



VAJIRAM & RAVI
Institute for IAS Examination

GS MAINS

Probable 2023

PART 2

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Exam Orientation

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PAPER 1

SOCIETY

Poverty And Development Issues

13.5 Crore Indians move out of Multidimensional Poverty in 5 Years

NITI Aayog has published the 2nd edition of the Multidimensional Poverty Index titled '*National Multidimensional Poverty Index: A progress of Review 2023*'.

- At the core of India's priorities, lies **SDG target 1.2**, with its powerful mission to **reduce poverty in all its forms by at least half by 2030**.

National Multidimensional Poverty Index (MPI)

- NITI Aayog had published the first edition of *National Multidimensional Poverty Index for India* in **2021**.

Purpose –

- A national MPI statistic for a country is tailored to the national priorities and therefore, countries choose their own set of dimensions, indicators, weights, and cut-offs, according to their plans and contexts.
- The report presents an in-depth analysis of the headcount ratio and intensity of multidimensional poverty at the national, State/UT, and district levels.
- The first report was based on reference period of 2015-16 of the **National Family Health Survey (NFHS)- 4**.

MPI Parameters & Methodology

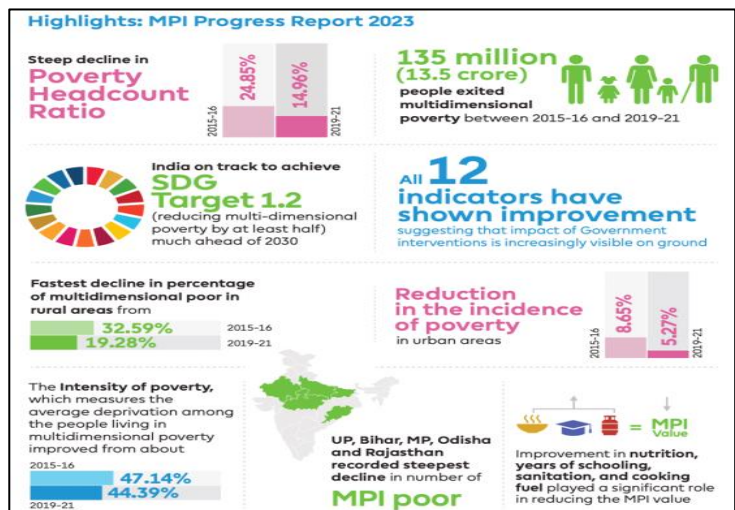
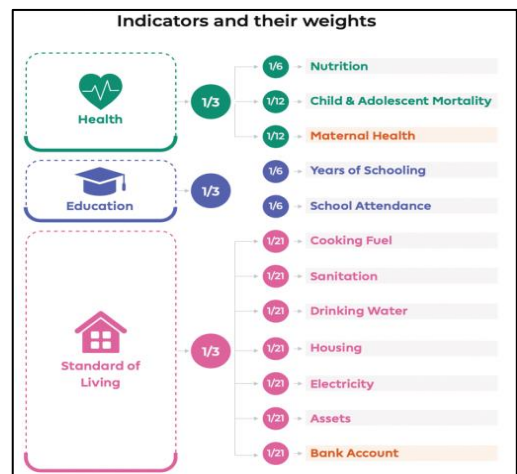
- The Index is based on the **Alkire-Foster (AF) methodology** and has three equally weighted dimensions –

Health

Education

Standard of Living

- These three dimensions are represented by **12 indicators**–
- The index is calculated by first setting the **deprivation cut-offs for each indicator**, i.e., the level of achievement considered normatively sufficient for an individual to be considered not deprived in an indicator.
- For example, the individual has completed *at least six years of schooling*.
- Weights are added to each indicator and a composite metric is then used to calculate the index.

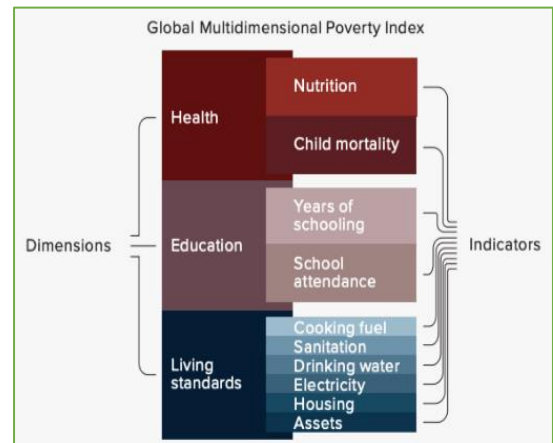


National Multidimensional Poverty Index 2023

- The report is based on the latest **National Family Health Survey (2019-21)** and represents progress made by India in reducing multidimensional poverty between the two surveys, **NFHS-4 (2015-16)** and **NFHS-5 (2019-21)**.
- **Key Results – Steep Decline in Poverty**
 - India has achieved a remarkable reduction in its MPI value and Headcount Ratio between 2015-16 and 2019-21.
 - About **135.5 million (13.5 crore) persons have exited poverty between 2015-16 and 2019-21**.
 - Rural areas saw a faster reduction in their MPI value, compared to urban areas.
 - Nearly 3.43 crore people escaped poverty in **Uttar Pradesh**, registering the largest decline among the 36 States and UTs.

Multidimensional Poverty Index 2023

- The global **Multidimensional Poverty Index (MPI)** 2023 was recently released by the United Nations Development Programme (UNDP) and the Oxford Poverty and Human Development Initiative (OPHI).
- First developed in **2010**, it measures poverty across **three equally weighted dimensions: health, education and standard of living**, comprising **10 indicators**. The MPI value ranges from 0 to 1, and higher values means higher multidimensional poverty.
- If a person is deprived in at least one third of the indicators, they are identified as **'MPI poor'**.
- It also measures the **extent (or intensity)** of their poverty through the percentage of deprivations they are experiencing.



Key Findings

- According to the index, 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 two-thirds of all poor people (730 million people) live in middle-income countries, making action in these countries vital for reducing global poverty.
- Although low-income countries constitute only 10% of the population included in the MPI, these are where 35% of all poor people reside.
- Children under the age of 18 account for half of MPI-poor people (566 million). The poverty rate among children is 27.7%, while among adults, it is 13.4%.
- Poverty predominantly affects rural areas, with 84% of all poor people living in rural areas. Rural areas are poorer than urban areas across all regions of the world.
- 25 countries, including India, successfully halved their global MPI values within 15 years, showing that rapid progress is attainable.
- These countries include Cambodia, China, Congo, Honduras, India, Indonesia, Morocco, Serbia, and Vietnam.
- The report demonstrates that poverty reduction is achievable. However, the lack of comprehensive data during the period of the COVID-19 pandemic poses challenges in assessing immediate prospects.

- It is crucial to consider context-specific multidimensional poverty indices that reflect national definitions of poverty since the global MPI assesses multidimensional poverty with the same methodology.

Indian Scenario

- A total of 415 million people moved out of poverty in India within just 15 years from 2005-06 to 2019-21, with incidence falling from 55.1% in 2005/2006 to 16.4% in 2019/2021.
- In 2005/2006, about 645 million people were in multidimensional poverty in India, with this number declining to about 230 million in 2019/2021.
- The report noted that 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.
- People who are multi-dimensionally poor and deprived under the nutrition indicator in India declined from 44.3% in 2005-06 to 11.8% in 2019-21, and child mortality fell from 4.5% to 1.5%.

GEOGRAPHY

Lightning - Not a Natural Disaster

The Union government is not in favour of declaring lightning a natural disaster.

Lightning	<ul style="list-style-type: none"> • It is a rapid and massive discharge of electricity into the atmosphere, some of which is directed towards the Earth. • There is occurrence of a natural 'electrical discharge of very short duration and high voltage between a cloud and the ground or within a cloud', accompanied by a bright flash and sound, and sometimes thunderstorms. <ul style="list-style-type: none"> ➤ Inter cloud or intra cloud (IC) lightning is visible and harmless. ➤ Cloud to Ground (CG) lightning is harmful as the 'high electric voltage and electric current' leads to electrocution. • Discharges are produced in huge moisture clouds that are 10-12 km long.
Formation of Lightning	<ul style="list-style-type: none"> • As water vapour moves upwards in the cloud, it condenses due to the falling temperature. As they drop to a temperature below 0°C, the water droplets turn into tiny ice crystals. • They continue to grow until they become so heavy that they begin to fall to the earth. This leads to a system in which, at the same time, smaller ice crystals are moving up and larger crystals coming down. • Electrons are released and triggered after a collision; a process similar to the production of electric sparks. As the moving free electrons cause more collisions and more electrons, a chain reaction occurs. • This process results in a situation in which the upper layer of the cloud becomes positively charged, while the middle layer becomes negatively charged. • The electric potential difference between the two layers is very large, in the order of one billion to 10 billion volts. In a very short time, a huge current, on the order of 100,000 to one million amperes, begins to flow between the layers. • Earth is a good conductor of electricity; it is electrically neutral. However, compared to the middle layer of the cloud, it becomes positively charged.

	<ul style="list-style-type: none"> As a result, about 15%-20% of the current is directed towards the earth as well.
Concern	<ul style="list-style-type: none"> In 2021-22, about 1.49 crore strikes were registered across the country. It cannot be predicted, making it more challenging to issue timely warnings. According to National Crime Records Bureau data, at least 2,000 deaths have been caused by lightning every year since 2005. <ul style="list-style-type: none"> ➤ More than 96% of lightning-related deaths occur in rural areas Buildings, communication networks, power plants etc. are often destroyed by lightning incidents. Occasionally, lightning and thunder can cause potentially devastating forest fires.
Lightning-prone Area	<ul style="list-style-type: none"> Madhya Pradesh has recorded the highest number of ground lightning, followed by Chhattisgarh, Maharashtra, Odisha and West Bengal. Other states with high strike rates include Bihar, UP, Karnataka, Jharkhand and Tamil Nadu. The most lightning activity on Earth is seen on the shore of Lake Maracaibo in Venezuela.
What will be the benefit after considering it as a natural disaster?	<ul style="list-style-type: none"> There have been demands by States such as Bihar and West Bengal that deaths due to lightning be covered as a natural disaster. The victims will be entitled to compensation from the State Disaster Response Fund (SDRF) once this is notified. As much as 75% of funds to SDRF are contributed by the Centre. <i>According to present norms, cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloudburst, pest attack, frost and cold waves are considered disasters that are covered under the SDRF.</i>
Government Initiatives	<ul style="list-style-type: none"> The National Disaster Management Authority (NDMA) has issued Common Alert Protocol (CAP) system to warn people about impending thunderstorms and lightning. The Lightning Alert System provides location-specific forecast of thunder, lightning, strong winds, high winds, hailstorm occurrences for up to 48 hours. ISRO provides satellite information about convective clouds from INSAT-3DR, which is uploaded every 15 minutes. Damini app was developed by the Indian Institute of Tropical Meteorology and Earth System Science Organization. <ul style="list-style-type: none"> ➤ It warns users of lightning near them by a GPS notification under 20 km and 40 km radius.
Precautions Need to be Taken	<ul style="list-style-type: none"> Avoid wet ground because people are most commonly struck by ground currents. Do not take shelter under a tree. It is dangerous, as it may attract lightning. Go indoors in a storm, however, avoid touching electrical fittings, wires, metal, and water even indoors. Pay attention to alerts and warnings.

What Makes Hurricane Hilary 'Unprecedented'?

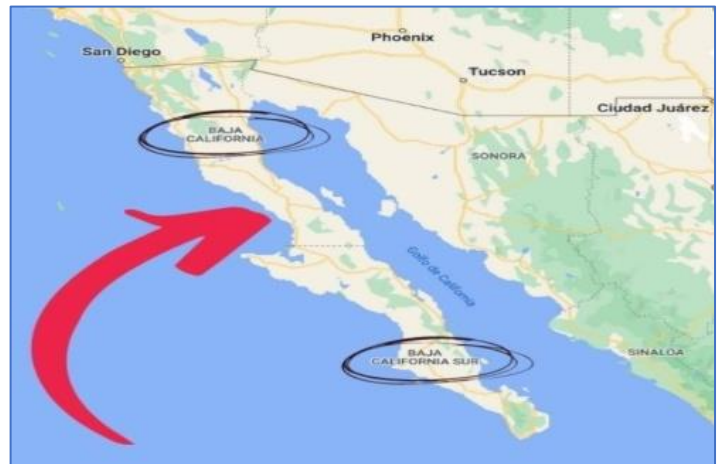
- Hurricane Hilary is set to become the first tropical storm to hit the Southern California in more than 80 years.
 - As per the country's National Weather Service (NWS), in an average 3-year period, roughly five hurricanes strike the US coastline – **but never in the west coast.**

Key Characteristics Of Hurricanes

- **Low Pressure Centre**
 - Hurricanes have a well-defined centre of low atmospheric pressure, known as the eye.
 - The eye is typically calm and clear, with light winds, surrounded by a ring of intense thunderstorms called the eyewall.
- **Formation**
 - Hurricanes form over **warm ocean waters** when the sea surface temperature is typically above 26 degrees Celsius (79 degrees Fahrenheit).
 - Warm, moist air rises from the ocean's surface, creating an area of low pressure. As the air cools and condenses, it releases heat, which fuels the storm's development.
- **Categories**
 - Hurricanes are categorized on the Saffir-Simpson Hurricane Wind Scale based on their maximum sustained wind speeds.
 - The scale ranges from Category 1 (weakest) to Category 5 (strongest), with each category representing a higher wind speed and potential for damage.

What Makes Hurricane Hilary 'Unprecedented'

- As per the recent public advisory issued by the US National Hurricane Centre, the storm was very near the west coast of Baja California.
 - Baja California – The long Mexican peninsula bound by the Gulf of California in the east and the North Pacific Ocean in the west.
- This is extraordinary as the only tropical storm with hurricane-force winds believed to have hit Southern California came in October 1858, with San Diego bearing its brunt.



Why This Is So Rare?

- **Nature of the ocean**
 - The first condition for the formation of hurricanes is that ocean waters must be above 26 degrees Celsius.
 - Below this threshold temperature, hurricanes will not form or will weaken rapidly once they move over water below this threshold.
 - While high temperatures are common during hurricane season along the US east coast, the west coast is much colder.
 - In the Atlantic, warm, equatorial waters are transported north to higher latitudes along the US coast via the Gulf Stream.
 - However, along the US west coast, in the Pacific, cold current steers colder water from higher latitudes toward equatorial regions.
 - This makes hurricanes highly unlikely.
- **Vertical wind shear**
 - It is the change in wind speed as one travels up from the Earth's surface — especially in the upper level of the atmosphere.

- It is an important ingredient in formation of hurricanes as they can extend up to 16 km into the atmosphere.
- Hurricanes cannot emerge if the upper-level winds are strong.
 - This is because they destroy the storms structure by displacing the warm temperatures above the eye and limiting the vertical ascent of air parcels.
- Usually, wind shear in the eastern Pacific is much stronger than the Gulf of Mexico, causing less frequent hurricanes along the western coast.
- **Influence of wind steering patterns**
 - Trade winds play a crucial role in directing hurricanes towards the east coast.
 - The same winds divert them away from the west coast.
 - Hurricanes originating in the eastern Pacific, often near the central Mexico coastline, generally follow a west-northwest trajectory that take them away from the coast.

So, Is Climate Change The Culprit?

- Scientists expected climate change to not only spike the occurrence of such hurricanes, but also make them more intense.
- This is due to the **rise of the surface temperatures** of the oceans.
 - The oceans are known to have absorbed 90 per cent of the additional heat generated by the greenhouse gas emissions in recent years.
 - Due to this, global mean sea surface temperature has gone up by close to 0.9 degree Celsius since 1850 and around 0.6 degree Celsius over the last four decades.
- **Higher sea surface temperatures cause marine heat waves**, an extreme weather event, which can also make storms like hurricanes and tropical cyclones more intense.
 - Warmer temperatures escalate the rate of evaporation along with the transfer of heat from the oceans to the air.
 - When storms travel across hot oceans, they gather more water vapour and heat. This results in stronger winds, heavier rainfall and more flooding when storms reach the land.
- The situation has been **worsened by the El Nino**, developing for the first time in seven years.
 - El Nino is a weather pattern that refers to an abnormal warming of surface waters in the equatorial Pacific Ocean.
- This has weakened the vertical wind shear in the eastern Pacific, allowing more hurricanes in the region.

PAPER 2

CONSTITUTION AND POLITY

Indian Constitution: Historical Underpinnings, Evolution, Features, Amendments, And Significant Provisions

Article 370

A five-judge bench led by CJI D Y Chandrachud will be hearing petitions challenging the abrogation of Article 370 which granted special status to Jammu and Kashmir (J&K).

How Scrapping Article 370 Was Done?

- President issued the president's rule after the tenure of Governor's rule ended.
- Using the power under **Article 356 (1) (b)**, the President declared that the powers of the **Legislature of the State** shall be exercisable by or under the authority of **Parliament**.
- President issued a **presidential order** under Article 370 (1) of the Constitution. The order amended **Article 367**.
 - Article 367 contains guidance on how to read/ interpret some provisions. The amended Article declares **"the expression 'Constituent Assembly of the State...'** in **Article 370 (3)** shall be read to mean **'Legislative Assembly of the State'**.
 - Article 370(3) provided that the Article 370 was to be amended by the concurrence of the Constituent Assembly. However, because of the amendment, it can now be done away by a recommendation of the state legislature.

BACKGROUND OF THE PETITIONS

- ▶ The President in 2019 issued two orders in which-
 - Superseded the 1954 Presidential order that introduced **Article 35A (empowered J&K to define its permanent residents rights and privileges)**.
 - Revoked the special status provided to J&K under Article 370.
- ▶ The Parliament also passed the Jammu and Kashmir Reorganization Act in 2019 which led to the bifurcation of the state into two union territories, namely- 1) Jammu and Kashmir and 2) Ladakh.
- ▶ This is the first time that a state has been converted into a UT. Out of the 6 Lok Sabha seats held by the state of Jammu and Kashmir, 5 are to be retained by the UT of Jammu and Kashmir, and 1 is assigned to Ladakh.
- ▶ The UT of Jammu and Kashmir has an Assembly, like in Delhi and Puducherry. The J&K Assembly would now serve a five-year term instead of the previous six-year term.
- ▶ India's state count decreased from 29 to 28. Kashmir would no longer have a Governor; instead, it would have a Lieutenant Governor like Delhi or Puducherry.
- ▶ These presidential notifications were challenged in the Supreme Court through several petitions on the grounds that it is unconstitutional and violated the basic structure of the constitution.

In other words, the government used the power under 370(1) to amend a provision of the Article 367 which, then, amends Article 370(3)

About Article 370

What?	<ul style="list-style-type: none">• It provided special status to J&K by permitting it to form its own constitution.• It restricted Parliament's legislative powers as the approval of state government was required before applying laws in the state except the ones related to defence, foreign affairs, finance and communications.
Changes	<ul style="list-style-type: none">• Jammu & Kashmir would no longer maintain its distinct constitution, flag, or anthem.

<p>After Abrogation of A370</p>	<ul style="list-style-type: none"> • The residents of Jammu and Kashmir would no longer possess dual citizenship. Since the newly formed union territory of Jammu and Kashmir will be governed by the Indian Constitution, its citizens will now enjoy the Fundamental Rights guaranteed by the Indian constitution. • Article 360, which allows for the declaration of a Financial Emergency, would also be applicable. • All laws enacted by Parliament, including the Right to Information Act and the Right to Education Act, would be enforceable in Jammu and Kashmir. • Now even if a woman of Jammu and Kashmir marries a temporary resident, she would get the right to property. Earlier, women were given property rights on marrying a temporary resident, but in this way women's children were deprived of property rights. • Any citizen of the country (outside the state) can now get a job in Jammu and Kashmir. • People are more empowered now, unjust laws no longer exist, those discriminated since ages are now getting their due along with comprehensive development. • With the conduct of elections of Panchayati Raj Institutions such as Panches and Sarpanches, Block Development Councils and District Development Councils, the 3-tier system of grassroot level democracy has now been established in Jammu and Kashmir. • Organized stone-pelting incidents have come down from 1,767 in 2018 to zero in 2023. Bandhs and hartals have become a distant memory.
<p>Historical Evolution</p>	<ul style="list-style-type: none"> • After independence, sovereignty of 600 princely states was restored and they were given three options under Indian Independence Act, 1947: <ol style="list-style-type: none"> 1) To remain independent. 2) To join Dominion of India. 3) To join Dominion of Pakistan. • Joining either of the two countries was to be through an Instrument of Accession (IoA) and the joining state could specify their own joining terms. • The maxim for these contracts between states was <i>Pacta Sunt Servando</i>, i.e., promises between states must be honored and for a breach of contract, the general rule was to restore the parties their original position. • In October 1947, the then Maharaja of Kashmir, Hari Singh, signed the IoA with India, allowing the Centre to take decisions only on three subjects w.r.t. the state- <ol style="list-style-type: none"> 1. Foreign affairs 2. Defence 3. Communications • The IoA had a clause which stated that it cannot be varied by any amendment of the Act or of Indian Independence Act unless such amendment is accepted by the Maharaja by an Instrument supplementary to this Instrument. • India regarded this accession as purely temporary and provisional, and its stated policy was to settle a dispute on accession in accordance with the wishes of people rather than a unilateral decision of the ruler. • Following this, an interim government was appointed in J&K in 1948 with Sheikh Abdullah as its Prime Minister who along with his three other colleagues joined the Indian Constituent Assembly and negotiated & drafted the special status of J&K.

	<ul style="list-style-type: none"> The original draft went through modifications and negotiations and Article 306A (now 370) was finally passed in the Constituent Assembly and was finally included in the Constitution by India's Constituent Assembly in 1949.
Temporary/ Permanent?	<ul style="list-style-type: none"> It is listed under the Temporary, Transitional and Special Provisions in Part XXI of the constitution. It could be interpreted as temporary as the J&K Constituent Assembly had a right to modify/delete/retain it. It decided to retain it. As per the constitution, it was temporary until a plebiscite. But the Supreme Court (SC) in 2018 held that despite the headnote using the word "temporary", Article 370 is not temporary. In Sampat Prakash v. State of Jammu and Kashmir (1969), the SC refused to accept Article 370 as temporary and held that as Article 370 has never ceased to be operative thus, it is a permanent provision.
Can it be deleted?	<ul style="list-style-type: none"> Yes, Article 370(3) permits its deletion by a Presidential Order, but it must be preceded by the concurrence of J&K's Constituent Assembly. Since such an assembly was dissolved in 1957, one view is it cannot be deleted anymore, and the other view is that it can be deleted with the concurrence of the State Assembly.
Significance for India	<ul style="list-style-type: none"> Article 370 has been more useful to India as it has been to J&K as it has acted as a tunnel through which the provisions of Indian Constitution have been extended to J&K. Using this, India almost nullified the effect of J&K's special status by Presidential orders. It was used to change provisions for the Governor being elected by the Assembly, to convert it into a nominee of the President. To extend President's rule beyond one year in Punjab, the government needed the 59th, 64th, 67th and 68th Constitutional Amendments, but achieved the same result in J&K just by invoking Article 370. It was used to extend Article 249 (power of Parliament to make laws on State List entries) to J&K without a resolution by the Assembly and just by a recommendation of the Governor.

Critical Analysis Of Situation In Kashmir After Abrogation Of Special Status

- Terrorism & Cross border infiltration:** Since the revocation of special status, there has been a notable absence of significant terror attacks. However, there has been a shift in the nature of these attacks, with incidents now focused on targeted killings of laborers, truck drivers, apple traders, school staff aimed at instilling fear and panic among individuals. Terror recruitment has dropped from 199 in 2018 to 12 in 2023.
- Governance & Democratic Processes:** The recently concluded panchayat elections have achieved success, evident from the high voter turnout of approximately 98%. Notably, even regions like South Kashmir (Anantnag - 94%), Jammu (99%), and Srinagar (100%).

Nevertheless, this has also resulted in an excessive proliferation of bureaucracy, which could potentially hinder the development of grassroots democracy. For instance, in certain areas, acquiring approvals from officials to allocate funds still poses challenges.

Way Forward

- The abrogation of Article 370 alone cannot address the issue of Kashmiri alienation. Apart from implementing a "security-oriented approach" to combat radicalization and reduce terrorist activities and infiltrations, the government should focus on strengthening the democratic framework in the region.

- To win the hearts and minds of the people, the government needs to enhance governance and promote economic empowerment. Furthermore, improving public perception of the Indian government and the state requires collaboration with community organizations and encouraging public participation in governance.

Structure, Organization & Functioning of Judiciary And Related Issues

SC Holds Back-to-Back Service Extensions to ED Chief Illegal

The Supreme Court (SC) recently held the 3rd extension tenure given to Enforcement Directorate (ED) Chief Sanjay Kumar Mishra *illegal and invalid* even as it upheld the statutory **amendments** made to the Central Vigilance Commission Act, 2021, Delhi Special Police Establishment Act, 2021, and the Fundamental Rules, 2021 which facilitate the tenures of the Central Bureau of Investigation and the ED Chiefs of up to five years.

