

## CORPORATE OFFICE

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# CURRENT AFFAIRS

**Date:** 19 - July 2023

## DEFAMATION

*This article covers "Daily Current Affairs" and the topic details "Defamation". The topic "Defamation" has relevance in the "Indian Polity" section of the UPSC CSE exam.*

### **For Prelims:**

*Fundamental Rights, Criminal Defamation*

### **For Mains:**

*GS2: Indian Constitution and Issues related to it.*

### **Why in the news?**

The Gujarat High Court's recent ruling on Rahul Gandhi's criminal revision petition has generated significant inquiries regarding the domains of defamation, disqualification, and electoral representation legislation.



### **Freedom of Speech and Defamation :**

- Under Article 19(2) of the Indian Constitution, defamation is recognized as an exception to free speech, as validated by Sections 499 and 500 of the Indian Penal Code (IPC).
- There are two types of defamation in India: civil defamation and criminal defamation.
  - Civil defamation is a tort, which means that it is a wrong that can be remedied by a civil lawsuit.
  - Criminal defamation is a crime, which means that it can be punished by the government. Maximum punishment for criminal defamation is two years.
- Criminal defamation is committed when a person makes an imputation with the intention of harming the reputation of another person, or with reason to believe that it will harm their reputation. The actual harm inflicted or suffering caused is not a condition for criminal defamation, as intention or knowledge is sufficient.
- Mr. Gandhi's comment was deemed defamatory under Section 499, which includes imputations regarding "a company or an association or collection of persons as such."
- The Magistrate Court held individuals with the surname Modi as an identifiable class, resulting in the accused being pronounced guilty with the maximum possible sentence.

### Precedents on Defamation:

- Previous judgments have established criteria for determining a “collection of persons.”

Year	Case	Summary
1965	Sahib Singh Mehra v. State of Uttar Pradesh	The Supreme Court established identifiability and definitiveness as criteria for a “collection of persons.” It ruled that public prosecutors and assistant public prosecutors at Aligarh constitute a definite and identifiable category.
1967	Tek Chand Gupta v. R. K. Karanjia	The Allahabad High Court stated that the Rashtriya Swayam Sevak Sangh (RSS), with its own constitution, is an association or collection of persons that is not indefinite and unidentifiable.
1972	G. Narasimhan v. T. V. Chokkappa	The Supreme Court quashed complaints against office bearers of certain newspapers, including The Hindu, regarding defamatory newspaper reports on a conference organized by the Dravida Kazhagam in 1971. The court ruled that the conference was not a determinate and identifiable body.

### Related Constitutional Provisions:

- **Article 19(a)** states that all citizens shall have the right to freedom of speech and expression
- Reasonable restrictions on the exercise of this right can be enforced to safeguard the sovereignty and integrity of India, ensure state security, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offense.
- **Article 102** specifies the disqualifications for individuals aspiring to become members of either House of Parliament. These disqualifications include:
  - Holding any office of profit under the Government of India or the Government of any State.
  - Being declared of unsound mind by a competent court.
  - Being an undischarged insolvent.
  - Not being a citizen of India or voluntarily acquiring the citizenship of a foreign State, or having any acknowledgment of allegiance or adherence to a foreign State.
  - Being disqualified by any law enacted by Parliament.

Considering these precedents, the apex court will determine whether individuals with the surname Modi can be classified as an identifiable or definite class, constituting a “group of persons.” It remains to be seen if the Supreme Court, employing its powers under Article 136, will grant indulgence to stay the conviction in this specific case to ensure substantive justice.

### Sources:

On Rahul Gandhi’s conviction – The Hindu

### Q1. With reference to defamation laws in India, consider the following statements:

1. Under Article 21 of the Indian Constitution, defamation is recognized as an exception to free speech.
2. Civil defamation is a tort, which means that it is a wrong that can be remedied by a civil lawsuit.
3. Maximum punishment for criminal defamation is six years.

Which of the statements given above is/are correct?

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 2 only
- (d) None

**Answer: (c)**

**Q2. Consider the following:**

1. Interest of general public
2. Sovereignty and integrity of India
3. Protection of scheduled tribes
4. Incitement to an offense
5. Morality
6. Public health

How many of the abovementioned are exceptions to the freedom of speech and expression in the Constitution of India?

