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TABLE OF CONTENTS

1. General Studies Paper -2	2
1) Digital Personal Data Protection Bill, 2023 (DPDP Bill, 2023).....	2
2) Right of Access to Internet and Internet Shutdown in India: A call for balancing security and Rights	5
3) Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023 [IT Rules 2023]	9
4) Freedom of Press.....	11
5) Hate Speech	14
6) Preventive Detention Law and Associated Issues.....	16
7) Basic Structure Doctrine	20
2. General Studies Paper-3.....	24
1) Climate Change: Methane Emissions	24
A) Termites Emit Methane: But the extent of their risk to global warming is uncertain (Source: DTE).....	26
3. Prelims Facts.....	27
2) Places in News: Sahel Region.....	27
3) Places in news: Niger.....	28
4) Places in News: Niger River	30
5) Places in News: Maui, Hawaii	30
6) Polity: Kerala Assembly Passes resolution urging Centre to Change State Name to Keralam (Aug 2023) .	32
B) Understanding Part-1 of the Constitution in This Regard	32
7) Suspension of MPs from Lok Sabha and Rajya Sabha	34
8) International Bodies: ECOWAS	34

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.

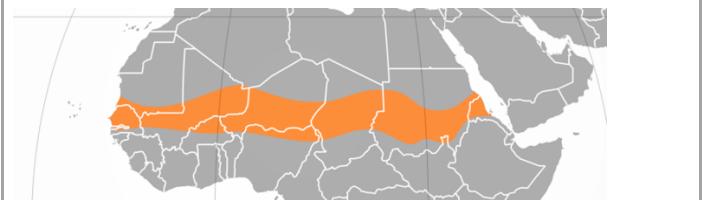
Countries: The Sahel part of Africa includes parts of northern Senegal, southern Mauritania, central Mali, Northern Burkina Faso, the extreme south of Algeria, southern Niger, the extreme north of Nigeria, Cameroon, and Central African Republic, central Chad, central and southern Sudan, the extreme north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

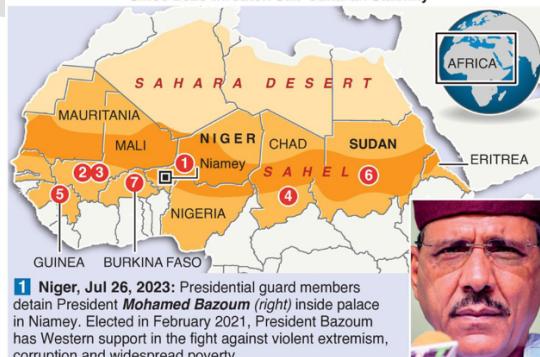


Some issues faced by the region:

- 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.

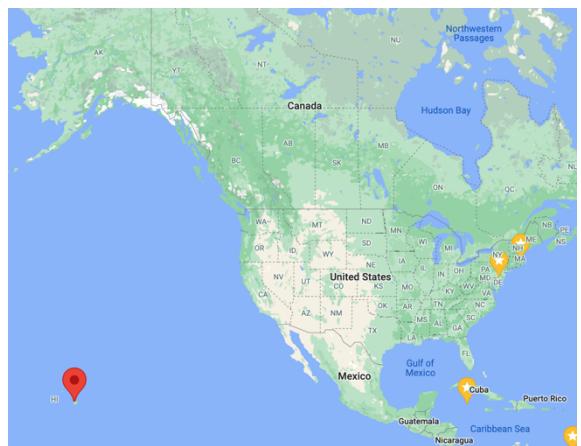


5) PLACES IN NEWS: MAUI, HAWAII

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.

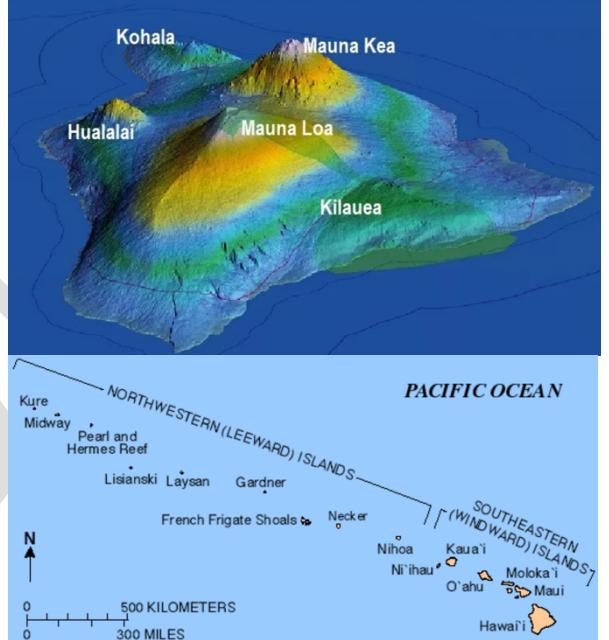
It consists of more than 130 volcanic islands

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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