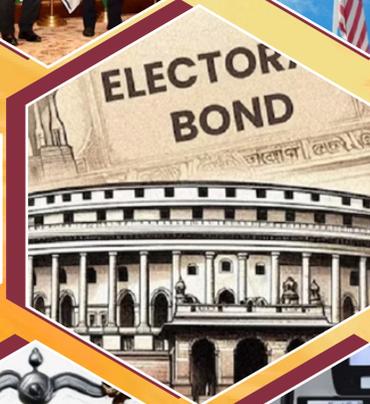




MONTHLY
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APRIL 2024



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CO-EXECUTIVE EDITOR

Saket Anand

MANAGEMENT CONSULTING

Tej Prakash, Prakash Jaiswal, Shagla

EDITING SUPPORT

Bhoolan Prasad, Md. Shoaib,
Neha Kumari, Jaya Soni

TYPE SETTING AND DESIGNING

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HEAD OFFICE

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Contact: 7428092240, 9312511015, 8851301204

Email : dikshantias2011@gmail.com

Web.: www.dikshantias.com

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UNDERSTANDING THE WORLD OF THE INFORMAL WASTE PICKER



Context:

- On March 1, **International Waste Pickers Day**, waste pickers across the world will pay homage to fellow pickers who were murdered in Colombia in 1992.
- The world of the informal waste picker, hyper-marginalised worker cohort in the waste value chain ecosystem, and an indispensable but invisible part of waste management systems in India needs to be understood.

Informal waste picker & challenges:

- The **International Labour Organization** defines the **informal sector in waste management** as 'individuals or small and micro-enterprises that intervene in waste management without being registered and without being formally charged with providing waste management services'.
- These workers are the primary collectors of recyclable waste, playing a critical role in waste management and resource efficiency by collecting, sorting, trading and sometimes even reinserting discarded waste back into the economy.
- Yet, they face systemic marginalisation due to **non-recognition, non-representation, and exclusion** from social security schemes and legal protection frameworks.

Data estimates:

- While reliable estimates of informal waste pickers are difficult to come by, the Centre for Science and Environment reported that the informal waste economy **employs about 0.5%–2% of the urban population globally**.
- Many are women, children and the elderly, who are often disabled, are the poorest of the urban poor, and face violence and sexual harassment often.

- The Periodic Labour Force Survey 2017-18 indicates that there are nearly 1.5 million waste pickers within India's urban workforce, with half a million being women.

Multiple issues:

Health:

- On average, an individual waste picker collects between 60 kg to 90kg of waste a day in an eight to 10 hour span of time, often undertaking hazardous work without safety equipment.
- Their **poor health, irregular work, low income, and regular harassment** are compounded by their **subordinate position in the caste hierarchy**.
- Their **health issues include dermatological and respiratory health issues** apart from regular injuries. Waste pickers suffer existential precarity.

Socio-economic condition:

- Private sector participation in municipal solid waste management, by design, alienates them, aggravating their vulnerability and loss of rights over waste picking.
- As noted by the Alliance of Indian Waste Pickers (AIW) 2023 report, **private actors employ expensive machinery, offering competitive rates** to waste generators such as households and businesses, which marginalises informal pickers and forces them into hazardous waste picking, such as scavenging from dump sites.
- This worsens their health risks, compromises income, and lowers social status.
- Private players and municipal authorities often cordon off dump sites, pushing them into further vulnerability.

Extended Producer Responsibility

- Extended Producer Responsibility (EPR) has gained traction in India as a means to enhance plastic waste management. It transfers the responsibility of waste management from municipal authorities and holds commercial waste producers accountable.
- EPR appears seemingly promising, with potential for social inclusion for waste pickers and other informal grassroots actors.
- In practice, EPR redirects waste away from the informal sector, threatening large-scale displacement of informal waste pickers.

Inclusion of waste pickers:

- The **EPR guidelines in India identify several stakeholders** including the Central Pollution Control

Board (CPCB), producers, brand owners, industry, industry associations, civil society organisations, and, of course, citizens themselves. But it is **unclear whether these stakeholders include informal waste pickers**, or their representing organisations.

- Although the **Solid Waste Management Rules 2016** mandate the inclusion of waste pickers in municipal solid waste management systems, they are evidently missing in the prioritisation.
- The EPR Guidelines 2022 published by the Ministry of Environment, Forest, and Climate Change have blatantly ignored the role of informal waste pickers in waste management and recycling.

Role in ending plastic pollution:

- Globally, waste pickers collect and recover up to 60% of all plastic which is then recycled, as in the 2022 World Economic Forum report. Despite their crucial role in sustainable recycling, their work is rarely valued and they struggle to earn a decent living.
- The **United Nations Development Programme (UNDP) and Pew reports** state that in 2016 alone, informal waste pickers collected 27 million metric tonnes of plastic waste (59% of all plastic material collected for recycling), preventing it from ending up in landfills or the ocean.
- But they also have to bear burning plastic fumes and consume water and air tainted by microplastics. When UN resolution to end plastic pollution will be endorsed, to create a legally binding agreement by 2024, the treaty must ensure a just transition for these workers.
- The role of waste pickers in successful plastic management has emerged as a critical factor as India's per capita plastic waste generation rises.

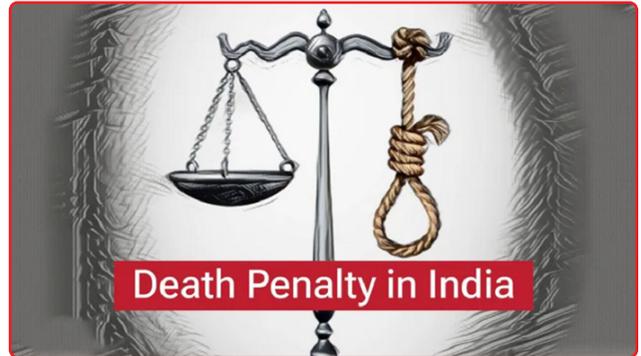
Way Forward:

- As mentioned in a recent CPCB report, January 6 is plastic overshoot day for India, a country that is already among the 12 countries responsible for 52% of the world's mismanaged waste. The EPR mechanism holds producers responsible for plastic pollution, but only involves large recycling units, bypassing an entire workforce responsible for transformation of waste to recyclable material.
- Waste pickers possess traditional knowledge around handling waste, which could strengthen the EPR system and its implementation.
- In this context, there is need to rethink the formulation of EPR norms, while also addressing how to integrate millions of informal waste pickers into the new legal framework.

INDIA BURGEONING DEATH PENALTY CRISIS

Context:

- With 561 prisoners on death row at the end of 2023, India's death row population has continued to rise to reach its highest-ever numbers since 2004.



Rate of acquittal:

- The Supreme Court of India acquitted nearly 55% of the death row prisoners (six prisoners) in the cases it heard in 2023.
- This development must be understood alongside the Court initiative (in September 2022) to convene a Constitution Bench to reform death penalty sentencing.
- However, given the continued evidence of the broken state of sentencing in India's courts, the potential of this Bench to truly turn things around appears uncertain.
- Instead, the high rate of acquittals with a skyrocketing death row population must compel the Court to consider whether India's death penalty reform can ever be limited to the question of sentencing.

Rise in death penalty:

- Data from Project 39A's 2023 annual statistics on the death penalty show that the Court's attempts to reform sentencing through its directions in *Manoj vs The State Of Madhya Pradesh* (May 2022) have failed to trickle down to trial courts for the second year in a row.
- In 2023, trial courts imposed 86.96% of death sentences in the absence of information pertaining to the accused that was mandated in *Manoj*.
- Additionally, the High Courts continued their reluctance in confirming death sentences in 2023. While the Supreme Court did not confirm the death sentence in any of the 10 cases it decided, only one death sentence was confirmed across High Courts.
- This follows the findings from the *Death Penalty India Report (2016)* that ultimately, 4.9% of the death sentences imposed by trial courts between 2000-15 were confirmed at the appellate level.
- Over the years, a majority of the death cases before the Court have resulted in the Court upholding convictions, but commuting the death sentences to life imprisonment.

Systematic failure:

- The acquittals of death row prisoners by the Supreme Court deserve particular attention. Despite comprising a smaller proportion of death cases at the Court in

previous years, these decisions underscore systemic failures by the police, prosecution, and trial courts.

- Acquittals have been outcomes of **fabricated evidence, manipulated first information reports, the possibility of tampered forensic evidence and dubious recoveries of incriminating evidence** by the police.
- The Court has confined itself to case-specific reprimands in acquittal decisions, without acknowledging systemic problems within which the death penalty is being administered.
- When it comes to sentencing, the Court has been more willing to recognise systemic concerns plaguing the death penalty. The decision of the Court in September 2022 to send crucial issues surrounding death penalty sentencing to a Constitution bench reflects that acknowledgement.
- However, the growing number of acquittals by the Supreme Court in death penalty cases creates an urgency to recognise the very high chances of error in our criminal system.

Impact on prisoners:

- Death row prisoners live in constant distress due to an ever-looming fear of execution. They are subjected to constant violence, ridicule and humiliation within prisons.
- Prison policies segregating them from work, education and leisure remove the little means available for them to cope under such dehumanising circumstances.
- The death row experience comes with life-long psychological ramifications, which continue well after a prisoner has been acquitted or commuted.
- In September 2023, a person under the sentence of death in Yerwada jail died by suicide after spending six years on death row. His case had been pending confirmation in the Bombay High Court since 2019.

Conclusion:

- In light of such a crisis, the Supreme Court has much to reconsider. The Court's convening of a Constitution Bench, laudable as it may be, may not only be ineffective but also off the mark in tackling the death penalty crisis.
- Death penalty sentencing reform from the Supreme Court has persistently failed to percolate to trial courts, pointing to the futility of this exercise.
- More importantly, Project 39A's 2023 report shows a dissonance between the narrow sentencing question that the Court prioritises over the actual scope of the crisis that runs across the criminal process in death cases from the police to prisons. In effect, the Supreme Court is perhaps undertaking an exercise that does too little, too late.

WHAT WILL GAGANYAAN CHANGE FOR INDIA?



Why in news?

- Recently, the publicised the final shortlist of candidates to be astronauts on board the maiden human spaceflight mission called Gaganyaan of the Indian Space Research Organisation (ISRO).
- Assuming two important test flights in 2024 and the 2025 are successful, the first crewed flight of the mission is scheduled for 2025.

What is Gaganyaan?

- Gaganyaan is the name of the ISRO mission to send Indian astronauts to low-earth orbit for a short duration, onboard an Indian launch vehicle.
- Technically, it is a demonstration mission: it will test various technologies required for human spaceflight, which remains the most complicated form of spaceflight, and demonstrate India's familiarity with their production, qualification, and use.
- In 2023, Prime Minister "directed" ISRO to have an **indigenous space station by 2035 and land an Indian on the moon by 2040**. While its most recent missions have reinforced ISRO's reputation as a reliable launch provider also capable of flying sophisticated interplanetary missions, including Chandrayaan-3, the two new goals are technologically even more ambitious.
- Further, ISRO will attempt to execute them together with future moon missions. **Chandrayaan-3 concluded the first phase** of ISRO's lunar exploration programme.
- The second phase begins with a joint mission with Japan to land a rover on the moon and another to collect a lunar soil sample and bring it back to earth.

Division of work:

- To these ends, the Indian government has divvied up spaceflight and services-related responsibilities that once rested solely with ISRO to two new offices.
- They are the New Space India Ltd. (NSIL; to commercialise space technologies) and the Indian National Space Promotion and Authorization Centre (IN-SPACe; to authorise space activities in all sectors).
- ISRO also set up a coordinating body for Gaganyaan called the Human Space Flight Centre (HSFC).

What are the components of Gaganyaan?

- Gaganyaan comprises the following components aside from the HSFC:

The Launch Vehicle Mark-3:

- The LVM-3 is the launch vehicle. Formerly called the GSLV Mk-III, it is a three-stage rocket. The first stage comprises of two solid-fuel boosters strapped to the rocket core.
- The second stage is powered by two liquid-fuelled and clustered Vikas 2 engines.
- The third stage has the CE-20 indigenous cryogenic engine with liquid hydrogen and liquid oxygen as fuel and oxidiser, respectively.

The orbital module:

- The 8.2-tonne orbital module is the object the LVM-3 rocket will launch and place in low-earth orbit. It consists of the crew module and the service module.
- The **crew module** can house up to three astronauts for a week. It includes parachutes to slow its descent to the ground once it descends from orbit; an environmental control and life-support system (ECLSS; to control the temperature, breathing environment, waste disposal, fire protection, etc.); and the crew escape system, which the astronauts can use to escape in case the rocket malfunctions during its ascent.
- The **service module** contains the propulsion system required to raise the orbital module's altitude once it separates from the rocket and later to propel it back towards the earth.

The crew:

- Of the first four astronaut candidates, Prashant Nair, Ajit Krishnan, and Angad Pratap are group captains and Shubanshu Shukla is a wing commander, all in the Indian Air Force (IAF).
- When Gaganyaan was approved, the IAF prepared a longlist of candidates, who were trained at the IAF's Institute of Aerospace Medicine. A subsequent shortlist of candidates were sent to Russia for advanced training.
- The crew module will include a **gynoid (feminine robot) named 'Vyommitra'** fit with sensors to track the effects of radiation and weightlessness, monitor capsule conditions, and sound alarms in the event of an impending emergency, aside from being able to perform some other tasks.

How was the mission put together?

- ISRO had realised many of the underlying technologies by the time the Union Cabinet approved Gaganyaan in 2018. Post-approval, it proceeded to human-rate many of them, that is, ensure their reliability met the minimum thresholds for human spaceflight.
- It had already conducted the '**Space Capsule Recovery Experiment**' (SRE) in 2007 and the '**Crew-module Atmospheric Re-entry Experiment**' (CARE) in 2014.

- In 2007, a satellite placed in orbit earlier descended from an altitude of 635 km to splash into the Bay of Bengal.
- In 2014, a prototype of the module was launched onboard an LVM-3 rocket. It separated at an altitude of 126 km, descended until 80 km with retrograde thrusters, and finally with parachutes into the Bay of Bengal.
- Together, SRE and CARE tested the module's separation mechanism, heat shield, braking system, parachutes, floatation devices (in the water), and retrieval procedures.
- ISRO earlier had finished testing four CE-20 engines for 8,810 seconds in all, in conditions mimicking those during the flight.

What will Gaganyaan achieve?

- The birth of NSIL and IN-SPACe followed wide-ranging reforms of the space sector. They were joined by the National Geospatial Policy 2022, the Indian Space Policy 2023, and the Telecommunications Act 2023.
- The Cabinet also cleared **49% to 100% automatic foreign direct investment in space services and spaceflight**.
- The Space Policy in particular provides an overview of what the Indian space programme will aim for in the coming decades as India joins a host of countries going to space, the moon, and beyond while conducting scientific, commercial, and exploratory missions.
- This new 'space race' extends geopolitical boundaries drawn on the earth into outer space. The result is a heavy premium on the human presence of different nationalities for longer durations in space and on the moon.
- Against this backdrop, Gaganyaan will establish India's self-sufficiency vis-à-vis sending humans to space, on timelines it can control, instead of relying on expensive contracts with foreign launch services and in step with other efforts to represent India in the final frontier.

MOUNTAINS OF PLASTIC ARE CHOKING THE HIMALAYAN STATES



Context:

- A recent report by the Social Development for Communities (SDC) Foundation Dehradun highlighting the plight of towns in Uttarakhand drowning in plastic waste is no surprise almost all the mountain States face a similar situation.

Microplastics & factors:

- Microplastics are formed by the degradation and the fragmentation of large plastic pieces that are improperly disposed of.
- Microplastic deposition and accumulation has been found in the Himalayan mountains, rivers, lakes and streams. These microplastics can be trapped in glaciers for a long time and released into rivers during snow melting.
- The Indian Himalayan Region is a critical source of water in the subcontinent, feeding a number of major rivers of India that include the Indus, Ganges and Brahmaputra river systems.
- **Unscientific plastic disposal** is causing **soil and water pollution** in the Indian Himalayan Region and impacting its biodiversity, which is having an adverse impact on the fresh water sources that communities downstream depend on.
- **Rapid and unplanned urbanisation** and changing production and consumption patterns are responsible for the plastic waste crisis in the Indian Himalayan Region.
- A quantum jump in **tourist footfalls** is another reason for exacerbation of the problem.

Impact on eco-sensitive areas:

- Recently, the National Green Tribunal issued notices to the Ministry of Environment, Forest and Climate Change, the Central Pollution Control Board (CPCB), the Himachal Pradesh State Pollution Control Board, the Deputy Commissioner Lahaul and Spiti and the Panchayat of Koksar in Himachal Pradesh on waste dumping in eco-sensitive areas by tourists and commercial establishments.
- In Assam, at the **Ramsar site of Deepor Beel**, Greater adjutant storks have been feasting on the plastic waste in the landfill instead of fish from the wetland.
- In Manipur, growing pollution in rivers, that include the **Nambul**, has been widely reported.

Plastic waste versus management capacities:

- Every year, there is a day when the amount of plastic waste surpasses the capability of waste management systems to manage this. Environment Action, a Swiss-based organisation, calls it **Plastic Overshoot Day**.
- In 2023, India reached its plastic overshoot day on January 6, which is shocking especially as the EPR portal of CPCB claims that there is a systemic ability to deal with plastic waste.

- India has one of the **highest mismanaged waste index (MWI)**, at 98.55%, in the world (after Kenya, Nigeria and Mozambique) which is the gap in waste management capacity and plastic consumption.

Gap in Recycling:

- The Government of India claims that it recycles 60% of plastic waste. In statistical analysis done by the Centre for Science and Environment (CSE) using CPCB data, **India is merely recycling (through mechanical recycling) 12% of its plastic waste**.
- Close to 20% of this waste is channelised for end-of-life solutions such as co-incineration, plastic-to-fuel and road making, which means we are burning 20% of our plastic waste and still calling it 'recycling' and when 68% of plastic waste is unaccounted for.

Legal mandate for waste management:

- **Solid Waste Management Rules (SWM) 2016, Plastic Waste Management (PWM) Rules 2016 and Extended Producer Responsibility (EPR) 2022** constitute the regulatory framework for plastic waste management for India (at the country level).
- Special needs of hill areas are recognised by the SWM but are not factored in while creating a mandate for both local bodies and producers, importers and brand owners (PIBOs), while PWM and EPR have not even recognised the special needs of the hills.
- States across the Indian Himalayan Region have also been taking various initiatives including enacting laws to curb this menace. Himachal Pradesh and Sikkim have special State laws banning the use of plastics. **Himachal Pradesh has a buy back policy** for non-recyclable and single-use plastic waste since 2019, but there is still widespread littering of plastic waste.
- **Sikkim banned packaged mineral water** use from January 2022 and has a fairly robust regulatory system, but in the absence of proper infrastructure to handle plastic waste, the State is still grappling with the issue. **Mizoram** has been proactive on the regulatory front, the Aizawal Municipal Corporation made by-laws under the PWM in 2019.
- **Tripura has made policy changes**, enacted municipal by-laws and has a State-level task force to eliminate Single Use Plastic though the results are not visible.

