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POLITY AND GOVERNANCE

Trees in Corbett fell prey to greedy nexus, says SC

CONTEXT: The Supreme Court condemned the illegal felling of over 6,000 trees to construct buildings, ostensibly for "eco-tourism" at the Jim Corbett National Park in Uttarakhand, as a "classic case" of nexus between politicians and officials working to ransack the environment for short-term commercial ends.



SUMMARY: The Supreme Court has strongly criticized the illegal felling of over 6,000 trees at the Jim Corbett National Park in Uttarakhand for building structures under the guise of "eco-tourism". The court emphasized the importance of protecting tigers, stating that their presence is crucial for the ecosystem's well-being. The court directed the Ministry of Environment to form a committee to study whether tiger safaris should be allowed in buffer areas of tiger reserves. It also approved a CBI probe into the case and directed the agency to submit a report in three months. The committee will assess the damage, quantify the cost of restoration, and identify those responsible, with the restoration costs to be recovered from them. If the committee recommends tiger safaris, it must also propose guidelines for their operation nationwide.

OBSERVATIONS OF THE SUPREME COURT: The court observed that the case exemplifies human greed leading to the destruction of a significant tiger habitat. The court expressed dismay at the audacity of former Uttarakhand Forest Minister Harak Singh Rawat and former Divisional Forest Officer Kishan Chand for disregarding forest and wildlife conservation laws. The court emphasized Uttarakhand's responsibility to restore the forest and highlighted the importance of tigers in maintaining ecosystem balance.

INTERNATIONAL RELATIONS

Ensure Pak. does not divert loans to foot defence bills: India to IMF

CONTEXT: India's representative to the IMF, Krishnamurthy Subramanian, emphasized for strict monitoring of emergency funds provided by the International Monetary Fund (IMF) to Pakistan to ensure it not being used for defence or repayment of loans to other countries.

Cup of woes

Pakistan's new government's efforts to acquire international funds may come with some strings



- Following the 2022 floods and external shocks, the economy shrank in 2022-23; forex reserves collapsed

- The IMF okayed a \$3 billion stand-by arrangement that ends next month; India abstained from vote

- This week, PM Shehbaz Sharif has mooted immediate talks with the IMF for extended support

- In loan review this January, India seeks stringent monitoring of IMF money's end-use by Pakistan

SUMMARY: India has taken a firm stance on the monitoring of emergency funds provided by the International Monetary Fund (IMF) to Pakistan. India's representative to the IMF, Krishnamurthy Subramanian, emphasized that such funds should not be used for defence or repayment of loans to other countries. India has historically abstained from voting on loans to Pakistan and reiterated this stance during a recent review of Pakistan's \$ 3 billion Stand-By Arrangement (SBA) with the IMF. Despite India's abstention, the IMF released a \$ 700 million tranche to Pakistan in January. India has requested stringent monitoring to ensure that IMF funds are used for development purposes and not diverted for other uses. Pakistan's government, led by Prime Minister Shehbaz Sharif, is seeking additional funding support from the IMF as its economy has been struggling due to various challenges, including severe floods and inflation.



"Education is the ability to listen to almost anything without losing your temper or your self-confidence." - Robert Frost



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POLITY AND GOVERNANCE

Free of guilt

CONTEXT: The Nagpur Bench of the Bombay High Court acquitted former Delhi University Professor G.N. Saibaba and five others in a case under the Unlawful Activities (Prevention) Act for alleged Maoist links.

SUMMARY: The Nagpur Bench of the Bombay High Court exonerated former Delhi University professor G.N. Saibaba and five others who were charged with having Maoist links. The acquittal by the Bombay High Court highlights the practice of invoking stringent laws based on mere association or sympathy with extremist groups. The High Court's decision emphasized procedural safeguards against the Unlawful Activities (Prevention) Act's strictness and criticized the law's bail-denying features that allow prolonged imprisonment based on doubtful or flimsy evidence. The Supreme Court's intervention to stay their discharge in 2022 was also noted, with criticism over the haste of the decision. The latest judgment completely rejected the prosecution's case, stating that the evidence against the accused was inadequate and did not link them to any terrorist act, conspiracy, or Maoist organization membership. It also found the sanction given under UAPA to be invalid for five of the accused due to lack of independent review of the evidence. The High Court emphasized that adherence to procedural safeguards is crucial when applying stringent laws like UAPA, and mere possession of literature or publicity material is not sufficient grounds for conviction under UAPA without direct evidence linking suspects to a terrorist act.

