

● POLITY

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POLITY AND GOVERNANCE

SC DECLARES AAP LEADER AS MAYOR OF CHANDIGARH

CONTEXT: Supreme Court declares AAP's Kuldeep Kumar as Chandigarh's Mayor, condemning electoral malpractice by the Returning Officer favoring BJP's Manoj Sonkar.

BACKGROUND: The Supreme Court's intervention on February 5 involved securing ballot papers and video records amidst concerns of horse-trading during the Chandigarh mayoral elections. Declaring Mr. Kumar as Mayor dashed BJP's hopes for new polls. Chief Justice Chandrachud stressed preserving electoral democracy, emphasizing the court's duty to ensure fairness.



NEWS HIGHLIGHTS

- Mr. Kumar declared winner: Bench reviewed eight ballot papers, confirming his majority with 20 out of 36 votes polled.
- Quashing of previous declaration: Mr. Masih's declaration of Mr. Sonkar as winner overturned.
- No need for fresh polls: Court agrees with legal counsel, avoiding further complications due to Returning Officer's error.
- Misuse of authority: Mr. Masih unlawfully altered mayoral election outcome, made false statements, ordered to show cause under CrPC.
- Condemnation of misconduct: Bench finds serious misdemeanour in the counting process, emphasizes integrity in electoral procedures.
- Judicial action: Supreme Court Registrar instructed to issue show cause notice, addressing conduct affecting administration of justice.

Congress leaders expressed dissatisfaction with the Election Commission (EC), calling for improved transparency in the electoral process. K.C. Venugopal criticized the EC's handling of VVPAT counting, urging swift action to restore public trust. Sachin Pilot emphasized the importance of respecting democratic institutions, while Arvind Kejriwal cautioned against undermining the democratic process.

Election to Municipal Corporation Chandigarh

- Electoral jurisdiction: Punjab Municipal Corporation Act, 1976, extends to Union Territory Chandigarh, placing electoral responsibilities under Election Commission appointed by Delhi Municipal Corporation Act, 1957.
- Establishment of State Election Commission: Shri S.D. Lahkar appointed as Election Commissioner in Chandigarh, with expenditure shared by Delhi and Chandigarh governments.
- Office accommodation: Chandigarh Administration allocates space in Sector 17-E for the Commission's office, while the Head Office remains in Nigam Bhawan, Delhi.
- Ongoing election activities: Commission regularly conducts elections and bye-elections due to various events such as member death/resignation or term expiry.
- Post-election tasks: Include handling election petitions, court litigations, maintaining election records, settling expenses, and updating electoral rolls within specified timelines.
- Staffing challenges: Commission engages contract staff due to lack of sanctioned posts, essential to manage time-sensitive tasks effectively.

