



2022



YOJNA IAS

WEEKLY CURRENT AFFAIRS

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CURRENT AFFAIRS

AUG & SEP 2022



Appointment of CJI

News: Appointment of Justice Ramana as 49th CJI and successor of Justice UU Lalit.

GS Paper 2: Structure, Organization and Functioning of the Judiciary; Appointment to various Constitutional Posts.

Who appoints the Chief Justice of India (CJI)?

- The Chief Justice of India and the other judges of the Supreme Court are appointed by the President under clause (2) of Article 124 of the Indian Constitution.
- Article 124 mentioned that appointment by the President is to be done "after consultation" with judges of the Supreme Court, as the President may "deem necessary".
- Article 217, which deals with the appointment of High Court judges, says the President should consult the CJI, Governor, and Chief Justice of the High Court concerned.
- The tenure of a CJI is until they attain the age of 65 years, while High Court judges retire at 62 years.

Who can become the Chief Justice of India?

Apart from being an Indian citizen, the person must

- (a) have been for at least five years a Judge of a High Court or of two or more such Courts in succession or

- (b) have been for at least ten years an advocate of a High Court or of two or more such Courts in succession, or
- (c) be, in the opinion of the President, a distinguished jurist.

What is the system followed for recommending and appointing judges?

- While appointment of judges, the collegium system is followed, the Collegium system consists of five senior most judges of the Supreme Court and the High Courts.
- The government gets a background inquiry done by the Intelligence Bureau (IB) at times from the names first suggested for appointment by the collegium. While the government can also raise objections, usually the collegium's will prevails.
- However, it is to be noted that the term "collegium" is not mentioned in the constitution, which only speaks of consultation by the President.
- In the last few years, the common understanding was that the independence of the judiciary from the executive was to be guarded in matters of appointments.
- Usual convention is that the senior most judge of the court after the chief justice (in terms of the years served) is recommended as the successor. This convention was memorably discarded by former Prime Minister Indira Gandhi, who appointed Justice AN Ray as CJI in 1973 over his seniors for a CJI more favorable to her regime.

What are the government's Memorandum of procedure for the appointment of Supreme Court Judges?

- According to the government's Memorandum of procedure for the appointment of Supreme Court Judges, seniority is to be the norm. It says the Union Minister of Law, Justice and Company Affairs seeks the recommendation of the outgoing Chief Justice of India for the appointment of the next CJI.
- After the collegium's recommendations are finalized and received from the CJI, the Law Minister will put up the recommendation to the Prime Minister who will advise the President on the matter of appointment.

What were the various cases leading to the current system of appointment?

- First Judges Case(1981): In this case it was held that recommendation made by the CJI to the President can be refused for “cogent reasons”. This meant the President or the executive would be in a more influential position in deciding appointments.
- Second Judges Case (1993): SC introduced the Collegium system, holding that “consultation” really meant “concurrence”. It added that it was not the CJI’s individual opinion, but an institutional opinion formed in consultation with the two senior-most judges in the SC.
- Third Judges Case(1998): Now, the SC expanded the collegium in which decisions are to be taken by a majority of the five senior most judges.

What is the procedure for removal of CJI?

- The constitution states: “A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting”, with the address in the same session presented to the President for removal on one of the two grounds – proved misbehavior or incapacity.
- While the Constitution does not use the word ‘impeachment’, it is colloquially used to refer to the proceedings under Article 124 (for the removal of a Supreme Court judge) and Article 218 (for the removal of a High Court judge).

What are the various steps for removal of judges from office?

The procedure for removal of judges is elaborated in the Judges Inquiry Act, 1968. The Act sets out the following steps for removal from office:

- Under the Act, an impeachment motion may originate in either House of Parliament. To initiate proceedings: (i) at least 100 members of Lok Sabha may give a signed notice to the Speaker, or (ii) at least 50 members of Rajya Sabha may give a signed notice to the Chairman. The Speaker

or Chairman may consult individuals and examine relevant material related to the notice. Based on this, he or she may decide to either admit the motion or refuse to admit it.

- If the motion is admitted, the Speaker or Chairman (who receives it) will constitute a three-member committee to investigate the complaint. It will comprise: (i) a Supreme Court judge; (ii) Chief Justice of a High Court; and (iii) a distinguished jurist. The committee will frame charges based on which the investigation will be conducted. A copy of the charges will be forwarded to the judge who can present a written defence.
- After concluding its investigation, the Committee will submit its report to the Speaker or Chairman, who will then lay the report before the relevant House of Parliament. If the report records a finding of misbehaviour or incapacity, the motion for removal will be taken up for consideration and debated.
- The motion for removal is required to be adopted by each House of Parliament by: (i) a majority of the total membership of that House; and (ii) a majority of at least two-thirds of the members of that House present and voting. If the motion is adopted by this special majority, the motion will be sent to the other House for adoption.
- Once the motion is adopted in both Houses, it is sent to the President, will issue an order for the removal of the judge.



Sharad

Aadhaar-Voter ID linkage

News: Reports have surfaced online of instances where block level officers have asked individuals to link their Aadhaar with their Voter IDs, failing which their Voter IDs could be canceled.

GS Paper 2: Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation; E-governance- applications, models, successes, limitations, and potential.



What are the recent amendments in Representation of the People Act, 1950?

Election Laws (Amendment) Act, 2021 passed in parliament to amend the Representation of the People Act, 1950.

- Section 23(4) was inserted in the Representation of the People Act, 1950. It states that the electoral registration officer may “for the purpose of establishing the identity of any person” or “for the purposes of authentication of entries in electoral roll of more than one constituency or more than once in the same constituency” for citizens already enrolled, require them to furnish their Aadhaar numbers.
- Changes in the Registration of Electors Rules, 1960. Rule 26B was added to provide that “every person whose name is listed in the roll may intimate his Aadhar number to the registration officer”.
- Form 6B provides the format in which Aadhaar information may be submitted to the electoral registration officer. Form 6B provides the voter to either submit their Aadhaar number or any other listed document. However, the element of choice that has been incorporated in the amendments seem to be negated or at the very least thrown into

confusion.

What are the reasons behind linking voter IDs with Aadhaar?

- Coverage of Aadhaar exceeds that of any other officially valid document such as driver's license, ration cards, PAN cards etc that are mostly applied for specific purposes. At the end of 2021, 99.7% of the adult Indian population had an Aadhaar card.
- Due to Biometric authentication Aadhaar based authentication and verification is more reliable, quicker and cost efficient.
- Linkage of voter IDs with Aadhaar will clean up the electoral rolls by weeding out duplicate entries, bogus voters and making the electoral process more credible.
- As per the government, linkage of Aadhaar with voter IDs will assist in ensuring that only one Voter ID is issued per citizen of India.
- Streamline electoral rolls and the process of registration of migrated voters without duplication in the rolls and to curb the menace of multiple enrolment of the same person in different places.
- The changes in the Election laws will allow the Electoral Registration Officers to seek Aadhaar of individuals who wish to register as voters and from individuals who are already registered as voters to establish the identity of the voter.
- Digital and remote voting process as a voter being able to vote from different locations across the country or abroad, even while they are traveling.

What are various concerns associated with linking voter IDs with Aadhaar?

- Confusion throughout Election Laws (Amendment) Act, 2021 whether the linkage of the Aadhaar with Voter ID is optional or not made the choices complicated. Rule 26B of Registration of Electors Rules, 1960 provide assurances by both the government and the EC that linkage of the Aadhaar with Voter ID is optional while on the other hand Form 6B provides the format of submission of Aadhaar information where the

option to submit other listed documents is exercisable only if the voter is “not able to furnish their Aadhaar number because they do not have an Aadhaar number”.

- Already there are several discrepancies and errors are widespread across various government schemes linked with Aadhaar. As per the Unique Identification Authority of India in 2018, Aadhaar based biometric authentication had a 12% error rate.
- Constitutional violation as Supreme Court in Lal Babu Hussein case (1995), had held that the Right to vote cannot be disallowed by insisting only on four proofs of identity — voters can rely on any other proof of identity and obtain the right to vote.
- May turn into futile exercise: As Aadhaar is only a proof of residence and not a proof of citizenship. Therefore, verifying voter identity against this will only help in tackling duplication but will not remove voters who are not citizens of India from the electoral rolls.
- Violations to an individual’s right to privacy granted under Puttaswamy Judgment (Aadhaar Card judgment): It needs to be considered whether requiring an Aadhaar holder to mandatorily provide Aadhaar for authentication or verification would not be considered violative of their informational autonomy (right to privacy) which would allow them to decide which official document they want to use for verification and authentication.
- Linkage may help in creating voter profiles based on age, location, religion, etc which may be used to influence the voting process. Since, there are inadequate data protection laws, this will also mean that the party in power may be able to access, misuse the data and manipulate the results. Voter profiling will also lead to possibilities of data weaponization which in turn shall mean disaster for democratic processes.
- Reports of Coercions despite clarifications from various government authorities that the linking of Aadhaar with the voter identity card is “voluntary”, there have been instances of people being warned by booth-level officers that their voter ID would be canceled if it is not linked to their Aadhaar number.

- Linkage may lead to selective disenfranchisement of a certain class of voters who opposes to a particular political ideology. For example: Recently, Aadhaar-linkage with voter identity cards in the Assembly elections in Telangana and Andhra Pradesh led to the arbitrary deletion of eligible voters on a large scale.

Way Forward:

- Enable prior consent mechanism by providing control, rights, and options to the citizens to define the usage of their personal data by government agencies, in context to all linked ids and define robust policies which will use the personal data precisely in proportion to the welfare needs of the population.
- Proper data protection law that clearly defines the jurisdiction of legislature, executive and judiciary.
- ECI should limit itself to utilizing existing proofs for voter authentication and Aadhaar declaration should remain voluntary.
- Government should clarify through correction in Form 6B that the linking is not mandatory and expedites the enactment of a data protection legislation that allays concerns of unauthorized processing of personal data held by the government.

Sharad

The Panchayats (Extension to the Scheduled Areas)

Act (PESA Act).

News: Aam Aadmi Party (AAP) promised “strict implementation” of The Panchayats (Extension to the Scheduled Areas) Act (PESA Act).



GS Paper 2: Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation; Mechanisms, Laws, Institutions and Bodies constituted for the Protection and Betterment of these Vulnerable Sections.

History of PESA

- To promote local self-governance in rural India, the 73rd constitutional amendment was made in 1992. Through this amendment, a three-tier Panchayati Raj Institution was made into a law. However, its application to the scheduled and tribal areas under Article 243(M) was restricted.
- After the Bhuria Committee recommendations in 1995, Panchayat Extension to Scheduled Areas (PESA) Act 1996 came into existence for ensuring tribal self-rule for people living in scheduled areas of India.

What is The Panchayats (Extension to the Scheduled Areas) Act (PESA Act)?

- The PESA Act was enacted in 1996 “to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas”. (Other than Panchayats, Part IX, comprising Articles 243-243ZT of the Constitution, contains provisions relating to Municipalities and Cooperative Societies.)
- Under the PESA Act, Scheduled Areas are those referred to in Article 244(1), which says that the provisions of the Fifth Schedule shall apply to the Scheduled Areas and Scheduled Tribes in states other than Assam, Meghalaya, Tripura, and Mizoram.
- The Fifth Schedule provides for a range of special provisions for these areas.

What are the salient features of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)?

- Legislation on Panchayats shall be in conformity with the customary law, social and religious practices and traditional management practices of community resources.
- Habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs; and shall have a separate Gram Sabha.
- Every Gram Sabha to safeguard and preserve the traditions and customs of people, their cultural identity, community resources and the customary mode of dispute resolution.
- The Gram Sabhas have roles and responsibilities in approving all development works in the village, identifying beneficiaries, issuing certificates of utilization of funds; powers to control institutions and functionaries in all social sectors and local plans.

What are the powers and functions of Gram Sabha or Panchayats under the PESA Act?

Gram Sabhas or Panchayats at appropriate level shall have following powers

- To Manage minor water bodies
- Power of mandatory consultation in matters of land acquisition.
- Resettlement and rehabilitation and prospecting licenses/mining leases for minor minerals
- Power to prevent alienation of land and restore alienated land.
- Regulate and restrict sale/consumption of liquor.
- Manage village markets, control money lending to STs.
- Ownership of minor forest produce.

How is the PESA Act, 1996 supposed to work?

- The PESA Act was enacted to ensure self-governance through Gram Sabhas (village assemblies) for people living in the Scheduled Areas.
- It recognises the right of tribal communities, who are residents of the Scheduled Areas, to govern themselves through their own systems of self-government, and also acknowledges their traditional rights over natural resources.
- In pursuance of this objective, the Act empowers Gram Sabhas to play a key role in approving development plans and controlling all social sectors. This includes the processes and personnel who implement policies, exercising control over minor (non-timber) forest resources, minor water bodies and minor minerals, managing local markets, preventing land alienation and regulating intoxicants among other things.
- State governments are expected to amend their respective Panchayati Raj Acts without making any law that would be inconsistent with the mandate of PESA.

