



**VAJIRAM & RAVI**  
Institute for IAS Examination

# The Analyst

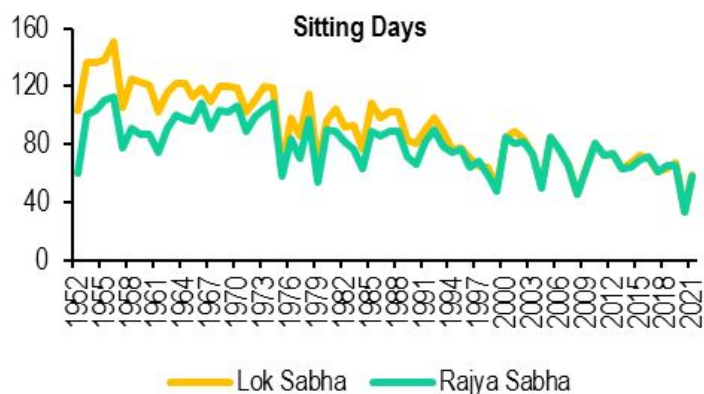
**CURRENT AFFAIRS Handout**

**21st March 2025**



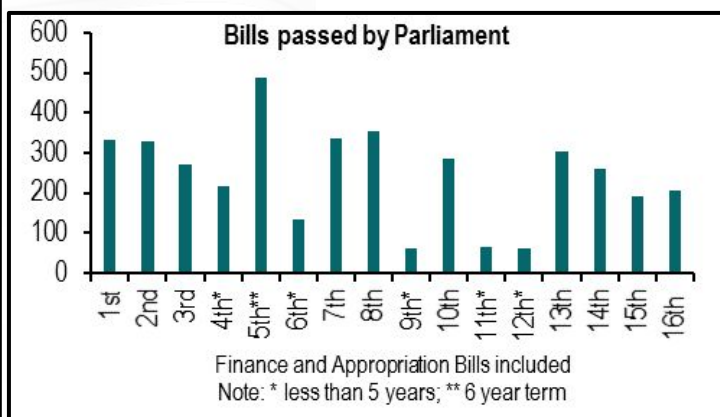
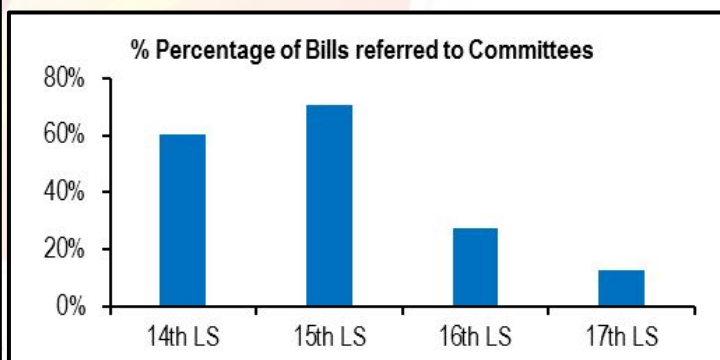
**CONTEXT:** Recently the presiding officers of both LS & RS has adjourned the houses over DMK members wearing T-shirts with slogans against delimitation.

## Vital Stats



- Parliament's productivity has declined sharply due to frequent disruptions, with the **17th Lok Sabha functioning at 88%** and **Rajya Sabha at 73% of the scheduled time.**
- In the **18th Lok Sabha (Winter 2024)**, productivity dropped further to **54.5% and 40%**, respectively, of the scheduled time.
- Fewer sittings:**
  - Sitting days in **LS** have declined from an **annual average of 121 days** during **1952-70** to **68 days** since **2000**.
- Debates in Parliament:**
  - Since **1952**, there have been **four instances** where the **Budget has been passed without discussing** ministry wise allocations.
  - Winter session, 2024: Question Hour** did not function in **Rajya Sabha** for **15 out of 19 days**. In **Lok Sabha**, Question Hour **did not function for more than 10 minutes** on **12 out of 20 days**.

- Lower Examination under Parliamentary Committee:**
  - 25% of the Bills** - 16th Lok Sabha
  - 71% and 60%** in the **15th and 14th Lok Sabha** respectively.
  - Unlike UK** where **all Bills (other than Money Bills)** are sent to Committees for examination.
- Fewer Bills are being passed by Parliament:**
  - Of all Lok Sabhas that have had a five year term, **maximum number of Bills** were passed during the **8th LS (355)**, the **least during 15th LS (192)**.



**CONTEXT:** Recently the presiding officers of both LS & RS has adjourned the houses over DMK members wearing T-shirts with slogans against delimitation.

### **Reasons**

- **Frequent Disruptions:**
  - 17th Lok Sabha – CAA & NRC
  - E.g., Hindenburg controversy.
- **Anti-defection law**
- **Lack of consensus**
- **Partition role of speaker**
- **Scarce resort to disciplinary power**

### **Implications**

- **Reduce debate time** – principle of parliamentary oversight over executive
- **Hinderance to representative democracy**
- **Economic cost:**
  - Each minute of Parliament costs ₹2.5 lakh
  - 2021 logjam alone cost taxpayers ₹133 crore.