POLITY AND GOVERNANCE

Slow and unsteady

CONTEXT: The Tamil Nadu Assembly Speaker has declared the vacancy of the Tirukkoyilur Assembly constituency in Tamil Nadu.

SUMMARY: The delayed declaration of the Tirukkoyilur Assembly constituency in Tamil Nadu as vacant following the conviction and disqualification of former Higher Education Minister K. Ponmudy in a disproportionate assets case contrasts with the prompt declaration of the Vilavancode constituency as vacant when the legislator resigned after changing party affiliation. The Madras High Court convicted former Higher Education Minister K. Ponmudy in a disproportionate assets case on December 19, 2023, which was not stayed by the Supreme Court. The vacancy for Tirukkoyilur was not declared immediately. Ponmudy's disqualification fell under Section 8(1) of the Representation of the People Act, 1951, which mandates disqualification for certain offenses, including under the Narcotic Drugs and Psychotropic Substances Act and Prevention of Corruption Act, upon conviction and imposition of a fine. Section 8(1) mandates immediate disqualification upon conviction, which should have occurred on December 19, 2023, when Ponmudy was convicted.

DISCUSSION: It is important to have a coordination between the judiciary and legislature in pursuing anti-corruption cases, especially those involving lawmakers. Without such coordination, the purpose of having special courts or arrangements in the High Court for such cases is defeated. There is a need for both branches of government to work together to combat corruption and protect democracy. It also stresses the importance of protecting critics of the establishment and avoiding any impression of authoritarianism or judicial overreach.

POLITY AND GOVERNANCE

The tale of 'have money, buy miracle drug'

CONTEXT: There has been widespread promotion and administration of unapproved weight loss drugs, specifically Semaglutide, in India.

SUMMARY: There has been widespread promotion and administration of unapproved weight loss drugs, specifically Semaglutide, in India. Despite not being approved for sale in India, these drugs are being administered to affluent patients, often without mentioning their significant side effects. The media often promote these drugs without highlighting their lack of approval and potential risks. The past incidents involving weight loss drugs in the United States that led to pharma companies paying out approximately \$ 4 billion in damages in mass tort litigation.

TRIALS, SALE APPROVAL IN INDIA, EXCEPTIONS

Drugs are normally approved for sale in India only after the Indian subsidiary or licensee of the global brand owner conducts clinical trials. Once approved, the regulator mandates monitoring and reporting all adverse events for two years. Global pharma companies sometimes choose to stay out of the Indian market and not launch drugs in India. In such circumstances, patients can get a license from the drug regulator based on a doctor's prescription to import these drugs for personal use. Similarly, hospitals too can apply for import licences. But these are narrow exceptions to the rule that the drug needs to be tested in clinical trials in India and is available for sale only after approval by the drug regulator.

The most recent scandal was about spurious imported drugs such as Adcetris, a drug used to treat a type of blood cancer. The drug regulator issued an alert regarding spurious drugs after the World Health Organization issued an alert in September 2023. This alert too was delayed by two years as the arrests made by the Mumbai police in October 2021.



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POLITY AND GOVERNANCE

Safeguarding local democracy

CONTEXT: On February 20, a three-judge Bench of the Supreme Court led by Chief Justice of India D.Y. Chandrachud used its plenary powers to declare Kuldeep Kumar, the Aam Aadmi Party (AAP) candidate, as the validly elected Mayor of the Chandigarh Municipal Corporation.



SUMMARY: The Supreme Court of India used its powers to declare Kuldeep Kumar of the Aam Aadmi Party as the validly elected Mayor of the Chandigarh Municipal Corporation. This decision came after CCTV footage showed the presiding officer defacing some ballot papers. Despite this, the BJP gained a majority in the council through defections, winning deputy mayor positions. The situation highlights challenges in local democracy, including fair elections, defections, and democratic governance in Union Territories.

BACKGROUND: The Supreme Court intervened in Chandigarh's mayoral polls after CCTV footage showed the presiding officer defacing ballot papers, ensuring democracy's integrity. However, three AAP councillors defecting to the BJP led to BJP candidates winning deputy mayor positions, giving the BJP a council majority. This raised concerns about local democracy, including fair elections and defections, as well as democratic governance in Union Territories like Chandigarh.

ADMINISTERING LOCAL ELECTIONS: As per Section 60 of the Punjab Municipal Corporation Act 1976, the election of the Mayor shall be convened by the Divisional Commissioner, who nominates a councillor, who is not a candidate for the election, to preside the meeting. However, this system has raised concerns, especially after a previous election where an elected councillor was appointed as presiding officer, leading to controversy. To address these issues, the AAP candidate requested a court-monitored election, and the election process was video-recorded. This highlights the need for stronger systems in municipal laws to ensure fair processes in indirect elections and restore trust in internal election procedures.