Sharad

An Estimate of the period of N. V Ramana as the Chief Justice of India

Context: Justice N. V Ramana was the 4th CJI who retired in the last days. He was the second CJI from Andhra Pradesh. His period has been the period of many benchmark judgments. Hence His period, after his retirement should be estimated

Introduction :

After the K. Subbarao, N. V Ramana was the CJI from Andhra Pradesh. He was appointed as a judge in 2000 in the High court (NDA was in

government) and in the supreme court in Feb 2014 (At the time of the UPA government)

One of the most striking flaws of the leadership of Justice Ramana was exposed in his farewell comment where he accepted and acknowledged and even apologized for the breakdown of the listing and posting of cases speaks to a far deeper institutional malaise

Judiciary is the most significant pillar of democracy. If the public loses all its hope, the public sees towards Judiciary with high hope. Therefore, the responsibility and accountability of the Judiciary increase more in comparison to other institutions of the democracy

Evaluation of Justice Ramana

When Justice Ramana took charge as the CJI, SC was considerably weakened as an institution. After the nomination of Rajya Sabha member of Ranjan Gogoi, ex CJI, the judiciary as an institution had become weak and incredible up to a certain extent. After the appointment of Ramana, he once successfully brought back the lost prestige and credibility of the Judiciary. Orders on bail under UAPA, fixing the gap in dowry death law, medical assistance to Siddhique Kappan and powerful speeches on the criticism, and dissent in a democracy are important elements through which he successfully brought back the prestige of CJI and Judiciary

But in some manner his judicial contribution was disappointing. His order keeping the sedition law was most disappointing. His ignorance of constitutional questions that were political minefields like a case of electoral bonds, dilution of article 370, the constitutional validity of citizenship, the Hijab ban in school, and reservation for EWS was the big drawback of his administration. Because these were the most important subject for the Indian democracy and these should be listed and resolved on urgent bases

The hearing on Pegasus was also a big and important issue for democracy. How only very limited parts of the pegasus committee's report were revealed continues the troubling trend of secrecy and opaqueness

in fact-finding in such a manner. This is a big failure of the Judiciary.

For the last few days, the debate on the freebies is going on. Justice Ramna, in his tenure, could not give any decision on this also.

Bright Spot in administration

The period of Justice Raman would be remembered as a good administrator. Before his appointment, there was a deadlock of collegium recommendations. He resolved these deals lock. Justice Rama also ended up ensuring that India will have its first CJI. The failure to elevate Justice Akil Kureshi to the Supreme court despite his seniority, performance, and reputation and the decision to transfer Justice Sahib Banerji from being the Chief justice of the Madras High court to the Meghalaya High court needed an answer that never come

Conclusion

Since Judiciary is also a democratic institution so the functioning of the Judiciary should be also elevated on the ground of its efficiency and partiality. However, the decisions of the Judiciary should not be criticized because it would hamper the credibility and the prestige of the Judiciary but They should be evaluated. As per the above discussion, the period of NV Ramana would be remembered in history for this better administration, but simultaneously this period would also be remem-

bered for ignoring the most important issues for Indian democracy.

Anshul

PIN Code@50 years

News: Postal Service's PIN Code Turns 50

GS Paper 2: Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation.

GS Paper3: Science and Technology- Developments and their Applications and Effects in Everyday Life.



What is a Postal Index Number (PIN)?

- Postal Index Number (PIN) is a six-digit code (PIN) code introduced by India Post on August 15, 1972.
- It is an alpha-numeric or numeric number that is included in the postal address for easy identification of the sorting-district and the addressee's delivery post office.
- The postal code, known with different names in different countries viz. postcode, zip code, etc. The Universal Postal Union says that 160 countries of the world have so far introduced postal codes.

What is the history of the Postal Code?

- The codes were introduced nationwide in Germany in 1944, Singapore (1950), Argentina (1958), the U.S. (1963), Switzerland (1964), India (1972), and the U.K. (1974).
- Introduction of sorting machines in the West in the 1960s also necessitated the introduction of codes since the machines could not read the addressee's post office easily if described in writing.

What are the effects of Postal Code?

- Postal Index Number (PIN) gave unique identity to all physical addresses of the country in terms of the delivery jurisdiction of the post offices.
- PIN code helped in bypassing inaccurate addressing and ensured accurate and fast delivery by post offices.
- Post code revolutionized the system of manual postal sorting as the sorters are not required to keep in memory the locations of thousands of post offices.

- With the introduction of computerized billing by utility service providers and the launching of KYC norms by banks, where providing complete and accurate addresses is mandatory, the proportion of PIN-coded mails in India improved.

What are the current issues faced by PIN Code?

- Even after five decades, a substantial volume of mail in India is not PIN coded. Government's effort to educate the citizens to write the PIN code of the addressee on the mail. succeeded to a very small extent.
- Delay in processing at the sorting centers as in cities such as Delhi and Kolkata, where sorting work is done by machines, mails without PIN code must be coded separately before they are put to the sorting machine.
- With the revolution of mobile telephony in the last two decades Personal mail has almost vanished .Major volumes in the Postal system are documents and e-commerce parcels where there is stiff competition from the couriers.
- Manual Beat sorting at the post office delays the process: The PIN code helps in taking a piece of mail to the addressee's post office. The delivery jurisdiction of the post office is normally divided into beats and there is a postman assigned to each beat.

Way Forward:

- Integrating the beat code with the six-digit PIN code: The PIN code in that case will not only identify the addressee's post office but also the concerned beat. If the post office makes the mobile number of the delivery person of the beat available, citizens may even leave instructions to him regarding his convenience to take delivery.
- Change in Method of Beat-sorting: Beat -sorting currently done at the level of the post office, can be done in the circle hub, if the beat code is integrated with the PIN code.
- Utilization of new machinery such as letter sorting machines, flat sorting machines (handling packets) and parcel sorting machines

- Making the concept of sorting-district redundant as with the dwindling volume of personal mail, it is not impossible to sort all incoming mail and shipments at one circle or regional hub.
- Centralize the parcel delivery centers and mechanize the beat as the logistic system associated in processing of e-commerce articles is intrinsically different from that of handling personal mails. A postman used to go to his beat in a bicycle along with a hundred mail pieces for delivery. But he needs a vehicle for delivery of fewer e-commerce parcels.
- Rationalization of PIN codes as the system of postal code that was introduced 50 years back may not be operationally relevant in the new role of a post office.
- Before rationalizing the PIN code, one thing that needs to be kept in mind is that though the code was originally designed to help postal operations, today it is used by couriers, e-commerce players and various other service providers as a means of locational identification of a person

Sharad

Social Security/ Universal Basic Insurance(UBI)



What is social security?

- Social security is the protection that a society provides to individuals and households to

ensure access to health care and to guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner.

- Social security mainly encompasses food security, health security and income security.
- Social security systems are like a safety net placed at a critical survival line.
- India operates the widest spectrum of social security schemes which cater to the largest number of people than any other country.

What are the types of social security nets?

- Passive safety net which catches those falling from line of basic living wages and prevents a fall below critical survival line. This is basically a social assistance programme meant for the most income-deprived sections of society.
- Active safety net which works like a trampoline so that those who fall on it are able to bounce back to the line of basic living wages. This safety net is a scheme with a higher outlay.
- Proactive safety net which acts like a launchpad so that those who fall on it will not only bounce back but will also move up beyond the line of basic living wages. This social security net is the most desirable option but requires immense resources and institutional capacity.

What are the various spectrum of Indian social security programmes ?

- For food security: India provided heavily subsidized food grain under the National Food Security Act (NFSA) to over 800 million beneficiaries. Under NFSA, about 120 million children are provided free lunch under the Mid-Day Meal Scheme. In addition, some 50 million people benefit from the free meals programme run by a few State governments.
- On the health security front, for the unorganized sector, there is the Ayushman Bharat Scheme of the central government with over 490 million beneficiaries. In the organized sector, the Central government runs the Employees State Insurance Corporation (ESIC) and Central Government Health Scheme (CGHS) catering to 130 million and four million beneficiaries, respectively. Health insurance schemes run by various State governments cover about 200 million people.
- Schemes to ensure Income security in the organized sector: there are three types of provident fund schemes: General Provident Fund (GPF) which is availed by about 20 million Central and State government employees in the country. The second is the Employees' Provident Fund (EPF) which is available to about 65 million workers in the other organized sector. The third is Public Provident Fund (PPF) that can be availed by any Indian citizen but has contributions from the organized sector mostly. There are about 53 million New Pension Scheme subscribers in the country .
- Schemes to ensure income security in the unorganized sector: Pradhan Mantri Kisan Maan-Dhan Yojana (PM-KMY) and the PM-KISAN scheme is available to about 120

million farmers. Atal Pension Yojana (APY) benefits 40 million people. The Pradhan Mantri Shram Yogi Maandhan Yojana has about five million beneficiaries while there are about 50,000 beneficiaries under the National Pension Scheme for Traders and Self-Employed Persons (NPS-Traders) scheme. The largest unorganised sector income security programme is the scheme under the Mahatma Gandhi National Rural Employment Guarantee Act, which has about 60 million beneficiaries.

What are the issues faced by India in ensuring social security?

- Issues of financial sustainability and leakages in the food security programme.
- Despite these large-scale provisions, about 400 million Indians are not covered under any kind of health insurance. Only about 110 million people in India have private health insurance.
- Informality of the Indian economy as the hurdle in rolling out schemes such as unemployment insurance in the country.
- Implementation of social security schemes such as universal basic income has huge fiscal implications (around 4.5% of GDP), as well as runs the risk of implementation failure due to large-scale beneficiary identification requirements.

Way forward: Case for introduction of Universal Basic Income(UBI).

- Insurance penetration (premium as a percentage of GDP) in India has been hovering around 4% for many years compared to 17%, 9% and 6% in Taiwan, Japan and China, respectively. Universal basic insurance will help in insurance penetration.
- Development of social security portal like 'Kutumba', of Karnataka through the scheme of universal basic insurance as data of that informal sector are now available both for businesses (through GSTIN, or Goods and Services Tax Identification Number) and for unorganized workers (through e-Shram, which is the centralized database of all unorganized workers).

Sharad

The jurisprudence of bail



What is the meaning of Bail?

- The word Bail comes from the French word bailer, which means 'to give or deliver'.
- Bail is referred to as the temporary release of the accused in a criminal case in which the court has a trial pending and is yet to announce the judgment.
- It is held by the person charged concerning the escape or the continuation of criminal activity. The bail is effective the moment a person is arrested.

What are the types of Bail in India?

Types of Bail in India:

- Regular Bail: This kind of bail is granted to the person who has been arrested or is in police custody. It is filed under sections 437 and 439 of CrPC.
- Interim Bail: This is short-term bail granted for a short period of time. It is granted before the hearing for the grant of normal or anticipatory bail.
- Anticipatory Bail: Anticipatory bail falls under section 438 of CrPC by the session court or the high court. A person can apply for anticipatory bail when an individual finds out that he could be arrested for a non-bailable offense. Usually, such situations arise when business rivals and people try to frame false cases against their competitors.

What is the broad spectrum of provisions that govern bail in India?

- The jurisprudence of bail is anchored on the bedrock of Article 21 of the Constitution which safeguards not only life but also liberty by commanding

that liberty can be deprived only through the procedure established by law, which must be “just, fair and reasonable”.

- The Supreme Court in its various judgements has time and again reiterated that “bail is the rule and jail is the exception”.
- A conjoint reading of Section 436 (bailable offences) and 437 (non-bailable offences) of the CrPC makes it clear that the wisdom of the legislature is to secure bail as the rule and jail as the exception.

What is the meaning of pre-arrest bail and statutory bail?

- Pre-arrest bail envisaged under Section 438 of the Code of Criminal Procedure (CrPC) enables the accused to approach a Sessions court or High Court seeking a direction to release him on bail in case he is arrested on a non-bailable offence.
- Statutory bail as conceived under Section 167 of the CrPC, vests with the accused the right to be released if the investigation is not completed within ninety days or sixty days, as the case may be, depending on the severity of the alleged offence.

What are differences between bailable and non-bailable offenses?

- Bailable Offence: The CrPC defines “bailable offence” as an offence which is shown as bailable in the First Schedule of the CrPC, or which is made available by any other law for the time being in force.
- Non-Bailable offence: means any other offence not defined in the first schedule of the CrPC. While bail is a matter of right in bailable offences, in non-bailable offences, the grant of bail is at the discretion exercised by the judge taking note of the factual aspects of the case.

What are the primary purposes of bail in a criminal case?

Supreme Court in Sanjay Chandra vs CBI (2011) case declared the primary purpose of bail

- To relieve the accused of imprisonment.
- To relieve the State of the burden of keeping him, pending the trial.
- To keep the accused constructively in the custody of the Court, whether before or after conviction.
- To assure that he will submit to the jurisdiction of the Court and be in attendance thereon whenever his presence is required.

Why is the grant of bail is fundamentally important in Indian condition?

- Prolonged detention of an accused pending trial may convert the process itself into a punishment rendering a finding of acquittal practically useless as the accused would have suffered much of the punishment by then. Unless bail is granted to an accused who is presumed to be innocent in the eyes of the law until guilt is proven, he may not be able to take the necessary steps lawfully permissible to defend himself. That's why the Supreme Court has time and again reiterated that "bail is the rule and jail is the exception".
- Justice Krishna Iyer in "The issue of 'Bail or Jail'" insists that a developed jurisprudence of bail is integral to a socially sensitized judicial process.