### **Way Forward:**

- **Opposition days**
- **Increase no. of sitting days**
- **Define disruptions**
- **Consensus building**
- **Parliament disruption index**

### **Mains Practise Question**

*The declining productivity of the Indian Parliament is a matter of concern for the effective functioning of democracy. Discuss the reasons behind this decline and suggest measures to enhance parliamentary productivity.*

**(15 Marks, 250 words)**





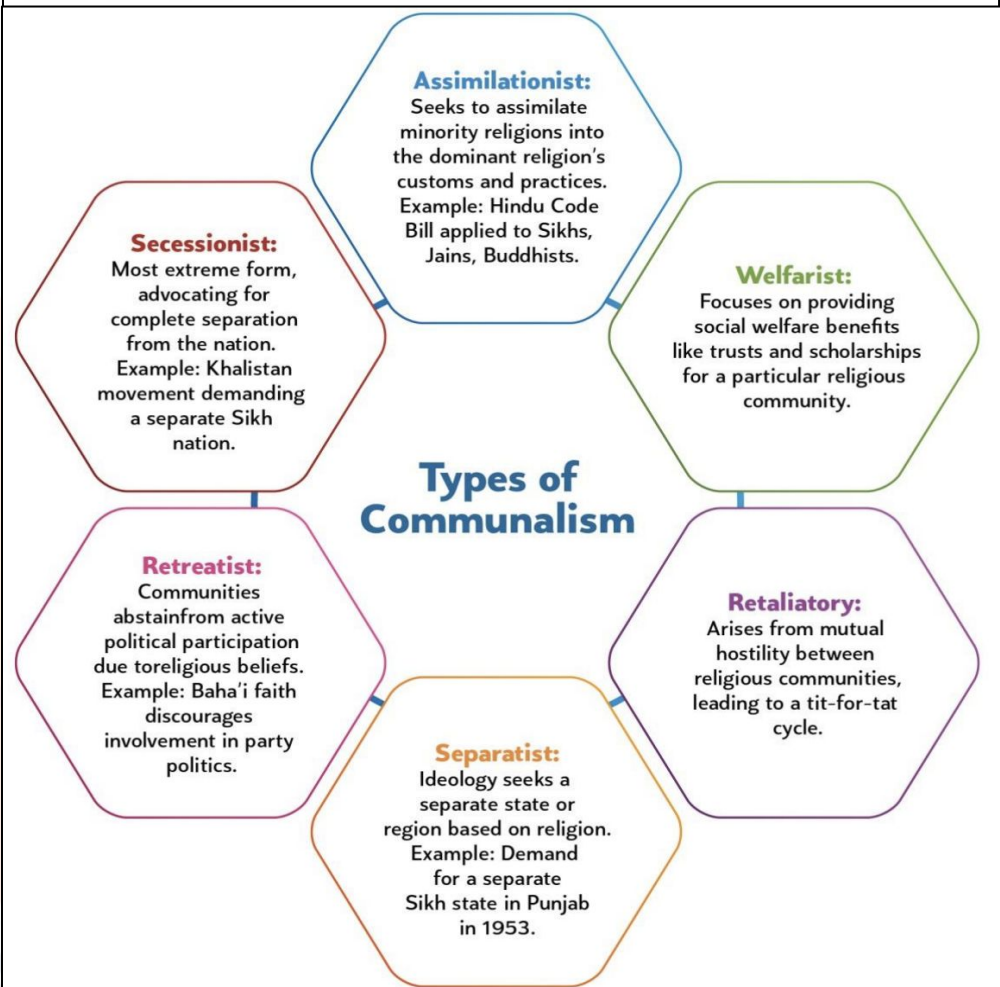
21st March, 2025

**CONTEXT:** Violence in Nagpur over rumors that a holy cloth was set ablaze during protests led by Hindu groups & demanding the removal of Mughal emperor Aurangzeb's tomb.

## Idea of Communalism

- ❖ **Rajni Kothari**, "tendency for religious communities to view themselves as **discrete and antagonistic entities**.
- ❖ **Ideology of Division:**
  - own set of political, economic, and social interests
  - creates a sense of **"us" versus "them"**.
- ❖ **Communalism can manifest in various degrees:**
  - **Mildest** – aligning on secular interests
  - **Moderate communalism** – different communities having distinct interests
  - **Extreme communalism** – zero-sum game & **sense of religious superiority**

## Types of Communalism



## Causes

- **Historical seeds of Discord:**
  - Divide & Rule Policy & Revivalist Movements
- **Political Factors:**
  - Eg- demolition of the Babri Masjid in **1992**
  - lack of strict action against **hate speech** by political leaders
- **Economic Factors:**
  - 2013 Muzaffarnagar riots
  - Sachar Committee Report



# Communalism in Modern India



**CONTEXT:** Violence in Nagpur over rumors that a holy cloth was set ablaze during protests led by Hindu groups & demanding the removal of Mughal emperor Aurangzeb's tomb.