Segregation:

- The collective mandate of SWM/PWM/EPR requires waste segregation at source. Segregation of not only plastic from other waste but also different types of plastics is a prerequisite for any strategy to dispose of plastic waste in a scientific and sustainable manner.
- Waste segregation exists on paper, but a closer look shows landfills overflowing with mixed waste.
- The leachate from the mixed waste causes soil and groundwater pollution while fumes from such mixed waste cause air pollution. A huge amount of plastic waste which can be recycled still remains in landfills.

Role of local bodies:

- Under the SWM, PWM and EPR, the task of waste management from collection to its scientific disposal is the duty of local bodies.
- They can take help from PIBOs for the setting up and operationalisation of the plastic waste management system, as mandated under the EPR.
- Though local bodies are the pivot of the waste management system in the country, a commensurate devolution of power to them is still work in progress.
- Very few States have enacted model by-laws and very few local bodies themselves have made by-laws to operationalise the mandate. There is no clarity regarding the mandate to ensure collaboration between local bodies and PIBOs.
- Under Swachh Bharat Mission (SBM) and the Fifteenth Finance Commission, money was allocated to these traditional institutions.

What needs to be done?

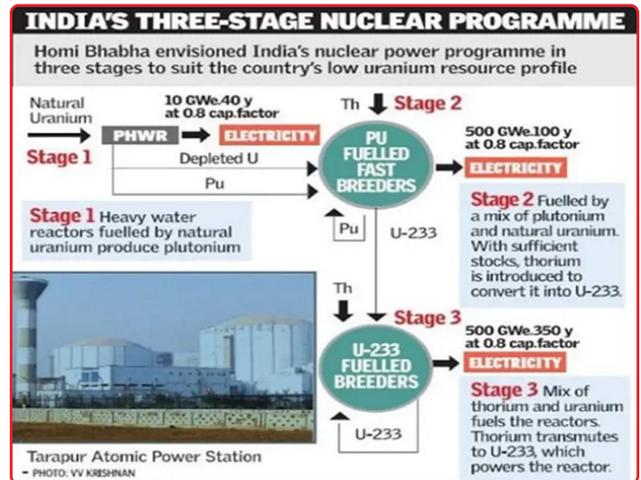
- There is a need for appropriate resource allocation and support that is considerate of and reflective of the rich biodiversity, ecological sensitivity and fragility of the Indian Himalayan Region, besides taking into account the specific geographical challenges of mountain waste management.
- **Empowering local bodies** and creating the **necessary infrastructure for waste management** need immediate attention.
- Segregation of waste and the participation of the people in this endeavour with the help of sustained public education campaigns are a sine qua non.
- Geographical neutrality of targets under the EPR could be countered if the higher cost of EPR operationalisation in the mountain region is given its due consideration. The **value of the EPR certificate** which is earned by a PIBO in the Indian Himalayan Region could be higher than one earned in the rest of the country for every ton of plastic waste processed.

Way Forward:

- Data gaps in terms of the quantum and quality of waste being generated in the Indian Himalayan Region States should be plugged.
- **Convergence in existing schemes** such as SBM, the Mahatma Gandhi National Rural Employment Guarantee Act and the Finance Commission's grants could be used to create the infrastructure, maintain and run operations.
- The **Swachh Bharat Kosh Trust** set up to facilitate the channelisation of philanthropic contributions and corporate social responsibility funds towards this cause could also be used to augment resources.
- The **Atal Mission for Rejuvenation and Urban Transformation (AMRUT)** and **Smart Cities Scheme** under which many cities in the Indian Himalayan

Region are selected, could also work in convergence on the issue of scientific waste management and making cities in the Indian Himalayan Region free of plastic.

THE STATUS OF INDIA NUCLEAR PROGRAMME



Why in news?

- Recently, Prime Minister Narendra Modi witnessed the start of the process of core-loading the indigenous **Prototype Fast Breeder Reactor (PFBR)** at the Madras Atomic Power Station in Kalpakkam, Tamil Nadu.

What is the PFBR?

- The PFBR is a machine that produces more nuclear fuel than it consumes. Its core-loading event is being hailed as a "milestone" because operationalisation of the PFBR will mark the **start of stage II of India's three-stage nuclear power programme.**
- In the first, **India used Pressurised Heavy Water Reactors (PHWRs)** and natural uranium-238 (U-238), which contains minuscule amounts of U-235, as the fissile material.
- In nuclear fission, the nucleus of an atom absorbs a neutron, destabilises, and breaks into two while releasing some energy. If the destabilised nucleus releases more neutrons, the reactor's facilities will attempt to use them to instigate more fission reactions.
- The heavy water in PHWR slows neutrons released by one fission reaction enough to be captured by other U-238 and U-235 nuclei and cause new fission. The heavy water is pressurised to keep it from boiling. The reactions produce plutonium-239 (Pu-239) and energy.

Three stages:

- **Only U-235, not U-238, can sustain a chain reaction** but it is consumed fully in stage I.
- **In stage II, India will use Pu-239 together with U-238** in the PFBR to produce energy, U-233, and more Pu-239.

- The Department of Atomic Energy (DAE) set up a special-purpose vehicle in 2003 called Bharatiya Nabhikiya Vidyut Nigam, Ltd. (BHAVINI) to implement stage II.
- **In stage III, Pu-239 will be combined with thorium-232 (Th-232) in reactors to produce energy and U-233.**
- Homi J. Bhabha designed the three-stage programme because India hosts roughly a quarter of the world's thorium. The three stages are expected to make the country completely self-sufficient in nuclear energy.

Why was the PFBR delayed?

- The PFBR saga in India has been associated with numerous delays, cost overruns, and broken promises, and has accrued many critics.
- The **fast breeder test reactor (FBTR) at Kalpakkam** is a testing ground for PFBR technologies. It was built by 1977 but sanctions against India's 'Smiling Buddha' nuclear test forced the use of a mixed carbide fuel over enriched uranium (which France was to deliver).
- The former lowered the power output and changed operating conditions. By the time the Indian government green-lit the PFBR in 2003, most people who worked on the FBTR were also nearing or had completed retirement.
- The Indira Gandhi Centre for Atomic Research (IGCAR), Kalpakkam, designed the PFBR. Its original cost was ₹3,492 crore and the original deadline, 2010. Six years later, the DAE sought more funds and an extended deadline, which the government granted in 2012 ₹5,677 crore and commercial operations by March 2015.
- The nuclear power establishment further pushed the deadline to the next year, then the year after that, and so on until by March 2020, the new deadline to commercialise was October 2022.

How does the PFBR work?

- PHWRs use natural or low-enriched U-238 as the fissile material and produce Pu-239 as a byproduct.
- This Pu-239 is combined with more U-238 into a mixed oxide and loaded into the core of a new reactor together with a breeder blanket. This is a material the fission products in the core react with to produce more Pu-239.
- A breeder reactor is a nuclear reactor that produces more fissile material than it consumes. In a 'fast' breeder reactor, the neutrons aren't slowed, allowing them to trigger specific fission reactions.
- The PFBR is designed to produce more Pu-239 than it consumes. It uses liquid sodium, a highly reactive substance, as coolant in two circuits.
- Coolant in the first circuit enters the reactor and leaves with (heat) energy and radioactivity. Via heat-exchangers, it transfers only the heat to the coolant in a secondary circuit. The latter transfers the heat to generators to produce electricity.

What role can SMRs play?

- The delays brooked another potential complication in the form of **Small Modular Reactors (SMRs)**.
- These reactor designs have a maximum capacity of 300 MW, require less land, and accommodate more safety features.
- SMRs can work with low-enriched uranium, which India can import from the U.S. via its 123 Agreement.
- Increasing SMRs' contribution would require, among other things, amendments to the Atomic Energy Act (1962) "and other related statutes" to allow private sector participation "under the oversight of the Atomic Energy Regulatory Body (AERB), with both nuclear fuel and waste controlled by the DAE" according to international safeguards.

What is the value of stage II?

- The PFBR has a capacity of 500 MWe. In 2019, the DAE proposed building four more fast breeder reactors (FBRs) of 600 MWe capacity each, two in Kalpakkam from 2021 and two from 2025, with sites to be selected.
- Today, the tariff for solar electricity is under ₹2.5/kWh whereas nuclear electricity costs around ₹ 4/kWh. The 2011 Fukushima Daiichi disaster also shifted public opinion worldwide against nuclear power, slowing work on new facilities.
- Today nuclear power has a new lease of life thanks to the pressure on India to decarbonise, reduce its import of fossil fuels, and give its renewable sector some breathing space.

What are the challenges of stage II?

- FBRs are harder to handle than other reactor designs, whereas the DAE has acquired an unfavourable public reputation over its often heavy-handed response to safety concerns.
- Further, the civilian nuclear programme's nodal regulatory body, the AERB, was set up by executive order and reports ultimately to the DAE secretary. In 2015, the International Atomic Energy Agency urged India to set up an independent statutory atomic regulator instead.
- The DAE had responded to similar concerns with the Nuclear Safety Regulatory Authority (NSRA) Bill in 2011. It sought to replace the AERB with the NSRA. But it was criticised for allowing the Union government too much control over the NSRA's composition.
- Finally, among other products, the thorium fuel cycle produces caesium-137, actinium-227, radium-224, radium-228, and thorium-230, all isotopes radioactive in ways that complicate their handling and storage.

GREEN JOBS AND THE PROBLEM OF GENDER DISPARITY

Context:

- The transition to low-carbon development has the potential to add about 35 million green jobs in India by 2047.



- ☞ Globally, men are likely to transition to green jobs faster than women. Even as India increased its renewable energy capacity by 250% between 2015 to 2021, women comprised merely 11% of workers in the solar rooftop sector.

What are green jobs?

- ☞ The International Labour Organization defines green jobs as “decent jobs that contribute to preservation or restoration of the environment”.
- ☞ Many of these span across sectors, such as manufacturing, construction, renewable energy, energy efficiency and automobiles, which traditionally saw a lower representation of women.

Gender disparity:

- ☞ Globally, men are likely to transition to green jobs faster than women. The Annual Survey of Industries 2019-20 shows that women workers are mostly concentrated in industries such as apparel, textile, leather, food, and tobacco.
- ☞ In contrast, a Confederation of Indian Industry (CII) 2019 report shows that **men comprise 85% of the work force** in sectors such as infrastructure, transport, construction, and manufacturing.
- ☞ A study in 2023 by the Skill Council for Green Jobs indicated that 85% of the training for green skills was imparted to men while over 90% of women believed that social norms limited their participation in training for green jobs.
- ☞ These restrictive social norms include factors such as the belief that women are unsuitable for certain technical roles, safety concerns, lower representation in science, technology, engineering, and mathematics (STEM) subjects, and familial constraints.

Voice for Gender equity:

- ☞ As India embraces a green transition, empowering women and advancing gender equity in climate actions will be one of the keys to unlock the co-benefits of a low-carbon and environmentally sustainable economy. Increasing women's representation in green jobs has several benefits.
- ☞ In the short run, it can address the gender biases in the Indian labour market and improve women's labour force participation rates.

- ☞ In the long run, this can contribute to improving women's agency and their empowerment by creating economic, technical, and social opportunities.

Address the gaps in data:

- ☞ There is limited data to understand the landscape of women's work for green jobs in India. Mapping emerging areas for green growth and collecting sex-disaggregated data on green jobs could be the starting point to improve women's participation.
- ☞ There is need to build evidence on the present and future impact of low-carbon transitions on women workers and entrepreneurs while considering the hidden and invisible roles played by women across different sectors and geographies.
- ☞ This could be done by conducting gender analysis, collecting gender statistics on green jobs through periodic labour force surveys and mobilising additional resources to emphasise and encourage women's role in the green transition.

Review the status quo:

- ☞ Globally, women are being left behind in the worldwide race to achieve climate targets and sustainability goals. This is particularly evident in the transition to a low-carbon economy, where new opportunities are created alongside job displacement and transformation.
- ☞ Recently in a critical stride towards justice and inclusivity in transition planning, COP 28's high-level dialogue launched '**Gender-Responsive Just Transitions and Climate Action Partnership**' with a focus on improved data, targeted finance, and skill development.
- ☞ Given the unequal landscape of women's work and participation in green jobs, there is need to ensure that women can access emerging opportunities from low-carbon transitions.
- ☞ There is a strong need to review the status quo, map the current roles of women, address structural barriers that hinder women's employment choices, and also create a conducive ecosystem to foster their participation in green jobs.

What needs to be done?

- ☞ In India, despite 42.7% of the total number of STEM graduates being women, they represent only 30.8% in engineering, manufacturing and construction programmes which are the key sectors for green transition. To bridge this gap early hands-on learning, mentorship, scholarships, financial assistance, and awareness generation are crucial to empower women in green jobs-related fields.

Supporting women entrepreneurs:

- ☞ Gender-focused financial policies and products catering to the requirements of women entrepreneurs can spur their ability to enter the green transition market.

- Collateral-free lending, financial literacy training and building supportive networks are crucial steps to unlock their potential.
- Suitable tools must be developed to assess creditworthiness, disburse loans, and reduce operational costs for women-owned businesses.

Gender-specific needs:

- Finally, bringing in more women into leadership positions to incorporate gender-specific needs in low-carbon development strategies can promote women's integration in green jobs.

Way Forward:

- A gender-just transition demands a multi-pronged strategy that focuses on employment, social protection, reduces the burden of care work, and enables skill development.
- Partnerships across government, private sector and other stakeholders are necessary to leverage the benefits of innovation, technology and finance for women entrepreneurs and workers.
- Businesses must recognise the centrality of gender justice and ensure equity throughout the process of green transition by mitigating barriers that exist due to stereotyping or gender bias and fostering equitable job opportunities for a just transition that benefits everyone.
- This is the time to build the capacity and support women in meeting the demands of the new world of work and co-design a future pathway that is socially equitable and inclusive for all.

ARE LEGISLATORS IMMUNE TO BRIBERY CHARGES?

A landmark judgment

WHAT THE APEX COURT RULED

- Seven-judge bench reversed 1998 5-judge bench ruling
- Ends immunity to MPs/MLAs for accepting bribes to vote, make speeches
- They will face criminal prosecution like public servants
- Criminal prosecution to be in addition to in-House disciplinary action
- Accepting bribes will attract criminal prosecution

CONTOURS OF PARLIAMENTARY PRIVILEGE DEFINED

- Parliamentary privilege is must for ensuring free speech for legislators in House
- It is the collective right of the House
- Parliamentary privilege of individual lawmakers is subject to two-fold test
- Privileges are related to the House collectively and necessary for its functioning

WHAT NOW?

Prosecution to be launched against lawmakers in corruption and in bribery cases

Cases against MPs or MLAs may be revived as immunity ends

Polls to Rajya Sabha, for President, V-P to also come under purview

MPs/MLAs face arrest if caught accepting bribes

Verdict may impact ongoing probe against expelled TMC MP Mahua Moitra

Why in news?

- A seven-judge Bench of the Supreme Court recently ruled that Members of Parliament (MPs) and Members of Legislative Assemblies (MLAs) cannot claim immunity from prosecution for accepting bribes to cast a vote or make a speech in the House in a particular fashion.

Details:

- **Article 105(2) of the Indian Constitution** confers on MPs immunity from prosecution in respect of

anything said or any vote given in Parliament or on any parliamentary committee.

- Similarly, **Article 194(2)** grants protection to MLAs.
- A seven-judge Constitution Bench headed by Chief Justice of India (CJI) D.Y. Chandrachud unanimously **overruled its 1998 judgment** in P.V. Narasimha Rao v. State and opened the doors for law enforcement agencies to initiate prosecution against legislators in bribery cases under the Prevention of Corruption Act, 1988 (Act).

What was the case?

- Sita Soren, a member of the Jharkhand Mukti Morcha (JMM), was accused of accepting a bribe to cast her vote in favour of a certain candidate in the Rajya Sabha elections of 2012. Soon a chargesheet was filed against her.
- In 2014, the Jharkhand High Court dismissed Ms. Soren's plea wherein she claimed she enjoyed legal immunity under Article 194(2). The dismissal in the High Court led to an appeal being filed in the Supreme Court.
- On September 20, 2023, a five-judge Bench headed by CJI Chandrachud while hearing the appeal doubted the correctness of the majority view in P.V. Narasimha versus State (1998) and accordingly referred the matter to a seven-judge Bench while underscoring that it is an "important issue that concerns our polity".

What was the 1998 ruling that was overruled?

- The P.V. Narasimha Rao ruling involves the 1993 JMM bribery case against former Union Minister Shibu Soren, the father-in-law of Sita Soren, the petitioner in the present case.
- Mr. Soren, along with some of his party members, were accused of taking bribes to vote against the no-confidence motion against the then P.V. Narasimha Rao government.
- While two judges on the Constitution Bench opined that legislative immunity granted under the Constitution could not be extended to such cases, the majority of them, while acknowledging the seriousness of the offence, ruled that "a narrow construction of the constitutional provisions" may result in the impairment of the guarantee of "parliamentary participation and debate".

What did the top court rule now?

No violation of the doctrine of stare decisis

- During the proceedings, the petitioners raised a preliminary objection that overruling the long-settled law in P.V. Narasimha Rao is impermissible owing to the doctrine of stare decisis a legal principle that obligates judges to adhere to prior verdicts while ruling on a similar case.
- However, such contention was dismissed by observing that the doctrine is not an "inflexible rule of law" and that a larger bench is well within its limits to reconsider a prior decision in appropriate cases.

Legislative privileges have to conform with constitutional parameters

- Tracing the history of parliamentary privileges in India, the Court said that unlike the House of Commons in the United Kingdom, India does not have 'ancient and undoubted' rights vested after a struggle between the Parliament and the King.
- Instead, such rights in India have always flown from a statute, which after independence transitioned to a constitutional privilege. Thus, whether a claim to privilege in a particular case conforms to the parameters of the Constitution is amenable to judicial review.

Constitutional immunity from bribery charges does not fulfill "two-fold test"

- While elaborating upon the purpose of Articles 105 and 194, the Chief Justice pointed out that such privileges are guaranteed to sustain an environment in which debate and deliberation can take place within the legislature.
- However, such a purpose is destroyed when a member is induced to vote or speak in a certain manner following an act of bribery.
- He also highlighted that the assertion of any such privilege will be governed by a two-fold test:
 - The privilege claimed has to be tethered to the collective functioning of the House and
 - Its necessity must bear a functional relationship to the discharge of the essential duties of a legislator.

Bribery not immune just because it is not essential to the way a vote is cast

- Clause (2) of Article 105 has two limbs. The first prescribes that a member of Parliament shall not be liable before any court in respect of "anything said or any vote given" by them in Parliament or any committee thereof. The second limb prescribes that no person shall be liable before any court "in respect of" the publication by or under the authority of either House of Parliament of any report, paper, vote or proceedings.
- In *P.V. Narasimha Rao*, the Court observed that the expression "in respect of" in Article 105(2) must receive a "broad meaning" to protect MPs from any proceedings in a court of law that relate to, concern or have a connection or nexus with anything said or a vote given by him in the Parliament. It therefore concluded that a bribe given to purchase the vote of an MP was immune from prosecution under this provision.
- However, the Chief Justice reasoned that **the expressions "anything" and "any" must be read in the context of the accompanying expressions** in Articles 105(2) and 194(2). Thus, the words "in respect of" means 'arising out of' or 'bearing a clear relation to' and cannot be interpreted to mean anything which

may have even a remote connection with the speech or vote given.

