,000 km² (1,400,000 sq. mi).

It communicates with the East China Sea via the Taiwan Strait, the Philippine Sea via the Luzon Strait, the Sulu Sea via the straits around Palawan (e.g. the Mindoro and Balabac Strait), the Strait of Malacca via the Strait of Singapore, and the Java Sea via the Karimata and Bangka Strait.

The Gulf of Thailand and the Gulf of Tonkin are also part of the South China Sea.

The shallow waters south of the Riau Islands are also known as the Natuna Sea.

The South China Sea disputes involve both island and maritime claims by several sovereign states within the region, namely Brunei, the People's Republic of China (PRC), Taiwan (Republic of China/ROC), Indonesia, Malaysia, the Philippines, and Vietnam



Triton Island:

It is one of the major islands in the Paracel group, which is roughly equidistant from the coast of Vietnam and China's island province of Hainan.

It is claimed by China, Vietnam and Taiwan.

News: Aug 2023 - China appears to be constructing an airstrip on the disputed South China Sea.

3) PLACES IN NEWS: RED SEA

It is a sea-water inlet of the Indian ocean, lying between Africa and Asia.

It connects to Gulf of Aden through the **Bab el Mandeb strait**. In North it is bound by Sinai Peninsula, Gulf of Aqaba and the Gulf of Suez.

Countries neighboring Red Sea: Egypt, Sudan, Eritrea, Djibouti, Yemen, and Saudi Arabia.

Why in news?

More than 3,000 US military personnel have arrived in the Red Sea aboard two warships, part of beefed-up response from Washington after tanker seizure by Iran (Aug 2023). Iran had either seized or attempted to take control of nearly 20 internationally flagged ships in the region over the past two years.



4) PLACES IN NEWS: DANUBE RIVER/ SULINA CHANNEL

2nd longest river of Europe (2,850 km) after Volga.

It is located in Central and Eastern Europe.

Originates in Germany and passes through Austria, Slovakia, Hungary, Croatia, Serbia, Romania, Bulgaria, Moldova, and Ukraine before draining into Black Sea



Sulina Channel:

- It is a distributary of the river Danube that contributes to forming the Danube Delta. The other two main branches of Danube are the Chilia Branch to the north and the Sfantu Gheorghe branch to the south.

News: (Aug 2023)

The Danube delta has provided Ukraine with an alternative passage for its grain after Russia withdrew from Black Sea grain deal recently. The deal, was brokered by the UN and Turkey, and is used to provide safe passages for cargo ships carrying grain from Ukrainian Black Sea Ports of Odessa, Chornomorsk and Pivdennyi.

Sulina channel is of particular significance in this 'new' trade route. It connects major Ukrainian ports on the river to the Black Sea, lying completely within the borders of Romania, a NATO member.

5) INTERNATIONAL BODIES: INTERNATIONAL WHALING COMMISSION (IWC)

- **Key points**
 - » International Whaling Commission is an inter-governmental organization whose purpose is the conservation of whale and the management of whaling to allow orderly development of whaling industry.
 - » The legal framework of the IWC is **the International Convention for the regulation of Whaling**.
 - The convention was established in 1946, making it one of the first pieces of international environmental legislation.
 - All member countries of IWC are signatories of this convention.
 - » Currently (Aug 2023) IWC has 88 members.
 - » The **legally finding schedule** of the convention sets out specific measures that the IWC has collectively decided to be necessary in order to regulate whaling and conserve whale livestock.
 - » These measures include
 1. **catch limits** (which may be **zero in the case of commercial whaling**) by species and area.
 2. **Designating specified areas** as whale sanctuaries,
 3. Protection of calves and females accompanies calves etc.
 - » The commission also **coordinates and funds conservation work** including research related to conservation.
 - **India** joined the IWC in 1981.
 - » **Important countries which are not members**
 - Canada (left in 1982), Venezuela (left in 1999), Egypt (left in 1989), Japan (left in 2019).
- **Key Efforts**
 - » In 1982, the IWC adopted moratorium on commercial whaling.
 - Countries like Russia and Japan had opposed it.
 - » In 1994, the Southern Ocean Whale Sanctuary was created by the IWC.
- **Other facts**
 - » The IWC allows whaling quotas for aboriginal subsistence and also member nations can issue 'Scientific permits' to citizens.

6) ENVIRONMENT: CLOUDED LEOPARD

- **Why in news?**
 - A new study reveal that clouded leopard doesn't follow any specific pattern of operating in a certain space, unlike other carnivores (Aug 2023)
- **About Clouded Leopard**

The clouded leopard has been named so after the cloud-shaped pattern on its skin. They are considered evolutionary link between big cats and small cats.

Habitations

They are typically rainforest dwellers, but can also be found in drier forest of South East Asia.

Distribution: Himalayan foot hills to Southeast Asia and China.

In India, they are distributed in Northern West Bengal, Sikkim, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Tripura.



IUCN Status: VU

It is also the **state animal of Meghalaya**.

Study: A new study revealed that clouded leopard doesn't follow any specific pattern of operating in a certain space, unlike other carnivores. They seemed to go wherever they pleased without worrying about other predators, primarily because of their ability to climb trees, even hang upside down from large branches.

7) ENVIRONMENT: BIRDS: 75 ENDEMIC BIRDS OF INDIA

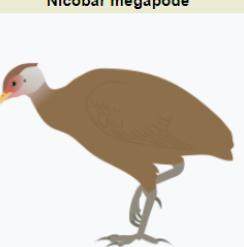
- **Why in news?**
 - » Zoological Survey of India (ZSI) have published a title called **75 Endemic Birds of India**. (Aug 2023)
- **Key Highlights**
 - » India is home to 1,353 bird species, which represent approximately 12.4% of the global bird diversity. Of these, 5% i.e. **78 birds** are **endemic to India**.
 - Of these 3 are CR (Bugun Liocichla; Himalayan Quail; Jerdon's Courser)
- Of these, 3 species have not been recorded in last few decades.

1	Manipur Bush Quail (<i>Perdicula manipurensis</i>)	<ul style="list-style-type: none"> ▫ Listed EN by IUCN ▫ Last recording in 1907 	
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2	<p>Himalayan Quail (<i>Ophyrsia superciliosa</i>)</p> <ul style="list-style-type: none"> ▫ Listed as CR by IUCN ▫ Last sighting in 1876 	 <p>Himalayan quail</p> <p>Painting by John Gould based on specimens #1836a and #1836b</p> <p>Conservation status</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>Extinct</td> <td>EW</td> <td>CR</td> <td>Threatened</td> <td>EN</td> <td>VU</td> <td>Least Concern</td> <td>NT</td> <td>LC</td> </tr> </table> <p>Critically Endangered (IUCN 3.1)^[1]</p>	Extinct	EW	CR	Threatened	EN	VU	Least Concern	NT	LC
Extinct	EW	CR	Threatened	EN	VU	Least Concern	NT	LC			
3	<p>Jerdon's Courser (<i>Rhinoptilus bitorquatus</i>)</p> <ul style="list-style-type: none"> ▫ Listed as CR by IUCN ▫ Last confirmed sighting in 2009 										

- 75 Endemic Birds of India

- They belong to 11 different orders; 31 families and 55 genera.
- **Highest number (28) of endemic birds** have been recorded in **Western Ghats**.
 - Interesting species include Malabar Grey Hornbill; Malabar Parakeet; Ashambu Laughing Thrush; and White Bellied Sholakili
- **Andaman and Nicobar Islands** (25 birds) have second highest number of endemic birds.
Interesting species are:

1	<p>Nicobar Megapode:</p> <p>It is a megapode found in some of the Nicobar Islands only.</p> <ul style="list-style-type: none"> • Like other megapode relatives, it builds a <u>large mound nest with soil and vegetation</u>, with the eggs produced by the heat produced by decomposition. • IUCN: VU 	 <p>Nicobar megapode</p> <p>Conservation status</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>Extinct</td> <td>EW</td> <td>CR</td> <td>Threatened</td> <td>EN</td> <td>VU</td> <td>Least Concern</td> <td>NT</td> <td>LC</td> </tr> </table>	Extinct	EW	CR	Threatened	EN	VU	Least Concern	NT	LC
Extinct	EW	CR	Threatened	EN	VU	Least Concern	NT	LC			

2	<p>Nicobar Serpent Eagle:</p> <ul style="list-style-type: none"> It is <u>probably smallest known eagle</u>, with a weight of about 450 g. IUCN: NT 	<p>Great Nicobar serpent eagle</p> 
3	<p>Andaman Crake: IUCN status: LC</p>	
4	<p>Andaman Barn Owl: Species endemic to <u>southern Andaman Island</u>.</p>	

- **Eastern Himalayas** has 4 endemic species.
- South deccan plateau and central Indian Forest have one species each.

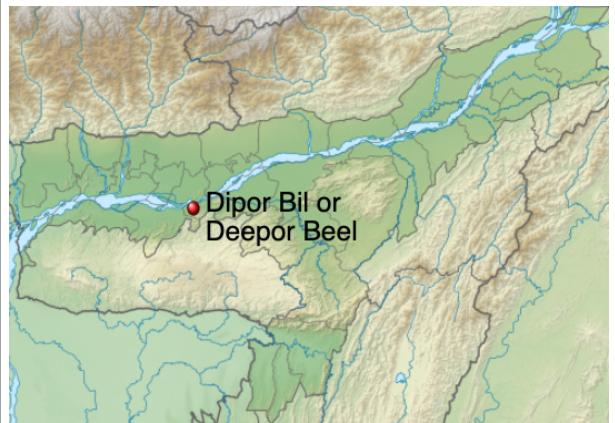
8) ENVIRONMENT: DEEPOR BEEL

Deepor Beel (lake of Elephant) is a lake located to the Southwest of Guwahati city in Assam.

It is a permanent freshwater lake, in a former channel of Brahmaputra River, to the south of the main river.

It is also an Important Bird Area.

It is the only Ramsar site of Assam. The Deepor Beel WLS measures 4.1 sq km within this wetland



- How locals are trying to save the dying Deepor Beel (Aug 2023: DTE)
 - Threats faced:
 - » **Anthropogenic factors** - Railway tracks that run parallel to the wetland, waste yard in the periphery.
 - Steps being taken:
 - » **Simang**, meaning dreams in the local language, is a collective initiative by six women from Keotpara. They have successfully transformed the invasive weed, water hyacinths into beautiful artefacts and yoga mats.
 - Advantages:
 - Improved health of Beel
 - Employment opportunities
 - » **Kumbhi Kagaz** - An innovative endeavour that focuses on ecologically restoring Deepor Beel while simultaneously creating alternative livelihoods for the locals. It converts water hyacinth into 100% biodegradable, chemical free handmade papers.

9) ENVIRONMENT: VAQUITA PORPOISE

Why in news?

- » The plight of the vaquita forces International Whaling Commission to issue first extinction alert (Aug 2023)

Drastic Decline in Population: The Species global population is down to only 10. The species has seen a 98% decline in population in 2 decades.

- » It is the world's smallest cetacean and the most endangered marine mammal.
- » IUCN: CR

Where is it found?

- » They are all found in northern part of the Gulf of California or Sea of Cortez.



Extinction Alert: The first extinction alert by IWC was released on 7th Aug 2023. It is to encourage wider recognition of the warning signs of impending extinctions, and to generate support and encouragement at every level for the actions needed now to save the vaquita.

- » It has smallest range of any whale, dolphin or porpoise and live in small 1500 square mile area in Mexico's upper Gulf of California, near the town of San Felipe.

The vaquita is caught as bycatch in gillnets meant for totoaba, a fish the swimbladders of which are priced in Chinese cuisines.

10) S&T: SPACE AND ASTRONOMY: ZARTH – A NEW APP TO CATCH SUPERNOVA

SUPERNOVA

- A **Supernova** is what happens when a star has reached the end of its life and explodes in a brilliant burst of light.
- In its dying phase, the core of a large star contains mainly iron. It has exhausted all its fuel. This further collapses under gravity and explodes as Supernova. The extreme high pressure causes protons and electrons to combine together to form neutron (thus forming neutron star).
- Supernovas can briefly outshine entire galaxies and radiate more energy than our sun will in its entire lifetime. They are also the primary source of heavy elements in the universe.
- According to NASA, '**Supernovas**' are the largest explosion that takes place in sun.

ZARTH (ZTF AUGEMENTED REALITY TRANSIENT HUNTER) (AUG 2023)

- Astronomers have a grandstand view of the dynamic cosmos every time they peer through their telescopes. But now, technology has made it possible for any space enthusiast, too, to watch cosmic events called transients (typically lasting fractions of a second to days or even years), with the help of nothing more than a smartphone.
- **Details:**
 - A team of scientists at Caltech, has developed an app that allows anyone with a smartphone to 'hunt' for transients.
 - It uses the open-source Sky Map and adds data daily from the Zwicky Transient Facility's robotic telescope at the Palomar Observatory in California.
 - The new app called ZARTH (ZTF Augmented Reality Transient Hunter) is built along the lines of the augmented reality mobile game Pokemon Go.

11) S&T: HAVANA SYNDROME

- **Why in news?**
 - The Central government has told the Karnataka High Court that it will look into the matter of 'Havana Syndrome' in India, in response to a Bengaluru resident's petition (Aug 2023)
- **Havana Syndrome**

- It refers to a series of unexplained health incidents that have affected American and Canadian diplomats and other government employees stationed in various countries. It typically involves symptoms such as hearing certain sounds without any outside noise, nausea, vertigo, and headaches, memory loss and balanced issues.
- It traces its roots to Cuba in late 2016. This was about a year after the US opened its embassy in the capital city of Havana after ties between the two countries were normalized in 2015.
- **Where all has this been experienced?**
 - » According to the US media reports, in the past few years, its officials have reported more than 130 such experiences across the world including, Havana, Chia, Moscow in Russia, Poland, Georgia, Taiwan, Colombia, Kyrgyzstan, Uzbekistan, and Austria among others.
 - » **Has any other country been targeted?**
 - Barring the Canadian embassy in Havana, there is no such report from any other country's official.
 - » In India, the first such case was reported in the same year, when a US intelligence officer after travelling to New Delhi with CIA director William Burns reported symptoms of Havana Syndrome.

- **Causes:**

- Not known.
- Speculations about Sonic Attacks; High powered microwaves etc.
 - » High powered microwaves may build pressure inside the brain that generated the feeling of a sound being heard.
- **But no conclusion has been reached yet.**

- **Cases in India?**

- As of July 2023, the 2021 incident was the only reported occurrence of the syndrome in India.
- In Aug 2023, the Central government has told the Karnataka High Court that it will look into the matter of the 'Havana Syndrome' in India, in response to a Bengaluru resident's petition. The petitioner had approached the court requesting writ of mandamus for an enquiry of Havana Syndrome in India and prevention of high-frequency microwave transmission in India.

12) S&T: DEFENCE: INS VINDHYAGIRI

- **Project 17A Frigates** are follow-on class of the Project 17 (Shivalik Class) Frigates, with improved stealth features, advanced weapons and sensors and platform management systems.
 - **Seven Project 17A Frigates** are under various stages of construction at MDL and GRSE.
 - INS Nilgiri, Udaygiri, Taragiri, Mahendragiri by MDL
 - INS Himgiri, Dunagiri, VindhyaGiri by GRSE
- **INS VindhyaGiri**
 - **Why in news?**
 - President Murmu launches stealth frigate INS VindhyaGiri (Aug 2023)
- **Background:**

- The first and second ships of the series are INS Himgiri and INS Dunagiri. The three Nilgiri-class frigates were ordered at a cost of approximately 19,200 crore and was the largest ever contract executed by Kolkata based **Garden Reach Shipbuilders and Engineers (GRSE)**.
- **INS VindhyaGiri** is the last in the series of three 17A (Alpha) frigates built by the Indian Navy.
 - It reflects country's commitment to self-reliance and technological advancement as well as indigenous innovation for developing state of art technology.
- **Features:**
 - These ships have length of 149 meters and displacement of over 6,670 tonnes. Their cutting-edge propulsion system allows for speeds of over 28 knots.

13) S&T: SPACE - ADITYA-L1 MISSION

About Aditya L-1 Mission (by ISRO):

- Aditya L1 shall be the **first** space based **Indian mission to study the Sun**.
- The spacecraft shall be placed in a halo orbit around the **Lagrange point 1 (L1)** of the Sun-Earth system, which is about 1.5 million km from the Earth.
 - ✓ A Lagrange point is a specific location in space where the gravitational forces of two large bodies, such as the Earth and the Moon or the Earth and the Sun, produce enhanced regions of attraction and repulsion. The Lagrange points allow for **relatively stable positions** in the gravitational field of the two bodies
 - ✓ A satellite placed in the halo orbit around the L1 point has the major **advantage** of continuously viewing the Sun **without any occultation/eclipses**.
- The spacecraft carries **seven payloads** to observe the **photosphere, chromosphere and the corona** (the outermost layers of the Sun) using electromagnetic and particle and magnetic field detectors.

Seven Payloads and their capabilities:

- **Remote Sensing Payloads:**
 - ✓ *Visible Emission Line Coronagraph (VELC)*: Corona/Imaging & Spectroscopy.
 - ✓ *Solar Ultraviolet Imaging Telescope (SUIT)*: Photosphere and Chromosphere Imaging.
 - ✓ *Solar Low Energy X-ray Spectrometer (SoLEXS)*: Sun as a star observation.
 - ✓ *High Energy L1 Orbiting X-ray Spectrometer (HEL1OS)*: Sun as a star observation.
- **In-Situ Payloads:**
 - ✓ *Aditya Solar Wind Particle Experiment (ASPEX)*: Solar wind/Particle Analyze Protons & Heavier ions with directions.
 - ✓ *Plasma Analyze Package for Aditya (PAPA)*: Solar wind/Particle Analyze Protons & Heavier ions with directions.
 - ✓ *Advanced Tri-axial High Resolution Digital Magnetometers*: In-situ magnetic fields.

14) S&T: MAYA OPERATING SYSTEM

About Maya OS (by DRDO):

- It is a new Operation System (OS) based on an open-source platform.
- It has the interface and all functionality like Windows and users will not feel much difference as they transition to it.
- Maya was developed by government development agencies within six months.
- Aim: To prevent malware attacks and other cyberattacks which had seen a steep increase.

Currently, Maya is being installed only in Defence Ministry systems and not on computers connected to the networks of the three Services



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1. GENERAL STUDIES PAPER – 2

1) JUDICIAL APPOINTMENTS AND COLLEGIUM SYSTEM

- Why in news?
 - » A question for the Collegium: Why was Justice S Muralidhar not brought to the Supreme Court (Aug 2023: IE)
 - Legal expert, Fali S Nariman writes that the collegium needs to explain its decision, considering Murlidhar's exemplary record as a judge and legal scholar.
 - » Chief Justice of India N.V. Ramanna was in conversation with U.S. Supreme Court judge Justice Stephen Bryer, on the "Comparative approaches of the Supreme Courts of the World's largest and oldest democracies". (April 2022)
 - He said that there is an impression that in India judges appoint judges. It is a wrong impression. The appointment is done through a lengthy consultative process. Many stakeholders are consulted. The Executive is one of the key stakeholders.
- Example Questions
 - » Critically examine the Supreme Court's judgment on 'National Judicial Appointment Commission Act, 2014' with reference to appointment of judges of higher judiciary in India? [10 marks, 150 words] [CSM 2017]
 - » Bring out the **issues involved in the appointment and transfer of judges** of the Supreme Court and High Courts in India. [CSM 1998]
 - » Discuss the evolution of the appointment process of the judges in Higher Judiciary in India. Why is there a demand for reform in the process? [10 marks, 150 words]
 - » "Judges should have an important role in the appointment process of Judges in higher judiciary but not an exclusive role" Elaborate. [10 marks, 150 words]
- Background
 - » Constitutional Provisions
 - Article 124(2) reads "*Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose and shall hold office until he attains the age of sixty five years: Provided that in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted*".
 - Article 217(1) reads "*Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State, and, in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court*".
 - » Idea behind the constitutional provisions
 - » Check politically motivated appointment
 - » BR Ambedkar in CA -> consultation didn't mean veto as it will result in unrestricted power in a single person.
 - » Thus, a careful **inter-institutional equilibrium was envisaged in CA**.

- **Two Phases in Judicial Appointment Procedure**

i. **Phase of Executive Led Appointment (1950-1993)**

- In this phase it was not mandatory for the President to follow the recommendation of CJI and other judges.
- **Criticism of this method:**
 - **14th report of LCI** raised concern on the constitutional envisaged system of appointment that the role of executive, especially in the state, was leading to the erosion of the independence of judiciary.
 - This was perhaps the beginning of belief that the judiciary itself, through its representatives was best placed to decide on its own composition, and thereby secure judicial independence.

ii. **Phase of Collegium Mode of Appointment (1993-present)**

- After the **2nd Judges case in 1993**, the recommendation of the CJI along with other senior judges of the Supreme court became mandatory.

- **Evolution of Collegium System (Various Supreme Court Judgments)**

- **What is collegium System?** - It is a system for appointment of judges in higher judiciary and transfer of judges between high courts. It is not a result of constitutional provision or a statutory provision and came into existence through the series of judgements called the "**Judges cases**". Since 1993, the collegium system has been followed for the appointment of judges in the Supreme Court and High Courts.

1. **Sankalchand Sheth's case, 1977:** Here the Supreme court held that the term 'consultation' can never mean concurrence. Hence the CJI's opinion was not binding on the executive.
2. **First Judges Case (SP Gupta vs Union of India), 1981**, the court repeated the above interpretation that consultation didn't mean concurrence. It also held that concept of primacy of the CJI was not really to be found in the constitution.
3. **Second Judges Case (The Supreme Court Advocates-on-Record Associations vs Union of India) , 1993**, the a nine judge constitutional bench of Supreme Court overruled its earlier decisions. It held that consultation really mean concurrence and CJI's view enjoys primacy, since he is best equipped to know and assess the worth of candidates. But the CJI was supposed to formulate his opinion through a body of senior most judges that court described as collegium.
 - Executive can ask the **collegium for reconsideration**, but after this the executive was **bound to adhere to collegium's decision**.
 - The Second judges case also **reiterated the convention of appointment of senior most judge of the Supreme Court as Chief Justice of India**.
4. **Third Judges Case (Presidential reference), 1998**, the court **further clarified the collegium system** by elaborating on its composition.
 - It held that the collegium shall consist of CJI and her four senior most judges (in case of appointments to the Supreme Court) and CJI and his two senior most judges (in case of appointments to the high court).

- Additionally, for appointments to the high courts, the collegium must consult such other senior judges serving in the Supreme Court who had previously served as judges of the high court concerned.
 - (The judgment didn't clarify if the views of the consultee judges are binding on the collegium or not).

5. NJAC - 99th constitutional amendment

- Attempt to create a separate, more transparent system for appointment of judges in Supreme court and High courts and transfer of judges between high courts. NJAC was to consist of members from Judiciary, Executive and General Public.
 - Chief Justice of India(Chairperson, ex officio)
 - Two other senior judges of Supreme Court next to CJI (ex officio)
 - The Union minister of law and Justice (ex officio)
 - Two eminent persons

6. In 4th Judges Case, 2015 the court struck down the NJAC system. It held that primacy of collegium was a part of the Constitution's basic structure, and this power could not, therefore, be removed even through a constitutional amendment.

- But the court also understood the hostilities this judgment will face and thus initiated a plan to make the system more transparent.

- What is the role of government in the current appointment process?

- Government has a role only after names have been decided by the collegium. It's role is limited to getting an enquiry conducted by the Intelligence Bureau (IB) if a lawyer is to be elevated as a judge in a High Court or the Supreme Court.
- It can also raise objection and seek clarifications regarding the collegium's choices, but if the collegium reiterates the same names, the government is bound, under the constitutional bench judgments, to appoint them as judges.

- Why collegium system is being criticized?

- » Constitutional makers didn't intend the current collegium system. It is a result of interpretive gloss.
- » Too much power to Chief Justice of India headed collegium
- » Autocratic: Judges selecting judges brings conflict of interest.
 - There have been several allegations of Nepotism while selecting judges at the top level.
 - There have been cases where the nearest relative of Supreme Court judges has been appointed as a high court judge, ignoring merit.
 - Further, the process is also criticized for not following the due process - Seniority not considered etc.
- » Lack of transparency in the process
 - For e.g. in Aug 2023, questions were raised when one of the country's finest judges in recent times, Justice Muralidhar, was not elevated to the Supreme Court.
 - Note: CJI Chandrachud has elaborated on the process of appointments - Merit, Seniority, Inclusivity (without sacrificing merit), Adequate representation from different High Courts, states, regions etc.
- » Lack of expert body like a standing committee to help the collegium

- **Administrative task diverts judges** of collegium from their principle judicial work of hearing and deciding cases.
 - Transferring judges of high court especially is a very time consuming effort.
- » **Collegium system limits field of choice**
 - Generally senior most judges from the high court are considered and the junior high quality judges or members of the bar are ignored in the process.
- **Steps taken for Reforming the Collegium System**
 - i. **Memorandum of Procedure** to cede some space to executive in appointment process.
 - Not finalized yet due to differences between judiciary and executive on several clauses including whether a candidature can be rejected on national security grounds.
 - ii. **Resolution to make collegium's decision** public on SC's website.
- **Steps that can be further taken to improve collegium system**
 - i. **More Transparency** on the 'Criteria of Merit', 'Norms of Selection' and the selection process.
 - **Formulate search-cum-Evaluation Committee (SEC)**, as proposed by Ministry of Law and Justice, to bring transparency in Judicial appointment through collegium system.
 - **Eligibility criteria** to judge the performance and suitability must be formulated objectives and must be made public.
 - Making Collegium decision come under RTI
 - ii. **A Secretariat** to enhance the efficiency in the working of collegium on the line of cabinet secretariat
 - iii. **Attracting More Talent in Judiciary**
 - AIJS
 - iv. **Mechanism to deal with complaints and adverse reports**
 - Collegium should appoint enquiry committees to examine those complaints on case by case basis.
 - An opportunity to be heard should also be provided.
- **Conclusion**
 - » As the possibility of replacing the collegium system is ruled out at least for the time being, it is important to bring reforms in the working of collegium system. It is important that while bringing these reforms the core constitutional values viz., independence of judiciary and integrity and effectiveness of judicial review shall be kept in mind.

2) ISSUE OF PENDING CASES

- **Why in news?**
 - » Cases pending in courts **cross 5 crore mark**: Government in Rajya Sabha (July 2023)
 - » Situation of Pending Cases on 23rd Aug 2023
 - **NJDG Data for district and taluka courts**



- **Example Questions**
 - Justice delayed is Justice denied. Discuss the key causes and consequences of large number of pending cases in Indian Judiciary [15 marks, 250 words]
 - "Increasing the strength and filling vacancies in Judiciary alone can't solve the problem of pending cases. It's a multifaceted problem and would require multifaceted solution" Elaborate [15 marks, 250 words]

- **Quotes**
 - "*Justice delayed is justice denied*": William E. Gladstone

- **Key reasons for backlog of cases in Judiciary:**
 - The increasing number of pending cases is a complex problem. It has multiple facets associated with it. Some of the key reasons can be the following:
 1. **Low strength of judges**
 - In 1987, the Law Commission recommended 50 judges per million of population. But, currently, India has just 21 judges per million of its population.
 2. **Vacant positions**
 - Around 25% of the total posts in lower judiciary is vacant.
 3. Supreme Court in its March 2017 guidelines had complained of many inefficient/deadwood judges in lower judiciary.
 4. **Judges involved in non-judicial work.**
 5. **Complicated legal system** -> Unnecessary litigations and counter-litigations; Lawyers keep finding the loopholes in the system to delay/prevent conviction.
 6. **Liberal adjournment** of cases (March 2017, SC guidelines)
 7. **Increasing awareness of rights** by citizens
 - With increasing awareness and literacy.
 8. Inadequate data on pending cases and "**lack of scientific maintenance**" of data makes it difficult to analyze problems and propose sustainable solution for the judiciary: Report
 9. **Large number of cases by government**
 - Government is the biggest litigant in the court i.e., the court spends the highest amount of time in government cases
 10. **Understaffed Police**
 - Lack of manpower in police force not only affects investigation, but also leads to prosecution delays. This is one of the key factors crippling our justice system

- **Steps taken to deal with pendency of cases.**
 - i. **Guidelines by Supreme Court in March 2017**
 - Supreme Court issued a slew of guidelines for High Courts cracks down on judicial delays. It included monitoring of lower courts, timely disposal of very old cases, quick disposal of bail cases, ending frequent adjournment, dealing with dead woods in judiciary etc.

 - ii. **Lok Adalats** have been functioning since 1980s and have played an important role in reducing the burden of courts.