- **Social Factors:**
  - like 'ghar wapsi', beef consumption
  - **Fear of Demographic Change** - 2012 Assam riots between Bodos and Muslims
- **Media and Communication:**
  - anonymity and ease of sharing allow
  - Delhi riots of 2020

## Impacts

- **Deterioration of Law and Order:**
  - **NCRB** - 378 cases of "communal riots" in India in **2021**, resulting in 530 victims.
- **Human Rights Violations:**
  - **E.g.** Bilkis Bano gang-raped during the **2002 Gujarat riots**
- **Disrupted Social Fabric:**
  - A **2023 survey by the Pew Research Center** found that **only 42% of Indians** trust people from a different religion.
  - **1989 exodus of Kashmiri Pandits** from the Kashmir Valley
- **Economic Losses:**
  - Global Peace Index Report 2022 - **6% of GDP annually**
- **Tarnished International Image:**
  - **U.S. Commission on International Religious Freedom** designating India as a "**Country of Particular Concern.**"

## Way Forward

- **Strengthening the Justice System:**
  - **Speedier Trials** - Gujarat riots 2002
  - **Strictly enforcing the Model Code of Conduct** by the Election Commission of India.
- **Enhancing Minority Representation:**
  - **Kerala** integrating minority communities into the police force
- **Addressing Legislative Gaps:**
  - 'Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011
- **Encouraging Interfaith Dialogue:**
  - Eg. the Inter-religious Council of Kenya, Interfaith councils in the US
  - NGOs like **Aman Biradari in Kashmir**
- **Promoting Value-Based Education**
- **2nd ARC recommendations:**
  - **District Peace Committees**- like **Peace Committees in Maharashtra** that involve community leaders in resolving local conflicts.
  - **Mohalla Committees to identify local problems**

## Mains Practise Question

*Discuss the causes of communalism in modern India. What steps can be taken to address this issue and promote communal harmony?*

**(15 Marks, 250 words)**





21st March, 2025

**SYLLABUS:** GS 2: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Newspaper : The Hindu; Page No : 8

**O**n November 18, 2024, the Competition Commission of India (CCI) issued a landmark order imposing a fine of ₹213.14 crore and forcing several behavioural remedies on Meta. This included a five year ban on sharing user data collected on WhatsApp with other Meta companies such as Facebook and Instagram, for advertising purposes. In turn, Meta approached the National Company Law Appellate Tribunal (NCLAT) in an appeal against CCI's order. The NCLAT, on January 23, 2025, granted a stay on the five-year ban on sharing user data and the penalty, subject to Meta depositing 50% of the total penalty.

The CCI's order found that the privacy policy update introduced by Meta's subsidiary, WhatsApp, in 2021 was an abuse of dominant position in the "Over-The-Top (OTT) messaging services for smartphones" and "Online Display advertising" markets in India. This update required users to mandatorily consent to expanded data-sharing, allowing Meta to provide access to such data to all of its other platforms; forcing users to accept a data-sharing agreement on a "take-it-or-leave-it" basis, combined with the competitive advantage this data provides in online digital display advertising, constitutes an abuse of dominant position. The updated policy was viewed as a strategy to strengthen the market power of WhatsApp, potentially harming competition and hindering other messaging platforms from competing on equal terms.

#### The era of data

In the 21st century, the economy has become digital and data is the new oil, but unlike oil, the utility of data is virtually limitless. It can be collected, analysed, and reused indefinitely. In digital markets, data plays a foundational role in creating and sustaining dominance due to its unique characteristics and the competitive advantages it provides. Data is both the source and the enabler of dominance in digital markets. Platforms such as Meta leverage vast data pools collected from billions of users to refine algorithms, offer hyper-targeted advertising, and create personalised experiences, thereby locking consumers into their ecosystems. This dominance is further amplified by data-driven network effects, where more users generate more data, enhancing the platform's value and deterring competitors.

Meta is not the only tech giant to face scrutiny from the CCI. In 2022, Google was fined ₹1,337.76 crore for abusing its dominant position across several markets, including licensable operating systems for smart mobile devices, app stores for Android devices, non-OS-specific mobile web browsers, online video hosting platforms, and general web search services in India. Google was found to have abused its dominant position by

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mandating the pre-installation of its apps on Android devices. This penalty was later upheld by NCLAT in 2023.

#### Global actions

The challenges posed by Meta's market dominance are not confined to India and have been a global regulatory concern. The Majority Staff Report on 'Competition in Digital Markets' (by the U.S. Subcommittee on Antitrust, Commercial and Administrative Law of the Committee on the Judiciary) highlighted the urgent need to reform antitrust laws to address the unprecedented market power of tech giants. Meta faces antitrust litigation in the U.S. over its acquisitions of Instagram and WhatsApp, accused of creating barriers to entry for competitors, while Google has been sued for monopolistic practices. In 2024, the US District Court for the District of Columbia found Google in violation of the Sherman Act due to exclusive agreements in search and advertising markets.

Australia has also taken steps to address the dominance of digital platforms. In Europe, the Facebook-Germany case stands out, where the Bundeskartellamt (Federal Cartel Office) found Meta had abused its dominant position by combining user data from various sources without explicit consent, violating both European Union (EU) competition law and the General Data Protection Regulation (GDPR). This decision accentuates how data misuse can erode consumer privacy and hinder competition by creating entry barriers.

In addition, Meta is under scrutiny in the EU for its ad-supported subscription service, while Google has already been fined over €8 billion across three major antitrust cases, including those targeting its anti-competitive practices in the mobile operating systems and app markets.

The parallels between the regulatory actions against Meta and Google emphasise the importance of addressing data exploitation, vertical integration, and anti-competitive practices through a multidisciplinary approach. Together, these approaches illustrate the challenge of harmonising regulatory philosophies to effectively tackle the monopolistic practices of global tech giants.