POLITY AND GOVERNANCE

MAHARASHTRA ASSEMBLY CLEARS 10% MARATHA QUOTA

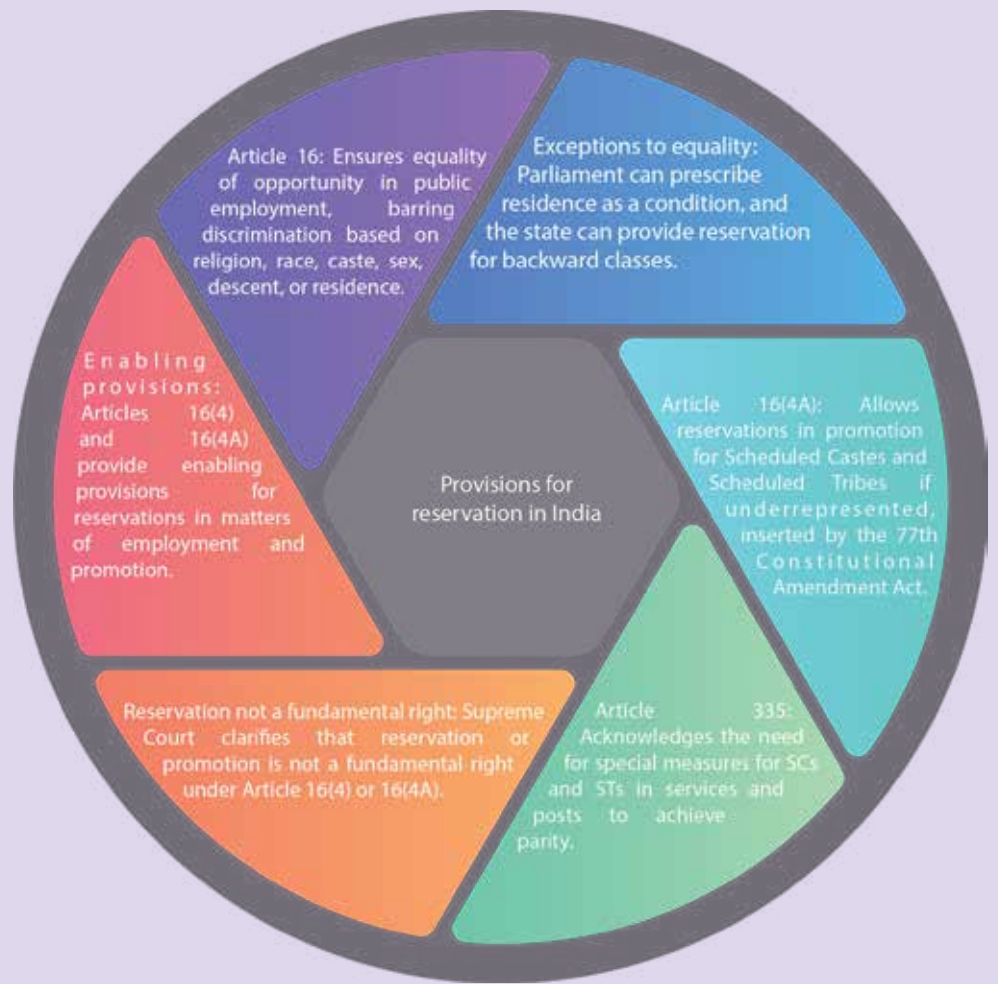
CONTEXT: Maharashtra approves 10% quota for Marathas in education and jobs ahead of elections, fulfilling promise but facing criticism from activists.



BACKGROUND: The recently passed Bill in Maharashtra, akin to a previous one struck down by the Supreme Court in 2021, aims to provide reservations for the Maratha community without affecting existing OBC quotas. This marks the third attempt in a decade to implement a Maratha quota, pushing total reservations beyond the mandated limit.

NEWS HIGHLIGHTS

- Opposition passes Maratha quota Bill: Initially supported unanimously, later criticized by Congress as pre-election tactic, and accused government of deceiving Maratha community.
- Congress denunciation: Congress leader Vijay Wadettiwar accuses Eknath Shinde regime of deceiving Marathas, claims Bill brought for Lok Sabha election victory.
- Compelled support: Opposition allegedly forced to support Bill to avoid accusations, claims they were not allowed to speak in Assembly.
- Shiv Sena's response: Uddhav Thackeray thanks Eknath Shinde, notes OBC reservation unaffected while granting quota for Marathas.
- Congress-Sena alliance: Despite alliance, Thackeray's gratitude contrasts with Congress' denouncement, highlighting political complexities.
- Maratha community impact: Bill's passage impacts Maratha community, raising questions about government intentions and community representation.



ECOLOGY

CALM ASSESSMENT

CONTEXT: Supreme Court halts the Centre's attempt to amend the Forest (Conservation) Act, 1980, aimed at curbing forest land diversion for non-forestry purposes.

BACKGROUND: The Act mandated a regulatory process for forest diversion, resulting in a significant reduction in annual forest diversion. However, its scope initially applied to recognized forest tracts. The T.N. Godavarman Thirumulpad judgment expanded protection to all forests, introducing the concept of 'deemed forests' regardless of official classification.