Offence of bribery complete the moment illegal gratification is taken

- Bribery is not rendered immune under Article 105(2) and the corresponding provision of Article 194 because a member engaging in bribery commits a crime which is not essential to the casting of the vote or the ability to decide on how the vote should be cast. The same principle applies to bribery in connection with a speech in the House or a Committee, the court elucidated.
- Section 7 of the Prevention of Corruption Act strengthens such an interpretation since it expressly states that the "obtaining, accepting, or attempting" to obtain an undue advantage shall itself constitute an offence even if the performance of a public duty by a public servant has not been improper.

Courts and the House can exercise parallel jurisdictions

- The petitioners argued that the exercise of the Court's jurisdiction is unwarranted since corruption charges against a parliamentarian are treated as a breach of privilege by the House resulting in expulsion or punishment.
- Dismissing such an argument, the verdict pointed out that the Court's jurisdiction to prosecute a criminal offence and the authority of the House to take action for a breach of discipline operate in distinct spheres.
- Thus, judicial proceedings cannot be excluded merely because bribery charges can also be treated by the House as contempt or a breach of its privilege.

Legislative privileges apply equally to Rajya Sabha elections

- The Court also clarified that the principles enunciated by the verdict regarding legislative privileges will apply equally to elections to the Rajya Sabha and to appoint the President and Vice-President of the country. Accordingly, it **overruled the observations** in *Kuldip Nayar v. Union of India* (2006), which held that elections to the Rajya Sabha are not proceedings of the legislature but a mere exercise of franchise and therefore fall outside the ambit of parliamentary privileges under Article 194.
- It also pointed out that immunity guaranteed to legislators has been colloquially called a "parliamentary privilege" and not "legislative privilege" for a reason.
- Thus, it cannot be restricted to only law-making on the floor of the House but extends to other powers and responsibilities of elected members, which take place in the legislature or Parliament, and even when the House is not in session.
- Additionally, the petitioners argued that the exercise of the Court's jurisdiction is unwarranted since the

Parliament also has the power to punish its members for contempt either by suspending them or sentencing them to a jail term.

- Dismissing this, the Court said that parallel jurisdictions can be exercised since its jurisdiction to prosecute a criminal offence and the authority of the House to take action for a breach of discipline operate in distinct spheres.

A BOLD STEP TOWARDS A CERVICAL CANCER-FREE FUTURE



Context:

- As the world observes International Women's Day (8th March), India's interim Union Budget 2024-25 has emerged as a beacon of hope, particularly in the realm of women's health.
- The Union government's support in encouraging the **vaccination of girls (from nine to 14 years) against cervical cancer** stands out as a pivotal move towards safeguarding women's well-being.

HPV burden:

- Despite advances in health care, cervical cancer remains the **second most common cancer among women in India**, with 1.27 lakh cases and around 80,000 deaths being reported annually.
- **Human papillomavirus (HPV)** is a primary culprit in the development of cervical cancer. In response to this pressing public health challenge, HPV vaccination emerged as a cornerstone of a comprehensive strategy for disease prevention and health promotion.

'90-70-90' targets:

- The World Health Organization has outlined the '90-70-90' targets by 2030, for 90% of girls to be fully vaccinated with the HPV vaccine by age 15, for 70% of women to undergo cervical cancer screening tests by the age of 35 and 45, and for 90% of women with cervical cancer to be treated.
- These targets represent milestones in the global effort to eradicate cervical cancer and highlight the pivotal role of India's call for HPV vaccination in achieving this goal.
- Across the world, over 100 countries have implemented HPV vaccination programmes, resulting in a notable

decline in the incidence of cervical cancer.

Global programmes:

- A study out of **Scotland** illuminates the real-world impact of HPV vaccines. The findings show that there have been no reported cases of cervical cancer among women born between 1988 and 1996 who received full HPV vaccination between the ages of 12 and 13.
- **Australia**, which initiated HPV vaccination for girls in 2007 and expanded to include boys in 2013, is poised to eliminate cervical cancer by 2035.
- Similarly, the successful HPV vaccination campaign in **Rwanda, Africa**, has significantly reduced the prevalence of vaccine-targeted HPV types, particularly among women who participated in their catch-up programme in 2011.

Status in South East Asia Region:

- Closer to home, six out of the 11 South East Asia Region countries have introduced the HPV vaccine nationwide, i.e., Bhutan, Indonesia, the Maldives, Myanmar, Sri Lanka, and Thailand.
- Bhutan was the first low-middle income country (LMIC) to introduce a nationwide HPV vaccination programme for girls (12 to 18 years) in 2010 and achieved an initial coverage of 95% of targeted girls. Bhutan is also one of the only LMICs to have begun vaccinating boys as well (in 2021).
- Ongoing programme assessments and research in Thimphu have observed a reduction in the prevalence of HPV types targeted by the vaccine, indicating the programme's broader impact on reducing HPV transmission in the community.

Sikkim model

- Within India, Sikkim's exemplary approach to HPV vaccination is an example of an effective public health strategy.
- Through targeted efforts to educate teachers, parents, girls, health-care workers, and the media about the benefits of the HPV vaccine, **Sikkim achieved vaccination coverage of 97%** during its campaign rollout in 2018. It provides a compelling example of effective communication and outreach.

Vaccination in India:

- India's recent milestone in developing its indigenous quadrivalent vaccine, Cervavac, marks a significant stride towards ensuring accessibility and affordability.
- Developed by the Serum Institute of India in collaboration with the Department of Biotechnology, and priced at ₹2,000 a dose, Cervavac is cheaper than available vaccines, and holds promise in the fight against HPV infections and cervical cancer.
- Whenever India plans to expand its vaccination programme, there is also an opportunity to include adolescent boys, thereby maximising the impact of HPV vaccination in preventing HPV transmission and HPV-related diseases.

➤ Also, in line with recent evidence, it has been recognised that one dose of HPV vaccine provides similar protection to that provided by two or three doses.

Significance of HPV vaccination:

- The importance of HPV vaccination extends beyond individual health outcomes. It has the potential to alleviate the societal and economic burden of cervical cancer.
- Cervical cancer predominantly strikes women during their prime years, exerting a profound toll on both their families and communities. Premature deaths of young mothers due to cervical cancer negatively impact health and education outcomes in children.
- By preventing HPV infections, vaccination diminishes the occurrence of cervical cancer and its associated health-care expenses, ultimately fostering the overall welfare and productivity of women.

Challenges:

- However, challenges persist, particularly in addressing **vaccine hesitancy and ensuring equitable access** to HPV vaccination. To overcome these hurdles, concerted efforts are needed to engage communities, dispel misinformation, and strengthen health-care infrastructure.
- The interim Budget also announced the rollout of **U-WIN throughout the country**. U-WIN, like Co-WIN that was designed to track the COVID-19 vaccination campaign, is a portal that will maintain an electronic registry of all immunisations across the country and enable vaccination programmes to be responsive in real time.

Community awareness:

- On the supply side, ensuring access to vaccination services is imperative, particularly in underserved populations. And to improve demand among the community, awareness must be improved.
- Vaccine hesitancy, fuelled by myths and misinformation, poses a significant barrier to the acceptance of HPV vaccines across different regions.
- Utilising diverse channels such as social media and community workshops can amplify reach. Including HPV information in health education in schools can be a step to generate demand among adolescents.

Way Forward:

- Collaborations between government agencies, community partners, health-care providers, and civil society organisations will be instrumental in building trust and ensuring the success of HPV vaccination programmes.
- Moreover, public-private partnerships are instrumental in ensuring equitable access to vaccination services, thereby advancing the collective goal of safeguarding women's health against cervical cancer.

➤ Thus, India's inclusion of HPV vaccination in the interim Union Budget 2024-25 heralds a new era in women's health.

WHY IS INDIA BUILDING A NAVAL BASE IN THE LAKSHADWEEP



Why in news?

- The Indian Navy recently commissioned a new naval base, INS Jatayu, in the Minicoy Islands of Lakshadweep.
- India also intends to build a new airstrip in Minicoy and upgrade the existing one on the Agatti Islands.
- On par with its namesake in Hindu mythology, INS Jatayu is India's forward operating naval base in the Arabian Sea, acting as India's sentinel and a primary responder to the escalating threats of Somali pirates, Houthi militants, and Chinese expansionism.

Geographical location of Agatti and Minicoy Islands in Lakshadweep:

- INS Jatayu is India's second naval base in Lakshadweep after INS Dweepprakash in Kavaratti.
- Other key forward-operating bases and radar stations in Lakshadweep include INS Androth, INS Bitra, and INS Minicoy.
- **Minicoy Islands is the southernmost island of Lakshadweep**, about 215 nautical miles southwest of Kochi, which straddles the vital Sea Lines of Communications (SLOCs).
- The Agatti airport upgrade is scheduled for completion in six years.
- Similarly, the development of a **dual-use airport on Minicoy Islands** is planned to be completed within the same timeframe, as stated in the Interim Defence Budget for 2024-2025.
- Upon completion, these airstrips will facilitate the operations of Sukhoi-30 and Rafale aircraft, serving as a deterrent against China and Pakistan, while showcasing India's air power capabilities.

Tourism:

- Beyond these military deployments, the government also aims to enhance tourism in Lakshadweep's Minicoy Island through the development of resorts and infrastructure including helipads.

- With a capital investment of Rs. 319 crore, an eco-tourism project has been commenced, featuring the construction of at least 110 beach villas and 40 water villas.

Strategic importance:

- The assets being created in the Lakshadweep will enable India to enhance its transborder military capability in an important part of the Indian Ocean region (IOR).
- The vital **SLOC-s (sea lines of communication)** from the Red Sea transit the IOR and investing in an Indian island in the Arabian Sea provides Delhi with many options, that range from surveillance to the projection of military power if the exigency arises.

Understanding channels and passages in the Indian waters:

- According to the interim defence budget of India (2024-2025), the Navy had been upgrading infrastructure facilities at naval units in Kavaratti, Minicoy, Agatti and Androth islands.
- The **Lakshadweep and Minicoy islands sit on the nine-degrees channel**, a crucial trade route carrying billions of dollars of commerce between Southeast Asia, and the Middle East. The Minicoy islands are also located 524 km from the Maldives.
- The nine-degree channel between Lakshadweep and the Minicoy and the **ten-degree channel near the Andaman and Nicobar islands** serve as **major commercial routes from the Suez Canal and the Persian Gulf to Southeast Asia**.
- India is already expanding its capabilities in the Andaman and Nicobar Islands with new facilities at Campbell Bay in the Great Nicobar.
- It is poised to become the country's foremost '**radar**' in the Arabian Sea, serving as a sentinel for monitoring maritime traffic and ensuring the safety and security of vital sea lanes. According to a statement by the Indian Navy, this naval base will increase the operational reach for anti-piracy and anti-narcotics operations in the Western Arabian Sea.

Checkmate to China and Maldives:

- India has had military ties with the Maldives for several decades, but the relationship has been impacted by changes in the political dispensation in the islands.
- The present government of President Mohamed Muizzu, which rode to power on an "India Out" plank in 2023 has a clear pro-China tilt.
- After taking power, Muizzu visited China ahead of India, and said Maldives' small size is not a licence for anyone to bully the country, in an apparent response to calls on Indian social media for tourists to boycott Maldives after three Maldives deputy ministers made derogatory posts about Indian Prime Minister.
- In February, Muizzu asked India to replace military personnel, who operate humanitarian service planes based in the Maldives, with civilian technical staff.

Increasing Piracy & Militant Attacks

- The rise of Somalian sea pirates and the resurgence of Houthi rebels has necessitated the presence of Indian naval forces in the Indian Ocean, through which an estimated 95 per cent of its traded goods, including cheap Russian oil, are transported.
- As a regional powerhouse, India has significantly increased its presence and operations, deploying at least 10 warships, along with aircraft and Predator drones, for improved surveillance and response.
- The ongoing attacks have led shipping companies to bypass the Red Sea, opting for a longer, costlier route. This shift has caused traffic through the crucial Suez Canal to drop to its lowest since 2021, when a giant merchant vessel blocked the narrow waterway for days.

Watchdog for Anti-Drug Operations:

- Recently, the Arabian Sea has become a significant route for drug trafficking, as noticed by previous incidents. The Narcotics Control Bureau and the Indian Navy have disrupted some of the largest drug trafficking networks operating in this area.
- These operations originated from Pakistan's Balochistan province and involved transferring drugs between different cargo vessels, ultimately using speed boats to smuggle the contraband into India.
- In a recent operation, the Indian Navy, in coordination with the Narcotics Control Bureau, apprehended a suspicious dhow near the International Maritime Boundary Line off Gujarat, carrying almost 3,300 kg of contraband.

WHAT ARE THE HURDLES TO FAIR GLOBAL TRADE?



Why in news?

- The World Trade Organization (WTO) held its 13th Ministerial Conference (MC13) at Abu Dhabi in the UAE between February 26 and March 2, which was attended by 166 member countries.

Ministerial declaration:

- At the conclusion of the meeting, a **ministerial declaration was adopted** that set out a forward-looking, reform agenda for the 30-year-old

organisation, which is tasked with overseeing global trade regulations and facilitating smooth cross-border flow of goods, services, investment and people.

- The members resolved “to preserve and strengthen the ability of the multilateral trading system, with the WTO at its core, to provide meaningful impetus to respond to current trade challenges, take advantage of available opportunities, and ensure the WTO’s proper functioning”.

Key Highlights:

WTO membership reached 166:

- It accepted the terms of accession of two least developed countries (LDCs) **Comoros and Timor-Leste** – the first countries to join the WTO since Liberia and Afghanistan joined in July 2016. This now brings the total WTO membership to 166.

Services trade got a boost, as did investment facilitation

- Another early outcome was the announcement of the entry into force of a joint initiative by 72 WTO members, on services domestic regulation, intended to improve transparency and procedural fairness around how governments regulate traded services, and which is estimated to potentially lower trade costs by some \$125 billion worldwide.
- An arguably positive outcome was a decision by 123 WTO members to adopt the final text of the **Investment Facilitation for Development Agreement**, an area where the World Economic Forum is deeply vested in supporting countries to adopt, ratify and implement, as well as to benefit from the many changes that will be ushered in by this new agreement.
- However, members failed to formally integrate this agreement into the WTO legal text, leaving open questions on what comes next.

What are some key decisions?

- The ministers took a number of decisions, including renewing the commitment to have a fully and well-functioning dispute settlement system by 2024 and to improve use of the special and differential treatment (S&DT) provisions for developing and least developed countries (LDCs).
- Some of the biggest challenges to the multilateral trading order have come from an increasingly vocal movement across different countries, particularly in developed economies, that seeks to turn inwards and move away from a globalised and relatively harmonised-tariffs approach to world trade.
- This has come even as the ongoing conflicts in various parts of the world, combined with the sanctions that some states have applied on others over these conflicts, threaten supply chains and the smooth flow of goods and services worldwide.

- The relative levels of development among the richer nations and the LDCs have also focussed attention on the need to ensure norms **do not adopt a ‘one-size-fits-all’ approach**.

How did India approach the deliberations?

PSH programme:

- A central focus of the Indian delegation headed by Union Commerce Minister Piyush Goyal was to try and find resolution on a key concern for India and several other developing economies pertaining to the **public stockholding (PSH) programme**, which is at the heart of ensuring food security in their countries.
- The PSH is a vital policy tool for the Indian government to procure crops such as rice and wheat from farmers at minimum support price (MSP), and subsequently store and distribute the foodgrains to the poor. The MSP is normally higher than the prevailing market rates and the government supplies the cereals at a low price to ensure food security for the country’s more than 800 million beneficiaries.
- However, **under WTO norms**, a member nation’s **food subsidy bill should not exceed 10% of the value of production** based on the reference price of 1986-88. Developed nations contend that these kinds of programmes distort global trade in foodgrains, especially by either potentially pushing up or depressing global grain prices.

Fisheries:

- India, as a low subsidiser of the fisheries sector, had mooted that developing countries be allowed to give subsidies to their poor fishermen to catch fish within the nation’s exclusive economic zones (EEZs), or up to 200 nautical miles from the shore.
- It also proposed rich countries needed to stop providing any kind of subsidies for fishing that their nation’s industrialised vessels may carry out in the high seas beyond the EEZs, at least for the next 25 years.

e-commerce:

- On e-commerce, India along with several developing nations has been consistently seeking an end to the moratorium in place since 1998 on their ability to levy customs duties on cross-border e-commerce.
- India has argued that this undermines its ability to generate revenue from a rapidly burgeoning area of global trade.

What were the outcomes at MC13?

- On the agriculture front, as the WTO’s Director General acknowledged in her closing speech, this was the first time that there has been a text.
- However, disappointingly for India, the exemption from customs duties for e-commerce will now carry on for at least two more years.

INDIA EFTA TRADE AND ECONOMIC PARTNERSHIP AGREEMENT



Why in news?

- India-European Free Trade Association signed a Trade and Economic Partnership Agreement on 10th March 2024.
- India has been working on a Trade and Economic Partnership Agreement (TEPA) with **EFTA countries comprising Switzerland, Iceland, Norway & Liechtenstein**. The Union Cabinet has approved signing of the TEPA with EFTA States.
- EFTA is an **inter-governmental organization set up in 1960** for the promotion of free trade and economic integration for the benefit of its four Member States.

Details:

- The agreement comprises of 14 chapters with main focus on market access related to goods, rules of origin, trade facilitation, trade remedies, sanitary and phytosanitary measures, technical barriers to trade, investment promotion, market access on services, intellectual property rights, trade and sustainable development and other legal and horizontal provisions.
- EFTA is an important regional group, with several growing opportunities for enhancing international trade in goods and services.
- EFTA is one important economic block out of the three (other two - EU & UK) in Europe. Among EFTA countries, Switzerland is the largest trading partner of India followed by Norway.