- (a) Only two
- (b) Only three
- (c) Only five
- (d) All Six

**Answer: (b)**

**Q3. Discuss the constitutional provisions related to freedom of speech, defamation, and disqualification for electoral representation in India.**

**Gaurav Nikumbh**

## **EXPORT PREPAREDNESS INDEX (EPI)**

*This article covers "Daily Current Affairs" and the topic details "Export Preparedness Index". The topic "Export Preparedness Index" has relevance in the Economy section of the UPSC CSE exam.*

**For Prelims:**

*About Export Preparedness Index (EPI) 2022?*

**For Mains:**

*GS 3: Economy*

*Key Learnings from EPI?*

*Recommendations?*

**Why in the news?**

Tamil Nadu has been ranked the No. 1 State in Export Preparedness Index (EPI) for 2022. It is followed by Maharashtra and Karnataka. Gujarat has been pushed to the fourth slot this time. Tamil Nadu has been in the top 5 list among Large/Coastal States' categories in the past two years.

**Export Preparedness Index (EPI) 2022**

- The Export Preparedness Index (EPI), released by NITI Aayog, is a comprehensive tool that measures the export preparedness of Indian states and Union Territories (UTs).
- It analyzes export-related parameters to identify the strengths and weaknesses of different regions to stimulate economic growth and development through exports.



## Key Highlights of EPI 2022:

### Performance of States:

- Tamil Nadu secured the top spot in EPI 2022, followed by Maharashtra and Karnataka.
- Gujarat, which held the top position in EPI 2021, slipped to the fourth slot in EPI 2022.
- Tamil Nadu's strong export performance indicators contributed to its leadership, especially in automotive, leather, textiles, and electronic goods sectors.

### Hilly/Himalayan States:

Uttarakhand topped among hilly/Himalayan states, followed by Himachal Pradesh, Manipur, and others.

### Landlocked Regions:

Haryana emerged as the top performer among landlocked regions, showcasing its preparedness for exports.

### Union Territories/Small States:

Goa ranked first among Union Territories and small states, with Jammu and Kashmir, Delhi, Andaman and Nicobar Islands, and Ladakh following.

### Global Economy:

- Global trade in 2021 showed signs of recovery from the Covid-19 pandemic, driven by increased demand for goods, fiscal policies, vaccine distribution, and eased restrictions.
- The Russo-Ukrainian war in February 2022 impacted sectors like grain, oil, and natural gas, temporarily slowing down recovery.

### India's Export Trends:

- Despite global slowdown, India's exports in 2021-22 crossed an unprecedented USD 675 billion, with goods accounting for USD 420 billion.
- The increase in commodity prices and demand from developed countries boosted India's merchandise exports.

### Key Learnings from EPI:

- **Coastal States Dominance:** Coastal states performed the best across all indicators, with Tamil Nadu, Maharashtra, Karnataka, and Gujarat leading the pack.
- **Policy Ecosystem:** States have shown positive progress in adopting necessary policy measures to drive exports.
- **Transport Connectivity:** The absence of air connectivity affects goods movement, particularly in landlocked or geographically disadvantaged states.
- **Research and Development:** R&D investments are crucial for driving product innovation, quality improvement, and efficiency enhancement in exports.
- **Leveraging Geographical Indication (GI) Products:** States should promote and improve the manufacturing and quality of unique GI products to establish a presence in the global market.

- **Export Market Diversification:** States should identify high-growth sectors and focus on information technology, pharmaceuticals, automotive, textiles, and renewable energy.

**Recommendations:**

- **Adoption of Good Practices:** States should learn from successful peers and adopt relevant practices to improve export performance.
- **Investment in Research and Development (R&D):** States should invest in R&D for product innovation and market-specific creation to boost exports.
- **Leveraging Geographical Indication (GI) Products:** States should capitalize on their unique GI products and enhance their manufacturing and quality for improved exports.
- **Export Market Diversification:** Identifying and promoting high-growth sectors can enhance India's export potential.

**Conclusion:**

The Export Preparedness Index serves as a vital tool to identify strengths and weaknesses, empowering states and UTs to enhance their export potential and contribute to India's economic growth and development. The recommended strategies can further support states in their export endeavors, contributing to India's global competitiveness.

**SOURCE:**

<https://www.thehindu.com/news/national/tamil-nadu/tamil-nadu-tops-niti-aayog-export-preparedness-index-2022-gujarat-skids-to-4th-slot/article67091437.ece>

**Q.1 What is the Export Preparedness Index (EPI)?**

- (a) A comprehensive tool to measure the export performance of countries globally.
- (b) An index that evaluates the export readiness of Indian states and Union Territories.
- (c) A report published by the World Trade Organization (WTO) on global trade trends.
- (d) A measure of a country's trade balance and current account surplus.

**Answer: (b)**

**Q.2 Which state topped the Export Preparedness Index (EPI) 2022?**

- (a) Maharashtra
- (b) Gujarat
- (c) Tamil Nadu
- (d) Karnataka

**Answer: (c)**

**Q.3 Discuss the key findings and recommendations of the Export Preparedness Index (EPI) 2022 in enhancing India's export potential. How can states leverage their strengths and address the identified weaknesses to drive economic growth through exports?**

**Rishabh**