 - iii. **Fast Track Courts**

- iv. **Establishment of National Judicial Data grid (NJDG) (since Sep 2015)**
 - NJDG gives consolidated figure of pending cases in district judiciary across the country. It provides national, state and court wise info.
- v. **Establishment of separate commercial courts**
 - This was recommended by law commission to ensure specialization adjudication and reduced burden on lower judiciary. Separate Commercial Courts were established through the Commercial Courts (Amendment) Act, 2018.
- vi. **Simplification of laws:** For e.g., indirect tax reforms (GST) Reform and Labour Code reforms are expected bring clarity and reduce litigations and counter litigations.
- vii. **Increased use of technology to fast track and streamline things** – ECourts Projects
- **Impact of pending cases**
 - i. **Delay in Justice delivery**
 - There are cases in Indian judiciary which are pending for more than 20 years.
 - ii. **Poor Quality of Justice**
 - High court judges often have 30-40 cases every day. Expecting the judge to completely analyze the matter in hand in the best possible way would be chimerical.
 - iii. **Large percentage of under trials among prison inmates**
 - According to NCRB around 70% of inmates in Indian jails are undertrials.
 - iv. **Social Problems:**
 - Decreasing respect for law and criminal justice system in society
 - For justice, people prefer other mechanisms and role of local 'Bahubalis' increase.
 - The rich, the powerful and the wrongdoers have a field day by getting their cases expedited or delayed as they wish.
 - v. **Economic Loss: Hampers Ease of Doing Business** in the country.
 - In Word Bank's Ease of Doing business ranking, India performs badly on the enforcement of contract parameter because of judicial delays in India.
 - vi. **Political Problems:**
 - Increased criminalization of politics -> Poor quality of laws and governance
- **Way Forward**
 - i. **Efficient implementation of March 2017 Supreme Court guidelines**
 - ii. **Increasing the strength of judges**
 - » Fill all the vacancies as soon as possible.
 - Streamline the judges-appointment process.
 - Finding ways to deal with executive-judiciary tussle.
 - » **ESI 2018-19's analysis** shows that a case clearance rate of 100% could be achieved with the addition of merely 2,279 judges in the lower court and 93 judges in High courts even without efficiency gains. This is already within sanctioned strength and **only needs filling vacancies**.
 - » Prepare a 10-year plan to increase the strength of judges five-fold.

- » Raise the number of private law colleges and changing their curriculum to groom judges rather than only lawyers.
 - » High court and SC should use the provisions for ad hoc judges or retired judges to deal with the temporary shortcoming in the strength.
- iii. Attracting more talent to Judiciary**
- Increased salaries and well defined growth progression.
 - An All India Judicial Service can also play a crucial role in attracting talent in lower judiciary which would benefit the whole judicial system in long run.
- iv. Keeping courts open 365 days a year**
- Can't be done right now due to severe shortage of judges. This should be our long term goal.
 - We can also have special night shift magistrates who can handle emergency cases and not have people waiting till the court open.
- v. Modernization of courts and Scientific Court Management.**
- Our courts should be fully digitized. All the procedures should be streamlined, right from a person filing a case, updating it and the final verdict.
 - **The e-committee of the Supreme Court** which has been in existence since 2005 have made **three outstanding recommendations** which are still not being followed:
 - **Computer algorithm should decide on case listing**, case allocation and adjournments with only a 5% override given to judges.
 - **The courts should focus on e-filing:** The committee made detailed SOPs on how petitions and affidavits can be filed and payment of fees can be done electronically.
 - **Focus on virtual hearing of cases:** All the courts in the country must switch to hybrid virtual mode immediately and start disposing of cases.
- vi. Deal with stalling tactics of lawyers**
- Supreme court should create a committee who can deal with stalling techniques of lawyers such as absence, missing dates, medical emergencies, adjournments etc.
- vii. Overhauling the archaic laws**
- There are some laws and provisions in IPC which we don't need altogether. Law Commission should be asked to identify those laws and we should remove/replace it from our legal provisions.
- viii. Non acceptance of frivolous cases**
- There should be guidelines issued by Supreme Court of India to all judges on no accepting flippant/frivolous cases.
 - Government as biggest litigant also needs to reconsider the number of cases it files. For e.g., in case of Tax cases, the success rate is only 29%.
- ix. Create separate court for traffic violations and other fines.**
- These constitute around 1/3rd workload of lower judiciary.

- These cases don't need judicial mind and the judges should not be involved in these efforts

- x. **Strengthening the investigative mechanism**
 - To improve investigation system, the police reform needs to be properly implemented.
 - The police system needs to be provided more resources - financial and human both for its effective functioning.

- xi. **Free Judges of Administrative Work**
 - Create a specialized service called the Indian Courts and Tribunal Service ((ICTS) that focuses on administrative aspects of the legal system.

- **Conclusion**
 - Thus, the problem of pending cases is a complex multi-faceted problem and will require a multi-faceted solution. Here all the three wings - Executive - Legislature and Judiciary will need to work together and move towards a situation where Justice is available in timely manner.

3) RECUSAL OF JUDGES

- **Why in news?**
 - Supreme Court Judges from Karnataka & Tamil Nadu recuse from hearing Penniyar River Dispute (July 2023)
 - Justice Bopanna and Justice Sundresh indicated that since they belong to the states involved in the present dispute they would refrain from hearing the matter.
 - Earlier, in Jan 2022, Justice DY Chandrachud and AS Bopanna has recused from hearing Krishna River Water Dispute Matter (Jan 2022)

- **Understanding Recusals in detail**
 - Recusal generally takes place when a judge has a conflict of interest or has a prior association with the parties in the case.
 - For e.g. if a judge has equity shares in the company of one of the party involved or if the judge, in his lawyer days, had represented one of the parties in the case.
 - Avoiding these conflicts of interest are at the heart of the rule of law.
 - The practice stems from the cardinal principle of due process of law that nobody can be a judge in her own case.
 - **What do the rules say?**
 - There are no written rules on the recusal of judges from hearing cases listed before them in the constitutional courts. It is left to the discretion of a judge.
 - The reasons for recusal are not disclosed in an order of the court. It is either orally conveyed to the lawyer or no reasons are given. It depends on the conscience of the judge.
 - Sometimes, the parties involve also raise the apprehensions about a possible conflict of interest.

- A recusal inevitably **leads to delays** as the case goes back to the Chief Justice, who has to constitute a fresh Bench.
- **Should the reasons be put on record?**
 - In a separate opinion in the NJAC judgement 2015, Justice Kurian Joseph, who was a member of the Constitutional Bench, highlighted the **need for judges to give reasons** for recusal as a measure to build transparency.
- **Some Recent Cases**
 - **Penniyar River Dispute case and Krishan Water Dispute case.**
 - **Judge Loya Case, 2018**
 - Petitioners sought the recusal of Supreme Court judges, Justices A.M. Khanwilkar and D.Y. Chandrachud, from the bench as they both hailed from the Bombay High Court.
 - The **court refused the request** and called it a "Wanton Attack". The court observed that 'Recusal would mean abdication of duty'.
 - **Assam Detention Case, 2019**
 - In the middle of a PIL filed by activist Harsh Mander about the plight of inmates in Assam's detention centres, the then-Chief Justice Ranjan Gogoi was asked to recuse himself. In a lengthy order, Justice Gogoi said a litigant cannot seek recusal of the judge. The Court Observed "Judicial functions, sometimes, involve performance of unpleasant and difficult tasks, which require asking questions and soliciting answers to arrive at a just and fair decision. If the assertions of bias as stated are to be accepted, it would become impossible for a judge to seek clarifications and answers"
- **Analysis**
 - **Arguments against involuntary recusal:** Such recusals would set up a dangerous precedent for future litigants to cherry pick their benches and coerce judges they find unfavourable into stepping down. Such a position would severely undermine the administration of justice in the Indian legal system.

4) NEED OF ALL INDIA JUDICIAL SERVICE (AIJS)

- **Why in news?**
 - » **No consensus at present** on proposal to set up All-India-Judicial Service at district judge level: Government told Lok Sabha (July 2023)
 - There was a divergence of opinion among state governments and among high courts on the constitution of AIJS. Some state and High courts favored the proposal, some were not in favor of the creation of AIJS.
- **Example Questions**
 - » "There is a compelling need to have a centralized selection process to appoint members of the lower judiciary" Critically Analyze [15 marks, 250 words]
 - » "A properly framed All India Judicial Service (AIJS) is important to strengthen overall justice delivery system" Elaborate [10 marks, 150 words]

- **Background: How recruitment to lower judiciary is carried out currently?**
 - Article 233 and Article 234 of the Indian constitution vests all powers of recruitment and appointment of lower judiciary with the High Courts and State Public Service Commission.
 - » Article 233 provides that District Judge shall be appointed by the Governor of the state in consultation with the High Court.
 - » Article 234 provides that appointment of persons other than district judge to the Judicial Services of a state shall be made by the governor of the state in accordance with the rules made by him in that behalf in consultation with the State Public Service Commission and with the High Court exercising jurisdiction in relation to such state.
 - Article 235 puts the lower judiciary under the control of the High Court
 - **Some Key Problems faced by Lower Judiciary**
 - » Quality of judges
 - » Large vacancies
 - » Complaints of nepotism
 - » Complicated state processes etc.

- **All India Judicial Services**
 - The AIJS has been conceived to create a rigorous mechanism for appointment of persons of highest ability, impartiality and integrity to direct district courts and to equip the sub-ordinate judiciary in turn to serve as the feeder line for appointment of competent judges to the high courts or eventually Supreme Court.
 - The issue of AIJS is hanging fire since 1960 due to difference of opinion between the state and judiciary.
 - Infact, in 2023, government informed the Lok Sabha, that consensus couldn't be achieved among states and High courts on the issue of AIJS.
 - In the past, Law Commissions, Parliamentary Standing committee, NITI Aayog etc. have supported the AIJS.
 - NITI Aayog has said that AIJS examination on a ranking basis will contribute to high standards in Judiciary and the selection process may be entrusted to UPSC. For independence of Judiciary, the cadre should report to Chief Justice of each High Courts.
 - Similarly, Swaran Singh Committee also recommended the same, based on which, the Constitution (42nd Amendment) Act 1976, inserted "All India Judicial Services" provision into article 312 that lays down the legal ground for the creation of All India Services.

- **Article 312 of the constitution** allows creation of new All India Services (including judicial services).

- **Reasons given to support AIJS**
 - i. **Filling vacancies**
 - ii. **Attracting talent and improving efficiency**
 - iii. **Bring Uniformity** in the selection and training process.
 - iv. **Curb nepotism and favoritism** i.e. the uncle judge problem.
 - v. **Specialization through training**
 - Adjudication is a specialization, and specialized training for it should be provided.
 - vi. **Increasing Inclusiveness**

- AIJS through reservation for weaker sections and women can ensure better represented lower judiciary.
- **Criticism / Other suggestions**
- AIJS may be seen as an affront to federalism and an encroachment on powers of states granted by the Constitution.
 - **No empirical evidence to prove that AIJS will solve the problems.**
 - **Law commission** reported cited are from 1958, 1978, and 1986 and even these reports are based on personal observation and not empirical studies.
 - **Percentage of vacant seats** in different states vary from less than 10% to more than 40%. Therefore, proper implementation of current mechanisms in poorly performing states may be required, rather than a new system of AIJS
 - **Inability to attract talent may be due to low salaries or weak compensation;** Even All India services have huge vacancies (e.g. IAS-22% vacancies)
 - **Adjudication may be a specialized stream - but this is why we have judicial academies to train the selected candidates on the finer aspects of judging.**
 - **Efficiency can be improved by making judges focus only on adjudication task** (remove clerical tasks from their domain)
 - **Reservation is already provided by State Service Commission** so inclusivity may not be an issue presently.
 - **AIJS may hamper the career of State Judicial Services officers.**
 - **It may be less inclusive** as many communities which are covered by state quotas may not be covered in the central list.
 - **Language barriers**
- **Other challenges**
- Dichotomy between Article 312 and Art 233
 - Art 233 says that district judge would be appointed by Governor, whereas AIJS selection responsibility would be with Central government.
 - **Constitutional Limitations:** Article 312(3) says that AIJS shall not include any post inferior that that of a district judge as defined in Article 236. Thus **appointment of lower judiciary through AIJS** may face constitutional barrier.
 - **Question of Judicial Independence:** AIJS may dilute High Court's control over lower judiciary.
- **Way Forward**
- If the government finally decides to go for AIJS, it should be designed in a manner which limits the above shortcomings as far as possible.
 - Pay scale, issue of transfers, career growth etc. should be carefully designed to make it attractive for youth.
 - Post-selection training will be very crucial for AIJS cadre to ensure that language doesn't become a negative factor in delivery of justice.
 - After selection and initial appointment, all other kinds of control should remain with High Court to prevent dilution of High Court's control.

5) E-COURT (ONLINE JUSTICE DELIVERY)

- **Why in news?**

- » CJI DY Chandrachud said a "**huge budget**" allotted for the third phase of the e-Courts project will see technology make inroads into the working of the judiciary, especially the lower courts (Aug 2023)
- **Example Questions:**
 - » Why is it important to Digitize the Judicial Administration in India? Discuss the key challenges being faced towards achieving this digitization in Judiciary.
 - » "Embedding the basic premise of equity in the vision for a digitalised judicial process is a prerequisite to ensure that India's march towards technical expertise is in tune with the social and political realities within which people access justice in India" Discuss the statement in light of the recent emphasis on e-Courts in India. [15 marks, 250 words]
- **Beginning of digitization in the field of administration of justice** happened in late 1990s, but it accelerated after the enactment of the IT Act, 2000; The real push though was given by the COVID-19 lockdown which hastened the process of digitization.
- **Key initiatives towards Digitization:**
 - » Even before COVID-19 pandemic, some significant steps had been taken towards use of digital technology in Judiciary. It included digitization of Judicial records and establishment of eCourts.
- **What is eCourts Project?**
 - » The eCourts Project was conceptualized on the basis of the "**National Policy and Action Plan for Implementation of ICT in the Indian Judiciary - 2005**".
 - The Policy was submitted by e-Committee, Supreme Court of India with a vision to transform the Indian Judiciary by ICT enablement of Courts.
 - It is a mission mode, pan-India project, monitored and funded by Department of Justice, Ministry of Law and Justice, GoI for the District Courts across the country.
 - **Phase-1 and Phase-2** had dealt with digitization of the Judiciary, i.e., e-filing, tracking cases online, uploading judgments online, etc.
 - Some work still needs to be done, especially at the lower levels of the Judiciary, but the program can still be considered a success.
 - It made it possible for Supreme Court and High Court to function, specially during the Pandemic.
 - Phase-2 also saw the development of the National Service and Tracking of Electronic Process, a software that enabled e-service of summons.
 - **Phase-3:**
 - In Feb 2023, the Union Budget had announced the launch of third phase of the e-courts projects with an outlay of Rs 7,000 crore while the first two phases of the project were planned and executed with an overall budget of Rs 639 crores and Rs 1,670 crores.
 - Third phase of the project seeks to inter-link courts across the country besides setting up the infrastructure of paperless court, digitization of court records, and setting up advanced e-sewa kendras in court complexes.

- » **Virtual Hearing:**
 - Before the pandemic, virtual hearing was used only in a limited manner; for e.g., in criminal cases where it was not possible to produce the accused physically before the court or while extending the remand of the accused.
 - Cases related to matrimonial issues and domestic violence, bounced cheques, motor accident compensation referred to mediation centres and Lok Adalats could be included in the list of cases fit for disposal through the virtual hearing.
- » **Live Streaming** already started in 7 High courts in India and the Supreme Court of India.
- » To explore the use of latest tech like Artificial Intelligence and Machine Learning in the Judicial domain, the Supreme Court of India has constituted an Artificial Intelligence Committee.

- **Advantages of Online Justice Delivery:**
 - » **Digitization** reduces the physical space required for storage of files.
 - » It also increases traceability of files. Missing court records may lead to acquittal of Convicts (State of Uttar Pradesh v. Abhay Raj Singh).
 - » **Fast-track the Judicial Process:**
 - For e.g.: With digitization, it will take much less time for the lower courts to transmit the records as and when called for.
 - **Reduction in adjournments:** Sometimes adjournments happen due to affidavits which were filed years ago were not restored with the records or were not traceable. Once the documents are digitized and e-filed by Counsels, at least the cases would not get adjourned by the Courts on this account.
 - » **Status of the case can be much easily traced:** Once a lawyer or a litigant file a case digitally, he or she can check the status of the filing, the status of applications, and affidavits, data of next hearing, orders passed by the courts etc. just by clicking on an app.
 - This has been sought to be implemented by the e-committee of the Supreme Court by issuing directions to ensure that e-filing of cases/petitions by state governments in all matters be made mandatory from 1st Jan 2022.
 - » **Virtual hearing** can also save a lot of time and money for lots of people who spend a lot of time while commuting to the courts.
 - » **Livestreaming** is an extension of the principle of open justice and open courts.
- **Key concerns of Digitization of Judiciary:**
 - » **Poor Infrastructure:** Internet connectivity and the need of well-equipped space where lawyers can conduct their cases are some of the major problems requiring attention.
 - » **Lack of comfortability with digital technologies:** Judges, Court staff, and lawyers are not well-versed with digital technology and its benefits.
 - » **Privacy Concerns:** Increasing digitization may lead to privacy violations. For e.g. in the ecosystem approach provided by Phase-3 of the eCourts project, centralized data can be misused for surveillance purposes.
 - » **Cyber Security threats**

- **Way Forward:**
 - » **Digital Literacy:** Train Judges, Court staff and lawyers to ensure that they are very comfortable with the digital system.
 - For this political will and support of judges and lawyers are also necessary.
 - » **Infrastructure:** To ensure uninterrupted accessibility for the Court, lawyers as well as litigants.
 - » **In appropriate cases, and certain categories of cases** as identified by the court administration in consultation with the members of the Bar, virtual hearing should be made mandatory.
 - » **Look into the concerns raised against the vision document of Phase-III of the e-Courts Project.**
 - The draft can be reviewed to abandon the ecosystem approach.
 - Right to privacy should be protected and for this the e-Courts must move towards localization of data rather than centralization.
 - The e-Committee must prevent the "seamless exchange" of data between the branches of the state that ought to remain separate.
- **Conclusion1**
 - » Embedding the basic premise of equity in the vision for a digitalized judicial process is a prerequisite to ensure that India's march towards technical expertise is in tune with the social and political realities within which people access justice in India.
- **Conclusion2:**
 - » As courts expand digitally, they also need to account for the digital rights of their users, which are in relation to access, privacy, security, anti-discrimination, and equality.

6) LIVESTREAMING OF COURT PROCEEDINGS

- The Supreme Court in **Swapnil Tripathi vs Supreme Court of India** (2018) had ruled in favor of opening up the apex court through live-streaming.
 - It held that live streaming proceedings is part of the right to access justice under Article 21 of the Constitution. However, the judgment has remained unimplemented.
- As of July 2023, seven High Courts in India (Gujarat, Guwahati, Orissa, Karnataka, Jharkhand, Patna and MP) have initiated live streaming of the court proceedings. It is available on the website of e-committee of the Supreme Court.
- **Significance:**
 - An extension of the principle of open court and open justice.
 - **Increased transparency in the court proceedings**
 - **Increases accountability and responsibility of lawyers** - They can't make any excuse to the client or lie about whether they were present [for the hearing] or not.
 - **Help academics, lawyers and law students** who study and research the law.
 - **Important step in maintaining archives** of courtroom proceedings.
- **Skeptics:**
 - They argue that live-streaming proceedings will lead judges and lawyers to appeal to populism and hampering of legal process.

- **Also puts judges under pressure** - for e.g., "now the judges are constantly worried if something is said in lighter vein, it might be construed otherwise".
- **Privacy Issues** - Rape cases, marital dispute cases
- **Security Issues** - Judges, lawyers handling politically sensitive cases may face issues. National security matters being discussed and telecasted in courts may become an issue.

7) DELHI SERVICES ACT, 2023 (GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991) WITH 2023 AMENDMENT

- **Why in news?**
 - » The Government of National Capital Territory of Delhi (Amendment) Bill, 2023 passed in both houses of Parliament and given assent by the President (Aug 2023)
- **About the Act**
 - The GNCTD act was passed in 1991 to supplement the constitutional provisions relating to the assembly and the Council of Ministers in the national capital. It lays down framework for functioning of Delhi Assembly and the Delhi Government.
 - It outlines the powers of assembly, the discretionary powers enjoyed by the L-G, and the duties of the Chief Minister with respect to the need to furnish information to the L-G.
- **2018 Supreme Court Judgment: Government of Delhi vs Lt. Governor**
 - » **Background:**
 - **Turf war between LG and the CM of Delhi:** Interpretation of Article 239AA(4) – If LG could go against the aid and advise of the council of Ministers, and whether LG is the real head or only the titular head of the Delhi Government.
 - » **Supreme Court Verdict:**
 1. '**Chief Minister' is the executive head** of the Delhi government, and not the L.G. LG has to act as per the aid and advice of council of ministers except in matters of land, police and public order and those which he refers to President for final decision.
 - LG can't interfere in each and every decision of the Delhi government.
 2. The LG shouldn't act in a mechanical manner without due application of mind so as to refer every decision of the Council of Ministers to the President. The LG can do so only as a last resort and shall be bound by the President's advice.
 - The Difference of opinion between LG and the Council of Ministers should have a sound rationale and there should not be exposition of phenomenon of an obstructionist but reflection of the philosophy of affirmative constructionism and profound sagacity and judiciousness.
 3. Council of Minister didn't require LG's concurrence to implement its decisions even though it had the responsibility to keep him apprised of its every decision.
 4. The court also held that Delhi was not a 'state', and occupied a special status under the constitution.
- **Other Important Constitutional Principle highlighted in the judgment**
 - Constitution has to be interpreted in such a manner so as to enhance its democratic spirit

- **Spirit of Constitutional morality** ('absolute and unqualified adherence to constitutional principles') negates the concentration of power in the hands of few.
 - **Parliamentary form of government** is based on principle of collective responsibility of the cabinet.
 - The Union and the State governments must embrace a collaborative federal architecture by displaying harmonious co-existence and interdependence so as to avoid any possible constitutional discord.
 - Recognizing that the constitution envisages quasi-federalism (a mixture of federal and unitary elements, leaning more towards later) the bench added that acceptance of "pragmatic federalism" was the need of the hour as its object was to come up with innovative solutions to problems that emerged in a federal set up.

- **Government of National Capital Territory of Delhi (Amendment) Act, 2021**
 - The statement of Object and reasons of the amendment says that the act seeks to give effect to the Supreme Court's interpretation and that it "further defines" the responsibilities of the elected government and Lt Governor in line with the Constitutional Scheme.
 - **Key changes:**
 - » The expression "Government" referred to in any law to be made by the Legislative Assembly shall mean the Lieutenant Governor (LG).
 - **Support:** Clears ambiguities in the roles of various stakeholder
 - **Criticism:** It deals a body blow to the popularly elected government of Delhi.
 - » The Legislative Assembly shall not make any rule to enable itself or its committees to consider the matters of day-to-day administration of the Capital or conduct inquiries in relation to administrative decisions.
 - **Criticism:** It would virtually put to the rest proceedings of multiple committees that the state government has constituted to examine matters ranging from riots to environment
 - » LG's opinion shall be obtained before the government takes any executive action based on decision taken by the Cabinet or any individual minister.
 - **Criticism:** This provision would force the elected government to take LG's "advice" before taking any action - It may be against the parliamentary principles and would add to unnecessary delays in the day today work of the government.

- **Verdict of the Constitutional bench of Supreme in May 2023:**
 - **The Question before the court** was whether the Delhi government (headed by the elected CM) or the LG (appointed by the President) would have control over services and civil servants in Delhi.
 - **The Court ruled** that Delhi government will have control over services in Delhi. Such control, will not extend to subject of Police, Public Order, Land, over which central government will have exclusive say.
 - It reaffirmed the 2018 verdict which said that LG didn't have independent decision making powers and was bound to follow the aid and advice of the Council of Ministers.

- After the Supreme Court's verdict on control over services in Delhi, the GNCTD (Amendment) Ordinance, 2023 was promulgated which was replaced by a Parliamentary law in Aug 2023.
- The Government of National Capital Territory of Delhi (Amendment) Act, 2023
 - Establishment of the National Capital Civil Services Authority (NCCSA): It consists of the Chief Minister (Chairperson), the Chief Secretary of Delhi and the Principle Home Secretary of Delhi. The central government will appoint both Home Secretary and Chief Secretary. The authority will make recommendations to the LG regarding transfers and postings of officials and disciplinary matters.
 - The amendment expands the discretionary power of the LG to include powers to approve the recommendations of the authority, or return for reconsideration. In the case of a difference of opinion between the LG and the authority, the former's decision will be final.
 - Matters which needs to be submitted before LG for his opinion prior to issue of order has been expanded to include the relations of the Delhi Government with the Central Government. Additionally, the amendment expands the LG's power to have sole discretionary power on these matters. If there is a difference between LG and CM, LG's opinion will take precedence.
 - It authorized department secretaries to bring to the notice of LG, the chief minister and the Chief Secretary any matter that may bring Delhi Government into controversy with the Central Government.
- Concerns being raised:
 - The amendment may be violating principles of Parliamentary Democracy: Conferring powers of transfers, postings, disciplinary action to the authority may break the triple chain of accountability that links Civil Servant, the legislature and the citizens.
 - Note: The Supreme Court explained the triple chain accountability principle in its 2023 judgment. It stated that Democratic government rests on a triple chain of accountability (i) Civil servants are accountable to ministers (ii) Ministers are accountable to the legislature and (iii) Legislatures are accountable to electorates/citizens.
 - Thus, a democratically elected government must be able to have control over and hold accountable public officers posted in services of its government.
 - It is also in violation of SC constitutional bench verdict in 2018 and 2023 where primacy has been given to council of minister.
 - The amendment may violate the principle that LG should act on the aid and advice of the council of ministers as the discretionary powers of LG have been expanded.
 - Chief Minister gets weakened and can't even convene a session of the legislative assembly himself for some important government business
 - Role of Council of Minister weakened, as the department secretaries are expected to bring certain matters direct to LG, CM and chief secretary. This may go against the collective responsibility of the cabinet, as the concerned ministers can't provide his inputs.
 - The act thus has the effect of disturbing this unique federal relationship of asymmetric federalism envisaged by the Constitution.
- Therefore, Delhi government had challenged the ordinance in the Supreme Court and the Supreme Court has directed the formation of a 5 Judge Constitutional bench.

- **Way Forward:**
 - Cooperative Federalism
 - **Ending politicization:** The control over government of Delhi has become a contest between two national parties.

- **Conclusion:**

The solution to all these problems lies in collaborative federal architecture by displaying harmonious co-existence and interdependence so as to avoid any possible constitutional discord: SC in 2018 judgment.

8) ENFORCEMENT DIRECTORATE – KEY ISSUES AND CONCERNS

- **Why in news?**
 - » Third extension for ED chief is 'illegal': Supreme Court (July 2023)
- **Introduction**
 - » The **Directorate General of Economic Enforcement** is a law enforcement and economic intelligence agency responsible for economic laws and fighting economic crimes in India.
 - » It is part of Department of Revenue, Ministry of Finance. It comprises of officers of the IRS, IPS and IAS.
- **History**
 - » The origin of this Directorate goes back to 1st May, 1956, when an 'Enforcement Unit' was formed, in Department of Economic Affairs, for handling Exchange Control Laws violation under Foreign Exchange Regulation Act, 1947. In the year 1957, this unit was renamed as 'Enforcement Directorate'.
- **Objective**
 - » Presently, ED deals with four laws:
 - Foreign Exchange Management Act, 1999 (FEMA)**
 - It is a civil law dealing with foreign exchange market in India.
 - ED has the responsibility to investigate suspected contraventions of foreign exchange laws and regulations, to adjudicate and impose penalties on those adjudged to have contravened the law.
 - Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA)**
 - The ED is the sponsoring agency of COFEPOSA. Under this the ED is empowered to sponsor cases of preventive detention with regard to contravention of FEMA.
 - Prevention of Money Laundering Act, 2002 (PMLA)**
 - It is a criminal law to prevent money laundering and to provide for confiscation of property involved in money laundering.
 - Fugitive Economic Offenders Act, 2018 (FEOA)**
 - It deals with Indian offenders who leave India to escape laws. This allows ED to attack properties of fugitive offenders who have escaped India.
- **What makes ED so Strong?**
 - The ED has a set of powers that CBI or state police don't have, making it a feared agency it is.

- These powers are:
 - a. Under PMLA which ED deals with, a statement before an investigation officer is admissible in court as evidence.
 - b. The burden of proof is on the accused.
 - c. All offences under PMLA are non-bailable.
 - d. Unlike CBI or state police, ED doesn't have its lockups, so there are no special cells with ED for VIPs in its custody. People in ED custody go to lockup of the nearest police station, irrespective of its status.
 - e. It's very hard to retrieve property attached by ED.
- Controversies/Issues/Critique:
- i. The PMLA, created in 2022, has periodically undergone several significant reforms to strengthen it against money laundering.
 - However, due to these revisions, several petitions have been submitted nationwide, questioning the ED's nearly unrestricted powers under the PMLA to search for, seize, look into, and attach property deemed to be proceeds of crime.
 - ii. Overreach and Selective Targeting:
 - PMLA has been used for investigation of common crimes as well.
 - Allegation of becoming more active before elections.
 - Allegation of ED going soft on government supporters:
 - For e.g. no proceedings against Himanta Biswa Sarma after he changed his party to move to BJP.
 - Cases against Ramdev and Balkrishna were shut down by the ED after government changed in 2014.
 - iii. Lack of transparency and Clarity:
 - Because it is an "internal document", the Enforcement Case Information Report (ECIR), the FIR's equivalent, is not provided to the accused.
 - Similarly, there is also a lack of transparency about how ED selects its cases to investigate.
 - iv. Very low rate of conviction:
 - As per a data published in Indian Express in 2019, the ED had approximately 2,400 PMLA cases between 2005-19 and convictions were secured only in eight and investigation was pending in 898 cases.
 - v. Delays in Investigation - The investigation process of the ED can be quite time consuming, leading to delays in delivering justice. This can also impact the business operations of the entities being investigate.
 - vi. Third extension for Enforcement Directorate (ED) chief is illegal: Supreme Court
- Way Forward:
- Oversight Committee - An oversight committee needs to be created to overlook and streamline the case selection process based on objective criteria and to boost transparency in the functioning of ED.
 - Increased Resources - To deal with pending number of cases.
- Conclusion:

- While the ED plays a significant role in tackling economic offenses and financial crimes in India, there are valid concerns about its functioning, including issues of accountability, selective targeting and legal ambiguity.
- Striking a balance between its investigatory powers and safeguarding individual rights is crucial for its effective functioning. Reforms that address these concerns and enhance transparency can improve the agency's overall credibility and effectiveness.