Background			
1) Appointment & Extension: The current ED Chief was first appointed in 2018 with a fixed tenure of 2 years. Then, starting in 2020, he was given 3 one-year extensions.	2) Challenge in SC: The first extension (in 2020) was challenged in the SC by an NGO named Common Cause. In its judgement in 2021, the court issued a specific mandamus that <i>no further extension shall be granted to the ED Chief.</i>	3) Amendments: Following the judgement, the Centre introduced the Central Vigilance Commission (Amendment) Act, 2021, Delhi Special Police Establishment (Amendment) Act, 2021, and Fundamental (Amendment) Rules, 2021 which <u>allowed the extension of service of ED and CBI chiefs for a period of three years beyond their two-year tenure by granting extensions of one-year each in the public interest.</u>	4) Re-extension & Re-challenge: The amendments allowed the government to avoid the court's direction and grant Mr. Mishra another two extensions. This decision along with the amendments was challenged in the SC through a bunch of petitions contending that this would defeat the directive issued by SC in its 1997 judgement in Vineet Narain and Others v. Union of India.
<p>** Mandamus means giving orders to a person or body to perform a public or quasi-public duty, which they have refused to perform, and where no other adequate legal remedy exists to enforce the performance of that duty.</p> <p>**In the Vineet Narain vs Union of India (1997) case judgement, the SC held that the CBI and the ED chiefs should have a minimum tenure of two years.</p>			

Highlights of Current SC Ruling

- On Tenure Extensions:** The SC held the *back-to-back service extensions* illegal and gave Mr. Mishra time till July 31 to quit office to aid with the "smooth transition" of official responsibilities to his successor.
- On the Amendments:** Upholding the amendments, the court stated that the scope of judicial review in a legislative action is very limited and could be interfered based on two grounds:

- Whether the legislature is competent enough to legislate on the subject?
- Whether it affects any fundamental right?

The Court was of the view that as the legislature was competent to legislate on the subject, none of the fundamental rights were violated, and it didn't manifest arbitrariness, thus the amendments are valid.

Critical Analysis

- **Carrot and Stick Policy:** These amendments can be used by the Centre as a 'carrot and stick' policy so that the CBI and ED Directors work according to its wishes as the officials would succumb to the pressure of the government for getting further extension.
- **Written Reasons:** As the court observed, the committees recommending the extension of tenure should submit in writing the reasons validating their decision to recommend a person for tenure extension.
- **Weakening Public trust:** Giving continuous tenure extensions weakens the trust of public in the government institutions as it gives the impression that the government is taking this step for its own personal gains. Also, the people in power can use their position to suppress and exploit the public.
- **Independence of ED:** The possibility of service extensions may sway the directors to align their actions with the government's wishes, compromising the agencies' autonomy.

Extra Mile: ED's Power to Arrest and Seek Custody

The Madras High Court (HC) has declared that ED is entitled to arrest and seek police custody of an accused in a money laundering case.

- The case is related to Tamil Nadu Minister V. Senthil Balaji who was arrested and placed under judicial custody by the ED in a money laundering case related to cash-for-jobs scam.

The Madras HC Verdict

- The HC ruled that the ED can subject any person accused in a case booked under the Prevention of Money Laundering Act (PMLA), 2002, to custodial interrogation. Thus, the Minister can be taken into custody even after the expiry of 15 days from his arrest on June 14.
- The court accepted the argument that "*ED officials are not police officers*" as per the law laid down by the SC in **Vijay Madanlal Choudhary v. Union of India (2022)**.
 - In **Vijay Madanlal Choudhary v. UOI** case, the SC stated that ED officials are not police officials as they are acting under PMLA whereas police officers act under CrPC. Investigations done under both these acts are different from each other and statements given to the ED are admissible as evidence under the PMLA whereas such is not the case under CrPC.
- The court stated that the argument **could not** be stretched to the extent of denying ED an opportunity to investigate the offence of money laundering effectively.
- It emphasized that the ED could not be left without remedy when it had not been able to interrogate the Minister since he was arrested, as he was admitted to a hospital.
- The court also took into consideration the SC's ruling in *Y. Balaji v. Karthik Desai (2023)* where the court refused to discharge Mr. Balaji in the cash-for-jobs scam by outlining that the accused and the complainant have compromised on 'justice, fair-play, good conscience and the fundamental principles of criminal jurisprudence.'

Related Judgements

1. **Vijay Madanlal Choudhary v. Union of India (2022):**

- **Section 19 of the PMLA** suggests the manner in which the arrest of a person involved in money laundering can be affected. The provision had been challenged on the ground that it confers **unequivocal power of arrest without a warrant**.
- In this landmark judgement, the **SC upheld various provisions of the PMLA related to the powers of arrest, attachment, search, and seizure conferred upon the ED** as it believed that all the provisions under PMLA have a reasonable nexus with the objects sought to be achieved by the Act to prevent

money-laundering effectively.

- The purposes and objects of the 2002 Act is not limited to punishment for offence of money-laundering, but also to *provide measures for prevention of money-laundering*. It is also to provide for attachment of proceeds of crime.
- The Act is also to compel the banking companies, financial institutions, and intermediaries to maintain records of the transactions and to furnish information of such transactions within the prescribed time in terms of the 2002 Act.

2. **Central Bureau of Investigation v. Anupam J. Kulkarni (1992)**- In this case, the SC laid down the law that no police custody can be allowed beyond the first 15 days from the date of arrest and any further remand during investigation can only be in judicial custody. It also stated that this restriction would not apply in the case where the same arrested accused is involved in a different case arising out of a different transaction. However, in April this year, a SC bench observed that this 1992 decision requires reconsideration as the remand period can be over by the time a higher court sets aside an incorrect decision denying custody.

3. **Dr. Manik Bhattacharya v. Ramesh Malik (2022)**- The court observed that interim protection granted against CBI action cannot operate against the ED even if there are factual similarities vis-à-vis the allegations.

4. **P. Chidambaram v. Directorate of Enforcement (2019)**- In this case, while rejecting a prayer for anticipatory bail with respect to an offence of money laundering and proceeding to grant custody to the ED, the court stated that a money laundering case involves many stages of placement and layering of funds for which a 'systematic and analyzed' investigation is required and granting a pre-arrest bail in this scenario frustrates the investigation process.

The court also cautioned that it must only exercise its inherent powers under Section 482 CrPC to interfere in an investigation into a *cognizable offence* if it is convinced that the power of the investigating officer is exercised mala fide.

Official vs National Language Debate

Recently, the Supreme Court of India observed that although there are at least 22 official languages in the country, Hindi is “the national language”.

What Is The Case Before SC?

- The top court was **dealing with a transfer petition** filed in a motor accident case that occurred in Siliguri, West Bengal.
- The plea to transfer the case from the Motor Accident Claims Tribunal (MACT) in UP to the one in Darjeeling was filed under the **Motor Vehicles Act (MVA) 1988**.
 - **The Act allows an application for compensation** to be made by the persons sustaining the injury in the accident.
 - According to the petitioner, since all the witnesses of the petitioner are from Siliguri, **language could be a barrier**.
- The court held that **Hindi being the “national language”**, it is expected of the witnesses to communicate and convey their version in Hindi. If the contention of the petitioner is to be accepted, **it is the claimants who would be seriously prejudiced** because they have to convey their version in Bengali.

Status of Hindi Language in Indian Constitution

- Though over 100 languages and 270 mother tongues are spoken across the country, **the Constitution does not list any one language as India’s “national language”**.

- **Article 343 (1) (“Official language of the Union”)**: The official language of the Union shall be Hindi in Devanagari script and the form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals.
- **Article 351 (“Directive for development of the Hindi language”)**: It shall be the duty of the Union to develop and promote the spread of the Hindi language, so that it may serve as a medium of expression for all.
 - This must be done without interfering with its genius, forms, style and expressions used in Hindustani and in the other languages of India specified in the **Eighth Schedule**.

What Is Eighth Schedule

- **There are 22 languages** listed under the 8th Schedule of the **Constitution**. These include Hindi, Bengali, Punjabi, Kannada, Tamil, Telugu, Malayalam, Sanskrit, Assamese, Marathi, Nepali, Oriya, and Urdu, etc.
- **There were only 14 languages in this Schedule initially**, others including Bodo, Dogri, Maithili, and Santhali were added in 2004.
- **There are demands to include another 38 languages** in the Eighth Schedule, such as Bhojपुरi, Garhwali (Pahari), and Rajasthani.
- Notably, **English is absent from the list of 22** in the Eighth Schedule. It is one of the 99 **non-scheduled languages** of India.

What Is The Status Of English?

- English, alongside Hindi, is one of the two **official languages** of the central government.
- **Article 343(2)**: For a period of 15 years from the commencement of this Constitution (January 26, 1950), the English language shall continue to be used for all the official purposes of the Union.
- **Article 343(3)**: Parliament may by law provide for the use, after the said period of 15 years, of - (a) the English language, or (b) the Devanagari form of numerals, for such purposes as may be specified in the law.
- **The Official Languages Act 1963**: It provided for the **continuation** of English Language for official purposes of the Union and for use in Parliament even after the expiration of the 15-year period.

What Is The Language Of Judiciary?

- **Article 348 (1)**: Until Parliament by law otherwise provides, all proceedings in the SC and in every HC and all Bills, Acts, ordinances, rules, orders at the Union and state levels, shall be in the English language.
- **Article 348 (2)**: Permits the use of the **Hindi language or any other language** used for any official purposes of the State, in **proceedings** in the HC after authorisation by the **Governor** and with the previous consent of the **President**.
 - While the proceedings could be in any official language, it mandates that any judgment, decree or order passed or made by such HC must be in **English**.
- **The Official Languages Act 1963**: *It dealt with optional use of Hindi or other official language in judgements, etc., of HCs.*
 - **The Governor** of a state can, with the **President’s** consent, authorise the use of Hindi or the official language of the State, in addition to the English, **for the purposes of any judgement, decree or order** made by the HC for that State.
 - However, it shall be accompanied by an English translation issued under the HC’s authority.

How Did This Situation Change Over The Decades?

- **In 1965**, the Cabinet Committee decided that the **Chief Justice of India’s consent** must be taken for the use of any language besides English in the HCs.
 - Thereafter, the use of Hindi was authorised in the **HCs of UP (1969), MP (1971), and Bihar (1972)** in consultation with the CJI.

- Subsequently, **Gujarat, Chhattisgarh, West Bengal, Karnataka, and TN** have approached the central government and the CJI seeking the use of their respective regional languages in the HCs in their states.
- **However, the SC decided to not accept the proposals.**
- **In 2022**, the Indian PM underlined the need to **encourage the use of local languages in courts** since a large section of the country's population finds it difficult to understand the judicial process and rulings of the court.
- In subsequent remarks, (then) CJI N V Ramana said that it might happen **over a period of time not suddenly.**

Situation in Courts Subordinate to the HC:

- While Hindi and English are permitted by the HCs and the SC, usage of other regional languages is not. However, the situation for courts subordinate to the HC is different.
- The **Code of Criminal Procedure 1973** states that the State Government may determine what shall be the language of each Court within the State other than the HC.
- **According to the Code of Civil Procedure (1908)**, every court that is subordinate to an HC must use the language that was in use at the time the Code was adopted until the State Government directs otherwise.

Constitutional, Statutory, Regulatory & Quasi-Judicial Bodies

Bill Moved To Remove CJI From Panel To Select Election Commissioners

- The Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill, 2023, has been introduced by the government in the Rajya Sabha.
- The Bill seeks to remove the Chief Justice of India (CJI) from a panel to select the Chief Election Commissioner and Election Commissioners.
 - Earlier, in March 2023, the Supreme Court had ruled that the selection of Chief Election Commissioner and Election Commissioners be done by a three-member committee.
 - The committee should comprise the Prime Minister, the Leader of the Opposition in the Lok Sabha and the Chief Justice of India.

Key Highlights Of The Bill

- **Removed CJI from the Panel**
 - The bill seeks to replace the Chief Justice of India with a Cabinet Minister nominated by the Prime Minister in the committee for selection of the CECs and ECs.
 - It also makes the Leader of Opposition in Lok Sabha a member of the selection committee.
- **Criteria**
 - The bill says the ECI will consist of a CEC and other ECs from among people:
 - who hold or have held the post equivalent to Secretary to the Government of India; and
 - shall be persons of integrity, who have knowledge of and experience in management and conduct of elections.
- **Process**
 - First, a **Search Committee**, headed by the Cabinet Secretary and including two members not below the rank of Secretary, having knowledge and experience in matters relating to elections, **shall prepare a panel of five persons.**

- This will then be sent to the **Selection Committee**.
 - The selection committee will be chaired by the PM and will include the Leader of Opposition or leader of the single largest Opposition party in Lok Sabha and a Cabinet Minister nominated by the Prime Minister.
- The Selection Committee may consider any other person apart from those included in the Search Committee's panel.
- **Terms & tenure**
 - The terms of the CEC and ECs **remain unchanged**, at six years or until they reach the age of 65 years, whichever is earlier.
 - The Bill says the salary of the CEC and ECs would be equivalent to the **Cabinet Secretary**.
 - As of now their salary as per the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991, is equated with a Supreme Court judge.
 - The amount, however, is the same.
- **Repeals the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991**
 - Business of the ECI was guided through this act.
 - The Bill says that the business of the EC should, as far as possible, be transacted unanimously and if there is a difference of opinion, the majority's opinion will prevail.

{For more details regarding ECI refer Mains Probable-Part1}

Local Bodies

Panchayat Development Index

Recently, the Union Minister of State for Panchayati Raj released the Panchayat Development Index at the National Workshop on Panchayat Development Index (PDI).

About Panchayat Development Index (PDI)

What?	<p>It is a computation score for grading panchayats across the country based on the development work carried by them towards the achievement of LSDGs (Localization of Sustainable Development Goals). The LSDGs consists of following 9 themes (Each of these themes covers several SDGs):</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="background-color: #FFD700; padding: 5px;">1. Poverty Free and Enhanced Livelihoods in Village</td> <td style="background-color: #ADD8E6; padding: 5px;">2. Healthy Village</td> <td style="background-color: #FFD700; padding: 5px;">3. Child-Friendly Village</td> <td style="background-color: #00B0F0; padding: 5px;">4. Water Sufficient Village</td> </tr> <tr> <td style="background-color: #90EE90; padding: 5px;">5. Clean and Green Village</td> <td style="background-color: #FFA07A; padding: 5px;">6. Village with Self-Sufficient Infrastructure</td> <td style="background-color: #ADD8E6; padding: 5px;">7. Socially Just and Socially Secured Village</td> <td style="background-color: #FFFF00; padding: 5px;">8. Village with Good Governance</td> <td style="background-color: #90EE90; padding: 5px;">9. Women Friendly Village</td> </tr> </table> <p>✓ SDGs localization is the process of translating the 2030 Agenda for Sustainable Development within the local context and challenges. Defining, implementing and monitoring local actions and strategies contribute to the global achievement of the SDGs.</p>					1. Poverty Free and Enhanced Livelihoods in Village	2. Healthy Village	3. Child-Friendly Village	4. Water Sufficient Village	5. Clean and Green Village	6. Village with Self-Sufficient Infrastructure	7. Socially Just and Socially Secured Village	8. Village with Good Governance	9. Women Friendly Village
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Prepared by	A committee constituted by the Ministry of Panchayati Raj consisting of members from different ministries and departments of Union and State governments.													

Objective	To assess the ground realities of development in Panchayats and the efforts made by the local Governments in implementing various development programmes, realizing the developmental targets and achieving the SDGs.												
How?	<p>PDI provides rankings for panchayats at different levels, including district, block, and village. The panchayats will be ranked in following categories based on their scores-</p> <table border="1"> <thead> <tr> <th>Grade</th> <th>Score</th> </tr> </thead> <tbody> <tr> <td>Grade A+</td> <td>> 90%</td> </tr> <tr> <td>Grade A</td> <td>75% to 90%</td> </tr> <tr> <td>Grade B</td> <td>60% to 75%</td> </tr> <tr> <td>Grade C</td> <td>40% to 60%</td> </tr> <tr> <td>Grade D</td> <td>< 40%</td> </tr> </tbody> </table>	Grade	Score	Grade A+	> 90%	Grade A	75% to 90%	Grade B	60% to 75%	Grade C	40% to 60%	Grade D	< 40%
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Need	<ul style="list-style-type: none"> As per Census 2011, nearly 70% of India lives in rural areas. Attainment of SDGs at the National level requires action at the grassroots level, and this is possible only through Panchayati Raj Institutions (PRIs). For this purpose, 17 SDG goals have been trimmed down into 9 broad themes (With 144 local targets) for Localization of Sustainable Development Goals (LSDGs) at the grassroots level to enable easy understanding, acceptance & implementation by Panchayats with community involvement. But to identify whether all the themes have been covered or not through the development plans for achieving these LSDGs and for further motivating the panchayats to perform well, this index will play a pivotal role. 												
Benefits	<ul style="list-style-type: none"> It will help identify where the development fund has been spent, its result and the areas that need to be focused on. It will pave way for outcome-oriented development goals at Panchayats. It will help the Panchayats to set local targets & local action points with measurable indicators while preparing thematic Gram Panchayat Development Plan. It will help in reflecting the status of the Panchayats to take concerted actions for achieving development goals <i>through building institutional mechanisms</i>. It will help in turning villages equivalent to cities with all amenities available at local level. 												
Highlights	<ul style="list-style-type: none"> Data from four districts (In Maharashtra) namely-Pune, Sangli, Satara and Solapur were compiled on pilot basis. <ul style="list-style-type: none"> ➤ 70% of the panchayats from these areas are in Grade C and 27% are in Grade B; The pilot study showed how no attention has been paid to themes like 'being women friendly' or 'identifying the kind of development required'. 												
Extra Mile: Similar Initiatives													
<p>1. National Panchayat Awards: Launched with the aim of incentivizing the best performing panchayats. The primary objective of these awards is to assess the performance of Panchayats in attaining SDGs, promoting competitive spirit among themselves and catalyzing the process of attaining LSDGs through Panchayati Raj Institutions by 2030.</p> <p>2. People's Plan Campaign (PPC): It is organized by Ministry of Panchayati Raj for preparing Gram Panchayat Development Plan (GDP) as 'Sabki Yojana Sabka Vikas' throughout the country. The paradigm has been shifted to preparation of <i>thematic Panchayat Development Plans in PPC-2022</i>, converging all flagships schemes & resources to saturate SDGs by 2030. Under the program, all Gram Panchayat have been directed</p>													

to prepare holistic Gram Panchayat Development Plan (GPDP) through the lens of 9 themes.

3. Rashtriya Gram Swaraj Abhiyan (RGSA):

- It was launched on 24th April 2018 (National Panchayat Day), as an umbrella scheme of the Ministry of Panchayati Raj, to develop governance capabilities of PRIs, deliver on the SDGs and to Recognize and incentivize PRIs based on performance.

4. Revamped Rashtriya Gram Swaraj Abhiyan:

- The RGSA scheme has been extended for a period of four years from 1st April 2022 to 31st March 2026 with the aim of developing the PRIs governance capabilities.
- The main focus of the revamped RGSA is to equip the Elected Representatives & Functionaries of the PRIs with adequate knowledge and skills for effective delivery on the SDGs through concerted and collaborative efforts of Central Ministries and State line departments with 'Whole of Government' approach at all levels.

Action Taken Report (ATR) Module of Audit Online Launched For Auditing Panchayat Accounts

The Ministry of Panchayati Raj (MoPR) launched the *Action Taken Report (ATR) module* for auditing all the Panchayat Accounts.

About ATR Module

What?	This module provides status of action taken on audit observations (addressed or unresolved issues) so that the audit report be displayed in public domain.
Implemented By	Ministry of Panchayati Raj (MoPR).
Background	<ul style="list-style-type: none"> • According to the Operational guidelines issued by 15 Finance Commission (FC), states must ensure that all tiers of Panchayats, constituting 100% of rural local bodies, have audited accounts for the 2021-22 period through the AuditOnline platform. ✓ AuditOnline was introduced in 2019 as an open-source application to facilitate internal & external audit of Government department / Panchayati Raj Institutions. • To achieve accountability and to enhance the online audit process, ATR has been launched.
Objective	To provide a more structured approach to the audit process, ensuring clarity on the actions taken in response to audit findings.

Guidelines

1. **Timely Response to the Auditors:** The auditees (Panchayats) should respond to the objections / observations raised by the Auditors within 15 days.

2. **Responsibility Matrix:** To be followed across the three tiers of panchayats for timely response to auditors.

Panchayat Level	Responsibility
Gram Panchayats & equivalent	Panchayat Secretary
Block Panchayats & equivalent	Block Development Officer
Zila Panchayat & equivalent	CEO, ZP

3. **Speedy Action on Closure of Provisional Accounts:** The auditees should close the provisional accounts before 31st march of every Financial Year (FY) for the audit process to commence on time.

4. **Prompt Audit of Provisional Accounts:** State audit departments should complete the audit of previous year and current FY and finalize an audit report (as per the Standardized Auditor Certificate) before 30th September otherwise an intimation is sent to complete it by 31st December.

5. **Information to be Provided:** Account statements, voucher details, assets list, user charges collected, rebates

given, penalty collected etc.

6. Action Taken Report: It is mandatory to start the action taken procedure once the audit has been completed and to file an action taken report before 31st December. It should then be shared with the auditees to seek their response to each observation, based on their response the auditor decides to either drop the observation or do follow ups.

7. Final Audit Report: It should be provided to the Panchayats along with the ATR for placing it before subsequent gram Sabha/ Block Sabha/ District Sabha. It should then be published online to make it accessible to the public.

Benefits

- It will promote digital governance at the grassroots level.
- It will enhance transparency and accountability.
- It will ensure the funds are being used for the welfare of public.
- It will help in reducing corruption.
- It will help with better financial management.
- It will help to address the existing issues.

Representation of People's Act

New Web Portal for Political Parties to File Financial Account Details

The political parties will now be able to file their financial account details online to the Election Commission of India (ECI) through a new web-portal (<https://iems.eci.gov.in/>).

✓ Political parties are required to submit their financial account details to the Election Commission/Chief Electoral Officers of States/Union Territories, as per the Representation of People's Act, 1951 & transparency guidelines issued by the Commission, from time to time for adhering to the principles of democratic functioning and ensuring transparency in electoral processes.

ABOUT THE PORTAL

- It will help in online filing of Contribution Report, Audited Annual Account and Election Expenditure Statements by the Political Parties.
- It has a facility for SMS reminders on the registered mobile number and registered emails of the authorized representatives of the political party so that the dates of compliances are not missed.
- It consists of a comprehensive guiding manual with graphical representations and FAQs.

Objective

- To facilitate political parties in overcoming the difficulties in filing the reports physically.
- To ensure timely filing of financial statements in the prescribed/standardized formats.

What If Any Political Party Does Not Want To Use Online Mode?

In such a case, it will have to convey the reasons for not using the online platform and should furnish its financial details offline in hard copy along with CDs/Pen drive in the prescribed formats. The commission will, in turn, publish all such reports online, along with a letter of justification sent by the party for not using the online option of filing the reports.

Why Is ECI Emphasizing Online Reporting?

- This move is a part of its 3C strategy i.e., Cleanup, Crackdown and Compliance.
- The ECI in 2022 **delisted** around 284 Registered Unrecognized Political Parties (RUPPs) and declared 253 more inactive on the charges of tax evasion and other financial impropriety.
 - ✓ While the ECI has the power to register political parties under the RPA, 1951, it cannot deregister inactive parties and can only delist them and refer the matter to the Central Government for further action.

- Although, the RP Act as well as the Income-tax Act allow for exemption or deduction benefits to both the registered political parties and their donors but such benefits are subjected to certain conditions like timely and correct filing of Contribution Report, filing of Income Tax Return, maintenance of proper books of accounts, getting such accounts audited and complying with the upper limits imposed on cash donations, prohibition on contribution from foreign sources and government companies etc.
- To avoid the problems faced during filing these reports, saving time and for identifying parties evading taxes, EC has provided this online platform to make compliance easier.

About Registered Unrecognized Political Parties (RUPPs)

Registered Unrecognized parties are the ones that have-

- i) been registered newly with the Election Commission of India; or
- ii) not secured enough percentage of votes in the Assembly or General Elections to fulfill the conditions of becoming a state party; or
- iii) never contested elections since their registration.

Process of Registration

- Article 324 of the Constitution and Section 29A of the Representation of the People Act, 1951 authorize the ECI to register political parties.
- The applicant has to publish a proposed party name in two national daily newspapers and two local daily newspapers.
- Any party seeking registration must file to the Secretary to the ECI an application within 30 days of its formation along with-
 - A demand draft of Rs 10,000.
 - Certified extracts from the latest electoral rolls in respect of at least 100 members of the party (including all office-bearers/members of main decision-making organs like Executive Committee/Executive Council) to show that they are registered electors.
 - An affidavit duly signed by the President/General Secretary of the party and individual affidavits from at least 100 members of the party to prove that no member of the party is a member of any other registered political party.
 - Details of bank account and permanent account number in the name of the party.

Benefits of Registration

Although, registration with the ECI is not mandatory, it has some advantages:

- Nominated Candidates by a political party registered with the ECI will be given preference over purely independent candidates in the allotment of free symbols.
- Registered political parties can claim an income tax exemption on donations under Section 13A of the Income-tax Act.
- The registered parties can be recognized as a state or a national party in future if they meet the conditions outlined by the Commission in the Election Symbols (Reservation and Allotment) Order, 1968. For example,
 - ◆ If it is designated as a 'state party,' it is entitled for exclusive use of its reserved symbol for its candidates in the state in which it is designated.
 - ◆ If it is recognized as a 'national party', it is entitled for exclusive allotment of its reserved symbol for its candidates set up by it throughout India.
 - ◆ Recognized 'state' and 'national' parties require only one proposer to file a nomination and are entitled to two sets of electoral rolls free of charge as well as broadcast or telecast facilities over state-owned Akashvani or Doordarshan during general elections.