HIGHLIGHTS

- Delay in expert committees: Despite Supreme Court directive, few states formed committees or disclosed extent of 'deemed forests' in 28 years.
- Centre's proposed amendment: Aimed at clarifying Forest (Conservation) Act due to ambiguity over recorded forest land usage and reluctance in private cultivation.
- Dynamic forest laws: Amendments seek to exclude 'deemed forests' from protection to encourage private plantations, essential for India's carbon sink ambitions.
- Public interest petitions: Amendments viewed as undermining forest protection goals, prompting legal challenges and calls for a dispassionate assessment.
- Court's intervention: Orders Centre to compile and disclose states' efforts in recording 'deemed forests' by April, fostering transparency and informed debate.
- Critical debate: Need for unbiased evaluation of ground realities to ascertain impact on India's carbon sink and resolve legal and environmental concerns.

The Court's directive to the Centre to disclose States' efforts in identifying deemed forests is appreciated, pending a final verdict. Speculation about the impact on India's carbon sink due to lack of private initiatives remains unsubstantiated. An impartial evaluation of ground realities is crucial to advance this critical discussion.

SCIENCE AND TECHNOLOGY

KEEP IT WHOLESOME

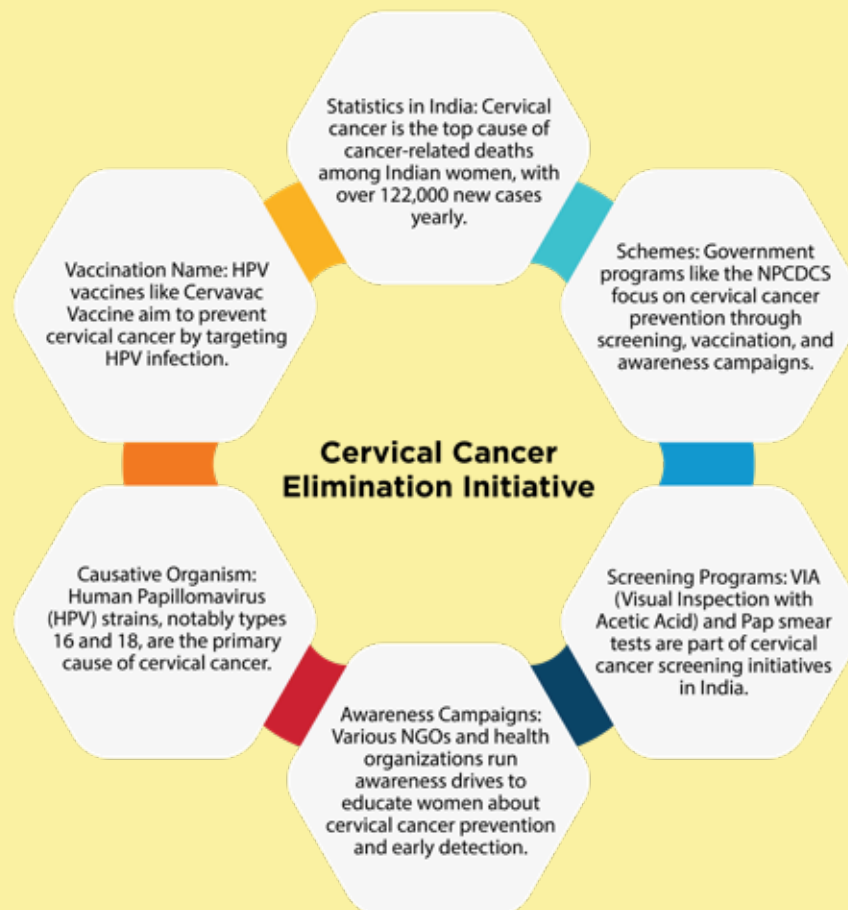
CONTEXT: The government's plan to promote cervical cancer vaccination for girls aged 9-14 is a positive step toward comprehensive health policy.



BACKGROUND: Government policies must comprehensively address various aspects to achieve their goals effectively. Union Finance Minister Nirmala Sitharaman's interim Budget proposal to promote cervical cancer vaccination for girls aged nine to 14 is commendable. However, any program addressing cervical cancer should also incorporate screening, given its link to HPV infection.