The highlights of the agreement are:

- EFTA has committed to promote investments with the aim to increase the stock of foreign direct investments by USD 100 billion in India in the next 15 years, and to facilitate the generation of 1 million direct employment in India, through such investments. The investments do not cover foreign portfolio investment.
- For the first ever time in the history of FTAs, a legal commitment is being made about promoting target-oriented investment and creation of jobs.
- EFTA is offering 92.2% of its tariff lines which covers 99.6% of India's exports. The EFTA's market access

- offer covers 100% of non-agri products and tariff concession on Processed Agricultural Products (PAP).
- India is offering 82.7% of its tariff lines which covers 95.3% of EFTA exports of which more than 80% import is Gold. The effective duty on Gold remains untouched. Sensitivity related to PLI in sectors such as pharma, medical devices & processed food etc. have been taken while extending offers. Sectors such as dairy, soya, coal and sensitive agricultural products are kept in exclusion list.
- India has offered 105 sub-sectors to the EFTA and secured commitments in 128 sub-sectors from Switzerland, 114 from Norway, 107 from Liechtenstein, and 110 from Iceland.
- TEPA would stimulate our services exports in sectors of our key strength / interest such as IT services, business services, personal, cultural, sporting and recreational services, other education services, audio-visual services etc.
- Services offers from EFTA include better access through digital delivery of Services (Mode 1), commercial presence (Mode 3) and improved commitments and certainty for entry and temporary stay of key personnel (Mode 4).
- TEPA has provisions for Mutual Recognition Agreements in Professional Services like nursing, chartered accountants, architects etc.
- Commitments related to Intellectual Property Rights in TEPA are at TRIPS level. The IPR chapter with Switzerland, which has high standard for IPR, shows our robust IPR regime. India's interests in generic medicines and concerns related to evergreening of patents have been fully addressed.
- India signals its commitment to Sustainable development, inclusive growth, social development and environmental protection
- Fosters transparency, efficiency, simplification, harmonization and consistency of trade procedures
- TEPA will empower our exporters access to specialized inputs and create conducive trade and investment environment. This would boost exports of Indian made goods as well as provide opportunities for services sector to access more markets.
- TEPA provides an opportunity to integrate into EU markets. Over 40% of Switzerland's global services exports are to the EU. Indian companies can look to Switzerland as a base for extending its market reach to EU.
- TEPA will give impetus to "Make in India" and Atmanirbhar Bharat by encouraging domestic manufacturing in sectors such as Infrastructure and Connectivity, Manufacturing, Machinery, Pharmaceuticals, Chemicals, Food Processing, Transport and Logistics, Banking and Financial Services and Insurance.
- TEPA would accelerate creation of large number of direct jobs for India's young aspirational workforce

in next 15 years in India, including better facilities for vocational and technical training. TEPA also facilitates technology collaboration and access to world leading technologies in precision engineering, health sciences, renewable energy, Innovation and R&D.

Why is the timing of the signing crucial for India?

- Over 64 countries, including India, are headed into elections in 2024, which could mean a long pause in free trade agreements (FTAs) for India and its trade partners. However, time is running out as the global supply chain is fast undergoing a reset with investment, for the first time in the recent past, moving away from China.
- While India is seen as a top contender by global investors, the Vietnam-led Association of Southeast Asian Nations (ASEAN nations) and North American nations like Mexico are also emerging as favourable investment destinations. A delay in streamlining investment flows and renewed attempts at global integration may turn out to be a missed geo-political opportunity.
- While the India-EFTA trade deal has been inked, major deals such as India's FTA with the UK and EU still run the risk of political uncertainty.

Why did India push for investment commitment in the EFTA deal?

- India runs a trade deficit with most of its top trade partners, except for the US. This is also true in the case of FTAs that India has signed in the past, especially with ASEAN nations.
- While the ASEAN FTA did help India secure intermediate products, India's increasing average tariffs (18 per cent) have meant that India's FTA partners have better access to the Indian market after tariff elimination. Average tariffs in developed nations hover around 5 per cent.
- The India-EFTA deal is also expected to widen the trade gap. Even as the legality of the \$100 billion investment commitment by EFTA remains unclear, such investment could help India generate economic activity and jobs in exchange for giving market access to EFTA.
- Moreover, India could see gains in the services sector and the deal could help India power its services sector further.

Which Indian sectors could EFTA investment benefit?

- The funds from the EFTA region include Norway's \$1.6 trillion sovereign wealth fund, the world's largest such 'pension' fund, which posted a record profit of \$213 billion in 2023 on the back of strong returns on its investments in technology stocks.
- India could see investment flow into the pharma, chemical sectors, food processing and engineering

sectors. Government officials said that EFTA is also looking at joint ventures (JVs) in the above-mentioned sectors that will help India diversify imports away from China.

- Currently, India's imports of chemical products from China in FY23 alone stood at a massive \$20.08 billion. It imported \$3.4 billion worth of medical and bulk drugs worth nearly \$7 billion from China, as per commerce and industry ministry data.

Why will it be difficult for India to access the EFTA market?

- Switzerland, which is India's biggest trade partner among EFTA countries, decided to eliminate import duties on all industrial goods for all countries starting from January 1, 2024.
- The abolition of tariffs on all industrial products, including chemicals, consumer goods, vehicles and clothing is a concern for India as industrial goods accounts for 98 per cent of India's \$1.3 billion merchandise exports to Switzerland in FY2023. India's goods will face stiffer competition despite any tariff elimination that would be part of the deal.

Background:

- India and EFTA have been negotiating the pact, officially dubbed the Trade and Economic Partnership Agreement (TEPA), since January 2008. Thirteen rounds of talks were held till November 2013 before negotiations were put on hold.
- Both sides resumed the negotiations in October 2023 and concluded it in a fast-track mode.
- EFTA countries are not part of the European Union (EU). It is an inter-governmental organisation for the promotion and intensification of free trade. It was founded as an alternative for states that did not wish to join the European community.

DECENTRALISATION OF ENERGY SUPPLY IN INDIA, ENERGY IN SACHETS



Context:

- The energy problem in India is often framed as one of supply scarcity. India does not have adequate primary energy resources and insufficient energy production capacity which results in supply shortages; this in turn limits energy consumption.

➤ In reality, India's key energy problem is one of inadequate effective demand for energy, especially from poor rural households in India and an underdeveloped market for energy.

Energy consumption in India:

- Globally, India is the third largest market for energy but the "largeness" is derived from quantity and not quality. Millions of households consume small quantities of energy mostly for cooking and lighting that adds up to a large sum.
- India's per person commercial energy consumption (not including unprocessed biomass consumption) estimated at 25.7 gigajoules (GJ) per year in 2022 is only about a third of the world average; it is the lowest among G20 countries and lower than the minimum required for decent living in tropical countries.
- India has the largest share of the population with an energy access deficit estimated at over 505 million. It is not difficult to see why.

Sachet revolution:

- Disposable incomes are low in rural households which means there is not enough money to spend on energy for cooking, lighting, heating, transport or communication. Poor family wage earners are paid weekly which limits energy and other essential purchases to small quantities.
- A South Indian entrepreneur took note of this trend and started marketing grooming products like soap and shampoo in small sachets in rural India in the 1980s. The availability of these products in tiny (3-4 grams) convenient packets opened a new market for hygiene and grooming products in rural areas.
- Large multinational consumer goods companies were forced to adopt the sachet model as the sale of small shampoo sachets boomed in India. Labelled the Indian "sachet revolution", this development is widely studied in business circles. Estimates of the share of shampoo sachets (single use) in total shampoo sales vary, but by most accounts, it is far more than 50 percent.
- The "sachet revolution" can be replicated in the context of energy with modular energy forms such as LPG (liquid petroleum gas canisters) that can be packed and sold in canisters of many sizes and transported by road, sea or rail.

Energy in Sachets:

- The UN (United Nations) General Assembly has placed energy decentralisation central to the pursuit of SDG7. The role of decentralised energy solutions that were once considered the most suitable for rural India is now overlooked in the context of policy priorities to increase centralised energy solutions, especially for the supply of grid-based electricity.
- The infrastructure for countrywide electricity supply is already in place but the economics of electricity supply to the rural poor remains a challenge.

➤ The effective demand for electricity from rural households remains small as in the case of soaps and shampoos. This means that electricity distribution companies often lose money on every unit of energy supplied to rural households. Long distances increase technical losses that add to financial losses.

Small canisters of LPG:

- LPG, a modular energy form whose distribution is independent of the transmission grid and gas pipelines needs to be considered as a **decentralised bridge fuel** until RE with storage options becomes dependable and affordable.
- Small canisters of LPG (propane and butane) can provide decentralised fuel for cooking, lighting and small-scale industrialisation and also facilitate a gradual move away from subsidised LPG among the rural poor.
- **LPG is not a greenhouse gas (GHG)** as per the classification of the IPCC (Intergovernmental Panel on climate change) and it is among the clean cooking fuels listed by the WHO (World Health Organisation).
- When LPG replaces other fuel technologies such as heating oil, solid fuel and even grid-based electricity in India, there are significant carbon savings.

Security of supply:

- LPG is among the most secure among conventional forms of energy. LPG is an inevitable byproduct of the oil refining and natural gas extraction processes. It will exist as long as society demands that these two processes happen.
- LPG is freely traded around the world and scores twice as highly as both petrol and diesel on the OECD's (Organisation of Economic Cooperation and Development) trade openness index.
- It is also a fuel that is less susceptible to political instability due to its dual-source origins and variety of transportation options; ships, trains, boats, and trucks. Unlike natural gas and crude oil which are exposed to high price volatility, the price of LPG is relatively stable and predictable.

RE solutions in rural India:

- The argument that rural India should leapfrog into RE (renewable energy) solutions rather than use fossil fuels like LPG is premature from an economic perspective and inequitable from a social justice perspective.
- Decentralised (off-grid) RE solutions with storage are unaffordable even for affluent urban households. Most urban households use LPG or PNG (piped natural gas), petrol & diesel and grid-based electricity as key sources of household energy which together carry a large carbon footprint.
- Mandating that the rural poor should use RE-based solutions will not only take away their right to choose but also impose undue costs on them. Effectively RE solutions imposed on the rural poor would be a climate subsidy extracted from the poor by the rich.

Challenges:

- Even at a subsidised price of INR 603 for a 14.2 kg canister in 2023, LPG remains unaffordable for many poor households in India.
- As per information conveyed in the upper house of the Indian Parliament in December 2023, the consumption of subsidised LPG cylinders is on average just 2.8 cylinders per household per year. In urban households, the average number of 14.2 kg LPG canisters used is over 9 per year.
- Smaller canisters may improve adoption and use of LPG in rural areas but the experience of 5 kg LPG canisters introduced by public sector oil marketing companies in the early 2010s is not very encouraging.
- Among the reasons are the fact that the number of dealers and retail outlets for 5 kg “free trade” LPG canisters is limited and the price of the 5 kg LPG canister is too high for a typical single-income poor household.
- The small LPG canisters target populations with no proof of address in urban areas and not the poor in rural areas. If the 5 kg LPG canisters are sold primarily in rural markets at reasonable (not subsidised) prices, it is likely to be adopted in rural kitchens.

Way Forward:

- Applications of LPG in lighting and power generation can also be introduced in rural areas which may initiate investment in small-scale industries and create demand for LPG.
- LPG can also serve as a robust and affordable backup source for off-grid RE solutions. As LPG supply does not require specialised infrastructure, LPG can be replaced with renewable LPG (rLPG) when it becomes affordable and available.
- This will necessarily mean a focused policy for the promotion of small LPG canisters to improve access to cooking fuels, reduce carbon emissions and prepare for the energy transition.

HOW IS NUCLEAR WASTE GENERATED?**Why in news?**

- Recently, India loaded the core of its long-delayed Prototype Fast Breeder Reactor (PFBR) vessel,

bringing the country to the cusp of stage II powered by uranium and plutonium of its three-stage nuclear programme.

- By stage III, India hopes to be able to use its vast reserves of thorium to produce nuclear power and gain some energy independence. But the large-scale use of nuclear power is accompanied by a difficult problem: waste management.

What is nuclear waste?

- In a fission reactor, neutrons bombard the nuclei of atoms of certain elements. When one such nucleus absorbs a neutron, it destabilises and breaks up, yielding some energy and the nuclei of different elements.
- For example, when the uranium-235 (U-235) nucleus absorbs a neutron, it can fission to barium-144, krypton-89, and three neutrons. If the ‘debris’ (barium-144 and krypton-89) constitute elements that can’t undergo fission, they become nuclear waste.
- Nuclear waste is highly radioactive and needs to be stored in facilities reinforced to prevent leakage and/or contamination of the local environment.

How to handle nuclear waste?

- Handling the spent fuel is the main challenge, it is **hot and radioactive**, and needs to be kept underwater for up to a few decades. Once it has cooled, it can be transferred to dry casks for longer-term storage.
- All countries with long-standing nuclear power programmes have accumulated a considerable inventory of spent fuel. For example, the U.S. had 69,682 tonnes (as of 2015), Canada 54,000 tonnes (2016), and Russia 21,362 tonnes (2014).
- Nuclear power plants also have liquid waste treatment facilities. Small quantities of aqueous wastes containing short-lived radionuclides may be discharged into the environment.
- Japan is currently discharging, after treatment, such water from the Fukushima nuclear power plant into the Pacific Ocean. Other such waste, depending on their hazard, can be evaporated or “chemically precipitated” to yield a sludge to be treated and stored, “absorbed on solid matrices” or incinerated.
- Liquid high-level waste contains “almost all of the fission products produced in the fuel”. It is vitrified to form a storable glass.

How is nuclear waste dealt with?

- Once spent fuel has been cooled in the spent-fuel pool for at least a year, it can be moved to dry-cask storage. It is placed inside large steel cylinders and surrounded by an inert gas. The cylinders are sealed shut and placed inside larger steel or concrete chambers.
- Some experts have also rooted for **geological disposal**: the waste is sealed in “special containers”, and buried underground in granite or clay. The upside here is long-term storage away from human activity,

although some studies have pointed to the risk of radioactive material becoming exposed to humans if the containers are disturbed, such as by nearby digging activity.

- **Reprocessing** is another way to deal with the spent fuel. Here, the material is chemically treated to separate fissile material left behind from the non-fissile material. Because spent fuel is so hazardous, reprocessing facilities need specialised protections and personnel of their own. Such facilities present the advantage of higher fuel efficiency but are also expensive.
- **Reprocessing also yields weapons-usable** (different from weapons-grade) plutonium. The IAEA has specified eight kilograms of plutonium in which plutonium-239 accounts for more than 95% to be the threshold for "safeguards significance". It tightly regulates the setting up and operation of these facilities as a result.

How does India handle nuclear waste?

- According to a 2015 report of the International Panel on Fissile Materials (IPFM), India has reprocessing plants in Trombay, Tarapur, and Kalpakkam.
- The Trombay facility reprocesses 50 tonnes of heavy metal per year (tHM/y) as spent fuel from two research reactors to produce plutonium for stage II reactors as well as nuclear weapons.
- Of the two in Tarapur, one is used to reprocess 100 tHM/y of fuel from some pressurised heavy water reactors (stage I) and the other, commissioned in 2011, has a capacity of 100 tHM/y. The third facility in Kalpakkam processes 100 tHM/y.
- The wastes generated at the nuclear power stations during the operation are of low and intermediate activity level and are managed at the site itself.
- They are treated and stored in on-site facilities, that "such facilities are located at all nuclear power stations", and that the surrounding area "is monitored for radioactivity".
- The IPFM report also said the PFBR's delays suggested the Tarapur and Kalpakkam facilities "must have operated quite poorly, with a combined average capacity factor of around 15%".

ON JUDGES AND BUREAUCRATS JOINING POLITICS

Why in news?

- Recently a Calcutta High Court judge and a senior IPS officer in West Bengal resigned from their posts and joined political parties.
- This has once again raised questions of propriety about independent constitutional authorities and other senior government officials joining political parties after demitting office.



What are constitutional restrictions?

- The Constitution works on the principle of checks and balance between various organs. The executive is accountable to the legislature. An independent judiciary keeps a check on both these branches of the State. There are also other independent bodies like the Election Commission, Public Service Commission, Comptroller and Auditor General (CAG) who are required to perform their constitutional duties without any interference from the government.
- The independence of these institutions is ensured through guaranteeing fixed tenure, financial independence, stringent removal procedure and restrictions after demitting office.
- A **judge of a Supreme Court** after ceasing to hold office cannot appear as a lawyer before any court or authority in India.
- A **judge of a High Court** has similar restrictions except for appearance before the Supreme Court or other High Courts.
- The **CAG and the chairman/members of the Public Service Commission** cannot take up any other employment with Central or State governments after demitting office.
- These restrictions are laid down to avoid favouritism, during the period of holding such positions, towards the government in power with an intent of securing any post-retirement benefit.

What about political posts?

- There are no restrictions when it comes to joining political parties, contesting elections or being nominated to certain posts. There are notable instances of persons who held independent constitutional posts and later went on to join politics or were nominated to various posts.
- There have been two Supreme Court judges in 1967 and 1983, who resigned from their posts to contest the presidential and parliamentary elections from Assam, respectively.
- Another Supreme Court judge joined a political party in Tamil Nadu and contested elections five years after his retirement in 1999.
- A former Chief Election Commissioner became a Rajya Sabha member and Minister in 2004, three

years after his retirement. Recently, a retired Chief Justice of India was nominated to the Rajya Sabha in 2020 within four months of his retirement.

- There have also been occasions where retired CAG and judges have been appointed as Governors of States. Numerous bureaucrats have also joined political parties and contested elections after resigning from service or soon after their retirement.

What are the recommendations?

- The Election Commission had in 2012 recommended to the Union government to provide for a cooling-off period for top bureaucrats after their retirement before they could join political parties and contest elections.
- However, the Government had rejected this recommendation based on the opinion of the Attorney General that this may not be in line with constitutional provisions and democratic values.
- The Supreme Court had dismissed a writ petition in May 2022 that sought a direction from the top court to the legislature to frame a law imposing a cooling-off period for retired bureaucrats before joining politics.
- The court observed that it is for the legislature to determine whether a cooling-off period is required for bureaucrats before they join politics after retirement.

Is a cooling-off period desirable?

- One of the essential features of a democracy is every citizen's right to contest elections. The Attorney General while providing his opinion against the 2012 recommendation of Election Commission had said that maintenance of independence and neutrality will be relevant during the period a person is in service.
- There are rules at present which restrict a senior bureaucrat from joining a private job for at least one year after he or she retires from government service.
- The Attorney General had opined that such restriction for commercial employment is based on intelligible differentia to avoid conflicts of interest.
- However, such a restriction against officials contesting polls may not be a valid classification and would not be in harmony with democratic principles in the Constitution.

Way Forward:

- While the opinion of Attorney General is based on sound legal principle, it is equally imperative to remember the famous judicial quote that 'justice should not only be done but should also be seen to be done'.
- This applies equally to judges, independent constitutional authorities and senior bureaucrats. It is an indispensable trait while discharging their official functions. Extending this principle even after they demit office will have a salutary effect.
- This may be achieved by prescribing a cooling-off period of say at least two years for joining political

parties or being nominated to political posts by the government. This will instil confidence in the public at large and negate any allegation of quid pro quo.

CAA AND STATUS OF JUDICIAL PROCEEDINGS



Why in news?

- Four years after Parliament passed the Citizenship Amendment Act (CAA), 2019, the Ministry of Home Affairs (MHA) notified the rules to implement the law recently.
- It fast-tracks citizenship for undocumented immigrants from **six non-Muslim communities**; Hindu, Sikh, Buddhist, Parsi, Christian and Jain from Pakistan, Afghanistan and Bangladesh.
- The CAA is also under challenge before the Supreme Court, with several petitioners moving fresh pleas seeking a stay on the implementation of the rules.

What are the implications of CAA?

- In December 2019, Parliament passed an amendment to **The Citizenship Act, 1955 (1955 Act)** introducing a new proviso to Section 2(1)(b) which defines "illegal migrants."
- Accordingly, undocumented immigrants who entered India on or before December 31, 2014, and whom the Central government has exempted under the Passport (Entry into India) Act, 1920, or the Foreigners Act, 1946, would be eligible for citizenship under the 1955 Act.
- However, **certain tribal areas in Assam, Meghalaya, Mizoram, and Tripura were exempted** from the legislation's ambit. To access these protected areas, an Inner Line Permit (ILP) is needed from the concerned State governments.