Article 324- It empowers the Election Commission to monitor, direct and control the elections.

Section 29A of the Representation of the People Act, 1951- It deals with the registration of associations and bodies as political parties with the Election Commission.

Section 13A of the Income-tax Act- It contains special provisions relating to incomes of political parties and states that *income from house property or income from other sources or any income by way of voluntary contributions* received from any person shall not be included in the total income of such political party

provided that all the records are maintained, and accounts are audited.

Extra Mile

Difference Between Representation of People Act, 1950 and Representation of People Act, 1951

- Parliament enacted the Representation of People Act, 1950 (RPA,1950) and Representation of People Act, 1951 (RPA,1951) to implement the provisions under Articles 324–329 which aim to regulate the electoral process and ensure free, fair and impartial elections in the country.

RPA,1950	RPA,1951
1. Provides rules related to the preparation for elections.	1. Makes provisions for the actual conduct of elections.
2. Provides for actual allocation of seats in Lok Sabha, Rajya Sabha, Legislative Assembly and Legislative Councils.	2. Provides administrative machinery for conducting elections.
3. Provides for reservation of seats in the Parliament for SC/STs.	3. Deals with the registration of political parties.
4. Lays down voter qualifications .	4. Specifies the qualifications and disqualifications for membership of the houses.
5. Lays down procedures for the preparation of electoral rolls and the manner of filling seats.	5. Provisions to curb corrupt practices and other electoral offences .
6. Provides the procedure for delimitation of constituencies .	6. Procedures for settling doubts and disputes arising out of elections.
	7. Provides rules for political parties for accepting donations.

GOVERNANCE

Government Policies & Interventions for Development In Various Sectors

The Jan Vishwas (Amendment of Provisions) Bill 2023

- It seeks to **redefine the regulatory landscape of the country** with decriminalisation of minor offences under 42 Acts to reduce compliance burden and promote ease of living and doing business in the country.
- It was tabled in Parliament by the **Union Ministry of Commerce and Industry** last year and later referred to a **Joint Parliamentary Committee (JPC)** for review.
- The JPC presented its report with **recommendations** to Parliament during the Budget Session.
- As per reports, most recommendations of the JPC have been approved by the Union Cabinet, clearing the way for its passing.

What Does The Bill Propose?

- **Decriminalising of 180 offences** across 42 laws governing environment, agriculture, media, industry and trade, publication, etc.

- **It seeks to completely remove or replace imprisonment** clauses with monetary fines, to provide a boost to the business ecosystem and improve the well-being of the public.
- **The Bill also proposes compounding of offences in some provisions.**
- The Bill removes all offences and penalties under the **Indian Post Office Act, 1898.**
- **Changes in grievance redressal mechanisms** and the appointment of one or more Adjudicating Officers for determining penalties.
- **A periodic revision of fines and penalties** (an increase of 10% of the minimum amount every 3 years) for various offences in the specified Acts.

Some Key Laws Covered in Draft Legislation

- The Indian Forest Act, 1927
- The Air (Prevention and Control of Pollution) Act, 1981
- The Information Technology Act, 2000
- The Environment (Protection) Act, 1986
- The Copyright Act, 1957
- The Motor Vehicles Act, 1988
- The Railways Act, 1989
- The Cinematograph Act, 1952
- The Agricultural Produce (Grading & Marking) Act, 1937
- The Food Safety and Standards Act, 2006
- The High Denomination Bank Notes (Demonetisation) Act, 1978, etc.

What Is The Need For Such A Law?

- **MSMEs are the backbone of the Indian economy** and contribute significantly to the GDP.
- **For these enterprises to make a shift** to the formal sector and generate jobs and income, there must be effective and efficient business regulations in place that **eliminate unnecessary red tape.**
- **Currently, there are 1,536 laws** which translate into around 70,000 compliances that govern doing business in India.
- **A 2022 report** by the ORF on imprisonment clauses in business laws revealed that among the 69,233 unique compliances that regulate business in India, 26,134 have imprisonment clauses as a penalty for non-compliance.
- These excessive compliances have **proved onerous for business enterprises, especially MSMEs**, creating barriers to the smooth flow of ideas and the creation of jobs, wealth and GDP.
- Moreover, the lengthy processing times for the needed approvals can **escalate costs and dampen the entrepreneurial spirit.**

Significance of the Bill

- **Reducing compliance burden** gives impetus to business process reengineering and improves ease of living of people.
- **It would accelerate investment decisions** due to smoother processes and attracting more investment.
- **The Bill is also aimed at reducing judicial burden.** As per the National Judicial Data Grid, out of a total of 4.4 crore pending cases, 3.3 crore cases are criminal proceedings.
 - Settlement of a large number of issues, by **compounding method, adjudication and administrative mechanism**, without involving courts, will save time, energy and resources.

- To summarise, the Bill seeks to bolster **'trust-based governance'**.

Concerns w.r.t. the Bill

- The monetary fines or penalties are not a good enough attempt at 'decriminalisation'. Hence, the Bill undertakes **'quasi-decriminalisation.'**
- **The blanket removal of imprisonment provision** might also remove the deterrence effect of the environmental legislation, especially for large corporations profiteering from the offence.
- **Adjudicating Officers** may lack the technical competence necessary to decide all penalties under the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act 1986.
- Many offences proposed to be removed in the Bill have nothing to do with its objective of decriminalisation to promote ease of doing business - like **theft or misappropriation of postal articles.**

Press and Registration of Periodicals (PRP) Bill 2023

- The Union Information and Broadcasting (I&B) Minister introduced the Press and Registration of Periodicals (PRP) Bill 2023 in the Rajya Sabha.
- The Bill seeks to replace the existing **Press and Registration of Books (PRB) Act 1867**, which governs the registration of print and publishing industry in the country.

About PRB Act 1867

- **The Act aims to -**
 - Regulate printing press and newspapers in India,
 - Preserve copies of books and newspapers printed in India, and
 - Provide for registration of books and newspapers.
- **'Book'** for the purposes of the Act, includes even a pamphlet and every sheet of music, map, chart etc.
- Interestingly, **electronic media is outside the purview of this Act** (Sanjay Pinto v. A. Kamaraj, 2011).
- Under the Act, **only the district magistrate (DM)** could cancel the declaration of a periodical, while the **Press Registrar General (PRG)** did not have suo motu powers to cancel or suspend the Certificate of Registration granted by it.
- **It made improper declaration** of information a punishable offence with a **prison term of up to six months.**

Salient Provisions of PRP Bill 2023

- **The Bill seeks to simplify the registration process** for periodicals.
- The Bill will make it **mandatory for digital news platforms to do a "one-time registration" in order to operate.**
- **The Bill empowers the PRG to suspend/cancel registration.**
- As per the new Bill, **a person who has been convicted** by any court for an offence involving terrorist act or unlawful activity or having done anything against the security of the state shall not be permitted to bring out a periodical.
- **The Bill also seeks to do away with two provisions** that required publishers and printers to file a declaration before the DM.
 - Only an online intimation has to be filed before PRG and DM.
- It waters down **the provision** (of the PRB Act) **for prosecution and imprisonment of publishers** for improper declaration of information.
- **The punishment of jail** up to six months is envisaged **only in cases where -**
 - A periodical is published without a certificate of registration and

- The publisher fails to cease the printing of such publication even after six months of a direction issued to that effect by PRG.
- **The new Bill also provides for an appellate authority.** The Appellate Board (Press and Registration Appellate Board) will comprise Chairperson, Press Council of India (PCI), and two members of PCI to hear an appeal against -
 - Refusal of grant of registration,
 - Imposition of any penalty or suspension/cancellation of registration by PRG.

Significance of PRP Bill 2023

- **It aims to bring transparency and ease of doing business** by providing for a simple process that will help small and medium publishers.
- **It brings digital news media under its purview**, which is expected to weed out apps, websites and social media accounts spreading **fake news**.
 - At present, while traditional print and electronic media are governed by various laws, digital news platforms are not covered by any registration process.
 - To fix this, the government introduced the **IT (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021**, which made it mandatory for digital news platforms to register themselves with the government.
- **Books**, which were part of the PRB Act, 1867, have been taken out of the purview of PRP Bill, as books as a subject are administered by the Ministry of Education.
- **The statute has been substantially decriminalised** as against the PRB Act 1867.

Official Secrets Act (OSA)

Historical Evolution	<ul style="list-style-type: none"> ● OSA was first enacted as The Indian Official Secrets Act (Act XIV), 1889 to muzzle the voice of nationalist publications for opposing the British Raj's policies, building political consciousness and facing police crackdowns and prison terms to uphold their mission and convictions. ● It was amended and a more stringent version of the act came into being in 1904 when Lord Curzon's was the Viceroy of India. ● A newer version was notified in 1923 as The Indian Official Secrets Act (Act No XIX of 1923) which extended to all the matters of secrecy and confidentiality in governance in the country.
Key Provisions	<p style="text-align: center;">Spying/Espionage (Section 3 of the Act)</p> <p>Any person who is in the vicinity of, or enters, any prohibited place or obtains, collects, records or publishes or communicates to any other person any secret information which might be directly or indirectly, useful to an enemy or affects the sovereignty and integrity of India, the security of the State or friendly relations with foreign States will be charged with spying and will be punishable for fourteen years if the crime has been committed in any office or establishment of the defence forces and for three years in another cases.</p> <p>✓ Secret information can include official code or password, or any sketch, plan, model, article or note or other document or information.</p> <p style="text-align: center;">Disclosure Of Secret Information (Section 5 of the Act)</p> <p>If any person having in his possession or control any secret information-</p> <p>(a) willfully communicates it to any person other than a person to whom he is authorized to</p>

	<p>communicate it;</p> <p>(b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the State;</p> <p>(c) fails to take reasonable care of secret information</p> <p>shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.</p>
	<p align="center">Unauthorized use of uniforms; falsification of reports, forgery, personation, and false documents (Section 6 of the Act)</p> <p>A person will be held guilty if he, for the purpose of gaining admission or of assisting any other person to gain admission to a prohibited place-</p> <p>(a) uses or wears any naval, military, air force, police or other official uniform</p> <p>(b) makes any false statement in oral or writing</p> <p>(c) forges, alters, or tampers with any official document</p> <p>(d) personates, or falsely represents a person to whom an official document or secret information has been duly issued or communicated</p>
	<p align="center">Interfering With Officers of the Police or Armed Forces</p> <p>If any person in the vicinity of any prohibited place obstructs, knowingly misleads or interferes with or impede, any police officer, or any member of armed forces engaged in duty at a prohibited place will be punishable with imprisonment or fine or both.</p>
	<p align="center">Harbouring Spies</p> <p>If any person knowingly harbours any person who is about to commit or has committed an offence, they shall be guilty of an offence.</p>
<p align="center">Major Instances when it was invoked</p>	<ol style="list-style-type: none"> <i>Coomar Narain Spy Case, 1985</i>- one of the longest running espionage case, it involved twelve staff members in the Prime Minister's Office and Rashtrapati Bhavan Secretariat who entered into a criminal conspiracy through Coomar Narain (an employee of a Mumbai-based engineering and trading company) with officials of the French, Polish and German embassies, communicating secret official codes, classified documents and information pertaining to defence, shipping, transport, finance, planning, and R&AW and Intelligent Bureau reports. These former staff members were sentenced to 10 years of imprisonment in 2002. <i>S Nambi Narayan Case</i>- an ISRO scientist accused of passing on rocket and cryogenic technology to Pakistan for illegal gratification. He was acquitted later. <i>Iftikhar Gilani Case, 2002</i>- A journalist with the Kashmir Times, he was arrested and charged under the OSA for allegedly possessing secret documents relating to the deployment of troops in the Valley. <i>Poonam Agarwal Case, 2017</i>- A journalist charged under OSA for conducting a sting operation on an Army official who criticized the Sahayak system in the Army. <i>Madhuri Gupta Case, 2018</i>- former diplomat who had served at the Indian High Commission in Islamabad, was sentenced to three years in jail for passing on sensitive information to the ISI.
<p align="center">Classification of Official Documents</p> <p>OSA does not mention any criteria for classifying a document as</p>	<p align="center">Declassification Process</p> <ul style="list-style-type: none"> • Documents are reviewed every

“secret”. The Ministry of Home Affairs issues Departmental Security Instructions based on which official documents are classified into five categories depending on the level of sensitivity of the information and the implications of its disclosure for national security. They are-

1. **Top Secret**- Information whose unauthorized disclosure could cause “*exceptionally grave damage*” to national security or national interest. It is reserved for the nation’s closest secrets.
2. **Secret**- Information whose disclosure may cause “*serious damage*” to national security or national interest, or serious embarrassment to the government. It is used for “highly important matters”.
3. **Confidential**- Information that might cause “*damage*” to national security, be prejudicial to national interest and embarrass the government.
4. **Restricted**- Information meant only for official use, which is not to be published or communicated to any person except for official purposes.
5. **Unclassified**- Documents that do not require security classification.

five years. Documents more than 25 years old are transferred to the National Archives.

- According to the Public Records Act, 1993 and the Public Records Rules, 1997, an officer not below the rank of Under Secretary to the Government of India evaluates and downgrades the classified records being maintained by it. He is given this authority by an office order sent by the records creating agency.
- But not all the old files are sent to National Archives. Files related to issues like the Pokhran Nuclear Test, 1974 were retained by the Prime Minister's Office.

Right to Information Act (RTI) versus Official Secrets Act (OSA)

1. **Overriding Effect of RTI:** Section 22 of the RTI Act, 2005 states that it will have an overriding effect over other laws including the OSA. Therefore, in case of an inconsistency about furnishing of information under OSA, it will be superseded by the RTI Act. However, under Sections 8 and 9 of the RTI Act, the government can refuse information. Effectively, if the government classifies a document as “secret” under OSA Clause 6, that document can be kept outside the ambit of the RTI Act, and the government can invoke Sections 8 or 9.
2. **Importance to Public Interest:** Section 8(2) of the RTI Act states that access to information labelled as secret under the OSA can be provided, if public interest in disclosure outweighs the harm to the protected interests.

Recommendations To Amend OSA

- The 1971 Law Commission (first official body to make an observation regarding OSA) in its report on ‘Offences Against National Security’ observed that merely because a circular is marked secret or confidential, it should not attract the provisions of OSA if the publication is in public interest and no question of national emergency and interest of the State as such arises. But the Law Commission did not recommend any changes to the Act.
- The Second Administrative Reforms Commission (ARC) in 2006 recommended repealing or replacing OSA with a chapter in the National Security Act containing provisions relating to official secrets as OSA was “incongruous with the regime of transparency in a democratic society”. It referred to the 1971 Law Commission report that called for passing an “umbrella Act” to bring together all the laws related to national security.
- The government had set up a committee in 2015 to look into provisions of the OSA considering the RTI Act. It recommended making OSA more transparent and in line with the RTI Act.

Critical Analysis

- The act doesn’t properly define a ‘secret document’ and leaves it to the government’s discretion to decide what can come under the category. This loophole is used by the government to prevent the disclosure of any information which can go against its political interests and takes away a citizen’s right to information.
- As per section 3(2) of this act, an accused can be convicted without even proving him guilty of any act which can impact the safety or interests of the State. It places the burden of proof on the accused.

- Although RTI has been given overriding powers over OSA, there are still cases where some information requested under RTI can be termed as secret under 'OSA' and excluded from the ambit of RTI.
- But repealing of this act can also have a negative impact as sensitive information can be revealed bringing the country at risk. Thus, what is required is that the act should be reviewed properly, and necessary amendments should be made like there should be a proper definition for classifying a document as a secret document and the government should not enjoy unlimited powers when it comes to classify an information as secret and public interest should be kept in mind before taking any decision.

Way Forward and Suggestions

- Redefining security is necessary for Section 5 of the OSA, aiming to restrict the punitive measures of the OSA solely to violations that have an impact on national security. It is essential to distinctly define the concept of 'security' within this section, providing comprehensive elaboration.
- Furthermore, the Law Commission suggested the amalgamation of various national security laws into a **unified legal framework**, which led to the enactment of the National Security Act.
- The Supreme Court has affirmed that the primacy of the right to freedom of speech, expression, and information should take precedence over the outdated Official Secrets Act. The court has also issued rulings to safeguard whistleblowers, ensuring that individuals who expose bribery should not experience feelings of insecurity.

Bill on IIMs, and the Concerns It Raises Over Their Autonomy

- Central government has brought a Bill in the Parliament giving itself significant say in the appointment and removal of Directors of the Indian Institutes of Management (IIMs), and in initiating inquiries.
- The proposed changes in the **Indian Institutes of Management (Amendment) Bill, 2023** have triggered concern over their potential to erode the autonomy of the IIMs.

Background

- The IIMs are institutions of excellence, established with the objectives of –
 - imparting high quality management education and training,
 - conducting research and
 - providing consultancy services in the field of management to various sectors of Indian economy.
- **IIM-Calcutta** was the first Indian Institute of Management, established in **1961**. Currently, there are **20 IIMs** in the country.
- The **Indian Institute of Management Act, 2017** provides for the creation of an academic council for each IIM. This academic council is the principal academic body under the Act as it decides the –
 - academic content;
 - criteria and processes for admissions to course; and
 - guidelines for conduct of examinations.

What is the Purpose of Indian Institutes of Management (Amendment) Bill, 2023?

- The Bill seeks to amend the Indian Institutes of Management Act, 2017.
- Under the 2017 Act, the Director of an IIM is appointed by a Board of Governors, and the government has a limited say in the process.
 - Before the 2017 Act was passed, the Ministry of Education (formerly known as Ministry of Human Resource Development) used to appoint IIMs' directors, chairpersons and board-members.

- The proposed amendments essentially seek to alter this situation, and to **give the government an expanded role in the appointment of the IIM Director.**

How is This Change Proposed to be Effectuated?

- Section 5 of the amendment Bill says that the **President of India shall be the “Visitor of every Institute”** covered under the IIM Act.
- The Bill prescribes 3 primary roles for the **Visitor** to –
 - make appointments,
 - audit the working of institutions, and
 - conduct an inquiry.

What is the Current Process of Appointment of Director?

- Currently, the Director is appointed from the pool of names recommended by a search-cum-selection committee which is constituted by the Board.
 - The Board comprises of a chairperson, along with three members chosen from amongst eminent administrators, industrialists, educationists, scientists, technocrats and management specialists.

How Does the Bill Seek to Alter This Process?

- The Amendment Bill requires the Board to **obtain prior approval of the President before appointing a Director.**
- Since the actions of the President are on the aid and advice of the Union Council of Ministers, this change essentially means the **Ministry of Education** can veto the choice of the Board.
- The Amendment Bill also seeks to **give the government a say in the initial selection process.**
 - The Bill proposes that the four-member search-cum-selection committee to have one member nominated by the Visitor (i.e. the **President**), and only two other “eminent” members (instead of three).
- Under the proposed amendments, the Board will be required to **obtain prior approval of the Visitor to remove the Director as well.**

Other Significant Proposed Amendments in the Bill

- The Bill seeks to take away the power of appointment of the Chairperson from the Board, and to instead **make the Chairperson a nominee of the President.**
 - Currently, the chairperson is appointed by the Board.
- Also, the Bill proposes that the **President may appoint one or more persons to review the work and progress of any Institute** and to hold inquiries into the affairs.

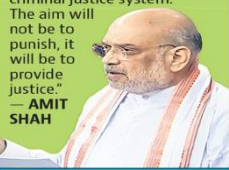
Why Has the Government Proposed These Amendments?


- **IIM (Amendment) Bill, 2023** represents the government’s rethink on the autonomy of IIMs.
- Over the last four years, the **Union government and the IIMs have had difference of opinions on several key appointments.**
- For example, the Director of **IIM Rohtak** was given a second term by the institute’s Board of Governors despite objections from the government.
- Earlier in 2019, former Gujarat IPS officer Rajnish Rai was appointed assistant professor at **IIM Ahmedabad.**
 - The Ministry of Education had written to IIM-A, asking why Rai had been appointed when he was under suspension. The institute had defended the appointment.
- Also, the President of India is the visitor of all the Central Universities and IITs and appoints their vice-chancellors and directors.

Bharatiya Nyaya Sanhita Bill, 2023

- The Central government has introduced three new Bills in the Lok Sabha that propose a complete overhaul of the country's criminal justice system.
- The three Bills are set to replace the **Indian Penal Code (IPC), 1860**; the **Code of Criminal Procedure (CrPC), 1973** and the **Indian Evidence Act, 1872**.
- The Bills — **Bharatiya Nyaya Sanhita (BNS), 2023**, to replace the IPC; **BharatiyaNagrik Suraksha Sanhita (BNSS), 2023**, for CrPC; and **BharatiyaSakshya (BS) Bill, 2023**, for the Indian Evidence Act — were referred to a standing committee.

Three bills introduced in Lok Sabha

Indian Penal Code (IPC), 1860 TO BE REPLACED BY Bharatiya Nyaya Sanhita Bill, 2023 <ul style="list-style-type: none">• It will have 356 sections (instead of 511 sections in IPC)• 175 sections have been amended• 8 sections have been added, and 22 sections have been repealed	Code of Criminal Procedure (CrPC), 1973 TO BE REPLACED BY Bharatiya Nagarik Suraksha Sanhita, 2023 <ul style="list-style-type: none">• It will have 533 sections (instead of 478 sections in CrPC)• 160 sections have been changed• 9 sections have been added, and 9 sections have been repealed	<p>"From 1860 to 2023, the country's criminal justice system functioned as per the laws made by the British. I can assure the House that these bills will transform our criminal justice system. The aim will not be to punish, it will be to provide justice." — AMIT SHAH</p> 
Indian Evidence Act, 1872 TO BE REPLACED BY Bharatiya Sakshya Bill, 2023 <ul style="list-style-type: none">• It will have 170 sections (instead of 167 sections in IEA)• 23 sections have been changed• 1 section has been added, and 5 sections have been repealed	WHAT NEXT The three bills will be studied by the standing committee on home affairs, which is chaired by BJP MP Brijlal (who is a retired IPS officer).	



Background:

- The Ministry of Home Affairs in 2020 had constituted a committee headed by **Prof. (Dr.) Ranbir Singh**, former Vice Chancellor of National Law University (NLU), Delhi to review the three codes of criminal law.
- The mandate of the committee was to 'recommend reforms in the criminal laws of the country in a principled, effective and efficient manner which –
 - ensures the safety and security of the individual, the community and the nation; and
 - prioritises the constitutional values of justice, dignity and the inherent worth of the individual,'.
- In February the committee submitted its recommendations on the criminal law amendments.

Need for New Bills

- **Colonial legacy**
 - From 1860 to 2023, the country's criminal justice system functioned as per the laws made by the British. The laws were drafted during colonial times and contain archaic language and concepts that might not accurately reflect current social norms, values.
- **Advances in Technology**
 - The rapid advancement of technology has introduced new dimensions to crime, evidence, and investigation.
- **Simplification and Streamlining**
 - The laws have become complex over time, leading to confusion among legal practitioners, law enforcement agencies, and the general public.
 - Simplifying and streamlining the legal framework can enhance transparency and understanding.
- **Evidence Collection and Presentation**
 - The Indian Evidence Act was enacted before the advent of modern forensic science and technological tools.
- **Various reports highlighted the need for reforms in criminal laws**
 - The department-related Parliamentary Standing Committee on Home Affairs in its 146th report had recommended that there is a need for a comprehensive review of the criminal justice system of the country.
 - Parliamentary Standing Committee in its 111th and 128th reports had also highlighted the need for reforms in criminal laws.

About Bharatiya Nyaya Sanhita (BNS) Bill, 2023

- The Indian Penal Code was drafted by the first Law Commission which was chaired by **Thomas Babington Macaulay** in 1834. The code came into force in January, 1860.
- The BNS Bill proposes several changes in the existing provisions of IPC including those related to defamation, offence against women and attempt to commit suicide.