HIGHLIGHTS

- Cervical cancer linked to HPV: Almost all cases linked to human papillomavirus (HPV) infection transmitted through sexual contact.
- High mortality rates: Second leading cause of cancer-related deaths among Indian women, with over 77,000 deaths annually.
- Prevalence among Indian women: Estimated as the second most frequent cancer among women aged 15 to 44 years.
- Challenges in screening: National prevalence of cervical cancer screening remains low, impacting detection and treatment outcomes.
- Accessible diagnosis: VIA and VILI tests offer easy detection of precancerous lesions and cancer with minimal tools in public health settings.
- Simple treatment options: Cryotherapy, a short procedure, can be conducted while the patient is awake to destroy abnormal growths.
- Preventable and treatable: Cervical cancer is easily preventable, identifiable, and treatable, yet many women die from the disease.
- Call for government action: Vaccination programme should be complemented with mandatory screening at primary health centers and immediate treatment options.
- Comprehensive control programme: Deployment of all available tools essential for a national cervical cancer control programme accessible to all women.
- Inclusive approach: Programme should be accessible regardless of age, education, affordability, or social status to prevent unnecessary deaths.



POLITY AND GOVERNANCE

HAVING PANCHAYATS AS SELF-GOVERNING INSTITUTIONS

CONTEXT: Three decades post the 73rd and 74th Constitutional Amendments, the effectiveness of local self-government varies across states, reflecting differing commitments to decentralization.

BACKGROUND: State governments' commitment to decentralization plays a crucial role in the effectiveness of local governance through panchayati raj institutions. The constitutional amendment outlines fiscal devolution, empowering panchayats to generate their own revenues. Efforts in participatory planning and budgeting further enhance their role in grassroots governance.



- hindering equitable revenue sharing.
- Revenue generation initiatives: Gram sabhas can engage in diverse initiatives like agriculture, tourism, and small-scale industries, imposing taxes and fees for local development.
- Transparent financial management: Essential for ensuring accountability, fostering community trust, and empowering villages to become economically independent and resilient.
- Call for equitable revenue sharing: Highlighting the need to demarcate own source revenue (OSR) among all three tiers of panchayats to ensure fair distribution.

The reduced interest in generating own income by panchayats can be attributed to increased grants from the Central Finance Commission (CFC). While grants have surged in recent CFC allocations, own source revenue (OSR) collection has declined. Panchayats now rely more on grants, shifting away from past efforts to raise OSR.

To overcome the dependency on grants, panchayats must address societal attitudes towards taxation and educate elected representatives and the public on its importance for local development. With concerted efforts at all levels of governance, including state and central, panchayats can transition towards self-sufficiency in revenue generation.

AVENUES FOR OWN SOURCE OF REVENUE

Expert committee findings: Ministry report details State Acts incorporating tax and non-tax revenue, empowering panchayats to collect and utilize funds for development.

Major own source of revenue (OSR): Property tax, cess on land revenue, tolls, profession tax, advertisement tax, user charges, among others.

Financial regulations: Panchayats urged to establish conducive tax environments, make decisions on tax bases, rates, exemptions, and enforce tax laws effectively.

Potential for non-tax revenue: Includes fees, rent, and income from investments, sales, hires, and innovative projects like rural business hubs, renewable energy, and CSR funds.

Empowering local governance: Enhanced revenue sources enable panchayats to undertake development projects, fostering self-sufficiency and local empowerment.

THE ROLE OF GRAM SABHAS

- Gram sabhas' role: Key in local self-sufficiency and sustainable development, utilizing resources for revenue generation and directing funds for community welfare and development.
- Authority and responsibilities: Disparities exist in tax collection authority among gram, intermediate, and district panchayats,



POLITY AND GOVERNANCE

JUDICIAL CLARITY ON FREE SPEECH

CONTEXT: Justice Gautam Patel's ruling in Kunal Kamra's case underscores the constitutional protection of free speech on social media, subject to reasonable restrictions.



BACKGROUND: The Judge has emphasized the constitutional protection of free speech, underscoring its inviolability except for reasonable restrictions outlined in Article 19(2), (6). Despite a non-binding decision due to a split verdict, his defense against state encroachment on this fundamental right is reassuring.