NRIC & CAA:

- A key concern is that when viewed in combination with the proposed all-India **National Register of Indian Citizens (NRIC)**, the CAA has the potential to disproportionately impact Muslims residing in India.
- In the event of people being excluded from NRIC, non-Muslims may have an opportunity to get included through the CAA, while it may be denied to Muslims. A Supreme Court-monitored National Register of Citizens that took place in Assam in 2021 left out over 19 lakh people from the citizenship register.

➤ On May 28, 2021, the Union government issued an order under Section 16 of the 1955 Act, granting District Collectors in five States with high migrant populations the power to grant citizenship to groups identified in the 2019 amendment.

Required documents:

- With the newly notified rules, the Centre has eased the process of granting Indian citizenship to members of the specified communities by excluding the requirement of a "valid passport" of their origin countries or a valid visa from India.
- Instead, "any document" that shows one of the parents, grandparents or even great-grandparents of the applicant was from one of these countries is sufficient to prove their nationality. Additionally, a certificate issued by an elected member of a local body can be a replacement for a visa.

Violation of Article 14:

- After the legislation's enactment in 2019, the Indian Union Muslim League (IUML) filed a petition challenging its constitutionality, which was joined by close to 200 petitions. These petitions challenge the law for violating Article 14 of the Constitution by making religion a qualifier for citizenship.
- The CAA has also been dubbed as a **move to subvert the Assam Accord of 1985** that deems any person who cannot prove his ancestry beyond March 24, 1971, as an alien and does not differentiate on grounds of religion.
- The petitions contend that the law will further multiply the "uncontrolled influx of illegal migrants from Bangladesh to Assam."

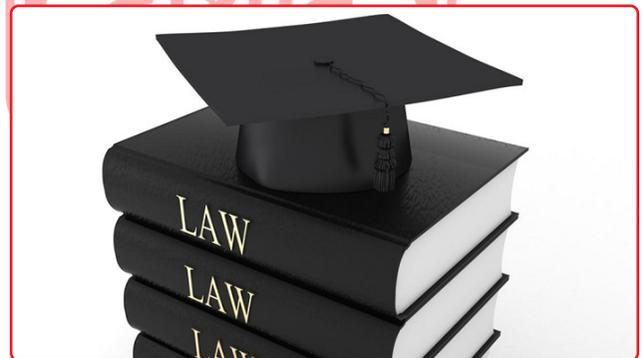
How has the Supreme Court responded?

- Calling the CAA a "benign piece of legislation," the Centre in its affidavit before the Supreme Court said that it seeks to provide amnesty to specific communities from specified countries with a clear cut-off date. It highlighted that the law does not in any manner affect the legal, democratic or secular rights of any Indian citizen.
- The affidavit further stated that the "narrowly tailored legislation" was passed to "tackle a specific problem, i.e., the persecution on the ground of religion in the light of the undisputable theocratic constitutional position in these specified countries, the systematic functioning of these States and the perception of fear that may be prevalent amongst minorities as per the de facto situation in these countries."
- On December 18, 2019, a Bench comprising former Chief Justice of India (CJI) S.A. Bobde refused to stay the operation of the law and instead suggested that the government publicise the actual intent of the Act.
- On October 6, 2022, a Bench comprising former CJI U.U. Lalit passed an order stating that final hearings in the case would begin on December 6, 2022. However, the case has not been listed since then.

What is the significance of the challenge to Section 6A?

- The proceedings against the CAA are also dependent on the outcome of the challenge to Section 6A of the 1955 Act which was introduced in furtherance of a Memorandum of Settlement called the "Assam Accord" signed on August 15, 1985.
- In December 2023, a five-judge Constitution Bench led by CJI D.Y. Chandrachud reserved its verdict on the validity of Section 6A after orally observing that the provision was enacted as a humanitarian measure in the wake of the 1971 Bangladesh Liberation War and was deeply interwoven in the country's history.
- **Section 6A** determines who is a foreigner in Assam by establishing March 24, 1971, as the cut-off date for entry, those who came to the State on or after January 1, 1966, but before March 25, 1971, were to be declared as "foreigners" and would have all the rights and obligations of Indian citizens except that they would not be able to vote for 10 years.
- If March 24, 1971, is upheld as a valid cut-off date for entry into the State, then CAA can be held to be violative of the Assam Accord since it establishes a different timeline.

AN INTERVENTION THAT WILL HELP STRENGTHEN LEGAL EDUCATION



Context:

- The Parliamentary Standing Committee on Personnel, Public Grievances, Law, and Justice recently submitted a significant report on legal education, making several path-breaking recommendations to strengthen the quality of legal education in India.
- Since Independence, legal education, unlike medicine and engineering, has not been a top priority for India's policymakers.

Advent of NLUs:

- Things started to change for the better in the 1990s with the advent of the **National Law Universities (NLUs)** in India.
- The Indian economy in the 1990s threw up many new opportunities for lawyers, which, in turn, led to bright young students opting to study law right after school.

- Most of the NLUs too have failed to emerge as centres of excellence in legal research. This is borne by the fact that **only two Indian law schools**, Jindal Global Law School and National Law School of India University, **figure in the QS rankings of the top 250 law schools worldwide**.

Bar Council of India (BCI):

- Against this backdrop, a key recommendation of the committee is to limit the powers of the **Bar Council of India (BCI)** to regulate legal education. The BCI's role in regulating legal education that pertains to acquiring basic eligibility to practise in the courts is indispensable.
- However, several other facets of legal education, especially at the post-graduation level, do not pertain to litigation.
- The committee recommends that regulating these parts of legal education should be entrusted to an independent body called the **National Council for Legal Education and Research (NCLER)**. This proposed body will develop qualitative benchmarks to regulate legal education.
- Eminent legal academicians who deposed before the parliamentary committee batted for the creation of the NCLER. In addition to judges and practising lawyers, the NCLER should have eminent law professors with an unimpeachable track record of research and serving legal education.

Focus on research:

- Many of India's 1,700-odd law schools principally focus on teaching, with scant attention to research. Consequently, **India is chiefly the consumer of legal knowledge generated in the West**, not its producer.
- Out of more than 800 law journals globally indexed in Scopus (an internationally recognised database that lists leading journals in all fields) barely a handful are Indian law journals. This shows the abysmally poor level of research in India's law schools.
- The committee emphasises the **need to prioritise and promote research in legal education**, which, in turn, will lead to better teaching outcomes and help students develop a critical perspective.
- As the committee remarks, augmenting the research ecosystem in our law schools undoubtedly involves a greater need for state funding. Bolstering research will also equip India's law schools to thrive in the globalising world.
- The committee is cognisant of the effect of globalisation on legal education. It thus correctly recommends **developing and delivering a global curriculum**, promoting student and faculty international exchange programmes, incorporating more international law courses in the curriculum, and increasing students' exposure to different legal systems.

What needs to be done?

- The leadership positions in our university's law faculties and law schools should be held by **passionate, charismatic, and visionary academicians** who inspire and create an enabling and supportive environment that allows younger academicians to realise their potential as outstanding teachers and brilliant researchers.
- Sadly, barring a few notable exceptions, the deans of law faculties and vice-chancellors of law universities in India have failed to provide professional leadership.
- These flawed academic leaders detest talented professors and are the biggest bottleneck in striving for excellence. No amount of money or perks can overcome such a primary institutional deficiency.

Autonomy:

- To boost the culture of legal research in our law schools, there should be complete academic freedom and autonomy.
- As Jawaharlal Nehru said, "a university stands for humanism, for tolerance, for reason, for the adventure of ideas and for the search of truth".
- A law school or any other academic institution can accomplish this goal only if academicians are free to offer their well-researched views without any fear, even if these views are at variance with popularly held beliefs in society or contest the dominant ideas of the time.

Way Forward:

- The parliamentary committee's intervention is a welcome development, and one expects all stakeholders to work together to improve the quality of legal education in India.

REVOLUTIONISING MODERN WARFARE, THE STRATEGIC IMPERATIVE OF MOSAIC WARFARE



Context:

- In the evolving landscape of modern warfare, where conflict dynamics continually shift and expand, a revolutionary approach known as Mosaic Warfare has emerged as a beacon of strategic innovation.

Details:

- This new operational concept distinguishes itself by harnessing many advanced technologies, integration

techniques, and strategic doctrines to forge a comprehensive and dynamic method of conducting warfare.

- Unlike traditional military strategies that often operate within rigid frameworks and specific domains, Mosaic Warfare offers a fluid and adaptable methodology, emphasising a holistic integration across all spectrums of conflict.
- By leveraging the synergy between humans and machines, cutting-edge technology, and a multi-domain operational model, this strategy aims to outmanoeuvre and decisively defeat adversaries in the complex battlefields of the future.

Dimensions:

- **Conceptual Framework:** The Mosaic Warfare strategy is based on a conceptual framework that integrates all battle platforms to establish a complete picture of a quick and decisive victory. It emphasises the use of a system-of-systems network to achieve this goal.
- **System-of-Systems Approach:** Mosaic Warfare adopts a system-of-systems approach, which means that it brings together various military capabilities and platforms to work together in a coordinated and integrated manner. This approach allows for massing firepower and exploiting vulnerabilities in the opponent's defence.
- **Future Smart Military Bases:** Mosaic Warfare envisions the development of future intelligent military bases equipped with advanced technologies and capabilities. These bases will serve as hubs for coordinating and integrating various military assets, including surveillance and detection sensors, high-precision combat platforms, and decision-making systems.
- **Focus on Technological Developments:** Mosaic Warfare strongly emphasises exploring the latest technological developments. It highlights the importance of quantum technology, artificial intelligence, robot support to combatants, innovations in space capabilities, and human performance modification. These technological advancements are critical for achieving a decisive advantage in future conflicts.
- **Emphasis on Effects:** Mosaic Warfare seeks quick, decisive, and lethal effects across the battlespace. It aims to fix and fracture the adversary by combining information warfare with guided munitions accuracy and low cost. The focus is on achieving effects that make any military response politically unpalatable for the enemy.

Mosaic Warfare: In Multi-Spectrum Conflict

- Mosaic Warfare helps in a multi-spectrum conflict by integrating and coordinating all aspects, including land, sea, air, cyber-security, information warfare, and perception management.

- **Land:** Mosaic Warfare utilises high-tech combat platforms, such as advanced ground combat vehicles, to achieve precision strikes and maintain superiority on the ground. It also incorporates autonomous systems and AI to enhance decision-making and coordination among land forces.
- **Sea:** Mosaic Warfare includes technologically advanced combat ships and submarines with high-precision weapons and sensors to dominate the maritime domain. It also leverages autonomous systems and AI for enhanced situational awareness and decision-making at sea.
- **Air:** Mosaic Warfare utilises advanced fighter aircraft, drones, and high-energy laser systems to achieve air superiority. It incorporates AI and autonomous systems to enhance air operations, including target identification, tracking, and engagement.
- **Cyber-security:** Mosaic Warfare recognises the importance of cyber-security in modern conflicts and incorporates advanced cyber defence capabilities. It includes AI-based systems for threat detection, network protection, and cyber-attack response.
- **Information Warfare:** Mosaic Warfare acknowledges the significance of information warfare and includes capabilities for perception management, propaganda, and psychological operations. It leverages AI and data analytics to analyse and influence information flows in the battlespace.
- **Perception Management:** Mosaic Warfare recognises the importance of shaping the perception of adversaries, allies, and the general public. It incorporates capabilities for strategic communication, media manipulation, and influence operations to shape the narrative and gain an advantage in the information domain.

Concept: Human-Machine Binomial

- The concept of the human-machine binomial in the **new strategic approach** refers to the integration and collaboration between humans and machines in military operations.
- It recognises that humans and machines have unique capabilities and strengths that, when combined, can enhance the effectiveness and efficiency of military forces.
- This approach aims to create a synergistic relationship where humans and machines work together to leverage their strengths and compensate for their weaknesses.
- It involves integrating advanced technologies, such as artificial intelligence and autonomous systems, with human decision-making, creativity, and adaptability to achieve strategic advantages in future conflicts.
- The goal is to maximise the effectiveness and efficiency of military operations by integrating human and machine capabilities in a networked and coordinated manner.

Tenets of Multi-Domain Integration

- **Information Advantage:** This tenet focuses on enabling and effecting orchestration through comprehensive and persistent sensing and understanding of environments and audiences. It emphasises the importance of having standard information across government and with allies to gain an advantage.
- **Strategically Postured:** This tenet involves the global, domain-centric arrangement of capabilities. It emphasises the need to deploy the right military capabilities in the right places and integrate them with non-military ones and allies/partners. It also highlights the importance of integrating strategic-level multi-domain capabilities with tactical ones.
- **Configured for Environments:** This tenet emphasises the readiness for multi-domain activity in operating areas and environments to influence the behaviour of selected audiences. It involves being prepared for multi-domain operations and having the ability to adapt to different environments.
- **Creating and Exploiting Synergy:** This tenet focuses on generating, timing, and exploiting windows of opportunity for relative advantage by creating synergy. It highlights the importance of combining different capabilities to create a more significant impact and take advantage of opportunities.

Strategies to address Challenges of Modern Warfare:

- **Multi-Domain Operations (MDO):** This strategy focuses on achieving cross-domain synergy by integrating and synchronising military capabilities across all operational domains (air, land, sea, space, and cyberspace).
- **Mosaic Warfare:** This strategy aims to unite all battle platforms to establish a complete picture of a quick and decisive victory. Using a system-of-systems approach emphasises massing fire and effects rather than forces.
- **Multi-Domain Integration (MDI):** This strategy integrates capabilities across all operational domains to generate advantage through better integration and coordination.
- **Effect-Based Operations (EBO):** This strategy focuses on achieving desired effects rather than massing forces.
- **Quantic Technology and Artificial Intelligence:** Exploration of the latest technological developments, such as quantum technology and artificial intelligence, is critical to future warfare strategies.

Cross-Domain Synergy

- **People Problem:** The lack of desired expertise, training, and education, as well as the classification and compartmentalisation of capabilities, hinder the ability to achieve cross-domain synergy.

- **Stove-Piped Systems:** Existing systems and programs of record are often stove-piped and federated, making cross-domain manoeuvres and fires challenging to achieve without a human solution.
- **Lack of Mental Models:** The current mental models used in military operations, such as the conflict continuum and phasing construct, are inadequate and misinterpreted, leading to a need for revised models that can keep up with a constantly changing environment.
- **Complexity of Operating Environment:** The modern operating environment is expanding and compressing simultaneously, making the war more complex. Lethal and non-lethal fires can be engaged from anywhere around the globe, reducing the limiting factor of distance.
- **Technological Advancements:** Potential adversaries have developed high-tech integrated systems based on automation, machine learning, and artificial intelligence. The challenge is to go beyond existing systems and programs of record and design new solutions for manned-unmanned teaming in the future.
- **Interoperability:** Achieving interoperability between domains and capabilities is challenging, as each domain has unique characteristics and requirements.
- **Information Advantage:** Gaining and maintaining an information advantage across domains is crucial for achieving cross-domain synergy. This requires comprehensive and persistent sensing and understanding of environments and audiences and standard information sharing across government and with allies.
- **Strategic Posturing:** Deploying the right military capabilities in the right places and integrating them with non-military capabilities and allies/partners is a challenge. It requires strategic control of multi-domain capabilities and the ability to integrate them at the operational level.
- **Tempo and Timing:** Calibrating tempo to create windows of opportunity for exploiting cross-domain synergy is a challenge. It requires understanding relative domain strengths and engineering opportunities within human, physical, and information sub-environments.
- **Cultural and Educational Leaps:** Cross-domain synergy requires cultural and educational leaps to enable the necessary technical, procedural, and cultural changes. This includes developing an agile command and control capability augmented by autonomy and automation.

Technologies being developed for Mosaic Warfare

- **Artificial Intelligence (AI):** AI platforms are being developed to support decision-making processes and enhance situational awareness. These platforms can

analyse large amounts of data, identify patterns, and provide recommendations to commanders.

- **Unmanned and Autonomous Systems:** These systems, including drones, robots, and autonomous vehicles, are being developed to perform various tasks on the battlefield. They can be used for reconnaissance, surveillance, logistics, and combat operations.
- **Advanced Sensors:** Sensors are being developed to provide real-time information about the battlefield, including enemy positions, movements, and threats. These sensors can be passive, such as radar and sonar systems, or active, such as laser-based systems.
- **Communications and Networking:** Developing advanced communication systems and networks is crucial for Mosaic Warfare. These systems enable seamless communication and information sharing between different platforms and units on the battlefield.
- **Cyber and Electronic Warfare:** Cyber and electronic warfare technologies are being developed to disrupt and turn off enemy communication systems, sensors, and command and control infrastructure. This includes offensive and defensive capabilities in the cyber domain.
- **Space Capabilities:** Satellites play a crucial role in Mosaic Warfare by providing communication, navigation, and surveillance capabilities. Technologies for improved satellite communication and targeting are being developed to enhance the effectiveness of military operations.
- **Human Performance Modification:** Research is being conducted to enhance the physical and cognitive performance of military personnel through medical, biological, electronic, and computational means. This includes technologies such as neural implants and brain-computer interfaces.

Kill Web

- In warfare, the concept of 'kill web' refers to a networked system of interconnected sensors, platforms, and weapons that work together to detect, track, and engage targets with lethal effects, integrating various high-tech weapon systems, such as drones, missiles, lasers, and cyber and electronic warfare capabilities, into a cohesive and coordinated system.
- The 'kill web' enables the rapid collection and analysis of information, the identification of targets, and the execution of precise and effective strikes.
- It relies on advanced technologies, such as artificial intelligence and autonomous systems, to enhance situational awareness, decision-making, and the ability to engage and defeat the enemy.
- The 'kill web' aims to achieve overwhelming superiority and dominance on the battlefield by effectively combining and coordinating the

capabilities of different domains to rapidly and decisively defeat the enemy.

Technological Advancement and Innovation – Indian Defence Forces

- **Invest in Cutting-Edge Technologies:** Prioritize the development and acquisition of advanced technologies crucial for Mosaic Warfare, such as artificial intelligence (AI), autonomous systems, cyber capabilities, space technologies, and advanced sensors. This includes investing in research and development (R&D) to foster innovation in these areas.
- **Enhance Cyber and Space Capabilities:** Given the integral role of cyber and space domains in Mosaic Warfare, the Indian Military should significantly enhance its cyber defence mechanisms and develop robust space-based communication, reconnaissance, and navigation systems.
- **Develop Smart Military Bases:** Upgrade existing military bases into smart bases equipped with the latest technologies for surveillance, command and control, and logistics management. These bases should serve as nodes in the Mosaic Warfare network, enabling efficient coordination and support.

