

● POLITY

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DISASTER MANAGEMENT

WORKERS IN UTTARKASHI TUNNEL CLOSER TO FREEDOM

CONTEXT: 41 workers stuck in a collapsed tunnel at Silkyara in Uttarakhand are likely to be rescued by today.



By 5 p.m. on Wednesday, agencies had managed to drill through 45 metres of debris to reach the workers trapped in a section between 53 metres and 59 metres. However, the rescue work, which picked up pace over the past 36 hours, was halted for a brief period late in the evening when the auger machine used to bore through debris struck an obstacle, reportedly a giant rock. The operation was delayed as agencies mulled over the best way to remove the obstacle.

A mock drill was conducted to ensure that the final phase of the rescue goes smoothly. An ambulance is being kept on standby to ferry the workers to a temporary hospital set up in the vicinity.

Alternative plan

The rescue teams are also working on a Plan B. Apart from horizontal drilling through the debris, vertical drilling is being done simultaneously at the side by SJVNL. The vertical drilling toward the Barkot end is being done by the ONGC, which has mobilised machinery from the U.S., Mumbai, and Ghaziabad for vertical boring. The THDCL has also initiated the construction of a rescue tunnel from the Barkot end, with four blasts already completed, resulting in a 9.1-metre drift. In another attempt to rescue the workers, a perpendicular-horizontal drilling was continued by Rail Vikas Nigam Ltd.

INTERNATIONAL RELATIONS

INDIA RESUMES E-VISA SERVICES FOR CANADIAN CITIZENS AS ‘SITUATION IMPROVES’

CONTEXT: India resumed e-visa services for Canadian citizens on Wednesday, almost two months after India suspended all visa facilities for Canadian citizens in the wake of a row triggered by Prime Minister Justin Trudeau’s remarks on Indian agents being responsible for the June 18 killing of Khalistan Tiger Force chief Hardeep Singh Nijjar in British Columbia.

External Affairs Minister S. Jaishankar said the situation in Canada had “relatively improved” for the Indian diplomats to perform normal duties. India had stopped visa services at all its missions in Canada citing danger to the lives of officials who were being targeted by Canadians who had put out notices echoing Mr. Trudeau’s remarks. That had gradually turned into a blanket ban on visa services for all Canadian citizens across the world. As a result, no Canadian national could apply for Indian visa even through Indian missions in third countries.

Last month, India had carried out a “review of the security situation” in its missions in Canada. Mr. Jaishankar then said that visa services would be resumed only if the security situation improved.

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INTERNAL SECURITY

HARSHNESS OF AMENDMENTS MADE TO PMLA IN 2019 SHOCKING, SAYS SIBAL

CONTEXT: Justice Bela Trivedi, one of the three judges on the Special Bench of the Supreme Court reviewing an apex court judgment of 2022 upheld core amendments made in the Prevention of Money Laundering Act (PMLA).

Salient features of the Prevention of Money Laundering (Amendment) Act, 2019

- 1. Expanding the scope of the Act:** The Amendment Act expanded the scope of the Act to include the proceeds of crime from any scheduled offence, even if it is not under the PMLA. This means that the Act can now be used to investigate and prosecute money laundering from a wider range of crimes.
- 2. Making money laundering a stand-alone crime:** The Amendment Act made money laundering a stand-alone crime, which means that it can be prosecuted without any underlying offence. This is a significant change, as it will make it easier for the authorities to investigate and prosecute money laundering cases.
- 3. Giving the Enforcement Directorate (ED) more powers:** The Amendment Act gave the ED more powers to investigate and prosecute money laundering cases. These powers include the power to arrest without a warrant, the power to search and seize property, and the power to freeze bank accounts.
- 4. Making it easier to confiscate the proceeds of crime:** The Amendment Act made it easier for the authorities to confiscate the proceeds of crime. This is because the Act now provides for the confiscation of property that is derived from, or is connected with, the proceeds of crime, even if it is not in the name of the person who committed the crime.
- 5. Introducing new offences:** The Amendment Act introduced new offences, such as the offence of failing to report a suspicious transaction. These new offences will help to deter money laundering and make it easier for the authorities to detect and investigate money laundering cases.

The amendments made to the anti-money-laundering law in 2019 had armed the Enforcement Directorate (ED) with unbridled powers of summons, arrest, raids and attachment of property and made bail nearly impossible while shifting the burden of proof of innocence onto the accused rather than the prosecution.