HIGHLIGHTS

- **Context of Decision:** Concerns the amended Rule 3(1)(b)(v) of the IT Rules 2021, seen as arbitrary and unjust.
- **Rule Provision:** Allows the Fact Check Unit (FCU) to identify and control digital content related to the Central government's business.
- **Penal Consequences:** Failure to comply with due diligence invites penalties for intermediaries under Rule 7, including legal action.
- **Unfettered Powers:** Criticized for granting FCU unchecked authority over digital content without clear boundaries or standards.
- **Unconstitutionality Declared:** Justice Patel deems the amendment unconstitutional, citing censorship, vagueness, and lack of reasonable standards.
- **Breach of Rights:** Ruled as infringing upon Article 19 (freedom of speech and expression) and Article 14 (right to equality).
- **Judicial Principles:** Decision based on doctrines of proportionality and necessity, holding the amended Rule ultra vires several constitutional and legal provisions.

In a landmark decision, the learned Judge upheld constitutional principles by denouncing unchecked power and endorsing the vital role of dissent in democracy. The ruling rebuffed an amendment's chilling effect on free expression while acknowledging the need for digital platform regulation. It underscores judicial review as crucial in curbing governmental overreach and protecting individual rights. Ultimately, the judgment emphasizes that laws enabling injustice have no place in a constitutional democracy.

Freedom of Speech - Article 19(1) (a)

- **Article 19(1) (a) Right:** Guarantees freedom of speech and expression to all citizens, enabling them to express opinions through various mediums.
- **Scope of Expression:** Encompasses verbal, written, visual, and symbolic forms of expression, including sports participation and flag hoisting.
- **Freedom of the Press:** Implied within this right, enabling media to disseminate information freely.
- **Access to Information:** Integral to freedom of speech, affirmed by the Right to Information (RTI) Act as a fundamental right.
- **Inalienable Right:** Linked to the right to life under Article 21, implying that restrictions violate fundamental rights.
- **State Responsibility:** Obliges the state to ensure freedom of speech for all citizens, both through action and inaction.
- **Commercial and Artistic Expression:** Includes the right to communicate, print, advertise, and engage in commercial or artistic speech and expression.

SOCIAL JUSTICE

RULES THAT EDGE OUT WOMEN FROM JOBS DUE TO MARRIAGE ILLEGAL: SC

CONTEXT: Supreme Court deems rules terminating women's jobs for marriage or domestic reasons as unconstitutional gender discrimination, affirming rights to equality and dignity.

BACKGROUND: The Supreme Court, in a landmark decision, deemed the discharge of a woman permanent commissioned officer from the Military Nursing Service for getting married as "wrong and illegal." It directed the government to pay her ₹60 lakh compensation, highlighting the unconstitutionality of rules barring marriage for women nursing officers.



Provisions in India for Women in Jobs

- **Constitutional Provisions:** Article 15(3) allows for special provisions for women in educational institutions, promoting gender equality.
- **Statutory Provisions:** Laws like the Maternity Benefit Act ensure maternity leave and benefits for women employees.
- **Court Cases:** Landmark cases like Vishaka v. State of Rajasthan establish guidelines against workplace sexual harassment, ensuring women's safety.
- **Reservations:** Reservation policies in government jobs and elected bodies provide quotas for women, enhancing their representation.
- **Equal Pay Laws:** Legislation mandates equal pay for equal work, combating gender pay gaps and ensuring fair compensation for women.
- **Anti-Discrimination Laws:** Acts like the Equal Remuneration Act prohibit discrimination based on gender in employment and payment matters.

NUCLEAR POWER PLANTS IN INDIA



Nuclear Power Capacity Set to Increase from 7480 Mw to 22800 Mw by 2031-32

- **Current Status:** Presently, 23 nuclear power reactors are installed across various states, contributing significantly to electricity generation.
- **Future Projects:** Construction of ten reactors totaling 8000 MW underway in several states, with pre-project activities initiated for ten more reactors.
- **New Projects:** In-principle approval granted for setting up a 6 x 1208 MW nuclear power plant in cooperation with the USA at Kovvada, Andhra Pradesh.
- **Safety Milestones:** Excellent safety record achieved in the past decade, including milestones like 50 years of TAPS 1&2 operation and world record by KGS-1.
- **NPCIL Initiatives:** NPCIL ensuring timely shutdowns, early generation from new units, and avoiding unplanned shutdowns to meet targets.
- **Environmental Benefits:** Nuclear power touted as a clean and sustainable energy source, playing a crucial role in the country's energy transition towards a net-zero economy by 2070.