Google and Meta are not even the first tech giants to face policing for dominating markets in the U.S. In the past, a ruling in an antitrust lawsuit required AT&T to divest 22 operating companies, dismantling its monopoly. Similarly, anti-trust proceedings against Microsoft resulted in oversight, ensuring API access for third-party developers and greater flexibility for PC manufacturers.

The CCI orders against Google and Meta represent just a small chapter in the broader, well-documented concerns about the overwhelming dominance of "tech monopolies"

in key markets such as advertising, e-commerce and smartphone services. While the orders are a great beginning, a cycle of disputes across jurisdictions indicates that they may be stop-gap measures in regulating the free market in this context.

#### On India's laws

India's competition law, namely, the Competition Act, 2002, currently lacks explicit provisions to address data-centric monopolies. While traditional frameworks focus on price-based dominance, digital markets often witness dominance arising from data aggregation. To address this gap, amendments to the Act should introduce "data monopolization" as a parameter for assessing market dominance by redefining key concepts such as "market power" and "dominant position" to reflect the realities of data-driven dynamics. The Act should also incorporate global best practices for addressing the concerns, such as mandating interoperability and data-sharing agreements or separation of integrated services. These measures could serve as effective solutions for entrenched monopolies and help level the playing field for smaller competitors while maintaining innovation incentives.

The Digital Personal Data Protection Act, 2023 provides an opportunity to complement competition law by regulating data collection, consent, and usage. However, the absence of explicit coordination mechanisms between the CCI and the Data Protection Board of India limits the effectiveness of addressing overlapping concerns. India could draw inspiration from the EU's integration of competition law with the Digital Markets Act (DMA) and GDPR to create frameworks that tackle data exploitation and anti-competitive practices comprehensively.

Addressing these challenges is crucial for India to fully harness the potential of its digital transformation, ensuring inclusive growth and equitable access to digital resources across the nation. The Economic Survey 2024-25, recently tabled in Parliament, underlines India's rapid digital transformation, and emphasises the critical role of artificial intelligence (AI) in shaping the nation's economic landscape. These developments underscore the imperative for India to adapt its regulatory frameworks, including competition law. As the digital economy continues to evolve, regulatory frameworks must not only catch up but also anticipate emerging challenges posed by rapidly advancing technologies and the ever-expanding influence of tech giants.

While the Meta case serves as a pivotal moment in India's efforts to regulate digital markets and address the complexities of data-driven monopolies, it also highlights the need for a more comprehensive and forward-looking approach to competition law.

#### → Era of Data:

- ◆ "economy has become digital and **data is the new oil**, but unlike oil, the **utility of data is virtually limitless**"
- ◆ Data collected, analysed & reused indefinitely

- **Refine algorithms**, hyper-r-targeted advertising, and create personalised experiences, thereby locking consumers into their ecosystems.
- **Data - driven network effects**



# Challenge of Policing digital giants



**SYLLABUS:** GS 2: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Newspaper : The Hindu; Page No : 8

## → What Anti-competitive strategies are used?

### ◆ Google:

- mandating the pre-installation of its apps on Android devices.
- **2022 - CCI** imposed fine ₹1,337.76, upheld by **NCLAT**

### • META:

- **2021: WhatsApp** updated its privacy policy - **"expanded data sharing"**
- **Nov 2024: CCI** fine of ₹213.14 crore & **5 year ban on data sharing**
- **Jan 2025: NCLAT**, granted a stay on the five-year ban from sharing user data and the penalty, subject to Meta **depositing 50% of the total penalty.**

### • Global Actions:

- **US:**
  - **Meta** faces antitrust litigation in the U.S. over its **acquisitions of Instagram and WhatsApp.**
  - Past, **Microsoft**
- **EU:**
  - **Facebook-Germany case:** Combining data from various sources without explicit consent.

### ■ Violates - GDPR & Competition laws

### ■ Meta under scrutiny for "Ad-supported subscription services".

### • Issues with Indian Laws:

#### ○ Competition Act, 2002:

- Price-based dominance and not **"data-aggregation"**
- **Lacks explicit provisions** - "data-centric monopolies"

#### ○ Absence of coordination mechanism:

- **B/w CCI & Data Protection Board of India** - Limits effectiveness in dealing with overlapping concerns.

### • Way Forward:

#### ○ Amendments in Competition Act:

- **Introduce "data-monopolization"** by redefining concepts **"Market power"** & **"dominant position"**.

#### ○ Global Practices:

- **EU** - integrate Competition laws & GDPR & Digital Markets Act

#### ○ Coordination Mechanism: b/w CCI & Data Protection Board of India





**SYLLABUS:** GS 2: Government policies and interventions for development in various sectors and issues arising out of their design and implementation

**Newspaper:** The Hindu; **Page No :** 1

## The Hindu Bureau

BENGALURU/NEW DELHI

X Corp, formerly known as Twitter Inc, has moved the Karnataka High Court, challenging the way the Union and State governments are issuing orders to block content on its platform. The company is opposing the Centre's new Sahyog portal, terming it a "censorship portal", which allows all government agencies – from Union Ministries down to local police stations – to issue blocking orders, using a Union government-issued template.

The court will hear the petition on March 27.

X Corp has asked the court to direct the government that orders to block content can only be issued under Section 69A of the Information Technology (IT) Act, 2000, and not by invoking Section 79(3)(b) of the Act.

A Union government official told *The Hindu* that orders issued under Section 79 were not "direct blocking orders", but they simply notified the platform that it was liable for illegal content.