Strategic Partnerships:

- **Enhance International Defense Partnerships:** Forge strategic partnerships with advanced countries in Mosaic Warfare concepts and technologies. This can facilitate technology transfer, joint exercises, and shared R&D initiatives.
- **Collaborate with the Private Sector:** Engage with defence industries and technology companies to tap into the latest innovations and speed up the development and deployment of new military technologies.
- **Participate in Multinational Exercises:** Increase participation in multinational military exercises that simulate Mosaic Warfare scenarios, allowing Indian forces to gain experience and insights from allies.

Training and Human Capital Development

- **Specialized Training Programs:** Implement specialized training programs for personnel at all levels to understand and operate within the Mosaic Warfare framework. This includes AI, cyber warfare, unmanned systems, and integrated operations courses.
- **Develop New Leadership Qualities:** Cultivate a new generation of military leader's adept at managing high-tech operations and making rapid, informed decisions in a fluid battlefield environment.
- **Encourage Innovation and Adaptability:** Foster a culture of innovation and adaptability within the armed forces, encouraging personnel to think creatively and embrace new technologies and tactics.

Regulatory Framework and Ethical Considerations

- **Establish Regulatory Frameworks:** Develop comprehensive regulatory frameworks to govern

AI, autonomous systems, and other advanced technologies in military operations, ensuring ethical considerations are at the forefront.

- **Focus on Cybersecurity Measures:** Implement robust cybersecurity measures to protect military networks and systems from potential threats and vulnerabilities in the digital domain.

Conclusion:

- Mosaic Warfare represents a paradigm shift in military strategy, embodying a forward-thinking approach to modern conflict that emphasises adaptability, technological superiority, and cross-domain synergy.
- As military operations evolve in response to emerging threats and technological advancements, the principles of Mosaic Warfare will likely serve as a guiding framework for developing and implementing effective, adaptable, and integrated defence capabilities.
- In embracing this strategic approach, military forces can position themselves to navigate the challenges of future conflicts with confidence, agility, and an unyielding commitment to securing decisive victories.

WITH AGNI V TEST, INDIA MAKES THE MIRV LEAP



Why in news?

- Recently, an Agni V ballistic missile with **Multiple Independently Targetable Re-Entry Vehicle (MIRV) technology** was tested successfully by the Defence Research and Development Organisation (DRDO) under '**Mission Divyastra**'.
- It placed India in a small group of countries with this technology, by which a single missile can deliver multiple nuclear warheads.

What are MIRVs and why are they significant?

- A MIRV is a '**missile bus**' whose passengers are nuclear bombs and which facilitates a single booster to deliver them to different targets.
- In 1970, the U.S. started to deploy the **Minuteman III**, the first **MIRV-ed intercontinental ballistic missile (ICBM)** with three warheads on each missile. In 1971, it deployed the Poseidon, the first MIRV-ed

submarine-launched ballistic missile (SLBM) which had the capability of carrying up to 10 warheads on each missile.

- The **Soviet Union followed the U.S.** and by the 1970s developed its own MIRV-ed ICBM and SLBM technology. A Russian MIRV-ed missile under development may be able to carry up to 16 warheads, each in a separate re-entry vehicle and some MIRV-ed missiles can hit targets as far as 1,500 km apart. The U.K. and France also possess the technology.
- **China has** developed and deployed MIRV technology with multiple warheads placed on its DF-5B ICBMs and is fast expanding and modernising its nuclear arsenal.
- According to Yearbook 2023 of the Swedish think tank Stockholm International Peace Research Institute (SIPRI), China could potentially have at least as many ICBMs as either the U.S. or Russia by the turn of the decade.

What was the Mission Divyastra test?

- MIRV system is equipped with indigenous avionics systems and high accuracy sensor packages that ensure the re-entry vehicles reach the target points with the desired accuracy.
- Agni is a long-range missile developed indigenously by the DRDO. The family of Agni missiles have been in the arsenal of the Indian armed forces since the early 1990s.
- Missiles equipped with MIRV technology can aim multiple targets that can be located hundreds of kilometres apart. Agni-5, which can carry nuclear warheads and hit targets more than 5,000 km away, is aimed mainly at thwarting the challenge from China. It uses a three-stage solid-fuelled engine.
- The MIRV-equipped Agni-5 missiles developed by DRDO could carry three to four warheads. The mother missile can release different payloads at different velocities and altitudes for different targets and the warheads can be autonomously guided to a pre-determined target location.

Advantage:

- In 1998, India conducted nuclear tests under Pokhran II. In 2003, it declared its nuclear doctrine based on a 'no first use' (NFU) policy and reserved the right to massive retaliation in case it was attacked first.
- Based on this, India announced its decision to maintain a **minimum credible deterrence** and a **nuclear triad** comprising aircraft, missiles, and submarines to deliver these nuclear weapons which has since been completed with ballistic missile submarines of the Arihant class conducting deterrence patrols.
- A MIRV-ed missile enhances the redundancy as a single missile can perform the role of several. It can help defeat ballistic missile defences, which is especially important since India's adversaries are deploying sophisticated air defences.

What lies ahead?

- The technology development is without doubt significant given its sophistication and applications.
- However, Mission Divyastra was the maiden test of the MIRV technology; there will be a few more tests to validate the various associated components and processes before MIRV-ed Agni V can be declared fit for serial production.
- The more important aspect to look out for now is the reactions from China and Pakistan. There has been a **triangular contest between India, China, and Pakistan** for long, with China trying to counter the U.S., and India trying to balance the asymmetry with China, and Pakistan, in turn, trying to even the scales with India.

A RULING THAT GIVES PRIMARY SCHOOL TEACHING A NEW SLATE



Context:

- In August 2023, the Supreme Court of India upheld the decision of the Rajasthan High Court in ruling that the **Bachelor of Education (B.Ed) degree** cannot be considered appropriate for primary schoolteaching, the relevant degree for this level of school is the **Diploma in Education (DEd)** or **Diploma in Elementary Education (DEEd)** or **Bachelor of Elementary Education (BEEd)**.
- Effectively, this nullified an earlier notification by the **National Council for Teacher Education (NCTE)** that the BEd degree can be accepted.
- This may seem like a minor point with regards to a profession that is widely believed to not be very aspirational. But this is a decision that has wide implications for recruitment and policy and rightly so.

Dimensions of Primary teaching:

- Teaching young students in primary grades is quite different in its requirements when compared to being a subject teacher for middle and high school.
- Understanding **Foundational Literacy and Numeracy (FLN)**, and being able to design and involve all students in a manner that ensures that they grasp these basic and foundational competencies is a very non-trivial task.

- Hence, teaching these competencies has to be learnt by prospective primary schoolteachers, through specialised teacher education for this stage, i.e., the DEd, or DEEd or BEEd.
- It cannot be reconstructed through autobiographical memory; love for children and good communication skills are not enough, and by no means does the BEd degree, with its focus on teaching subjects to students in middle school upwards, prepare teachers for this.

Professionally qualified teachers:

- The **Right to Education Act 2009**, therefore, not only lay emphasis on the need for professional qualification but also the appropriate qualification to teach.
- The **State of Teachers, Teaching and Teacher Education Report 2023 (SoTTTER-23)** shows that 90% of teachers have some form of professional qualification. Of the 10% who do not have professional qualifications, 61% are in the private sector; 61% of this group are in rural areas. However, it is a different picture when it pertains to the issue of appropriate qualification.
- Overall, only 46% of teachers teaching primary grades have the DEEd (and equivalent) qualification; 30% of teachers in this stage have the BEd degree, and 10% have no professional qualifications.
- The proportion of DEEd qualified teachers in the government and aided sectors is between 60%-68%, as government recruitment norms, by and large, have regulated recruitment.
- However, in the primary school level of the private unaided sector, 22% have the DEEd or equivalent; 43% of primary schoolteachers in private schools have BEd degrees, and another 17% do not have any professional qualification.

What needs to be done?

- Greater attention will need to be paid to increasing the supply of good quality DEd/DEEd/BEEd programmes in the country.
- Analysis of **Teachers Eligibility Test (TET) data** from one State shows that quality in this sector is only from the government-funded institutions (**District Institutes of Education and Training, or DIETs**, and aided colleges), while the self-financed sector is doing very poorly: 59% of students from DIETs qualified with a mean score of 86/150 in comparison with only 31% of students from the self-financed sector qualified with a mean score of 77/150.
- In all DIETs, at least 50% of their students succeeded in qualifying. Only 7% of the self-financed sector were able to ensure that at least 50% of their students qualified.
- This suggests that better students seem to prefer government-funded institutions and that these institutions are probably functioning more effectively, more regularly and with less corruption.

Concerns:

- There are concerns for the sector as a whole: only 14% of qualifying candidates had a mean score of 60% or above. The low mean scores in mathematics, at 46%, are cause for concern. There will have to be more attention in ensuring higher quality and pedagogical content knowledge of candidates.
- The Teacher Eligibility Test (TET) may also need to have **section-wise qualifying cut-off marks** included in addition to an overall qualification cut-off mark, to ensure that primary schoolteacher competence in mathematics.

Government support:

- There is an urgent need to strengthen government support and innovation in this sector. Programmes such as BEIEd offered by the Delhi University have demonstrated successful curriculum to strengthen knowledge, understanding and practice for this level/ stage, long neglected in the university space.
- The recently announced **Integrated Teacher Education Programme (ITEP)** holds out the possibility of extending the successful model of bringing primary schoolteacher preparation into the university/Higher Education space.
- It is, therefore, disappointing that the bulk of the new ITEP programmes approved in 2023 are for BEd (about 3,400 seats), with only about 10% for the preparatory and foundational stage.

Pandit Madan Mohan Malaviya National Mission on Teachers & Teaching:

- The Union Budget 2023 announcement included commitment to continue the Scheme of **Pandit Madan Mohan Malaviya National Mission on Teachers & Teaching** (launched in 2014) to strengthen teacher education in the country.
- The scheme was finally unveiled on September 5, but, disappointingly, had a focus only on faculty development in higher education, neglecting schoolteacher preparation and innovation in the university space.
- A recent Ministry of Education initiative to strengthen DIETs is welcome.

Way Forward:

- With a full Budget expected in a few months' time, one hopes that the government will respond in a comprehensive way to these issues, and provide allocation to strengthen primary/preparatory stage teacher education through greater government support and incentives for innovation in this sector.

HOW INDIA CAN MOVE TOWARDS DYNAMIC FUEL PRICING, A GLOBAL PERSPECTIVE**Context:**

- This article explores the factors influencing India's fuel pricing mechanism, compares it with global

practices, and discusses the implications of adopting a more responsive pricing model.

- Additionally, it underscores the necessity of extending the **Goods and Services Tax (GST)** policy to fuel prices, requiring a collaborative effort to convince states to forgo their current revenue streams from fuel taxes.

**Details:**

- Aligning India's fuel pricing with global market dynamics involves navigating a complex terrain shaped by international crude oil prices, domestic economic considerations, and infrastructural capabilities.
- As countries worldwide adjust their fuel prices to mirror the fluctuations of the global market, India's cautious approach highlights a unique strategy that balances economic prudence with socio-political considerations.

Global Fuel Pricing: A Comparative Perspective

- Globally, countries have adopted varying strategies to price fuel, reflecting their economic structures and capacity to handle market volatility.
- Singapore and Thailand, for example, adjust their fuel prices in real-time, showcasing their economic resilience and ability to respond swiftly to global oil price movements.
- Conversely, despite their daily adjustments, countries like the Netherlands, Mexico, and the United States each tell a different economic story, influenced by their unique per capita incomes and trade deficit dynamics.
- These comparisons illustrate the spectrum of fuel pricing mechanisms and the factors countries consider in their approaches.

India's Pricing Mechanism: A Calculated Approach

- A managed price mechanism characterises India's fuel pricing strategy. This approach shields consumers from the immediate impact of international price hikes but introduces a delay in reflecting global price trends in domestic markets.
- Such a strategy, while promoting stability, can lead to market inefficiencies and discrepancies between domestic and international prices.
- The challenge for India lies in balancing the need for economic stability with the benefits of aligning more closely with global price movements.

Infrastructural Considerations and Real-Time Pricing

- The transition to real-time pricing is contingent upon robust infrastructure capable of supporting swift adjustments.
- Countries successful in implementing dynamic pricing models boast advanced logistics and transportation networks, facilitating the efficient distribution of fuel in response to global price changes.
- For India, enhancing its infrastructure to support real-time data processing and distribution is crucial for moving towards a more responsive pricing mechanism.

Navigating Towards Market-Linked Pricing

- Adopting a **market-linked pricing regime** in India requires careful planning and phased implementation. Initiating this transition in specific regions or for certain fuel types could serve as a pilot, allowing for evaluating impacts and necessary adjustments.
- This incremental approach allows stakeholders to gradually adapt to the new pricing model, minimizing potential disruptions.
- The existence of a **transparent formula-based fuel pricing mechanism** would also help make the fuel process transparent and launch derivative contracts to help the intermediaries better hedge the fuel price risks.

Safeguarding Socio-Economic Equilibrium

- As India contemplates shifting towards dynamic pricing, establishing social safety nets is paramount. These mechanisms would protect vulnerable populations from the immediate effects of sudden price fluctuations, ensuring economic stability and energy-secure livelihoods.
- Additionally, transparent communication about pricing policies is essential for building public trust and understanding, facilitating a smoother transition to a new pricing paradigm.

GST Integration in Fuel Prices

- A critical aspect of aligning India's fuel pricing with global dynamics is integrating fuel prices under the GST framework. This move necessitates a collective effort from the central and state governments to forego the substantial revenues currently derived from fuel taxes and share the one revenue collectively.
- It does not mean lower fuel prices, but that revenues from fuel GST are shared as per the formula that could be specially agreed upon. A special GST and sharing formula would be a good starting point before moving this into the existing GST regime for other goods and services.
- Implementing GST on fuel would streamline tax structures, potentially leading to more uniform fuel prices nationwide. However, achieving this requires

addressing states' concerns about revenue loss and devising compensatory mechanisms or incentives to ensure their cooperation.

Way Forward:

- India's journey towards integrating its fuel prices with global market dynamics involves navigating economic, infrastructural, and socio-political landscapes.
- While the managed pricing regime has its merits, evolving towards a market-driven model could enhance efficiency and global economic alignment.
- It needs India's per capita income to increase as it increases the GDP, the oil import intensity of its exports to be reduced, the trade deficit to narrow, capital markets to become more inclusive, and energy to directly impact the inflationary measures.
- The extension of the GST policy to fuel prices represents a significant step in this direction, necessitating a collaborative approach to address the financial implications for states.

HAVING PANCHAYATS AS SELF GOVERNING INSTITUTIONS



Context:

- Three decades have passed since the 73rd and 74th Constitutional Amendments Acts came into effect, which envisaged that local bodies in India would function as institutions of local self-government.
- As a follow up, the Ministry of Panchayati Raj was constituted in 2004 to strengthen rural local governments.
- When it comes to analysing the status of devolution, it is evident that some States have forged ahead while many lag behind. The commitment of State governments towards decentralisation has been vital in making panchayati raj institutions an effective local governance mechanism at the grass-roots level.

Fiscal devolution:

- The constitutional amendment has set forth specific details on fiscal devolution which includes the generation of own revenues. Emanating from the Central Act, various States Panchayati Raj Acts have made provisions for taxation and collection.

➤ Based on the provisions of these Acts, panchayats have made efforts to generate their own resources to the maximum extent. Participatory planning and budgeting were the end result of such interventions by the Ministry.

Challenges:

- That "Panchayats earn only 1% of the revenue through taxes", with the rest being raised as grants from the State and Centre was highlighted in a 'Datapoint'.
- It specifically points out that 80% of the revenue is from the Centre and 15 % from the States. This is an eye-opener for the proponents of decentralisation as the net result is that the revenue raised by panchayats is meagre even after 30 years of devolution initiatives.

Avenues for own source of revenue:

- The report of the expert committee constituted by the Ministry of Panchayati Raj on **own source of revenue (OSR)** of rural local bodies elaborates on the details of State Acts that have incorporated tax and non-tax revenue that can be collected and utilised by panchayats.
- Property tax, cess on land revenue, surcharge on additional stamp duty, tolls, tax on profession, advertisement, user charges for water and sanitation and lighting are the major OSRs where panchayats can earn maximum income.
- Panchayats are expected to establish a conducive environment for taxation by implementing appropriate financial regulations. This includes making decisions regarding the tax and non-tax bases, determining their rates, establishing provisions for periodic revisions, defining exemption areas, and enacting effective tax management and enforcement laws for collection
- The huge potential for non-tax revenue includes fees, rent, and income from investment sales and hires charges and receipts.
- There are also **innovative projects that can generate OSR**. This covers income from rural business hubs, innovative commercial ventures, renewable energy projects, carbon credits. Corporate Social Responsibility (CSR) funds and donations.

Role of gram sabhas:

- Gram sabhas have a significant role in fostering self-sufficiency and sustainable development at the grass-roots level by leveraging local resources for revenue generation.
- They can be engaged in planning, decision-making, and implementation of revenue-generating initiatives that range from agriculture and tourism to small-scale industries. They have the authority to impose taxes, fees, and levies, directing the funds towards local development projects, public services, and social welfare programmes.
- Through transparent financial management and inclusive participation, gram sabhas ensure

accountability and foster community trust, ultimately empowering villages to become economically independent and resilient.

- Thus, gram sabhas need to promote entrepreneurship, and foster partnerships with external stakeholders to enhance the effectiveness of revenue generation efforts.

Demarcation of OSR:

- **In several States, gram panchayats lack the authority to collect taxes**, while in numerous others, intermediate and district panchayats are not delegated the responsibility of tax collection.
- When gram panchayats collect 89% of own taxes, the intermediate panchayats collect 7% and the district panchayats a nominal amount of 5%.
- There is a need to demarcate OSR for the entire three-tier panchayats to ensure equitable sharing.

Factors behind the general aversion towards generating own income:

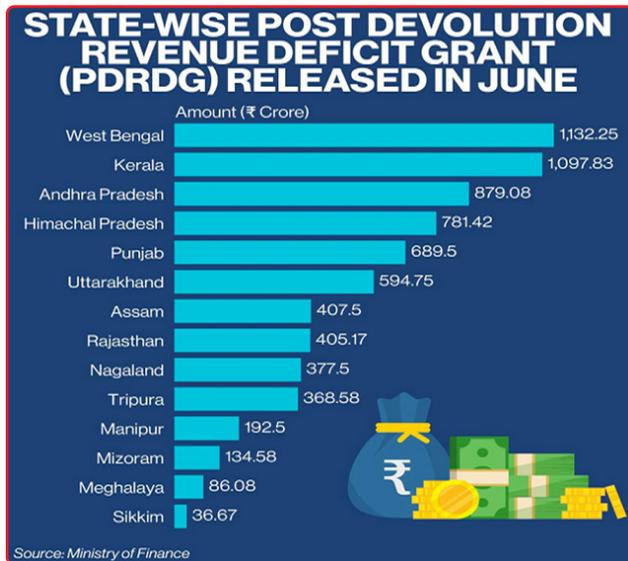
- With the increase in the allocation of **Central Finance Commission (CFC) grants**, panchayats are evincing less interest in the collection of OSR.
- The allocation for rural local bodies from the 10th and 11th CFC was ₹4,380 crore and ₹8,000 crore, respectively. But in the 14th and 15th CFCs there was a huge increase by way of allocating ₹2,00,202 and ₹2,80,733 crore, respectively.
- The tax collected in 2018-19 was ₹3,12,075 lakh which diminished in 2021-2022 to ₹2,71,386 lakh. The non-tax collected for the same period was ₹2,33,863 lakh and ₹2,09,864 lakh.
- At one time, panchayats were in competition to raise OSR for their commitment to fulfil basic needs. This has now given place to dependency on grants allocated through central and State finance commissions.
- Some States have the policy of incentivisation by providing matching grants but which were sparingly implemented.
- Panchayats also have no need of penalising defaulters as they believe that OSR has not been regarded as an income that is linked with panchayat finance.