Key Highlights of BNS Bill, 2023:

- **Sedition –**
 - Under the IPC, section 124-A deals with offence of sedition and prescribes sentence of life imprisonment or imprisonment which may extend to three years, to which fine may be added.
 - In the BNS Bill, provision 150 under the chapter pertaining to '**offences against the State**' talks about acts endangering sovereignty unity and integrity of India.
- **Terrorism –**
 - For the first time, word **terrorism has been defined under the BNS Bill**, which was not there under the IPC.
 - A terrorist has been defined as one who commits any act in India or a foreign country with the intention to threaten the unity, integrity and security of India, to intimidate the general public or a segment thereof, or to disturb public order.
- Now, in the BNS Bill, the **offence of defamation carries a simple imprisonment of up to two years, or with fine, or with both or with community service**.
- **Mob Lynching –**
 - Notably, for the first-time **capital punishment has been introduced for the offence of mob lynching** apart from the offence being made punishable with 7 years of imprisonment or life imprisonment.
- **Sexual exploitation of women** on the pretext of marriage, job, promotions or by concealing identity will be considered a crime.
- The **new Bill omits the provision for the offence of adultery**.
 - This is in line with the Supreme Court's ruling in 2018 in the case of **Joseph Shine v. Union of India**, where Section 497 of the IPC, which criminalized adultery, was held to be unconstitutional.
- The **new Bill does not include any punishment for 'unnatural sexual offences against men'**.
 - This is in line with the Supreme Court's unanimous reading down of Section 377 of the IPC as far as it criminalised same-sex relations between consenting adults in **Navtej Singh Johar v. Union of India** (2018).
- The **provision legalising marital rape has however been retained**.
 - Exception 2 to Section 63 (which defines the offence of rape) reads–'Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape.'
- While the punishment for the offence of murder is covered under section 302 of the IPC, it has been covered under provision 101 of the BNS Bill.
 - The punishment for murder, that is life term or death sentence, remains unchanged.
- **Speedy Legal Procedure –**
 - According to the proposed Bill, a charge-sheet will have to be filed within 90 days, and the court can give permission for another 90 days.
 - Probe will have to be completed in 180 days and sent for trial. After trial, judgment will have to be given in 30 days.

The Bharatiya Nagrik Suraksha Sanhita Bill 2023 seeks to replace the CrPC.

What is the Code of Criminal Procedure (CrPC)

- Enacted in 1973 (came into force on 1 April 1974), **CrPC is the main legislation on procedure for administration of substantive criminal law in India.**
- It provides -
 - The machinery for the investigation of crime,
 - Apprehension of suspected criminals,
 - Collection of evidence,
 - Determination of guilt or innocence of the accused person and
 - The determination of punishment of the guilty.
- It also deals with public nuisance, prevention of offences and maintenance of wife, child and parents.

Some of the Main Changes Proposed in CrPC

- **Greater use of technology:**
 - Trials, appeal proceedings, recording of depositions including those of public servants and police officers, may be held in electronic mode.
 - The statement of the accused too can be recorded through **video-conferencing**.
 - Summons, warrants, documents, police reports, statements of evidence can be done in electronic form.
- **Communication devices:**
 - The Bill adds **electronic communication** including “**communication devices**”.
 - On the directions of a court or police officer, a person is required to produce any document/ device that is likely to contain digital evidence for the purpose of an inquiry.
- **Use of handcuffs:** A police officer may be permitted to use handcuffs while arresting a person if he is a repeat offender who escaped from custody, or has committed an organised crime, terrorist act, offences against the state, etc.
- **Specific safeguards:**
 - Section 41A of CrPC - which has a prominent safeguard against arrests - will get a new number, **Section 35**.
 - It has an additional provision: no person can be arrested without prior permission of an officer, **not below the rank of a DSP**, in cases where the offence is punishable with less than 3 years, or if the person is above 60 years of age.
 - Cognizable cases- If the offence attracts 3-7 years, the police officer will conduct a preliminary inquiry to ascertain whether there exists a clear case to proceed within 14 days.
- **Mercy petitions:**
 - There is a provision on procedures for the timeframe to file mercy petitions in death sentence cases.
 - After being informed by jail authorities about the disposal of the petition of a convict sentenced to death, he, or his legal heir or relative can submit a mercy petition **within 30 days to the Governor**.
 - If rejected, the person can petition the President **within 60 days**. No appeal against the order of the President shall lie in any court.
- **Sanction to prosecute:**

- A decision to grant or reject sanction to prosecute a public servant must be reached by the government **within 120 days** of receiving a request.
- If the government fails to do so, the sanction will be deemed to have been accorded.
- **No sanction** is required in cases including sexual offences, trafficking, etc.
- **Arms in procession:**
 - **Section 144A** of the CrPC gives the district magistrate the power to prohibit the carrying of arms in any procession, mass drill or mass training, to preserve the public peace.
 - While the provisions granting powers to the DM remain as they are in Section 144 of the CrPC, **the provision to prohibit carrying arms does not find a mention.**
- **Samples without arrest:** The Bill has provisions for the magistrate to order any person to give samples of his signature, handwriting, voice or finger impressions for the purpose of investigation without being arrested.
- **Detention by police:** There are provisions for police to detain or remove any person resisting, refusing or ignoring, or disregarding directions given as part of preventive action.
- **A trial in absentia:** It is prescribed in stringent anti-terror legislation such as the Unlawful Activities (Prevention) Act (UAPA) where an alternative criminal law framework applies.
 - In such laws, **the burden of proof is reversed** - with the onus on the accused to prove himself not guilty rather than the state carrying the duty to prove guilt against the accused.

Significance of the Bharatiya Nagarik Suraksha Sanhita Bill

- **It will consolidate** and amend the law relating to criminal procedure and calls for **specific timelines for time-bound investigations, trials and judgements.**
 - It will ensure speedy delivery of justice.
- The draft legislation falls in line with the government's **Digital India initiative.**
 - **For example,** it provides for admissibility of digital or electronic record as evidence, which shall have the same legal validity and enforceability as a paper record.
- **The legislation adopts a citizen centric approach** for supply of a FIR and informs victims about the progress of the case, including by digital means.
- **Summary trial** has been proposed for petty offences.
- **A 'Zero FIR' can be lodged** at any police station and the FIR must be transferred within 15 days to the police station having jurisdiction over the place of crime.

Bharatiya Sakshya Bill, 2023

The Indian Evidence Act will be replaced by the **Bharatiya Sakshya Bill, 2023.**

Key Highlights of the Bharatiya Sakshya Bill, 2023

- The Indian Evidence Act will be replaced by Bill which proposes changes to 23 provisions and introduces one new provision. It contains 170 sections in total.
- The Bill permits the admissibility of an electronic or digital record as evidence and will have legal validity as documentary evidence.
- The ambit of what constitutes secondary evidence has also been expanded to include the following:
 - copies made from the original by mechanical processes,
 - copies made from or compared with the original,
 - counterparts of documents as against the parties who did not execute them and
 - oral accounts of the contents of a document given by some person who has himself seen it.

Rajya Sabha Passes Inter-services Organisation Bill

The Rajya Sabha has passed the *Inter-Services Organisation (Command, Control & Discipline) Bill – 2023*. It was also passed by the Lok Sabha.

Key Provisions of Inter-services Organisations (Command, Control and Discipline) Bill, 2023

- **Applicability**
 - It is applicable to all personnel of regular Army, Navy and Air force, and to persons of other forces as notified by the Central Government, who are serving in or attached to an Inter-Services Organisation.
- **Empowers Commander-in-Chief of Inter-Services Organisations**
 - The bill seeks to empower Commander-in-Chief and Officer-in Command of Inter-Services Organisations with all disciplinary and administrative powers.
 - This is to enable them to take decisions related to personnel serving in or attached to such organisations.
 - At present, all Army, Navy and IAF personnel are governed by their service-specific acts.
 - The service personnel serving in or attached to an Inter-Services Organisation will continue to be governed by their respective Service Acts.
 - However, this bill will **empower heads of Inter-Services Organisations** to exercise all the disciplinary and administrative powers as per the existing service acts, and related rules and regulations, irrespective of the service they belong to.
- **Empowers the central government to constitute an Inter-Services Organisation**
 - The bill also empowers the central government to constitute an Inter-Services Organisation.
 - This paves the way for the creation of integrated theatre commands — a major military reform on cards.
 - The bill will aid better coordination among the defence forces, and bring about better jointness and integration within the military.
 - This is significant against the backdrop of new challenges involved in modern warfare which is more technology and network-centric.
- **The bill is an Enabling Act**
 - The bill is essentially an Enabling Act and it does not propose any change in the existing Service Acts/Rules/Regulations.
 - Service personnel when serving in or attached to an Inter-Services Organisation will continue to be governed by their respective Service Acts.

What will change with the enactment of the bill?

- The heads of the existing inter-services organisations presently do not have these powers.
 - The **Inter-services organizations** include the Strategic Forces Command, the Andaman and Nicobar Command and joint training establishments such as the National Defence College, among others.
- Hence, any disciplinary or administrative action against personnel attached to these organisations have to be referred to their respective services.
- The enactment of the Bill will ensure maintenance of effective discipline in inter-services establishments by their heads.
- There will be no requirement of referring personnel undergoing disciplinary proceedings to their parent services.
- It will also lead to faster disposal of cases of misdemeanour or indiscipline.

Is This Bill A Precursor To Theaterisation?

- Theaterisation is a concept which seeks to integrate the capabilities of the three services - army, air force and navy – in order to optimally utilise their resources for wars and operations.
- A theatre command/unit will be created by integrating elements/assets from all the three services.
- Currently, the plans are to establish three theatre commands—**one facing Pakistan, one facing China, and a maritime theatre command**, largely taking care of the peninsular India.
- With the Indian Armed Forces drawing up the finer details of the integrated theatre commands, this bill can be considered one of the several steps paving the way for their establishment.
- As per the defence minister, if theaterisation happens, this Act, through a normal notification, would be effective on theatre commands too.

Registration of Births and Deaths (RBD) Amendment Bill, 2023

The Registration of Births and Deaths (RBD) Amendment Bill, 2023 which seeks to amend the Registration of Births and Deaths (RBD) Act, 1969 was passed in the Lok Sabha by a voice vote.

- ✓ RBD Act was passed in 1969 to promote uniformity and comparability in the registration of Births and Deaths across the country. The act mandates registering births, stillbirths and deaths within 21 days of occurrence and for this purpose, the States and Union Territories are required to maintain individual databases on the **Civil Registration System (CRS)** which comes under the operational control of the Registrar General of India (RGI).

About RBD Amendment Bill, 2023

The amendment bill provides for a **real-time, dynamic** national-level population database which could be linked with other demographic databases like ration cards and passports, voter rolls and the National Population Register (NPR) for efficient and transparent delivery of public services and making it more citizen friendly.

- The NPR is a register of usual residents of the country. It is mandatory for every usual resident of India to register in the NPR. It includes both Indian citizens as well as a foreign citizen.
- NPR was first prepared in 2010 and updated in 2015 under the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, framed under the Citizenship Act, 1955.

Background (Need) In Which This Amendment Bill Was Introduced

- Presently, Aadhaar is not mandatory for registration of births and deaths and the proposed amendment to the 1969 Act will give it legal teeth.
- Recently, the Centre allowed the Registrar General of India (RGI) to perform Aadhaar authentication during registration of births and deaths in the country.
- To minimize the proliferation of fake documents and to ensure efficient and transparent delivery of public services.
- To eliminate the need for multiple documents to prove the date and place of birth.

Key Amendments In the Proposed Bill vs the RBD Act, 1969

Amendments	RBD Act, 1969	RBD Amendment Bill, 2023
National Database	It authorizes the Registrar General to give directions for the registration of births and deaths and provides for the appointment of Chief Registrar and District	It renames the Registrar General as the Registrar General of India and authorizes him to maintain a national database of births and deaths. It authorizes the Chief Registrar to take steps for registering births or deaths and maintaining a unified database of

	Registrars by the state governments for coordinating and supervising the registration process in individual databases.	registered births and deaths at the State level and the States will share granular, real-time data, by giving the RGI access to the Application Programming Interface (API). This will enable the central data reservoir to be updated in real-time, without any human interface and independent of location.
Requirement of Aadhaar Details	It requires people (medical officer, jailor, village headman etc.) having knowledge of birth or deaths to report the same to the registrar along with his name, description and place of abode.	It mandates the people reporting the information to the registrar to also update the Aadhaar details of the parents and informant in case of births and of the informant in case of death.
Usage of Information		
<p>In RBD Act, 1969: No such provision</p> <p>In Proposed Amendment:</p> <ul style="list-style-type: none"> • With the prior approval of the Central Government, the database of registered births and deaths may be made available to the authorities dealing with the preparation or maintenance of other databases like population register, electoral rolls, Aadhaar card, ration card, passport etc. • The information provided in the database could be used to prove the date and place of birth of a person born on or after the date of enactment of the Registration of Births and Deaths (Amendment) Act, 2023, for the purposes of— <p>(a) admission to an educational institution; (b) issuance of a driving license; (c) preparation of a voter list; (d) registration of a marriage; (e) appointment to Government job; (f) issuance of a passport; (g) issuance of an Aadhaar number; and (h) any other purpose as may be determined by the Central Government.</p>		
Certificate of Registration	On completion of the registration process of a birth or death the registrar will give, free of charge, an extract of the prescribed particulars under his hand from the register relating to such birth or death.	On completion of the registration process of a birth or death the registrar will give, free of charge, electronically generated certificate under his signature within seven days to the person who gives information.
Registration for adopted/orphan	No such provision.	It facilitates registration process of adopted, orphan, abandoned, surrendered, surrogate child and child to a single parent or unwed mother.
Appeal	It provides for penalty for the person violating the provisions of this act but there is no provision for appeal.	Under the bill, any person aggrieved by any action or order of the <i>Registrar or District Registrar may appeal to the District Registrar or Chief Registrar, respectively</i> within 30 days from receipt of such action or order and the decision should be given within 90 days from the date of appeal.
Sub-Registrar	It provides for the appointment of Sub-Registrar by the Registrar with the prior approval of the Chief Registrar but doesn't contain any provision regarding special sub registrar.	It includes the provision for appointing special sub-registrars in case of disasters or epidemics to speed up the registration process.

Significance of the Proposed Bill versus Concerns Raised

<u>Significance</u>	<u>Concerns</u>
<p>It will bring individual databases onto a common platform, a repository that will be maintained by the RGI.</p> <p>It will enable 360-degree surveillance and help the Ministry of Home Affairs (MHA) to track people in real time and identify what welfare measures can be taken up.</p>	<p>A security breach can threaten the entire database. Lack of privacy and surveillance laws can impose a risk to all the data which can easily be misused. For example, the report of CoWIN data breach using a telegram bot risked the personal data (such as name, Aadhaar and passport numbers) of lakhs of registered individuals.</p>
<p>It can be used to update other databases automatically such as electoral rolls, national population register etc. Thus, it will help save resources and costs to update individual databases.</p>	<p>Integration of inaccurate birth and death data with other repositories may pose a risk of widescale exclusions. For example, recently 5 crore names were excluded from MGNREGS due to non-Aadhaar linkage.</p>
<p>It will help simplify the process of applying and obtaining birth and death certificates which has till now been a time-consuming process and for the uneducated and illiterate population it has been something used to exploit them financially.</p>	<p>People having lack of technical knowledge can still be prone to exploitation until they are made fully aware of the new system.</p> <p>For example, in Bihar the CRS representatives demanded bribes from people for issuing certificates available free of cost.</p>

Anti-Ragging Laws or Policies in India

Supreme Court of India on Ragging

- **Meaning:** The Court in a 2001 (Vishwa Jagriti Mission) case, defined ragging as:
 - Any disorderly conduct (by words spoken or written or by an act), which has the effect of causing annoyance, hardship or psychological harm/ shame or embarrassment in a fresher or a junior student, adversely affecting their physique or psyche.
- **The cause of indulging in ragging:** To derive sadistic pleasure (by inflicting pain) or showing off power, authority or superiority by the seniors over their juniors or freshers.
- **Key Guidelines on Anti-ragging:**
 - Setting up **proctorial committees** to prevent ragging and internally address complaints against ragging.
 - If the ragging becomes unmanageable or amounts to a cognisable offence **the same may be reported to the police.**

UGC Guidelines to Prevent Ragging

- In 2009, the SC in another case dealt with the ragging issue appointed a committee headed by former CBI Director **RK Raghavan**.
- The recommendations of the committee were subsequently formalised by the University Grants Commission (**UGC**) in the form of **detailed guidelines for universities on anti-ragging**.
- The guidelines [**The Regulations on Curbing the Menace of Ragging in Higher Educational Institutions**] include 9 explanations of what could constitute ragging:
 - Teasing, treating or handling a fellow student with rudeness;
 - Causing physical or psychological harm;
 - Causing or generating a sense of shame;

- Academic activity of any other student or a fresher;
- Exploiting a fresher or any other student for completing academic tasks assigned to an Individual or a group of students;
- Financial extortion or forceful expenditure;
- Homosexual assaults, stripping, forcing obscene and
- Lewd acts, gestures, causing bodily harm.
- At an institutional level, the UGC requires universities **to declare its intent publicly to prevent ragging and requires students to sign an undertaking** that they will not engage in ragging activities.
- **The institution shall set up appropriate committees**, including the course-incharge, student advisor, Wardens and some senior students as its members, to actively monitor, promote and regulate healthy interaction between the freshers and seniors.
- **If found guilty by the anti-ragging committee**, the UGC guidelines require any member of the committee to “proceed to file a FIR, within 24 hours of receipt of such information.

Laws to Prevent Ragging in India

- **While ragging is not a specific offence**, it could be penalised under several other provisions of the Indian Penal Code (IPC).
- **For example**, the offence of **wrongful restraint** is criminalised under Section 339 of the IPC which is punished with simple imprisonment up to 1 month, or with fine up to Rs 500, or with both.
 - **Wrongful restraint** is an offence when a person is prevented from proceeding in any direction in which that person has a right to proceed.
- **Section 340 criminalises** wrongful confinement which is defined as wrongfully restraining any person in such a manner as to prevent that person from proceedings beyond certain circumscribing limits.
- **Several states have special laws for anti-ragging**. For example,
 - **The Kerala Prohibition of Ragging Act 1998** provides for suspension or dismissal of the student accused of ragging and mandatorily requires the college administration to inform the nearest police station.
 - If an educational institution fails to do so, it would be “deemed abetment” to commit the offence.

Way Ahead:

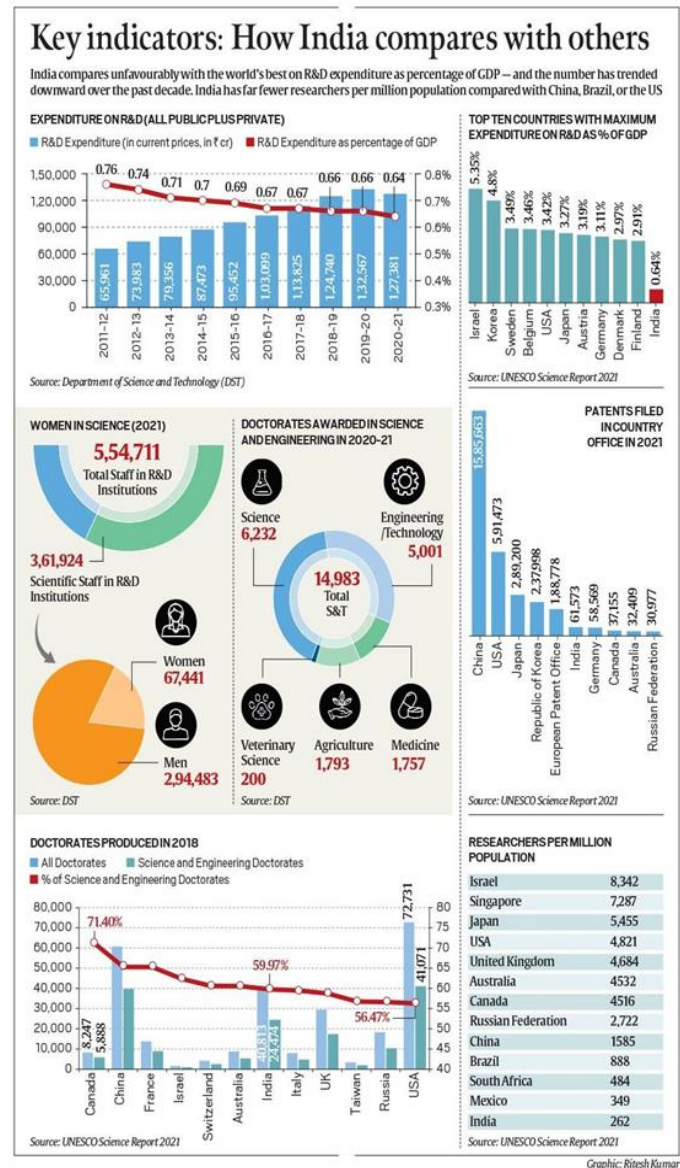
- Fixing the accountability of authorities.
- Add more teeth to anti-ragging laws at the central and state levels.
- Conducting regular campus checks and awareness building exercises (among freshers regarding safeguards available) at the campuses especially during the first few months of the beginning of a new session.

National Research Foundation (NRF) Bill 2023

The Union Cabinet approved the National Research Foundation (NRF) Bill, 2023, in the Parliament. It will establish NRF as an apex body to provide high-level strategic direction to scientific research and development (R&D) in the country.

State of Science Research in India

- Government funding for R&D is done via two modes- core grants and extramural grants.
 - ✓ **Core Grants-** Most of the expenditure is done through core grants. In the year 2016-17, Rs 42,074 crore was spent on R&D and the three major recipients of the funding were DRDO (31.8 per cent), DoS (19.1 per cent), and DAE (11.3 per cent).
 - ✓ **Extra Mural Grants:** Given by Department of Science and Technology through Science and Engineering Research Board (SERB), it serves the R&D aspirations of the central universities, state universities including agricultural universities, colleges, deemed universities, institutions of national importance like IISc and IITs, and even the national laboratories. In 2016-17, around Rs 2,454 crore (5.8 per cent of the total expenditure on R&D) was spent on extramural grants to fund around 4,711 projects.
- Only 0.65 per cent of country's GDP (0.41 per cent by the public and 0.24 per cent by private funding) is being spent on R&D. These investments are much lower than those being made by the developed and newly emerged economies of East Asia (more than 2 % of GDP).
- Women comprise only 18% of total scientific researchers in India, while globally this number was 33%.



About The NRF Bill, 2023

What?

- The Bill seeks to set up the National Research Foundation (NRF), a centralized body to fund scientific R&D in the country by providing research grants to individuals; seeding, growing and facilitating research in Indian universities.
- The Science and Engineering Research Board (SERB) Act 2008, will be repealed and subsumed by NRF.
 - ✓ The SERB Act establishes SERB as a statutory body of the Department of Science and Technology (DST) and has played an important role in building a sustainable research ecosystem through a diverse programme portfolio that includes grant funding, fostering young researchers, recognizing and rewarding research excellence, promoting scientific networks and partnerships, and enhanced gender and social inclusiveness.

<p>Background</p>	<ul style="list-style-type: none"> • The idea of NRF was <u>first recommended by the Kasturirangan Committee in 2019 in draft National Education Policy</u> highlighting the lack of a conducive research ecosystem and underinvestment in research in India. • This recommendation was adopted in the National Education Policy (NEP 2020) as it suggested to establish NRF for managing competitive grant system for R&D across all Indian universities and institutes involved with higher education (especially the less well-heeled institutions) as they were facing the issues of expertise, funds and infrastructure.
<p>Need</p>	<ul style="list-style-type: none"> • Low Spending on Research- India's spending on research has always lagged between 0.6%-0.8% of GDP, or lower than the 1%-2% spent by countries with an economic base reliant on science and technology. • Less Contribution by Private Sector- The private sector in countries like China, the U.S. and Israel contributes nearly 70% for research purpose whereas in India, private sector contributes only about 36% of India's total research expenditure. • Competitive Grant System- With increasing number of institutes /universities /medical schools, the number of doctoral students is also increasing significantly. However, the overall funding under extra mural grants has remained static resulting in poor doctoral-level training. • Accelerated Research- To accelerate research in new and unexplored areas and motivating people to take up research as profession as number of researchers per million population in India is 262 which is extremely low compared to countries like Brazil (888), South Africa (484), Mexico (349). • Boosting Patents and Publications: Indian researchers published only 5% of all the articles in the science and engineering journal whereas Chinese researchers contributed 23%, while the US researchers accounted for 15.5%. In 2021, India stood at sixth position in the world by registering a total of 61,573 patents but it was nowhere close to the 16 lakh patents filed in China, and about six lakhs in the US that year. <p>Thus, the Government has introduced NRF to increase research spending, attract private sector investment, for timely fund distribution, accelerating research and patent registration.</p>
<p>Objective</p>	<ul style="list-style-type: none"> • <u>To ensure equitable funding in scientific institutions across the country and greater participation from the private sector</u> as eminent institutions like the IITs and IISc get a bulk of research funding while State universities get very little (~10%) share of it. • <u>To prioritize research funding.</u> • <u>To forge collaborations among industry, academia, government departments and research institutions.</u> • <u>To facilitate Ease of Doing Science</u> by reducing the time taken for completing grant approval formalities, managing all the paperwork and finances effectively. • <u>Capacity building at universities and colleges.</u> • <u>To grow and nurture excellence in cutting-edge research</u> across various disciplines. • <u>To support research for societal impact.</u>
<p>Funding</p>	<ul style="list-style-type: none"> • It will operate with a budget of 50,000 crore for five years starting from 2023-2028. • Of this, 28% (14,000 crore) will be provided by the government (it will increase eventually to 20,000 crore per year) and the remaining 72% (36,000 crore) will come from the private sector.

	<ul style="list-style-type: none"> • Out of the government's share, 4,000 crores will be given by the SERB budget.
Governing Board	<ul style="list-style-type: none"> • It will be managed by a Governing Board consisting of- <ul style="list-style-type: none"> ✓ Prime Minister as its ex-officio Chairman. ✓ Union Minister of Science & Technology and Union Minister of Education as ex-officio Vice-Chairmen. ✓ A 15-member executive council consisting of secretaries or representatives of ministries that fund research, as well as directors or representatives of other major funding bodies such as Department of Science & Technology, Department of Atomic Energy, Department of Biotechnology, ICAR, ICMR, UGC etc. • A President to the board will be selected from among the council members. • The board will formulate a future roadmap for NRF based on input from all stakeholders and submit its report to the Prime Minister. • The president of the board, along with the vice-president would be accountable to the funding agencies and to government.