The amendments stripped a person of his right under Article 20(3) (fundamental right against self-incrimination) of the Constitution. The ED could arrest a person even without informing him of the charges, violative of the right to 'due process' enshrined in Article 21 of the Constitution. Besides, Article 22 mandated that no person can be arrested without informing him or her of the grounds of the arrest, the petitioners contended.

GEOGRAPHY

SOI, PRIVATE FIRM TO CREATE 3D MAPS OF CITIES, TOWNS

CONTEXT: The Survey of India (Sol), historically the custodian of India's maps, has signed an agreement with a Mumbai-based private company, Genesys International, to prepare three-dimensional maps of several cities and towns.

These maps, called 'Digital Twins' are three-dimensional representations of cities and when coupled with high-resolution images, can be used in a variety of planning applications. The collaboration will allow Genesys to generate "three-dimensional digital twins" for major cities and towns, develop an urban 3-D data model, and allow it to "licence" geospatial data products to buyers in a "content-as-a-service" model. The company has built digital twins of Ayodhya, the Dharavi slum cluster in Mumbai, Kochi, and Kanpur, among other applications.



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

INTERNATIONAL RELATIONS

ISRAEL AND HAMAS AGREE TO FOUR-DAY CEASEFIRE IN GAZA

CONTEXT: Israel and Hamas agreed to a four-day ceasefire in the war in Gaza — a diplomatic breakthrough that will free dozens of hostages held by militants as well as Palestinians imprisoned in Israel, and bring a large influx of aid to the besieged territory.



The cease-fire to take effect at 10 a.m. local time (1330 IST) on Thursday temporarily freezes both sides at a tenuous moment. Israeli troops hold much of northern Gaza and say they have dismantled tunnels and much of Hamas' infrastructure there. Fifty hostages will be freed in stages, in exchange for the release of 150 Palestinian prisoners. Both sides will let go women and children first. The Israeli military says it has detained more than 1,850 Palestinians in the West Bank since the war began, mostly suspected Hamas members.

The truce announced Wednesday raised hopes of eventually winding down the war, triggered by Hamas' October 7 rampage into Israel. The war has levelled vast swaths of Gaza, fuelled a surge of violence in the occupied West Bank, and stirred fears of a wider conflagration across West Asia. Weeks of Israeli airstrikes in Gaza, followed by a ground invasion, have killed more than 11,000 Palestinians.

Prime Minister Benjamin Netanyahu said Israel would resume the war after the truce and keep fighting to destroy Hamas' fighting and governing abilities and secure the release of all hostages in Gaza. But Israeli officials acknowledge the group's infrastructure remains intact elsewhere. The announcement of the truce capped weeks of indirect, stop-and-go negotiations to free some of the roughly 240 hostages taken by Hamas.

Israel said the truce would be extended an extra day for every additional 10 hostages freed by Hamas. Hamas said hundreds of trucks carrying humanitarian aid — including fuel — would be allowed to enter Gaza.

ECONOMICS AND DEVELOPMENT

DAS FLAGS MODEL-BASED LENDING, WARNS BANKS, NBFCS OF UNDUE RISK

CONTEXT: Reserve Bank of India (RBI) Governor Shaktikanta Das has cautioned banks and NBFCS against being over-reliant on algorithms and model-based credit appraisal and lending, especially at a time when increased collaboration with Fintechs is facilitating the introduction of innovative products and services.



Banks and NBFCS need to be careful in relying solely on pre-set algorithms as assumptions based on which the models are operated. RBI Governor cautioned the need for calibration and re-calibration of these systems based on the changing contours of the financial ecosystem.

'Underwriting dilution'

Crucially, it was "necessary to be watchful of any undue risk build up in the system due to information gaps in these models, which may cause dilution of underwriting standards. Urging banks and NBFCS to take precautionary measures, he said the expansion of the credit portfolio and pricing of the same should be in sync with the risks envisaged. Banks and NBFCS also need to further strengthen their asset liability management. They may give greater attention to their liabilities side. In certain cases, we have observed increased reliance on high cost short-term bulk deposits while the tenure of the loans, both in retail and corporate loans, is getting elongated," he noted, as he also flagged contagion risk.