What guides the grant of regular bail?

The grant of regular bail is usually guided by triple test

- The ascertainment of whether the accused is at flight risk.
- Possibility of tampering with the evidence
- Influencing witnesses.
- In addition to the above three Supreme Court in P. Chidambaram Case (2019), held that the gravity of the offence may also be an additional consideration which may be ascertained by the sentence prescribed for the offence alleged to have been committed.

Why is Bail rejected?

- The court has the discretionary power of cancelling bail at any stage.
- This comes under sections 437(5) and 439(2) of the CrPC.
- Grounds of cancellation of bail take place when a person is indulged in criminal activity and misuse of their liberty.
- If the accused interferes with the course of the investigation.
- When the pieces of evidence or witnesses are tampered with.
- The accused flies to another country or threatens the witness, which creates problems with a smooth investigation.
- Being unavailable during the period of investigation and going underground.
- The high court and session court, having the power to grant bail, use their power to cancel the granted bail.
- When the accused is framed under special statutes like the Unlawful Activities Prevention Act, the Narcotic and Psychotropic Substances Act and

the Prevention of Money Laundering Act, all of which impose extremely rigid conditions for the grant of bail.

Sharad

Scheme for Economic Empowerment of Denotified/ Nomadic/SemiNomadic (SEED) Communities

News: Tribe categorisation work delays benefits under SEED.

GS Paper 2: Welfare Schemes for Vulnerable Sections of the population by the Centre and States and the Performance of these Schemes; Mechanisms, Laws, Institutions and Bodies constituted for the Protection and Betterment of these Vulnerable Sections.



Who are DNTs?

- The term 'De-notified Tribes' stands for all those communities which were once notified under the Criminal Tribes Acts, enforced by the British Raj between 1871 and 1947.
- These Acts were repealed by the Independent Indian Government in 1952, and these communities were "De-Notified". A few of these communities which were listed as de-notified were also nomadic.

Who are nomads and semi-nomads?

- Terms such as nomads and semi -nomads are applied to social groups who undertook a fairly frequent, usually seasonal physical movement as part of their livelihood strategy in the recent past.

- The term semi-nomad is mostly used to describe those sections of nomads whose duration, distance and frequency of movement is comparatively less than others.
- The distinction between nomads and semi-nomads does not involve distinguishable ethnic categories or social groups, it rather describes the degree of mobility practiced by them.

What is the status of these tribes in India?

- It has been estimated that South Asia has the world's largest nomadic population. In India, roughly 10 percent of the population is Denotified and Nomadic. While the number of Denotified Tribes is about 150, the population of Nomadic Tribes consists of about 500 different communities.
- Denotified Tribes have almost settled in various States of the country, the Nomadic Communities continue to be largely nomadic in pursuit of their traditional professions.

What are the various efforts undertaken for bringing denotified/nomadic/semi-nomadic communities into the mainstream?

- **Ayyangar Committee, 1949:** The Government of India repealed the Criminal Tribes Act with effect from 31 August 1952 on the recommendations of the Ayyangar Committee.
- **Kalelkar Committee, 1953:** Kalelkar Commission suggested that these tribes should be called "Denotified Communities". The Kalelkar Commission further recommended that "these groups may be distributed in small groups in towns and villages where they would come in contact with other people, and get an opportunity for turning a new leaf. This would help in their eventual assimilation in society".
- **During the first NDA Government the first commission ,2003** to look into the problems of denotified/nomadic/seminomadic communities.
- **Renke Commission , 2008** to give impetus for planned development of these communities.
- **Idate Commission was constituted in 2015** to identify and proper listing of these communities in different states, to evaluate the progress of development of these communities in the states so that a systematic approach can be developed for the development of these communities.
- Based on the recommendation of the Idate commission, the Government of India set up the **Development and Welfare Board for DNTs, SNTs &NTs (DWBDNCs) in 2019.**

What is the Scheme for Economic Empowerment of DNTs, SNTs &NTs (SEED) ?

Scheme for Economic Empowerment of DNTs, SNTs &NTs (SEED) is an umbrella scheme for empowerment of these communities and accordingly, formulated with four components that affect their livelihood.

- **Educational empowerment:**Free coaching to students from these communities for Civil Services, entry to professional courses like medicine, engineering, MBA, etc. The selection of the candidates for each course will be based on system generated merit list through the online portal
- **Health Insurance through Pradhan Mantri Jan Arogya Yojana(PMJAY)of National Health Authority:** The primary objective of the scheme is to provide financial assistance to National Health Authority (NHA) in association with State Health Agencies (SHAs) for undertaking providing a health insurance cover of Rs.Five lakhs per family per year to DNT, NT and SNT families as per norms of “Ayushman Bharat Pradhan Mantri Jan Arogya Yojana.”
- **Livelihoods to support income generation:** The primary objective of the scheme is to provide financial assistance to National Rural Livelihood Mission (NRLM) for undertaking institution building in association with State Rural Livelihoods Mission (SRLM) of state Governments/UTs at community level
- **Housing through Pradhan Mantri Awas Yojana(PMAY) and Indira Awas Yojana(IAY):**Considering the shortage of houses for DNTs, it has been proposed to earmark a separate outlay for PMAY to support specific importance in providing houses only for DNTs living in rural areas who have not taken benefits of the Pradhan Mantri Awas Yojana. The admissible support is Rs 1.20 lakhs in plains and 1.30lakhs in hilly areas (per unit assistance).

Implementation of the SEED

- The Scheme will be implemented through an online portal, developed by the Department of Social Justice & Empowerment. The portal consists of two modules – Registration Module and Scheme Module.

What are the other Schemes for the benefit of DNTs, SNTs and NTs?

Various other Schemes for the benefit of DNTs, SNTs and NTs:

- **Nanaji Deshmukh scheme of Construction of Hostels for DNT Boys and Girls:** This is a centrally sponsored scheme being implemented through State Governments/UT Administrations/ Central Universities. The Scheme aims at providing hostel facilities to students belonging to those DNT students who are not covered under SC, ST or OBC, to enable them to pursue secondary and higher education.

The income ceiling for eligibility is Rs.2.00 lakh per annum. The Central Government will provide a maximum of 500 seats per annum throughout the country. The cost norm under the scheme is Rs.3.00 lakh per seat for the hostel (which is said between Centre and State in 75:25 ratio) and Rs. 5,000/- per seat for furniture.

- **Dr.Ambedkar Pre-Matric and Post-Matric Scholarship for DNTs:** A scheme of Pre-Matric and Post-Matric Scholarships for the benefit of children belonging to DNTs is being implemented. While benefits of reservations, scholarships etc. were available to SCs/STs/OBCs, no such welfare schemes are available for the welfare of these DNTs i.e. those who are not covered under SC, ST or OBC. The Scheme is for bringing about a focused intervention on these classes so that they are empowered socially and economically and their lives are also improved. This scheme is continuous and permanent in nature. The scholarship schemes are for individual beneficiaries not covered under any scheme. The financial assistance would be released to the State Governments/UT Administrations/ Universities/Colleges which would cater to the requirements of the students belonging to DNT communities.

Sharad

Fiscal Federalism

GS Paper 2:Issues and Challenges Pertaining to the Federal Structure.

GS Paper 3: Indian Economy and issues relating to Planning, Mobilization of Resources, Growth, Development and Employment.



What is the meaning of Fiscal Federalism?

- Fiscal Federalism refers to the division of responsibilities with regards to public expenditure and taxation between the different levels of the government.

What are broad principles associated with fiscal federalism?

- **Fiscal equivalency:** According to this principle, the jurisdiction determining the order of provision of each public good should include the set of individuals that consume it. This generally requires a large number of overlapping jurisdictions.
- **Decentralization theorem:** According to the “decentralization theorem” “each public service should be provided by the jurisdiction having control over the minimum geographic area that would internalize the benefits and costs of such provision.
- **Principle of subsidiarity:** The “subsidiarity principle” states that functions should be performed at the lowest level of government.

What are the essential features of Indian Fiscal federalism?

- **7th schedule** acting as a constitutional base for division of resources between governments.
- **Unitary tilt in Indian federalism** as India is a union of states.
- Role of **finance Commission** in fiscal devolution.

Why is Fiscal Federalism important?

- Having a Fiscal Federalism mechanism allows the government to optimize their costs on economies of scale, because in this manner, people will get public service which they prefer, and there will be no unnecessary expenditure.
- From the economic point of view also, having a federalized structure helps as it creates a unified market.

Evolution of Fiscal federalism in India, pre-Independence:

- Contribution from the provinces to the Union in the 1920s.
- **GoI Act 1919 (Montague-Chelmsford reforms)** provided for a separation of revenue heads between Centre & State.
- **GoI Act 1935** established the basic structure of fiscal federalism in India, allowing for sharing of Centre’s revenue and for the provision of grants in aid to provinces.

Evolution of Fiscal federalism in India, post-Independence:

- Post independence center assumed greater importance.
- Single party domination impacts on rules and institutions.
- Problems of intergovernmental co-ordination in the new political environment.

What are the recent issues in India's fiscal federalism?

- **Incongruence of Article 282 of the Constitution with the letter and spirit of the Seventh Schedule.** Article 282 of the Constitution states that “The Union or a State may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which Parliament or the Legislature of the State, as the case may be, may make laws”. Article 282 embodies merely a residuary power to central government but there is excessive use of Article 282 precisely in implementing Centrally sponsored schemes.
- **Fiscal incongruity** due to fiscal consolidation roadmap for sound fiscal management as per Fiscal Responsibility and Budget Management (FRBM) Act.
- **Politicization of institutions such as the Finance Commission:** Since the Finance Commission is a major means of fiscal transfer. But today, the Finance Commission became a politicized institution with arbitrariness and inherent bias towards the Union government.
- **Expenditure of the States has been shooting up, their revenues did not:** The ability of States to finance current expenditures from their own revenues has declined from 69% in 1955-56 to less than 38% in 2019-20. State still spends 60% of the expenditure in the country — 85% in education and 82% in health.
- **Stagnant Revenue of States:** Since States cannot raise tax revenue because of curtailed indirect tax rights — subsumed in GST, except for petroleum products, electricity and alcohol — the revenue has been stagnant at 6% of GDP in the past decade.
- **Increase in non-divisible cess and surcharges that go directly into the Union kitty:** 14th Finance Commission mooted for increased share of devolution from 32% to 42%, was subverted by raising non-divisible cess and surcharges that go directly into the Union kitty. But, the non-divisible pool in the Centre's gross tax revenues shot up to 15.7% in 2020 from 9.43% in 2012, shrinking the divisible pool of resources for transfers to States.
- **Recent drastic cuts in corporate tax,** with its adverse impact on the divisible pool, and ending GST compensation to States have had huge consequences.
- **Exploitation of interest rate differentials by the Union government:** States are forced to pay differential interest about 10% against 7% by the Union for market borrowings. That increased surplus cash in the balance of States that money borrowed at higher interest rates invested by Reserve Bank of India (RBI), in short treasury bills issued by the Union at lower interest rate.
- **Implementation of central schemes:** Autonomy of the states were curbed by turning them into mere implementing agencies of the Union's schemes. There are 131 centrally sponsored schemes, with a few dozen of them accounting for 90% of the

allocation, and States required to share a part of the cost. They spend about 25% to 40% as matching grants at the expense of their priorities.

- **Conceptions of Central schemes, are** driven by the one-size-fits-all approach, are given precedence over State schemes, undermining the electorally mandated democratic politics of States.
- **Violation of constitutional provision** due to Diversion of a State's own funds to centrally sponsored schemes, thereby depleting resources for its own schemes. Implementation of centrally sponsored schemes on an item that is in the State list.
- **Conflict over issues related to Goods and Services Tax (GST)** such as the rate structure, inclusion and exclusion of commodities, revenue sharing from GST and associated compensation.
- **Deepening socio-economic inequality due to political centralisation:** The poorest half of the population has less than 6% of the wealth while the top 10% nearly grab two-third of it. India has a poor record on taxing its rich. Its tax-GDP ratio has been one of the lowest in the world — 17% of which is well below the average ratios of emerging market economies and OECD countries' about 21% and 34%, respectively.
- **Reliance on Indirect taxation for raising revenue:** Indirect tax still accounts for about 56% of total taxes. Instead of strengthening direct taxation, the Union government slashed corporate tax from 35% to 25% in 2019 and went on to monetize its public sector assets to finance infrastructure.
- **Inter-state disparities:** There are inter-state disparities due to inequities in planning.
- **New era of political centralization and cultural nationalism** drives today's fiscal policy neglecting concerns of socio-economic inequities.



What are the mechanisms to resolve issues related to fiscal federalism?

- Issues related to GST have a forum for discussions as they are usually the agenda for GST council meetings.
- Other matters are generally flagged by the Finance Ministry based upon reports and studies done by the Reserve Bank of India (RBI) and the Comptroller and Auditor General of India.