Freebie culture:

- Despite every enabling factor to raise revenue, panchayats confront several impediments in resource mobilisation: the **'freebie culture'** rampant in society is the cause for the antipathy in paying taxes.
- Elected representatives feel that imposing taxes would alter their popularity adversely. Here, the answer is clear. There is a need to educate elected representatives and the public on the significance of raising revenue to develop panchayats as self-governing institutions.
- Ultimately, the dependency syndrome for grants has to be minimised and in due course, panchayats will be able to survive on their own resources.

Way Forward:

- Panchayats can only achieve such a state of affairs when there are dedicated efforts in all tiers of governance, which includes even the State and central level.

ON FINANCIAL DEVOLUTION AMONG STATES**Why in news?**

- Recently various Opposition-ruled States especially from south India have claimed that they have not been receiving their fair share as per the present scheme of financial devolution.
- They have raised issues about their less than proportionate share of receipt in tax revenue when compared to their contribution towards tax collection.

What is divisible pool of taxes?

- **Article 270 of the Constitution** provides for the scheme of distribution of net tax proceeds collected by the Union government between the Centre and the States.
- The taxes that are shared between the Centre and the States include corporation tax, personal income tax, Central GST, the Centre's share of the Integrated Goods and Services Tax (IGST) etc.
- This division is based on the **recommendation of the Finance Commission (FC)** that is constituted every five years as per the terms of **Article 280**.
- Apart from the share of taxes, States are also provided grants-in-aid as per the recommendation of the FC. The divisible pool, however, does not include cess and surcharge that are levied by the Centre.

How is the Finance Commission constituted?

- The FC is constituted every five years and is a body that is exclusively constituted by the Union Government.
- It consists of a chairman and four other members who are appointed by the President. The Finance

Commission (Miscellaneous Provisions) Act, 1951, has specified the qualifications for chairman and other members of the commission.

- The Union government has notified the constitution of the 16th Finance Commission under the chairmanship of Dr. Arvind Panagariya for making its recommendations for the period of 2026-31.

What is the basis for allocation?

- The share of States from the divisible pool (vertical devolution) stands at 41% as per the recommendation of the 15th FC. The distribution among the States (horizontal devolution) is based on various criteria. Table 1 lists the criteria for horizontal devolution among the States from the 11th to 15th FC.

The criteria as per the 15th FC:

- 'Income distance' is the distance of a State's income from the State with highest per capita income which is Haryana.
- States with lower per capita income would be given a higher share to maintain equity among States. 'Population' is the population as per the 2011 Census.
- Till the 14th FC, weightage was given for the population as per the 1971 Census but that has been discontinued in the 15th FC.
- 'Forest and ecology' consider the share of dense forest of each State in the aggregate dense forest of all the States. 'The demographic performance' criterion has been introduced to reward efforts made by States in controlling their population.
- States with a lower fertility ratio will be scored higher on this criterion. 'Tax effort' as a criterion has been used to reward States with higher tax collection efficiency.

What are the issues?

- The Constitutional scheme has always favoured a strong centre in legislative, administrative and financial relations. However, federalism is a basic feature and it is important that States don't feel short-changed when it comes to distribution of resources.
- While there are always political differences between the Union government and Opposition-ruled States that exacerbate the problem, there are genuine issues that need to be considered.

Cess & surcharge:

- The **cess and surcharge** collected by the Union government is estimated at around 23% of its gross tax receipts for 2024-25, which does not form part of the divisible pool and hence not shared with the States.
- To provide a perspective, the total tax revenue for the year 2022-23 (actual), 2023-24 (revised estimates) and 2024-25 (Budget estimates) of the Union government is ₹30.5, ₹34.4 and ₹38.8 lakh crore respectively.
- The State's share was/is ₹9.5, ₹11.0 and ₹12.2 lakh crore respectively, which constitutes around 32% of

- the total tax receipts of the Centre which is way less than the 41% recommended by the 15th FC.
- Cess like the GST compensation cess is for the repayment of loans taken to compensate States for the shortfall in tax collection due to GST implementation for the period 2017-22.
 - Some of these amounts are also used for centrally sponsored schemes that benefit the States. However, the States have no control over these components.

Return:

- The amount each State gets back for every rupee they contribute to Central taxes shows steep variation. The industrially developed States received much less than a rupee for every rupee they contributed as against States like Uttar Pradesh and Bihar.
- This is partly due to the fact that many corporations are headquartered in these State capitals where they would remit their direct taxes. However, this variation can also be attributed to the difference in GST collection among various States.

Percentage share in the divisible pool:

- The percentage share in the divisible pool of taxes has been reducing for southern States over the last six FCs.
- This is attributable to the higher weightage being given for equity (income gap) and needs (population, area and forest) than efficiency (demographic performance and tax effort). Finally, grants-in-aid as per the recommendation of the FC varies among various States.
- As per the 15th FC, there are revenue deficit, sector-specific and State-specific grants given to various States as well as grants to local bodies that are given based on population and area of States.

What can be the way forward?

- The States generate around 40% of the revenue and bear around 60% of the expenditure. The FC and its recommendations are meant to assess this imbalance and propose a fair sharing mechanism. It is the responsibility of all States to contribute towards the more equitable development of our country.

Need for reforms:

- Firstly, the divisible pool can be enlarged by including some portion of cess and surcharge in it. The Centre should also gradually discontinue various cesses and surcharges it imposes by suitably rationalising the tax slabs.
- Secondly, the weightage for efficiency criteria in horizontal devolution should be increased. GST being a consumption-based destination tax that is equally divided between the Union and the State means that State GST accrual (inclusive of Integrated GST settlement on inter-state sales) should be the same as the Central GST accrual from a State. Hence, relative GST contribution from States can be included as a criterion by providing suitable weightage in future FCs.

- Finally, similar to the GST council, a more formal arrangement for the participation of States in the constitution and the working of the FC should be considered.

Way Forward:

- These are measures that need to be implemented by the Centre after discussion with all the States.
- It is also imperative that the States uphold principles of fiscal federalism by devolving adequate resources to local bodies for vibrant and accountable development.

ASEAN EVOLVING DILEMMA IN THE INDO-PACIFIC



Context:

- The rise of the Indo-Pacific construct is coupled with the intensification of power competitions on the one hand and increasing levels of economic connectivity on the other.
- Such tumultuous dynamics have compelled middle and small powers of the region to strive harder to gain more agency and political autonomy.
- Among the regional players, the **Association of Southeast Asian Nations (ASEAN)** is at the heart of this strategic dilemma.

Evolution of ASEAN:

- The primary catalyst for ASEAN's creation in 1967 was not integration, but rather ensuring the **survival and resilience of its members** amidst the exacerbating power dynamics of the Cold War and the spread of communism throughout Southeast Asia.
- However, with the dissolution of the erstwhile Soviet Union and the expansion of membership within ASEAN, the turn of the century witnessed how the bloc sought to leverage its experience in community-building to serve as an institutional anchor throughout Asia by promoting ASEAN-centric norms of consensus decision-making, informal diplomacy, non-interference, respect for sovereignty, and the preservation of the bloc's centrality.
- Thus, the expansion of ASEAN-led mechanisms and the growing adherence of major powers towards the **Treaty of Amity and Cooperation (TAC)** provided a much-needed structure for countries with diverse

interests to cooperate at a time when distrust was prevalent among emerging powers.

China factor:

- Of late, the foundation of these ASEAN-led mechanisms has come under strain due to the competitive nature of contemporary Indo-Pacific geopolitics.
- While several structural factors encompass Indo-Pacific security, the unfolding power **competition between the United States (US) and China** has the most immediate impact on ASEAN member countries. Southeast Asia is geographically located at the intersection of the traditional sphere of US influence and the emerging locus of Chinese power.
- Since 2008, China has been increasing its provocations against the security architecture of Southeast Asia through its expansionist interests in the South China Sea.
- It continues to assertively alter the balance of power and geography of the disputed maritime territory to its favour, at the expense of the sovereignty and sovereign rights of its less powerful neighbours, thus directly challenging the stability of the rules-based order in the Indo-Pacific.
- This has inevitably catalysed a US response to check Beijing's growing belligerence and expansionist regional interests.

QUAD:

- Along with this response is the proliferation of security arrangements amongst like-minded democracies, such as the **Quad and the AUKUS; Australia, the United Kingdom (UK), and the US trilateral** to preserve and secure the established regional order.
- However, this has resulted in a more acute focus on Southeast Asia, making it a hotspot for a potential shooting war within the greater Indo-Pacific.

Geopolitical challenges:

- The preservation of autonomy and sovereignty amidst external power fluctuations is at the heart of ASEAN's external outlook.
- While the presence of the US as a potential balance to Chinese dominance in the region is welcomed, the majority of Southeast Asian countries remain cautious of aligning too deeply with US given their wariness of the US's **"value-based" foreign policy**, its historic inconsistency as a security provider, and the perils of the US being geographically distant.
- China has been able to deepen its influence through its growing economic activities in Southeast Asia. Since 2009, China has cemented its role as ASEAN's top trading partner.
- Moreover, **China is Cambodia and Laos's leading source of development assistance**, while Indonesia is Southeast Asia's largest beneficiary of the Belt and Road Initiative (BRI).

- Furthermore, since the 2021 coup in Myanmar, China has been taking advantage of the domestic unrest in the Southeast Asian country to further its interests and strengthen its influence given the former's geostrategic relevance in the region.
- Therefore, while China presents a challenge to the stability of Southeast Asia, ASEAN countries refrain from overtly taking sides against it.
- Even for countries like Vietnam and most recently the Philippines, which have been quite vocal about their opposition to Chinese unilateralism in the disputed maritime territory, prudent steps are still being taken by Hanoi and Manila in maintaining a defensive position vis-à-vis the US-China power competition.

Diminishing credibility of ASEAN:

- As ASEAN countries strive to maintain political autonomy and ensure survival amidst the intensifying US-China power competition, it would be vital for them to incorporate the strategy of denial more effectively, which entails preventing immediate great power/s from attaining monopoly over regional affairs by forging close ties with other major powers to act as a strategic buffer.
- This will require a serious foreign policy reorientation amongst Southeast Asian countries, by prioritising partner diversification and leveraging ties with emerging powers that identify themselves as independent forces rather than shadows of the US-China strategic competition in the Indo-Pacific.
- Accordingly, there are positive trends in this regard, such as the strengthened ties between Southeast Asian countries and other Indo-Pacific powers, such as India, France, and Japan in the realms of economic and defence cooperation.

Challenges in regional leadership and unity:

- As the polarisation of power continues to deepen in the Indo-Pacific, the resilience and effectiveness of ASEAN-led mechanisms have been questioned.
- Realising the risks of becoming marginalised in regional politics, ASEAN eventually adopted the ASEAN Outlook on the Indo-Pacific (AOIP) in 2019 to reemphasise the continued importance of ASEAN-led institutions in enhancing regional multilateralism and cooperation.
- However, while incorporating the Indo-Pacific into ASEAN's strategic lexicon was a step in the right direction for the bloc, its difficulty in operationalising the AOIP on the ground serves as a more significant impediment.
- The long-term success of ASEAN-led mechanisms in the Indo-Pacific is highly dependent on the bloc's cohesion and the ability of its dialogue partners to foster a conducive environment for multilateral processes.
- While institutions such as the ASEAN Regional Forum (ARF) and the East Asia Summit (EAS) remain

relevant avenues for cooperation in contemporary Indo-Pacific affairs, the polarising dynamics of power in the region makes it difficult to rule out possible credibility issues that such ASEAN-led mechanisms may face in the long term.

- This is mainly due to ASEAN's internal constraints, which hinder it from forging a unified position on crucial regional security issues, particularly in Myanmar and the South China Sea.

Conclusion:

- Therefore, while ASEAN is an essential player in Indo-Pacific affairs, its influence over the emerging security shifts in the region is being questioned due to the bloc's growing vulnerabilities to power politics and its members' need for more cohesion on several pressing issues.
- To maintain its credibility at a time of significant geopolitical turbulence, ASEAN should consider structural and cultural reformation. At the same time, its members must pursue a more diversification-driven foreign policy to ensure greater strategic flexibility.

A CHILLING EFFECT ON THE FREEDOM TO LOVE



Context:

- On February 7, 2024, the Uttarakhand Assembly passed the **Uniform Civil Code of Uttarakhand Bill, 2024**, which purportedly consolidates a common law on marriage and property inheritance.
- The Bill only awaits the President's assent to become enforceable law.

Concerns:

- A problematic feature of the Bill is the mandatory requirement of **registration of a live-in relationship and its criminalisation**, if certain conditions are not complied with.
- With this mandate, the proposed law will become the foremost weapon of the state to penalise consensual relations and violate individual autonomy.

Registration of a live-in relationship:

- The Bill, requires live-in partners to submit a 'statement' to the Registrar concerned. The Registrar has the powers to examine the statement and conduct an inquiry into the relationship.

- From a reading of the Bill, it appears that **anyone can inform the Registrar of a live-in relation**, which she can then act upon.
- She is **empowered to examine the consent of parties, marital status, and the age of partners**. Moreover, partners can be required to make a personal appearance and the **Registrar can also refuse to register the relationship**. Termination of a relationship also requires notice to be submitted.

Criminal penalty:

- Another dangerous feature of the Bill, however, is the criminal penalty of imprisonment or fine (or both) if this statement is not filed. The couple will be penalised for the submission of false information.
- The Registrar will inform the details of the live-in relations to the police station whose jurisdiction governs the couple.

Deterrence:

- The Bill misses the foundational reason for a live-in relationship, which is that it lacks the formal structure and obligations of a marriage.
- Those who are living together, therefore, enjoy autonomy in their consensual partnerships, which a regulated marriage does not. Erasing this much-needed distinction between these institutions is irrational.
- In a society that thrives on moral policing of young couples, the Bill, unsurprisingly, imposes a chilling effect on live-in partners and implicitly discourages such relationships. The involvement of the police accelerates this concern.
- Couples will be wary of entering into genuine relationships since a **lack of compliance** not only invites civil consequences, as regulatory laws routinely require, but also criminal ones.

Violation of Article 21:

- The one-month limit (whoever is in a live-in relationship for more than a month from the date of entering into such a relationship without submitting a statement will be punished) also restraints intimacy in the most direct of ways.
- It infringes on free decision making and an expression of feelings, protected under Article 21, which lays stress on the right to a dignified life.
- Individuals are constrained by the provisions of the Bill while entering into live-in relationships, which impedes the ability to make the deepest personal choices.

Unprincipled criminalisation:

- A democratic liberal state must have a clear policy on what it chooses to criminalise and what it does not. This policy must be in consonance with what the Constitution protects. The fact that **social practices are undesired by a conservative majority** is an **insufficient reason for criminalisation**.

➤ As the **philosopher Joel Feinberg recognises**, "Indeed, everything about a person that the criminal law should be concerned with is included in his morals. But not everything in a person's morals should be the concern of the law." Translating moral prejudices into criminal legislation leads to what is called 'unprincipled criminalization'.

Section 497:

- A major illustration of such penalisation was the law on adultery which was contained in **Section 497 of the erstwhile Indian Penal Code**. The law, as it stood, discriminated on the basis of sex by punishing only men.
- But another crucial feature of the law was that it criminalised consensual sexual relations. By doing so, it actively worked to prevent intimate association and an expression of sexual autonomy.
- While striking down the law, in *Joseph Shine vs Union of India* (2018), the judiciary emphatically held: "Treating adultery [as] an offence, we are disposed to think, would tantamount to the State entering into a real private realm..." Moreover, it said that it is not the lookout of the state to interfere in the lives of individuals "which were within the sphere of his or her constitutionally protected rights of privacy and self-determination."

Right to Privacy:

- Further, in *Justice K.S. Puttaswamy and Anr. vs Union of India and Ors.* (2017), the Supreme Court of India also clarified that "The destruction by the State of a sanctified personal space whether of the body or of the mind is violative of the guarantee against arbitrary State action. Privacy of the body entitles an individual to the integrity of the physical aspects of personhood."

Indirect discrimination:

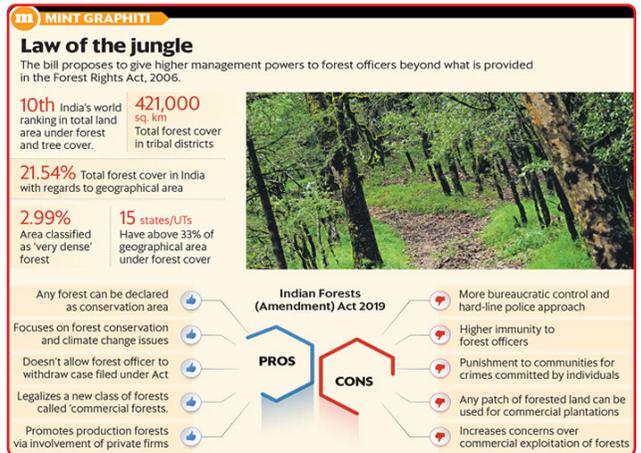
- Inter-caste and inter-religious couples face the prospect of severe harassment by the authorities and social stigma in our country. These couples often experience violence, which includes honour killings, as data show.
- A proposed law with a high regulatory content on live-in relations is most likely to affect vulnerable couples first. They will be indirectly discriminated against and targeted for the reason that they belong to the 'wrong' 'religion or 'caste.'

Conclusion:

- With the Bill incorporating provisions against live-in relations, the state has just demonstrated that there is no limit to how intrusive it can be. With no hesitation, it has chosen to violate the constitutional rights granting autonomy, privacy and equality.
- It has also chosen to dishonour the primary political principle of a working democracy of treating consenting adults as partners who are capable of

making decisions. Most regrettably, the state has successfully managed to usurp the most basic of human freedoms: the freedom to love.

ON THE RIGHTS OF FOREST DWELLERS



Why in news?

- Earlier, the notification of the **Thanthai Periyar Sanctuary in Erode district of Tamil Nadu** triggered consternation among forest-dwellers around it.
- They expressed fear that this is a prelude to their rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA) being denied. They have accused the district and State administrations of violating relevant laws.

Thanthai Periyar Sanctuary:

- The Thanthai Periyar Sanctuary is constituted from Earlier, the notification of the **Thanthai Periyar Sanctuary in Erode district of Tamil Nadu** triggered consternation among forest-dwellers around it.
- They expressed fear that this is a prelude to their rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA) being denied. They have accused the district and State administrations of violating relevant laws.
- the North and South Bargur, Thamarai Karai, Ennamangalam, and Nagalur reserved forests in Anthiyur Taluk.
- It is located between the Sathyamangalam Tiger Reserve of Tamil Nadu, the Male Mahadeshwara Wildlife Sanctuary and the Cauvery Wildlife Sanctuary of Karnataka.
- Six tribal forest villages have been excluded from the sanctuary. These settlements are confined to an arbitrary area of 3.42 sq. km.