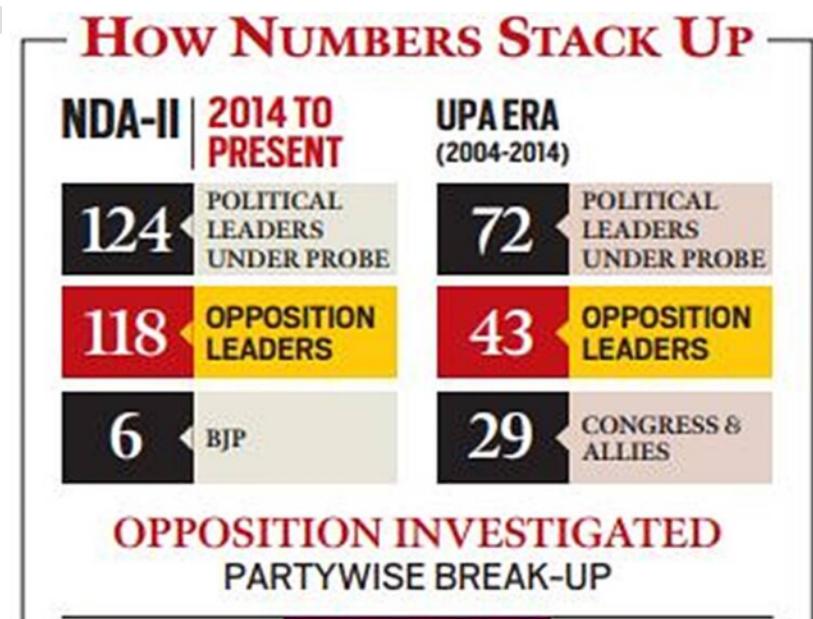
9) ISSUE OF EXTENSION OF TENURE OF ED HEAD (AUG 2023)

- What was held in 2021 verdict?**
 - The Union government's order of Nov 2020 extending Mr. Mishra's tenure with retrospective effect was challenged before the Supreme Court in the Common Cause v. Union of India (2021).
 - In Sep 2021, a Supreme Court bench upheld the tenure extension but clarified that Mishra would not be given any further extension beyond Nov 17, 2021, upon completion of three years of his tenure, issuing a writ of mandamus to this effect.
 - It also held that extension of tenure of ED officials who has attained the age of superannuation should be done in 'rare and exceptional cases' and that such extensions should be for a short period only.
 - The court held that in Section 25(d) of the CVC Act, the words "no less than two years" cannot be read to mean "not more than two years" and there is no fetter on the power of the Central government in appointing the Directorate of Enforcement beyond a period of two years.
- Nov 2021 Amendments:**
 - In Nov 2021, three days before Mr. Mishra was about to retire, two ordinance were promulgated by then-President Ram Nath Kovind, amending the **CVC Act, The Delhi Special Police Establishment Act, 1946** and the Fundamental Rules.
 - It allowed ED and CBI chief's tenures to be extended by upto three years after the mandated term of two years.
 - This allowed government to keep two chiefs in their posts for a year after the completion of their two year terms and to keep these one year extension until they complete five years as chiefs.
- Thus, Mr. Mishra was granted another one-year extension of tenure for the second time. In Nov 2022, he was granted a third tenure extension upto Nov 18, 2023.**
- Challenge in Supreme Court:**
 - A batch of petitions was filed in the Supreme Court challenging the orders allowing the extension of Mr. Mishra's tenure as well as amendments to the law.
 - Why the amendment were challenged?**
 - Centre could use the prospect of service extension as a 'carrot and stick' policy to ensure that the CBI and ED Directors work according to its wishes.
 - On 11th July 2023, (in **Jaya Thakur vs Union of India**), the SC upheld the amendments made by the legislature but ruled that extension granted to Mr. Mishra were contrary to the court's 2021 judgement in Common Cause and thus was illegal.

- » The court upheld the amendment and observed that the extensions were not given at the "sweet will" of the government but instead were recommended by a five member High-Level Committee comprising of Central Vigilance Commissioner and Vigilance Commissioners.
 - » Besides the committee was required to record reasons in writing in support of their recommendations.
 - » It further held that amendments were passed by elected representatives of the people who are "supposed to know and be aware of the needs of the people and what is good or bad for them".
- **However, on July 27, the Supreme Court extended the tenure of the incumbent ED Director Sanjay Kumar Mishra till Sep 15, 2023, to serve 'public and national interest'.**
 - Government had made a submission that Mishra's presence was necessary for the ongoing FATF evaluation of India's money-laundering probe operations which is at a critical stage.
 - **Concerns raised:**
 - Experts have flagged the judgment for being an instance of judicial deference to the Centre.
 - Constitutional law expert Gaurav Bhatia wrote "If the Supreme Court is unable – or unwilling – to enforce its own previous, direct orders (not once, not twice, but *many times*) in the face of executive recalcitrance, then what hope – if any – ought citizens to have in its ability or willingness to adjudicate cases involving serious and far-reaching constitutional breaches by the executive?"

10) CBI- KEY ISSUES

- **Why in news?**
 - Allowing piecemeal extension to ED, CBI heads is a setback to their independence (July 2023: Source - TH)
 - Under BJP led NDA-II's eight years in power so far, even as the opposition's political footprint has shrunk, at least 124 prominent leaders have faced CBI probes and as many as 118 are from opposition - i.e. 95% : Indian Express Study (Sep 2022)
 - In last 18 years, of the close to 200 politicians CBI has



booked, arrested, raided or questioned, over 80% have been from the rank of opposition.

- **Timing of CBI raids** have also raised eyebrows. For e.g. in Aug 2022, the CBI raided multiple premises associated with RJD leaders, including one allegedly linked to Bihar's current deputy CM Tejaswi Yadav, on the day the new JD(U)-RJD government was facing a trust vote in the Assembly.

- **Example Questions**

- "The absence of institutional autonomy has turned CBI from a premiere investigating agency to a 'caged parrot'" Discuss. In this light elaborate on the key steps required to ensure proper functioning of CBI. [15 marks, 250 words]
- Discuss the key changes that Lokpal and Lokayukta Act, 2013, brought in the Delhi Special Police Establishment Act, 1946. Have these changes ensured the effectiveness and autonomy of CBI? Give reasons. [15 marks, 250 words]
- It is imperative in a democracy that every organization of the government must draw its powers, privileges and authority from clearly defined legal statutes. In this light discuss the powers and functions of Central Bureau of Investigation. Suggest some measures to reduce political interference in the working of the CBI. [15 marks, 250 words]

- **Introduction**

- **Background: Special Police Establishment (SPE)**
 - The CBI owes its origins to an executive order passed by the British government in the early stages of World War II (1941) to look into vigilance cases by establishing Special Police Establishment (SPE) in the Department of War. This body was mandated to look into cases of bribery and corruption in War and Supply department and later Railways (1942).
 - **Delhi Special Police Establishment Act, 1946** expanded the function of SPE to cover all departments.
- **Central Bureau of Investigation (CBI)** was set up in 1963 by a resolution of the Ministry of Home Affairs on recommendations of the Santhanam Committee on Prevention of Corruption (1962-64). The Special Police Establishment set up in 1941 was also merged with the CBI.
 - It was later transferred to Ministry of Personnel. Currently it comes under administrative control of the DoPT of the Ministry of Personnel.
- It is not a statutory body and derives its powers from the Delhi Special Police Establishment Act, 1946.

- **Which cases can be investigated by CBI?**

- Matters pertaining to central government.
- Matters pertaining to state government if requested by state government concerned or directed by the high court or Supreme Court.

- **Key Functions/Vision of CBI:** CBI's function can be divided into two broad categories:

- A. **Investigating Agency:** CBI is the premiere investigation agency in the country and investigates grievous cases (Corruption, economic and violent crimes; cyber and high tech crime; national and transnational organized crime)
- B. **Leadership and Direction:** CBI provides leadership and direction to police forces across the country.
- C. **Other Functions**
 - **Assistance to CVC and Lokpal** in investigating corruption cases.
 - CBI is the **country's unit for the international police organization**.

- **Declining Credibility of CBI:** In its initial years the organization was widely respected on account of high caliber and integrity of its directors like DP Kohli, FV Arul and others backed by the high degree of professionalism of its investigating officers and inbuilt multi-layered decision making procedure and strict internal vigilance mechanism. But, over the years CBI has been losing its credibility. In fact in 2013, the Supreme Court called it a "Caged Parrot". The main factors responsible for poor functioning of CBI have been:
 - A. **Political Interference** both in selection of personnel and day-to-day governance
 - B. **Dependency on government to initiate a case:**
 - For e.g., to prosecute MLAs, State Ministers, or MP, the CBI has to take sanctions from the Speaker of the state assembly (in case of MLAs) and the Governor of the State (in case of ministers). In case of Member of Parliament (MP), the sanction is sought from the Speaker of Lok Sabha or the Vice Chairperson of Rajya Sabha. Since all **these sanctioning authorities have links to the ruling dispensation**, the opposition parties feel that they are unfairly targeted.
 - C. **Dependence on other ministries**
 - CBI is dependent on home Ministry for staffing and law ministry for lawyers and lacks functional autonomy in certain cases.
 - Administrative and financial control rests with the Ministry of Personnel
 - D. **Run by IPS officers on deputation:**
 - CBI mostly consists of IPS officers on deputation and since these officers depend on government for future postings, they can be manipulated by government.
 - E. The **DPSE Act** was amended in 2021 to increase the term of Service of CBI director to five years. But there is a caveat that after completion of the Supreme Court mandated 2 year term, the Director would get extension of tenure each year at the pleasure of the Government. This is also seen by many as dangling a carrot before the Director.
 - **Carrot of post-retirement jobs** is also something which is hampering independence of CBI. For e.g. former CBI director Ashwini Kumar, was appointed governor of Nagaland by UPA in 2013.
 - F. Further, the work of CBI has also been impacted by various states have withdrawn general consent to CBI.

- **Steps taken to ensure Independence of CBI**
 - **Steps taken by Supreme Court in Vineet Narain vs Union of India, 1997**
 - » CBI director shall be appointed on the recommendation of a committee comprising of CVC, VCs, secretary (home) and secretary (personnel).
 - » Director shall have a minimum tenure of 2 years.

- The Lokpal and Lokayukta Act (2013) amended the Delhi Special Police Establishment Act (1946) and made following changes with respect to CBI:
 - » Improving the appointment Process of Director
 - The act provides that director of the DSPE will be appointed by a Selection Panel comprising of the Prime Minister, the Leader of Opposition in LS(Leader of the largest opposition party - 2014 amendment DSPE Act), and Chief Justice of India (or a judge nominated by him).
 - Earlier, the director was appointed by a committee full of government functionaries.
 - » Security of Tenure for director of 2 years was given statutory backing
 - » Selection of officers of the Rank of SP and above in CBI will be done by central government on the recommendation of the a committee (with CVC as chairperson, the Vigilance Commissioners, the Secretary of Home Affairs and the Secretary of DoPT)
 - » Lokpal will have power of supintendence over CBI with respect to cases referred by it to CBI
 - » CBI officers investigating the cases referred by Lokpal can't be transferred without Lokpal's approval.
 - » Establishment of Directorate of Prosecution with CBI to be headed by Director who is an officer not below the rank of joint secretary for conduction of prosecution of cases under Lokpal.

- Way forward/Steps that needs to be taken

- i. A new CBI Act: The foremost reform would be to ensure that CBI is run under a formal, modern legal framework that has been written for a contemporary investigating agency. The new CBI act should ensure autonomy and improve the quality of supervision.
 - This is not a new demand. LP Singh committee in 1978 and 2nd ARC in 2007 also suggested this new law.
- ii. CBI should be made independent of government and thus political interference
 - Making CBI accountable directly to parliament can be a possibility
 - A more efficient parliamentary oversight over the federal criminal and intelligence agencies could be a way forward to ensure better accountability, despite concerns regarding the political misuse of the oversight.
 - Political neutral selection procedure
 - For e.g. the director of CBI could be appointed by a committee consisting of CJI, the chairman of UPSC and other judge nominated by CJI.
 - Extending the tenure of director from 2 years to 3-5 years will also go a long way forward in ensuring CBI's autonomy.
 - Make director in-eligible for any post under GoI or government of any state
 - Dedicated Cadre of Officers
 - CBI should develop its own dedicated cadre of officers rather than depending on officers on deputation. This is international best practice and will ensure independence in the working of the body.
- iii. A governing board consisting of PM, Home Minister and 4-5 chief ministers should be created to keep a watch on the working of CBI.

- This will instil a sense of confidence within states, and help in building consensus for a central law for CBI.
- iv. **Bifurcating CBI into anti-corruption body and National Crime Bureau**
 - The NCB should be responsible for matters relating to criminal offence which has national or international ramifications
 - This specialization will help in better functioning of both the sub-sections.
- v. **Lay down Specific Charter for CBI**
 - The work of CBI should be judged with reference to these charters
- vi. **Bring CBI under RTI**
 - It may be stipulated that no-information on any case currently being investigated will be made available, but that all information pertaining to cases which were withdrawn, or cases which were closed, or were dismissed by the court would be made available to people.
 - Such social audit will go a long way in making CBI more accountable.

- **Conclusion**
 - The frequent controversies surrounding CBI have not just ruined the image and credibility of the premiere investigating agency, but India's image as a country committed to rule of law is at stake.
 - It's high time that government takes the above suggested steps to make CBI a truly independent, efficient and impartial investigating agency which is capable of dealing with various threats our country faces internally as well as externally.

11) ISSUE OF GENERAL CONSENT TO CBI

- **Why in news?**
 - Tamil Nadu withdraws general consent for CBI within state (June 2023)
 - » In the past few years several states including Punjab, Jharkhand, WB, Rajasthan, MHA, Mizoram, Chhattisgarh and Kerala have withdrawn the general consent.
- **Understanding General Consent:**
 - The CBI is governed by the Delhi Special Police Establishment Act (DPSEA). This law makes CBI a special wing of Delhi Police and thus its original jurisdiction is limited to the territory of Delhi.
 - **How does CBI operate in cases outside Delhi?**
 - » **Section 5 and Section 6 of the DPSE:**
 - Section 5 of the Delhi Special Police Establishment Act (DPSE) enables the Central government to extend the powers and jurisdiction of members of the DSPE beyond the Union Territories to a state. But the same is not permissible unless a state grants its consent for such extension within the area of state concerned under Section 6 of the DSPE Act.
 - » **The CBI Manual** says, "The central government can authorize CBI to investigate such a crime in a state but only with the consent of the concerned state government.
 - Note: The Supreme Court and High Courts, however, can order CBI to investigate such a crime anywhere in the country without the consent of the state"

- » Supreme Court in Nov 2020 clarified that **state government's consent is mandatory** for a CBI investigation in its jurisdiction and agency cannot conduct probe without a nod.

- The apex court had referred to Section 5 and Section 6 of the Delhi Special Police Establishment (DSPE) Act.

- **Types of Consent for CBI: General and Specific**

- » When a state gives **general consent** to the CBI for probing a case, the agency doesn't need to seek a fresh consent every time it enters that state in connection with investigation for every case.

- » But, if a **general consent is not there** (or if a general consent is withdrawn) CBI needs to seek a case wise consent for investigation from the concerned state government. This case wise consent is called **specific consent**. If this specific consent is not granted, the CBI officials will not have the power of police personnel when they enter the state.

- **Does withdrawal of general consent stop all CBI cases?**

- » No. The CBI continues to probe old cases (unless specifically taken away by the state government) and cases allocated to it by a court order.

- **Way Forward:**

- **Reforming CBI** to make it more autonomous (discussed above)
- **Cooperative and Collaborative Federalism** (discussed separately in details)

12) INDIAN POLICE SYSTEM AND REFORMS

- **Basics about Police System of India**

- The current governing instrument of the Indian Police force is the **Police Act of 1861**. Together with the **Indian Penal Code, Indian Evidence Act** and the **Code of Criminal Procedure** it forms the current but outdated police system in India.

- Police is a state subject under constitution.

- **Main Responsibilities:** The police force in Modern India is typically burdened with the handling of disparate responsibilities
 1. Maintaining Routine law and order
 2. Riot Control
 3. Protection of state assets
 4. Crime Investigation
 5. VIP protection
 6. Traffic control

- **Structure**

- » **Hierarchical structure:** The structure of the police force is strictly hierarchical and the decision making is centralized with a few high ranking officers.

- » **Four level entry system** to the Indian police force with little or no scope for a fresh recruit rising from the very bottom to the very top within the hierarchy.

- » **Political influence:** Posting and transfers are commonly interfered in, by political influence.

- Dual System vs Commissionerate System

Dual System	Commissionerate System (50+ cities)
<p>Dual command structure over the district police means that <u>control and direction over the police</u> vests with the SP (head of district police) and the District Magistrate (executive).</p> <p>Separation of Powers of DM (e.g., issues arrest warrants and licenses) and the Police (e.g., investigate crimes and make arrests). Therefore, there is <u>less concentration of power in the police</u>, and accountability to DM at the district level.</p> <p>SP is assisted by Additional/Assistant/Deputy SPs, Inspectors and constabulary.</p>	<p>Unified Command Structure with the Commissioner of Police (rank of the Deputy IG or above) as the sole head of the force within the city. This allows <u>quicker responses</u> to law-and-order situations.</p> <p>Power of policing and magistracy concentrated in Commissioner. Directly accountable to state government and state police chief. Lesser accountability to local administration.</p> <p>Commissioner is assisted by Special/Joint/Additional/Deputy Commissioners, etc. Inspector downwards rank structure is same.</p>

- Main Structural and Design Defects of Indian Police System

1. Colonial Police Act, was meant for subjects and not for the free citizens of democracy
2. Political interference in appointment, transfer and promotions.
 - Choice of officers to head the districts police forces is often one the basis of their political leaning and pliability, rather than on their professional competence
3. Disparate functions performed by an overburdened police force hindering efficiency and domain specialization
4. Lack of genuine empowerment of personnel
5. Lack of independent oversight body
6. Inadequate collaboration between the police and the prosecutor

- Some other inefficiencies of Indian Police System

1. Under resourced and over-burdened
 - Highly understaffed
 - United Nations recommend the Police: Citizens ratio of **1:222**, but in India the ratio is **1:694**
 - Decreasing Financial Resources for Police
 - According to a recent study by PRS, between 2011 to 2015, states were **spending 4.4% of their budgeted expenditure** on police, which has **reduced to 4%** over the past four years.
 - Technical infrastructure in most of the police forces is of a poor quality.
 - All the above deficiencies have not only impacted the quality of law & order and investigation in the country, but it has also led to long hours of work, no holidays and thus stress and depression among police force.

2. **Training of police personnel is lacking on several fronts** -> this is visible in custodial deaths, fake encounters, insensitivity towards victims, lack of awareness related to human rights etc.
 3. **Public perception**
 - The image of the police today is not that of protector of the innocents but of an extortionist, colluder with criminals and one of the most corrupt arms of the government.
 4. **Corruption level in Police**
 - Graft goes unchecked at police stations because of the graft at supervisory levels
- **Attempts of Reformation:** There have been many attempts to reform the Indian Police system both on a state level and on a central level. Since 1971, there have been **six major reform committee.**
 - i. Gore Committee (1971-73)
 - ii. National Police Commission, 1977-81
 - iii. Ribeiro Committee on Police reform, 1998
 - iv. Padmanabhaiah Committee on Police Reform, 2000
 - v. Group of Ministers on National Security
 - vi. Malinath Committee on Reforms of Criminal Justice System.
- **Prakash Singh Case: Guidelines of supreme Court**
 - » **Background:** After non-implementation of major recommendations of National Police Commission for almost two decades, in 1996 two former DGPs filed a PIL in the Supreme Court asking the court to direct governments to implement the NPC recommendations.
 - » **Verdict in 2006:**
 - The states and UTs were directed to comply with 7 binding directives that would kickstart reforms. These directives pulled together various strands of improvement generated since 1979.
 - **Directive One:** Constitute a State Security Commission (SSC) to reduce government's unwarranted influence or pressure on police, to lay down broad policy guidelines and to evaluate performance of state police.
 - **Directive Two:** Ensure that the DGP is appointed through merit based transparent process and secure a minimum tenure of two years
 - **Directive Three:** Ensure that other police officers on operational duties (including Superintendents of Police in-charge of a district and Station House Officers in-charge of a police station) are also provided a minimum tenure of two years
 - **Directive Four:** Separate the investigation and law and order functions of the police
 - **Directive Five:** Set up a Police Establishment Board (PEB) to decide transfers, postings, promotions and other service related matters of police officers of and below the rank of Deputy Superintendent of Police and make recommendations on postings and transfers above the rank of Deputy Superintendent of Police.
 - **Directive Six:** Set up a Police Complaints Authority (PCA)

- at **state level** to inquire into public complaints against police officers of and above the rank of Deputy Superintendent of Police in cases of serious misconduct, including custodial death, grievous hurt, or rape in police custody and;
- at **district levels** to inquire into public complaints against the police personnel below the rank of Deputy Superintendent of Police in cases of serious misconduct
- **Directive Seven** Set up a National Security Commission (NSC) at the union level to prepare a panel for selection and placement of Chiefs of the Central Police Organisations (CPO) with a minimum tenure of two years

- **Some suggestions for improvements**

1. **Reduce Political interference** - in selection, promotion and transfer -> Follow the guidelines of Prakash Singh Case - Establish State Security Commission, Ensure security of tenure, set up Police Establishment Board.
2. **An independent oversight body/Grievance Redressal body** - to look into complains of abuse of authority by police - should be accessible through a toll free number/online. [**Police Complaint Authority** as per Supreme Court Directives in Prakash Singh case]
3. **More Resources** both in terms of Human Resource and Capital
 - **Police: Population ratio** needs to go up
 - **Modernization of Police Force** by ensuring better technical infrastructure, faster vehicles, communication equipment and weapons.
4. **Divide functions of Police force in 3 different ways** - Crime Investigation, Maintenance of Law & Order and, Local Police Force Units.
5. **Specialized Units with specialized training for** Cyber Security, Anti-terrorism cells, VIP Security, etc.
6. **Training and sensitization**
 - Focus on constant upgradation of knowledge and skills, human rights etc. There is a need of **National Curriculum Framework (NCF)** for police education and training.
7. **More number women in Police**
 - In 2014 they formed **minuscule (6.1%)** of the total police force in the country according to Bureau of Police Research and Development's Data on Police Organization.
 - **Why more women are needed in policy force?**
 - Diversity of thought -> better police force
 - Can better understand/sympathize with issues of domestic violence, dowry harassment and child abuse.
 - **Social change:** More police personnel on the frontlines will have an overall positive impact on community and would promote the cause of gender equality.
 - **How to ensure more women in police force?**
 - Some all women police stations.
 - Reserving in appointment

8. Legal Backing to the Police

- Upgrade the outdated laws else in spite of police's hard work, the criminal would roam free.

9. Focus on Mental Health:

- Police Leaders should start having communication with all the ranks.
- Sports and cultural programs
- Access to counsellors
- Work-Life Balance

- **Conclusion:** The prescription for carrying out police reforms already exists in the form of findings of various police commissions, judicial pronouncements and advice of retired officers. What we need is the **political will to implement this recommendation** and this would come with increased awareness among citizens and sustained pressure from civil society organizations.

13) PRISON REFORMS

- Quotes

- i. "Hate The Crime and Not The Criminal" - Mahatma Gandhi

- Example Question

- i. "Prison reforms are key to the reforming prisoners". Discuss in light of the key problems faced by Indian Jails [12.5 marks, 200 words]
- ii. "Prisons are meant to facilitate rehabilitation but have become disempowering spaces with a mental health crisis" Discuss in light of the recently released NCRB Prison Statistics India Report [10 marks, 150 words]

- Introduction

- The basic purpose of the prison is to reform and transform criminals into honest and law abiding citizens by inculcating in them a distaste for crime and criminality. Prisons are supposed to bring the offenders back to mainstream of the society. The United Nations also mandates the Standard Minimum Rules for treatment of Prisoners (Nelson Mandela Rules) which enlists the rights of the prisoners such as Right to life including right to contact outside world, right to proper sleep and clothing, right to security, right to proper healthcare etc.
- The current situation in Indian prisons is in contrast to above requirements. The basic human rights of prisoners are getting violated every day and prisons are not able to serve the purpose of reformation properly. In fact the rot in India's criminal justice system impacts the psychological condition of prisoners making them more vulnerable than before to criminal propensities. The prisoners get out of jail ruined and not reformed.

- Major Problems Faced by Indian Prisons

▫ Overcrowding

- According to NCRB data, India had more than 4,33,000 prisoners in 2016 which was around 20% more than its capacity. In states like UP and WB the overcapacity is by more than 100% and in some prisons this overcrowding is by more than 500%.

- Bigger concern is **the high percentage of undertrials** which contribute to about 68% of India's population.
 - **Understaffing**
 - 33% of the total requirement of prison officials still lies vacant. The man power recruited inside this prison is almost 50% short of its actual requirement.
 - Overcrowding and understaffing leads to **rampant violence and other criminal activities in jails**.
 - **Underfunding -> Poor Infrastructure**
 - Poor health and hygiene conditions
 - Insufficient food and inadequate clothing
 - **Variation of prison rules among different states**
 - Since **Prison management is a state subject** - there is a lot of variation in Prison manual among different states
 - **Very less focus on reformation, vocational training etc** - focus is on retribution.
 - **Lack of after-care, rehabilitation and probation**
 - There also nothing in existence which takes care of prisoners after they get out of the prison. These facilities are important for their rehabilitation in the society.
 - It makes their integration in society difficult
 - **Lack of continuous study**
 - Most states don't have a board of visitors who review the jails. The boards that do exist rarely meet.
- **Impacts of the above Problems**
- i. **Human Rights Violation for Prisoners**
 - The bad condition is violative of the basic human rights of Indian prisoners and should not be accepted.
 - **Increasing unnatural deaths and mental illness in Prisons**
 - According to 2021 NCRB Report, there are more than 9,000 prisoners who suffer from mental illness and more than 150 deaths by suicide has taken place. Further, there is almost no availability of psychiatrist/psychologists in Indian prisons.
 - ii. **Poor Security, Corruption, discrimination and inequality in Indian Prisons**
 - Not all prisoners are treated in same way.
 - Politicians get better treatment, whereas general public have to undergo inhuman condition. It remains hellish for socio-economically disadvantaged.
 - **Corruption in Indian prisons allow a number of illegal activities to be run from the prisons.**
 - **Security of the Prison** also gets challenged due to poor infrastructure and understaffing. Therefore, there are incidences of prisoners escaping from them.
 - iii. **Negligible focus on Reforming prisoners**
 - Reformation can only take place once the basic human rights of prisoners are taken care of.
 - iv. **Difficulty in extraditing Criminals to India**
 - On many occasions, courts in foreign countries deny extradition of offenders to India on the grounds of poor human rights conditions of Indian Jails.

- **Committee formed in the Past**
 - » **Justice A.N Mulla Committee and Justice Krishan Iyer Committee** (on women prisoners) - both in 1980s
 - Mulla committee batted for more rights and better condition of prisons. It also emphasized on dealing with overcrowding and high percentage of undertrial population in India.
 - Similarly, there were measures suggested to increase the number of staff through mechanisms such as an All India Services to deal with vacancies in Prisons.
 - Bringing prison management under concurrent list would have also contributed towards bringing uniformity in the process of jail management.
 - » But **most of these recommendations have remained ignored so far.**
- **Steps that need to be taken**
 - i. **Revise the Prison Act, 1894**
 - The act is more than a century old and doesn't serve the needs of today's socio-economic and political condition.
 - Many of the provisions are obsolete and redundant.
 - ii. **Creation of a National Prison Commission** as a continuing body to bring about modernization of prisons in India.
 - Suggested by Mulla Committee (All India Committee on Jail Reforms 1980-83).
 - iii. **More Resources to prisons (including Human Resource)**
 - For basic requirements
 - Improved hygienic conditions
 - Infrastructure -> more number of prisons
 - Separate prisons for undertrials, convicts, hardened criminals etc with different level of security.
 - Introduction of Jammers in the prisons to prevent unauthorized outside communication using mobile phones in Prisons.
 - iv. **Steps to deal with overcrowding**
 - Strictly implement **Section 436A of CrPC**, increase awareness among the prison authorities regarding the provision
 - **Implement the 2017 LCI recommendation** -> undertrials who have completed a third of their maximum sentence for offences attracting up to seven years of imprisonment be released on bail.
 - **Enhancing infrastructure**, promoting concepts like **open prisons** of Rajasthan
 - **Steps to fast track judicial process**
 - v. **After-care, rehabilitation and probation** should constitute an **integral part of prison service**
 - Rehabilitation will be meaningful only if they are employed after release and for the purpose vocational education facilities should be introduced or upgraded in prisons.
 - vi. **Continuous study of prison**
 - There is a need of periodical study of Indian prisons by objective, independent and committed observers and publication of their finding in order to monitor the extent to which the human rights of prisoners are respected.
 - vii. **Increased focus on mental health:**

- National Mental Health Policy, 2014 considers prisoners as a class of people vulnerable to mental health.
- We need to take a more all-encompassing approach, to fight mental illness in prison. Treatment of individuals, Identifying the social and underlying determinants of mental health in prisons.