Way Forward:

- **Restructure Seventh Schedule i.e. the allocation of centre-state responsibilities** while keeping in mind development of Indian value chain and national priorities and notable policy initiatives like Swachh Bharat, the New Education Policy, Ayushman Bharat and Swachh Jal through Jal Jeevan Mission that transcend boundaries.
- **Rationalization of centrally sponsored schemes** and central outlays through central entities that took overview of number and forms of centrally-sponsored schemes.
- **Clearly define the role of the National Institution for Transforming India (NITI Aayog)**, which is primarily a think tank institution and not a financial body, in the financial sphere.
- **Continuous reforms in public finance management (PFM) systems** that will help us to rethink the design and structure of a genuine fiscal partnership.
- **Rebuilding Institutional Capacity** by reviving institutions like Inter-State Council after abolition of Planning Commission.
- **More effective devolution of funds to local bodies** by giving them more taxation powers.

Sharad

Leopard

News: 60 percent rise in Leopard population across the Country; India now has 12,852 leopards.

About Leopard:

- The leopard (*Panthera pardus*) is the smallest species of the genus *Panthera*.
- In India, the leopard is commonly known as “panther”.

- Leopards have small round rosettes, or rose-shaped patterns, all over a generally yellow body coat colour.
- The coat colour and rosettes may vary slightly under different environmental conditions across its distribution range throughout the world.
- Leopard is an expert tree climber, the animal is known for carrying its prey up into trees to a safe height so that it can devour its prey at leisure
- **Ranges:** All of the sub Saharan and North Africa, the Middle East and Asia Minor, South and Southeast Asia, and extended to the Amur Valley in the Russian Far East. Island ranges included Sri Lanka, Java, Zanzibar and Kangean.
- **Ranges of Leopard in India:** Forested habitats in tiger range areas of the country but other leopard occupied areas such as non-forested habitats (coffee and tea plantations and other land uses from where leopards are known to occur), higher elevations in the Himalayas, arid landscapes and majority of North East landscape.
- **Habitats:** It occurs in almost every kind of habitat, from the rainforests of the tropics to desert and temperate regions. Indian subspecies, *Panthera pardus fusca*, is found in all forested habitats in the country, absent only in the arid deserts and above the timberline in the Himalayas. In the Himalayas they are sympatric with snow leopards.



Reasons for loss of leopard population:

- Habitat loss.
- Prey depletion
- Human Wild -Life Conflict: Leopards frequently occur outside protected areas in human dominated landscapes, increasing their vulnerability to conflict with humans.
- Poaching.

Conservation Status of Leopard:

- **International Union for Conservation of Nature (IUCN): Vulnerable**
- **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES): Appendix I.** Appendix I lists species that are the most endangered among CITES-listed animals and plants.
- **Wildlife Protection Act 1972: Schedule 1.** Schedule I and part II of Schedule II provide absolute protection to threatened species. Offences under these are prescribed the highest penalties.

Outcome of the recent Leopard survey

- More than 60% increase in population has been recorded: India now has 12,852 leopards as compared to the previous estimate of 7910 conducted in 2014.
- The States of Madhya Pradesh(3,421), Karnataka (1,783) Maharashtra(1,690) recorded the highest leopard estimates.
- **Region wise distribution:** Central India and Eastern Ghats have the highest number of leopards at 8,071, Western Ghats: 3,387 leopards, Shivalik and Gangetic Plains: 1,253 leopards, Northeast hills: 141 leopards

Sharad

Public Expenditure

News: Rising fiscal indiscipline among the Centre and States.

GS Paper 3: Indian Economy and issues relating to Planning, Mobilization of Resources, Growth, Development and Employment.

What is the meaning of Sub-nationalism?

- Sub nationalism is existing or occurring below a national level, relating to or being a group or region within a nation.

What are the two kinds of public expenditure?

- **Mandatory spending** is expenditure that is governed by formulas or criteria set forth, rather than by periodic appropriations and as such, unless explicitly changed, the previous year's spending bill applies to the current year for these items of expenditure.
- **Discretionary spending** is expenditure that is governed by annual or other periodic appropriations. While States demand more fiscal space for increasing discretionary

spending, the Centre is pushing for more fiscal discipline by reducing the scope for discretionary spending and limiting States to focus on mandatory expenditures.

What are the issues faced due to discretionary public spending?

- Discretionary expenditure is more volatile than mandatory expenditure.
- Discretionary expenditure is not contemporaneously correlated with output growth and the correlation is low for the next immediate time period.
- Once started, some of the discretionary expenditure, used to increase demand in the economy, continues for longer periods leading to fiscal stress.

What are the challenges in sub-national fiscal correction?

- It is hard to decrease discretionary government spending, especially on expenditure heads that raise private consumption, as it requires some counterbalancing measures to deal with the resistance from the public.
- Discussion on matters related to state's expenditure on welfare schemes of States and implementation of central schemes often ends up as exchanges of shifting the blame, especially when the Centre and the concerned State have different political parties in power.
- In a federal system, States' fiscal stress gets spilled over to the Centre, leading to a situation of overall magnified fiscal slippages.
- In India many States indulge in higher levels of expenditures towards maintaining '**models of welfare provisioning**'. The effects of such expenditures on growth of the economy and well-being of the beneficiaries are ambiguous as there is a lacuna of credible evidence.
- Dwindling revenue receipts of many States led to expenditure compression to adhere to the fiscal responsibility legislation target.
- Recent RBI data show that States' outstanding debt has registered an upward movement due to the implementation of **the Ujwal DISCOM Assurance Yojana (UDAY)**, farm loan waivers, sustained increase in populist welfare measures and growth slowdown especially in 2019-20. **The debt-GSDP ratio of States increased from 22.6 in 2013 to 25.1 in 2018, and further to 31.2 in 2022 (budget estimates).**

Way forward:

- Fiscal correction at the State level.
- Diligent expenditure polarization along with raising additional resources at the sub-national level.

- Center on its part needs to demonstrate commitment to fiscal discipline by sticking to the announced fiscal glide path to ensure the sustainability of a frictionless cooperative federal structure

Sharad

Hyper-Lapse consumerism

GS Paper1: Salient features of Indian Society, Diversity of India.

GS Paper3: Issues related to the Indian Economy.



What is Consumerism?

- Consumerism is a cultural model that promotes the acquisition of goods, and especially the purchase of goods, as a vehicle for personal satisfaction and economic stimulation.

What is hyper lapse Consumerism?

- In '**hyper lapse consumerism**', there is a clamour to be the fastest to reach the consumer. The ubiquitous growth of the Internet and the rise of e-commerce have fuelled hyper lapse consumerism, which refers not only to the kinds of products being sold but also to the ease with which consumers order them and the speed at which such products are delivered.

What are the shifts in the nature of Consumerism?

Nature of consumerism has seen tremendous shifts from the to the

- Hunter-gatherers whose consumption was survival-centric.
- During the industrial revolution, the rise of the middle class in developed countries has led to a growth in consumption.

- One stream of thought advocates minimalism.
- For millennials consumption is about fulfilling aspirations.
- **COVID-19 pandemic brought shifts in consumer behaviour:** Lockdowns brought more people into the e-commerce fold.
- Post-pandemic recovery and suppressed consumerism is now leading to 'revenge shopping'.
- Modern-day consumerism is not only about wanting more but also wanting it fast.

Benefits of hyper lapse Consumerism:

- According to NITI Aayog, in 2020-21, about 7.7 million workers were engaged in the gig economy, accounting for 1.5% of the total workforce in India. This is expected to grow to 23.5 million workers by 2029-30, making up for 4.1% of the total livelihood in India.
- According to a report titled 'Unlocking the Potential of the Gig Economy in India', by Boston Consulting Group and the Michael and Susan Dell Foundation, India's burgeoning gig economy has the potential to provide up to 90 million jobs in the non-farm economy alone, generate over \$250 billion in the volume of work and contribute 1.25% to the country's GDP in the long term.
- **Behavioral shifts among consumers:** Along with being fast, shopping has become more impersonal. The local kirana store owners have paved the way for 'delivery buddies' and OTPs. Many people don't buy groceries on a monthly basis any more; they buy them in a more piecemeal fashion. Often, they prefer getting meals delivered at home instead of going out.

Negative impact of hyper lapse consumerism:

- In India we saw food and grocery delivery companies announcing 10-minute deliveries for consumers in select cities. This might lead to reckless driving and put themselves and others at risk in their rush to stick to timelines.
- Indiscriminate work pressure can lead to fatigue, mental health issues and other health issues among delivery professionals.
- Absence of social security for gig and platform workers, including paid sick leave, health access and insurance, and occupational disease and work accident insurance.
- In the rush to come up with better value propositions for the customer, businesses often tend to ignore the social, ethical, environmental and personal costs of business decisions
- Usage of manipulative advertising to gain consumers.

Conclusion: Both consumers and businesses should be mindful of the wide-ranging consequences of their actions, and 360-degree analysis of business decisions must be undertaken for the larger good. After all, technology gives us leverage to solve many problems, but only wisdom can tell us which problems are worth solving.

Sharad

Special Marriage Act, 1954

GS Paper 2: Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation.



What is the applicability of the Special Marriage Act, 1954?

Special Marriage Act of 1954 is applicable to:

- The Act is applicable to any person, irrespective of religion.
- It is applicable to the entire territory of India, except the State of Jammu and Kashmir and extends to intending spouses who are both Indian nationals living abroad.
- It is also applicable to all the Indian nationals living abroad

What are the requirements of the marriages performed under this Act?

- The marriages performed under this Act are a civil contract and there's no need for any rites or ceremonies.
- Both the parties have to file a Notice of Intended Marriage in the specified form to the Marriage Registrar of the district in which at least one of the parties has resided for a period of not less than thirty days, immediately preceding the date on which such notice is given.
- After thirty day of such notice, the marriage may be solemnised at the specified Marriage Office, provided that it has not been objected to by any person.

- Marriage is not binding on either of the parties unless both the parties declare each other as husband and wife in the presence of the Marriage Officer and three witnesses.

What are the conditions of the marriage under the Act?

- The intended marriage must be monogamous for both parties..
- The bride must be at least 18 years old while the groom must be at least 21 years old.
- Both the parties should be competent in regard to their mental capacity and must be able to give consent for the marriage.
- The parties must not fall within the degree of prohibited relationship.

What are the controversial provisions of the Special Marriage Act, 1954?

- The Special Marriage Act is intended to help consenting adults, especially those who belong to different religions or castes, to marry.
- **Section 5 of the SMA** requires couples getting married under it to give a notice to the Marriage Officer 30 days before the date of marriage.
- Certain provisions of the Act, like **Section 6**, require the intimate details of the couple to be published for **30 days** at the Marriage Registrar's office.
- **Section 7** provides the process for making an objection such as if either party has a living spouse, is incapable of giving consent due to "unsoundness of mind" or is suffering from mental disorder resulting in the person being unfit for marriage or procreation.
- **Section 8** specifies the inquiry procedure to be followed after an objection has been submitted.
- Peculiar requirements of **Special Marriage Act, 1954** is sharing the intimate details like their names, date of birth, age, occupation, parents' names and details, address, pin code, identity information, phone number, etc.
- The provisions in the Act allow anyone to submit objections to the marriage if they come to know of it through this public notice.
- The **Marriage Officer** is empowered to inquire into any objections raised.
- In certain States, couples have to seek a no-objection certificate from their parents.

High handedness of various state govts:

- Haryana government has laid down 16 pre-requisites which ask couples to issue a notice in a newspaper and that such notices be sent to their parents.
- The Maharashtra Department of Registration and Stamps publicly shares the details

of couples marrying under SMA on its website and so did the Kerala government until Athira case

- With as many as 11 States passing anti-conversion (or so called love-jihad) laws, parents and the State are now armed to punish and harass such couples.

Issues associated with Special Marriage Act, 1954

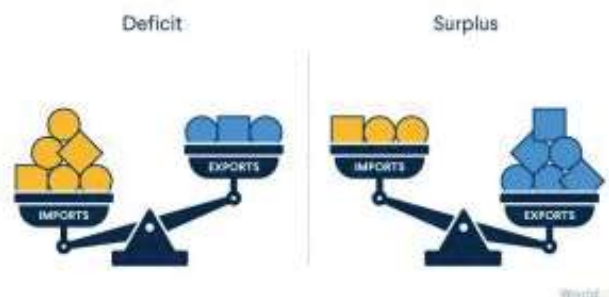
- Requirement of couples to give a notice of 30 days before the date of marriage inviting objections from the public is violative of the right to privacy guaranteed under Article 21 of the Constitution.
- Since, these requirements are absent in personal laws provisions contravene Article 14 on prohibition of discrimination on grounds of religion, race, caste and sex as well as Article 15 on right to equality.
- By throwing the personal information of the individuals open to public scrutiny, seriously damage one's right to have control over her or his personal information and its accessibility.
- By making the personal details of the couple accessible to everyone, the very right of the couple to be the decision makers of their marriage is being hampered by the state.
- These public notices have been used by anti-social elements to harass couples getting married.
- Rude behavior of the staff at the SDM's office who often delete or delay applications and dissuade couples from marrying under SMA.

Sharad

Trade Deficit and Trade Surplus

News: India's trade deficit has widened to a record \$31.02 billion in July thanks to contracting merchandise exports and a rise in imports. This is a three-times increase from the \$10.63 billion trade deficit reported in July last year.

GS Paper 3: Indian Economy and issues relating to Planning, Mobilization of Resources, Growth, Development and Employment.



What is the Balance of Trade (BOT)?