Significance

- **Democratization of Science Funding:** NRF will emphasize on funding projects in peripheral, rural and semi-urban areas, which have always been neglected.
- **Finding solutions to the bigger problems:** NRF will promote research not just in the natural sciences and engineering, but also in social sciences, arts and humanities.
- **Provides an efficient and integrated management system:** For the implementation of the missions such as the supercomputer mission or the quantum mission.
- **Ease of Doing Science** by reducing the time for applying for a grant till approval, digitally processing all the paperwork, all the financial queries will be handled by the NRF and financial department of the institute, timely release of money for research.
- **Addressing chronic Issues:** Issues like no uniform infrastructure for scientific research, lack of uniformity in funding etc.

Concerns Raised

- Although the NRF bill mentions timely disbursement of funds, a proper mechanism is required to facilitate and implement it.
- There is a need for explicit spending guidelines for researchers which provide flexibility to work along with making them accountable.
- It is unclear how the government will raise 36,000 crores from the private sector for funding NRF and how transparent the whole system be?

Way Forward

- NRF along with focusing on boosting the investment, should also focus on the quality of work done under R&D, its impact on India's research output, publications and patent registration and improving India's position in scientific community across the world.
- R&D across state universities and institutes should be given preference to motivate students to take up research.
- Exchange of students should be encouraged with foreign universities for facilitating knowledge transfer.

Rohini Panel Submits Long-Awaited Report

- The report of a commission set up to examine the sub-categorisation of Other Backward Classes (OBCs) was submitted to President.
- The contents of the report have not been made public as yet.
- The four-member commission headed by Justice G Rohini, a retired Chief Justice of Delhi High Court, was appointed in October, 2017.

Sub-categorisation of OBCs- Background

- OBCs are granted 27% reservation in jobs and education under the central government.
 - However, there is a widespread perception that only a few wealthy communities among the over 2,600 on the Central List of OBCs have secured a significant portion of this 27% reservation.
 - Nine states and 1UT have already sub-categorised OBCs.
 - Andhra Pradesh, Telangana, Puducherry, Karnataka, Haryana, Jharkhand, West Bengal, Bihar, Maharashtra, and Tamil Nadu
- In 2020, a Constitution Bench of the Supreme Court reopened the legal debate on sub-categorisation of Scheduled Castes (SCs) and Scheduled Tribes (STs) for reservations.
 - Disagreeing with its 2005 Constitution Bench verdict, the SC asserted that there are unequals within the list of SCs, STs and socially and educationally backward classes (SEBCs).
 - In the case of *E.V. Chinnaiah v. State of Andhra Pradesh* (2005), the Supreme Court held that the Scheduled Castes form one homogenous group.
 - Therefore, any inter-se classification within the Scheduled Castes would be a violation of Article 14.
 - In other words, it prohibited sub-categorisation of SCs.
 - The SC referred the issue of preferential treatment for certain sub-castes within the SCs and STs to a larger bench.
- The argument for sub-categorisation or creating categories within OBCs for reservation is that it ensures "equitable distribution" of representation among all OBC communities.
- To examine this, G Rohini Commission was constituted by the Central government in 2017.

About the G Rohini Commission

- It was constituted under **Article 340 of the Constitution** with the approval of the President of India.
 - Article 340 empowers the President of India to appoint a commission to investigate issues concerning OBCs and make recommendations to improve their situation.
- Prior to constituting the Rohini Commission, the Centre had granted the National Commission for Backward Classes (NCBC) constitutional status by the 102nd Amendment Act, 2018.

Terms Of Reference Of The Commission

- To investigate the extent of inequitable distribution of reservation benefits among castes or communities in the broad category of OBCs.
- To develop the mechanism, criteria, norms and parameters for sub-categorisation within such OBCs using a scientific approach.
- To begin the process of identifying and classifying the respective castes, communities, sub-castes in the Central List of OBCs.
- To review the various entries in the Central List of OBCs and recommend changes to any repetitions, ambiguities, inconsistencies, or spelling or transcription errors (added in 2020).

Data Analysed By The Commission

- **Analysis**

- In 2018, the commission analysed the data of 1.3 lakh central government jobs under the OBC quota over the preceding five years.
- It also included OBC admissions to central higher education institutions, including universities, IITs, NITs, IIMs and AIIMS, over the preceding three years.

- **Findings**

- The analysis showed 97% of all jobs and education seats have gone to 25% of OBC castes, and 24.95% of these jobs and seats have gone to just 10 OBC communities.
- As many as 983 OBC communities — 37% of the total — were found to have zero representation in jobs and educational institutions.
- 994 OBC sub-castes had a representation of only 2.68% in recruitments and admissions.
- However, this analysis suffered from limitations due to the absence of updated population data.

Challenges Faced By The Commission:

- **Absence of data**

- The absence of data on the population of various communities to compare with their representation in jobs and admissions.
- As a result, in December 2018, the commission wrote to the government asking for a budgetary provision for an all-India survey to estimate the population of various OBCs.
- Later, it decided not to undertake such survey at this stage.

- **Demand for a caste census**

- OBC groups and almost all political parties barring the BJP central leadership have continued to demand a caste census.
 - Bihar legislature has twice unanimously passed resolutions calling for a caste census.
 - Recently, Patna High Court dismissed a challenge to the decision of the Bihar government to conduct a caste survey, paving the way for the exercise in the state.

Mines and Minerals (Development and Regulation) Amendment Bill 2023

Indian Parliament passed the Mines and Minerals (Development and Regulation) Amendment Bill 2023, in a bid to attract private sector investment in the *exploration of critical and deep-seated minerals in the country*.

Need of Critical and Deep-seated Minerals

- **A variety of minerals** are crucial to a country's manufacturing, infrastructure, and advancement.
- **However, the clean energy transitions** of countries including India, seeking to meet their net-zero emission goals, are **contingent on the availability of critical minerals** such as -
 - Lithium (or white gold), cobalt, graphite, and
 - Rare earth elements (REEs are crucial in making wind turbines, solar panels, etc).
- **These are also crucial for the manufacture of semiconductors** used in smart electronics; defence and aerospace equipment; telecommunication technologies; etc.
- **According to the World Bank, the demand for critical metals** such as lithium (Li) and cobalt is expected to rise by nearly 500% by 2050.
- **The lack of availability of such minerals** or the concentration of their extraction or processing in a few geographical locations leads to **import dependency, supply chain vulnerabilities, etc.**

- **The Russian invasion of Ukraine** has made it more clear how global supply chains of a range of commodities are vulnerable to shocks leading to a lack of availability and skyrocketing prices.

Attempts to Secure Supply-Chain Resilience by various Countries

- **Major economies** including the US, UK, and EU have moved to secure supply-chain resilience for such minerals and to reduce reliance for their availability on countries like China.
 - This has been done by way of the **Mineral Security Partnership (MSP)**, which **India** became party to this year.
 - **China** has majority ownership of cobalt mines in the Democratic Republic of Congo, where 70% of the world's cobalt is mined.
 - **China** also has by far the largest reserves of REEs (and produces 65% of the world's REEs), followed by Vietnam, Brazil and Russia.
- Countries like the US, Australia, Japan, and the EU bloc have also **created lists of critical minerals** based on their specific economic needs and the supply risk of the minerals.
- **The Indian Ministry of Mines** recently came out with a **list of 30 minerals critical to the country's economic development and national security**.

Case of India

- **India's unique geological and tectonic setting** is conducive to hosting potential mineral resources.
- **Its geological history** is similar to the mining-rich regions of Western Australia and Eastern Africa.
- **Still, India is highly dependent on imports** for a majority of **30 minerals** of the above-mentioned list.
 - **For instance**, India is 100% import-dependent on countries including China, Russia, Australia, South Africa, and the US for the supply of critical minerals like lithium, cobalt, nickel, niobium, beryllium, and tantalum.
 - **In the case of lithium**, India's imports were worth \$22.15 million in 2021-2022. India imported 5,486.18 lakh units of lithium-ion batteries, spending \$1,791.35 million.
- **For deep-seated minerals** like gold, silver, lead, cobalt, platinum group elements (PGEs), diamonds, etc., India depends largely on imports.
 - **In 2022-23**, India imported close to 12 lakh tonnes of copper (and its concentrates) worth over Rs. 27,000 crores.
 - It imported 32,298.21 tonnes of Nickel worth Rs. 6,549.34 crore.
- **India** has 6% of the world's REEs reserves and produces only 1% of global output.

Reasons Why India Is Unable To Explore Its Minerals

- **The primary step to discovering mineral resources** and eventually finding economically viable reserves is mineral exploration, which comes in various stages before mining. These stages are -
 - **Reconnaissance** (preliminary survey to determine mineral resources),
 - **Prospecting** (exploring, locating, or proving mineral deposits), and
 - **Detailed exploration** (estimating of mineral ore and grade).
- **It is estimated that India has explored just 10%** of its Obvious Geological Potential (OGP), less than 2% of which is mined and the country spends less than 1% of the global mineral exploration **budget**.
- **A majority of exploration projects have been carried out by the government agencies** - Geological Survey of India and PSUs like Mineral Exploration Corporation Limited (MECL) - **with very little private sector participation**.
 - This is mainly due to lack of policy support and inadequate incentives for the private sector.

- **Exploration requires highly specialised, time-intensive and monetarily risky operations** (aerial surveys, geological mapping and geochemical analyses) with less than 1% of explored projects becoming commercially viable mines.
 - Indian PSUs had not fared well when it came to **deep-seated and critical minerals**.

India's Existing Mining Policy

- **The Mines and Minerals (Development and Regulation) Act 1957**, the primary legislation governing mining in the country has been amended several times.
 - **Under this, private companies** could also get Prospecting Licences (PL) or Mining Leases (ML), and could even apply for early-stage or greenfield exploration through Reconnaissance Permits (RPs).
- **In the early 2010s**, as the mining industry seemed to be gathering momentum, concerns about favouritism and misuse started coming up in the allocation of 2G spectrum and natural resources like coal blocks.
- **The Supreme Court ruled in 2012** that the **First Come First Serve** method of resource allocation was vulnerable to manipulation, favouritism, and misuse, asking the government to adopt a transparent method.

How Does The Mines And Minerals Bill 2023 Help?

- **The Bill omits six previously mentioned atomic minerals** (lithium, beryllium, niobium, titanium, tantalum and zirconium) from a list of 12 which cannot be commercially mined (reserved for government entities).
 - **These six minerals was previously reserved for government entities**
- **The Bill allows prohibited activities** under the Act like pitting, trenching, drilling, and sub-surface excavation as part of reconnaissance, which included mapping and surveys.
- **The Bill also proposes a new type of license** to encourage reconnaissance-level and or prospective stage exploration by the **private sector**.
- **This exploration licence (EL)**, for a period of five years (extendable by two years), will be granted by the state government by way of competitive bidding.
- **This license will be issued for 29 minerals** specified in the 7th Schedule of the amended Act, which would include critical, strategic, and deep-seated minerals.
- **It also specifies the maximum area for exploration** - activities in upto 1,000 sq kms will be allowed under a single exploration licence.

Some Issues with the Bill's Proposals

- **A process could take years to materialise** owing to government timelines for clearances or may not happen at all considering the complexity of the deposit and geography.
- **The explorer would not know how much revenue** they will receive as the auction premium would be known only when a mine is successfully auctioned.
- **Only the government can auction** what an explorer has discovered and the latter would only get a share of the premium at an unknown stage.
 - This is unlike other global jurisdictions where private explorers can sell their discoveries to miners.
- **The SC had observed (in 2012)** that since big capital investments go into discovering natural resources, companies would only spend big amounts if they are assured of utilising any discovered resources.

Rajasthan Minimum Guaranteed Income Bill, 2023

The Rajasthan Assembly recently passed the Rajasthan Minimum Guaranteed Income Bill which guarantees 125 days of work a year for all families in the state. With this Bill, Rajasthan has become the first and the only state in the country to guarantee minimum income with legislative backing and make pension a legal right.

About The Bill

What?	The bill introduces a scheme called <u>the Mahatma Gandhi Minimum Income Guarantee Scheme (MGMIGS)</u> , an amalgamation of the Urban Employment Guarantee Scheme, the Rural Employment Guarantee Scheme and the pension scheme. It guarantees 125 days of work to all state adults and a pension to the elderly, the specially abled, widows and single women.
Effect to DPSP	The Bill was implemented in consonance with Articles 39(a) (that the citizens, men, and women equally, have the right to an adequate means of livelihood), 41 (right to work, to education and to public assistance in certain cases) and 43 (living wages, etc. for workers) of the directive principles of the state policy (DPSP).
Major Provisions (Understanding the 3 Broad Categories)	
<p>1. Minimum Guaranteed Income: It guarantees to provide eligible categories with a minimum pension of Rs 1,000 and a minimum income for 125 days a year to all the adult citizens of the state through-</p> <ol style="list-style-type: none">Indira Gandhi Urban Employment Guarantee Scheme (IGUEGS)Chief Minister Rural Employment Guarantee Scheme (CMREGS) <p>2. Right To Guaranteed Employment:</p> <ul style="list-style-type: none">It gives every adult person residing in the <u>rural and urban areas</u> of the state a right to get guaranteed employment for doing permissible work of at least additional 25 days (for rural) (As the state will supplement the MGNREGA's 100 days by providing jobs for an additional 25 days in rural areas.) and of at least 125 days (for urban) and to receive minimum wages weekly or in any case not later than a fortnight.It also provides for appointing a program officer (not below the rank of Block Development Officer in rural areas and an Executive Officer of the local body in urban areas) by the state government to ensure that the work site is within a radius of five kilometers of where the job card is registered in both rural and urban areas.If the program officer fails to provide employment within 15 days from the date of application, the applicant will be entitled to unemployment allowance from the state government on a weekly basis or in any case not later than a fortnight. <p>3. Right To Guaranteed Social Security Pension: It entitles every person from the category of old age/especially abled/widow/single woman, with prescribed eligibility, to a pension. An important component of the pension which will automatically increase over the base rate in two instalments i.e., <u>5 per cent in July and 10 per cent in January</u> of each financial year starting from 2024-25.</p>	
How is it different?	<ul style="list-style-type: none">Ensures Minimum Income Guarantee for All- The scheme provides employment guarantee to <u>urban and rural population</u> who can work and guarantees social security to the ones who cannot work, thus ensuring minimum income guarantee to all.Legislative Backing- It is the first time that an urban employment scheme has got legislative backing as similar schemes in different states have been introduced only by an executive order.Pension as a Legal Right- For the first time in the country, pension will be a legal right under this bill.Universal Application- The bill doesn't differentiate people based on their social status and covers all citizens unlike other centrally sponsored pension schemes extended only for Below Poverty Line families.

Critical Analysis

This bill is a welcome step as it brings a ray of hope for crores of vulnerable families in desperate need of a minimum income and employment guarantee across the country. But it will also burden the state economy and increase the fiscal deficit when Rajasthan already lists among the most fiscally vulnerable states of India.

Gujarat Prevention of Anti-Social Activities Act, 1985 Soon to Be Implemented in Delhi

Recently, a proposal by the Delhi Home Department of extending Gujarat Prevention of Anti-Social Activities (PASA) Act, 1985 to Delhi was approved by the Lieutenant Governor (LG) and forwarded to the Ministry of Home Affairs (MHA). Once implemented, the Delhi Police will get more stringent powers of Preventive Detention under this law.

- An identical law from Telangana (The Telangana Prevention of Dangerous Activities of Bootleggers, property offenders, etc. Act, 1986) was also examined and it was found that the Gujarat law is more reasonable and better.

Gujarat Prevention of Anti-Social Activities Act, 1985

What?	<ul style="list-style-type: none">• Originally, this act provided for the preventive detention of bootleggers, dangerous persons, drug offenders, immoral traffic offenders and property grabbers for preventing their anti-social and dangerous activities prejudicial to the maintenance of public order.• The 2020 amendment to the act brought under its ambit the persons operating gambling dens and prostitution rackets, offenders of cow-slaughter, sexual offences and cyber-crimes, those involved in usury (practice of lending money at very high rates of interest), and repeated offenders of the Arms Act.✓ A bootlegger is a person who distills, manufactures, stores, transports, imports, exports, sells or distributes any liquor, intoxicating drug or other intoxicants.
Detention Rules	<ul style="list-style-type: none">• Under Section 3 of this Act, if the State Government or the District Magistrate or Commissioner of Police is satisfied that a person needs to be prevented from acting in any manner prejudicial to the maintenance of public order, it may give orders to detain that person.• If the orders are given by the District Magistrate or Commissioner of Police, then he needs to report about the same to the State Government, along with the grounds on which the order has been made. No such order can remain in force for more than twelve days from the date of issuance. Unless, in the meantime, it has been approved by the State Government.• A person can be booked under PASA only by an officer whose territorial jurisdiction he resides in.• The individual can be detained at any location in Gujarat and transferred from one detention facility to another within the state.• A person can be booked on multiple grounds, each to be mentioned separately.• There should be more than one FIRs filed against the accused at any police station in the state.
Advisory Board	<ul style="list-style-type: none">• Constituted by the State Government, the board consists of a Chairman (Sitting or Retired High Court Judge) and two other members who are, or have been, Judges, of any High Court or are qualified to be appointed as a High Court judge.• The detention order along with the grounds on which the detention has been made is submitted to this board within three weeks from the date of detention.• Upon taking into consideration all the facts, the board decides if the detention is valid or not.

	<ul style="list-style-type: none"> • All its proceedings and reports are confidential.
Detention Period	The maximum period for detention is one year.
Related Judgements	<ul style="list-style-type: none"> ✓ Visaman bhai D. Dhola versus State of Gujarat, 2007: In this landmark judgement, the court observed that the police could not prove the petitioner was a criminal and deemed the detention order “illegal”, “improper” and “malicious” and directed the authorities to pay the petitioner a compensation of Rs. 1.5 lakh. ✓ HaidarshaAbdulsha Pir versus State of Gujarat, 2020: In this case, the then Chief Justice Vikram Nath of Gujarat HC (now a SC judge), laid down a set of guidelines for preventive detention orders which included- <ul style="list-style-type: none"> ✓ Conveying the detention order in a language understandable to the detenu. ✓ Mentioning the specific grounds of such an order. ✓ Furnishing documents relied upon for each of the grounds with all details. ✓ Laying all documents concerning the detention orders, along with the detenu’s representation in front of the advisory board. ✓ In case the person’s representation was not considered by the advisory board, the government shall do so, before passing its order of confirmation on the preventive detention. ✓ Gujarat HC had also set a precedent by ruling that “preventive detention matters should be treated as the Habeas Corpus Petitions and a Habeas Corpus Petition, questioning the legality and validity of an order of preventive detention, should be heard by a Division Bench of this Court and not by a Single Judge.”
Related Concerns	<ul style="list-style-type: none"> • The law has a long history of rampant misuse by state authorities as it confers a broad discretion on the government to detain any person and empowers the police to conceal the grounds of detention from detenu and deny them legal representation. • It infringes upon a person’s personal liberty. • It allows booking a person under multiple grounds. Even if one ground is held invalid, the detention orders will still be valid based on other grounds. • Misuse of criteria for multiple FIRs through complaints filed years ago, for which the detainee has not been convicted. • Ordinary people are being detained under this draconian law and finally their detentions are quashed by the High Court. This not only wastes the precious time of the judiciary but also affects the detenu’s professional and personal life. No amount of compensation can make-up for the sufferings caused to the detenu.

Can A State Law Be Enacted In Union Territories?

Yes, Section 2 of the Union Territories (Laws) Act, 1950, allows the Central Government (through a notification in the Official Gazette) to extend any enactment which is in force in a State to the Union territory of Delhi, Himachal Pradesh, Manipur or Tripura or to any part of such territory.

How Will It Benefit Delhi Police?

It will provide more power to the Delhi Police to deal with criminals and will ensure effective deterrence against crimes such as chain snatching, bootlegging, drug peddling etc. along with guaranteeing wellbeing of citizens.

Development Processes & Development Industry

CSR Funding To NGOs

- Corporate Social Responsibility (CSR) is a concept whereby companies integrate social and environmental concerns in their business operations and interactions with their stakeholders.
- It is the way through which the company achieves “Triple-Bottom-Line Approach” that is balance of economic, environmental and social imperatives while at the same time addressing the expectations of shareholders and stakeholders.
- In 2014, India became the **first country to legally mandate CSR**. Section 135 of India's Companies Act made it mandatory for companies to spend 2% of their average net profit for the past three years on CSR activities if it meets any of the following thresholds:
 - ✓ net worth of INR 500 crores (Cr)
 - ✓ turnover of INR 1000 Cr. or more
 - ✓ or a net profit of INR 5 Cr. or more in a given financial year.

Means Available To Companies Under Companies Act To Spend On CSR Activities

- Directly, Through captive agencies (their own trusts, societies or foundations), Through government agencies, Through public agencies (NGO's)

A study by KPMG on the top 100 companies in India in 2019 shown that 75% of the companies carried out CSR through partnerships (NGOs), which itself show important role being played by NGOs in channeling CSR funds for social sector.

Financial Costs Involved In Running An NGO	CSR Funder Archetypes
<ul style="list-style-type: none"> • Programme expenses: Costs incurred on programmes run by them • Administrative and support expenses that are not specifically tied to programmes such as rent, electricity, technology and Human resources costs. <p>So, NGO's true expenses=Programme expenses+ administrative and support expenses</p>	<p>There are three distinct funder archetypes</p> <ul style="list-style-type: none"> • Programme proponents: Companies which Provide grants to NGO's only for actual programmes undertaken by them but don't support indirect costs and organizational development. • Adaptive funders: Companies who are not rigid on just supporting programmes but also support indirect costs and organizational development if the NGO makes a case • Organizational builders: See value in investing in building stronger organizations in addition to programmes

Issues In CSR Funding To NGOs

- Large number of CSR funders principally fall under category of 'programme proponents' and they contribute little or no money for organizational development and indirect costs of NGOs.
 - ✓ This reduces the efficacy and impact the implementation of very programmes that funders support
- Several large companies instead of 'hiring professional leads, experienced in the social sector' to carry out their CSR activities, have added such responsibilities to their existing HR or administration or communications head affecting CSR activities overall effectiveness
- Lack of awareness about CSR rules:
 - ✓ Not every company is aware of all the aspects of the CSR rules that they are complying with.
 - ✓ For example, not many are aware that 5% cap on administrative costs is applicable only to a business' internal CSR operation cost and not to the **NGO's** administrative costs.

- 90% of the CSR funders are relatively small, unlisted companies. These Small CSR funders tend to focus more on compliance to CSR laws and cost minimization rather than the impact they are making on social sector.
- Presence of animosity between NGOs and corporate in terms of ideology and execution of programmes
- Companies want NGOs to be more process driven (appropriate reporting with photos and videos, maintaining proper books of accounts) which requires resources and skills which NGOs lack
- Lack of appreciation of each other's views, interests and risks by NGOs and corporate as well as labeling and negative stereotyping about each other preventing collaborative and cooperative approach
- Lack of transparency and allegations of malpractices in NGOs' functioning

Suggestions To Strengthen CSR Funders And NGO Partnership

- **Learning from Peer Organizations** who view organizational development and indirect costs differently from programme costs.
- **Pooling:** Companies can pool their resources with other mission-aligned CSR stakeholders to increase the overall impact of their activities
- Larger Companies can hire professional leads experienced in social sector in carrying out of their CSR responsibilities
- **Strengthening capabilities of NGOs:** Companies, in addition to funding, can offer their financial accounting and analysis capabilities to the NGOs to build financial resilience.
 - ✓ For example, Edelweiss company came up with a programme where in its senior and mid-level officials are offering financial management, MIS, digitization and other forms of support to NGOs without any charge
- NGOs on their part should adopt high standards of **probity and professionalism** in their functioning to inspire the trust and confidence of corporates.
- CSR funders are to shift their focus beyond mere compliance with CSR laws and giving funds to the social impact they are making through their initiatives. This changing role is due to recognition of the fact that "what is good for Indian society is also good for business".
- Defining and publishing their impact metrics to hold themselves accountable.
- The SDG 17 maintains "Partnerships for the Goals". Business-NGO partnership is one of them in addition to business-government, government-nonprofit, and Business-NGO –Government partnerships.

So, the need of the hour is to strengthen and CSR funders and NGOs' partnership in order for India to achieve its sustainable development goals.

Important Aspects of Governance, Transparency & Accountability

Pronab Sen Committee: Is There A Need To Overhaul National Surveys?

The Government of India recently appointed a panel under the chairmanship of Pronab Sen, former Chief Statistician of India, to review the methodology of the **National Statistical Organisation (NSO)**.

About Pronab Sen Committee

- The Ministry of Statistics and Programme Implementation (MoSPI) has formed a new **Standing Committee on Statistics (SCoS)** to advise on official data generated by NSO.