- **Conclusion**

- Today, there is a **need of model prisons**, where inmates are accommodated with due regard to their basic human needs and are handled with dignity. This can only be achieved by **strong political will which seems to be completely lacking** for now as inmates are not allowed to vote. Here, **Civil Society Organizations** can play an important role in increasing awareness about need of prison reforms and acting as a pressure group on legislators to bring these reforms. We already have recommendations from a number of expert committees regarding jail reforms, its high time that we start implementing them.

14) MODEL PRISON ACT, 2023

- **Why in news?**

- The Ministry of Home Affairs (MHA) announced that it has finalized the preparation of the Model Prisons Act, 2023, to replace the existing 130-year-old colonial law (May 2023)

- **Background: What is being changed?**

- Prisons Act, 1894, The Prisoners Act, 1900, and the Transfer of Prisoners Act, 1950 have been reviewed by the MHA, and their relevant provisions have been assimilated into the Model Prisons Act, 2023.
- **Prisons Act, 1894:**
 - This is the first legislation that governed the management and administration of prisons in India.
 - It defined a "prison" as "any jail or place used permanently or temporarily under the general or special order of a state government for the detention of prisoners".
 - It demarcated prisoners into three different categories as per the nature of crime - "Criminal Prisoners", "Convicted Criminal Prisoners" and "Civil Prisoners".
- **The Prisoners Act 1900** was introduced with the objective of consolidating the "several acts relating to prisoners" and replacing the "separate enactments by a single act".
- Besides these there were other legislations, like the Transfer of Prisoners Act, 1950, which also provided for the removal of prisoners from one state prison to another.
- Currently, the Jail Manuals of each state also deal with the administration and management of its prisons.

- **Details of Change:**

- It is an attempt to shift focus of incarceration from "retributive deterrence" to "reform and rehabilitation". It intends to provide guidance and address gaps in the existing prison laws.

- **New Provisions being proposed:**

- Create provisions for the grant of parole, furlough, and remission to prisoners to encourage good conduct.
 - Separate accommodation for women and transgender inmates.
 - Ensure physical and mental well being of prisoners.
 - Focus on reforms and rehabilitation of prisoners.
 - Bring about attitudinal change towards prisoners and initiate vocational training and skill development for prisoners for their integration into society.
 - **Transparency in Prison Management:**
 - Provisions for security assessment and segregation of prisoners;
 - Individual sentence planning
 - Grievance redressal
 - Prison development board
 - Use of technology in prison administration
 - **Different types of jails:**
 - **High Security**
 - **Semi-open jail**
 - **Open Jails**
 - **Measures for video-conferencing with courts.**
- **Is the Model Prisons Act, 2023, binding on states?**
- 'Prisons' and 'persons detained therein' fall under the state list. This means that the responsibility of prison management and administration solely vests with the state government, which alone is competent to make appropriate legislative provisions in this regard.
 - **So why the Model Prisons Act?**
 - MHA states that owing to the critical role played by "efficient prison management" in the criminal justice system, the centre finds it crucial to support the states and Uts in this regard.
 - There were several lacunas in existing prisons act, which regulates the prison administration in most states and Uts, the government thought it fit to revise the law to align it with "modern day needs and requirements of prison management"

15) CINEMATOGRAPH ACT, 1952 AND 2023 AMENDMENTS

- **Why in news?**
 - Parliament passed the amendment in July 2023.
- **The Cinematograph Act, 1952**
 - It is an Indian law which governs the certification of films for public exhibition, regulates cinema exhibitions, and provides for related matters.
 - **Key Provisions:**
 - The Act empowers the CBFC to certify the film based on categories: "U" (Universal); "UA" (Parental Guidance); "A" (Adult), "S" (Special).
 - It also establishes Film Certification Appellate Tribunal (FCAT) to appeal the decision of the CBFC. It can uphold, modify or reverse CBFC decisions.
 - It prohibits use of recording devices in cinemas without proper authorization.
- **Shyam Benegal Committee and its recommendations:**

- The committee was formed to lay down holistic framework for the certification of films. It was formed in the backdrop of increasing controversial decision making of CBFC headed by Pahlaj Nihlani, whose role in censoring films was widely criticized.
- **Major Recommendations:**
 - Role of CBFC should only be to certification (categorization) of film as per the suitability to audience groups. It should not have right to censor films.
 - Certification can be refused on the following grounds:
 - When a film contains anything that contravenes the provisions of Section 5B (1) of the Cinematograph Act, 1952
 - When content in a film crosses the ceiling laid down in the highest category of certification.
 - More subcategorization of UA and A Category.
 - Staffing Pattern of CBFC: Given the limited functions, the size of the board should be compact with one member representing each regional office. Therefore, the total composition of the Board should not be more than nine members and one chairman.
 - Recommendations regarding regional advisory panel
 - Other Guidelines
 - Online submission and simplification
 - Online submission of applications as well as simplification of forms and accompanying documentation
 - Recertification
 - Recertification of a film for purposes of telecast on television or for any other purpose should be permitted
 - Director's cut in the National Film Archive of India (NFAI)
 - In order to preserve Indian Cinema, the committee recommends that every applicant be asked to deposit the Director's Cut in the NFAI for preservation of Indian Cinema, instead of the certified version, in order to truly reflect the cinematic history of Indian cinema
 - Out of turn certification with higher fees
 - Complaints received by central government referred to CBFC
 - The Chairperson may, if he considers it necessary to do so, refer the film to a Revising Committee for examination once again, on account of alleged violation of Section 5B(1) of the Cinematograph Act, 1952
- The Objective of these guidelines
 - Children and adults are protected from potentially harmful or unsuitable content
 - Audiences, particularly parents are empowered to make informed viewing decisions
 - Artistic expression and creative freedom are not unduly curbed in the process of classification of films
 - The process of certification by CBFC is responsive, at all times, to social change
 - The certification by CBFC keeps within the rights and obligations as laid down in the Indian Constitution

- Cinematograph (Amendment) Act, 2023: Key Highlights

- This is the first amendment of Cinematograph act in around 40 years, the last amendment was made in 1984.
- It aims to curb menace of 'Piracy' causing losses of Rs 20,000 crores to the film industry, based on certain estimates.
 - **Provisions to check Unauthorized Recording and Exhibition of Films Amounting to Piracy:**
 - Check film piracy by way of cam-cording in the theatres
 - Prohibits any unauthorized copying and online transmission & exhibition of a pirated copy of any film
 - Strict Punishment of minimum 3 months and fine of Rs 3 Lakh which can be extended upto 3 years imprisonment and fine upto 5% of the audited gross production cost.
- It improves the procedure of certification of films of public exhibition by CBFC, as well as improve the categorizations of the certifications of the films.
 - Introduction of age based certification by further sub-division of the existing UA category into three age-categories, viz. seven years (UA 7+), 13 years (UA 13+), and sixteen years (UA 16+), instead of 12 years.
 - The IT Rules 2021, has implemented these graded ratings for streaming platforms.
 - These age-based markers would be only recommendatory, meant for the parents or guardians to consider whether their children should view such a film.
- It also harmonize the law with extant executive orders, Supreme Court Judgements, and other relevant legislations.
 - Omission of revision power of central government as per the judgement of Supreme Court in the case of K.M. Shakarappa vs Union of India.
- **Perpetual Validity of Certificates:** It removes the restriction in the act on validity of certificate for only 10 years for perpetual validity of certificates of CBFC.
- **Change of category of film for television:** Recertification of the edited film for television broadcast, as only Unrestricted Public Exhibition category films can be shown on television.
- **Reference to Jammu and Kashmir:** Omission of reference to the erstwhile State of J&K in line with the J&K Reorganization Act, 2019

- **Some Criticism:**

- Shyam Benegal Committee had recommended removal of censorship power by the CBFC and it should be merely a classification agency.

- **Conclusion:**

- The Cinematograph (Amendment) Act, 2023 will go a long way in curbing the menace of piracy and also empowerment of Indian Film Industry with Ease of Doing Business

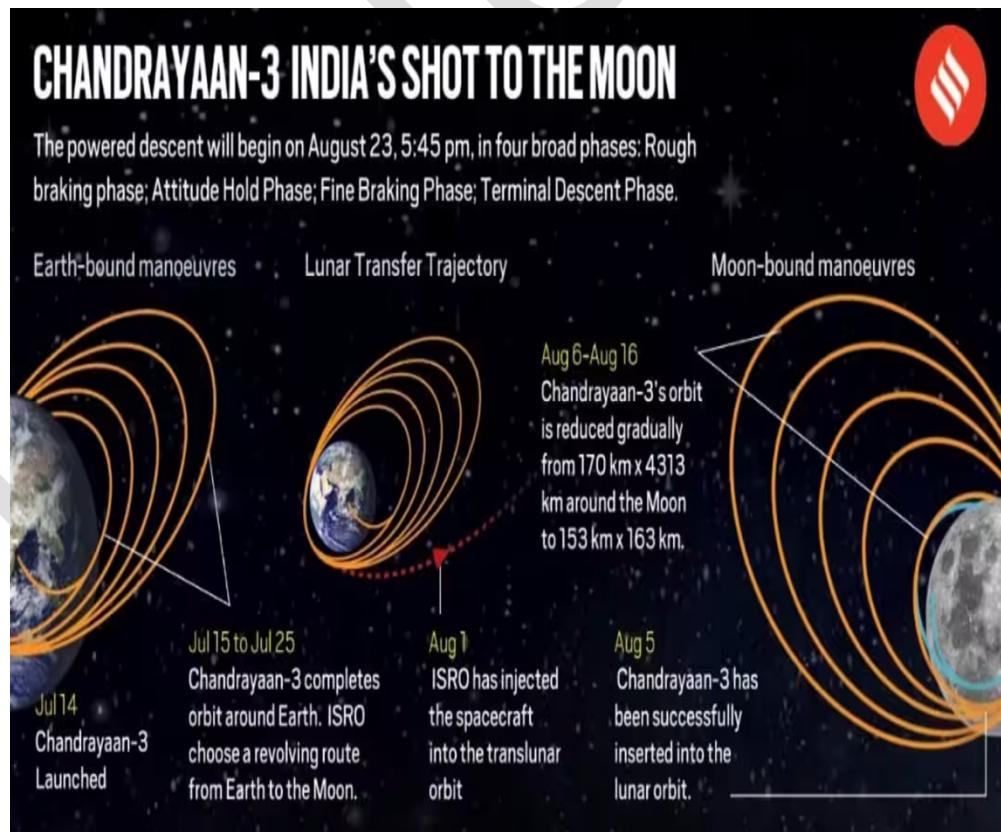
1) S&T: SPACE: CHANDRAYAAN 3.0

- **Why in news?**
 - Chandrayaan-3 becomes the first to land near Moon's south pole (Aug 2023)
 - ISRO launched India's third lunar mission Chandrayaan-3 perched on GSLV Mark-3 heavy lift launch vehicle, named '**Bahubali**' rocket, at 2:35 pm on 14th July from Sriharikota (July 2024)

- **Details**
 - Chandrayaan -3 is the third Moon Mission of ISRO that was launched in July 2023 perched on GSLV-MK-3 heavy lift vehicle. It is a follow-on mission to Chandrayaan-2 and demonstrated end-to-end capability in safe landing and roving in lunar surface when it landed on the south pole of Moon on 23rd Aug 2023.
 - With this, India has become the fourth country in the world after USA, Russia and China to successfully land on Moon.

A) UNDERSTANDING THE DIFFERENT PHASES AND PATH TAKEN BY CHANDRAYAAN

- LVM-3 launched the Chandrayaan-3 in an elliptical parking orbit of 170 X 36500 km.
- Chandrayaan was launched on 14th July 2023. The whole process took 42 days, with the landing taking place on Aug 23.



B) COMPONENTS OF CHANDRAYAAN 3.0:

- It consists of a **Propulsion Module (PM)**, **Lander Module (LM)**, and a **Rover** with an objective of developing and demonstrating new technologies required for inter-planetary mission. **Note:** It doesn't have an orbiter module.

Propulsion Module (PM)

The main function of PM is to carry the LM from launch vehicle injection till final lunar 100 km circular orbit and separate LM from PM.

This propulsion module has Spectro-Polarimetry of Habitable Planet Earth (SHAPE) payload to study the spectral and Polarimetric measurements of Earth from the lunar orbit.

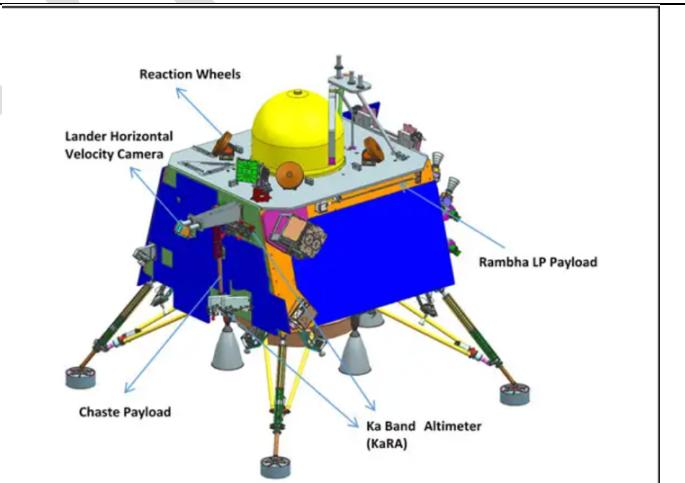
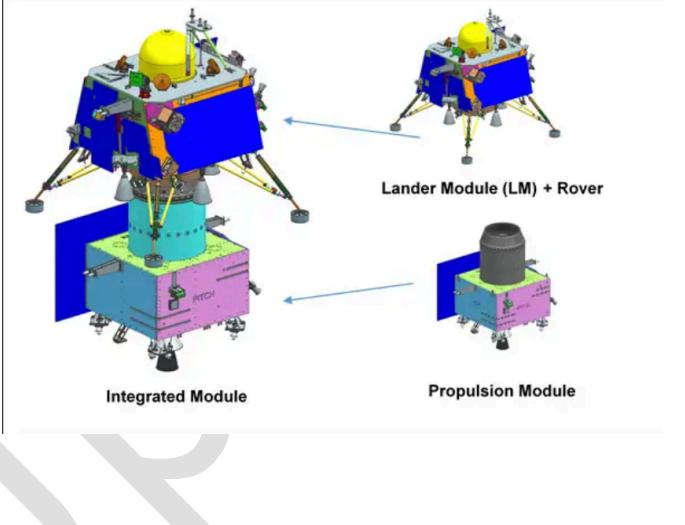
Note: Lander module separated from propulsion module on Aug 17, 2023. Here propulsion module was still left with 150 kg fuel. Thus, it could remain operational for several years to come.

The Lander (Vikram) had the capability to soft land at a specified lunar site and deploy rover. It happened on 23rd Aug 2023. It will remain stationary on the surface and carries four payloads which would record the chemical, thermal, and seismic instruments of the moon's surface.

Lander Payloads: Lander module has four payloads (Chaste, RAMBHA, ILSA and LRA)

Chandra Surface Thermophysical Experiment (ChaSTE): To carry out the measurements of thermal properties of lunar surface near polar region.

Instrument for Lunar Seismic Activity (ILSA) for measuring the seismicity around the landing site and delineating the structure of the lunar crust and mantle.



RAMBHA- LP (Radio Anatomy of Moon Bound Hypersensitive ionosphere and atmosphere) - RAMBHA: To measure the near surface plasma (ions and electrons) density and its changes with time.

A passive Laser Retroreflector Array (LRA) from NASA is accommodated for lunar laser ranging studies. It acts as a target for lasers for very accurate measurements for future missions.

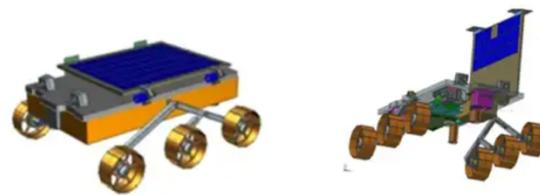
Rover (Pragyaan) is a 6 wheeled robotic vehicle.

Life: One lunar day (14 earth day)

Payload:

Laser Induced breakdown Spectrometer (**LIBS**): It will determine the chemical and mineral composition of the lunar surface.

Alpha Particle X-Ray Spectrometer (**APXS**): It will determine the composition of elements such as magnesium, aluminium, silicon, potassium, calcium, titanium and iron in the lunar soil and rocks.



▫ **Mission objectives of Chandrayaan 3.0**

- To demonstrate safe and soft landing on Lunar Surface
- TO demonstrate Rover roving on the moon
- To conduct in-situ experiments.

- **Note:** The most important discovery made by instruments on board

C) LANDING WAS THE MOST COMPLICATED PART HERE:

- Landing was the most complicated part of the mission. The Lander and Rover get ejected at a speed of around 6,000 km/hr and have to be slowed down to roughly 3 km/hr before it lands. Since moon doesn't have atmosphere, parachute kind of mechanism can't be used. Here, thrusters had to be fired in opposite direction to slow down the lander.

D) WHERE DID LANDER LAND?

- i. It landed at around 70-degree S near the southern pole of the moon.
- ii. **Why?**
 - a. The site was selected as there are several craters here that are permanent in shade and can be reservoir of frozen water which is key to the future space mission.

E) ROVER:

- i. Within a few hours of landing, ISRO also released a 26-kg rover from the lander module, which slid on the ramp to reach the moon's surface. The six wheeled rover, which is carrying two instruments and moves very slowly, is expected to crawl on the surface for 14 days, conducting chemical and elemental analysis of lunar soil and rocks.

G) COMPARING CHANDRAYAAN-1, CHANDRAYAAN-2 AND CHANDRAYAAN-3

	Chandrayaan-1	Chandrayaan-2	Chandrayaan-3
Year	2008	2019	2023

Rocket Used	PSLV	LVM-3	LVM-3
Payloads	Orbiter + Impactor Module (for crash landing)	Orbiter + Lander (Vikram) + Rover (Pragyan)	Lander + Rover
Successful	Yes	Partially Yes (Lander failed)	Yes
	<p>Perhaps the <u>most important discovery</u> of Chandrayaan-1 was the <u>discovery of water and hydroxyl (OH) molecules</u> in the Moon's thin atmosphere (exosphere) as well on the lunar surface.</p> <p>Buried Lava Tubes: The terrain mapping camera and hyperspectral imager on board Chandrayaan-1 detected an <u>underground lava tube</u>, which, scientists believe, can provide a <u>safe environment for human habitation in the future</u>. It can protect against hazardous radiation, small meteoric impacts, extreme temperature and dust storms on the surface.</p>	<p>It helped in <u>separately identifying the water and hydroxyl molecules, and mapping water features across the moon for the first time</u>.</p>	

H) SIGNIFICANCE OF GOING TO MOON:

- It underlined India's rise as a space and technology powerhouse. It will also strengthen India's soft power in the global community.
- Since moon is the closest cosmic body to Earth, the plans to explore rest of the universe starts with exploration of the moon. Moon can also act as a promising test bed to demonstrate technologies required for future deep-space missions.
- It would further help "stimulate the advancement of technology, promote global alliances and inspire a future generation of explorers and scientists."
- **Resources:** Recent increase in interest in Moon is primarily due to possibility of important minerals being found on Moon.

I) WAY FORWARD:

- While the current achievement of being the first country to land on the south pole of the moon is commendation, India still needs to do a lot to compete with bigger space giants like USA, and China.

- 1) **Look Beyond frugal engineering** as it is no longer enough to make a difference to global activity on the moon. To do more impactful moon projects, ISRO needs bigger budgets and more powerful rockets that can arrive quicker and with heavier payloads too.
 - 2) **Encourage bigger contribution from private sectors:** Globally, space programs are being animated by commerce, and private sector is emerging as bigger player than state (E.g SpaceX)
 - 3) **Increased International Cooperation:** Joint programs can be economical, have shorter gestation period, and higher science outputs. Even NASA (USA) has realized that massive space program would not be feasible by external support and hence have launched initiatives like Artemis Accord. India also needs to raise its lunar profile through international cooperation.
 - 4) **Keep Geopolitics in Mind:** Both USA and China have drastically increased their interest and investment in Moon. USA plans to send humans again to moon in 2025 and China plans to do the same before 2030. Given India's tensed relations with China, India needs to embark on serious negotiations with the USA on the possible terms of mutually beneficial Indian participation in the Artemis Mission.
 - 5) **Getting domestic and international legal framework ready:**
 - India needs to follow up its pace policy with legislation that facilitate and regulates space business.
 - India also needs to pay serious attention to shaping the global governance of space. The existing international regimes like Outer Space Treaty, 1967 and the 1979 Moon treaty are under considerable stress. Therefore, India should join hands with like-minded nations to reform the current outer space order.
- **Conclusion:** Chandrayaan-3's success will inspire generations of scientists and engineers – and all those who seek knowledge – to set the bar higher. For India, the moon is not the destination. It is a springboard.

3. PRELIMS FACTS

1) GEOGRAPHY: PLACES IN NEWS: SEA OF JAPAN

It is a marginal sea of the West Pacific Ocean. It is partially enclosed by Islands, archipelagos or peninsulas.

Land Boundaries: Boundaries:

It is bound by Russia north; North Korea in the West, South Korea in South West and by the Japanese Archipelago (Hokkaido island, Honshu Island, and Kyushu Island) in the east and South.

News (July 2023)

China and Russia have started joint air and sea drill in Sea of Japan. Codenamed "Northern/Interaction - 2023", the drill marks enhanced military cooperation between China and Russia since Moscow's invasion of Ukraine and is taking place as Beijing continues to rebuff U.S. calls to resume military communication.



2) GEOGRAPHY: PLACES IN NEWS: ICELAND

It is located in North Atlantic Ocean and is one of the least populated countries of Europe.

After great Britain, it is Europe's largest island.

Its capital Reykjavik, is the northernmost national capital in the world.

Location: It is located halfway between Europe mainland and North America and is just below the Arctic circle.

The country is famous for its geo-thermal pools, volcanoes, and glaciers.

News (July 2023)

Almost 2200 earthquakes have been recorded in the vicinity of Reykjavik, the capital of Iceland, within 24 hours.

This surge of seismic activity has prompted the Icelandic Meteorological Office to issue a warning, suggesting the



Note: Iceland's name is misnomer as the country is quite green and fertile.

possibility of an imminent volcanic eruption. The earthquakes originated beneath Mount Fagradalsfjall, a mountain situated on the Reykjanes Peninsula, which has witnessed two eruptions in the past 2 years.

3) GEOGRAPHY: PLACES IN NEWS: ECUADOR

Ecuador is a country located in north-western South America. It is one of the most environmentally diverse country in the world.

Geography: It straddles parts of Andes mountains and occupies part of Amazon basin. It is situated on the Equator (from which the name is derived). Most of the country observes an humid tropical climate.

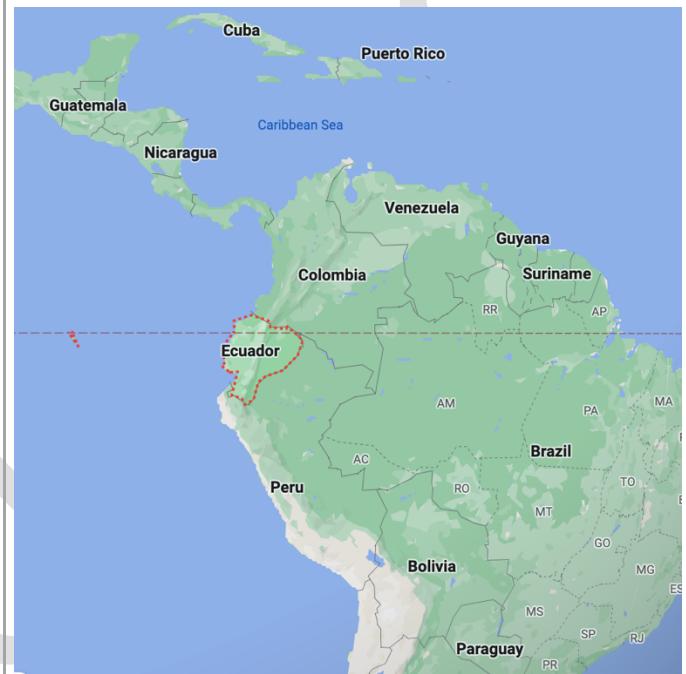
Neighbours: Colombia and Peru

It include the pacific archipelago of Galapagos Islands.

News:

In a historic decision, Ecuadorians voted on Sunday against the oil drilling of a protected area in the Amazon that's home to two uncontacted tribes and serves as a biodiversity hotspot. Around 6/10 Ecuadorian have rejected the oil exploration in Block 44, situated within Yasuni National Park, one of the world's most biodiverse region.

The area is inhabited by the Tagaeri and Taromenani, who live in self-isolation.



4) S&T: SPACE: LUNA-25

- **Why in news?**
 - Russia's LUNA-25 failed to land on Moon and crashed onto Moon's surface (Aug 2023)
- **Details**
 - **Why the failure?**
 - An anomalous engine burn-> Instead of a planned propulsive nudge of 84 seconds, the engine operated for 127 seconds, more than the "required value" in readying the probe for its descent burn. This added impulse caused Luna-25 to smash into the moon.
 - **More about Luna-25:**

- It was modern Russia's first Moon mission. It was heralded as the first domestically produced moon probe in Modern Russia history. Luna-25's flight was important in both political and scientific terms. The implication of its failure is likely to be considerable.
- The final soviet moon mission, Luna-24, successfully hauled home to Earth about 170 grams of lunar samples in 1976.

5) EB&CC: THE STATE OF INDIA'S BIRDS 2023 (REPORT PUBLISHED IN AUG 2023)

- **About the report:**
 - It is the 2nd iteration (first released in 2020) of the report and is an assessment of the distribution range, trends in abundance and conservation and status of 942 of India's 12,00 bird species and has been carried out by 13 partner organizations, including the WII and Zoological Survey of India.
 - The report is based on data from about 30,000 birdwatchers.
- **The assessment relies on 3 indices:**
 - Two are related to change in abundance
 - Long term trend (change over 30 years)
 - Current Annual Trend (change over past seven years)
 - Third is a measure of distribution range size in India.
- **Key Highlights:**
 - General decline in number of most bird species in the country.
 - » Raptors, migratory shore birds and ducks have declined the most.
 - » There were 338 species (out of 942 species studied) for which long term trend has been determined.
 - 60% (204) have declined in long term.
 - 98 species are stable
 - 36 have increased
 - » For 359 species current annual trends could be determined
 - 142 species or 39% are declining
 - 64 are in rapid decline
 - 189 are stable
 - 27 bird species are increasing.
 - » **Specialists** (birds restricted to narrow habitats like wetlands, rainforests and grasslands), as opposed to species that can inhabit a wide range of habitats such as plantations and agricultural fields - are rapidly declining.
 - » **Generalists** (birds that can live in multiple habitat types are doing well as a group)
 - » **Migrants:** Abundance trend of migratory species show that long-distance migrants, such as migratory birds from Eurasia or the Arctic, have declined the most - by more than 50% - followed by short distance migrants.
 - » **Birds which are endemic to the Western Ghats** and SriLanka biodiversity hotspots have rapidly declined in India over the past few decades.
 - The Great Grey Shrike has shown a long-term decline of more than 80%.
 - » **Ducks** are also rapidly declining in India. India hosts eight resident and 35 migratory species.

- Baer's Pochard, Common Pochard, Andaman Teal have been found to be most vulnerable.
- » **Riverine Sandbar-nesting birds** are also showing a decline due to widespread pressure on rivers from irrigation schemes, transportation, human disturbance, domestic use, and pollution from agriculture and industrial chemicals, variation in the water level and sand mining.
- » **Spoonbill** has declined by more than 50% in the long term and by over 6% annually since 2015.
- » **Sarus Crane** has rapidly declined over the long term and continues to do so.
- » Of the 11 species of woodpeckers for which clear long-term trends could be obtained, seven appear stable, two are declining, and two are in rapid decline.
 - **Yellow crowned woodpecker**, inhabiting widespread thorn and scrub forest, has declined by more than 70% in the past three decades.
- » **Bustards** (Great Indian Bustard, the Lesser Florican, and the Bengal Florican - have been found to be most vulnerable)
- Several Bird Species like **India Peafowl**, Rock Pigeon, Asian Koel, and House Crow are not only healthy in both abundance and distribution, but showing an "increasing trend".
 - » **Peafowl**, which is the national bird of India, is one of the most rapidly increasing species in the country today. It is expanding into habitats where it has never occurred previously. In last 20 years it has expanded into High Himalayas and Western Ghats. It also appears to be expanding population density in areas where it occurred earlier.
 - » **Asian Koel** has shown a rapid increase in abundance of 75%, with an annual current increase of 2.7% per year.
 - » **House crow, Rock Pigeon, and Alexandrine Parakeet** has also established new populations in several cities.
- India is home to **232 endemic species** found nowhere in the world.