- The **balance of trade (BOT)**, also known as the trade balance, refers to the difference between the monetary value of a country's imports and exports over a given time period. The BOT is an important component in determining a country's current account.
- **Balance of Trade = Value of Exports – Value of Imports**, where Value of Exports is the value of goods and services that are sold to buyers in other countries and Value of Imports is the value of goods and services that are bought from sellers in other countries.

What is the trade deficit?

- **Trade deficit or negative balance of trade (BOT)** is the gap between exports and imports.
- When money spent on imports exceeds that spent on exports in a country, trade deficit occurs. It can be calculated for different goods and services and also for international transactions.

What causes a trade deficit?

- One factor responsible for the trade deficit is that some goods are not being produced domestically. In that case, they have to be imported. This leads to an imbalance in their trade.
- Another factor is weak currency that can make trade expensive.

What is the impact of the trade deficit on a country's economy?

- If the trade deficit increases, a country's GDP decreases. A higher trade deficit can decrease the local currency's value.
- According to economists, more imports than exports impact the jobs market and lead to an increase in unemployment.
- **Example:** If more mobiles are imported and less produced locally, then there will be less local jobs in that sector.

What is the trade surplus?

- **Trade surplus is the opposite of a trade deficit.**
- A trade surplus is an economic indicator of a positive trade balance in which the exports of a nation outweigh its imports.
- Trade balance can be arrived at by reducing the total value of imports from the total value of exports.
- If the value of the trade balance is positive, the trade surplus exists.
- A trade surplus reflects a net foreign-market inflow of domestic currency.

What is the importance of Trade Surplus in Country's economy?

- In many situations, a **trade surplus tends** to boost the currency of a country relative to other currencies, influencing currency exchange rates. However, this depends on the proportion of a country's goods and services as compared to other countries, as well as other market factors.
- A trade surplus can create employment and economic growth,
- It can also lead to higher prices and interest rates.
- The trade balance of a nation can also affect the value of its currency on global markets, as it allows a country to export most of its currency through trade.

Sharad

Puli Thevar

News: PM pays homage to Puli Thevar on his birth anniversary i.e. on 1st September.

GS Paper 1: Modern Indian History from about the middle of the eighteenth century until the present- significant events, personalities, issues.



About Puli Thevar:

- He was born in 1715.
- He was one of the first Indians to resist British Imperialism.
- He was one of **77 Polygars or Local Chieftains** in the Tamil region.
- Puli Thevar first met British forces in 1755 when British Colonel Alexander Heron marched on western Tamil region.
- British artillery proved ineffective against the thick stone walls of Puli's fort.

Revolt of Puli Thevar (1755–1767):

- In **March 1755**, **Mahfuzkhan (brother of the Nawab of Arcot)** was sent with a contingent of the Company army under **Colonel Heron** to Tirunelveli. Madurai easily fell into their hands. Thereafter Colonel Heron was urged to deal with Puli Thevar as he continued to defy the authority of the Company. Puli Thevar wielded much influence over the western palayakkarars. For want of cannon and of supplies and pay to soldiers, Colonel Heron abandoned the plan and retired to Madurai. Heron was recalled and dismissed from service.

Confederacy and Alliance with Enemies of the British:

- Three Pathan officers, **Nawab Chanda Sahib's** agents, named **Mianah, Mudimiah and Nabikhan Kattak** commanded the Madurai and Tirunelveli regions. They supported the Tamil palayakkarars against Arcot Nawab Mohamed Ali. Puli Thevar had established close relationships with them. Puli Thevar also formed a confederacy of the Palayakkars to fight the British. With the **exception of the Palayakkarars of Sivagiri**, all other Maravar Palayams supported him. **Ettayapuram and Panchalamkuri-chi** also **did not join** this confederacy. Further, the English succeeded in getting the support of the rajas of Ramanathapuram and Pudukottai. Puli Thevar tried to get the support of Hyder Ali of Mysore and the French. Hyder Ali could not help Puli Thevar as he was already locked in a serious conflict with the Marathas.

Kalakadu Battle:

- The Nawab sent an additional contingent of sepoy to Mahfuzkhan and the reinforced army proceeded to Tirunelveli. Besides the 1000 sepoy of the Company, Mahfuzkhan received 600 more sent by the Nawab. He also had the support of cavalry and foot soldiers from the Carnatic. Before Mahfuzkhan could station his troops near Kalakadu, 2000 soldiers from Travancore joined the forces of Puli Thevar. In the battle at Kalakadu, Mahfuzkhan's troops were routed.

Yusuf Khan and Puli Thevar:

- The organized resistance of the palayakkarars under Puli Thevar gave an opportu-

nity to the English to interfere directly in the affairs of Tirunelveli. Aided by the **Raja of Travancore, from 1756 to 1763**, the palyakkarars of Tirunelveli led by Puli Thevar were in a constant state of rebellion against the Nawab's authority. Yusuf Khan (also known as Khan Sahib or, before his conversion to Islam, Marudhanayagam) who had been sent by the Company was not prepared to attack Puli Thevar unless the big guns and ammunition from Tiruchirappalli arrived. As the English were at war with the French, as well as with Hyder Ali and Marathas, the artillery arrived only in September 1760. Yusuf Khan began to batter the Nerkattumseval fort and this attack continued for about two months. **On 16 May 1761 Puli Thevar's** three major forts (Nerkattumseval, Vasudevanallur and Panayur) came under the control of Yusuf Khan. In the meantime, after taking Pondicherry the English had eliminated the French from the picture. As a result of this the unity of palyakkarars began to break up as French support was not forthcoming. **Travancore, Seithur, Uthumalai and Surandai switched their loyalty to the opposite camp.** Yusuf Khan who was negotiating with the palayakkarars, without informing the Company administration, was charged with treachery and hanged in 1764.

Fall of Puli Thevar:

- After the death of Khan Sahib, Puli Thevar returned from exile and recaptured Nerkattumseval in 1764. However, **he was defeated by Captain Campbell in 1767**. Puli Thevar escaped and died in exile.

Sharad

Election of Vice-President

News: West Bengal Governor Jagdeep Dhankhar succeeded M Venkaiah Naidu as Vice President.

GS Paper 2: Appointment to various Constitutional Posts.



Office of the Vice President:

- The office of the Vice-President of India is the **second-highest constitutional office** after that of the President, and ranks second in the order of precedence.
- **Article 63 of the Constitution** states that “there shall be a Vice-President of India”.
- **Under Article 64**, the Vice-President “shall be ex officio Chairman of the Council of the States” (Rajya Sabha).
- **Article 65** says that “in the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until the date on which a new President...enters upon his office”.
- The Vice-President shall also discharge the functions of the President when the latter is unable to do so “owing to absence, illness or any other cause”.
- During this period, the Vice-President shall “have all the powers and immunities of the President and be entitled to... (the) emoluments, allowances and privileges” that are due to the President.

Election of the Vice-President: Article 66 lays down the process of the election of the Vice-President.

- It says the Vice-President “shall be elected by the members of an electoral college consisting of the members of both Houses of Parliament in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot”.
- **For the 16th Vice-Presidential Election, 2022**, the Electoral College consists of 233 elected members of Rajya Sabha, 12 nominated members of Rajya Sabha, and 543 elected members of Lok Sabha, adding up to 788 members. In the system of proportional representation by means of the single transferable vote, the elector has to mark preferences against the names of the candidates.
- Election Commission of India said that “Preference can be marked in the international form of Indian numerals, in Roman form, or in the form in any recognized Indian languages... The elector can mark as many preferences as the number of candidates. While the marking of the first preference is compulsory for the ballot paper to be valid, other preferences are optional,” ..
- **Under the Constitution**, the Vice-President “shall not be a member of either House of Parliament or of a House of the Legislature of any State”. If a member of any of these Houses is elected to the post, “he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice-President”.

Eligibility and term of office

- **Article 66(3)** says “No person shall be eligible for election as Vice-President unless he — (a) is a citizen of India; (b) has completed the age of thirty-five years; and (c) is qualified for election as a member of the Council of States”.
- **Under Article 66(4)**, “A person shall not be eligible for election as Vice-President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.”
- **Article 67** lays down that the “Vice-President shall hold office for a term of five years from the date on which he enters upon his office”. However, the Vice-President “shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office”.
- The **Vice-President** may leave office before the end of his term by resigning to the President, or he “may be removed...by a resolution of the Council of States passed by a majority of all the then members of the Council and agreed to by the House of the People”.

What if the election is disputed?

- **Article 71 of the Constitution** deals with “Matters relating to, or connected with, the election of a President or Vice-President”. It says that “all doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final”.
- Should the Supreme Court declare the election of the President or Vice-President void however, “acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President,...on or before the date of the decision of the Supreme Court shall not be invalidated by reason of that declaration”.
- Also “Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President”.

Sharad

Mikhail Gorbachev

News: No state funeral for Mikhail Gorbachev after his death at 91.

General Studies Paper 1: History of the World will include events from the 18th century such as Industrial Revolution, world wars, Redrawing of National Boundaries, Colonization,

Decolonization, political philosophies like Communism, Capitalism, Socialism etc.— their forms and effect on society.



Who was Mikhail Gorbachev?

- Mikhail Gorbachev was a Soviet politician. Gorbachev served as the last general secretary of the Communist Party of the Soviet Union (1985–91) as well as the last president of the Soviet Union (1990–91).
- Both as general secretary and as president, Gorbachev supported democratic reforms. He enacted policies of **glasnost** (“openness”) and **perestroika** (“restructuring”), and he pushed for disarmament and demilitarization in eastern Europe.
- Gorbachev had set out to revitalise the moribund Communist system and shape a new union based on a more equal partnership between the 15 republics, of which the two most powerful were Russia and Ukraine.
- He attempted political and economic reforms simultaneously and on too ambitious a scale, unleashing forces he could not control.
- Gorbachev’s policies ultimately led to the collapse of the Soviet Union in 1990–91.
- He was awarded the **Nobel Peace Prize, 1990** for the role that he, (then Soviet president) had played in ending the Cold War without bloodshed.

What are Gorbachev’s reform mantras?

Gorbachev’s legacy is defined by two words: “perestroika” and “glasnost”.

- **Perestroika:** Perestroika, means **restructuring**. When Gorbachev took over as the General Secretary of the Communist Party in 1985, the then USSR was already groaning under the inefficiencies of a planned economy.. Gorbachev was acutely aware that the USSR needed to restructure its economy, and in particular, allow for a greater play of the market forces. But his idea of perestroika was not limited to the economic sphere. He had hoped that just like ill-effects of a top-down planned economy had spread through the social and moral fabric of Soviet life, economic restructuring, too, will lead to a social and political renewal.

- **Glasnost:** Glasnost means **openness**. While it meant greater transparency in the functioning of the government and the economy, Gorbachev's hope was that this would also reorder the way people lived their everyday life in the USSR. The scale of Soviet achievements had been radically inflated and falsified by the officials. It was mentioned by Richard Sakwa in his book titled "The Rise and Fall of the Soviet Union", that contrary to the official account — that in 1985 Soviet income had multiplied 84 times the 1928 level — the actual increase had been less than 7 times. During Soviet rule even top dozen political figures in the entire country—was not allowed to see the country's consolidated figures for revenue and expenditure. This lack of transparency led to Glasnost.

Some of the mistakes of Gorbachev:

- He attempted political and economic reforms simultaneously and on too ambitious a scale, hence unleashing forces he could not control.
- Gorbachev never stood for election to earn himself a popular mandate – unlike his great rival Boris Yeltsin, who was voted into power as president of Russia and was instrumental in the dissolution of the USSR and the ousting of Gorbachev.
- He failed to anticipate the strength of nationalist feeling – initially in the Baltic republics of Latvia, Lithuania and Estonia, and spreading to others like Georgia and Ukraine – that would create unstoppable momentum to escape Moscow's grip.
- Like all Soviet leaders, he saw the Soviet Union as synonymous with Russia and he simply could not understand why nations wanted to be independent.
- He didn't really understand the Soviet Union, Soviet society and how it worked: Fear, repression, command economy was preserving the Soviet system but he thought it could be reformed and still preserve the system. But they turned out to be the actual essential elements of the Soviet system – having removed them, the system unravelled as well.
- Ultimate tragedies of Gorbachev is that none of the points that he ultimately came to accept and espouse have been preserved by the leaders of Russia today:
- Putin smashed the idea embodied by Gorbachev that Russia could retreat from empire and still remain a major power.
- Putin's lurch into confrontation with the West and his invasion of Ukraine have destroyed the Gorbachev legacy of detente with the West and nuclear arms agreements with the United States.
- With Putin pointedly boasting of the size and destructive power of Russia's arsenal, politicians in both Moscow and Washington have evoked the risk of World War Three.

Conclusion on Mikhail Gorbachev's personality:

- For all the adulation he inspired in the West, Mikhail Gorbachev was a tragic figure who failed in the historic mission he had defined for his own country. But Russians have long been accustomed to viewing him as a weak leader who was duped by the West as witnessed from the fact that there will be no state funeral for Mikhail Gorbachev.

Sharad

New Naval Ensign

News: The new ensign was unveiled by Prime Minister Narendra Modi in Kochi during the commissioning of India's first indigenous aircraft carrier INS Vikrant.