Section 69A empowers the Union government to direct the blocking of public access to information if deemed necessary for sovereignty, security, public order, or to prevent incitement, among other reasons. It has multiple procedural safeguards to ensure it is not misused, which have been laid down by the Supreme Court in the landmark *Shreya Singhal vs Union of India* case in 2015.

## X's legal challenge

Here are the contentions of Elon Musk's company in the Karnataka High Court:



■ Why issue blocking orders under Section 79(3)(b) of the Information Technology (IT) Act, 2000, and not under Section 69A

■ Section 79(3)(b) outlines the conditions under which an intermediary loses its 'safe harbour' protection

■ Section 69A empowers the government to block access to online content, under specific circumstances

■ Union Home Ministry's Sahyog portal is a 'censorship portal'

Singhal's case," according to the X petition. However, clause 3(b) of Section 79 does say that the exemption will not be valid if the intermediary fails to expeditiously remove or disable access to material used to commit an unlawful act when notified by the government.

The company also questioned a communication against the Union Ministry of Electronics and Information Technology (MeitY) issued on October 31, 2023, informing all Union Ministries, State governments, and State police chiefs that they are authorised to issue blocking orders under Section 79(3)(b) of the Act. A year later, the Union Home Ministry created the Sahyog portal, which X has called a "censorship portal" to facilitate such orders to be issued. The Sahyog portal website says it was developed "to automate the process of sending notices to intermediaries... ensuring immediate action" and will "help achieve a clean cyber space".

These actions by the Centre are in violation of the law as laid down by the top court in the *Shreya Singhal* case, the petition

A senior Union government official disputed X's description of the Sahyog portal as a parallel censorship system. Orders sent under Section 79 "are not blocking orders", the official said. "These orders inform social media intermediaries about illegal content, and if they do not remove them, they share the liability faced by the users... It is not the same as a blocking order under Section 69A, which is directly blocking on a few narrow grounds."

"We will let the court decide the constitutionality of the portal," the official added.

Prasanth Sugathan, legal director at the Software Freedom Law Centre, India (SFLC), said that it was "problematic" that Sahyog was designed for such a large number of complaints "without any procedural safeguards".

Informing the court that the MHA had written to X Corp in October 2024 asking it to appoint a nodal officer to coordinate with the Sahyog Portal, the company sought interim protection, expressing apprehension that if it fails to appoint a nodal officer or to comply with blocking

**Context:** X Corp, has moved the Karnataka High Court, challenging the way the Union and State governments are issuing orders to block content on its platform.

## Background:

- **2021:** GOI reprimanded Twitter for not complying with its order to **block more than a thousand accounts** for alleged spread of provocative content and misinformation on the **farmers' protest**.
- **Oct 2024:** MHA had written to X Corp asking it to **appoint a nodal officer** to coordinate with the **Sahyog Portal**.

## Indian Laws:

### Section 69A of IT Act, 2002:

- empowers the **Union Government** to block the public from **accessing "any information" on the internet** when the Government believes it is **"necessary or expedient"**.





# Blocking of Internet content

**SYLLABUS:** GS 2: Government policies and interventions for development in various sectors and issues arising out of their design and implementation

**Newspaper:** The Hindu; **Page No :** 1

- **Grounds:** interests of the defence, sovereignty, integrity, or security of India or its relations with foreign states, public order, or the incitement of a cognisable offence.

❖ **Procedural Safeguards:**

➤ **IT Rules, 2009:**

- **Rule 8:** to “make all reasonable **efforts to identify the person or intermediary** who has hosted the information” and issue them a **notice asking them to explain** why the content should not be blocked.
- **48 hours to respond**
- **After 48 hours:**  
Government shall pass an order on whether the content should be blocked.
- **Emergency Procedure (Rule 9):** under which the hearing is not required.
- **Review Committee:** to provide post facto scrutiny.
- **Rule 16 - Strict Confidentiality:** with respect to actions taken under the Blocking Rules.

❖ **Shreya Singhal v the Union (2015):**

- Article 19 (2)
- Procedural safeguard
- **Blocking orders in writing - writs**

❖ **Section 79 (3) (b):**

- **Safe harbour**
- **Notice & Takedown provisions:** if upon receiving actual knowledge or on **being notified that any information**, data or communication link residing in or connected to a computer resource controlled by it is **being used to commit an unlawful act** and it fails to expeditiously remove or disable access to that material.
- **Share liability faced by content originator**

❖ **Concerns Highlighted:**

- **Sahyog portal - Censorship portal**
- Content blocking orders **only** under **Section 69A & not** under **Section 79**.



**SYLLABUS:** Prelims: Economy

**Newspaper :** The Hindu; **Page No :** 12

**Context:** Petroleum minister has highlighted that Oil & gas companies will not face any new taxes like the “**windfall profits tax**” once the **Oilfields (Regulation & Development) bill,2024** will come into effect.

→ **What is Windfall tax?**

- ◆ **refers to an unexpected rise in profits**, and the tax on windfall gains is known as the windfall tax.
- ◆ The **increase in profits** is **not attributed to any expansion or investment strategy of a business**.
- ◆ **levied on industries** or businesses **that make disproportionate profits during unexpected situations** like commodity shortages, **wars, pandemics**, changes in government policy, etc.
- ◆ Most **common industries include oil, gas, and mining**.