THE MAJOR THREATS FACING INDIAN BIRDS

CLIMATE CRISIS

Timings of annual events (e.g. migration, nesting, insect emergence) become asynchronous.

For sedentary birds, dealing with climate change will require rapid adaptive changes.

Higher temperatures also cause birds to alter their behaviour, making them more likely to seek shade and spend less time foraging.

Bird species are shifting their ranges to higher latitudes (i.e., away from the tropics and towards the poles) and in mountains, to higher elevations.

DISEASE

Nearly 7% of globally threatened bird species have declined due to avian malaria.

Avian influenza outbreaks in 2020-2021 across India, caused mass mortality of wild birds.



ENERGY INFRA

Collision of birds with rotating wind turbine blades; Displacement of birds from the turbine area due to disturbance

URBANISATION

Urban habitats tend to be unsuitable for rare and specialist species, while promoting common species.

In central Delhi, fruiting trees offer resources for arboreal frugivorous birds such as Brown-headed Barbet and Yellow-footed Green Pigeon. But, urbanisation leads to a homogenisation of bird communities due to the increased abundance of birds adept at exploiting ecological niches.

6) EB&CC: BIODIVERSITY: WHITE BELLIED SEA EAGLE

News: White bellied sea eagle are beginning to emulate their counterpart in Australia and Thailand by making their homes on power towers holding high tension wires (Aug 2023).

- These nests of the white-bellied sea eagles were found on powerline towers about 2 km from the sea in Ramanathapuram of TN. The nesting sites were strategic for birds to conveniently scan the marine area for food.

Implication: A lack of trees and other natural nesting alternative.

More details about the bird:

The White bellied sea eagle (*Haliaeetus leucogaster*) is a resident raptor belonging to the family *Accipitridae*.

It is a diurnal monogamous bird of prey.

IUCN Red List: LC

Other Features: it feeds mainly on sea snakes and fish. It is occasionally seen in inland waters along the tidal rivers and in freshwater lakes. It occupies the same localities for years and generally build nests in tall tree near the seacoast, tidal creeks, and estuaries.



Distribution: It has wide distribution range on the seacoast of India from Mumbai to the eastern coast of Bangladesh, and Sri Lanka in Southern Asia, through all coastal south east Asia, Southern China Sea to Australia.

7) EB&CC: BIODIVERSITY: SAHYADRI UTTARAGHATI (NORTHERN SAHYADRI KEELBACK)

It is a new species of snake discovered in Western Ghats.

The discovery has been published in the international journal Taxonomy on Aug 21.

The new genus has been named *Sahyadriophis*, a combination of the Sanskrit word for the western ghats 'Sahyadri' and the Greek word for snakes 'Ophis'.

It is found in northern parts of the Western Ghats and therefore Uttaraghathi.



8) DEFENCE: ASTRA MISSILE

- Why in news?
 - LCA Tejas successfully test-fires Astra Beyond Visual Range Air to Air Missile (Aug 2023)
 - The missile release was successfully carried out from the aircraft at an altitude of about 20,000 feet. All the objectives of the test were met and it was perfect textbook launch.
- More about ASTRA
 - It is India's first indigenously developed active radar homing beyond-visual-range air-to-air missile (BVRAAM). It has been developed by DRDO.
 - It is intended to engage and destroy aerial targets with high maneuverability and supersonic speeds. The missile's advanced air combat capabilities allow it to engage multiple high-performance targets.
- Fighter planes which are planned to carry this missile
 - Su-30 MKI, Mirage 2000 multi-role combat fighters, and Mig-29 and MiG-21 Bison fighter jet platforms, as well as Indian Navy's Sea Harrier jet fighter.
 - It has also been integrated with LCA Tejas.
- Key Advanced Features
 - **Smokeless propulsion system** of ASTRA lets it kill its target without giving any clue about the location of launching aircraft.
 - It is very versatile as it is an all aspect, all weather weapon. This enables the missile to be launched irrespective of relative position of the target with respect to the missile.
 - ASTRA has highly effective multi-target scenario.
- Understanding some key terms:
 - i. **Active Radar homing (ARH)** is a missile guidance method in which missile contains a radar transceiver (in contrast to semi-active radar homing, which uses only a receiver) and the electronics necessary for it to find and track its target autonomously.
 - ii. **Beyond Visible Range (BVR)** is an air-to-air missile that is capable of engaging in ranges of 20 nmi (37 kms) or beyond.



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SEP 2023 - BOOKLET-1

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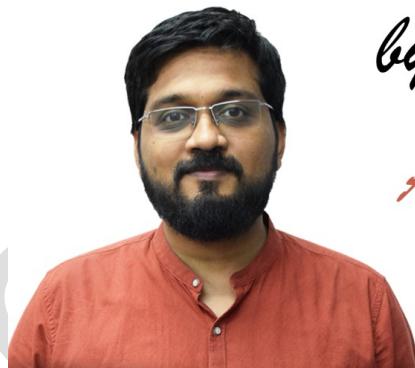
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1. GS2: ISSUES RELATED TO POVERTY AND HUNGER

1) PYQS OF LAST 10 YEARS

- “The incidence and intensity of poverty are more important in determining poverty based on income alone”. In this context analyze the latest United Nations Multidimensional Poverty Index Report. [15 marks, 250 words] **[MAINS 2020]**
- There is a growing divergence in the relationship between poverty and hunger in India. The shrinking of social expenditure by the government is forcing the poor to spend more on non-food essential items squeezing their food-budget – Elucidate. [10 marks, 150 words] **[Mains 2019]**
- How far do you agree with the view that the focus on lack of availability of food as the main cause of hunger takes the attention away from ineffective human development policies in India? [15 marks, 250 words] **[Mains 2018]**
- Hunger and Poverty are the biggest challenges for good governance in India still today. Evaluate how far successive governments have progressed in dealing with these humongous problems. Suggest measures for improvement. [10 marks, 150 words] **[Mains 2017]**
- “Poverty Alleviation programs in India remain mere showpieces until and unless they are backed up by political will.” Discuss with reference to the performance of the major poverty alleviation program in India. [15 marks, 250 words] **[MAINS 2017]**
- Though there have been several different estimates of poverty in India, all indicate reduction in poverty levels over time. Do you agree? Critically examine with reference to urban and rural poverty indicators. [12.5 marks, 200 words] **[Mains 2015]**

2) POVERTY

- Why in news?
 - As per National Multidimensional Poverty Index (MPI) prepared by NITI Aayog, India has lifted 135 million people out of Multidimensional Poverty between 2015-16 to 2019-21 (Aug 2023)
 - The UNDP had earlier estimated that India lifted 415 million people out of poverty (MDPI) over 2005-06 to 2019-21.
 - As per the PLFS survey, the unemployment had reached a 45 year high in 2017-18.
- What is Poverty?
 - Poverty is a situation or condition in which a person or community lacks the financial resources essential for a minimum standard of living. Poverty stricken people and families may be surviving without good enough food, housing facilities, health and education facilities.
- Poverty Situation in India:
 - At the time of independence, more than 80% of country's population were in extreme poverty.
 - This has come down to less than 15% (2019-21) as per National MDPI released by NITI Aayog and 11% based on income criteria (\$2.15 PPP).
- Causes of Poverty:
 - In Indian context, the causes of poverty may be described as:
 - i. **Historical Factors:** Colonial rules -> deindustrialization -> lack of development of modern industries etc.
 - ii. **Rapidly Rising Population** -> strain on resources
 - iii. **Low Agriculture productivity:** This is due to fragmented holdings; non-scientific cultivation; lack of focus on value addition etc.
 - iv. **Unemployment:** The situation is still bad and as per Periodic Labour Force Survey (PLFS) by NSO, the unemployment had reached a 45 year high in 2017-18.
 - v. **Shortage of Capital and able entrepreneurship**
 - vi. **Social Factors:**
 - Social set up is still backward and is not conducive for faster development. Laws of inheritance, caste system, gender discrimination etc. are putting hindrances in the way of faster development and have aggravated the problem.
 - vii. **Increasing Inequalities**
 - viii. **COVID-19 Pandemic and its impact**
- Problems faced by poor and pains of poverty.
 1. Inability to fulfill basic needs:
 - **Housing challenges:** Poor people (specially in urban areas) suffer from houselessness, overcrowding, slums and rental laws. Substandard houses leave little for the prerequisite of decent living.
 - **Malnourishment**
 - **Poor health and educational opportunities**

2. **Social Discrimination:** Poor people are harassed, humiliated and discriminated against at every level. They have to face the challenge of illiteracy and hostility by the powerful. Poverty is not only about *economic poverty*, but also about *inequality*.
 3. **Sub-culture of poverty:** When poverty is transmitted over generations, it becomes a culture, according to Oscar Lewis.
- **Other Negative impacts of poverty:**
 1. **Radicalization and Criminalization:** It is easy to radicalize people who have nothing to lose.
 2. **Economic growth suffers:** When a large section of population live in poverty, their demand is generally much lower than middle class. This hampers the overall demand of the economy and keeps the economic growth of the country below its actual potential.
 3. **Hampers India's soft power** at international forums.
 - **Three Distinct strategies** for reducing poverty in India may be identified:
 1. In 1950s, the policymakers focused on maximization of economic growth by stepping up investment assuming that the benefits arising out of it would 'trickle down' and diffuse among all sectors of the society.
 - But it was realized later that the benefits of economic growth (including agricultural growth) didn't percolate to the rural poor.
 2. **Redistribution:** This approach pleaded for the establishment of egalitarian society and suggested distribution of assets through land reforms, community development programs, cooperative farming and nationalization of big industries.
 - But even this approach was unable to reduce poverty substantially.
 3. **Focused Poverty alleviation program:**
 - Since 1980s, a number of schemes are focused on attacking poverty through rural development programs. In recent years, MGNREGA has emerged as a landmark scheme to alleviate rural poverty in the country.
 - **Key Measures which contributed to fight against Poverty:**
 - **Poverty Reduction Initiatives**
 - » **MGNREGA**
 - » **PMAY**
 - » **National Food Security Act, 2013**
 - **PMGKAY**
 - » **PMUY**
 - **Other steps which have helped in poverty reduction:**
 - **Economic Reforms:**
 - » For e.g., the 1991 economic reforms paid huge dividends after a few years of transitional adjustments.
 - » LPG reforms have also increased opportunities within the country.

- **Promoting Manufacturing Sector** in India: Make in India; Atmanirbhar Bharat; Various PLI Schemes
 - **Skill Initiatives**

- **Current Situation:**
 - As per National Multidimensional Poverty Index (MPI) prepared by NITI Aayog, India has lifted 135 million people out of Multidimensional Poverty between 2015-16 to 2019-21. Poverty levels have reduced to less than 15% of the total population by 2019-21.
 - The UNDP had earlier estimated that India lifted 415 million people out of poverty (MDPI) over 2005-06 to 2019-21.

- **Measures that need to be taken for poverty alleviation**
 - **Focus on better implementation of schemes which help vulnerable groups** like NFSA, PMJAY, MGNREGA etc.
 - **Decentralized Planning and its execution:** For the success of anti-poverty programs, it is necessary that they should be planned by village panchayats/ Municipality levels.
 - We need to provide **minimum income for poor and vulnerable** - cash transfers for women, increasing MGNREGA to 150 days in rural areas; introduction of urban employment guarantee scheme etc.
 - **Employment Generation:**
 - Skill development in emerging technologies
 - Training in horticulture, animal husbandry, food processing sector
 - Women empowerment and creation of SHG led initiative
 - **Promoting ease of doing business:**
 - Reforming labor laws and other regulatory framework
 - Land Reforms
 - **Focus on Agri-growth:**
 - Marketing reforms, land leasing reforms etc.
 - Reduce dependency of people on agriculture sector -> industries need to expand, and rural workforce needs to be skilled to serve these industries.
 - **Fight growing inequality:** Though total egalitarianism in income and property may not be possible, but tax reforms can be introduced to reduce generation of black money. Similarly, laws can be better implemented to ensure that benami transfers and deals doesn't take place.
 - **Economic development and Economic Growth:**
 - Rapid Industrialization
 - Increased budget for welfare measures and reducing unnecessary expenses.

- Make Statistical System Independent of state interference - to get proper numbers.
- Conclusion:
 - Various stakeholders, including government, civil society organizations, and citizens need to move constantly towards a vision of an egalitarian democracy where people can live fulfilling lives, instead of remaining mired in notions of minimal reparation or remedies.

3) POVERTY ESTIMATION IN INDIA

- Why in news?
 - India has not released its Consumption Expenditure Survey (CES) data since 2011-12. Normally, a CES is conducted by the National Sample Survey Office (NSO) every five years.
- Post-Independence Poverty Estimation in India
 - In 1962, Planning commission formed a **Working Group to estimate poverty** nationally. This working group formulated a separate poverty line for Rural and Urban Areas (Rs 20 and Rs 25 per capita per year respectively)
 - In 1971, **VM Dandekar and N Rath** made the first scientific assessment of poverty estimation based on NSS data from 1960-61.
 - They argued that poverty line should be determined by expenditure that was necessary to provide 2250 calories per day in both rural and urban India.
 - **Alagh Committee** (1979) was a task force created by Planning commission for the purpose of poverty estimation.
 - It formulated a poverty line for rural and urban India based on nutritional requirements (24,00 calories for Rural India and 2100 calories for urban India).
 - **Lakdawala Committee** (1993) was formed in 1993 to review the methodology of poverty estimation.
 - He recommended:
 - a. Consumption expenditure should be calculated based on calorie consumption as earlier.
 - b. State Specific poverty lines should be constructed, and these would be updated using the CPI(IW) and CPI (RL) in urban and rural areas respectively.
 - It assumes that basket of goods and services included in (CPI-IW) and CPI-RL reflect the consumption pattern of poor.
 - **Suresh Tendulkar Committee (2009)**
 - Planning Commission formed an expert group chair by Suresh Tendulkar to review the methodology for poverty estimation in 2005.
 - It recommended four major changes:
 - a. A shift away from calorie consumption-based poverty estimation.

- b. Incorporation of private expenditure on health and education while estimating poverty.
 - c. Shift to **Mixed Reference Period (MRP)** based estimates, as opposed to Uniform Reference Period based estimates.
- The committee concluded the poverty line of just Rs 32 per capita per day in Urban India and Rs 27 in Rural India.
- **Rangarajan Committee (2012)**
 - In 2012, the Planning Commission constituted a new expert panel on poverty estimation, chaired by C. Rangarajan in light of public outrage over the planning Commission's suggestion of Rs 27 a day as poverty line for rural areas.
 - **Key recommendations**
 - **Poverty Threshold:** Rs 47 a day in urban areas and Rs 32 in villages
 - This method estimated that the number of poor were 29.6%.
 - In 2014, the **NDA government had junked the C Rangarajan Committee Report on poverty as it had pegged 100 million more BPL vis a vis the last estimate based on Tendulkar Committee Report**.
- Since, government is **not conducting Consumption Expenditure Survey since last few years**, the official poverty estimates haven't been updated.
 - The last consumption survey of 2017-18 was rejected by government as defective.
 - So, currently the last official estimate of poverty that is comparable over time, undertaken by planning commission, is for the year 2011-12.
- Is there a need of consumption-based poverty estimation when there is a National Multidimensional Poverty Index by NITI Aayog?
 - **What is the need of MPI?**
 - » **Capabilities Approach** - Some of the capabilities may not be tightly linked to the privately purchased consumption basket.
 - **But there are concerns about MPI:**
 - » Multidimensional indicators/measures raise several issues regarding their measurability, aggregation across indicators, and database which provide the requisite information at reasonably short interval.
 - **For e.g., Child Mortality** indicator is a problem as it is for population groups and not for individual households.
 - **Aggregation is another problem** - Drinking water can't be aggregated with indicator like Child mortality.
 - **Arbitrary weight** being given to different components.
 - **Why consumption-based poverty data should be supplementing MPI?**
 - » **Easy to understand and measure** - In the minds of people, being rich or poor is associated with levels of income.

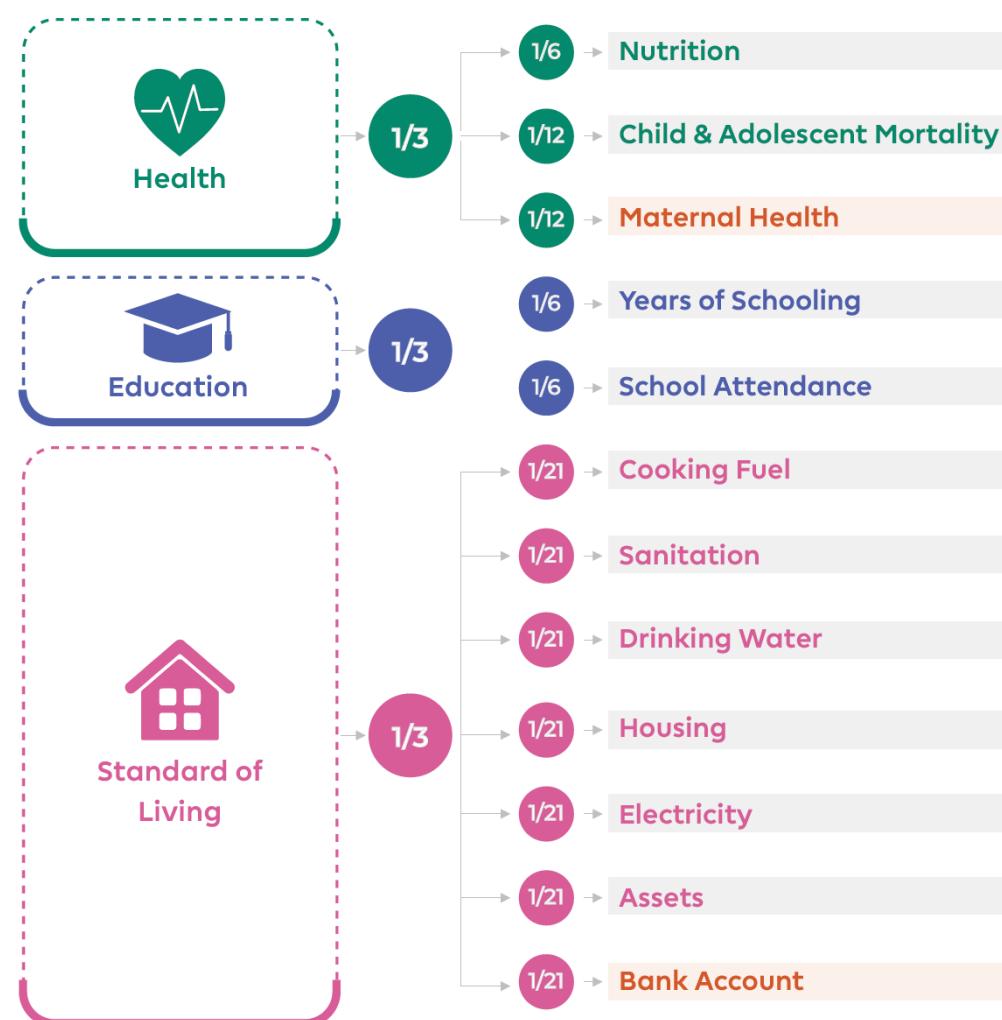
- **Challenges for Poverty Line estimation**
 - Determining the poverty line basket (PLB) is a crucial challenge in a country like India because of varying consumption pattern, prices etc. in different part of the country.
 - Bringing states on board has also remained a challenge.
 - The current official measures are based on Tendulkar Committee's recommendations, but some states suggest that C Rangarajan method will be a better estimation.
 - Poverty Line has to be very dynamic - because of rapid changes in demography, consumption pattern, and technology.
- **Why is poverty estimation crucial?**
 - To get public opinion to support massive and urgent cash transfers.
 - The world outside India has moved onto proposed high fiscal support, as economic rationale and not charity.
 - To ensure honest evaluation of various policies on the basis of whether they meet the needs of the majority.
 - Holding public representatives more accountable
 - Poverty, inequality and a deeper understanding of what works for poverty reduction is not just an academic exercise but is crucial for designing policies and programs that work. It is crucial for any government to prioritize social sector schemes in a data driven fashion.
- **Way Forward:**
 - We need reliable data provided by independent public bodies ring fenced from potential political interference.
 - Complete the new CES at the earliest and decide yardstick for measuring poverty which is the poverty line.
- **Conclusion:**
 - Many of our fellow citizens are living in abject poverty. Counting them would be a much-needed start to convey that each life matters.

4) NATIONAL MULTIDIMENSIONAL POVERTY INDEX, 2023

- **Why in news?**
 - NITI Aayog publishes 2nd version of the National Multi-dimensional Poverty Index (July 2023)
- **Background:**
 - Historically, poverty estimation has relied on income as the sole indicator.

- However, the **Global Multidimensional Poverty Index (MPI)**, based on the **Alkire-Foster (AF)** methodology, captures **overlapping deprivations** - in **health, education and living standards**.
 - Goi has acknowledged the significance of the global MPI under the mandate of **Global Indices for Reform and Action** (GIRG) initiative.
 - In this context, NITI Aayog, has created an **indigenized index** for monitoring the performance of states and UTs in addressing multidimensional poverty in coordination with various ministries and technical partners - OPHI and UNDP.
- **Key features of India's MPI:**
- It captures overlapping deprivations in **health, education and living standards**. These three dimensions have been given **equal weights**, which have further been represented by **12 indicators**. The primary data source to arrive at the numbers of MPI is the NFHS-5.

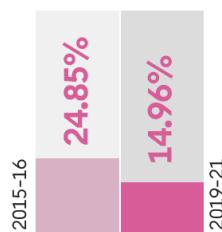
Indicators and their weights



- **Key Highlights of the second edition of National MPI** which is a follow up of baseline report published in 2021.

- **Steep Decline in Poverty** between 2015-16 and 2019-21, indicating success of the country's commitment and action to address multidimensional nature of poverty through its multi-sectoral approach.
 - » **Population under multidimensional Poverty (H)**: **14.97% (2019-21)** when compared to **24.85%** in 2015-16.
 - In absolute terms, approximately **13.5 crore Indians escaped poverty** in the period, courtesy in improvements in indicators like access to cooking fuel, sanitation, drinking water, and bank accounts among others.
 - » **Poverty intensity (A)** has also reduced to **44.39% (2019-21)** when compared to **47.14%** in 2015 - 16.
 - $MPI = H \times A = 0.066$ (which was 0.117 in 2020-21)
 - » **Rural Areas** have seen fastest decline in poverty from **32.59%** to **19.28%** in the period owing to improvements in states like Bihar, UP, Madhya Pradesh, Odisha and Rajasthan.

Steep decline in Poverty Headcount Ratio



**135 million
(13.5 crore)**

people escaped
multidimensional
poverty between 2015-16 and 2019-21



All **12**
indicators have
shown improvement

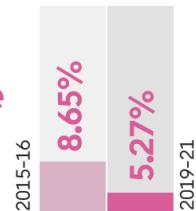
suggesting that impact of Government
interventions is increasingly visible on ground

Fastest decline in percentage
of multidimensional poor in
rural areas from

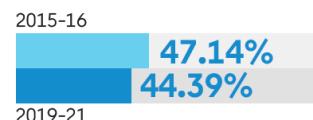


**Reduction
in the incidence
of poverty**

in urban areas



The **Intensity of poverty**,
which measures the
average deprivation among
the people living in
multidimensional poverty
improved from about



UP, Bihar, MP, Odisha
and Rajasthan
recorded steepest
decline in number of
MPI poor

Improvement in **nutrition**,
years of schooling,
sanitation, and **cooking
fuel** played a significant role
in reducing the MPI value



Concerns:

- **In the health category** - the three indicators - nutrition, Child and adolescent mortality, and maternal health - showed only moderate improvement, the report showed.

- Nutritional deprivation decreased from 37% to 31%;
 - Lack of nutrition contributed close to 30% - the highest - in the overall calculation of India's multidimensional poverty index.
 - Maternal health deprivation improved from 22.5% to **19.7%**; and
 - Child and adolescent mortality deprivation declined from 2.69% to **2.06%**.
 - **Other indicators** that didn't record a significant decline and aided the most in keeping Indians poor include lack of years of schooling (16.65%); inadequate access to maternal health services (11.73%), and less-than-desired school attendance (9.10%), among others.
 - **Cooking fuel** is an area where significant improvement has taken place but close to 44% of India's population is still deprived of it.
 - **Sanitation** numbers have also improved, but still 30% of the population is deprived when it comes to sanitation services.
 - **Access to housing** was another indicator where progress was marginal. In 2015-16, 46% didn't have access which has come down to 41% now.
- **Performance at State Level:**
- **States with less than 10% people living in multidimensional poverty doubled** in last five year. There were 7 states (Mizoram, Himachal Pradesh, Punjab, Sikkim, TN, Goa, and Kerala) in this category in 2015-16, which has doubled to 14 states with seven new states added including Telangana, Andhra Pradesh, Haryana, Karnataka, Maharashtra, Manipur and Uttarakhand.
 - **Except for Bihar**, no other state in India has more than 1/3rd of its population living under Multidimensional Poverty. However, even in Bihar's case, the reduction in multidimensional poverty has been significant over the five year time period - in 2015-16, over 51.89% of people lived in multidimensional poverty, by 2019-20, the figure dropped to 33.76%.
- **Conclusion:**
- India's stellar progress in the National MPI between 2015-16 and 2019-21 reflects the Government's commitment to improving the quality of people's lives - through targeted policies, schemes, and developmental programs rolled out at both national and subnational levels.
 - Key government schemes such as Swachch Bharat Mission (SBM), Jal Jeevan Mission, Poshan Abhiyan, Samagra Shiksha, Pradhan Mantri Sahaj Bijli Har Ghar Yojna (Subhagya), Pradhan Mantri Ujjwala Yojna (PMUY), Pradhan Mantri Jan Dhan Yojna (PMJDY), Pradhan Mantri Awas Yojna (PMAY) and many more have contributed significantly in driving the tremendous progress highlighted in National MPI.

5) GLOBAL MULTIDIMENSIONAL POVERTY INDEX, 2023

- **About the report:**
- The update is released by UNDP and the **Oxford Poverty and Human Development Initiative (OPHI)** at the University of Oxford.
- **Key Highlights:**
- **25 countries** including India, successfully halved their global MPI values within 15 years, showing that rapid progress is attainable.

- **1.1 billion** out of 6.1 billion people (just more than 18%) live in acute multidimensional poverty across 110 countries.
 - **Sub Saharan Africa** (534 million) and **South Asia** (389 million) are home to approximately five out of every six poor people.
 - **Nearly 2/3rd of all poor people** (730 million) lives in middle income countries, making actions in these countries vital for reducing poverty.
- **Most important Highlights for India.**
- India lifted 415 million people out of poverty (MDPI) over the period 2005-06 to 2019-21.
 - Incidence of poverty fell from 55.1% in 2005/2006 to 16.4% in 2019/2021.
 - The deprivation in all indicators declined in India and "the poorest states and groups, including children and people in disadvantaged caste groups, had the fastest absolute progress".
 - **Poor and deprived of cooking fuel** fell from 52.9% to 13.9%.
 - Those deprived of sanitation fell from 50.4% in 2005/2006 to 11.3% in 2019/2021.

6) RURAL POVERTY VS URBAN POVERTY

A) RURAL POVERTY

- **Introduction:**
 - As per National Multidimensional Poverty index released by NITI Aayog, the rural areas have seen fastest decline in percentage of multidimensional poor in rural areas from (32.59% in 2015-16) to 19.28% in 2019-21.
 - However, there are still some challenges which allows the rural poverty to exist.
- **Causes:**
 - Inadequate and Ineffective implementation of anti-poverty programs
 - Very small population engaged in non-agricultural activities.
 - **Agriculture related issues:**
 - **Monsoon dependence on Agriculture** makes farmers dependent on vagaries of nature. Irrigation facilities are still not available for most of the agricultural land in India.
 - **Low productivity** of agriculture and allies' activities. For e.g., wheat production/acre or milk production per animal in India is way lower than that of developed countries.
 - **Poor Infrastructure:** Poor roads, inadequate electricity etc. make economic development of rural areas difficult.
 - **Social Factors:**
 - Poor situation of health and education facilities in rural areas.
 - **Inter-caste conflicts and rivalries**
 - **Excessive expenditure** on ceremonies like marriage, childbirth etc.
- **Way Forward:**
 - **Improvement implementation** of the poverty alleviation programs like MGNREGA, MUDRA, PDS etc.
 - **Infrastructure improvement:** Providing accessibility to electricity, water supply etc., to make rural areas suitable for establishment of agriculture.
 - **Reform Agriculture** -> Agri-Market reforms, land leasing reforms etc.; Focus on improving productivity of animal husbandry sector.
 - **Improved focus on education, skill development and entrepreneurship** in rural areas.
 - **Promoting cottage industries, agro-based industries** and food processing industries

B) URBAN POVERTY

- **Example Questions:**
 - "The Past Practice of seeing all poverty in a rural light and applying rural solutions in urban conditions will not yield expected results" Elaborate [10 marks, 150 words]
- **Background:**
 - Poverty eradication has been a key goal of Government of India since many decades now. But, the focus has mostly been on rural areas as most of the Indian population lived in rural area and rural poverty was pervasive.