GS Paper 1: Decolonization

GS Paper 3: Various Security Forces and Agencies and their Mandate.

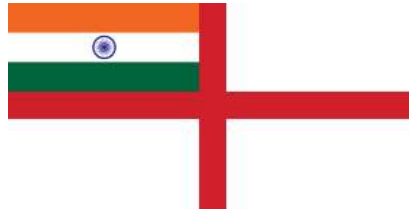
What is a Naval Ensign?

- As the name suggests, a naval ensign is a flag that is installed atop naval warships, on ground stations, at air bases and other institutions used as a form of maritime identification.
- Indian naval ensign is also known as Nishaan meaning symbol.
- Every country's navy has its own ensign which can be the same as their country's flag or a distant one. For example, the US Navy's ensign is the same as its national flag but many other navies have distinctive naval ensigns which are used by their war vessels.

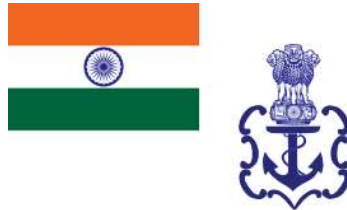
Evolution of Naval Ensign:

This is the fourth time since 1950 that the Naval Ensign has undergone a change.

- **On 26 January 1950**, when India became a republic, the Navy Crest and flags were duly 'Indianised'. However, the latter (Ensign and Distinguishing Flags) retained a touch of the British legacy — the red St. George's Cross — though the Union flag was replaced by India's tricolour. While during the post-colonial period, other ex-colonial Navies discarded the red St George's Cross in their new ensigns and flags, the Indian Navy retained it till 2001.



- It was **on 15 August 2001**, that the design of the ensign was changed by Atal Bihari Vajpayee's government and the Cross made its way out of the Indian Navy ensign.



- However, **in April 2004**, the original ensign was adopted again with certain additions as there were complaints within the force that the blue of the naval crest was indistinguishable from the sky and the ocean. The ensign was changed back to St George's Cross with the addition of the Indian emblem in its intersection.



- **In 2014**, the ensign as well as the naval crest were updated to include the national motto "Satyameva Jayate" in the Devanagari script.



Attributes of New Ensign of Navy:

- The White Ensign identified nation-wide with the Navy, now comprises two main constituents – the National Flag in the upper left canton, and a Navy Blue – Gold octagon at the centre of the fly side (away from the staff).
- The Octagon is with twin golden octagonal borders encompassing the golden National Emblem (Lion Capital of Ashoka – underscribed with 'Satyamev Jayate' in blue Devnagri script) resting atop an anchor; and superimposed on a shield. Below the shield, within the octagon, in a golden bordered ribbon, on a Navy Blue

background, is inscribed the motto of the Indian Navy 'Sam No Varunah' in golden Devnagriscript.

- The design encompassed within the octagon has been taken from the Indian Naval crest, wherein the fouled anchor, which is also associated with colonial legacy, has been replaced with a clear anchor underscoring the steadfastness of the Indian Navy.



Significance of new naval ensign

- In a statement, the Navy said the twin octagonal borders draw their inspiration from Shivaji Maharaj **Rajmudra** or the **Seal of Chhatrapati Shivaji**, who “built a credible Naval Fleet that earned grudging admiration from European Navies operating in the region at the time.”
- The octagonal shape also represents the eight directions (four cardinal and four inter cardinal), symbolising the Indian Navy’s global outreach.
- The Navy added that the octagon stands for good fortune, eternity, renewal and draws positive energy from all directions.
- The new Naval White Ensign is thus rooted in the “glorious maritime heritage of India, as well as reflective of our Navy’s present-day capabilities”.

Sharad

Single Use Plastics

News: In keeping with the spirit of the ‘Azadi ka Amrit Mahotsav’, the country is taking steps to curb littered and unmanaged plastic waste pollution.

GS Paper 3: Conservation, Environmental Pollution and Degradation, Environmental Impact Assessment.



What is single-use plastic?

- It refers to plastic items that are used once and discarded. Single-use plastic has among the highest shares of plastic manufactured and used — from packaging of items, to bottles (shampoo, detergents, cosmetics), polythene bags, face masks, coffee cups, cling film, trash bags, food packaging etc.

Key findings of a report by the Australian philanthropic organisations the Mindereroo Foundation

- Single-use plastics account for a third of all plastic produced globally, with 98% manufactured from fossil fuels.
- Single-use plastic also accounts for the majority of plastic discarded – 130 million metric tonnes globally in 2019 all of which is burned, buried in landfills or discarded directly into the environment
- The report found that India features in the top 100 countries of single-use plastic waste generation – at rank 94 (the top three being Singapore, Australia and Oman)
- India's net generation of single-use plastic waste is 5.6 MMT, and per capita generation is 4 kg with domestic production of 11.8 million metric tonnes annually, and import of 2.9 MMT.

What is the environmental damage from single-use plastic?

- Unlike thicker and denser plastic material, single-use plastic objects being light and flexible are less amenable to being recycled. While 99% of plastic is recycled, they constitute heavier plastics that are likely to be collected by ragpickers and plastic waste recyclers.
- Single use plastics do not provide an incentive enough for the effort needed to collect them and hence they lie around, leach their toxins into the soil and cause environmental damage in both land and sea.

What are global responses towards tackling pollution due to plastics?

- **Bangladesh** became the first country to ban thin plastic bags in 2002; **New Zealand** banned plastic bags in July 2019. **China** has issued a ban on plastic bags in 2020 with a phased implementation. **Vanuatu** and the **Seychelles** have banned plastic straws outright.
- India piloted a **resolution** on single-use plastics pollution at the 4th United Nations Environment Assembly in 2019, recognising the urgent need for the global community to address this issue. This resolution was adopted at the UN Environment Assembly as an important step forward.
- In the recently concluded 5th session of the United Nations Environment Assembly in March 2022, India engaged constructively with all member states to develop a consensus on a resolution to drive global action against plastic pollution.
- Currently, **68 countries** have plastic bag bans with varying degrees of enforcement.

What are the key features of Plastic Waste Management Amendment Rules, 2022?

Ministry of Environment, Forests, and Climate Change notified the Plastic Waste Management Amendment Rules, 2022

- It prohibited the manufacture, import, stocking, distribution, sale, and use of plastic carry bags whose thickness is less than 75 microns.
- From December 31, 2022, plastic carry bags whose thickness is less than 120 microns will be banned.
- It means that the ban does not cover all plastic bags; however, it requires the manufacturers to produce plastic bags thicker than 75 microns which was earlier 50 microns.
- As per the notification, the standard shall be increased to 120 microns in December this year.
- The notification clearly mentioned that plastic or PVC banners/ hoardings should have more than 100 microns in thickness, and non-woven plastic (polypropylene) must be more than 60 GSM (grams per square metre).
- Non-woven plastic bags have a cloth-like texture but are counted among plastics. Still, plastic or PET bottles, counted among the most recyclable types of plastic, have been left out of the scope of the ban.
- Plastic Waste Management Amendment Rules, 2022 provides for **Extended Producer Responsibility (EPR)** where it is the responsibility of a producer for the environmentally sound management of the product until the end of its life.

- These guidelines provide a framework to strengthen the **circular economy of plastic packaging waste, promote the development of new alternatives to plastic packaging and provide the next steps for moving towards sustainable plastic packaging by businesses.**

What are the items being banned from 1st July, 2022?

Central Pollution Control Board (CPCB) have announced ban on following items:

- Earbuds.
- Balloon sticks.
- Candy and ice-cream sticks
- Cutlery items including plates, cups, glasses, forks, spoons, knives, trays.
- Sweet boxes.
- Invitation cards.
- Cigarette packs.
- PVC banners measuring under 100 microns.
- Polystyrene for decoration.
- According to the Plastic Waste Management Rules, 2016, there is also a complete ban on sachets using plastic material for storing, packing or selling gutkha, tobacco and pan masala.

How will the ban be enforced?

- The ban will be monitored by the CPCB from the Centre, and by the State Pollution Control Boards (SPCBs) that will report to the Centre regularly.
- Directions have been issued at national, state and local levels — for example, to all petrochemical industries — to not supply raw materials to industries engaged in the banned items.
- Directions have also been issued to SPCBs and Pollution Control Committees to modify or revoke consent to operate issued under the Air/Water Act to industries engaged in single-use plastic items.
- Local authorities have been directed to issue fresh commercial licenses with the condition that SUP items will not be sold on their premises, and existing commercial licences will be cancelled if they are found to be selling these items.
- Recently, the CPCB issued one-time certificates to 200 manufacturers of com-

postable plastic and the BIS passed standards for biodegradable plastic.

- Those found violating the ban can be penalised under the Environment Protection Act 1986 – which allows for imprisonment up to 5 years, or a penalty up to Rs 1 lakh, or both. Violators can also be asked to pay **Environmental Damage Compensation** by the SPCB.
- In addition, there are municipal laws on plastic waste, with their own penal codes.

What are the challenges in enforcing these bans ?

- Past experiences show that a ban becomes successful only if all stakeholders participate enthusiastically and engage in effective engagement and concerted actions.
- Previously **almost 25 Indian States banned plastic** at the state level but these bans had a very limited impact in reality because of the widespread use of these items.
- Challenge is to see how the local level authorities will enforce the ban in accordance with the guidelines.
- Banned items such as earbuds with plastic sticks, plastic sticks for balloons, etc., are non-branded items and it is difficult to find out who the manufacturer is and who is accountable for selling because these items will be available in the market even after the issuing of guidelines.

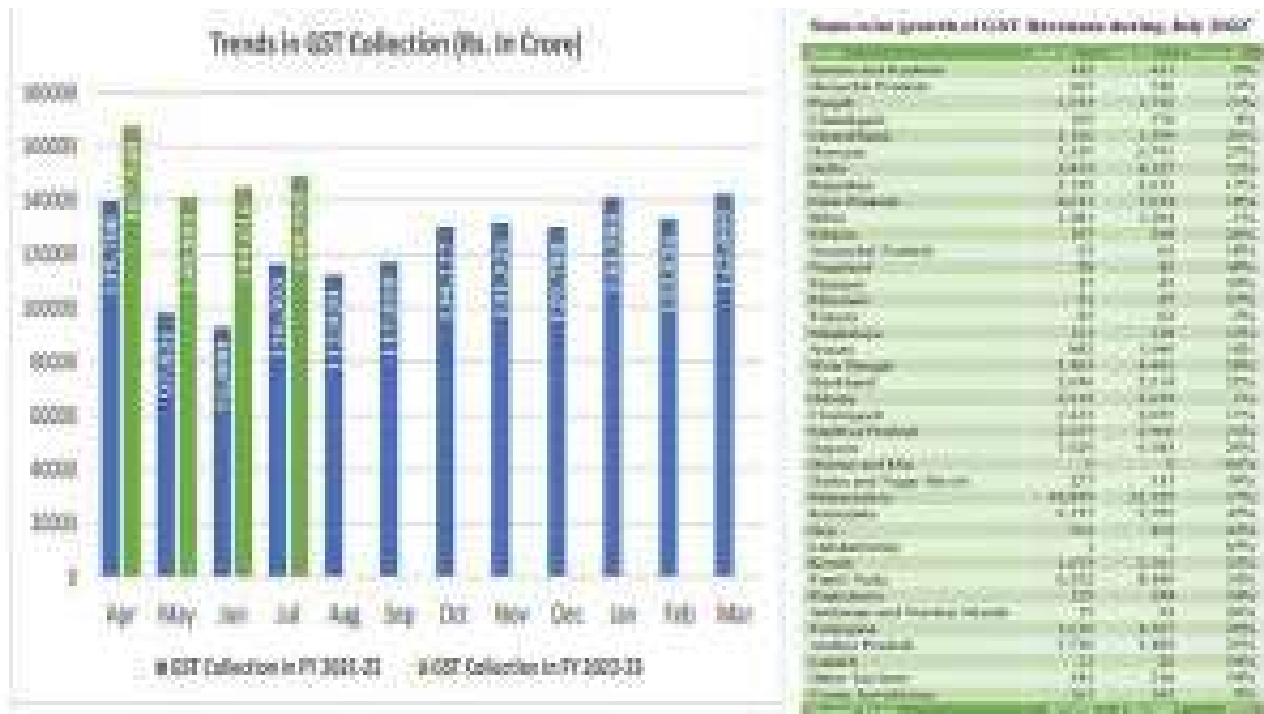
Way forward:

- Government should start an awareness campaign to bring entrepreneurs and start-ups, industry, Central, State and local Governments, regulatory bodies, experts, citizen organizations, R&D and academic institutions together.
- Consumers need to be informed about the ban through advertisements, newspaper or TV commercials, or on social media.
- In order to find sustainable alternatives, companies need to invest in research and development.
- **Greener alternatives** to plastic may be considered a sustainable option. For example, compostable and biodegradable plastic, etc.
- Engagement of all stakeholders as the solution to the plastic pollution problem is not the responsibility of the government alone, but of industries, brands, manufacturers and most importantly consumers.

Rise in GST revenue collections

GS Paper 3: Indian Economy and issues relating to planning, mobilization of resources, growth, development and employment.