SCIENCE AND TECHNOLOGY

INDIA TO SEEK \$26 BN PRIVATE INVESTMENT IN NUCLEAR POWER SECTOR

CONTEXT: India plans to attract \$26 billion in private investment for its nuclear energy sector, aiming to boost non-carbon electricity generation.

BACKGROUND: New Delhi is venturing into private investment in nuclear power for the first time to boost its non-carbon-emitting energy capacity. Discussions with five private firms, including Reliance Industries and Tata Power, are underway, aiming to invest around ₹440 billion each. This move aligns with India's goal of increasing non-fossil fuel electricity generation to 50% by 2030.

HIGHLIGHTS

- **Investment Plan:** Indian government plans to invest in building 11,000 MW of new nuclear power generation capacity by 2040.
- **Current Capacity:** NPCIL operates 7,500 MW of nuclear power plants, with committed investments for another 1,300 MW.
- **Private Involvement:** Discussions held with private firms for investment collaboration in nuclear power projects.
- **Funding Structure:** Private companies to invest in nuclear plants, acquire land, and undertake construction, while NPCIL retains rights to operate.
- **Revenue Model:** Private firms to earn revenue from electricity sales, while NPCIL operates projects for a fee.
- **Capacity Expansion:** Government aims to increase nuclear power capacity from 7480 MW to 22480 MW by 2031-32.
- **Electricity Generation:** Annual electricity generation from nuclear plants rose from 35334 MU in 2013-14 to 46982 MU in 2022-23.

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INTERNATIONAL RELATIONS

INDIA, SRI LANKA MOVE FORWARD WITH TALKS ON TRADE AGREEMENT

CONTEXT: India and Sri Lanka plan to advance discussions on the Economic and Trade Cooperation Agreement (ETCA) through upcoming bilateral talks scheduled for this month and March.



BACKGROUND: The resumption of negotiations on the Economic and Technical Cooperation Agreement (ETCA) between India and Sri Lanka marks a significant step forward, overcoming past hurdles. President Wickremesinghe's emphasis on trade pacts for economic recovery underscores the importance of strengthening ties with key partners like India amid Sri Lanka's financial challenges.

HIGHLIGHTS

- **ETCA Negotiations:** Sri Lanka's Cabinet updated on the 13th round of ETCA discussions in New Delhi, spanning ten days from January 8, 2024.
- **Sub-Committees:** Nine sub-committees addressed various trade aspects, including goods trade, service trade, and customs procedures during the negotiations.

- **Labor Protection:** Both sides exploring ways to link service trade with investments to safeguard local labor, ruling out free movement of individual professionals.
- **Future Discussions:** The 14th round of discussions scheduled for the first week of March 2024, with Prime Minister Wickremesinghe briefing the Cabinet on the talks.
- **History of Negotiations:** India and Sri Lanka have sought to upgrade their free trade agreement since its signing in 1998, but previous attempts have been unsuccessful.

Commercial Relations – India and Sri Lanka

- **Economic Partnership:** India and Sri Lanka have a robust economic and commercial partnership, witnessed through the ISFTA and various development projects.
- **ISFTA Impact:** The ISFTA, in force since 2000, significantly boosted bilateral trade, with merchandise trade reaching US\$ 5.45 billion in 2021.
- **Bilateral Trade:** India is Sri Lanka's largest trading partner within SAARC, with bilateral trade increasing by about 48% in 2021 compared to 2020.
- **Trade Dynamics:** Sri Lankan exports to India have surged since ISFTA's implementation, with over 60% of exports utilizing ISFTA benefits.
- **Competitiveness:** India's exports to Sri Lanka, while substantial, show only 5% utilizing ISFTA provisions, indicating competitiveness in the Sri Lankan market.
- **FDI Contribution:** India is a significant contributor to Sri Lanka's Foreign Direct Investment (FDI), with total FDI exceeding US\$ 2.2 billion.
- **FDI Trends:** In 2021, India emerged as the largest source of FDI in Sri Lanka, with investments spanning sectors like petroleum, tourism, manufacturing, and telecommunications.



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