- However, Urban population has kept on rising and so has been the number of poor in Urban areas. One key reason for it has been migration of rural poor into cities in search of better livelihood. This phenomenon is universally acknowledged as the Urbanization of Poverty.
 - Urban Poverty is manifested in terms of increasing slums, and around 20% of urban population lives in slums.
- **There are some similarities** in urban and rural poverty. These include - lack of adequate food, employment, healthcare and education; Access to information and lack of voice and representation in the settlements; the ability to influence decision making is remote, since they end up powerless in the face of the landed gentry in villages and the rich and organized classes in cities.
- **But** there are some key differences in between urban poor and rural poors.
 - i. **Adequate housing and basic services** clearly differentiate urban and rural poor.
 - In Urban areas security of tenure is an issue; this is not generally a concern in rural areas.
 - ii. **Urban poor are** also much more deprived in terms of sanitation and infrastructure.
 - The non-availability of toilet facilities, especially for women; lack of clean drinking water, clean air and ventilation; and exposure to disease make living conditions awfully run-down.
 - iii. **Other challenges** of urban poor include challenges of transport, dangers of extortion and increased vulnerability to crime.
 - iv. **Social and Psychological situation:** The stark differences that are seen in the living standards of the urban rich and the urban poor have a significant bearing on the psychology of the urban poor.
 - Within the rural society, the stratification is far less. Consumption pattern is likely to be less dissimilar, since the variety of consumer products available in a village is narrow.
 - The deprivation of poverty, therefore, unlike the rural areas, hit the urban poor hard, because they see what the others have and what they don't. The situation breeds powerlessness, emotive confusion, resentment and buried anger.
- **Conclusion:**
 - Acknowledgment of these differences is crucial for creating effective antidotes against urban poverty. The past practice of seeing all poverty in a rural light and applying rural solutions in urban conditions will not yield the expected results. Furthermore, the design of anti-poverty policies needs to be looked at in the context of overall urban policies, urban planning and legal and institutional framework.

7) UNIVERSAL BASIC INCOME

- **Why in news?**
 - 'The State of Inequality in India', a report released by the Economic Advisory Council to the Prime Minister (EAC-PM) Chairperson Bibek Debroy. [May 2022]
 - It calls for an urban job guarantee scheme and introducing Universal Basic Income (UBI).
- **Example Questions:**

- i. What is Universal Basic Income? What can be the advantage of UBI over the current poverty reduction efforts?
 - ii. Do you agree that Universal Basic income will facilitate a more inclusive society with reduced inequalities? Give reasons for your answer
- **Definition**
- A basic income (unconditional basic income or universal basic income) is a form of social security in which all citizens or residents of a country regularly receive an unconditional sum of money, either from government or some other public institutions, in addition to any income received from elsewhere.
- **UBI Has three components**
- i. Universality
 - ii. Unconditionality
 - iii. Agency (by providing support in the form of cash transfers to respect, not dictate, recipients' choices)
- **The time has come for UBI because of following reasons**
- i. **Social Justice**
 - UBI is, first and foremost, a test of a just and non-exploitative society. Almost every theory of Justice has argued that a society that fails to guarantee a decent minimum income to all citizens will fail the test of justice.
 - ii. **Poverty Reduction**
 - Conditional on the presence of a well-functioning financial system, a UBI may simply be the fastest way of reducing poverty. The COVID-19 pandemic highlighted how the poor were most vulnerable and needed an assured income to fulfil their basic needs.
 - iii. **Employment concerns**
 - As we move towards a more technologically competent world, a large section of the workforce may not be able to find work. UBI can be granted to compensate for the losses to make ends meet.
 - Further, a basic income will make employments less exploitative.
 - iv. **Agency**
 - **Problems with other schemes to deal with poverty**
 - Our current welfare system, even when well intentioned, inflicts a indignity upon the poor by assuming that they cannot take economic decisions relevant to their lives.
 - **UBI**, an unconditional cash transfer treats them as agents, not subjects.
 - It liberates citizens from paternalistic and clientelist relationships with the state.
 - By taking the individual and not the household as the unit of beneficiary, UBI can also enhance agency, especially of women within household.
 - v. **Administrative Efficiency and Transparency**

- The existing welfare schemes are riddled with misallocation, leakages and exclusion of the poor.
 - UBI is a way of ensuring that state welfare transfers are more efficient so that the state can concentrate on other public goods.

- vi. Increase in financial inclusion
 - Payment - transfers will encourage greater usage of bank accounts, leading to higher profits for banking correspondents (BCs) and an endogenous improvement in financial inclusion.
 - Credit - increased income will release the constraints on access to credit for those with low income levels.
 - Profitable for banks: More money in the bank accounts, which have remained inactive.

- vii. Numerous Successful trials have found that basic income, whether given to everyone or specific groups or communities, improve health, life satisfaction, trust in others and employment opportunities among participants.
 - A nationwide experiment in Finland showed these favourable results.

- The Conceptual Case Against UBI / Criticism of UBI / Factors hindering implementation of UBI:
 - i. Weather UBI reduces incentive to work
 - Critics conjure up images of potential workers frittering away their productivity. It may hamper labour supply.
 - This argument is highly exaggerated?
 - For one thing, the levels at which universal basic income are likely to be pegged are going to be minimal guarantee at best; they are unlikely to crowd incentive to work.
 - One school of thought would argue that, it truly is a diminution of human dignity to suppose that the only motivation for which people work is necessity.
 - ii. Will UBI promote social vice like drinking, smoking etc?
 - iii. Should Income be detached from employment?
 - Society already does this, but largely for rich and privileged.
 - Any society where any form of inheritance or accepting non work related income is allowed, already detaches incomes from employment.
 - So receiving a small unearned income as it were, from the state should be economically and morally less problematic than the panoply of unearned incomes our society allow.
 - iv. Reciprocity: If society indeed is a "scheme of social cooperation", should income be unconditional, with no regard to people's contribution to society?
 - v. Fiscal cost given political economy of exit
 - Once introduced, it may be difficult for government to wind up a UBI in case of a failure.
 - This might affect implementation of other welfare schemes.

- Why Universalize
 - Limitations of Existing Schemes
 - » Sheer large number of schemes (950+ by central government only)
 - Too much bureaucratic cost involved.

- » Effectiveness of the schemes is poor - Misallocation -> Leakage
- » Exclusion of genuine beneficiaries
- How come an Universal UBI overcome these issues
 - » Every citizen getting basic income -> few chances of misallocation
 - Success hinges much less on local bureaucratic ability than do other schemes.
 - » UBI further reduces the burden on administration by doing away with the tedious task of separating the poor from the non-poor.
 - » Direct Benefit transfer eliminates out of system leakages and scope of diversion reduces considerably.
 - » Further because state is answerable to a larger section of its citizen, the out of system leakage further decreases.
 - » Universalization ends exclusion error.
- Way Forward: Three principles that can help guide thinking in this direction.
 - a. De jure universality, de facto quasi-universality:
 - Exclude on the basis of assets; Bring Give it Up Scheme; list of UBI beneficiary should be publicly displayed; Self-Targeting; Tax UBI;
 - b. Gradualism
 - One of the guiding principles can be gradualism the UBI must be embraced in a deliberate, phased manner. A key advantage of phasing would be that it allows reform to occur incrementally - weighing the cost and benefit at every step.
 - c. UBI and redistributing resource transfers to states
 - A number of state governments receive large amount of transfers that may not prima facie increase growth or consumption. The UBI offers a possible way around :
 - A part of the redistributing resource transfers may be transferred by the centre directly into beneficiaries accounts in the form of pilot UBI programme.
 - d. Other Key way-forwards:
 - i. Ensure 100% coverage of Jandhan-Aadhar and Mobile
 - ii. Create a framework for Centre-State Cooperation
 - A key federal question will be the centre-state share in funding of the UBI. This would like the GST, involve complex negotiations between federal stakeholders.
 - ESI suggest that initially, a minimum UBI can be funded wholly by the centre. The Centre can then adopt a matching grant wherein for every rupee spent in providing a UBI by the state, the centre matches it.
 - iii. Spread awareness about usefulness of UBI for the entire society and develop public support for it.
- Conclusion:
 - » Like the social market economy, the UBI reconciles economic efficiency and social security. It is radical, but also just. It is liberal and contemporary. Therefore it may offer the best social-political prerequisites for "prosperity of all" in the 21st century.
 - » India should begin to explore the nuances of shifting to basic income, explore alternatives, feasibility and gather evidence to make an informed choice.

8) SDG2: ZERO HUNGER BY 2030

- Why in news?
 - The Key to India's Hunger Challenge: A focus on gender sensitive growth (Aug 2023: Source: IE)
- Hunger:
 - Hunger is a situation when a person is not able to consume sufficient food to meet basic nutritional needs for a sustained period. The required number of calories may vary according to age, sex, physical activities etc.
 - The UN mandated SDG-2 of " 'Zero Hunger': ending hunger and ensuring access to nutritious and sufficient food for all" is supposed to be achieved by 2030.
 - This goal works in tandem with many others: Poverty Elimination (SDG1); Good Health and Well Being (SDG3); and the Need for Clean Drinking Water (SDG6).
 - Similarly other SDG goals (SDG4 - Education; SDG5 - Gender Equality; SDG8 - Decent Work and Economic Growth; SDG10 - Reduction of Inequality; SDG11 - Sustainable Cities and Communities; SDG16 - Peace, Justice and Strong Institutions; and SDG17 - partnership for goals also influence consumption patterns and healthy diet choice).
- Hunger Situation in India:
 - Malnourishment is a major challenge faced by India, especially amongst children below the age of five.
 - As per NFHS-5, 32% of children were underweight; 35% are stunted and 19% are wasted.
 - Global Hunger Index, 2022 has also ranked India 107/121 countries (worse than all our neighbours except Afghanistan (109)).
 - Though India has criticized GHI on several grounds, but still, it throws some light on the hunger levels in India.
 - GHI is using erroneous measure of hunger (i.e., it is measuring hunger in terms of other variables beyond the lack of food).
 - 3/4 variables are related to children and can't be representative of whole population.
 - The data for undernourished population is based on a poll conducted on a very small size of 3,000.
 - GHI seems to have ignored initiatives like PMGKAY, Anganwadi Scheme, PMMVY etc.
 - As per a report by UNICEF: Child Food Poverty, 13 countries across the world (including India), more than 40% of children live in severe food poverty.
- Key initiatives to fight Hunger Situation in India:
 - NFSA 2013 and the Public Distribution System
 - PMGKAY
 - Poshan Abhiyan: Launched by MoW&CD in 2018 is focused on reducing stunting, undernutrition, and anemia (among young children, women and adolescent girls).

- **Integrated Child Development Services (ICDS) Scheme:** Launched in 1975, the ICDS scheme offers a package of six services - Supplementary Nutrition; Pre-School non-formal education; Nutrition and Health Education; Immunization; Health Checkups; and Referral Services.
 - **Eat Right Movement:** It's an initiative by Food Standards and Safety Authority of India (FSSAI) for citizens to nudge them towards eating right.
 - **Various initiatives for Poverty Reduction; Health (like Mission Indradhanush); Employment; Environment Protection** etc. also contribute to fighting hunger situation.
- **Other Measures over the years which have contributed to fight against Hunger:**
 - **Green Revolution:** It has turned India from a "Ship to mouth" economy to the largest exporter of rice in the world. It has allowed the successful implementation of PDS, PMGKAY etc.
 - **White Revolution:** India has emerged as the largest producer of milk in the world.
- **Causes for high Hunger Levels in India:**
 - Hunger is a complex multidimensional problem.
 - In a 2008 paper, Hunger in the Contemporary World, Amartya Sen enumerated the interdependence of food deprivation and hunger on multiple factors.
 - **Low Income (Poverty)** - Poverty leads to poor living conditions, less income, insufficient food which eventually leads to malnourishment and hunger.
 - **Social Factors:**
 - **Gender Inequality:**
 - Inter-Family food distribution rules: Patriarchy leads to girl child getting food at the last or lesser food.
 - Low female literacy and education: Lack of adequate knowledge amongst mothers regarding nutrition, breast-feeding, and parenting.
 - **Economic Factors**
 - Poor Employment
 - **High Government spending** in non-social sector
 - **Huge Military expenditure** (as India lives in a very vulnerable neighborhood)
- **Other Factors include:**
 - **Poor Administration and Governance:** Corruption; Faulty PDS system; Unidentified hunger (inclusion and exclusion errors due to wrong allocation of BPL cards);
 - **Hidden Hunger:** Several types of nutritional deficiencies are occurring due to poor diet, diseases, and failure to meet the needs of women during pregnancy and lactation period.
 - **Economic and Health challenges** associated with **COVID-19**.
 - COVID-19 pandemic has exacerbate child undernutrition in general and child wasting in particular.
 - **Climate Change and weather extreme** also pose big challenge to India's food system and poverty alleviation targets.
- **Way Forward:**
 - **Intensive Hunger Specific Initiatives:**

- Improve the implementation of NFSA by removing all kinds of exclusion errors.
- In Post-Covid scenario, bring back and strengthen functional Anganwadis providing food and other services.
- Mid-day meal scheme should restart with full vigour in schools.
- **Improving Implementation:**
 - Social Audit
 - IT for better monitoring
- **Focus on other associated issues** like Water, Health, Sanitation, maternal and child health etc.
- **Focus on dietary diversity** -> Encouraging consumption of more diverse range of foods, particularly fruits, vegetables, and protein rich diets.
- **Social Changes:**
 - Addressing gender inequality
- **Accelerated and Inclusive Economic Growth:**
 - Women's participation rate in labour force is around 30% currently, which needs to increase. Here focus on literacy, skill development would be important.
 - **Look into the issues of Livelihood:** Expand rural employment guarantee scheme.
 - **Sustainable Agriculture:** Investment, Research, and Innovation for Sustainable Agriculture
- **Reducing food wastage and losses**
- **Adaptation and Mitigation** to climate change.

2. GS3: CYBER SECURITY

1) PYQS OF LAST 22 YEARS

- What are the different elements of Cyber Security? Keeping in view the challenge in cyber security, examine the extent to which India has successfully developed a comprehensive National Cyber Security Strategy (Answer in 250 words)
- Keeping in view India's Internal Security, analyze the impact of cross-border cyber-attacks. Also discuss defensive measures against these sophisticated attack [10 marks, 150 words]
- Discuss the types of Cybercrime and measures required to be taken to fight the menace [10 marks, 150 words] [Mains 2020]
- What is CyberDome project? Explain how it can be useful in controlling internet crimes in India. [10 marks, 150 words] [Mains 2019]
- Discuss the potential threat of cyber-attacks and the security framework to prevent it. [10 marks, 150 words] [Mains 2017]

- Considering the threats cyberspace poses for the country, India needs a "Digital Armed Force" to prevent crimes. Critically evaluate the National Cyber Security Policy, 2013 outlining the challenges perceived in its effective implementation. [200 words, 12.5 marks] [Mains 2015]
- Cyber warfare is considered by some analysts to be larger threat than even Al-Qaeda or terrorism. What do you understand by Cyber Warfare? Outline the cyber threats which India is vulnerable to and bring out the state of the country's preparedness to deal with the same. [200 words, 10 marks] [CSM 2013]
- What is a malware? [50 words] [CSM 2007]
- What is a firewall? [50 words, CSM 2007, CSM 2002]
- Who are 'hackers' in computer world? [50 words, CSM 2006]
- What is VIRUS? [50 words, CSM 2005]
- What is an 'Internet Worm'? Explain DDoS [CSM 2003]
- How does Computer virus destroy data? [CSM 2000]
- What is computer virus? How does it infect systems? [CSM 1999, 5 marks]

2) BASICS

- Cyberspace is the connected Internet Ecosystem".
 - Cyberspace today covers almost every crucial defence and civilian infrastructure including information technology network, banking and finance, transportation system, water supply etc.
 - It has also emerged as the largest unregulated and uncontrolled domain in the history of mankind.
 - It is the fifth potential theatre of warfare along with land, sea, air and space.
 - Thus, protecting cyber space has become a very high priority for every government in the world.
- Cyber Crime is a criminal activity that involves a computer and a network i.e., a criminal activity on the cyberspace.
 - It involves offences committed against people/ organization/ governments with a criminal motive to cause physical or mental harm, or loss to victim directly or indirectly.
 - It also threatens nation's security and financial health.
 - Cyber criminals are getting sophisticated with each passing day and are wreaking havoc by defacing websites and stealing confidential and privileged data for financial gain.
- Cyber Security is protecting our cyber space (critical infrastructure) from attack, damage, misuse and economic espionage.
 - It is a complex issue that cuts across multiple domains and calls for multi-dimensional, multilayered initiatives and responses.

3) GENERAL CYBER SECURITY CHALLENGES

- i. **Cyberspace has inherent vulnerabilities** that can't be removed.

- **Innumerable entry points** to internet
 - Even if a few points are vulnerable, the whole system can be cyber attacked.
 - The coming up of technologies like IoT which connects various 'things' with internet- increases the vulnerabilities of internet.
 - **Increasing penetration of Internet** with a large number of first-time users.
 - **Increasing connectivity of different sectors** -> more data being stored digitally -> more vulnerability.
- ii. **Difficult to identify the source of attack.**
- For e.g., CIA's UMBRAGE project has advanced capabilities of misdirecting attribution to another nation-state ("false flag attacks") by leaving behind false fingerprints.
- iii. **Fast evolving technologies**
- This allows cyber attackers to quickly exploit vulnerabilities. Further in the absence of timely updates, attack technologies surpass the defense technology allowing exploitation of the vulnerabilities.
- iv. **Nation states, non-state actors, and individuals** are at a **peer level**, all capable of waging attacks.
- v. Some countries **promote, shelter and encourage** cyber-crime as a political tactic.
- vi. **Cyber criminals (hacking groups have become very organized)**
- They are part of the underground ecosystem that channels tools, expertise, and infrastructure in criminal operations that extract billions of dollars of profit from data theft, extortion, and fraud.

4) IMPACT OF CYBER ATTACK – DIFFERENT WAYS IN WHICH CYBER ATTACK DAMAGES

- **National Security:** Cyber-attacks pose a major challenge to any country's National Security.
 - » **Cyber Espionage, Warfare, Terrorism** etc. emerged as a new challenge in India's National Security.
 - Cyber-attacks on India originating from China has increased manifold after the increased tensions on the borders.
 - US-Israeli joint efforts had unleashed the Stuxnet Worm in 2010 - which helped it disable several hundred centrifuges at the Iranian nuclear facility in Natanz.
 - » **Disabling of Critical Infrastructure** such as telephone network, satellite system, financial services can be brought by Cyber-attack.
 - For e.g., the malware 'DTrack' had breached a system at Kudankulam Power Plant.
- **Economic Loss - Financial Frauds**
 - » Cybersecurity Ventures estimate the global annual cybercrime cost to be \$6 trillion in 2021.
 - **Information Loss:** The largest cost impact from cybercrime is information loss (39%).
 - **Business Disruption:** Loss (36%)

- **Information Warfare:** It aims to impact the decision-making process of the target's citizenry for advancing particular narratives.
 - » With Big data, Behavioural and predictive analytics and AI, the nature of warfare in cyberspace has evolved.
 - » Sixth Generation Warfare (6GW) applies 'reflexive control' aided by these developments to target in an individualized manner and change the beliefs of the leadership or citizenry of the adversary through mass data and behavioral analytics.
- **Social Media** has been used for:
 - » **Fake news** - promoting social tensions and harming national integrity.
 - » **Radicalization** of youth has been happening through online platforms.
 - » **Honey trapping**
 - » **Data phising**
- **Cyber Hacktivists**
 - » They hack sites and servers to virally communicate the "message" for specific campaigns.
- **Violation of Right to Privacy**
 - » Individual's personal data is disclosed on public platforms.
- **Other Crimes:** e.g., Online Abuse, Harassment, Stalking, Child Pornography etc.

5) CYBER SECURITY SITUATION IN INDIA

- **Steady spike of Cyber Security** in the past five years:
 - As per NCRB, there were 12,317 cases of cybercrime in 2016, which has increased to 50,035 in 2020.
 - Late CoDS Bipin Rawat had said that cybercrime went up by 500% during the Pandemic.
- **Cybercrime increased drastically after the increased border tensions with China.**
 - Most of these attacks are DDOS, phising, data exfiltration, remote access tool malware and keylogging (tracking every keystroke made by a user).
 - Government websites and web portals have been the targets in the past too. What is different this time is that attackers appear to be well planned and aimed at extracting information and sensitive data.

6) LAWS, POLICIES, INSTITUTIONS, INITIATIVES TO ENSURE CYBER SECURITY IN INDIA

A) LEGAL FRAMEWORK

- Currently, the **Information Technology Act, 2000** is the primary law for dealing with cyber-crimes in India.
 - » **Section 43 (Data Protection), Section 66 (hacking), Section 66B punishment for illegally possessing stolen computer resource and communication devices, Section 67 (protection against unauthorized use of data), Section 69 (Cyber terrorism),** etc. are some key provisions which cover Cyber Security.

B) NATIONAL CYBER SECURITY POLICY 2013

- Aim:
 - i. Protection of information infrastructure in cyberspace
 - ii. Reduce vulnerabilities.
 - iii. Build capabilities to prevent and respond to cyber threats.
 - iv. Minimize damage from cyber incidents through a combination of institutional structure, people, process, technology and cooperation.
- Key Provisions
 - a. **Institutional Framework to promote Cyber Security**
 - **National Critical Information Infrastructure Protection Centre (NCIIPC):** it is a 24X7 mechanism to deal with cyber threats and works under NTRO to safeguard critical infrastructure.
 - **CERT-IN** has been designated as nodal agency for coordination of crisis management. It will also coordinate and operationalize sector CERTs.
 - a. **Developing Cyber-security Human Resource** (creating a workforce of 5,00,00 professional in 5 years)
 - b. **Promote R&D**
 - More Investment; Industry-Academia collaboration; Setting up Centre of excellence in cyber security areas; R&D in cutting edge security tech; focus on indigenous development of cyber security solutions.
 - c. **Promoting PPP and collaborative engagements** through technical and operational co-operation
 - d. **Each organization to promote cyber security through an information security policy and using only certified IT products.**
 - e. **Other provisions include** Updation of legal framework; Awareness program on cyber space; Periodic review of the adequacy and effectiveness of cyber security infrastructure etc.
- Need of Review
 - **Technological advancements** in the field of Artificial Intelligence, 5G, Internet of Things etc. have made the 2013 policy outdated.
 - **Human Resource Development** has been poor.
 - **Need of Governance Reform**
 - » India has 35+ different central bodies to look after cyber issues. Each organization has its own reporting structure and CERT (Indian Computer Emergency Response Team). This plethora of agency leads to confusion.
 - **Need of a Unified Cyber Security Framework** across various regulators
 - **Need of a Cyber-Defence Agency** - to implement the cyber defence strategy for national security.
 - » This should also provide for cyber commando forces to neutralize any cross border cyber terrorism or cyber-attack and help in development of specialized cyber police cadres in all state police departments.

- Awareness level in police and judiciary is still very low about cyber security.

C) VARIOUS INSTITUTIONS AND INITIATIVES:

- National Security Council (NSC) usually chaired by the NSA plays a key role in shaping India's cyber policy ecosystem.
 - National Information Board, also chaired by NSA, is meant to be the apex body to promote cross-ministry coordination on cybersecurity policymaking.
- National Critical Information Infrastructure Protection Centre established under the NTRO in Jan 2014 is mandated to facilitate the protection of critical informational infrastructure.
- The Indian Computer Emergency Response Team (CERT-IN) is the national nodal agency which responds to various cyber security threats to non-critical infrastructure.
- Ministry of Defence (MoD) has established a Defence Cyber Agency, a tri-service command of the Indian armed forces to coordinate and control joint cyber operations and craft India's Cyber doctrine.
- **Cyber Swatchta Kendra (Botnet Cleaning and Malware Analysis Centre)**: It has been launched for detection of malicious software programmes and to provide free tools to remove the same.
- **Cyber AASHVAST: India's first Cyber Crime Prevention Unit**
- **Other Initiatives to Promote Cyber Security in India**
 1. Awareness Generation
 - **Cyber Surakshit Bharat Initiative**
 - It was launched in 2018 to promote awareness about cyber-crimes and building capacity for safety measures for Chief Information Security Officers (CISOs) and frontline IT staff across all government departments.
 - **PMGDISHA**
 3. All the new government websites and applications are audited prior to hosting and on regular basis after hosting.
- 4. **Increased International Cooperation**
 - The second ASEAN-India Track 1.5 Dialogue on Cyber Issues was held in Oct 2020.
 - India also signed Memorandum of Cooperation with Japan in the field of Cybersecurity.
 - **Quad** countries also have agreed for cooperation on Cyber-Security

7) PROBLEMS ASSOCIATED WITH INDIA'S CYBER SECURITY SYSTEM

1. **Cyber Security Policy, 2013 and IT Act** needs to be updated to ensure that it remains fast tracked.

2. No Procedure Code for the investigation of Cyber or computer-related offences:

- As electronic evidence is entirely different in nature when compared to evidence of traditional crime, laying down standard and uniform procedures to deal with electronic evidence is essential.

3. Lack of coordination among the various institutions involved in cyber security.

- We don't have a unified national cyber security architecture. There are too many agencies which have led to concerns around effective coordination, overlapping responsibilities and lack of clear institutional boundaries and accountability.

4. Lack of trained manpower / Lack of focus on cyber security in educational and research institutes.

- In June 2023, a report by Team Lease Digital said that India had 40,000 job openings in the field of cyber security, but 30% of these vacancies couldn't be filled due to huge skill shortage.

5. Dependency on ICT Imports

- Mains hardware attacks can be Manufacturing Backdoors, Hardware tempering etc.
- Further, lack of digital solutions like data-sharing facilities and social media platforms have adversely impacted nation's self-reliance and cyber security.

6. Lack of awareness among public regarding the cyber security and significance of it.

- According to a survey by security solutions provider NortonLifeLock, around 52% adults admitted that they don't know how to protect themselves from cybercrime.

7. Rapidly changing technology

8. Use of Substandard Devices and rampant use of unlicensed software increases cyber security vulnerabilities in India.

9. Lack of private investment

10. India's cyber capabilities are mostly defensive and lacks offensive power.

- A cyber arsenal is also needed for strategic deterrence and this will also enhance our defensive approach.

11. Almost Complete absence of Cyber Security Framework at state level in many states

12. Absence of 'Global Cyber Norms' which can balance the competing demands of national sovereignty and transnational connectivity.

8) WAY FORWARD AND CONCLUSION

- **Reform policy, laws** - Both Cyber Security Policy 2013 and the IT Act, 2000 don't fully sync with today's cyber threat.
 - The new cyber security policy should also ensure coherence and coordination between various institutions.
 - It's high time that data privacy laws are prioritized by the legislature.

- **Human Resource Development**
 - Skill shortage has to be dealt with high priority:
 - Fill all the relevant position with cyber security experts.
 - States should set up a special cyber police station in each district or range, having technically qualified staff in every police station.

- **Upgrade Cyber Labs:**
 - Cyber forensic labs of states must by upgraded with the advent of new technologies.
 - The state of art, National Cyber Forensic Lab and the Cyber prevention, Awareness and Detection Centre (CyPAD) of the Delhi Police should also be asked to extend professional help to state labs.

- Focus on **Infrastructure and More R&D** in the sector.
 - Focus on how AI and ML can boost cyber defenses.
 - Promote cutting edge technology growth in the country to reduce dependency on imports of ICT.

- **Enhancing Cyber Warfare Capabilities:**
 - These enhancements would be technological, organizational, and human, employed for cyber offence, cyber defence, cyber deterrence, or combination of these.
 - Developing **offensive deterrence capabilities**
 - Specialized cyber security cells are needed in police departments of each state.

- **Promote Cyber Hygiene -**
 - **Ensure security in imported ICT devices.**
 - Set up **Trust Centres** (labs) to determine the level of trustworthiness of ICT vendors.
 - **Nurturing young netizens through digital civics.** Regular updates of hardwares and softwares, regular password changes etc.

- **Reduce dependency on imported ICT devices.**
 - Promote ICT manufacturing in the country.

- **Promote the role of Private Players**
 - **Encourage startups** in the field of social networking, cloud computing etc.
 - Private sector should get involved in **more industry focused processes** such as the Microsoft-initiated Cybersecurity Tech Accord and the Siemen's led Charter of Trust.

- Increasing **International Cooperation** to develop **Cyber Norms**.
 - Acceding to **Budapest Convention**, or **Convention on Cybercrime of the Council of Europe** (CETs no. 185), which started as a European Initiative but has attracted others, is an option that India should examine.
 - Further, International agreements should provide a binding obligation on 'red lines' with respect to cyberspace-targets that should be considered illegitimate due to their significance for human life, such as health-care systems, electricity grids, water supply and financial systems.