- This panel will replace the **Standing Committee on Economic Statistics (SCES)** that was formed in **2019** to advise on economic data.
- **Role to be played by NSC:** While the new panel will help finalise survey results, the **National Statistical Commission (NSC)** will have the **ultimate authority to approve the publication of those results.**

The Statistical set-up of the Government of India:

- The **MoSPI** came into existence as an Independent Ministry in 1999 after the merger of the Department of Statistics and the Department of Programme Implementation.
- **The Ministry has two wings**, one relating to Statistics and the other Programme Implementation.

The **Statistics Wing** called the NSO consists of the Central Statistical Office (CSO), the Computer center and the National Sample Survey Office (NSSO).

Besides these two wings, there is **National Statistical Commission (NSC was created through a resolution)** and one autonomous Institute - **Indian Statistical Institute** - an institute of National importance.

SCoS vs SCES

- The **SCES** was mandated to **review the framework for economic indicators** such as those pertaining to the industrial and services sectors, along with labour force statistics.
 - Its focus was limited to **“Reviewing” high-frequency data** like the Index of Industrial Production (IIP) and the Consumer Price Index (CPI), apart from surveys and enumerations like:

NSO is Mandated with the Following Responsibilities:

- **Acts as the nodal agency** for the planned development of the statistical system in the country.
- **Coordinates the statistical work** in respect of the Ministries/Departments of the Government of India.
- **Prepares national accounts** as well as publishes annual estimates of national products.
- **Maintains liaison with international statistical organizations**, such as the United Nations Statistical Division (UNSD), Economic and Social Commission for Asia and the Pacific (ESCAP), IMF, ADB, FAO, ILO, etc.
- **Compiles and releases the Index of Industrial Production (IIP)** every month in the form of ‘quick estimates’.
- **Conducts the Annual Survey of Industries (ASI).**
- **Provides statistical information** to assess and evaluate the changes in the growth, composition and structure of the organised manufacturing sector.
- **Organises and conducts periodic all-India Economic Censuses** and follow-up enterprise surveys.

Economic Census

Annual Survey of Industries

Periodic Labour Force Survey (PLFS)

- **SCoS has enhanced terms of reference** that enable it to advise the Ministry not just on all existing surveys and data sets, but also -
 - *Identify areas where data gaps exist,*
 - *Suggest ways to fill them and carry out pilot surveys and*
 - *Studies to fine-tune new approaches for capturing better data.*
- **The new committee** is also half the size of the 28-member panel that was reviewing economic data.

Why Is There A Need To Review The Methodology Of The NSO?

- **National level data is a key resource** for research, policymaking and development planning, so it is of utmost importance to understand and analyse the data in the light of existing evidence.
- **Usage of outdated survey methodology by national surveys** such as the National Sample Survey (NSS), National Family Health Survey (NFHS) and PLFS, have systematically underestimated India’s development.
 - **This archaic methodology** has failed to capture reality in the recent past as the Indian economy has been incredibly dynamic in the last 30 years.
 - **For example**, India’s key economic indicators such as retail inflation, GDP or even the extent of poverty (revised), continue to be based on the 2011-12 numbers.
 - **It compels the government to rely on proxy data** such as Employees’ Provident Fund (EPF) account numbers to gauge employment trends and the National Family Health Survey to assess poverty levels.
- **The credibility of some of NSO’s data has been questioned.**

- **For example**, in 2019, the government decided to junk the results of two major NSSO household surveys carried out to assess the employment and consumption expenditure levels in Indian households **due to data quality issues**.

Case of NFHS

- Conducted by the Ministry of Health and Family Welfare for the last 30 years with the International Institute of Population Sciences (IIPS) as the nodal agency. **NFHS has rural bias in terms of representation**.
- The survey methodology, which depends heavily on the last Census data, **systematically overestimates the rural population** (when compared with WB data).
- **For example**, there is evidence that rural population overestimation seems to have taken place by NFHS-2 and NFHS-5. *However, these errors seem random rather than systematic.*

How Can These Errors Be Minimised?

- **If the sample weights are appropriately assigned**, after taking into account all possible sources of error, then over/ underrepresentation seems to get corrected to a large extent.
- **Pronab Sen Committee** needs to address these concerns to make the sample adequately representative rather than go for a complete overhaul of the survey methodology.
- Traditionally, the NSO used to appoint committees to advise on design and methodology for Surveys.
 - **However, the new panel explores the availability of administrative statistics** that can be useful for surveys and generating more data.
- The new panel is **expected to help address issues raised from time to time** on the results and methodology of surveys.
- With survey design and features evolving, **the panel can seek to sensitise data users about the nuances involved to ensure better interpretation of the numbers**.
- The SCoS [whose official data will be assessed by the independent NSC, to check whether it is fit for release/ not] **must seek to rebuild the credibility of India's statistics**.

SOCIAL JUSTICE

Welfare Schemes, Laws, Mechanism, And Institutions For Vulnerable Sections

Children

POCSO Act

While the SC and several HCs have underlined concerns over criminalisation of adolescent sex, the *22nd Law Commission of India is not in favour of lowering the age of consent for minors* (which is currently 18 under the POCSO Act).

- The Commission (headed by Justice Ritu Raj Awasthi) is set to release its report on the minimum age of consent under the POCSO Act 2012.

What is the Issue of Minors Being Booked for Minors Consensual Act?

- **Minors aged between 16 and 18** who engage in a consensual act that may come under the definition of sexual activity under the law run the risk of being booked under POCSO.
- While these cases of adolescent sex **may not necessarily result in conviction of a minor boy**, the law is such that it could result in **denial of bail and prolonged detention**.
- According to a study, **one in every four cases** under the POCSO Act in West Bengal, Assam and Maharashtra constituted “romantic cases” where the victim was found to be in a consensual relationship with the accused.

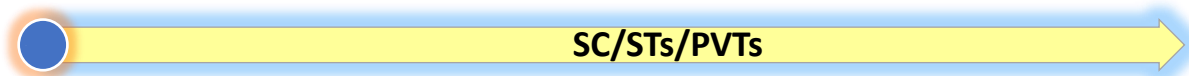
22nd Law Commission of India’s Recommendations wrt POCSO:

- The Law Commission is of the view that **lowering the age of consent may be counterproductive for women**.
- The Commission is likely to recommend **awareness measures on adolescent health care** including making sex education mandatory and teaching the basics of consent under the POCSO Act in schools.

Why Is The Commission Against Lowering The Age Of Consent?

- Its decision is influenced by two key issues -
 - **The government’s proposal to increase the minimum age of marriage for women** and
 - **The incongruity between Muslim personal law and the POCSO law**.
- **Under the law**, the age of consent under the POCSO Act, the age of majority is **18 years**.
- The Union Cabinet cleared a proposal to raise the legal age of marriage for women **from 18 to 21 years to bring it on par with men**.
 - The government cited **gender neutrality, risks of early pregnancies and overall empowerment** of women as reasons to increase the age of marriage.
- **Under Muslim personal laws**, marriage for girls is at puberty, which is presumed to be at age 15.
 - This gap between Muslim personal laws and the special legislation is prohibiting child marriage.
- Lowering the age of consent for sexual activity under POCSO could potentially have an impact on these aspects too.

{For more about POCSO refer Mains Probable-Part 1}



Manual Scavenging in India: 530 Districts Reported as Free of the Practice

According to the Ministry of Social Justice and Empowerment (MoSJ&E), a total of 530 districts (out of total 766) across the country had so far reported themselves to be free of manual scavenging.

- **While 100% of districts in States** like Bihar, Rajasthan, Tamil Nadu and a few others have declared themselves free of manual scavenging, in several States and UTs, only about 15% to 20% of the districts have reported so.
- **For instance**, in Manipur, just two of the 16 districts have reported as being manual-scavenging free.
- Similarly, in **J&K**, just 30% of the districts have declared themselves free of the practice with a similar number in **Telangana**. However, **UP**, which had the highest number of manual scavengers (32,473) in two surveys conducted till 2018, has nearly 90% districts reporting that they had been made free of manual scavenging.

Manual Scavenging in India

In India, ~58,098 people worked as manual scavengers as of 2018 and **941 people have died** (since 1993) due to accidents while undertaking hazardous cleaning of sewer and septic tanks.

Attempts to Abolish Manual Scavenging in India:

- **The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.**

- It covered only dry latrines and the definition of manual scavenging was restricted to a person employed for manually carrying human excreta.
- Also, there was **no stress laid upon the rehabilitation** of

Salient Features of the PEMSAR Act 2013

- It **bans manual scavenging** and **widened the definition of manual scavengers** - to include all forms of manual removal of human excreta like an open drain, pit latrine, septic tanks, manholes and removal of excreta on the railway tracks.
- It **calls for a survey of manual scavenging** in urban and rural areas and the conversion of insanitary latrines into sanitary latrines.
- It makes it obligatory for employers to provide **protective tools** to the workers.
- It **lays key focus on rehabilitating the manual scavengers** by providing them with ready-built houses, financial assistance and loans for taking up alternate occupation.
- The offence of manual scavenging has been made **cognizable and non-bailable**.



these workers and the **lenient penal punishment** could not create deterrence in society.

- **The Prohibition of Employment as Manual Scavengers and their Rehabilitation (PEMSAR) Act 2013** replaced the Act of 1993.
 - Unlike the previous act, which was drafted with cleanliness in mind, the current legislation emphasises the **human dignity, rights and rehabilitation of manual scavengers**.
- **Safai Karamchari Andolan v. Union of India (2014)**: The SC highlighted the importance of rehabilitation, to prevent present as well as future generations from working as a manual scavenger.

Other Efforts to Abolish Manual Scavenging in India:

- **Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)**: It was revised in 2013, with the:
 - Provision of One Time Cash Assistance of Rs. 40,000/- to one identified manual scavenger in the family.
 - Capital subsidy upto Rs. 3.25 lakh to identified manual scavengers and their dependents for self-employment projects upto Rs. 10.00 lakh.
 - Skill Development Training upto two years to identified manual scavengers and their dependents with stipend @ Rs. 3,000/- per month during the training period.
- **NAMASTE scheme**: The National Action Plan for Mechanised Sanitation Ecosystem (NAMASTE) scheme was launched in 2022-23 for 100% mechanisation of sewer work by 2025-26. The SRMS has now been merged with the NAMASTE scheme.
- **Launch of the Swachata Mobile App in 2016**: To complain for possible signs of ongoing manual scavenging.

Concerns Regarding Implementation of Above Measures:

- **Non-compliance**: With mandated safety measures and standard operating procedures (SOP) still causes fatal accidents in sewers and septic tanks.
 - **330 people have died** while being engaged in cleaning sewers and septic tanks in the last five years.
- **Lack of financial assistance**: Union Budget 2023-24 showed an allocation of only ₹100 crore for the NAMASTE scheme.

- **Low conviction rate:** In cases either under the Prohibition of Manual Scavenging Act or under the SC/ST Act.



No Accurate Count of Population of Persons with Disabilities

Union government was pulled up by the Parliamentary Standing Committee on Social Justice and Empowerment for failing to accurately estimate the current population of Persons with Disabilities (PwDs) in the country.

- The Parliamentary Standing Committee said that at least until the results of Census 2021 were made available, which might take “considerable time”, the **government ought to use every resource it has to correctly estimate the population of PwDs.**
 - This may include collaborating with State governments, using data from surveys they are conducting, consulting experts, and sensitising surveyors of the Ministry of Statistics.
- **Identity Cards for PwD –**
 - The Department of Empowerment of Persons with Disabilities said that the government had introduced a measure to provide **Unique Disability ID (UDID) cards** to all those covered under schemes meant for them.
- The committee said that this measure is not enough as the **department has issued 94.09 lakh UDID cards so far whereas the PwD population even 10 years ago was more than double that number.**
- Further, the Opposition and rights activists had cornered the government over dropping of the disability-related questions from the National Family Health Survey (NFHS-6) last month.
 - The Health Ministry said that most of this data were already available through the 76th Round of the National Sample Survey (NSS) conducted in 2018.
- The committee said that there is an urgent requirement to explore innovative solutions to this issue.

Disabilities In India

- According to an estimate by the World Health Organisation, globally, 15 percent of the population live with some form of disability, while over 80 percent of that share live in Low- and Middle-Income Countries.
- In India, **over 2.2 percent of the total population endures some form of severe mental or physical disability.**
- Conceptually, since the condition of disability is rather transient than static, **there is no one universal definition of what comprises a disability or who is considered disabled.**
- In India, the list of criteria that categorizes people as disabled was revamped in 2016 and came into effect with the Rights of People with Disabilities Act.

Salient Features of the Rights of Persons with Disabilities Act, 2016:

- It came into force to give effect to the **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).**
- The Act has categorized person with disability into three:
 - Person with benchmark disability;
 - Person with disability;
 - People with disabilities having high support needs.
- The Act increases type of disability from 7 to 21 types and the Central Government has the power to add more to the list.

- These **21 types of disabilities** include: Blindness, Low-vision, Leprosy Cured persons, Hearing Impairment (deaf and hard of hearing), Locomotor Disability, Dwarfism, Intellectual Disability, Mental Illness, etc.
- The Act has **increased the quantum of reservation for people suffering from disabilities from 3% to 4% in government jobs and from 3% to 5% in higher education institutes.**
- Every child with benchmark disability between the **age group of 6 and 18 years shall have the right to free education.**
- A **separate National and State Fund** be created to provide financial support to the persons with disabilities.

National Policy for PwD, 2006:

- The existing National Policy for Persons with Disabilities was adopted in 2006.
- Implementing Agency: Ministry of Social Justice & Empowerment
- The policy seeks to recognize that PwDs are valuable human resource for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and full participation in society.
- The focus areas of the policy include:
 - **Prevention of Disabilities:** The policy calls for programme for prevention of diseases, which result in disability and the creation of awareness regarding measures to be taken for prevention of disabilities.
 - **Rehabilitation Measures** includes physical rehabilitation, educational rehabilitation, and economic rehabilitation.
 - **Women with disabilities:** Special programmes will be developed for education, employment and providing of other rehabilitation services to women with disabilities keeping in view their special needs.
 - **Children with Disabilities:** The Government would strive to Ensure right to care, protection and security for children with disabilities;
 - **Barrier-free environment:** The goal of barrier free design is to provide an environment that supports the independent functioning of individuals so that they can participate without assistance, in everyday activities.

Issues Relating to Development & Management of Social Sector/Services

Health

Global Report on the Food Crises (GRFC), 2023

The Global Report on the Food Crises (GRFC) 2023, prepared by the Global Network Against Food Crises (GNAFC), released recently estimated that between 691 million and 783 million people in the world suffered from hunger in 2022.

What is Food Security?

- Food security means availability, accessibility and affordability of food to all people at all times.

Key Highlights of Global Report on Food Crises 2023

- The Global Report starts with a **qualified assertion** that hunger is no longer on an alarming path upwards at the global level, but still far above pre-COVID pandemic levels.

- In 2022, an **estimated 2.4 billion people did not have access to adequate food**. This is still 391 million more people than in 2019.
- Some good news is that **stunting**, defined as the condition of being too short for one's age, **among children under five years of age has declined steadily**, from 204.2 million in 2000 to 148.1 million in 2022.
- Simultaneously, **child wasting**, caused by insufficient nutrient intake or absorption, declined from 54.1 million in 2000 to 45 million in 2022.
- In terms of children who are overweight or obese, the study indicated a **non-significant increase from 5.3% (33 million) in 2000 to 5.6 % (37 million) in 2022**.

What Are The Key Drivers Of Food Insecurity

- Slowing down, due to lockdowns, economic downturns, and other pandemic-related disruptions in 2020 that led to job losses and reduced incomes for many people;
- Ukraine war;
- Governmental policies that may not be entirely favourable; and
- *Increasing urbanisation that drives changes through the agri-food systems.*

The report's comparison of food insecurity among rural, peri-urban and urban populations reveals that **global food insecurity is lower in urban areas**.

What Are The Solutions Ahead?

- The report helps "identify vulnerable population groups, contributing to inform decision-making and effective action through the appropriate targeting and design of policies and programmes."
- Sound nutrition is fundamental to the achievement of the SDGs and must be central in government policy and supported by civil society and the private sector.
 - Some of its recommendations include supporting healthier food outlets
- Policy incentives are necessary to encourage shops to sell greater amounts of fresh and minimally processed foods.
- Another key input is on street foods, which an estimated 2.5 billion people worldwide consume every day, due to the convenience and cost factor.
- The report calls for **addressing multiple infrastructure and regulatory gaps to improve nutritional safety and quality of street food**.
- The GRFC also suggests building rural infrastructure, including quality rural and feeder roads to connect remote farms and enterprises to main road networks.
- Other public investments to support linkages between (mainly small) farms and small and medium enterprises could include warehousing, cold storage, dependable electrification, access to digital tools and water supply.

Food Security System In India

- This system has two components: (a) buffer stock, and (b) public distribution system.
- **Buffer Stock:**
 - Buffer Stock is the stock of food grains, namely wheat and rice, procured by the government through the Food Corporation of India (FCI).
 - The FCI purchases wheat and rice from the farmers in states where there is surplus production. The farmers are paid a pre-announced price for their crops. This price is called **Minimum Support Price (MSP)**.
- **Public Distribution System** through government regulated ration shops.

Challenges

- With nearly 195 million undernourished people, India shares a quarter of the global hunger burden.
- Nearly 47 million or 4 out of 10 children in India are not meeting their full human potential because of chronic undernutrition or stunting.
- The government has large-scale food security and anti-poverty programmes but there are critical gaps in terms of inclusion and exclusion errors.
- Women and girls are particularly disadvantaged.
- Despite the achievement of national food self-sufficiency, new challenges have emerged:
 - Slowing agriculture growth, climate change, land degradation, shrinking bio-diversity.
 - Large tracts of farmlands in India have become barren due to imbalanced fertiliser use and excessive use of a single fertiliser, urea.

INTERNATIONAL AFFAIRS

Bilateral Relations

Indus Water Treaty

Recently, the Hague based **Court of Arbitration (CoA)** ruled that it has competence to consider matters concerning the Kishenganga and Ratle hydroelectric projects in Jammu and Kashmir.

- Pakistan had opposed the construction of these projects and had approached CoA.
- After this, India reiterated its position that the constitution of the “Court of Arbitration” is in contravention of the provisions of **1960 Indus Waters Treaty**.

Indus Water Treaty (IWT)

- The Treaty is a water-distribution treaty between India and Pakistan, brokered by the World Bank.
- According to this treaty, **three rivers: Ravi, Sutlej and Beas were given to India** and the other three: Sindh, Jhelum and Chenab were given to Pakistan.
- **Rights & obligations under this treaty**
 - India is under obligation to let the waters of the western rivers flow, except for certain consumptive use.
 - The treaty allocates Pakistan approx. 80% of the entire water of the six-river Indus system and reserved for India just remaining 19.48% of the total waters.
 - India can construct storage facilities on western rivers of up to 3.6-million-acre feet, which it has not done so far.
 - The IWT permits run of the river projects and require India to provide Pakistan with prior notification, including design information, of any new project.

What are the Dispute Redressal Mechanisms Under The Indus Water Treaty?

- Article IX of the Treaty is a dispute resolution mechanism - **graded at three levels** to resolve a difference or a dispute related to projects on the Indus waters.

- **First level**
 - Either party has to inform the other side if they are planning projects on the Indus River with all the information that is required or asked for by the other party.
 - This process is done at the level of the **Permanent Indus Commission (PIC)**, created to implement and manage the goals of the IWT.
 - If PIC is unable to solve the question in contention, the question becomes difference and goes to second level.
- **Second level**
 - The second grade is the World Bank appointing a neutral expert to resolve the differences.
 - If a neutral expert cannot resolve the issue, the difference becomes a dispute and goes to third level.
- **Third level**
 - At this level, the matter goes to a Court of Arbitration (CoA) whose chair is appointed by the World Bank.

Background

- **Dispute over two hydroelectric power projects that India is constructing**
 - one on the **Kishenganga river, a tributary of Jhelum**, and
 - the other on the **Chenab - Ratle Hydro Electric Projects**.
 - In 2015, Pakistan requested the appointment of a Neutral Expert to examine its technical objections to these projects.
- **Resolution of issue through Permanent Indus Commission**
 - In 2016, Pakistan unilaterally retracted its request to appoint a Neutral Expert and proposed that a Court of Arbitration adjudicate on its objections.
 - On the other hand, in 2016, **India requested a Neutral Expert** to be appointed as this was an important part of the process which Pakistan was trying to skip.
 - As a result, the World Bank paused the process since two separate requests had been made by the two sides.
 - It asked India and Pakistan to resolve it through the PIC level of Indus commissioners.
- **Actions on both the Neutral Expert and Court of Arbitration processes initiated**
 - Despite the directive from World Bank, Pakistan refused to discuss the issue during the meetings of the Permanent Indus Commission.
 - In March 2022, at Pakistan's continuing insistence, the World Bank initiated actions on both the Neutral Expert and Court of Arbitration processes.
 - The World Bank resumed the concurrent process and went ahead and appointed a Neutral Expert and chair of the Court of Arbitration.
- **India opposed the constitution of the CoA**
 - India has opposed the constitution of the CoA and contends that it is in contravention of the provisions of the Indus Waters Treaty.
 - Till date, India has not exercised its right under Treaty to appoint two arbitrators to the CoA.
 - New Delhi has not attended the court's proceedings and has sent its correspondence to World Bank.
 - India insisted that there cannot be two processes for the same dispute.
 - If the two give different outcomes, then the workability of the IWT comes into question.

- Such parallel consideration of the same issues is not covered under any provision of the IWT.

Key Highlights Of The Recent Development

• Statement Issued by Permanent Court of Arbitration (PCA)

- PCA said that the tribunal considered objections to the competence of the court raised by India through its communications with the World Bank.
 - PCA is an **intergovernmental organization** established in 1899 and based in **The Hague, Netherlands**.
 - It provides a forum for the peaceful resolution of disputes between member states, international organizations, or private parties.
- In a unanimous decision, **which is binding on the Parties and without appeal**, the Court rejected each of the objections raised by India.
- It determined that the Court is competent to consider and determine the disputes set forth in Pakistan's Request for Arbitration.

• India's Reaction

- India has been participating in the **Treaty-consistent Neutral Expert proceedings**.
 - The last meeting took place at The Hague in February. The next meeting of the Neutral Expert process is scheduled to be held in September.
- India cannot be compelled to recognise or participate in illegal and parallel proceedings not envisaged by the Treaty.

Effect of Policies & Politics of Developed & Developing Countries

U.K Illegal Migration Bill

- In a victory for the Rishi Sunak government, the U.K. House of Lords passed the **Illegal Migration Bill (IMB)**.
 - The bill will become law after it obtains royal assent.
- The law will make it the Home Secretary's duty to remove illegal migrants from the U.K. and significantly change existing protections for asylum seekers.
- By decreasing access to routes to asylum, the Bill seeks to deter illegal migration to the country – especially via small boats crossing the English Channel.

Measures Proposed By The Bill

- The Bill, when passed into law by the U.K. Parliament, will:
 - require that the **Home Secretary** detain and remove those arriving in the U.K. illegally, either to Rwanda or another "safe" third country;
 - would deny migrants the right to bail or judicial review for the first 28 days of their immigration detention;
 - block such migrants from returning to the U.K. or seeking British citizenship going forward.
- The Bill would also seek to set a cap on the number of refugees who will be permitted to settle in the U.K. through "safe and legal routes".

- This, at the moment, only applies to people from Afghanistan and Ukraine, or British National status holders in Hong Kong.
- The new Bill would also permit the government to detain children for up to eight days, and that too only if they applied for bail.

Criticisms Of This Bill

- **Incompatible with international law**
 - Recently, the U.K.'s Home Secretary admitted that there was a more than 50% chance that the new bill is incompatible with international law.
 - This is more evident in the concept of non-refoulement - that refugees should not be returned to a country where they face threats to life and liberty.
 - This concept is encapsulated in the **1951 Convention Relating to the Status of Refugees** as well as the **European Convention on Human Rights (ECHR)**.
 - U.K. is a signatory of both the conventions.
- **Criticised by UNHCR**
 - The proposed plan to deport to origin or remove asylum seekers arriving in the U.K. by boat to a third country has been sharply criticised by the UN refugee agency, UNHCR.
- **Extinguishes the right to seek refugee protection in the UK**
 - The effect of this Bill (in this form) would be to deny a fair hearing and to deny protection to many genuine refugees in need of safety and asylum.

Regional And Global Groupings/Agreements

G20 Health Ministers' Meeting

- The health ministers' meeting under G20 ended in Gandhinagar with the adoption of the Indian Health Ministry spear-headed outcome document.
- The outcome document was agreed upon by all G20 delegations, except for a contentious paragraph on the ongoing war in Ukraine in the 25-point document.