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ECONOMICS AND DEVELOPMENT

LISTEN TO THE PEOPLE, NOT THE NUMBERS

CONTEXT: Incomes are not growing sufficiently or sustainably for very large numbers of people. Even though overall GDP growth is good, there is increasing pressure for reservations of jobs for all “economically weaker” sections regardless of caste or religion.

Jobs that are not ‘good’

The overall problem of incomes in India, according to economists, is that insufficient numbers have moved out of agriculture into manufacturing, historical pattern for sustainable growth in all countries, including the U.S. a hundred years ago. India’s policymakers thought they had found a short-cut in the 1990s, directly from agriculture to services, with the boost in the growth of exportable Information Technology services. Labour-intensive manufacturing, services, and construction provide them the first step. The millions of Indians who have moved out of agriculture in the last three decades moved into such jobs.

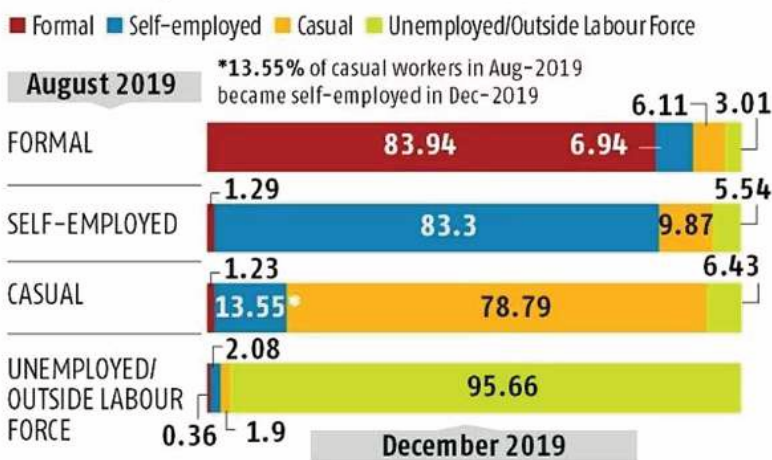
The problem is that the jobs they have, irrespective of the sector do not pay enough, they are temporary or on short contracts, and they do not provide social security or assistance to develop further skills. In fact, even in large, modern, manufacturing enterprises, workers are employed through contractors to provide employers with “flexibility” to reduce costs. Contract workers are paid much less than regular workers. They have insecure employment and are not assisted to develop higher skills.

caregivers, traditionally women, are plucked out of families — which are a natural social enterprise — to work in factories, offices, and retail, in enterprises designed to produce monetary economic value. When economists measure women’s participation in the labour force, they value only what women do in formal enterprises for money. They seem to assign no value to the “informal” work they do outside their homes to earn money, whether as domestic caregivers in others’ homes or on family farms. Moreover, they are unable to see any economic value in the caregiving they provide without monetary compensation in their families and communities.

The prevalent paradigm of economic theory is distorting social organisations, which families are, to suit the requirements of corporations, which are formal economic organisations. Thus, the money-measured economy (GDP) grows, while the care that humans can and should give each other reduces.

For this paradigm shift, the process of policymaking must begin with listening to those who have not been given much value in the present economic paradigm: to workers, small-holding farmers, small entrepreneurs, and women. Presently, their views are over-ruled by those who have power in the present paradigm: experts in economics, large financial institutions, and large business corporations. The lesson for policymakers is this. Don’t count on historical statistics to guide good policy for the future: listen to the people and what matters to them.

3: INFORMALITY ROSE SLIGHTLY BEFORE THE PANDEMIC; TRANSITION TO SELF-EMPLOYED BEGAN



The economic value in caregiving

Attention will shift towards creating genuine “social” enterprises, rather than enterprises for creating economic efficiencies and surpluses which corporate enterprises are designed for. Those who provide care, and their work of caregiving, must be valued more than economists value them today. In the present paradigm of economic growth,

POLITY AND GOVERNANCE

SAME-SEX COUPLES: A JUDGE TO THE RESCUE

CONTEXT: On November 17, 2023, Justice Anand Venkatesh of the Madras High Court in *Sushma vs Commissioner of Police* has tasked the State government with working out a “Deed of Familial Association” which would provide legal status to relationships between same-sex couples and other LGBTQIA+ couples. The Supreme Court decision in *Supriyo vs Union of India* wherein the Supreme Court refused to recognise the right to marry, or even the right to civil unions, of same-sex couples.