- Prepare for implication of Quantum Computing on Cyber security.
- Protect the country from informational (6th Generation warfare): - Measures to reduce foreign data collection; sectoral data localization; Enact the data protection bill; Integrate this modern form of warfare while developing India's security strategy.

Conclusion

- In India, it is imperative for our national security that cyber networks, software and cyber-physical systems, and platforms should be cyber-secure. This requires a judicious mix of people, policies and technologies, as well as robust Public Private Partnership.
- Various institutions need to be strengthened to bring in a **much-needed synergy** among various institutions and to work out a coordinated approach to cyber security, including cyber deterrence.

9) CYBER SECURITY THREATS FROM CHINA, AND CHINESE HARDWARE AND SOFTWARE

- **Why in news?**
 - A suspected cyberattack on the AIIMS in Delhi compromised personal health data of millions of patients, which was likely sold off on the dark web (Dec 2022)
- **Example Questions:**
 - "Adequate measures need to be adopted to strengthen India's cyber defence as it has become increasingly susceptible to Chinese Cyber Attacks" Elaborate [10 marks, 150 words]
- In 2018, CERT-IN (Computer Emergency Response Team - India) reported that **China was responsible for 35% of the total number of cyber-attacks** on official Indian website. Military forces suspect that this attack has increased substantially after the Galwan clashes.
- **Recent Example of Chinese Cyber Attacks:**
 - Cyber-attack on AIIMS in Dec 2022 which was may have compromised data of 3-4 crore patients.
 - **Attack on Ladakh Power Grid** in April 2022.
 - Earlier in 2021, Chinese state-backed hackers' group had targeted the IT system of two Indian vaccine makers - Bharat Biotech and Serum Institute of India (SII)
 - The Oct 2020, Mumbai power outage was also a result of multiple malwares deployed by Chinese group RedEcho.
- **Various types of Cyber threats from China:**
 - **Direct Cyber-attacks** - Hacking, DDOS, Phising, etc.
 - **Threats from Chinese apps and hardware**
 - **Smart Technology also pose security risks:** SMART Products which encompass the range of everyday technology that is being operated across residential and office spaces in India. These

include CCTVs, air conditioners, refrigerators, coffee machines, printers etc. Even the western produced devices depend on data sensors, modules and transmitters.

- In UK, a report sent to government explains that these Chinese components can be used to track the movements of intelligence officers and ministers. It can also be used for stifling industrial activities.

- **Key steps taken:**

- **Ban on several Chinese apps and technology** due to data leaks, vulnerabilities, and national security risks that they pose.
 - In 2020, India started banning Chinese applications which now cover more than 250 applications.
- **Examples of Chinese firms under wider scrutiny in India**
 - Exclusion from 5G telecom trials
 - Increasing restrictions on research collaboration
 - Income Tax Searches

- **Way Forward:**

- **Work on outlining technical evidence** to prove that the attacks are from China.
- **Complete analysis of Chinese Products** (Apps, Software, SMART Products) etc being used in India.
- **Work on developing competitive replacements** to Chinese firms.
- **Expand Cyber Defence and Cyber Offensive Capabilities** to counter these cyber-attacks.
- **Other suggestions to strengthen Cyber Security** (already discussed in detail)

10) STATE'S USE OF NON-STATE ACTOR IN CYBERSPACE

- **Example Question:**
 - Without proper legislation, states using non-state actors for cyberwarfare pose a significant threat to governments, businesses, and individuals (Aug 2023)
- **Introduction:**
 - A Cyber non-state actor is an entity with no specific physical territory or territorial sovereignty that operates in cyberspace. It can include individuals, groups, or organizations that operate independently or in association. Non-state actors can significantly threaten governments, businesses, and individuals.
- **Why do states choose non-state actors?**
 - **Protect themselves:** Though cyberspace ensures anonymity, non-state actors provide additional protection to the states during cyberattacks, as they can claim plausible deniability and avoid blame to evade indictment.
 - For instance, North Korea uses Bureau 121, a hacking group, to carry out cyberattacks primarily against South Korea while maintaining certain distance from their repercussions.
 - **Other factors** include lack of national capabilities, lack of resources, lack of national talent pool etc.

- Examples of non-state actors:

Types	Motives	Examples	Examples of their activities
State-Sponsored hacking groups	Advancing the states' geopolitical agenda as well as accruing financial gain	Lazarus Group: a North Korean-sponsored hacking organisation	A phishing attack on the Bangladesh Bank network to steal US\$81 million in 2016.
Cyber mercenaries	Financial gain	Team Jorge: A group of Israeli contractors engaged in malicious cyber activities	Kenya's presidential election campaign rigged by hacking personal chats and contacts of personal aides of President William Ruto to send messages to military commanders and ministers.
Hacktivists	Desire to contribute to social or political change	Ukraine IT Army: Cybersecurity experts who volunteered to attack Russia	Distributed denial of service attacks on 5,500 Russian websites in the initial months of the war.

- Implications:

- Cyberspace and non-state actors have reduced the gap between the well-off country and a developing country in terms of their capability to attack.
 - Non state actors are also used for strengthening cyber defences.
- **Threats:**
- The non-state actors also have a very disruptive and destabilizing nature.
 - They can also be a threat to democratic process - for instance cyber mercenary group Team Jorge claims to have interfered in 27 Presidential-level campaigns worldwide through hacking, disinformation, planting fake intelligence etc.
- **What should be done?**
- **International Treaty** - Against using non-state actors for cyber-attacks (use can be allowed for strengthening defences)
 - **Legislation** is necessary to curtail activities on non-state actors.
 - **Strengthen own Cyber Offence and Defence Capabilities.**
- **Conclusion:**
- As geopolitical rivalries deepen with time, the use of non-state actors is only set to grow. It is important that the nation states come to a international agreement against the use of non-state actors.

11) MAIN TYPES OF CYBER THREATS ON THE BASIS OF MECHANISMS USED

A) MALWARE

Malware (Malicious Software) is any program of file that is harmful to a computer user. It includes computer viruses, worms, Trojan horses and spyware.

- These malicious programs can perform a variety of functions, including stealing, encrypting or deleting sensitive data, altering or hijacking core computing functions and monitoring users' computer activities.
- **Virus**
 - A virus is a malware that can execute itself and spreads by infecting other programs or file. Viruses are typically attached to an executable file or a word document. They often spread via P2P file sharing, infected websites, and email attachment downloads.
 - Once a virus finds its way onto your system, it will remain dormant until the infected host file or program is activated, which in turn makes the virus active enabling it to run and replicate on your system.
- **Worm** is a type of malware that can self-replicate without a host program. Worms typically spread without any human interaction or directives from malware author.
- **Trojan Horse** is a malicious program that is designed to appear as a legitimate program. Once activated following installation, trojans can execute their malicious functions.
- **Spyware** is a kind of malware that is designed to collect information and data (including intellectual property data) on users and observe their activity without users' knowledge.
- **Ransomware** is a sophisticated malware that bypasses the traditional layers of security and makes the user's computer files inaccessible by either locking them up or encrypting them. The user is then asked to pay a "ransom" to the cybercriminals to regain access to the data.
 - E.g. **WannaCry** (May 2017)
 - Ransomware attacks on AIIMS in Dec 2022.
- **Rootkit** is a type of malware designed to obtain administrator level access to the victim's system. Once installed, the program gives threat actor the root or privileged access to the system.

B) ADVANCED PERSISTENT THREAT (APT)

- An APT is a prolonged and targeted cyberattack in which an intruder gains access to a network and remains undetected for an extended period of time.
- The intention of an APT attack is usually to monitor network activity and steal data rather than to cause damage to the network or organization.
- They typically target organizations in sectors such as national defense, manufacturing and financial industry as these companies deal with high-value information, including IPR, military plans etc.

C) DENIAL OF SERVICE (DISTRIBUTED DENIAL OF SERVICE)

It is an attack in which a malicious bot sends more traffic to a targeted IP address than the programmers who planned its data buffers anticipated someone might send. The target becomes unable to resolve legitimate requests.

D) RANSOMWARE – MORE DETAILS

- **Why in news?**
 - In Nov 2022, for sometimes, e-services of All India Institute of Medical Sciences (AIIMS) were crippled by what is being suspected to be a ransomware attack.
- **What is Ransomware?**
 - It is a type of malicious software, used by criminals, to infect a computer system by blocking access to the stored data by encrypting the files. A ransom is then demanded from the owner in exchange of the decryption key.
- **How serious was the AIIMS ransomware attack?**
 - At least five of the AIIMS' servers that hosted data related to more than three crore patients were compromised.
- **How serious are ransomware attacks?**
 - Cybersecurity firm Trellix, in its third quarter global report, had identified 25 major ransomware in circulation. As per Interpol, Ransomware was the second highest ranking threat after money laundering, at 66%. It is also expected to increase the most (72%).
 - In India, several cases of ransomware attacks targeting commercial and critical infrastructure have been reported in the recent past.
 - » In May 2022, SpiceJet had faced such threat.
 - » In April 2022, Oil India, a PSU was targeted.

E) CRYPTOJACKING

- **Definition:**
 - It is a cyber-attack wherein a computing device is hijacked and controlled by the attacker and its resources are used to illicitly mine cryptocurrency.
 - In most cases, the malicious program is installed when the user clicks on an unsafe link or visits an infected website - and unknowingly provides access to their internet-connected device.
- **Why has Cryptojacking incidents gone up?**
 - The crackdown on other kinds of attacks like ransomware has forced cybercriminals to look for alternative methods.
 - Cryptojacking involves lower risk and promises higher returns.
 - Unsuspecting users across the world see their devices get unaccountably slower, but it's hard to tie to criminal activity, much less point to the source.
- **Way Forward:**

- Increase awareness of Cyber Hygiene and enhance cyber security (already discussed in details).

F) ACOUSTIC SIDE CHANNEL ATTACKS

- Why in news?
 - A research paper titled "A Practical Deep Learning-Based Acoustic Side Channel Attack on Keyboards", published and supported by the ethics committee of Durham University, U.K., revealed that **AI can be used to decode passwords by analysing the sound produced by keystrokes** (Aug 2023)
- Understanding Side Channel Attacks (SCAs):
 - SCAs are methods of hacking a cryptographic algorithm based on analysis of auxiliary systems used in the encryption method. It can be done by collections of signals emitted by devices, including electromagnetic waves, power consumption, mobile sensors as well as sound from keyboards and printers to target devices. Once collected, these signals are used to interpret signals that can be then used to compromise the security of a device.
 - Studies have shown that when a classifier is trained on keystrokes by a nearby phone, it achieves an accuracy of 95%, the highest accuracy seen without the use of a language model.
- In Acoustic Side Channel Attacks (ASCA), the sound of clicks generated by a keyboard is used to analyze keystrokes and interpret what is being typed to leak sensitive information.
 - These attacks are very dangerous as sound from keyboards are readily available and their misuse is under-estimated by users.
 - Penetration of laptops have also made it more risky as same laptop models tend to have the same key making it easier to AI Deep Learning to deal with it.
- ASCAs are not new and have been used since 1950s when acoustics emanating from encryption devices were used to crack their security. But, with new technologies like deep learning the threats have enhanced.
 - How can users protect against ASCAs?
 - No explicit means of defence but some measures like touch-based typing of passwords can reduce vulnerability.
 - Creating stronger passwords that use a combination of lower- and upper-case letters can solve the problems to some extent.
 - Avoid easily recognizable phrases which can make it easier for AI models to predict the text.

3. PRELIMS FACTS

1) S&T: CYBER SECURITY: C-DOT

- **Why in news?**
 - C-DOT celebrates its 40th Foundation Day (25th Aug 2023)
- Centre for Development of Telematics (C-DOT) was established in 1984 as an autonomous Telecom R&D centre of DoT, Gol. It is a registered society under the Societies Registration Act, 1860.
- It is chaired by Ministry of Communication and Information Technology.
- It is a registered public funded research institute with the Department of Scientific and Industrial Research (DSIR), Ministry of Science and Technology.
- **Key contribution:**
 - In its initial years, it triggered the telecom boom in the rural India that was responsible for all around socio-economic development.
 - As part of its development process, it also spawned a wide base of equipment manufacturers and component vendors for the industry.
- Over the years it has evolved into full-fledged telecom R&D institution, that complies with level-5 maturity on CMMI Model and has capabilities to undertake large-scale state of art telecom technologies development programs.
- C-DOT as a torch bearer of indigenous telecom R&D continues to develop latest technology products in areas like Optical, Switching, Wireless, Security and Network Management while also working on futuristic technologies like M2M/IOT, 5G, AI etc.
- It also works towards realizing the objectives of various flagship programs of the Government of India that include Digital India, Make In India, Skill India, Startup India, and Smart Cities.

2) S&T: CYBER SECURITY: TRINETRA – ENTERPRISE SECURITY OPERATION CENTRE

- Ministry of communication and information technology has launched TRINETRA on 25th August 2023.
- It is aimed at providing end-to-end security solution to the organizations for detection, analysis and mitigation of cyber security threats.
- It is a combination of multiple security systems like Security Information and Event Management (SIEM), Security Orchestration and Automated Response (SOAR), Data Loss prevention etc.
- It provides 24X7 near real-time actionable cyber security status and detection and resolution of cyber threats (Virus, Malware, Ransomware, Spyware etc.)
- It also performs security evaluation of organization's IT assets by protecting endpoints including PC, Laptop, Servers and VMs by detection, analyses, and mitigation of vulnerabilities and giving AI enabled automated responses to the cyber threats ensuring protection of sensitive data.



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DAILY ANSWER WRITING & MENTORSHIP PROGRAM



SOCIOLOGY

By Nishat Sir



HISTORY

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1. GENERAL STUDIES-2

1) POLITY: ELECTIONS – ONE NATION ONE ELECTION

- **Why in news recently?**
 - The government has constituted an 8-member high-level committee headed by former President of India **Ram Nath Kovind** to explore the possibility of "one nation, one election" (Sep 2023)
- **Practice Questions:**
 - Discuss the key problems simultaneous elections to Lok Sabha and State Legislative assemblies are expected to solve. [10 marks, 150 words]
 - 'Simultaneous election to the Lok Sabha and the State Assemblies will limit the amount of time and money spent in electioneering but it will reduce the government's accountability to the people' Discuss [10 marks, 150 words] [CSM 2017]
- **What is Simultaneous Elections?**
 - Simultaneous Elections is defined as structuring the Indian election cycle in a manner that elections to Lok Sabha and State assemblies are synchronized together. In such scenario, a voter would normally cast his/her vote for electing members of Lok Sabha and State Assembly on a single day and at the same time.
- **History**
 - Though Vidhan Sabha and Lok Sabha elections started simultaneously in the fifties, in time they developed a natural rhythm of their own, responding to their specific contexts.
- **Why the demands for simultaneous elections?**
 1. **Reduce Policy Paralysis due to frequent elections.**
 - Currently, the Indian polity is in a perennial election mode where the country witnesses 4-5 assembly elections and a number of local body elections throughout the year.
 - Model code of conduct from the time of announcement of elections actually put a lot of limitations on new developmental projects and schemes by both center and states.
 - NITI Aayog has found that MCC is in force for an average of 4 months every year, thus limiting the work of development for 33% of the period in a year.
 - Ministers (being politicians) focus more on elections rather than on various ministries/departments.
 2. **Diversion of Human Resource** (like teachers and other government staff) for election purpose
 3. **Focus on long term goal/ politically difficult decisions**
 - Frequent elections forces government to focus on short term populist measures due to the electoral process.
 4. **Saving Expenses:** Simultaneous elections will save a lot of money - by ECI as well as by the Political Parties.
 5. **Easy for Election Commission**
 - Election commission will have to focus on election only once or twice in five years according to plan taken

6. Limit the use of security forces for election work
7. Voter Participation may increase as they have to come only once or twice to the booth.
8. Other problems due to frequent elections
 - Disrupts normal public life and impacts the functioning of essential services
 - Frequent elections **perpetuates casteism and communalism.**
 - For Chief Election Commissioner wrote that **elections are polarizing events which have accentuated casteism, communalism, corruption and crony capitalism.**

- Commissions/Committees

- Law Commission of India headed by Justice **B.P. Jeevan Reddy** in its **170th report (1999) on Reform of Electoral laws recommended** simultaneous elections to Lok Sabha and State legislative assemblies. It was **reiterated by draft recommendations of LCI in Aug 2018.**
 - It also provided a mechanism of preventing dissolution of assembly by **replacing no confidence motion with a constructive no confidence** through appropriate amendments.
- The **Department related parliamentary Standing Committee on Personnel, Public Grievance, Law and Justice** in its **79th report (Dec 2015)** and recommended holding simultaneous elections.
- NITI Aayog in a **white paper released in 2017** also supported simultaneous elections.
- Now, on **1st Sep 2023**, the central government has **constituted a committee under the chairmanship of former President Ram Nath Kovind** to examine the issue.

- Some Criticisms and Impediments to simultaneous Elections

1. May undermine federal structure and democracy.
 - Constitution recognizes existence on **28 states which have a constitutional status of their own** in matters of elections and government formation. Any violation of this federal structure **may be seen as the violation of the basic structure of the constitution.**
 - **Keeping absolute power in check:** In our constitutional scheme, the **federal structure is an important check upon the concentration of power** (buttressed by the existence of the Rajya Sabha at the Central Level). This federal structure is **sustained by a plurality of political outfits**, at the State Level. But simultaneous elections may **undermine this plurality**, and risk concentration of power.
 - **Elections are about democratic representation everything else is secondary (including expenditure).**
2. Simultaneous Elections may hamper public participation and debate:
 - In the Indian Constitutional scheme, we don't have **public participation in law making a guaranteed right. Elections are the only form of participation in public sphere. Relatively regular and frequent elections allow for more extended public participation and debate;**
3. **Impractical:** Needs constitutional amendment; Preventing decoupling would be a challenge.
 - a. **Beginning the process would be challenging.**
 - Some state assemblies will have to be **extended** while some will have to be **cut short** - this would be unfair to sovereign democratic mandate given to states in the first place.
 - b. **How to stop decoupling cycle to start once again**
 - If Lok Sabha is dissolved before five years -> what happens to all assemblies

- If any other state government falls -> what happens to this state
 - **Options: Constructive No Confidence Motion**
 - Instead of dissolving invite opposition to form government for rest of the period.
 - c. **Not possible in existing constitutional framework:** Constitutional Amendment would be required to initiate the simultaneous election process in articles such as **Article 83** (fixed tenure for LS i.e. five years), Article 85, **Article 172** (Fixed tenure for legislative assembly i.e. 5 years), Article 174 and 356 of the constitution.
4. **Local issues may be put to backburners**
 5. **Benefit national parties at the cost of regional players**
 6. **Frequent elections keep governments on alert**
 7. **If Model Code of Conduct is an issue - amend and modify it**
- **Conclusion1** (if you are not supporting simultaneous elections)
 - Constitutional experts like Gautam Bhatia say that administrative benefits from simultaneous elections are overstated at best, and non-existent at worst. But, the damage to federalism and democracy may be big. Therefore, the idea of simultaneous elections is a bad one, and ought not to be acted upon.
 - **Conclusion2:** (If you are supporting simultaneous elections)

2) G20/G21

- **Introduction**
 - The Group of Twenty (also known as G-20 or G20) is an international forum for the governments, finance ministers and the central bank governors from 20 major economies.
 - It was founded in 1999 as an informal forum of Finance Ministers and Central Bank Governors of its members to meet annually, with the aim of studying, reviewing, and promoting high level discussion of policy issue pertaining to the promotion of international financial stability.
 - Its agenda was expanded in 2008 with the inclusion of the head of government in the meet. After this first summit it replaced the G8 as the main economic council of the wealthy nations.
 - G-20 in the current form is the child of 2008 global financial crisis.
 - Please note that G20 is an informal grouping and thus it doesn't have permanent secretariat/ staff. **Rather, G20 presidency rotates annually** among members and is responsible for bringing together the G20 agenda, organizing its workings and hosting summits.
- **Members**
 - **19 countries and EU**
 - Canada, US, Mexico, Brazil, Argentina, UK, France, Germany, Italy, Turkey, South Africa, Saudi Arabia, Russia, China, India, Japan, South Korea, Indonesia and Australia.
 - EU is represented by European Commission and European Central Bank.
 - **Note:** In the 2023 summit in Delhi, inclusion of African Union has been agreed upon.
 - **The UN, IMF and WB** also attend G20 meet.

- Spain is a permanent guest invitee at the summit.
- Objectives:
 - Policy Coordination between its member countries in order to achieve global economic stability, sustainable growth.
 - To Promote Financial Regulations that reduce risks and prevent future financial crisis.
 - To Create a new international financial architecture.
- Significance of G20
 - G20 has emerged as the premier forum of international economic cooperation, a sort of mini-UN, towards building an open world economy. G20 got its reputation because of its ability to restore stability in the global financial system after the 2008-09 crisis.
 - Discussions and agreements at G20 help in reshaping the governance of global finance. It has enabled work towards reform of IMF, WB and United Nations as all the major world economies are represented here.
 - The member countries (before addition of AU) represent 90% of the Gross World Product, 80% of the trade, 2/3rd of the World Population and approximately half of the world land area.
 - When global governance in general is continuing to reflect the power equations at the end of World War - II, the G20 is a recognition of the changed realities and has given a place at the international high table to emerging powers.

A) 2023 G20 SUMMIT: INDIA

- India's Presidency Theme was "Vasudhaiva Kutumbakam" which means "the world is one family".
- Key Outcomes:
 - New Delhi Declaration: The G20 has adopted a consensus declaration with following highlights:
 - **On Ukraine War:**
 - All states must act in a manner consistent with purposes and principles of UN charter in its entirety.
 - They must refrain from threat or use of force to seek territorial acquisition against territorial integrity and sovereignty or political independence of any state. States must also refrain from use of or threat of use of nuclear weapons.
 - Peaceful resolution of conflicts and efforts to address crisis as well as diplomacy and dialogue are critical.
 - **"Today's ERA must not be of war"**
 - **On Grain/Food/Energy Security:**
 - The declaration calls on Russia and Ukraine to ensure unimpeded delivery of food and fertilizer inputs from Russia and Ukraine.
 - **On Economies and Financial Market:**
 - It endorses financial board's high level recommendations for regulation, supervision and oversight of Crypto-assets, activities. Finance Ministers and central bank governors will discuss taking forward the cryptocurrency roadmap at their meeting in October.

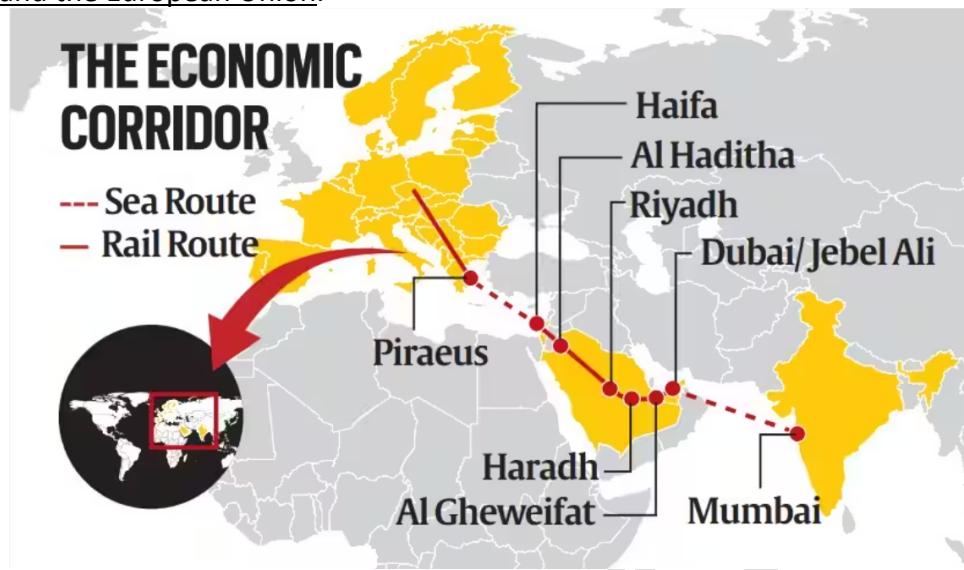
- **Renew our commitment** to ensure a level-playing field and fair competition by discouraging protectionism, market distorting practices.
 - **On Climate Change:**
 - Notes that there is a need to accelerate efforts to phase down unabated coal power, in line with national circumstances.
 - The declaration noted that \$5.8-5.9 trillion in pre-2030 period is required by developing countries, in particular for their needs to implement their emission targets.
 - **On Global Debt Vulnerability:**
 - It committed to promoting resilient growth by urgently and effectively addressing debt vulnerabilities in developing countries.
 - **Health:** It remains committed to strengthening global health architecture.
 - **Terrorism:** It condemns terrorism in all its forms and manifestations, including those on the basis of xenophobia, racism, and other forms of intolerance, or in the name of religion or belief, recognizing the commitment of all religions to peace.
- **Announcement of G-20 decision to include the 55-nation African Union**, the second regional bloc to join the G-20 after the EU.
- With this, the future summits in Brazil and South Africa is expected to take India's Global South Initiative forward.
 - The move help tilt the balance within G-20 away from Power-11 of the geopolitical powers, the G7, Australia, the EU and the Russia and China combined to the Developing 10 (Argentina, Brazil, Mexico, African Union, South Africa, Turkey, Saudi Arabia, India, South Korea and Indonesia) who make up rest of the member.
- **Finance Track of India's G20 Presidency** also paved the way for coordinated global approach to regulating cryptocurrencies, strengthening multilateral development banks' lending capacity and replicating the use of digital public infrastructure like the India Stack to expand financial inclusion around the world.
- Discussion on the regulation roadmap for cryptocurrencies and strengthening of developmental banks will continue in Morocco in Oct when the G-20 ministers will meet in Marrakech for the IMF and World bank autumn meeting.
- **Announcement of India-Middle East - Europe Economic Corridor (IMEE EC)** to strengthen economic connectivity between India-West Asia and Europe.
- **Launch of Global Biofuel Alliance** on the sidelines of G20 summit.
- **Analysis:**
- **Positives:**
 - **India's G20 presidency was both a challenge and opportunity for India to showcase its leadership in global affairs:**
 - There were several challenges - the international order is in a flux, geopolitical contestation has sharpened, weaknesses of existing multilateral institutions and the global economy is facing strong headwinds.

- But, by forging the consensus between the G-20 nations on New Delhi Declaration, India has shown its diplomatic ability, growing clout and cordial relations on both sides of the divide.
- **India has made G-20- more inclusive:** What was once a summit merely for technocrats and policy wonks has become a people's festival.
 - It was a tremendous organizational effort, with over 200 meetings in 60 cities, and association of sections of society, economy and the academic community.
- **Interest of Global South** has been given much higher profile in this summit.
 - India organized a Voice of Global South Summit with participation from 125 countries.
 - The inclusion of African Union was a powerful symbol of importance attached to the Global South
- IMEE EC which was unveiled during the summit has the potential to be an effective counter, though comparatively limited in scope, to the ambitious BRI.
- **The GBA** was an important step towards more research and delivery of alternative energy sources for a world still dependent on fossil fuel.
- The summit also focused on Technological Transformation and Digital Public Infrastructure (DPI), thus providing India an opportunity to showcase its considerable accomplishments in these areas.
- **Conclusion 1:**
 - "With its deft leadership, New Delhi has managed to put its own distinct imprimatur on the G-20, making it a much more dynamic platform and in the process, India has managed to elevate its own credibility in the global order" - Harsh V Pant.
- **Conclusion 2:**
 - "As the G20 President, we had pledged to make the global table larger, ensuring every voice is heard, and every country contributes. I am positive that we have matched our pledge with actions and outcomes" - PM Narendra Modi.

B) INDIA-MIDDLEEAST-EUROPE ECONOMIC CORRIDOR (IMEE EC)

- It was announced by PM Modi during the G20 Summit in India in 2023
 - India, USA, UAE, Saudi Arabia, France, Germany, Italy and the European Union Commission have signed MoU to establish IMEE EC.
- It entails an ambitious project that could leverage railway tracks and shipping corridors to help physically link up a vast stretch of the Eurasian subcontinent and in the process improve digital connectivity and catalyze trade among countries including energy products including Green Hydrogen.
- It will consist of **two separate corridors**:
 - **East Corridor** connecting India to West Asia/ Middle East
 - **Northern Corridor** connecting West Asia/Middle East to Europe

- i. It involves laying of a railway link through the Arabian Peninsula that could then link up with shipping passages to India and Europe on both ends.
- The initiative is jointly spearheaded by the US and India, and spans India, UAE, Saudi Arabia, Jordan, Israel, and the European Union.



- **Significance:**
 - **Impetus to Economic Development:** It is being positioned as a modern-day spice route which can lead to enhanced connectivity and economic integration.
 - **Strategic Significance:** it will act as weighty ideological alternative to China's BRI.
 - **Reduce dependency on Suez Canal:** The use of land route in the Arabian Peninsula could mean bypassing the congested Suez Canal that cargo ships currently take. Eventually it will create a seamless corridor running all the way from Southeast Asia to Europe.
- **Official timelines and Funds** details is yet to be announced.