Outcome of the G20 Health Ministers' Meeting

- **Consensus around many areas**
 - India's G20 presidency has managed to build consensus on:
 - setting up R&D and manufacturing network for vaccines, therapeutics, and diagnostics, and
 - setting up a platform for making open-source, inter-operable digital solutions readily available.
- **Global Initiative Digital Health(GIDH) launched**
 - It will have four pillars
 - investment tracker,
 - ask tracker to track technologies the countries need,
 - a library of available digital tools, and
 - a platform for *knowledge-sharing* to implement these technologies at scale.
- **On health emergency prevention preparedness and response**

- The priority on health emergency prevention preparedness and response ended with a commitment to negotiate a legally binding WHO convention, agreement, or other international instrument by May 2024.
- **Need for improving the understanding of long COVID**
 - Participants recognised the need for improving the understanding of long COVID, its consequences on individual, social and economic levels, as well as on post-COVID-related health services.
 - It noted the importance of surveillance and research in long COVID.
- **Proposals of the Pandemic Fund**
 - G20 countries noted that they continued to be committed to strengthening dialogue through the G20 Joint Finance-Health Task Force.
 - They welcomed the conclusion of the **First Call for Proposals of the Pandemic Fund.**
 - The proposals focus on the **three priorities of the first Call**, namely, strengthening disease surveillance, lab capacity, and the public health work force.
 - The Pandemic Fund will provide a dedicated stream of additional, long-term financing to strengthen critical HEPR capabilities in low-income and middle-income countries.
 - **HEPR** - health emergency preparedness, response and resilience.
 - The pandemic fund established during the previous G20 presidency has **\$2 billion** now and proposals for funding have already been initiated.
- **Highlighted the importance of strengthening national health systems**
 - Participating countries reaffirmed the importance of strengthening national health systems by putting people at the centre of preparedness and equipping them to respond effectively.
 - They also recognised the importance of mainstreaming a gender perspective with a view to achieving gender equality in health systems.
 - This would facilitate achieving Universal Health Coverage (UHC), with an aim to strengthen primary health care and improve essential health services.
- **Emphasis on One Health Approach**
 - Expressing concern over rising cases of zoonotic diseases, the G20 member nations focused on integrating a collaborative and inclusive 'One Health Approach'.
- **Committed to address the nexus between climate change and health**
 - The nations committed to:
 - prioritising climate-resilient health systems' development;
 - building sustainable, low-carbon/low greenhouse gas emission health systems and healthcare supply chains that deliver high-quality healthcare;
 - *mobilise resources* for resilient, sustainable health systems; and facilitating collaboration.
- **Highlighted the potential role of evidence-based traditional and complementary medicine**
 - They took note of the WHO's efforts in this direction, including global and collaborating centres, and clinical trial registries.
- **Recognised the potential for innovative technologies**
 - It highlighted the potential for innovative technologies, including the use of the Internet of Things, big data analytics, Artificial Intelligence, and machine learning, to support people's health needs and achieve the goal of UHC.
- **On Russia-Ukraine War**
 - Agreement was not reached only on one paragraph of the documents on the Russia-Ukraine war.

- Russia rejected its inclusion, contending that it does not conform to the G20 mandate.
- China also stated that G20 is not the right platform to address security issues and opposed inclusion of the geopolitical-related content.

India's Approach During The Meeting

- India successfully managed to bring consensus around the outcome document of G20 health ministers' meeting.
 - There was specific consensus based on what India has brought on agenda.
- India's G20 presidency has leveraged its experience on developing a national digital health architecture through the convergence of digital health interventions aimed at health systems strengthening through interoperability by design.
- There are four very clearly defined principles promoted by India during the meeting:
 - An interim platform on medical counter-measures should be based on an inclusive, consultative process — everyone should be consulted.
 - There should be an inclusive decision-making process to develop such countermeasures.
 - These measures should have effective representation of low- and middle-income countries in decision-making.
 - It should be convened by the WHO.
 - In India's G20 presidency, India was very clear that WHO is a UN-mandated body to work on health.

SCO Summit 2023

- Under **India's first-ever Chairmanship**, the 23rd Summit of the SCO Council of Heads of State was held in the virtual format.
- It was chaired by PM Modi and was attended by President Xi of China, PM Sharif of Pakistan and President Vladimir Putin of Russia.
- The **theme** of India's chair-ship of SCO- **SECURE** is derived from the acronym coined by PM Modi at 2018 SCO Qingdao Summit.
 - It stands for S: Security, E: Economic development, C: Connectivity, U: Unity, R: Respect for sovereignty and territorial integrity, E: Environmental protection.

Key Highlights Of The Summit

- **Virtual summit in place of in-person summit**
 - One of the reasons cited for the virtual format was that given the current state of India's relations with both China and Pakistan, the environment was not appropriate for an in-person meeting.
- **Summit statement**
 - The New Delhi Declaration was issued at the end of the leaders' summit which mainly talked about a **"multi-polar" and "democratic order"**.
 - India refused to sign off on the paragraph supporting Xi's Belt and Road Initiative (BRI).
 - India had refused to sign on a similar formulation in the Samarkand Declaration of 2022 as well.
 - India has always opposed the BRI, because the China-Pakistan Economic Corridor, which is part of the Initiative, **violates India's territorial integrity and sovereignty**.
 - India also did not sign off on the SCO Economic Development Strategy for 2030, which had Beijing's imprint.

- The Economic Development Strategy for 2030, a proposition by the SCO, was designed to amplify economic cooperation between member countries.
- The strategy aims to cultivate cooperation in key areas such as digital economy, transportation, finance, and energy.
- India was the only member which did not sign the strategy document. It sensed a strong Chinese influence within the economic blueprint and hence, chose not to endorse it.
- **On terrorism**, the New Delhi Declaration used language similar to that of the Samarkand Declaration.
 - It urged members to pay attention to preventing the spread of religious intolerance, aggressive nationalism, ethnic and racial discrimination, xenophobia, ideas of fascism and chauvinism.
- There was **no mention of the Ukraine war**. The member states reaffirmed their commitment to peaceful settlement of disagreements and disputes between countries through dialogue and consultations.
- **Member Countries spoke about de-dollarization**
 - Russian President said that Over 80 % of commercial transactions between Russia and China are made in Rubles and Yuan.
 - Chinese President Xi Jinping also pitched for SCO countries to conduct trade in local currencies.
- **Entry of Iran:** During the summit, Iran formally became a member of the SCO.

Analysis

- **Strategic Autonomy**
 - India's hosting of the SCO summit is seen as a sign of its strategic autonomy, which New Delhi guards zealously.
 - The fact that the SCO summit took place so soon after the PM's visit to the US, is seen as a key marker of New Delhi's diplomatic position in the context of the Ukraine war and the US-China polarisation.
- **Iran's Entry into SCO**
 - Iran's entry will help Tehran in countering the perception that it has been isolated regionally.
 - India has developed the first phase of Chabahar Port. The project is important not just in the context of it being a gateway to Afghanistan and Central Asia, but also to Europe via the International North South Transport Corridor (INSTC).
 - India's ties with Iran, which is close to Russia and China, are also a reiteration of its foreign policy which emphasises strategic autonomy.

India's Association With SCO

- India joined the SCO in 2005 as an observer country and became a **full member of the group at the Astana Summit in 2017.**
- During its presidency, India created **five new pillars and focus areas of cooperation in SCO** -- Startups and Innovation, Traditional Medicine, Digital Inclusion, Youth Empowerment and Shared Buddhist Heritage.
- Two new mechanisms in SCO -- Special Working Group on Startups & Innovation and Experts Working Group on Traditional Medicine -- were also created at India's initiative.
- **Kashi/ Varanasi** was celebrated as the **1st SCO Tourist and Cultural Capital of SCO 2022-23.**

Challenges Faced by India at SCO

- SCO as a platform is seen by the West as **an organization to forward Chinese interests.**
- **Growing convergence with China and Russia** will be another challenge for India.

- **Differences between India and Pakistan** might hamper the functioning of the SCO.
- All members of SCO have supported One Belt One Road (OBOR) except India. It might lead to **isolation of India on this platform**.
- It would be difficult for India to **overcome the burden of geography** and make tangible gains in terms of trans-regional connectivity.

India Weighs Better Market Access To Join IPEF Trade Pillar

- India is learnt to have asked for better market access in order to be a part of the **trade pillar** of the IPEF (Indo-Pacific Economic Framework).
- As of now, market access has not been agreed upon for India, which is being seen as a crucial factor to join the trade pillar (Pillar-I).
- **India has an observer status on the trade pillar negotiations.**

India's Dilemma With Respect To Trade Pillar of IPEF

- The Union Commerce Ministry is currently discussing whether New Delhi should:
 - make a commitment to join, even without knowing the specific benefits, or
 - join now because 13 countries are already negotiating the details.
- If India joins later, it may be at a disadvantage because it would have missed out on the negotiations.
 - Since the beginning, India felt that it is not getting much out of trade pillar of IPEF. Also, the environmental and labour laws conditions have been stringent.
 - Some of the other countries are also finding these conditions as stringent and they are also negotiating it.
- India had also been reluctant earlier to join Pillar-I in view of concerns to protect its domestic agricultural, labour and digital sectors without being completely sure about the impact of joining the IPEF.

Current Status of IPEF

- The fourth negotiating round of IPEF for all pillars was underway in July, hosted by Korea in Busan.
 - The first negotiating round was held in Australia in December 2022, followed by a special negotiating round on Pillars II-IV in India in February 2023.
 - The second negotiating round was held in Indonesia in March 2023, followed by the third negotiating round in Singapore in May 2023.
- Text-based negotiations under the supply chain pillar (Pillar-II) were substantially concluded in the **second ministerial meeting** in May 2023 in the US.
 - In May, the IPEF partners met in Detroit, Michigan for a ministerial meeting.

Indo-Pacific Economic Framework (IPEF)

- **Members:** IPEF has **14 partner countries** including Australia, Brunei, Fiji, India, Indonesia, Japan, Republic of Korea, Malaysia, New Zealand, Philippines, Singapore, Thailand, Vietnam and the US.
- **Significance**
 - The 14-nation IPEF bloc is seen as crucial as it accounts for about 40 per cent of the world's GDP and 28 per cent of the world's trade in goods and services.
 - It is seen as an economic and trade strategy backed by the US to counter China's economic influence in the region.
- **India and IPEF**

- o In September 2022, India joined **three pillars of the IPEF**. These are:
 - supply chain, decarbonisation and infrastructure, and tax and anticorruption pillars.
- o However, it had decided to **remain out of the trade pillar**.

NATO Summit 2023

- The 2023 NATO summit took place in July 2023, in Vilnius, the capital of Lithuania.
 - o The 2022 summit was held in Madrid, Spain.
- The participating leaders discussed the ongoing Russian invasion of Ukraine as well as Ukraine and Sweden's prospective memberships into NATO.

Key Outcomes Of The NATO Summit 2023

- **New forum for deepening ties with Ukraine**
 - o NATO leaders launched a new forum for deepening ties with Ukraine, known as the **NATO-Ukraine Council**.
 - o This council is intended to serve as a permanent body where the alliance's 31 members and Ukraine can hold consultations and call for meetings in emergency situations.
 - o The setting is part of NATO's effort to bring Ukraine as close as possible to the military alliance without actually joining it.
- **No clear path for Ukraine's membership in NATO**
 - o The summit did not provide a firm timeline for when the Ukrainians will become official members.
 - o In their communique summarising the summit's conclusions, the leaders said that Ukraine can join when allies agree and conditions are met.
 - Experts say that quick admittance of Ukraine to NATO could potentially increase Russian aggression and drag out the war even farther.
 - Hence, the membership of Ukraine is being delayed.
- **Membership of Sweden**
 - o Recently, Turkey withdrew its objections to Sweden joining the alliance.
 - o This paves ways for Sweden to join the alliance as the **new entries must be approved by all existing members**.
 - NATO had formally invited Sweden and Finland to join the military alliance at Madrid summit held in 2022.
 - However, Turkey had raised objection regarding the membership of Sweden and Finland in NATO.
 - Turkey, which has been a member of NATO since 1952, had repeatedly opposed Finland and Sweden's entry.
 - It accused the two Nordic countries of supporting Kurdish militant groups which it deems to be terrorist organizations.
 - In March 2023, Tukey withdrew its objection to Finland and later, in April 2023, Finland became the 31st member of grouping.

BIMSTEC Foreign Ministers' meet

- The **first-ever Foreign Ministers' meeting** of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) was held in Bangkok, Thailand.

- India was represented by External Affairs Minister S Jaishankar.

What is BIMSTEC

• About

- It is an economic bloc that came into being in June 1997 through the Bangkok Declaration.
- **Members** - Bangladesh, India, Myanmar, Sri Lanka, Thailand, Nepal and Bhutan.
- All 7 countries have sustained average annual rates of growth between 3.4% -7.5% from 2012 to 2016.

• Aim

- To counter the onslaught of globalisation by accelerating regional growth through mutual cooperation by utilising regional resources and geographical advantages.

• Areas of cooperation

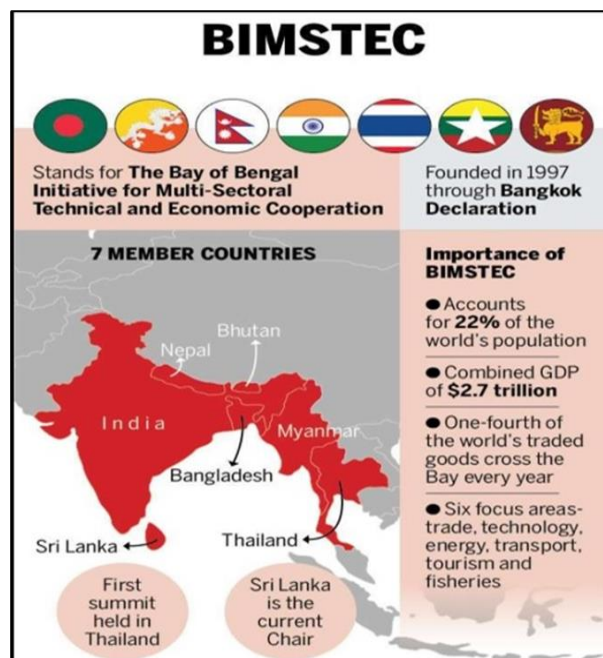
- Other than 6 focus areas, BIMSTEC has 14 priority areas of cooperation.
 - Climate change was added as the 14th priority area of cooperation in 2008.
 - Among these priority areas, a member country chooses which of the 14 priority areas it is willing to take lead.
- **India is lead country** for Transport & Communication, Tourism, Environment & Disaster Management, Counter-Terrorism & Transnational Crime.

• Growth of BIMSTEC as a regional forum

- The grouping had been largely ignored until **India gave it a renewed push in October 2016**, a month after the terrorist attack in Uri.
- Alongside the BRICS summit in Goa, India hosted an outreach summit with leaders of BIMSTEC countries.
 - After the Uri attack, various countries had supported New Delhi's call for a boycott of the South Asian Association of Regional Cooperation (SAARC) summit scheduled in Islamabad that November.

• Significance of BIMSTEC for all member countries

- **Bangladesh** views BIMSTEC as a platform to position itself as more than just a small state on the Bay of Bengal.
- **Sri Lanka** sees it as an opportunity to connect with Southeast Asia and serve as the subcontinent's hub for the wider Indo-Pacific region.
- **Nepal and Bhutan** aim to connect with the Bay of Bengal region and escape their landlocked geographic positions.
- For **Myanmar and Thailand**, connecting more deeply with India would allow them to access a rising consumer market and, at the same time, balance Beijing and develop an alternative to China's massive inroads into Southeast Asia.
- **For India**, the region's largest economy, a lot is at stake. It is a natural platform to fulfil India's key foreign policy priorities of Neighbourhood First and Act East.



BIMSTEC and Assertive China

- **Battleground for India-China dominance**
 - China has undertaken a massive drive to finance and build infrastructure in South and Southeast Asia through the Belt and Road Initiative.
 - It has done so in almost all BIMSTEC countries, except Bhutan and India.
- **Platform to counter Chinese investments**
 - BIMSTEC could allow India to push a constructive agenda to counter Chinese investments, and instead follow best practices for connectivity projects based on recognised international norms.
 - The Chinese projects are widely seen as violating these norms.
- **Open and peaceful Bay of Bengal**
 - The Bay of Bengal can be showcased as open and peaceful, contrasting it with China's behaviour in South China Sea.
 - It could develop codes of conduct that preserve freedom of navigation and apply existing law of the seas regionally.
- **Help stop the increasing military presence in the region by creating a Bay of Bengal Zone of Peace.**
 - This zone would aim to restrict aggressive actions by outside powers.

U.K Formally Signs Up To Trans-Pacific Trading Bloc

- U.K. government signed the accession protocol for the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in New Zealand.
- It makes the United Kingdom the first new member and first European nation to join the bloc since it was created in 2018.

Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)

- **About**
 - CPTPP is a landmark pact agreed upon in 2018 that cuts trade barriers among 11 countries.
 - Basically, it is a Free Trade Agreement (FTA) between these 11 countries.
 - These countries were - Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam.
 - It was initially known as the Trans-Pacific Partnership (TPP) but was renamed after the United States withdrew from the agreement in January 2017.
- **Features**
 - The pact requires countries to eliminate or significantly reduce tariffs and make strong commitments to opening services and investment markets.
 - It also has rules addressing competition, intellectual property rights and protections for foreign companies.
- **Significance**
 - **Economic**
 - Once fully implemented, CPTPP will form a trading bloc representing 500 million consumers and 13.5% of global GDP.
 - The agreement will provide the member countries with preferential access to key markets in Asia and Latin America.

- **High-standard free trade agreement**
 - CPTPP is an ambitious and high-standard free trade agreement covering virtually all aspects of trade and investment.
 - The agreement features ambitious market-access commitments in trade in goods, services, investment, labour mobility and government procurement.
- **Transparency in doing business**
 - It has **dedicated chapters** covering key issues like technical barriers to trade, sanitary and phytosanitary measures, customs administration, transparency and state-owned enterprises.
- **Protection of the environment and labour right**
 - CPTPP features chapters on the protection of the environment and labour rights, which are enforceable by dispute settlement.
- **Bulwark against China's dominance**
 - CPTPP is seen as a bulwark against China's dominance in the region, although Beijing has applied to join, along with Taiwan, Ukraine, Costa Rica, Uruguay and Ecuador.
- **Difference with Trans-Pacific Partnership (TPP)**
 - The TPP was originally negotiated among 12 countries which included the USA. The CPTPP is the result of a renegotiation of the TPP after the United States withdrew from the agreement.
 - The CPTPP retained most of the provisions of the original TPP, but some provisions related to intellectual property and other areas were suspended or modified due to the absence of the United States.
 - The original TPP included an Investor-State Dispute Settlement (ISDS) mechanism that allowed foreign investors to bring claims against host governments through international arbitration.
 - The CPTPP retained the ISDS mechanism but made certain modifications to address concerns.
 - For instance, some provisions related to tobacco control measures were altered to provide more flexibility to governments.

Jeddah Peace Summit on the Russia-Ukraine War

- Saudi Arabia hosted Ukraine, U.S., some European countries and major developing countries including India and Brazil for peace talks on the Russia-Ukraine war.
- The aim of this summit was to reach an agreement on key principles for a peaceful end to Russia's war in Ukraine.
 - The current meeting follows an earlier meeting in Copenhagen more than a month ago to discuss the Russia-Ukraine conflict.
- While Russia did not participate, Ukraine was present at the meeting.

Key Highlights Of The Speech Delivered by NSA Doval

- **Underlined the need for respect for sovereignty and territorial integrity by all states** without exception.
 - He also said that efforts must be made to resolve the conflict and soften its consequences.
- **Highlighted the challenges**
 - The meeting confronts a two-fold challenge — resolution of the situation and softening the consequences of the conflict.
 - Efforts must be directed on both fronts simultaneously and much more groundwork is needed to ensure this.

- **A solution acceptable to all relevant stakeholders is needed to end the war**
 - He said that several peace proposals have been put forward, and each has some positive points but none is acceptable to both sides.
 - **Ukrainian President Zelenskyy** had proposed **10-point peace plan** during last year's G-20 summit.
 - China also came up with a **12-point-plan** for the political settlement of the Ukraine crisis.
 - In June 2023, **leaders of seven African countries**, led by South African President Cyril Ramaphosa, visited Russia and Ukraine.
- They proposed a 10-point proposal which suggested the recognition of Russia and Ukraine's sovereignty, and the release of prisoners.
 - The key question that needs to be addressed in this meeting is whether a solution acceptable to all relevant stakeholders can be found.
- **Highlighted India's approach**
 - He said that India's approach has been and always will be to promote dialogue and diplomacy. This is the only way forward for peace.
 - India has engaged both Russia and Ukraine since the beginning of the conflict at the highest levels.
 - While India has **not explicitly condemned the Russian invasion** of Ukraine, PM Modi had said this is not the era of war.
 - India has also condemned the Bucha massacre, expressed concerns at the nuclear rhetoric by the Russian leadership.
 - In recent days, India condemned the collapse of the Black Sea Grain Initiative, where Russia walked out of the deal.
 - He also pointed out that the whole world and especially the Global South was bearing the brunt of the situation.
 - New Delhi is providing both humanitarian assistance to Ukraine and economic assistance to its neighbours in the Global South.

What Does India's Participation Signify?

- NSA Ajit Doval's participation in the peace conference on Ukraine shows India's willingness to step up efforts to end the war.
- It has raised its level of representation — up from the Secretary-rank official in June — reflects the sense of purpose on India's side.
 - In Copenhagen meet, where Ukraine was on the agenda, India was represented by MEA' Secretary (West).
- As chair of G20, New Delhi is keen to have a consensus document at the leaders' summit in New Delhi next month.

PAPER 3

ECONOMIC GROWTH & DEVELOPMENT

Industrial Policy and Growth, Trade And Investment

Adopt WHO Standard GMP- Govt. Sets Deadline For Pharmas

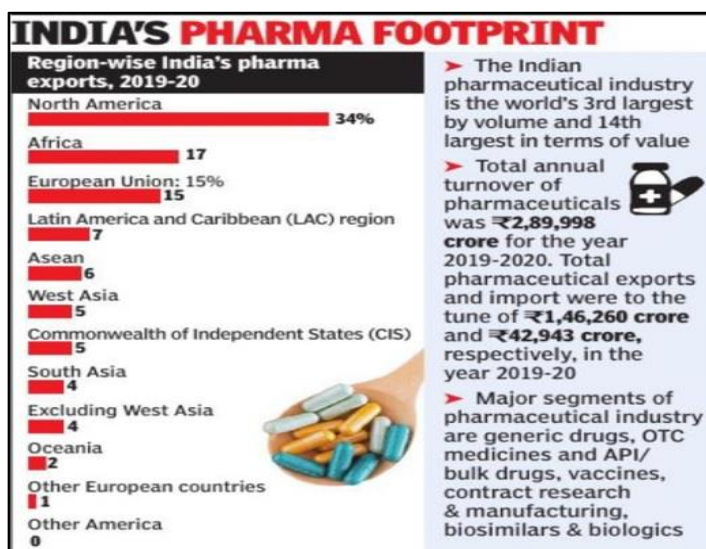
- The government has set a deadline for mandatory implementation of the Good Manufacturing Practices (GMP) in India pharmaceutical industries.
 - GMP are a set of **quality management and regulatory guidelines**.
 - These are designed to ensure the consistent production of safe, high-quality products, especially in industries such as pharmaceuticals, food and beverages, cosmetics etc., where product quality and safety are critical.
 - The primary goal of GMP is to minimize risks that can arise from errors, contamination, or deviations during the manufacturing process.
 - In India, GMP were revised in 2018, bringing them on par with WHO standards.
- This was after the incidents of several countries reporting deaths allegedly linked to contaminated India-manufactured drugs.

Pharmaceutical Industry In India: Notable Achievements

- India ranks 3rd worldwide for production by volume and 14th by value.
- India is the largest provider of generic medicines globally, occupying a 20% share in global supply by volume.
 - Pharmaceutical industry in India offers 60,000 generic brands across 60 therapeutic categories.
- It is the leading vaccine manufacturer globally. 60% of the world's vaccines comes from India.

Industry Scenario

- **Foreign Direct Investment (FDI)**
 - 100% FDI in the Pharmaceutical sector is allowed under the automatic route for **greenfield pharmaceuticals**.
 - 100% FDI in the pharmaceutical sector is allowed in **brownfield pharmaceuticals**; wherein 74% is allowed under the automatic route and thereafter through the government approval route.
- **Market Size**
 - The pharmaceutical industry in India is currently valued at \$50 bn. It is expected to reach \$65 bn by 2024 and to \$120 bn by 2030.
- **Export**
 - India is a major exporter of Pharmaceuticals, with over 200+ countries



served.

- India supplies over 50% of Africa's requirement for generics, ~40% of generic demand in the US and ~25% of all medicine in the UK.
- For the period 2021-22, export of drugs and pharma products stood at \$24.6 bn.
- The Indian pharma industry witnessed exponential growth of 103% during 2014-22 from \$11.6 bn to \$24.6 bn.
- **Support by the govt.**
 - The Indian pharmaceuticals market is supported by the following Production Linked Incentive (PLI) Schemes.
 - PLIs are aimed to boost domestic manufacturing capacity, including high-value products across the global supply chain.

Recent Instructions given by the government

- **Deadlines set**
 - Companies with a turnover of over Rs 250 crore will have to implement the revised GMP within six months.
 - However, medium and small-scale enterprises with turnover of less than Rs 250 crore will have to implement it within a year.
 - Those who do not comply with the direction will face suspension of licence and/ or penalty.
- **Introduction of a GMP-related computerised system**
 - The companies will also have to introduce a GMP-related computerised system.
 - These computer programmes will be designed to automatically record all the steps followed and checks done, which will ensure that all the processes are followed.
- **Carry out stability studies as per the climate conditions**
 - At present, most companies store their samples under recommended conditions and test for various parameters from time to time.
 - Now, they will have to keep the drugs in a stability chamber, set the proper temperature and humidity, and carry out an accelerated stability test as well.
- **Requirement for companies involved in supplying medicines to domestic/foreign markets**
 - Currently, companies exporting medicines to other countries already have to be WHO-GMP certified.
 - However, those manufacturing medicines for the domestic market can be granted permission if they meet the requirements listed in Schedule M of rules under the Drugs & Cosmetics Act.
 - Among other things, this lists the specifications of the manufacturing units, processes that need to be followed, and equipment needed.