What are forest villages?

- In 1990, the Union Ministry of Environment and Forests (MoEF) had ordered that all forest villages be converted to revenue villages. The FRA, enacted

- 18 years ago, also required all forest villages to be converted to revenue villages.
- During conversion, "the actual land use of the village in its entirety, including lands required for current or future community uses, like schools, health facilities and public spaces," were to be recorded as part of the revenue village. These rights continue to be denied to date.
 - As of 2016, Tamil Nadu had 736 forest villages with a population of 23,125 on record. Of them, 7,764 were from Scheduled Tribe (ST) communities. The corresponding all-India figures are 4,526 forest villages with a population of 22 lakh, with 13.3 lakh from ST communities. There are more unrecorded forest habitations.
 - The notification that created the sanctuary concedes that the rights admitted under the Tamil Nadu Forest Act 1882 and those conferred under the FRA "shall remain and continue to be enjoyed by the persons concerned". The issue here is that Tamil Nadu has been one of the **most laggard States in implementing the FRA** in the country.

What are the rights in the new Sanctuary?

- **Cattle-grazers can no longer graze** in the Thanthai Periyar Sanctuary. **Bargur cattle**, a traditional breed native to the Bargur forest hills, may now be prevented from accessing their traditional grazing grounds.
- In March 2022, the Madras High Court revised an older order imposing a total ban on cattle grazing in all the forests of Tamil Nadu and restricted the ban to national parks, sanctuaries, and tiger reserves.
- **Tamil Nadu is the only State in the country where there is such a ban.** This order is despite the FRA, which, aside from other community rights, recognised "grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities" in all forests, including in national parks, sanctuaries, and tiger reserves.
- **Grazing rights are community rights** of the habitation-level villages and are to be regulated by their gram sabhas.
- Of Tamil Nadu's land, 26,419 sq. km or 20.3% is under notified forests. The recorded forest area is a bit higher, around 23.7%. Some 6% of the State is under Protected Areas, with five national parks and 34 sanctuaries (half of which are bird sanctuaries).
- The State has constituted **five tiger reserves in these Protected Areas.** The 801-sq.-km Thanthai Periyar Sanctuary joins them now.

What does the WLP Act 1972 provide?

- Sanctuaries and national parks are **notified under the Wildlife (Protection) Act (WLP) 1972.** People inside sanctuaries continue to enjoy all their rights unless prohibited, but they don't in National Parks. No new rights are permitted once the notice of intent is issued.

- The Collector is to inquire into the rights of all persons, their nature and extent, in the proposed sanctuary or national park.
- Then, the Collector's office has to decide whether to admit the claims in sanctuaries and to acquire all rights in national parks. The law mandates similar procedures when some land is initially notified as forest. But governments have not followed them.
- While courts routinely condone these violations, they have become entrenched within the forest department since the start of the colonial era, with the forest bureaucracy inheriting the same tendencies.
- In addition, the Indian Forest Act 1927 and its clones, such as the Tamil Nadu Forest Act 1882, the WLPA, the Forest (Conservation) Act 1980, and the Compensatory Afforestation Fund Act 2016 are all erected on this colonial edifice.

How was the Forest Rights Act established?

- A dam of anger ruptured around the nation after the MoEF misinterpreted a Supreme Court order and, in May 2002, required States "to evict ineligible encroachers and all post-1980 encroachers from forest lands in a time-bound manner".
- In 2004, the MoEF acknowledged in an affidavit to the Supreme Court in Godavarman versus Union of India that "the historical injustice done to the tribal forest dwellers through non-recognition of their traditional rights must be finally rectified".
- In 2006, the Indian government enacted the FRA.
- The FRA requires and authorises the gram sabhas to determine and recognise forest rights, and protect and preserve the forests, wildlife, and biodiversity within their customary and traditional boundaries, including inside Protected Areas. These responsibilities were earlier vested with the Forest Department.

How do FRA and WLPA compare?

- Being a later law, the FRA overrides the WLPA. All provisions in the WLPA that contravene provisions in the FRA are null and void. As a result, when notifying a Protected Area under the WLPA, the government needs to determine rights under the FRA and acquire the consent of the gram sabhas.
- The government specifically incorporated these requirements in a 2006 amendment vis-à-vis the notification of tiger reserves.
- The FRA became operational when its Rules were notified in January 2008. Since then, until 2023, the country has acquired 15,605 sq. km of Protected Areas; nine national parks of 3,462 sq. km and 77 sanctuaries of 12,143 sq km while disregarding the changed legal regime. Of these, Tamil Nadu's share has been 15 sanctuaries spanning 4,146.7 sq. km.
- The FRA violations, in the case of Scheduled Tribes, are also crimes under the 2016 amendment to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

How has Tamil Nadu implemented the FRA?

- According to the 2011 Census, there were 1,808 revenue villages in Tamil Nadu with numerous habitations in them accessing 15,826.9 sq. km of forests within revenue boundaries.
- But as of September 2023, the State had recognised and issued individual titles to an extent of just 38.96 sq. km – a paltry coverage of 0.25%. Reportedly, the State has issued 531 community titles but the extent of the area thus titled remains a mystery.
- Tamil Nadu is not an exception. The same pattern, more or less, runs across the country: the Environment Ministry and the forest bureaucracy continue to defy the laws, Parliament, and the will of the people, leaving forests, forest-dwellers, and wildlife in peril.

THE EU AI ACT, A LANDMARK IN AI REGULATION



Context:

- On 9 December 2023, the European Parliament and the Council of the European Union arrived at an agreement on the **European Union Artificial Intelligence Act (EU AI Act)**.
- While the final draft is yet to be published, the broad contours have been set for what could prove to be a landmark in the history of AI regulation.
- With this, the EU has become one of the first AI regulators in the world.

Why the Act has been brought?

- In recent years, rapid advances in AI have raised questions about the preparedness of governments and regulatory agencies when it comes to safeguarding citizens' rights and well-being.
- AI applications in fields like health and education, among others, have potentially far-reaching implications. On top of that, the AI industry in itself is a trillion-dollar business opportunity of which the governments want a share and unlike the internet, AI is not a product of government laboratories.
- The European Commission first came with a draft to regulate AI in the EU in April 2021. However, with the release of **OpenAI's ChatGPT in 2022** and in addition to other technological advances, Brussels felt the need to have a re-look at the original draft.

- Thus, after three days of intense negotiations, the three branches of the Union arrived at a compromise over the face of the bloc's AI regulation for the foreseeable future, thus, aiming to ensure human oversight over AI.

Risk based approach:

- The Act follows a "risk-based" approach. As per this approach, AI systems have been **classified into four categories based on the risk they pose**:
 - unacceptable risk (social scoring, biometric identification whether real-time or remote, biometric categorization which deduces personal preferences and beliefs as well as cognitive manipulation);
 - high risk (AI systems used in domains like transport, education as well as those used in products coming under the EU's product safety legislation);
 - general purpose and generative AI (systems like OpenAI's ChatGPT); and
 - limited risk (like deepfakes).

What does the Act entail?

- Systems categorised as unacceptable risks will be banned while those termed high risk will undergo a compulsory fundamental rights impact assessment before being released into the market and will be labelled with a CE mark.
- **General Purpose AI (GPAI) systems** and the models on which they are based are required to follow transparency obligations. These include adhering to the EU copyright law, preparing technical documents, and releasing the summary of the training material for these GPAI systems.
- Also, more advanced GPAI systems will be subject to stricter regulations. No limitations on the use of limited risk systems are placed apart from the recommendation of using voluntary codes of conduct.

Exceptions:

- Use of unacceptable risks AI systems will be allowed only in the case of very serious crimes. However, it will be subject to judicial approval with a defined list of crimes.
- There will be certain areas where the act will not apply at all: military or defence; systems used only for research and innovation; and used by people for non-professional purposes.

Governance structure:

- It is expected that the act will be enforced by competent national agencies in each of the 27 member states.
- On the European level, the European AI Office will be tasked with the administration and enforcement of the act while there will also be a European AI Board in an advisory capacity and will be composed of member states' representatives.

- To help **small and medium enterprises (SMEs)** grow, provisions for “Regulatory sandboxes” and “real-world testing” have been included.
- Citizens have also been given the **right to seek redressal** under the AI regime. They will be able to file complaints and “receive explanations about decisions based on high-risk AI systems that impact their rights.”
- **Penalties** will be imposed in case of violations of rules and will range from 7.5 million Euros to 35 million Euros (or as a percentage of turnover whichever is higher). However, smaller companies will be given a respite as their fines will be capped.

Pros:

- The risk-based approach that the act follows is an innovative way of dealing with the myriad challenges that AI is expected to pose.
- It also balances the needs of law enforcement along with citizens’ rights.
- The provision of a fundamental rights impact assessment keeps the citizens’ welfare at the forefront. Likewise, empowering citizens to seek redressal enables a powerful citizenry.
- The provisions which help the SMEs grow are also commendable.

Cons:

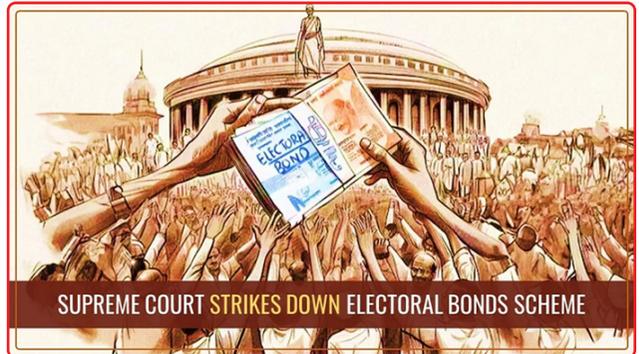
- The fear of over-regulation has been voiced by different quarters about some of the stringent provisions (like high fines) of the Act with observers opining that it might lead to stifling innovation.
- The Act envisions the setting up of a European AI Office and regulators in all the member states which could prove to be difficult as there is less room for budgetary manoeuvre at present.
- The original draft text of the Act still remains to be finalised. This opens another set of possibilities as this process can take as long as after the European parliamentary elections scheduled for June 2024.
- The Act might get derailed if member states are not satisfied with the final provisions of the Act and if they see them infringing on their own powers.
- Apart from that, the Act won’t completely come into force before 2026. Considering the speed of AI development, there is a possibility that the Act might be found wanting in certain areas.

What’s next?

- With the AI Act, the EU has taken the first steps towards using and developing AI in a responsible manner. This places it ahead of its peers like the United States and the United Kingdom when it comes to regulating AI.
- This legislation has the potential to become a benchmark in AI regulation as was the case with the GDPR for data privacy and protection.
- However, the EU needs to make sure that the Act in its final form, balances the protection of citizens’ rights

with the need to give a push to innovation while at the same time, retaining sufficient flexibility to remain relevant with the speed of AI development.

THE CLEAR MESSAGE IN THE COURT’S ‘NO’ TO ELECTORAL BONDS



Context:

- The judgment of the Supreme Court of India, on February 15, 2024, striking down the electoral bonds scheme, is a landmark moment. Democracy requires transparency and the fact is that the electoral bonds scheme was opaque.
- Voters in India have no idea who has been funding political parties and the amounts given. In all leading democracies, transparency is the basis of campaign funding. The Court has restored that transparency.

Legal Issues:

Limit on funding by a corporate house or organisation:

- The judgment says: “The chief reason for corporate funding of political parties is to influence the political process which may in turn improve the company’s business performance...”
- Electoral bonds also removed the earlier limits on how much of its profits a company could donate to political parties. The scheme even allowed loss-making companies to make donations.
- This could have opened the door for shell companies to be formed with the purpose of channelling funds to political parties.
- The Election Commission of India has said, “This opens up the possibility of **shell companies being set up for the sole purpose of making donations** to political parties.” This too has been reversed by the Court.
- Democracies went through a phase of crony capitalism, where big money funded political parties. In return, laws, policies, schemes and incentives were made for the benefit of the donors. In a limited way, the Supreme Court’s judgment prevents this from happening in India.

Amendment to the Finance Bill:

- In any country, the central bank alone has the authority to issue currency such as notes and bonds.

- Section 31 of the Reserve Bank of India (RBI) Act says "only the RBI or the Central Government authorized by the RBI Act shall draw, accept, make or issue any bill of exchange or promissory note for payment of money to the bearers of the note or bond".
- The **Government amended the RBI Act using a Finance Act**, and allowed under a new clause 31(3), **the central government to authorise any scheduled bank to issue electoral bonds**. This amendment to the Finance Act too has been struck down.
- The **Amendment to the RBI Act was passed in a Finance Bill** as this does not have to be passed by the Rajya Sabha. At the time of the introduction of the electoral bonds scheme, the ruling party did not have a majority in the Rajya Sabha and wanted to avoid a vote in the Upper House. **Electoral bonds have nothing to do with the provisions for a Finance Bill**.
- Again, a **number of laws were amended to introduce the electoral bonds** such as the RBI Act 1934, the Representation of the People Act (RPA), 1951, the Income Tax Act 1961, and the Companies Act 2013.
- It was in response to a **Central Information Commission (CIC) ruling** that political parties have to be completely transparent about their funding. The electoral bonds were introduced to **bypass the CIC ruling**.

Fundamental issues in a democracy:

- Any government with a majority can pass any Bill, which becomes law. There is no concept of an independent vote in India and ruling party members have to vote in favour of the government unlike in the United States.
- This means that a few people at the top of a ruling party can get almost any law they want passed. In the case of electoral bonds, processes for public consultation, and discussions in Parliament were not followed.

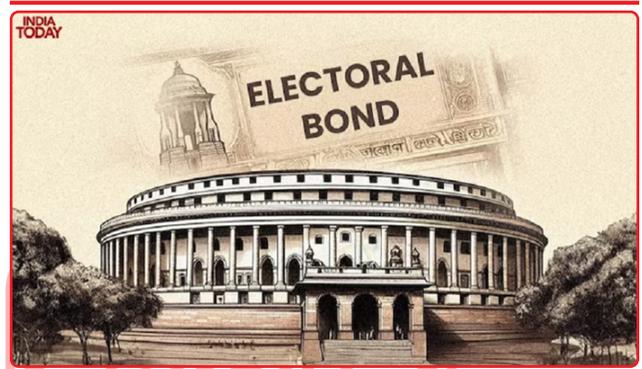
Summary of the Supreme Court judgment:

- The electoral bonds scheme has been struck down.
- All Amendments to the RPA Act, the Finance Act 2017, and the Companies Act 2013 are violative of Articles 19 and 14 of the Constitution.
- Article 19 refers to the right to information, and Article 14 to the right to equality, where arbitrariness in law is not permissible. These Articles are part of the Fundamental Rights in the Indian Constitution, and cannot be violated.
- The Supreme Court has directed the State Bank of India (SBI), the sole bank receiving funds in exchange for electoral bonds, to stop issuing them.
- The SBI has to submit the full details of all electoral bonds that have been issued so far, to the Election Commission of India (ECI) by March 6, 2024. In turn, the ECI has to publish this information on its website within two weeks.

Conclusion:

- The two constitutional bodies, the ECI and the Supreme Court, have acted in favour of democracy. The power of judicial review of laws passed by Parliament on the basis of the Constitution is precious.
- The issue of money in elections, which includes the use of black money and bribing of voters using campaign funds and freebies, remains. It is said that the price of democracy is eternal vigilance.
- The Supreme Court's judgment is the outcome of vigilance by citizens. We need political parties, but it is up to us to ensure that they work for the good of society and the nation.

WHY DID THE SC INVALIDATE ELECTORAL BONDS?



Why in news?

- The Supreme Court has declared the Electoral Bonds Scheme as unconstitutional. Donor anonymity was the main feature of the scheme, which has been criticised for long by transparency activists. These bonds constituted an important means of funding political parties since 2018.
- The court found that the scheme violated the citizens' right to information about the sources of finances raised by political parties. It directed the full disclosure of all details of contributors, recipient parties and denominations.

What was the scheme?

- An electoral bond is in the nature of a promissory note which shall be a bearer banking instrument that does not carry the name of the buyer or payee.
- Any citizen or company could buy these bonds in denominations of ₹1,000, ₹10,000, ₹1 lakh, ₹10 lakh, and ₹1 crore and donate it to a political party.
- It can be encashed only through a bank account with an authorised bank. The State Bank of India was the bank authorised to issue and encash these bonds.

What changes were made for the scheme?

- **Section 13A of the Income Tax Act** earlier said political parties must maintain a record of contributions above ₹20,000.

- The **Finance Act 2017** amended this to make an exception for contributions through electoral bonds. As a result, parties were not required to maintain any record of what they received through the bonds.
- **Section 29C of the Representation of the People Act (RPA), 1951**, earlier said parties should prepare a report on contributions in excess of ₹20,000 from any person or company in a financial year.
- This was amended in 2017 to the effect that contributions through electoral bonds need not be included in the report.
- Under **Section 182(3) of the Companies Act**, companies were required to disclose details of contributions to a political party, including the amount and the party's name, in its profit-and-loss account. However, after the amendment, it was only required to reveal the total amount given to parties in a financial year.

How did the government defend it in court?

- The government's main points in defence of the scheme was that it allowed any person to transfer funds to political parties of their choice through legitimate banking channels and helped prevent unregulated contributions through cash.
- The confidentiality assured to the donors is beneficial to them as it promotes contribution and clean money to political parties. The use of banking channels will curb the role of black money in election funding and anonymity ensures that the donors do not fear retribution or coercion from parties to which they have not contributed.
- The government claimed that citizens did not have a general right to know the funding of political parties. The right to know was not general in nature, but one evolved by courts for the specific purpose of enabling the voter's choice of electing clean candidates.

What did the SC rule?

- In past judgments, the apex court has held that voters have a right to information that is essential for them to exercise their freedom to vote. The court, therefore, held that information about funding to a political party is essential for a voter to express the freedom to vote in an effective manner.
- The Electoral Bond Scheme, to the extent that it infringes on this right to information by anonymising contributions through bonds, **violates Article 19(1)(a)**, which pertains to freedom of expression.
- As far as the purpose of curbing black money was concerned, the court applied a proportionality test, viz., whether the abridging of the voters' right to know through donor anonymity was achieved through the least restrictive means.
- It said alternatives such as funding through electronic transfer (for small contributions) and donations to an Electoral Trust (for larger amounts) were available.
- As the government was unable to establish that the scheme is the least restrictive means to balance the right of **"informational privacy"** to contributors and the right to information on political contributions, the amendments to IT Act and RPA were unconstitutional.

Companies Act:

- On the changes to the Companies Act, it ruled that the deletion of the disclosure requirement on details of contributions violated the voter's right to information. Also, the scheme allowed both profit-making and loss-making companies to make political contributions.
- Earlier, companies could only donate a percentage of their net profit. As the harm in the form of quid pro quo is much higher in the case of loss-making companies, the amendment was ruled manifestly arbitrary.

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