C) GLOBAL BIOFUEL ALLIANCE

- Launched during the sidelines of G-20 Summit in Delhi in 2023 by PM Modi and a host of global leaders including US President Joe Biden, Brazilian President Lula da Silva, Bangladesh PM Sheikh Hasina and Italian Prime Minister Giorgia Meloni.
- **Initiating members** include USA, Brazil, Argentina, Italy, South Africa, Mauritius, UAE, India and Bangladesh.
 - **Observer Countries:** Singapore and Canada.
- Other G-20 countries have been urged to join the initiative.
- **The alliance is aimed** at facilitating global cooperation in increasing the sustainable production and use of biofuels across the sector.
 - Its focus is on strengthening market, facilitating global biofuel trade, developing concrete policy lesson-sharing and providing technical support for national biofuel program worldwide.
 - **Target:** Take ethanol blending with petrol globally to 20%.

- The Alliance mirrors International Solar Alliance (ISA) which aims to bring clean and affordable solar energy within the reach of all.

1) ECONOMY: INDIRECT TAX: GST

- **Why in news?**
 - Total GST collection for **FY23** stood at **18.10 lakh crores**, 22% higher than the previous year.
- **Example Questions:**
 - "The last six years of the GST journey have been like the "samudra Manthan" that began with unwanted element of transition, but slowly yielded the nectar of higher revenues" Elaborate [10 marks, 150 words]
- **Introduction**
 - The GST is the most important indirect tax reform in recent years and it carried VAT to its logical conclusion. It was passed by Parliament in Aug 2016 through the 101st Constitutional Amendment Act and was rolled out from 1st July 2017.
- **Key Features:**
 - It has subsumed several indirect taxes at central and state level and acts as one indirect tax for the whole nation on the supply of goods and services.
 - **Avoids Cascading** of taxes through input tax credit (ITC) mechanism.
 - It is applicable on supply of goods and services instead of earlier concept of tax on the manufacture or sale of goods or on provision of services. It is a destination-based tax. Earlier indirect taxes were origin based.
 - GST is a dual tax and centre, and states are simultaneously levying it on a common base.
 - An integrated GST (IGST) is levied on inter-state supply of goods and services.
 - **Imports of goods or services** are deemed as supply of goods or services or both, in the course of inter-state trade or commerce and thus attract IGST.
 - Note: Basic custom duties which were levied on import of goods, continue to be levied in addition to IGST on imported goods.
 - **Exports** are zero-listed.
 - **GST Council** is a federal Constitutional authority created to give recommendations on the rates of taxes on different goods and services. It is chaired by Union Finance Minister.
- **Advantages of GST**
 - i. **For Business and Industry-> Easy compliance** (online filing, single tax, less chance of harassment); **Uniform tax rate** (common national market, easy expansion); **Removal of cascading** (reduction of total tax payment); Increase competitiveness; **gain for manufacturers and exporters**.
 - ii. **Advantages of Government (Center and State) -> Easy administration** (Single Tax, end to end IT system); **Better control over leakage** (robust IT infra, simple tax structure -> easy compliance); **Improved tax base**; A more transparent basis for apply WTO's National Treatment Principle; **Higher revenue efficiency** (less cost of administration); **Spur economic growth**; **Reduced**

corruption; Promote cooperative federalism (In GST system center and states work together for the nation's benefit).

iii. For Consumers/citizens -> Cheaper goods and services; Higher revenue efficiency-More money with government -> More social initiatives; **increased resource for resource consuming states** (as this is a destination-based tax).

A) 6 YEAR ANALYSIS OF GST AND KEY SUGGESTIONS FOR IMPROVEMENT

- Positives:

- **Tax base has increased** (Update)
 - **Average monthly GST collections** has increased to 1.55 lakh crore in 2022-23.
 - **Number of GST taxpayers** have increased from 70 lakh in FY18 to 1.4 crore in FY23.
 - **Small businesses and informal sectors** initially faced some issues, but many of them jumped to the tax net to take advantage of ITC.
 - **GSTN**, as a common technology platform has simplified tax compliance. It provides a one stop solution where key business process registration, payment of duties and filing of returns are done online in a transparent manner.
 - **Action taken against tax evaders, including steps being taken by tax authorities**, has resulted in better compliance and helped push the growth in GST collection.
- **Facilitated free movement of goods and services** and **Increased efficiency of logistic supply chain:**
- **Reduced Tax Burden:** Overall tax on many essential use items have come down. Further, with input tax credit the cascading has been reduced.
- **Push for Cooperative federalism:** GST Council has played a crucial role in forging a national consensus on key issues related to tax regime - rates, exemptions, business, processes, and movement of ITC.
- **System has evolved to simplify tax compliance for MSME sector:** Recently, threshold exemption limit was increased from 20 lakh to 40 lakh for goods and Quarterly Returns and Monthly Payments (QRMP) system was introduced.
- **Tax Evasion has reduced:**
 - E-Invoicing has become an integral part of doing business in India.
 - The GST number that can track every supply chain transaction has helped to address fraudulent claim.
 - **Coordination between CBIC and CBDT** has increased to ensure easy compliance.

- Negatives/Limitations

- **Federal Issues:**
 - **Fiscal Autonomy reduces for states and ULBs** - states now have limited scope to raise their own revenue. **ULBs are also much weaker and more dependent on state grants.**
 - It **harms the producer state and reward the consumer state** in terms of revenues.
 - States like TN which have invested heavily in their manufacturing ecosystem are not facing revenue challenges. **GST compensation period has also ended. After the end of GST compensation, fiscal strain is expected in state budget as the median growth rate of subsumed tax in many states are much lower than 14%.**
- **GST Council decides the increase or decrease of tax rates.** Earlier, these powers were only with Parliament/state legislatures.

- **Criticism of keeping some items out of GST Net.**
 - This goes against the principle of 'One nation one tax'. It also allows continuance of cascading.
 - Further, sectors like airline industry is not able to get credit for taxes paid of jet fuel.
 - Major black money generating sector such as real estate are out of the GST regime
 - **Multiple Rates and Cess -> not a simple tax**
 - **Advanced Economies like USA have also not moved onto GST path yet:** It is mostly due to their federal structure and federal autonomy.
 - **Large businesses/units are reluctant to purchase from MSME sector** as they don't get ITC.
 - **Delay in establishment of Appellate tribunal** related to GST is increasing the burden on Judiciary. Trapped GST refunds and numerous court cases are alarming.

- **Way Forward:**
 - **GST structure needs to be further simplified and rationalized:** This was recommended both by 15th Finance Commission and the Revenue Neutral Rate Report.
 - New structure should have lesser number of rates (preferably 2, but at max 3).
 - National Institute of Public Finance and Policy has also recommended a three-rate framework of 8%, 15% and 30%.
 - **Petroleum products** should be brought under GST regime. This should be followed by inclusion of real estate and electricity sector.
 - **To increase the attractiveness of MSME sector** by large enterprises, amend the law to provide that all units buying from unregistered GST suppliers would have to pay duty on a reverse charge basis.
 - **Set up GST Appellate Tribunal** as soon as possible as dispute resolution remains a pain point.
 - Finally, **GST Council's working needs tweaking**.
 - During Vajpayee regime, Yashwant Sinha established a culture of consensual decision making on indirect taxes. He did this by requiring the Empowered Committee of State Finance Ministers to be headed by a finance minister from an opposition-run-state government, such as Asim Das Gupta from WB and Sushil Modi from Bihar. This spirit can be translated in GST Council's functioning as well.

B) GST ON GAMING SECTOR

- **Why in news?**
 - GST Council, in its 50th meeting in July 2023 decided to levy a uniform 28% tax on full face value for online gaming, casinos, and horse-racing. (July 2023)

- **About Online Gaming Market:**
 - The revenue of the Indian Mobile Gaming industry is expected to exceed \$1.5 billion in 2022 and is estimated to reach \$5 billion in 2025.
 - It grew at a rate of 38% CAGR between 2017-20.

- **Details of GST Council's decision:**

- The GST council has recommended a uniform levy of 28% tax on the face value of chips purchased in the case of casinos, on the full value of bet placed with bookmaker/totalizer in the case of horse racing, and on the full value of the bets placed in case of online gaming.
 - Government has now expected to bring amendment to the GST-related laws to include online gaming and horse racing in Schedule III as taxable actionable claims.
- **Significance:**
- Increase in tax base.
 - The taxation aligns with the regulation of the MeitY.
 - Moral suasion to stay away from betting and online gaming addiction.
 - Simplification and transparency in the gaming sector.
- **Criticism:**
- Online gaming companies have said that this will be catastrophic for online gaming industry which have to compete with several international players.
 - They also complaint that it will benefit illegal gaming platforms.
 - Nowhere in the world is tax levied on the entire money that is pooled in online game. The levy of tax is always on the amount charged for the provisions of service and this can only be on the platform fee or service charge levied by any gaming company.
 - Negative impact on employment in a sector which already employs more than 100,000 employees.

2) INCREASING DIRECT TAX BASE

- **Why in news?**
 - Less than 6% of the population has filed ITR in FY23 (July 2023)
 - Only 7.4 crore people out of 140 crore population have filed ITR in 2022-23.
- **Example Questions**
 - Though the direct tax collection has increased in recent years, there is still a huge scope for improvement. Suggest measures to increase direct tax base in India. [10 marks, 150 words]
- **What is Direct Tax?**
 - Direct taxes are those taxes where impact and incidence lie on the same point (i.e. the burden for the tax falls on the entity that is being taxed). These taxes are generally progressive in nature and are highly elastic.
 - Because the direct taxes are **progressive**, they bring equity in society (which doesn't happen with indirect taxes). Therefore, the direct taxes need to be monitored carefully.
- **Direct Tax in FY23:**
 - India's net direct tax collection has risen by 17.63% in 2022-23 to touch **Rs 16.61 lakh crores**, as per the data released by Finance Ministry in April 2023.
 - It was 14.09 lakh crore in FY22 and 9.41 lakh crores in FY21.
 - **Corporate Tax - Rs 10.04 lakh crores** (51.1% of direct tax) and **Personal Income Tax** and Securities Transaction Tax accounted for **Rs 9.61 lakh crores** (48.9% of direct tax)

- **Current Tax Base:**
 - Less than 6% of the population has filed ITR in FY23. Only 7.4 crore / 140 crore population have filed ITR in FY23.

- **Why is it important to increase the Direct Tax Base?**
 - **Boost Economic Growth:** More Resources with government will let better implementation of various infrastructure and social projects.
 - **Fights Inequality:** Indirect tax are regressive, but direct taxes are progressive and thus promote equality. Direction taxes also avoid severe distortionary trend of indirect taxes.
 - **Educative Value:** Direct tax creates a civic sense among taxpayers. Because money is directly paid by citizens, they become more vigilant of where and how government is spending their money.
 - **Anti-Inflationary:** Direct Tax can be considered a good instrument of anti-inflationary fiscal policy.
 - **Reduce pressure on honest taxpayers.**

- **Key Reasons for recent increase in tax base**
 - i. Cross Seeding of PAN with Bank Accounts and Linking PAN with Aadhar.
 - ii. Introduction of new data sources in the Statement of Financial Transaction (SFT), such as dividend, interest, details of shares etc has led to jump in reported information, with additional information of about 3 crore persons.
 - iii. Expansion of the scope of TDS/TCS: Several new transactions were brought under the ambit of TDS and TCS.
 - iv. **Simplified process through technology:**
 - **Faceless assessment Scheme** is one of the biggest direct tax reforms in India based on key principle of Efficiency, Transparency and Accountability.
 - Simplified ITR filing process through a 1-page SAHAJ return process for individual income tax.
 - **Ease of getting refund**, majorly by small and medium taxpayers have also encouragement more filing of ITRs.
 - v. Steps towards formalization of economy
 - vi. Steps to expand digital payment system
 - vii. Streamlining of GST system

- **The above growth is still not good enough** and the tax base is very low (only 7.4 crore people filing FIR)

- **Key factors for low tax base**
 - i. **Complex Law**
 - **Income Tax Act 1961** isn't suitable for current scenarios. It has become very complex and has thus reduced compliance.
 - This **complicated structure** is difficult to understand for individuals/corporate sector. Plethora of exemptions and deductions, adding to litigation on these, needs to be removed.
 - **High compliance cost**

- ii. **High Rates** are recipe for low tax compliance.
 - Personal income tax rates are very high leading to high rates of evasion.
- iii. **Poor Tax Administration**
 - A lot of tax evaders go scot-free.
 - Income Tax department doesn't have resources to deal with small tax evaders
 - Corruption is rampant in income tax department.
 - Complaints of harassment by tax officials.
- iv. **Large Informal Sector**
- v. **Agriculture-out of tax net** (sometimes non-agri income is also presented as agri-income)

- **Way Forward**
 - **Simplified Direct Tax Law** - A Direct Tax Code (DTC) has been envisaged for long.
 - **A direct tax council on lines of GST Council**
 - To periodically update the tax rates and other provisions
 - **Increasing Compliance**
 - Reducing tax rates for personal income tax as well
 - Simplifying tax filing (for e.g. recent proposal by CBDT to merge 6 ITR methods into 1 is a step in right direction)
 - Increased resources with income tax department to even prevent evasion from among small players.
 - **Focusing on Behavioural Change**
 - Employ social norms in encouraging the individuals to pay taxes. Countries like UK, Norway, Guatemala to name a few have successfully used the social pressure to increase the tax compliance.
 - CBDT campaigns can focus on salience of taxes in providing public goods.
 - **Incentivize honest taxpayers** - For e.g., by determining the amount of pension on the basis of individual's tax contribution.
 - **Enhance use of new technologies like AI and ML to identify tax evaders.**
 - **Bring Agriculture Income under Tax regime.**
- **Conclusion**
 - Higher direct tax collection could lower the tax burden on the poor by creating fiscal space for reduction in GST rates.
 - Therefore, it is important that government keeps working towards increasing the share of direct taxes in overall tax collection and increasing the tax base.

3) REDUCTION OF CORPORATE INCOME TAX AND ITS IMPLICATIONS

- **Why in news?**
 - Government lost Rs 1 lakh crore revenue in FY21 after corporation tax rate cut (Aug 2023: Source - IE)
- **Example Questions**
 - Discuss the key changes in the Corporate Income Tax brought by the Taxation Law (amendment) Act, 2019. How far will it be effective in reviving economic growth in India. [15 marks, 250 words]

- Corporate tax rates which used to be more than 50% in early 1990s was brought down to 30% by 2004-05 as per the recommendations of Shome Committee (2001) and Kelkar Committee (2002).
- But, even at the basic rate of 30% the effective corporate tax paid by Indian companies was around 35% which was on the higher side compared to its peers.



- This high tax rate led to low investments which reduced economic growth potential.
- So, through Taxation Laws (Amendment) Ordinance following changes were made in Sep 2019.
 - **Income Tax rate of 22% (Effective 25% with surcharge and cess)** for all domestic companies (provided they don't claim deductions under the Income Tax Act)
 - Domestic manufacturing companies set up on or after Oct 1, 2019, to pay tax at a **lower 15% rate** (effective 17%) if they forego other incentives.
 - Note: These companies must start manufacturing before April 1, 2023.
 - If a company applies for new rates than the same will be applicable in subsequent years.
 - Provisions related to Minimum Alternate Tax (MAT) will not be applicable for companies choosing new tax rates.
 - **Minimum Alternate Tax (MAT)** has been reduced from 18.5% to 15% for companies not choosing the new tax rates.
- **Positive Implications**
 - India's tax rates have become on par with competing Asian peers.
 - This will **increase the profitability** of the corporate players and thus will contribute to making India an **attractive destination for investment**.
 - It may also increase the export competitiveness of Indian companies as now they will be able to price their products at lower price for same profitability.
 - **Sectors like telecom sector**, which are facing high debt burden, can use the extra money to pay off the debt and thus will contribute to **better functioning** of India's banking system.
 - **Contribute to easy credit availability**.
 - In long run, the enhanced economic activities will increase the tax base and thus may also **boost tax collection**.
- **Concerns**
 - **Revenue loss** and thus increased fiscal deficit in short run.
 - For e.g., recently, finance ministry announced that the government faced a revenue loss of more than 1 lakh crores in FY21.
 - **Hasn't kickstarted investment:** RBI has recently noted that the new tax regime didn't kickstart the intended Investment Cycle.
 - In an annual report for 2019-20, the RBI said that tax rate cut may have been used for debt servicing, building up cash, and other current assets.

- **Way Forward**
 - Reduced tax rates alone can't deal with the key challenges faced by Indian economy. It is a bold move but is only one of the supply side reforms. Other steps required are:
 - Land and Labor Reforms -> to further simplify the ease of doing business in the country.
 - Banking reforms -> to ensure easy credit for consumption and investment.
 - Further, the supply side reforms should be complemented with demand side reforms. Without increase demand, increasing supply will be of no use.
 - Here, there should be focus on increasing income of working and middle class. Here reforming agricultural sector would be crucial as it provides income and employment to more than 50% of the India's population.
 - Continuation of the reform process also calls for Rationalizing Personal Income Tax Rates in alignment with the new CIT rates.
 - Further, since there is going to be a large slippage in fiscal deficit, the central government would do well to enhance the efforts to garner additional non-tax revenue as well as disinvestment proceeds over and above the budget estimates.
- **Conclusion:** In long run, the corporate tax cut, can indeed boost economic activities. It's important that to fully utilize the potential of this cut other complementary steps such as reform in labor laws, strengthening of the banking sector also takes place.

4) FOREX RESERVES

- **Example Question:**
 - Why is forex reserve crucial for any economy? Discuss the key factors behind decreasing forex reserve in India over the last few months [15 marks, 250 words]
- **Basics: Composition of India's foreign Exchange Reserves and who manages these reserves?**
 - India's foreign exchange reserves comprise.
 - **Foreign currency assets (US\$, Euro, Pound, and Yen):** It is expressed in US Dollar or Indian rupee terms.
 - **Gold reserves of RBI:** The RBI has gold stocks as a backup to issue currency and to meet unexpected balance of payment problems.
 - **Reserve Tranche:**
 - It consist of **India's quota** (member subscription fee) to IMF and lending to the General Resource of IMF.
 - **Note:** The General Resource Account is the pool of member countries' quota payment.
 - **Special Drawing Rights (SDR)** holdings of the government
- **Managed by RBI.**
 - **RBI Act and Foreign Exchange Management Act, 1999** set up the legal provisions for governing the foreign exchange reserves.

- **The RBI** functions as the custodian and manager of forex reserves and operates within the overall policy framework agreed upon with the Centre. It allocates the dollars for specific purposes.
 - For e.g., under the Liberalized Remittances Scheme, individuals are allowed to remit up to \$2,50,000 every year.
 - The Central bank uses its forex kitty for orderly movement of the rupee. It sells the dollar when the rupee weakens and buys dollar when the rupee strengthens.
- **Why Foreign Exchange Reserves are important?**
- It acts a cushion against domestic currency volatility once the global exchange rate start rising.
 - It increases the confidence in the monetary and exchange rate policies of the government.
 - During balance of Payment crisis foreign exchange reserve come to the rescue of any country so as to absorb the distress related to such crisis.
 - Strong forex reserves also helps a country to adopt more aggressive countercyclical measures and emerge from a short-lived recession.
 - It also adds to the comfort of market participants that domestic currency is backed by external assets and hence it also helps the equity markets of the country, because due to strong reserves many people from foreign countries are willing to invest in the country.
- **However, holding too much foreign exchange reserves is also not advisable -> (Opportunity Cost)**
- **How much Foreign Reserve do we have?**
- India's forex reserve at \$602 billion as of Aug 2023: RBI
 - **Foreign Currency Assets (FCAs):** \$534.40 billion
 - **Gold Reserves:** \$44.34 billion
 - **SDR:** \$18.32 billion
 - Note: India's foreign reserve had peaked in Sep 2021 at \$642.45 billion.
- **How did India's foreign exchange reserves increase till Sep 2021? (Not by exports; but by import of capital)**
- **Why the recent drop in the reserves?**
- Largely due to steps taken by the Reserve Bank of India to support the rupee.
 - Increasing trade deficits (and Current Account Deficits)
 - Capital outflow (FIIs have pulled out) [given the rising global interest rates and bond yields on the back of monetary policy tightening by the US Fed and other major central banks.]
- **Some Recent Steps by RBI:**
- In July 2022, RBI has announced a series of measures including relaxation in:
 - i. **Foreign investment in debt:**
 - FPIs in government securities and corporate debt made till 31st Oct 2022, will be exempted from this short-term limit. These will not be reckoned for the short-term limit of one year till maturity or sale of such investments.
 - ii. **External Commercial Borrowings**
 - Increase the limit under automatic route for ECBs from \$750 million or its equivalent per financial year to \$1.5 billion.

iii. NRI Deposits:

- RBI has allowed banks temporarily to raise Fresh Foreign Currency Non-Resident Bank i.e., (FCNR (B)) and Non-Resident External (NRE) deposits without reference to the current regulations on interest rates. This relaxation is available till 31st Oct 2022.
- From July 30, 2022, incremental FCNR(B) and NRE deposits with reference base date of 1st July 2022, will be exempt from the maintenance of CRR and SLR.

- Conclusion:

- With reserve bank of India showing willingness to use reserves to defend the rupee - ensuring "orderly evolution" of the exchange rate with "zero tolerance for volatile and bumpy movements" - a further drawdown of foreign exchange reserve is possible. The forex reserve was, after all, accumulated as a buffer against currency volatility, external shocks and sudden stop in capital flows. As RBI Governor Shaktinath Das has recently put it, "**You buy an umbrella to use it when it rains**".

5) EXCHANGE RATES AND ITS IMPLICATIONS

- Why does depreciation take place?

- Core Reason - Demand supply gap of foreign currency (US\$)
 - Increasing Current Account Deficit (More imports, less exports).
 - Monetary and Interest rate hikes by the US Fed
 - This makes US treasury investment more attractive and leads to **FII's moving funds from emerging economies back to US**.
- Other traditional factors affecting India's exchange rates
 - Mounting External Debt
 - Tightening global liquidity
- Further, since India is an emerging market, **inflation rate** here would be higher when compared to developed countries and there will be a long term depreciation.

- Why the recent depreciation in rupee?

- Since March 2022, the US Federal Reserve has been raising its benchmark interest rate causing investors seeking higher returns to pull capital away from emerging markets such as India and back into the USA. This puts pressure on emerging market economies.
- India's Current Account Deficit is expected to hit a 10-year high of 3.3% of GDP in the current financial year.
- Consistently high domestic inflation

- Negative Impacts

1. Decline in forex reserves
2. Negatively impacts Current Account Deficit -> Vicious Cycle
3. Pulling out of Foreign Portfolio Investments
4. Inflation: Increased prices of imported products
 - Further, increases the cost of crude oil import.
5. Negatively impacts business' taking loans from abroad

- With banks already not willing to lend because of increasing NPAs depreciating rupee makes it difficult for business' to borrow from abroad.
- 6. Difficulty in financing external debt**
- 7. Increase in RBI's monetary policy rates**
 - Thus impacting economic growth negatively
- 8. Challenges for students studying or wanting to study abroad**

- **Positives of declining rupee**
 - Depreciation helps in increasing exports as exports become cheaper for importing foreign country.
 - Therefore, some sectors like IT, Pharma, hospitality can actually benefit from depreciating rupee.
 - This may help in chipping away of trade deficit imbalance.
 - **Tourism and hospitality** sector may get a boost
 - **Remittances tend to increase** during the depreciating phase
- **Sectoral Impact**
 1. **Export based industry would benefit.**
 - Depreciation acts as booster for IT and Pharma sector which are export based. Further hospitality sectors such as tourism, hotel etc can benefit as foreign tourists would now find it cheaper to visit India.
 2. **Problems for Oil Marketing Companies**
 - Rise in crude oil prices and depreciation of rupee is a double jeopardy for oil marketing companies. The lack of pricing power during major elections further exacerbate the problems for OMCs.
 3. **Auto sector**
 - Companies having high export shares will benefit from this depreciation.
 - On the other hand, operating procedure margins of vehicle manufacturers such as Maruti Suzuki which import most of their components and focus on domestic market are going to face problems.
 4. **Aviation sector will be hit**
 - Increasing cost of Crude oil (thus Aviation Turbine Fuel)
 - The big capacity additions on the anvil will also face problems.
- **Steps taken by Government.**
 - Steps to fight trade deficit [see Trade Deficit Topics]
 - Steps to attract investments [See currency depreciation topic]
- **Conclusion**
 - Most of the reasons for depreciation in rupee are not due to development internal to India and thus the problem is not India specific.
 - Further, though a depreciating rupee may be beneficial for a few sectors, but it doesn't bode well for the country's macro-economic stability, unless export growth increases.
 - In long run, India should focus on decreasing its energy dependency, expanding its manufacturing sector to reduce current account deficit, and to make India less vulnerable to these external factors.

- We will need to remove policy barriers that are impeding the growth of export oriented sectors.

And finally, there is a need of reform in the monetary policy framework of RBI to reduce the continuous inflationary pressure on rupee.

6) ENVIRONMENT: AIR POLLUTION IN INDIA

- **Introduction: Current Pollution situation in India:**
 - As per WHO India has the 37 out of world's 50 most polluted cities. Similarly, as per the Air Quality Life Index Report 2023, India has 50 of the world's most polluted cities.
- **Major sources** of air pollution in India include Transportation, biomass burning for cooking, Electricity generation, industry, construction, waste burning, and episodic agricultural burning.
- **Impacts**
 - i. **Health** - As per the Air Quality Life Index Report 2023, in North India, PM2.5 shortens lives by eight years
 - Air pollution can cause mental health, Alzheimer's and loss of vision.
 - It can also increase vulnerability to diseases such as COVID-19.
 - Women who are chronically exposed to particulate air pollution are more likely to have underweight babies and preterm birth.
 - ii. **Economy**
 - Lost output due to premature deaths and morbidity from air pollution amount to around 1.4% of GDP (i.e. around 2,60,000 crores). **The overall economic cost of air pollution is estimated at around 7% of GDP (or 14 lakh crores)**.
 - **Agricultural losses**: Other than impacting farm labour productivity, air pollution (PM, Ozone etc.) can lead to reduction in wheat and rice production by around 25%.
 - Air pollution impacts various dimensions of economy from labor productivity to crop yield.
 - iii. **Environmental Impact**
 - **Reduction in yields of Solar Power Plants** - due to rising dust and particulate matter (PM)
- **Key challenges in fighting Air Pollution:**
 - **India's Economic growth is built on fossil fuels:**
 - Coal, Oil, and Natural Gas account for roughly 75% of our power generation and 97% of road transport. But they contribute to the pollution of CO, SO₂, NO₂, Ozone, PM etc.
 - **Stubble Burning** -> Farmers yet to get credible alternative
 - **Solid Fuel dependency for cooking in rural areas** -> firewood or dung cake -> Drudgery; Health Impact;
 - **Capital and Human Resource** for dealing with air pollution is lacking
 - This leads to poor monitoring and poor compliance of air pollution norms
- **Way Forward**

- **Legal and Policy Initiatives:**
 - **Effective implementation of National Clean Air Program:**
 - **Phase out of existing coal, oil and gas infrastructure**
 - Closure of old coal-fired power plants can yield health benefits that exceed the value of electricity generated.
 - **Phase out dates for diesel, petrol and gas cars -> Promote electric vehicles**
 - **Transition to affordable and carbon neutral transport -> Strengthening of public transport, good walking and cycling infrastructure.**
 - **Transition to renewable energy.**
 - Share of renewable energy in India has risen dramatically to around 100 GW in Aug 2021, but there is still a long way to go.
- **Deal with issue of stubble burning**
 - PUSA decomposer (use of biotechnology); Awareness; Higher subsidy for machinery etc.
- **Healthy Way to Cook:** Critically analyze the shortcomings of PM Ujjwala Yojna and bring changes to ensure 100% coverage and utilization.
- **Revise Ambient Air Quality Standards** to bring them to **WHO levels** and **implement them** without exceptions.
- **Expand country's Air Quality Monitoring Network** - A number of new, low cost monitors have entered service, that capture readings for not only PM2.5 and 10 but also other gases like NO₂, SO₂, methane, VoCs etc.
- **Strengthen CPCB and other SPCBs** to effectively implement the air pollution norms.

- **Conclusion**

- China was once amongst the most polluted countries in the world. But consistent efforts in the field of prioritizing zero-emissions transport, staggered use of Internal Combustion engines, promotion of Electric vehicles etc. while continuing to grow economically, shows that air pollution can be clamped down without impeding economic growth.

A) REPORT: AIR QUALITY LIFE INDEX REPORT, 2023 – BY THE UNIVERSITY OF CHICAGO

- The world's fifty most polluted regions belong to northern plains of India. Seven states - Punjab, Chandigarh, Haryana, NCT, Uttar Pradesh, Bihar, and West Bengal comprise a majority of this region.
- In North India, PM2.5 shortens lives by eight years.
- NCT of Delhi is the most polluted city in the world.

B) INTERNATIONAL DAY OF CLEAN AIR FOR BLUE SKIES, 2023

- **About International Day of Clean Air for Blue Skies:**

- The International Day of Clean Air for Blue Skies is commemorated annually on 7th September. It recognizes that clean air is important for the health and day-to-day lives of people, while air pollution is the single greatest environmental risk to human health and one of the main avoidable causes of death and disease globally.