Significance of This Step

- **For better quality control**
 - Currently, 2,000 of the 10,500 manufacturing units in the country have been found to be compliant with the global WHO-GMP standards.
 - Now, all will have to implement the revised GMP, ensuring quality medicines for the domestic market and abroad.
- **Risk-based inspection had pointed out several deficiencies**
 - Recently, a risk-based inspection of 162 manufacturing units and 14 testing labs found several deficiencies.

- This included absence of testing of raw materials before use, absence of quality failure investigation of its products, faulty design of manufacturing and testing areas.
- The recent instructions by the government would lead to at least 11 specific changes in the manufacturing process on the ground.
 - This includes introduction of a pharmaceutical quality system, quality risk management, product quality review, and validation of equipment.
- **India's image as the pharmacy of the world**
 - Indian pharma industry is facing a credibility crisis.
 - The WHO, in October 2022, said that the deaths of dozens of children in Gambia and Uzbekistan were due to contaminated cough syrups manufactured by Indian drug makers.
 - In February 2023, blindness, severe eye infections and a death in the US were linked to India-made eye drops.
 - In this context, the recent instructions would help restore India's image as the pharmacy of the world.'

Concerns raised by smaller companies

- **It is the smaller companies who have to make drastic changes**, as most bigger companies in India already follow the global GMP.
 - Therefore, **at least 36 months** would be needed to make the necessary changes.
- To help such companies, the department of pharmaceuticals has a scheme to provide **credit-linked capital and interest subsidy** for upgradation of MSME units.

AGRICULTURE

Credit Guarantee Scheme for Livestock Sector

- Department of Animal Husbandry & Dairying (DAHD) under the Ministry of Fisheries, Animal Husbandry and Dairying has launched the **first ever Credit Guarantee Scheme for Livestock Sector.**
- The scheme under the **Animal Husbandry Infrastructure Development Fund (AHIDF)** aims to facilitate **collateral-free credit for MSMEs in the livestock sector.**

Objectives of Scheme

- The scheme facilitates access to finance for the un-served and under-served livestock sector.
- Thus, making the availability of financial assistance from lenders to mainly first-generation entrepreneurs and underprivileged section of society, **who lack collateral security** for supporting their ventures.
- The main objective is to encourage lenders to focus on the viability of projects and provide credit facilities based on the primary security of the assets being financed.

Details

- The DAHD has set up a credit guarantee fund trust of Rs 750 crore, which will cover up to 25 per cent of credit facilities extended to eligible MSMEs by lending institutions.
- The trust, formed in partnership with NAB Sanrakshan Trustee Company Private Ltd, a subsidiary of NABARD, ensures credit guarantee for MSMEs under the AHIDF scheme.
- Interest subvention of three per cent loan of up to 90 per cent of the total project cost from any Scheduled Bank, National Cooperative Development Corporation (NCDC).

- The credit guarantee portal has been developed as a "rule based B2B portal." The portal is a user-friendly platform that allows eligible lending institutions to enroll under the scheme, issue/renew credit guarantee covers, and handle claims.

Significance

- This initiative enhances the number of MSME units benefiting from the AHIDF scheme and strengthens the ecosystem for collateral-free credit from banks.
- With this scheme, the participation of *MSMEs in the Livestock sector* is expected to increase, leading to improved credit flow and bolstering the overall rural economy.
- It will promote investments in various areas of the livestock sector, such as *dairy and meat processing, animal feed plants, breed improvement technology, waste management, and veterinary vaccine and drug manufacturing facilities.*

Farmers Distress Index

- The Central Research Institute for Dryland Agriculture (CRIDA), an institution under the Indian Council of Agricultural Research (ICAR) is developing an early warning system called **farmers distress index**.
- The main aim behind creating the index is to minimise the agrarian distress in the form of crop loss failure and income shock.
- Farmers' exposure to shocks have increased in the recent years, with an increase in extreme climate events as well as market and price fluctuations, many times driving them to death by suicides.
- The index will try to anticipate this distress and prevent its spread from a few farmers to the village or block level by pre-warning different stakeholders, including central, state, local and also non-government agencies, so that they can take preventive measures.

Methodology

- The first step will be to search through local newspapers, other news platforms and social media platforms for any report on incidence of farmers distress like localised cases of issues with debt repayment, death by suicide, pest attacks, drought, floods, migration.
- There are two possibilities in these cases. One these could be isolated cases, the second that these cases could have the potential to spread wider.
- Following this, contacts of marginal and small farmers or tenant farmers from the area will be collected to conduct telephonic interviews, which will have **21 standardised questions** to gauge early signs of distress.
- The answers will be mapped against **seven indicators**:
 - Exposure to droughts, floods, crop failure due to pest attacks, livestock deaths;
 - Debt
 - Adaptive capacity of farmer and local government through different schemes
 - Land holding and irrigation facilities
 - Sensitivity, mitigation strategies like growing of contingency crops if main crops fail.
 - Triggers for immediate distress like health-related expenditure
 - Socio-psychological factors and impacts.
- Based on these 21 questions, the degree of distress will be identified.
- The index will have values from 0-1. A value between 0-0.5 will indicate 'low distress', 0.5-0.7 will indicate 'moderate' distress and above 0.7 will indicate 'severe' distress.

- If the index is severe, it will identify which component, among the seven, is more severe and contributes maximum to farmers' distress.

Interventions

- The index will be made available to different state governments, agriculture departments, rural development departments, agriculture universities, which have databases of local farmers as well as non-profits and civil society organisations.
- These different agencies can then carry out interventions to prevent income shocks to farmers depending on the severity of distress.
- *The current solutions that are being thought upon are direct money transfer, mid-term release of claims under PradhanMantriFasalBimaYojana, providing work under MGNREGA, enhanced rationing under Public Distribution System(PDS).*
- For example, insurance claims under PMFBY are only given when a full survey is completed but, in this case, if the index suggests severe distress in the coming few weeks, then the government can provide interim relief under the scheme.

BHARAT Campaign

- The Ministry of Agriculture & Farmers Welfare has launched a new campaign for banks under **Agriculture Infrastructure Fund (AIF)** titled **BHARAT (Banks Heraldng Accelerated Rural & Agriculture Transformation)**.
- The one month-long Campaign (from 15th July 2023 to 15th August 2023) has been launched with a target of Rs 7200 crore.

Objectives

The financing facility will fulfill numerous objectives for different stakeholders in the agriculture eco-system viz:

Farmers

- Improved marketing infrastructure to allow farmers to sell directly to a larger base of consumers and hence, increase value realization for the farmers. This will improve their overall income.
- With investments in logistics infrastructure, farmers will be able to sell in the market with reduced post-harvest losses and a smaller number of intermediaries. This will further make farmers independent through improved access to market.
- With modern packaging and cold storage system access, farmers will be able to further decide when to sell in the market and improve realization.
- Community farming assets for improved productivity and optimization of inputs will result in substantial savings to farmers

Government

- Government will be able to direct priority sector lending in the currently unviable projects by supporting through interest subvention, incentive through convergence and credit guarantee.

AGRICULTURE INFRA FUND

- Agriculture Infra Fund is **pan-India Central Sector Scheme** launched in 2020.
- It provides a medium - long-term debt financing facility for the creation of post-harvest management infrastructure and community farming assets through interest subvention and financial support.
- Under the scheme, **Rs 1 lakh crore is to be disbursed by financial year 2025-26** and the interest subvention and credit guarantee assistance will be given till the year 2032-33.
- Funds will be provided by banks and financial institutions as loans to Primary Agricultural Credit Societies (PACS), Marketing Cooperative Societies, Farmer Producers Organizations (FPOs), SHGs, and farmers.
- Loans are also extended to the Joint Liability Groups (JLG), Multipurpose Cooperative Societies, agri-entrepreneurs, startups, Aggregation Infrastructure Providers and PPP projects sponsored by the government agency or local body.
- Loans under the scheme will have interest subvention of **3% per annum up to a limit of Rs. 2 crore**. This subvention will be available for a maximum period of seven years.
- The scheme has resulted in creation of more than 31, 850 agri infra projects in the country with Rs 24,750 crore as loan amount under AIF with an outlay of Rs 42,000 crore.

BENEFITS OF AIF

- Credit Guarantee on Loan up to Rs. 2.00 Crore
- Easy Finance with lower rate of interest within 60 Days
- Interest Subvention of 3% for 7 Years
- Capital Subsidy as eligible
- Prior Project Approval From Department of Agriculture

- This will initiate the cycle of innovation and private sector investment in agriculture.
- Due to improvements in post-harvest infrastructure, government will further be able to reduce national food wastage percentage thereby enable agriculture sector to become competitive with current global levels.
- Central/State Government Agencies or local bodies will be able to structure viable projects on their own or PPP projects for attracting investment in agriculture infrastructure.

Agri-entrepreneurs and Startups

- With a dedicated source of funding, entrepreneurs will push for innovation in agriculture sector by leveraging new age technologies including IoT, AI, etc.
- It will also connect the players in ecosystem and hence improve avenues for collaboration between entrepreneurs and farmers.

BIODIVERSITY & ENVIRONMENT

Biological Diversity (Amendment) Bill, 2021

The Lok Sabha passed the Biological Diversity (Amendment) Bill, 2021 which seeks to amend the Biological Diversity Act, 2002. Major amendments include-

- Encouraging cultivation of medicinal plants and Indian system of medicine.
- Fast-tracking the process of research, patent application, and transfer of research results.
- Decriminalizing offences.
- Attracting more foreign investment in the preservation and commercial utilization of India's biological resources.
- Simplifying and streamlining processes to make compliance with provisions easier.

About The Biological Diversity Act, 2002

- It was enacted to fulfill its commitments made under the United Nations Convention on Biological Diversity (CBD), 1992 for sustainable, fair and equitable sharing of benefits arising out of the utilization of biological resources and associated traditional knowledge.
 - ✓ **The United Nations Convention on Biological Diversity (CBD)** was signed in Rio De Janeiro in 1992. Under this agreement, countries including India agreed on three things-
 - Indiscriminate use of biological resources to be halted.
 - Sustainable use of these resources, for their medicinal properties for example, to be regulated.
 - People and communities helping in protecting and maintaining these resources to be rewarded for their efforts.
- It formulated a three-tier structure-
 - **National Biodiversity Authority (NBA)**- Established at the national level to advise the central government on issues related to conservation and sustainable use of biological resources.
 - **State Biodiversity Boards (SBBs)**- Established at the State level to advise state governments.
 - **Biodiversity Management Committees (BMCs)**- Established at local body levels for promoting conservation, sustainable use and documentation of biological diversity.

Need for Amendment

- Several stakeholders, like representatives from the Indian system of medicine, the seed sector, pharmaceutical, and the research community etc. had objected to the provisions of the act which mandated prior approval of NBA and SBBs before accessing biological resources as this provision restricted their activities.
- The provision barring foreign companies and citizens from accessing Indian biological resources violated Nagoya Protocol, under which biodiversity-rich countries are required to provide access to their biological resources to those wanting to use it for research or commercial reasons, and the user agencies, in turn, are mandated to share the benefits of their use with the local communities.

Key Amendments In The Biological Diversity (Amendment) Bill, 2021

Amendments	The Biological Diversity Act, 2002	Biological Diversity (Amendment) Bill, 2021
Restrictions	Foreign citizens and companies, NRIs and companies registered in India but having foreign equity or partnership were barred from obtaining any biological resource occurring in India or related knowledge for research or for commercial utilization or for bio-survey and bio-utilization without the permission from NBA.	Companies registered in India and controlled by Indians will now be treated Indian, irrespective of any foreign equity or partnership, thereby reducing the restrictions on them for accessing India's biological resources.
Prior Intimation to SBBs	Indian citizens and companies were required to give prior intimation to SBBs for accessing biological resources occurring in India for commercial utilization.	Prior intimation will also be required for accessing associated knowledge for commercial utilization.
Exempted Stakeholders from Prior Intimation to SBBs	Local people and communities including growers and cultivators of biodiversity, and vaidas and hakims practicing indigenous medicine.	Codified traditional knowledge, cultivated medicinal plants and their products, AYUSH (Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy) practitioners.
Approval for Intellectual Property Rights (IPR)	NBA approval was mandatory before (a) applying for IPR based on research conducted on biological resources available in India or (b) sealing the patent.	Approval will be required before the grant of IPR and not before the application for IPR. Foreign entities will be required to get approval from NBA whereas domestic entities will be required to register with NBA.
Benefit Sharing	It included activities like research, commercial utilization, as well as bio-survey and bio-utilization for certain entities. NBA was responsible for determining the terms for benefit sharing in accordance with the mutually agreed terms and conditions between the applicant, local bodies concerned, and the benefit claimers. ✓ Benefit sharing refers to sharing monetary and non-monetary benefits	The act excludes <i>research, bio-survey and bio-utilization</i> from benefit sharing provisions and authorizes the SBB to determine benefit sharing while granting approvals to domestic entities as per the regulations by NBA. The terms for benefit sharing will be in accordance with the mutually agreed terms between the applicant and the Biodiversity Management Committee (BMC) represented by NBA.

	between applicants, benefit claimers (conservers of biodiversity, or creators or holders of associated traditional knowledge) and local people.	
Decriminalizing Offences	Offences like failing to take approval or providing prior intimation for various activities were punishable with imprisonment of up to five years, or a fine, or both.	It decriminalizes the offences instead imposes a penalty between one lakh rupees and Rs 50 lakh. Continuous contravention may attract an additional penalty of up to one crore. This Bill withdraws the power given to the National Biodiversity Authority (NBA) to file a First Information Report (FIR) against defaulting parties.
Adjudicating Officer		
<p>In Original Act: No such provision.</p> <p>In Proposed Bill:</p> <ul style="list-style-type: none"> It provides for an adjudicating officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be appointed by the central government, to hold inquiry and impose the penalties. The Bill introduced the post of 'Member-Secretary' to be appointed by the Central Government. The Member-Secretary would serve as the chief coordinating officer and convener of the National Biodiversity Authority (NBA) and assist the Authority in discharging its functions under the Biological Diversity Act. 		

Significance of This Bill

- Promotion of Indian traditional knowledge & Medicine:** Advocates the advancement of Indian medicine by granting practitioners of Indian systems of medicine an exemption from making payments towards the access and benefit-sharing mechanism.
- Faster Approval:** It will streamline the approval process for using biological resources in scientific research and filing patent applications, leading to reduced processing time.
- More hand to Domestic companies:** Considering companies registered in India and controlled by Indians as Indian entities, regardless of foreign equity or partnership, alleviates certain restrictions imposed on them.
- Boost to Research & Business Environment:** The intended modifications in the Bill seek to foster a more favorable business environment through the streamlining of the patent application process. By expediting research and investments, this initiative has the potential to accelerate innovation and technological progress in the realm of biodiversity

Concerns Raised

- Bio-Piracy:** As per the Environmentalist organizations, these amendments have been made to benefit AYUSH Ministry and can pave the way for "bio piracy."
- Ambiguity over 'Codified Traditional Knowledge':** The bill exempts *codified traditional knowledge* from intimating SBBs but has not mentioned *what codified traditional knowledge is?*

As per World Intellectual Property Organization (WIPO), codified traditional knowledge may be defined as "traditional knowledge, which is in some systematic and structured form, in which the knowledge is ordered, organized, classified and categorized in some manner."
- No direct Role of Local Communities:** NBA will decide the terms of benefit sharing based on the mutually agreed terms between the applicant and the Biodiversity Management Committee (BMC) excluding the

concerned local bodies and benefit claimers. Thus, the local bodies will have no say in the benefit sharing terms. Also, there is no provision of seeking the consent of local communities for accessing available resources. This violates the Nagoya Protocol which requires a signatory country to ensure that prior informed consent or approval and involvement of indigenous and local communities is obtained for access to genetic resources and traditional knowledge.

4. **No Distinction between Different Offences**- The Bill only provides for a range of penalties that can be imposed on violation of the act but fails to categorize the offences as to which offence will attract how much penalty?
5. **Adjudicating Authority**- It provides for a government official to be appointed as an adjudicating officer for the purpose of conducting enquiries and imposing penalties. The question is whether it is appropriate to confer such discretion to government officials.

Deep Sea Mining

The International Seabed Authority — the UN body that regulates the world’s ocean floor — is preparing to resume negotiations that could open the international seabed for mining.

International Seabed Authority (ISA)

• About

- ISA is an autonomous international organization established under the 1982 United Nations Convention on the Law of the Sea (UNCLOS).
- Its primary mandate is to regulate and manage all mineral-related activities in the international seabed beyond the limits of national jurisdiction.
- ISA came into existence in November **1994**, upon the entry into force of UNCLOS.
 - It became fully operational as an autonomous international organization in June 1996.



• Functions

- The ISA is responsible for granting licenses and regulating activities related to the exploration and exploitation of mineral resources in the international seabed.
- It ensures that these activities are carried out in a manner that protects the marine environment and promotes the equitable and efficient utilization of resources.

About Deep Sea Mining

- Deep sea mining involves removing mineral deposits and metals from the ocean’s seabed.
- There are three types of such mining:
 - taking deposit-rich **polymetallic nodules** off the ocean floor,
 - mining massive seafloor **sulphide deposits** and
 - stripping cobalt crusts from rock.
- These nodules, deposits and crusts contain materials, such as nickel, rare earths, cobalt and more.
- These minerals are needed for batteries and other materials used in tapping renewable energy and also for everyday technology like cellphones and computers.

Regulation of Deep Sea Mining: Current Status

- The high seas and the international ocean floor are governed by the **United Nations Convention on the Law of the Seas**.
 - Water beyond 200 nautical miles from the coast of a country is known as high sea.
 - High seas are the areas of the ocean for which no one nation has sole responsibility for management.
- It is considered to apply to states regardless of whether or not they have signed or ratified it.
- Under the treaty, the seabed and its mineral resources are considered the common heritage of mankind.
- As per the treaty, this heritage must be managed in a way that protects the interests of humanity through the sharing of economic benefits, support for marine scientific research, and protecting marine environments.

Environmental Concerns Associated With Deep Sea Mining

- Conservationists worry that ecosystems will be damaged by mining, especially without any environmental protocols.
- Damage from mining can include noise, vibration and light pollution, as well as possible leaks and spills of fuels and other chemicals used in the mining process.
- **Sediment plumes** from some mining processes are a major concern.
 - Once valuable materials are extracted, slurry sediment plumes are sometimes pumped back into the sea.
 - That can harm filter feeding species like corals and sponges, and could otherwise interfere with some creatures.

DEFENCE AND SECURITY

Nuclear Weapons and India

- India's nuclear programme can trace its origins to June 1945 when **Dr Homi Bhabha** founded the nuclear research centre, the Tata Institute of Fundamental Research.
- India built its first research reactor (**Apsara**, which was also Asia's first nuclear research reactor) in 1956 and its first plutonium reprocessing plant by 1964.

About Pokhran-I Nuclear Test:

- Physicist **Raja Ramanna** expanded and supervised scientific research on nuclear weapons and was the first directing officer of a small team of scientists that supervised and carried out the test.
- The test was codenamed '**Smiling Buddha**' (conducted on Buddha Purnima) and conducted on **May 18, 1974**.
- The bomb was detonated on the army base Pokhran Test Range in **Jaisalmer, Rajasthan**.
- It was the first confirmed nuclear test by a nation that was not a permanent member of the United Nations Security Council (UNSC).

Subsequent Nuclear Tests

- After the 1974 tests, India conducted five tests - three on May 11 and two on **May 13, 1998**.
- The tests codenamed '**Operation Shakti**'/ Pokhran-II were carried out again at the Pokhran test range.

- **Following Pokhran-II**, the Indian leadership exploited the political utility of its action, which once again attracted international criticism and sanctions, also **created political space for**, and gave **strategic autonomy** to India's decision-making.
- **For example, the Indo-US nuclear deal** (2008) paved the way for the strategic partnership that now involves high-end technology cooperation from defence to artificial intelligence.

India's Nuclear Doctrine

- A nuclear doctrine states how a nuclear weapon state would employ its nuclear weapons both during peace and war. India released its Draft Nuclear Doctrine (DND) in August 1999.
- In January 2003, India released its official nuclear doctrine which can be summarized as follows –
 - Building and maintaining a **credible minimum deterrent**;
 - A posture of "**No First Use**" - nuclear weapons will only be used in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere;
 - **Nuclear retaliation** to a first strike will be massive and designed to inflict unacceptable damage.
 - Nuclear retaliatory attacks can **only be authorised by the civilian political leadership through the Nuclear Command Authority**.
 - **Non-use of nuclear weapons against non-nuclear weapon states**;
 - However, in the event of a major attack against India, or Indian forces anywhere, by biological or chemical weapons, India will retain the option of retaliating with nuclear weapons;
 - A continuance of **strict controls on export of nuclear and missile related materials and technologies**, participation in the Fissile Material Cut-off Treaty negotiations, and continued observance of the moratorium on nuclear tests.
 - Continued commitment to the **goal of a nuclear weapon free world**, through global, verifiable and non-discriminatory nuclear disarmament.

Challenges to India's Nuclear Doctrine

- **Slow implementation –**
 - **India's nuclear triad** is still a work in progress, which is a **three-sided military-force structure** consisting of land-launched nuclear missiles, nuclear-missile-armed submarines, and strategic aircraft with nuclear bombs and missiles.
 - India's sea component of the triad is facing difficulties.
 - The commissioning of the **INS Arighat - the 2nd nuclear-powered ballistic missile submarine being built by India**, has ostensibly been delayed.
- **Need to Upgrade the Doctrine –**
 - India's existing doctrinal principles of 'credible minimum deterrence (CMD),' 'No First Use (NFU),' and massive retaliation are inadequate to deter its adversaries – China and Pakistan.
 - China's quest for enlarging its nuclear arsenals and delivery systems nullifies India's commitment to maintain the CMD.
 - The persisting Chinese provocations to alter the status quo in the Line of Actual Control (LAC) put a question mark on the original intentions and relevance of the NFU.

Way Ahead

- Ahead of the G7 summit in Hiroshima, Japan's PM spoke of his desire to use the meeting to "send out a strong message" about the need for a world without nuclear weapons.
- As the chair of G20 this year, **India (invited to Hiroshima) has both the leverage and the moral stature** to take the lead in working with the international community to reduce the risk of use of nuclear weapons.

Zero FIRs

Hundreds of zero FIRs registered in police stations across Manipur and the stalled investigations in these cases are among key challenges the state police are facing.

About FIR

- The term first information report (FIR) is **not defined** in the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC) 1973 or in any other law.
- In police regulations or rules, **information recorded under Section 154 of CrPC is known as FIR.**
- **Section 154** states that every information relating to the commission of a **cognizable offence**, if given orally to an officer in charge of a police station, shall be reduced to writing.
 - **A copy of the information** (as recorded) shall be given (free of cost) to the informant.
- **In essence, 3 important elements of an FIR:**
 - the information must relate to the commission of a cognizable offence,
 - it should be given in writing or orally to the head of the police station and
 - **it must be written down and signed by the informant, and its key points should be recorded in a daily diary.**

Zero FIR

- A zero FIR **can be filed in any Police Station by the victim**, irrespective of their residence or the place of occurrence of crime.
- A police station that receives a complaint regarding an alleged offence committed in the jurisdiction of another police station, **registers an FIR and then transfers it to the relevant police station for further investigation.**
 - **No regular FIR number is given** and after receiving the Zero FIR, the relevant police station **registers a fresh FIR** and starts the investigation.
- It came up after the recommendation in the report of the **Justice Verma Committee** set up after the 2012 Nirbhaya gang rape case to suggest amendments to the Criminal Law.
- **The objective of a Zero FIR** is to ensure the victim doesn't have to run from pillar to post to get a police complaint registered.
- The provision is meant to provide **speedy redressal to the victim so that timely action can be taken after the filing of the FIR.**

Issue Of Zero Firs In Manipur

- **Filed in huge scale:**
 - **In the state, which has seen nearly 3 months of violence**, thousands of zero FIRs have been registered across the state.
 - **For example, 202 zero FIRs** have been registered at Saikul (a foothill area bordering Meitei-dominated areas) police station since the start of the violence.
 - These are mostly in cases where there has been violence in Kuki-dominated areas.
 - **In some other police stations** like Churachandpur police station (over 1,700 zero FIRs), Kangpokpi police station (over 800) many more such FIRs have been registered.
- **A peculiar challenge**
 - With fault lines in the state running deep, **just transferring cases to relevant police stations has been a challenge.**

- **For example**, in the case of three Kuki-Zomi women being stripped and sexually assaulted in Meitei-dominated Thoubal district, a zero FIR **was transferred to the relevant police station more than a month later**.
- **Police investigation: a challenge**
 - Investigating cases of such transferred FIRs is a challenging process, exacerbated by tensions in the state.
 - **For example**, police personnel (IO) from one community cannot go to another community's area and **it is hard to proceed with the investigation without meeting the victim**.