**Oilfields (Regulation & Development) bill,2024:**

- **Expanded definition of mineral oils:** include hydrocarbons, coal bed methane, and shale gas/oil, excluding coal, lignite, and helium.
- **Introduction of Petroleum lease:**
  - replace the **mining lease**
  - covering similar activities like exploration, prospecting, production, and disposal of mineral oils.
- **Rule-making powers of Central Government:**
  - merging petroleum leases, sharing production/ processing facilities, environmental protection and emission reduction, alternative dispute resolution mechanisms.
- **Decriminalization of offences:**
  - Replaces imprisonment and minor fines with a **penalty of ₹25 lakh**.
- **Adjudication of penalties:**
  - Designates a Joint Secretary or above
  - Appeals handled appellate Tribunal specified under **PNGRB Act, 2006**.





**SYLLABUS:** Prelims: Polity

**Newspaper :** The Hindu; **Page No :** 10

Abhinay Lakshman

**The story so far:**

**M**onths after the Supreme Court of India questioned the need for decade-old laws that have classified a section of criminals as "habitual offenders" across India, the Government of India has revealed in Parliament that such laws continue to operate in as many as 14 States and Union Territories.

**What has the SC said about the matter in the past?**

In October last year, while deciding a matter on caste discrimination within Indian jails, the Supreme Court of India had called into question the very basis of the "habitual offender" classification, noting it was "constitutionally suspect" and used to "target members of denotified tribes".

The recent information revealed in the Lok Sabha on March 11 by the Union Social Justice Ministry showed that some States like Gujarat have argued for the continuation of the law given that the "intent" of its use is not suspect, while others are in the process of discontinuing its application, like Punjab. States like Haryana have already repealed it. The government has said that the Union Ministry of Home Affairs communicates with States on these laws and the status of their repealing from time to time.

**Context; October last year**, while deciding a matter on caste discrimination within Indian jails, the **Supreme Court** of India had called into **question the very basis of the "habitual offender" classification.**

❖ **NCRB, 2022:**

- **1.9% of India's** 1.29 lakh convict population.
- **Highest** proportion seen in **Delhi, 21.5% of convicts**

❖ **Tracing its origin:**

❖ **National Commission for Denotified, Nomadic, and Semi-Nomadic tribes** headed by **Bhiku Ramji Idare, report in 2017:**

- **"Regulation XXII of 1793"** – gave summary powers to magistrates

- **IPC, 1860 & CrPC, 1861:** Set up mechanism to **maintain a register of "dacoits & Thugs" – "Criminal Tribes act, 1871".**
- **1924:** applicable to all Colonial India

❖ **Government's Criminal Tribes Act Enquiry Committee Report (1949–50):** Repeal CTA and encourage central legislation applicable to habitual offenders

❖ **1952: GOI repealed CTA laws & classified communities as "Denotified, nomadic & semi-nomadic tribes"**

❖ **States enacted "habitual offenders Act" – Rajasthan & Madras**

❖ **What Crimes?**

❖ **Turning event:**

- **1998:** Custodial death of **Budhan Sabar in WB**
- Advocacy group – **Denotified and Nomadic Tribes Rights Action Group**

❖ **SC Judgement:**

- **Why a whole community is declared as habitual offenders?**
- **Review State Laws.**

❖ **State response:**

- **Punjab, Odisha & Andhra Pradesh:** not implemented since 5 years
- **Haryana**– repealed
- **UP: Goondas Act**
- **Gujarat & Telangana:** preventive





## SYLLABUS: Prelims: Polity

Newspaper : The Hindu; Page No : 10

Ministry of Home Affairs communicates with States on these laws and the status of their repealing from time to time.

### What is the origin of the 'habitual offender' classification?

According to the National Commission for Denotified, Nomadic, and Semi-Nomadic tribes headed by Bhiku Ramji Idare, which submitted its report in 2017, the beginning of "criminalising" communities in India began with Regulation XXII of 1793, which gave magistrates "summary powers" to put to work or imprison certain communities or tribes based on suspicion alone. The Indian Penal Code of 1860 and the Criminal Procedure Code of 1861 further set up the mechanism to maintain a register of "dacoits and thugs", before culminating it in the Criminal Tribes Act (CTA) of 1871. It was through this Act, the Idare Commission notes, that "the phrase 'criminal tribe' was first concocted, and the system of registration began". The law provided for "a gang, a tribe, or a class of people" to be declared criminal, and was strengthened throughout the next few decades. In 1924, the law was applied to all of colonial India which increased the number of communities declared "criminal" exponentially, according to the Idare report.

Just as the Constitution of India was being adopted, the government's Criminal Tribes Act Enquiry Committee Report (1949-50) was published, which recommended the repealing of the CTA, and encouraged "central legislation applicable to all habitual offenders without any distinction based on caste, creed, or birth". In 1952, based on this report, the Government of India repealed all criminal tribes laws across the country, leaving the communities notified under these laws to be classified as "denotified, nomadic, and semi-nomadic" (DNT, NT, SNT) tribes.

By this time, States had already started enacting "habitual offender" laws across the country, such as the Madras Restriction of Habitual Offenders Act, 1948, which was extended to Delhi in 1951. Rajasthan passed a similar law in 1953, and over the next two decades more

States – Andhra Pradesh, West Bengal, Karnataka, Goa, Himachal Pradesh, Uttar Pradesh, etc. – adopted laws on "habitual offenders". All of them moved away from the premise of classifying communities as "prone to crime", by defining a "habitual offender" in terms of the convictions they have had.