DEFECTIONS: The defection of three AAP councillors to the BJP in Chandigarh raised concerns about the integrity of local councils. The Supreme Court rejected calls for fresh mayoral polls, citing the risk of undermining democratic principles. The Court instead used its powers to declare a winner, preventing further political manipulation. However, this intervention did not prevent the BJP from winning deputy mayor positions through defections. This highlights the challenges of judicial interventions in resolving

complex political issues, especially regarding defections and maintaining democratic integrity in local governance.

LIMITATION OF ANTI-DEFECTION LAW: The absence of anti-defection laws for panchayats and municipalities limits the court's intervention in defection cases, making the BJP's win in deputy mayoral polls technically legal. While some states have laws against defections in local governments, most do not. The party-political nature of local governments underscores the need for statutory measures to curb defections and maintain democratic integrity at the local level.

POLITY AND GOVERNANCE

Are legislators immune to bribery charges?

CONTEXT: A seven-judge Bench of the Supreme Court on Monday ruled that Members of Parliament (MPs) and Members of Legislative Assemblies (MLAs) cannot claim immunity from prosecution for accepting bribes to cast a vote or make a speech in the House in a particular fashion. Article 105(2) of the Indian Constitution confers on MPs immunity from prosecution in respect of anything said or any vote given in Parliament or on any parliamentary committee. Similarly, Article 194(2) grants protection to MLAs.

BACKGROUND: Sita Soren, a Jharkhand Mukti Morcha (JMM) MP was accused of accepting a bribe during the 2012 Rajya Sabha elections. She claimed legal immunity under Article 194(2) after a chargesheet was filed against her. In 2014, the Jharkhand High Court dismissed her immunity plea. Soren appealed to the Supreme Court. On September 20, 2023, a five-judge Bench headed by CJI Chandrachud while hearing the appeal doubted the correctness of the majority view in P.V. Narasimha versus State (1998) and accordingly referred the matter to a seven-judge Bench.

JMM BRIBERY CASE, 1993: The 1993 JMM bribery case involve Shibu Soren, the JMM Supremo accepted bribes for voting against a no-confidence motion against the then P.V. Narasimha Rao government. While two judges on the Constitution Bench opined that legislative immunity granted under the Constitution could not be extended to such cases, the majority of them, while acknowledging the seriousness of the offence, ruled that "a narrow construction of the constitutional provisions" may result in the impairment of the guarantee of "parliamentary participation and debate".

PROCEEDINGS IN THE COURT:

The Chief Justice elaborated such privileges are guaranteed under Articles 105 and 194 to sustain an environment in which debate and deliberation can take place within the legislature. Such privileges will be governed by a two-fold test — first, the privilege claimed has to be tethered to the collective functioning of the House and second, its necessity must bear a functional relationship to the discharge of the essential duties of a legislator.

The court clarified that bribery by a legislator is not protected under Article 105(2) or Article 194, as it constitutes a crime separate from the act of voting or deciding on a vote. The acceptance of a bribe completes the offence, regardless of subsequent actions. Section 7 of the Prevention of Corruption Act strengthens such an interpretation since it expressly states that the "obtaining, accepting, or attempting" to obtain an undue advantage shall itself constitute an offence even if the performance of a public duty by a public servant has not been improper.

The petitioners questioned the Court's jurisdiction to punish a member of Parliament for acts performed within the premise of the Parliament, since the Parliament can punish its members for contempt. The Court upheld its jurisdiction to prosecute a criminal offense and Parliament's authority for breaches of discipline are separate and can be exercised concurrently.

The Court stated that its principles on legislative privileges apply to Rajya Sabha elections, President, and Vice-President appointments. It overturned the Kuldeep Nayar case, which suggested that Rajya Sabha elections are not part of legislative proceedings and thus not covered by parliamentary privileges under Article 194.

INTERNAL SECURITY

Navy commissions INS Jatayu, MH-60R helicopter squadron

CONTEXT: The Indian Navy commissioned INS Jatayu at Minicoy Island its first MH-60R multi-role helicopter squadron, INAS 334 'Seahawks,' at Kochi.



SUMMARY: The Indian Navy commissioned INS Jatayu at Minicoy Island, its second base in Lakshadweep after INS Dweeprakshak in Kavaratti and its first MH-60R multi-role helicopter squadron, INAS 334 'Seahawks,' at Kochi. INS Jatayu marks the beginning of a phased expansion plan to enhance surveillance and security in the strategically located islands near the Nine Degree channel. The commissioning ceremony was attended by Chief of Naval Staff Admiral R. Hari Kumar and other dignitaries.