News: Data released by the Finance Ministry shows that Gross Goods and Services Tax (GST) collections rose to Rs 1,43,612 crore in August (for sales in July), sequentially lower than in July but 28.2 percent higher year-on year.



What are the reasons for the increase in GST revenues?

- Revival in consumption.
- High inflation rate.
- Recovery from Pandemic.
- Tight checks and balances by the government.
- Partial impact of the rate hike decisions taken in the 47th GST council meeting.
- End of GST Compensation regime: Now states would no longer be com-

pensated by the Centre for a shortfall in the revenues and hence SGST departments of states too are getting aggressive in terms of collections.

What is the government view on higher GST revenues?

The Finance Ministry said that the 28 per cent increase in GST revenue displays a “very high buoyancy”. Ministry said that positive impact on the GST revenues on a consistent basis is due to

- Various measures taken by the Council in the past such as action against tax evaders, including steps being taken by state authorities to ensure better compliance.
- Better reporting coupled with economic recovery.
- More enforcement related measures are being taken by the authorities in the wake of the end of the compensation regime.
- At the end of the compensation regime revenue targets have been set for the state officers also which they would now try to achieve. Again, it is important to note that even if a dealer is registered with the Centre, the state can still investigate it on a specific issue and vice-versa.
- Government had set Rs 1.40 lakh crore as the “rough bottom line” for monthly GST revenue collections but with current trend the Ministry of Finance is optimistic that they are not going below that, they will remain above that.

What do the improved revenues signify?.

- ICRA’s Chief Economist Aditi Nayar said that “GST collections reported a healthy trend, rising for the second month in a row, with the 28% YoY rise being a function of the economic recovery, better compliance as well as elevated inflation. With the headline GST collection in July 2022 exceeding our monthly average forecast of Rs 1.45 trillion for this year, we foresee an upside of Rs 1.15 trillion relative to the FY 2023 for CGST collections” .
- Higher GST revenue growth is expected to ease the revenue concerns for some states going ahead as the compensation regime for states ends in June 2022. However, states with a heavy dependence on compensation may find FY 2023 to be a challenging year, with some even resorting to

higher enforcement actions to shore up revenue.

What is the Goods and Services Tax(Compensation to States)Act, 2017?

- Under GST, as per the Goods and Services Tax (Compensation to States) Act, 2017, the states were guaranteed compensation at the compounded rate of 14 per cent from the base year 2015-16 for losses arising due to implementation of the taxation regime for five years since its roll-out. This came to an end on June 30. The GST Council meeting held in June did not take any decision to extend the compensation mechanism despite at least a dozen states making a demand for the same.

What is the detailed break-up of recent GST revenues?

- Before this, GST collections had recorded the highest-ever level of Rs 1.68 lakh crore in April 2022 for year-end sales in March.
- This is the sixth time that monthly GST collections have crossed Rs 1.40 lakh crore mark since inception of GST and fifth month in a row since March 2022. GST collections in July 2021 had stood at Rs 1,16,393 crore.
- **States that recorded contraction in GST revenues** are Daman & Diu, Bihar, Tripura.
- **Leading states/UTs recorded a growth in GST in their respective regions**, Maharashtra, Karnataka, Gujarat, Tamil Nadu, and Uttarakhand.
- **Total number of e-way bills generated** in June were 7.45 crore, higher than 7.36 crore e-way bills generated in May.
- The **average monthly gross GST collection for the first four months of the financial year 2022-23** has been Rs 1.50 lakh crore against the average monthly collection of Rs 1.12 lakh crore in the same period last fiscal.
- **Revenue from import of goods** was 48 per cent higher in July.
- **Revenue from domestic transactions (including import of services)** was 22 per cent higher compared to last year.
- Out of gross GST revenue of Rs 1,48,995 crore, CGST is Rs 25,751 crore, SGST is Rs 32,807 crore,IGST is Rs 79,518 crore,Cess is Rs 10,920 crore (including Rs 995 crore collected on import of goods).

What are the differences between Central GST (CGST), State GST (SGST), Union territory GST (UTGST) and Integrated GST (IGST)?

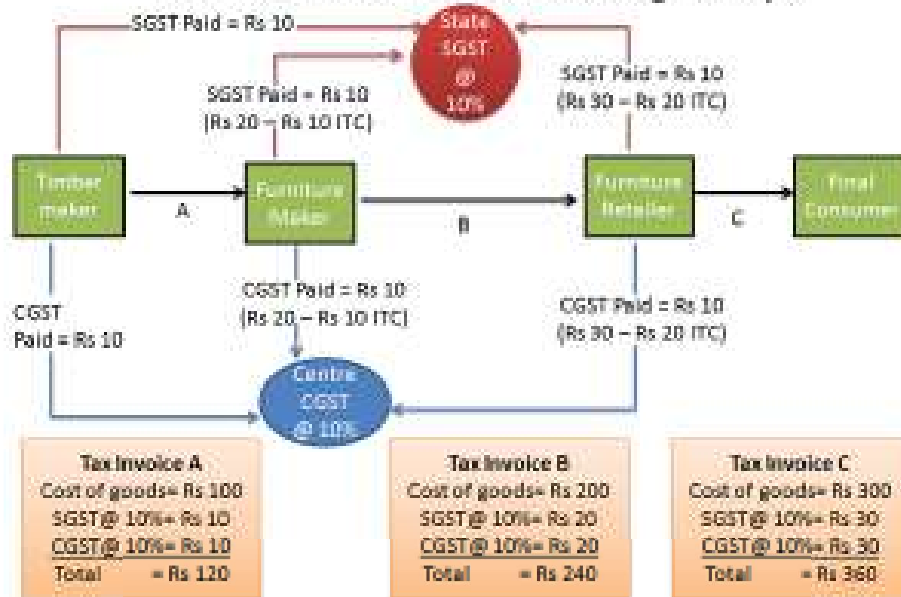
- **Central GST (CGST):** Tax levied on intra-state supplies of goods and services by the Centre.
- **State GST (SGST):** Tax levied on intra-state supplies of goods and services by the states.
- **Integrated GST (IGST):** Tax levied on all inter-state supplies of goods and services.
- **Union Territory GST (UTGST):** Taxes levied within a single Union Territory (UT).



How would a particular transaction of goods and services be taxed simultaneously under Central GST (CGST) and State GST (SGST)?

- The Central GST and the State GST would be levied simultaneously on every transaction of supply of goods and services except on exempted goods and services, goods which are outside the purview of GST and the transactions which are below the prescribed threshold limits. Further, both would be levied on the same price or value unlike State VAT which is levied on the value of the goods inclusive of Central Excise.

Dual GST Within State: Working Example



What are the benefits of GST for business and industry?

- **Easy compliance:** A robust and comprehensive IT system would be the foundation of the GST regime in India. Therefore, all taxpayer services such as registrations, returns, payments, etc. would be available to the taxpayers online, which would make compliance easy and transparent.
- **Uniformity of tax rates and structures:** GST will ensure that indirect tax rates and structures are common across the country, thereby increasing certainty and ease of doing business. In other words, GST would make doing business in the country tax neutral, irrespective of the choice of place of doing business.
- **Removal of cascading:** A system of seamless tax-credits throughout the value-chain, and across boundaries of States, would ensure that there is minimal cascading of taxes. This would reduce hidden costs of doing business.
- **Improved competitiveness:** Reduction in transaction costs of doing business would eventually lead to an improved competitiveness for the trade and industry.
- **Gain to manufacturers and exporters:** The subsuming of major Central and State taxes in GST, complete and comprehensive set-off of input goods and services and phasing out of Central Sales Tax (CST) would

reduce the cost of locally manufactured goods and services. This will increase the competitiveness of Indian goods and services in the international market and give a boost to Indian exports. The uniformity in tax rates and procedures across the country will also go a long way in reducing the compliance cost.

What are the benefits of GST for Central and State Governments ?

- **Simple and easy to administer:** Multiple indirect taxes at the Central and State levels are being replaced by GST. Backed with a robust end-to-end IT system, GST would be simpler and easier to administer than all other indirect taxes of the Centre and State levied so far.
- **Better controls on leakage:** GST will result in better tax compliance due to a robust IT infrastructure. Due to the seamless transfer of input tax credit from one stage to another in the chain of value addition, there is an inbuilt mechanism in the design of GST that would incentivize tax compliance by traders.
- **Higher revenue efficiency:** GST is expected to decrease the cost of collection of tax revenues of the Government, and will therefore, lead to higher revenue efficiency.

What are the benefits of GST for the consumer?

- **Single and transparent tax proportionate to the value of goods and services:** Due to multiple indirect taxes being levied by the Centre and State, with incomplete or no input tax credits available at progressive stages of value addition, the cost of most goods and services in the country today are laden with many hidden taxes. Under GST, there would be only one tax from the manufacturer to the consumer, leading to transparency of taxes paid to the final consumer.
- **Relief in overall tax burden:** Because of efficiency gains and prevention of leakages, the overall tax burden on most commodities will come down, which will benefit consumers.

Sharad

Inflation Rate Differentials

News: India-U.S. inflation differentials to support rupee.

GS Paper 3: Indian Economy and issues relating to planning, mobilization of resources, growth, development and employment.

Key analysis by Yes Securities on Indian Economy

- Inflation rate differentials between the U.S. and India suggest that the worst of the rupee's decline may be over.
- The Federal Reserve in order to quell inflation resorted to **aggressive monetary tightening** which led to **depreciation of the rupee more than 7% against the dollar** this year.
- The **local currency had touched a record low of 80.12 against the dollar** earlier this week, before the Reserve Bank of India (RBI) intervened to arrest its decline.
- **Retail inflation** in India was at **6.7% in July**, above the **RBI's tolerance band of 2-6%**, while **consumer inflation** in the U.S. is running at 8.5%, more than four times the Fed's medium-term target.

What is an Inflation Differential?

- The inflation rate differential is the difference between the inflation rate in one country and the inflation rate in another.

What is the relationship between Purchasing Power Parity and Inflation Rates?

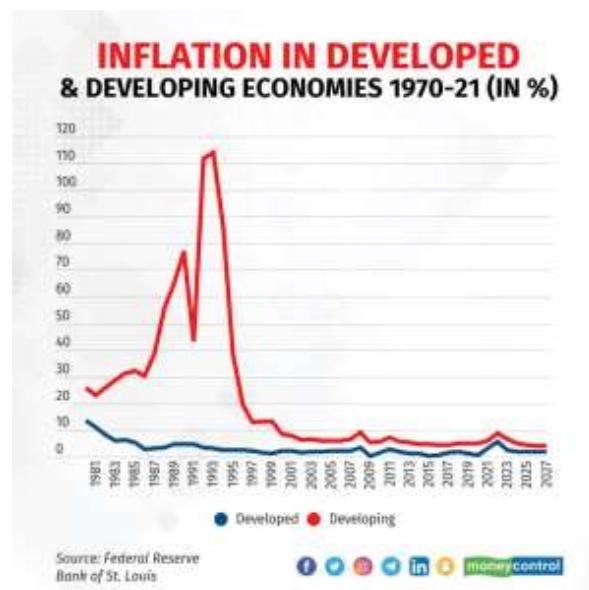
- One economic principle that governs the theoretical behavior of exchange rates is purchasing power parity. When comparing economic behavior in one country to another, purchasing power parity (PPP), **states that the currency that has the higher inflation rate will depreciate relative to the currency with the lower inflation rate**. When a currency's exchange rate behaves exactly as described here, economists state that the currency's real effective exchange rate was constant.

How is inflation connected to exchange rates?

- **Inflation** means a rise in aggregate prices in an economy. **Exchange rate** means a price with which we buy and sell goods and services from other countries. If prices are higher in one country compared to another, it should reflect in the exchange rate too, else there will be arbitrage.
- **Example:** Inflation is higher in India compared to the US. Assuming exchange rates do not change and there is no trade friction, then a trader can sell from the US to India. The import of foreign goods will lead to a rise in demand for US dollars, resulting in appreciation of the USD against INR.
- **In the real world**, there is hardly any such frictionless markets and more so in international trade. Therefore, the inflation differential and its impact on exchange rate plays out over a long term. So, economists say **that countries which have higher inflation, face depreciation of the exchange rate over time.**

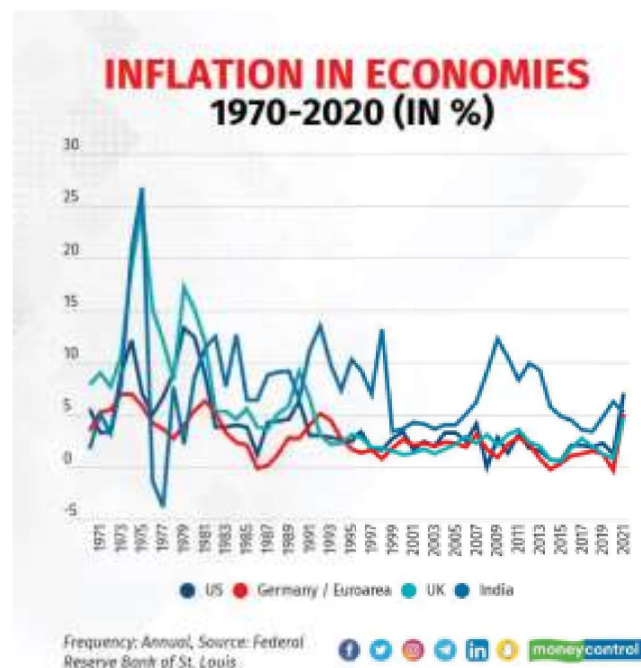
How does this relationship play between developed and developing economies?