However, even though the CTA Enquiry Report had led to the reframing of habitual offender laws, by centering individuals over communities, more than a decade later, when the Lokur Committee in 1965 was looking at denotified tribes, it saw them as communities with an "anti-social heritage". Some specific communities were even described as having an "affinity for crime".

### What were some of the crimes which made one a 'habitual offender'?

Habitual offender laws have a schedule of crimes for which the classification could be invoked. Across States, this included crimes like "being a thug", "belonging to a gang of dacoits", "living on the earnings of prostitution", and half-a-dozen entries on "lurking".

Registers were maintained, and rules and regulations were formulated by States on how 'habitual offenders' were to be treated within prisons, leading to jail manuals across the country adopting the language of "habitual offenders", with some of them explicitly allowing for erstwhile "criminal tribe" community members to be designated as "habitual offenders" (for example in Rajasthan). But in 1998, the custodial death of Budhan Sabar, a member of a denotified community in West Bengal, led to national outrage over the concept of "habitual offenders" and how it was being used by the police.

### When did change start?

From the outrage over Mr. Sabar's death, an advocacy group was formed known as the Denotified and Nomadic Tribes Rights Action Group (DNT-RAG) by writers Mahasweta Devi and G.N. Devy, who also spearheaded the launching of a magazine named after Budhan, which wrote on issues faced by these communities. The

DNT-RAG studied the conditions of denotified tribes and prepared a report.

In 1998, the DNT-RAG wrote to the National Human Rights Commission (NHRC) in India and the United Nations Secretary General, noting that even though the CTA had been repealed, "the police as well as the general public continue to treat most of these unfortunate communities as 'born criminals' and 'habitual criminals'", citing the habitual offender law in Bombay. "Every day brings in instances of mob-lynching, arson, and police atrocities enacted upon the innocent and helpless DNTs," the letter said.

Reacting to this letter, the NHRC formed an Advisory Group which in 2000, concluded that these "habitual offender" laws can be repealed. Since then, every National Commission that has dealt with the issue of DNT, NT, SNT communities has mentioned the adverse effect of "habitual offender" laws on these communities.

In March 2007, the United Nations Committee on the Elimination of Racial Discrimination noted the way "habitual offender" laws were being applied and called for its repeal. In 2008, the National Commission on DNT, SNT, NT headed by B.S. Renke noted the negative effect of the laws on the lives of these communities.

In 2014, the High-Level Committee of the Tribal Affairs Ministry, headed by Professor Virginius Xaxa noted, "The tag of criminality attached to DNTs and to the nomadic way of life of nomadic tribes persists to the present day. The explanation lies, in good measure, in the Criminal Tribes Act being replaced in many States by the Habitual Offenders Act." In 2020, journalist Sukanya Santha reported on widespread caste-discrimination within Indian prison systems, including the treatment meted out to those who have been classified as "habitual offenders", based on which she filed a petition in the Supreme Court.

### How have States reacted?

Deciding this case in October 2024, a Bench headed by then-Chief Justice D.Y. Chandrachud had noted that while "habitual offender" laws were not the

subject of the matter specifically, it felt compelled to make some observations.

It said, "The 'habitual offender' legislations were enacted to replace the Criminal Tribes Act. However, in States such as Rajasthan, they were used to refer to members belonging to criminal tribes/denotified tribes. Applying that logic, several Prison Manuals/Rules have also referred to 'habitual offender' to mean members of Denotified Tribes or wandering tribes....This cannot be accepted. A whole community ought not to have either been declared a criminal tribe in the past or a habitual offender in the present. It would not be wrong to say that the classification of 'habitual offender' has been used to target members of Denotified Tribes."

Further down in the judgment, the Supreme Court went on to "urge" the State governments to review whether there remained any need for such "habitual offender" laws in the country.

According to the latest information provided by the States and UTs to the Ministry of Home Affairs, Punjab has said that it has not implemented the law for over five years and neither had any register been maintained in this time. Similarly, the Odisha government has said that no case had been registered under the law in the last five years and Andhra Pradesh has said that no one in their jails currently was imprisoned under the law.

Some States like Goa have argued that since there are no DNTs in their State, there is no scope of the law being misused to target them and have indicated that they may be allowed to continue using them. Gujarat has opined against repealing it saying it "does not intend" to harass. Telangana has called the law preventative, whereas Uttar Pradesh has said that since all "habitual offender" provisions had been covered under their Goondas Act, it does not matter if it is repealed.

According to the latest available records of the National Crime Records Bureau (for 2022), about 1.9% of India's 1.29 lakh convict population have been classified as "habitual offenders", with the highest proportion seen in Delhi, where 21.5% of convicts are classified as such.





**SYLLABUS:** Prelims: Economy

**Newspaper :** The Indian Express; **Page No :** 13

RAVIDUTTA MISHRA  
NEW DELHI, MARCH 20

IN THE first round of trade deal negotiations between India and the European Union after the EU College of Commissioners' visit to India last month, both countries made considerable progress in agreeing on the norms that will guide dispute settlement under the pact but failed to make a significant breakthrough on rules of origin, which help determine the national source of a product.