DISCUSSION

INS JATAYU: The commissioning of INS Jatayu at Minicoy Island, its second base in Lakshadweep strengthen India's surveillance and security posture in the strategically located islands close to the Nine Degree channel and critical sea lanes of communication. The base located in a region with significant maritime traffic flows both into and out of the Arabian Sea would extend capacity building, operational reach and sustenance of the Indian Navy in the region. The Indian Navy can respond with "alacrity", assuming an "assertive posture" in the west and north Arabian Sea, undertaking anti-drone and anti-piracy operations to safeguard all merchant traffic in the region.

INAS 334 'Seahawks': The first MH-60R squadron of 48 officers and 170 men commanded by Captain M. Abhisheik Ram signifies a major capability boost for the Navy's rotary fleet and anti-submarine warfare capabilities.

ECONOMICS AND DEVELOPMENT

RBI directs card issuers to let customers choose card network

CONTEXT: The Reserve Bank of India (RBI) has directed card issuers, which include authorised payment system providers, banks and non-banks, not to enter into any arrangement or agreement with card networks that restrains them from availing the services of other card networks.

Shuffling cards

Card issuers told not to enter into any agreement with networks that restrains their ability to avail services from others

- The RBI order applies to all card issuers including authorised payment system providers, banks and non-banks

- Currently, authorised card networks in India include American Express, MasterCard Asia/Pacific, Rupay, and Visa



- RBI says the fresh directive has been issued keeping the interest of the payment system and public interest in mind

SUMMARY: The Reserve Bank of India (RBI) has directed card issuers not to enter into agreements that restrict them from using other card networks. Card issuers must offer customers the choice of multiple networks when issuing new cards and at renewal for existing cardholders. This directive aims to increase choice for customers and will be effective in six months. The RBI has asked issuers and networks to execute new agreements to comply.

ANALYSIS: Currently in India, the authorised card networks include American Express Banking Corp., Diners Club International Ltd., MasterCard Asia/Pacific Pte. Ltd., National Payments Corporation of India–Rupay, and Visa Worldwide Pte. Ltd. As per the current practice, the authorised card networks tie-up with banks/non-banks for issuance of credit cards and the choice of network for a card issued to a customer is decided by the card issuer (bank/non-bank) and is linked to the arrangements that the card issuers have with card networks in terms of their bilateral agreements.

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POLITY AND GOVERNANCE

PM launches India's first underwater Metro line in Kolkata

CONTEXT: Prime Minister Narendra Modi inaugurated the Esplanade-Howrah Maidan section of Kolkata Metro, including the country's first underwater transportation tunnel.

SUMMARY: Prime Minister Narendra Modi inaugurated the Esplanade-Howrah Maidan section of Kolkata Metro, including the country's first underwater transportation tunnel. The 4.8-km stretch is part of the East-West Corridor, costing ₹ 4,965 Cr. The ₹ 1,430 Cr.

Kavi Subhash-Hemanta Mukhopadhyay section of the New Garia-Airport line was also inaugurated from the function at the Esplanade Metro station. The stretch, which is 5.4 km long, will bring the areas in the south-eastern parts of Kolkata on the Metro map. These sections will help decongest road traffic and provide seamless and easy connectivity.

FOOLPROOF TUNNELS & WATERPROOF TRAINS

Trains will ply 13m below water and 13m below the clay

13 M

15 M

TUNNEL

Expected to be operational next year, Kolkata's East-West Metro corridor will have India's first underwater train

April To July 2017
River tunnelling completed

Twin tunnels
each 520m long, run under the river

16.3km East-West Metro has India's first underwater Metro tunnel

- Kolkata Metro's east-west corridor, 39km long with 17 stations planned, opened in 2020. Currently operational between Salt Lake and Phoolbagan, it will connect Teghoria with Howrah by going underneath the Hooghly
- It will connect railway terminals Howrah and Sealdah and business districts BBD Bagh and Salt Lake Sector V

Tunnel boring machines are named for good luck. For Kolkata Metro, they were Rachna, Prerna, Urvi & Chandri

- Not a drop of water can enter the river tunnels. Hydrophilic gaskets are installed between tunnel concrete. If water seeps, gaskets will open up
- When fully operational, trains will cruise at 80kmph through the corridor. It will take less than 60 seconds to cross the river tunnels and 6 minutes to cover Howrah Maidan-Esplanade

16.1m
Distance between the two tunnels

5.55m
Diameter of each tunnel



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