- Since 1980, developing economies have had higher inflation than developed economies in each year. The differences have narrowed down in recent years due to better inflation management in developing economies. **Thus, developing economies collectively see their exchange rate depreciate against developed economies.**



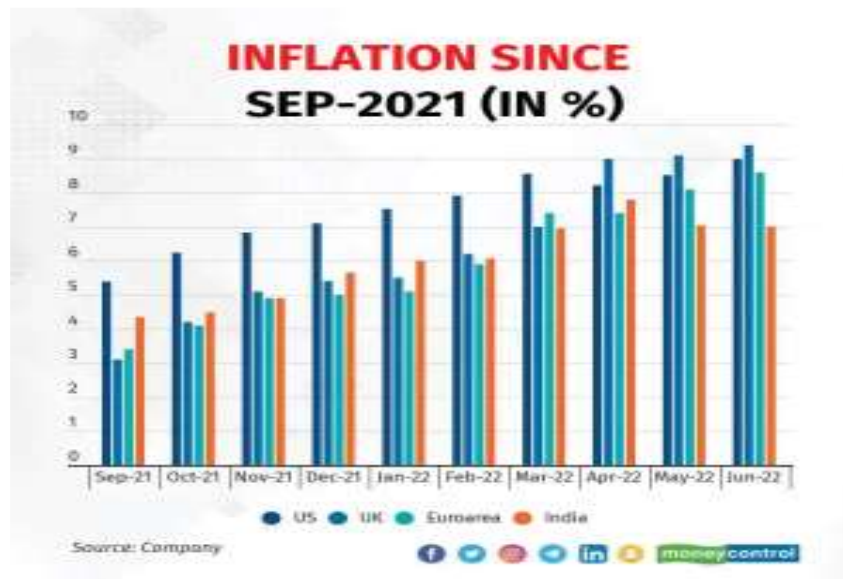
How do India's inflation and exchange rate compare with developed economies?

- India's inflation has been higher than advanced economies in most of the years in the 50 year history.
- Accordingly, the INR has depreciated against the currencies of major advanced economies and inflation differential is one of the major factors behind rupee depreciation.

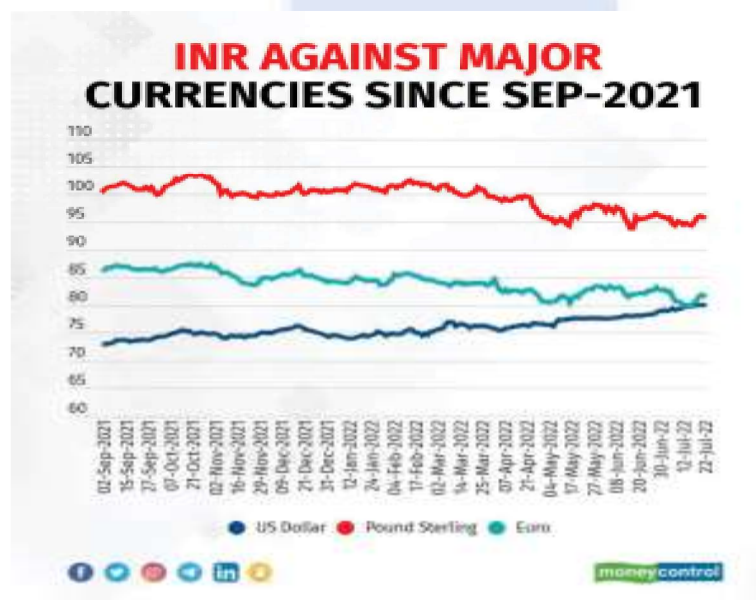


What changed in 2021?

In the second half of 2021, the inflation differential between India and developed countries has reversed. The inflation has been higher in select developed countries than inflation in India. India's inflation has been lower than that of the US since September 2021, lower than that of the UK since February 2022 (and in some other months too) and lower than the Euro area since March 2022.



On analysing the impact of inflation differentials on the exchange rate, **INR has appreciated against the pound** (from Rs 100 per pound in September 2021 to Rs 95 per pound in July 2022) and **euro** (from Rs 86 per euro in September 2021 to Rs 81 per euro in July 2022) which is in line with the inflation differential. However, **INR has depreciated against the USD** in the same period from Rs 73 per USD to near 80 levels in July 2022.



The Chief Economic Adviser also recently commented that INR may have depreciated against USD but has appreciated against other currencies. He also added that other currencies have depreciated more against USD than INR.

In particular, euro has depreciated recently and reached parity with USD (1 EUR = 1 USD) for the first time in 20 years.

What explains INR depreciation against USD despite India having lower inflation than US?

- **Rise in demand for US dollars leads to appreciation of USD and depreciation of the other currency:** In case of a global economic crisis, the foreign capital leaves local shores and is invested in the US.
- **Investors believe that investing in other economies might be risky but USD with its global currency status remains a safe bet. For Example:** In the 2008 crisis, US was at the centre of the crisis which should have led to depreciation but saw appreciation as capital flew to the country. The Federal Reserve cut interest rates to near zero levels yet it did not impact currency flows.

In 2022, we are seeing a repeat of 2008 sentiments playing across the world economy:

- **The Federal Reserve has started to aggressively increase interest rates for taming inflation.** The higher interest rates and rise in global risks have **led capital to once again flow** to the US, leading to large-scale appreciation of USD against most currencies.
- **Investors view the Federal Reserve policy stance as more credible** than that of central banks of England and the Euro area.
- **Inflation expectations:** Even if inflation is higher in India compared to developed countries, inflation in future is expected to trend lower.

Hence, the Indian rupee (INR) is also in the same basket as other currencies and has depreciated against USD.

What are the measures taken by the Reserve Bank of India (RBI) and the government to stop depreciation of Rupee?

- **Increase capital inflows** through FDI, FPI, external assistance, external commercial borrowings, short-term trade credit, net international liabilities of commercial bank.
- **Internationalizing** the rupee: Reserve bank of India(RBI) in its recent

announcement on July 11, 2022, has allowed domestic traders to settle their import and export bills in Indian Rupee.

- The RBI has **increased policy rates** and is selling foreign exchange reserves to defend INR.

Why is there optimism that the worst of the rupee is over?

- According to analysis by Yes Securities through the prism of the inflation differentials, it seems that the worst for the rupee is behind us as historical data showed **inflation differentials tend to have a strong correlation with currency trajectory**.
- The **inflation differential has turned topsy-turvy this year**, with price pressure in the U.S. of a higher magnitude than in India.
- India's stable economic growth and resumption of portfolio inflows into financial markets could further support the rupee.
- Foreign investors have poured in about **\$6 billion into Indian equities this month**, the biggest inflow since Dec 2020. This compares to the **almost \$28 billion of** outflows in the first six months of 2022.
- On the debt side, **overseas investors turned net buyers for the first time** this year in August.

YOJNA IAS

Sharad

Cyber Crime & Cyber Infrastructure

GS Paper 3: Basics of Cyber Security.

News: According to the National Crime Records Bureau (NCRB), from 12,317 cases of cybercrime in 2016, there were 50,035 cases registered in 2020 due to increased use of information and communication technology (ICT).



What is the Definition of Cyber Crime?

- Cybercrime refers to criminal conduct committed with the aid of a computer or other electronic equipment connected to the internet. Individuals or small groups of people with little technical knowledge and highly organized worldwide criminal groups with relatively talented developers and specialists can engage in cybercrime.

What are the examples of Basic CyberCrimes?

- **Stolen credit card information:** The most common cybercrime is when a person's credit card information is stolen and used unlawfully to acquire or purchase goods or services over the internet.
- **Hacking into a government website:** Another type of cybercrime is tampering with sensitive government data.
- **Theft of user accounts:** Yahoo experienced a serious data breach from 2013 to 2016 that resulted in the theft of three billion user accounts. The attackers gained access to private information and passwords that were used to access user accounts in other online services. Most of this data is available even today on the dark web.
- **Compromised IoT devices:** In 2016, over one million connected devices in the IoT were compromised by attackers who took advantage of existing software vulnerabilities. It is the largest DDoS attack to date and one that caused outages in the global DNS affecting popular services including Netflix, PayPal, Twitter, and many more.
- **Loss of control and access to content:** The WannaCry attack, which was allegedly launched by North Korea, in 2017, unleashed ransomware that locked down content on user devices. This ransomware rapidly spread itself and infected 300,000 computers worldwide. The victims

had to pay hundreds of dollars to restore their data.

- **Phishing campaigns:** The phishing campaigns infiltrate corporate networks by sending authentic-looking fraudulent emails to users in an organization and tricking them into performing actions such as downloading attachments or clicking on links. The viruses or malware then spreads to the systems, and, eventually, ends up in the organizations' networks.

What are the Different Types of Cyber Crime?

- **Malware:** Malware is a broad phrase that encompasses a wide range of cyberattacks such as Trojans, viruses, and worms. Malware can simply be described as code written to steal data or destroy things on a computer.
- **Phishing:** Phishing frequently poses as a request for information from a reputable third party. Phishing emails invite users to click on a link and enter their personal information.
- **Denial-of-service (DoS) attack:** A denial-of-service (DoS) attack focuses on disrupting network service. Attackers transmit a large amount of data traffic via the network until it becomes overloaded and stops working. A DoS attack can be carried out in a variety of ways, but the most common is a distributed denial-of-service (DDoS) attack. It involves the attacker sending traffic or data, by utilizing several machines, that will overload the system.
- **Man-in-the-middle Attack:** A man-in-the-middle attack can obtain information from the end-user and the entity with which they are communicating by impersonating the endpoints in the online information exchange.
- **Drive-by Download Attack:** Simply opening a compromised webpage may now allow dangerous code to be installed on our device. We only need to visit or drive by a website by clicking accept for any software, and malicious code will be downloaded in the background on our device.



What are the Issues in India related to Cyber Crimes:

- **No procedural code:** Electronic evidence is entirely different in nature when compared with evidence of traditional crime but there is no separate procedural code for the investigation of cyber or computer-related offences.
- **Shortage of technical staff:** A regular police officer, with an academic background in the arts, commerce, literature, or management may be unable to understand the nuances of the working of a computer or the Internet, but there have been half-hearted efforts by the States to recruit technical staff for the investigation of cybercrime.
- **Cyber forensic laboratories** of States are equipped to analyze hard disks and mobile phones, many are yet to be notified as '**Examiner of Electronic Evidence**' (by the central government) to enable them to provide expert opinion on electronic records.
- **Insufficient State Capacities:** Offenses related to crypto-currency remain under-reported as the capacity to solve such crimes remains limited.
- **Trans-national nature of cyber crimes:** Most cyber crimes are trans-national in nature with extra-territorial jurisdiction. The collection of evidence from foreign territories is not only a difficult but also a tardy process.
- **Insufficient financial support from center:** Center helps in upgrading the State laboratories by providing modernisation funds, though the corpus has gradually shrunk over the years.
- **Firms are reluctant to notify the cyber breach incidents to the regu-**

lators: This is because any security or privacy breach has a negative impact on the reputation of the associated firms. Empirical evidence shows that in the long term, breached companies underperformed in the market. So, firms weigh the penalties they face for not disclosing the incidents versus the potential reputational harm due to disclosure, and decide accordingly.

Initiatives taken by India to tackle cyber crime:

- Cyber Surakshit Bharat Initiative.
- Computer Emergency Response Team-India (CERT-IN).
- Information Technology (IT) Act, 2000.
- Cyber Swachhta Kendra.
- Indian Cyber Crime Coordination Center(I4C)
- National Cybersecurity Coordination Center.

Way forward:

- **Periodic cyber security audits through third party cyber security auditors:** These audits should be comprehensive enough to identify cyber crime incidents that might not have been reported by the firm.
- **Extension of Common Criteria Testing Laboratories and certification bodies** set up as part of cyber security assurance initiatives of the Government of India, to evaluate and certify IT security products and protection profiles towards cyber security audits and assessments as well.
- **Upgrade cyber labs:** Since there is now a state-of-art National Cyber Forensic Lab and the Cyber Prevention, Awareness and Detection Centre (CyPAD) of the Delhi Police, there may be an extension of professional help to States in getting their labs notified.
- **Data localisation:** Most cyber crimes are transnational in nature but in most social media crimes, except for the prompt blocking of an objectionable website or suspect's account, other details do not come forth quickly from large IT firms. Therefore, 'data localisation' must feature in the proposed Personal Data Protection law so that enforcement agencies are able to get timely access to the data of suspected Indian citizens.

- India should develop its **in-house capacity and/or make intermediaries accountable** to identify and remove online CSAM for immediate action by the police. As, the police still get CyberTipline reports on online Child Sexual Abuse Material (CSAM) from the U.S.'s non-profit agency, the National Center for Missing & Exploited Children (NCMEC).
- Centre and States should work in tandem and frame statutory guidelines to facilitate investigation of cybercrime but also need to commit sufficient funds to develop much-awaited and required cyber infrastructure.

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