Amid rising protectionism globally, Prime Minister Narendra Modi and Ursula von der Leyen, President of the European Commission, had announced that both sides would aim to conclude the free trade agreement by the end of 2025. The two parties have been negotiating the agreement since July 2022 and have held ten rounds of talks. The next round is set to start on May 5 in New Delhi.

"Negotiators made good progress, particularly on mediation. The main sections of the dispute settlement text are now substantially agreed upon. Intense discussions took place on rules of origin but did not lead to major breakthroughs," a report released by the European Union on progress made in the tenth round of talks stated. "A particular focus was given to chapters related to market access. For the first time, sectoral sessions took place, examining specific industries such as automobiles and medical de-

## AIM TO CONCLUDE FTA BY END OF 2025



File

**PRIME MINISTER** Narendra Modi and President of the European Commission Ursula von der Leyen had announced that both sides would aim to conclude the free trade agreement by the end of 2025

vices from a holistic perspective, addressing all obstacles impeding market access, including tariffs, rules of origin, and Technical Barriers to Trade (TBT)," the report said.

Specific discussions on cars and medical devices follow an EU official's statement last month that the 27-member bloc would not sign a trade deal without "substantive" market access from India for the sale of European-made cars. The emphasis on automobile exports likely stems from the ongoing automobile crisis in the region. In October 2024, Germany-based Volkswagen announced plans to close at least three of its German factories.

The EU report noted that "intense discussions took place on rules of origin" but did not lead to any major breakthrough. Both sides discussed the product-specific rules for several sectors, including: "processed agricultural products, fisheries, pharmaceutical products, chemical products, fertilisers, textiles and clothing, car parts, wood pulp, and paper."

The report also stated that limited progress was made on technical regulations, market surveillance, and technical discussions, adding that important divergences remain on a number of issues, including the incorporation of WTO provisions and the annexes on pharmaceutical products and motor vehicles.

"The EU raised the issue of India's Quality Control Orders (QCOs)," the report said. The QCOs block the import and sale of items that do not bear a Bureau of Indian Standards (BIS) mark, and a number of countries have cited them as a barrier to trade.

Last month, Ursula von der Leyen stated that the free trade agreement between the EU and India would be the largest deal of its kind anywhere in the world. Without naming China, she suggested that India and the EU could help each other achieve the "common goal" of de-risking their economies in sensitive sectors such as batteries, pharmaceuticals, semiconductors, clean hydrogen, and defence.

- **EU raised Concerns QCI orders:** block import & sale of items that do not bear "Bureau of Indian Standards" mark.
- **criteria needed to determine the national source of a product**
- **Rules of origin used?**
  - to implement measures anti-dumping duties
  - to determine whether imported products shall receive most-favoured-nation (MFN) treatment
  - application of labelling and marking requirements
- **GATT has no specific rules** governing the determination of the country of origin of goods in international commerce.
- **Each contracting party was free to determine its own origin rules**, and could even maintain several different rules of origin depending on the purpose of the particular regulation.

- ❑ **Context:** EU-India FTA , planning to **finalise by 2025**, made considerable progress on dispute settlement but stalemate continues on "rules of Origin".
- ❑ **Significance:**
  - ❑ **De-risk** our economies - sensitive sectors - semiconductors, clean hydrogen, batteries etc.
- ❑ **Particular focus on "Market access":**
  - ❑ **Oct 2024 - Germany based Volkswagen**, announced plans to close 3 of its factories.
- ❑ **Product - specific rules**



**Q1. Consider the following statements regarding the productivity of the Indian Parliament:**

1. The productivity of the 18th Lok Sabha during the Winter Session of 2024 was higher than that of the 17th Lok Sabha.
2. The average annual number of sitting days in the Lok Sabha has reduced significantly since 2000 compared to the period 1952-1970.

**Which of the statements given above is/are correct?**

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

**Answer: b**

**Q2. Regarding the types of Communalism, consider the following statements:**

1. Extreme Communalism rejects coexistence and promotes the establishment of a theocratic state.
2. Political Communalism seeks the use of religion for achieving political power and influence.

**Which of the statements given above is/are NOT correct?**

- a) 1 Only
- b) 2 Only
- c) Both 1 and 2
- d) Neither 1 nor 2

**Answer: d**

**Q3. Regarding the Information Technology Rules, 2009, consider the following statements:**

1. After the expiry of 12 hours, the government must pass an order on whether to block the content.
2. The Review Committee is constituted to provide post facto scrutiny of blocking orders.

1. It allows blocking of content without a hearing in emergencies.

**How many of the statements given above is/are correct?**

- a) Only One
- b) Only Two
- c) All Three
- d) None

**Answer: b**

**Q4. Consider the following statements regarding Windfall Tax:**

1. It is imposed on profits that exceed a normal level of profit due to external, unpredictable factors.
2. Such taxes can potentially discourage investment in high-profit industries.
3. India has a permanent framework for windfall taxation to stabilize revenue collection.

**How many of the statements given above is/are correct?**

- a) Only One
- b) Only Two
- c) All Three
- d) None

**Answer: b**

**Q5. Regarding the "Habitual Offender" classification in India, consider the following statements:**

1. The concept of maintaining a register of habitual offenders has its roots in the Criminal Tribes Act of 1871.
2. The highest proportion of habitual offenders is found in Maharashtra.
3. They constitute 19% of India's total convict population

**Which of the statements given above is/are correct?**

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

**Answer: b**







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