Supriyo vs Union of India

The case was filed by Supriyo Chakraborty and Abhay Dang, a same-sex couple who were denied the right to marry under the Special Marriage Act, 1954. The Act only allows marriage between a man and a woman, and the couple argued that this exclusion was discriminatory and unconstitutional. In a 4-1 decision, the Supreme Court of India ruled on October 17, 2023, that the right to marry under Article 15 of the Constitution of India includes same-sex couples.

The Supreme Court agreed with the petitioners and held that the exclusion of same-sex couples from the right to marry was a violation of their fundamental right to equality under Article 15 of the Constitution. The Court also held that the right to marry is an integral part of the right to privacy, which is protected under Article 21 of the Constitution.

The Supreme Court's decision in *Supriyo vs Union of India* is a significant step forward for LGBTQ+ rights in India. It has been welcomed by activists and legal experts, and it is expected to have a far-reaching impact on the lives of LGBTQ+ people in India.

Civil unions have been recognised in a few countries across all continents. Primarily created to provide recognition to same-sex couples, they refer to a legal arrangement wherein the benefits and entitlements arising from the relationship are extended to couples. This provides legal and social validity to queer couples who can now proclaim and celebrate their relationship in the face of an intolerant society and thus protect them from interference either from the State or others in society. It also stands as documentary "proof" of their relationship which would help couples in obtaining various benefits and entitlements that would previously be impossible.

The State government could enact legislation creating the institution of Civil Unions and accord such status to same-sex couples; the Supreme Court's rationale is that this is the business of the legislature. Even more laws relating to marriage, divorce, inheritance, succession, minors, adoption etc., are all present in the Concurrent List under the Seventh Schedule to the Constitution, thereby giving powers to the State to legislate on the same. Peculiar to Tamil Nadu is another constitutional hazard in the person of its Governor, R.N. Ravi, who imagines that his antiquarian office calls the shots in a democratic Republic; hopefully, he will be straightened out by the Supreme Court soon.

Tamil Nadu has long been known for being progressive. The State can add another feather to its cap and shine as a trendsetter that respects and recognises the inherent principles of self-respect, equality and social justice.

What is remarkable about this order is that it is issued in the wake of a disastrous Supreme Court judgement which cribbed, crabbed, confined and worse, decimated hopes of equality and equal treatment before law that members of the LGBTQIA community may have harboured. With one stroke, this High Court Judge has created hope. He has worked change into the interstices of law (remember Oliver Wendell Holmes Jr. famously said "legal progress is often secreted in the interstices of legal procedure") and expertly worked his way to arrive at a principled legal conclusion as well as a perfectly enforceable order. He deserves congratulations. This also brings hope. In this country's troubled judicial history, it is frequently the High Courts that have come to the rescue. Remember, they did so brilliantly during the Emergency but were spectacularly upended by some famous names in the Supreme Court. It is heart-warming to see that our High Court judges continue to meet the challenge.



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POLITY AND GOVERNANCE

HARYANA'S EMPLOYMENT RESERVATION LAW

CONTEXT: A division bench of Justices G. S. Sandhawalia and Harpreet Kaur Jeewan ruled that the Haryana State Employment of Local Candidates Act, 2020, was unconstitutional and violated fundamental rights.



What does the reservation law say?

In November 2020, the Haryana Assembly passed the Haryana State Employment of Local Candidates Bill made it mandatory for employers in the State to reserve 75 % of jobs paying a monthly salary of less than ₹ 30,000 (originally ₹ 50,000) for local residents of the State. The Bill received the Governor's assent on March 2, 2021, and came into effect in January, 2022. The law is applicable to all private entities in the State including companies, trusts, societies, partnerships, and limited liability partnerships. It also covers any person employing 10 or more persons for the purpose of manufacturing or providing any service.

A 'local candidate' has been defined under the law as anyone domiciled in Haryana for the past five years. Such candidates will have to mandatorily register themselves on a designated portal in order to avail benefits and employers have to make recruitments only through this portal. Companies can seek an exemption if they do not find local candidates of a desired skill or qualification, but this claim can be rejected by government officials if they doubt its legitimacy. Employers found to be violating the Act are liable to a fine between ₹ 10,000 and ₹ 2 lakh.

Why was the law challenged?

Several industry associations challenged the validity of the law on the ground that it violates Article 19 of the Constitution, which guarantees the right to freedom, including to reside and settle in any part of the Indian territory and practise any profession, business or trade. The law was an infringement of Article 14 (equality before the law) and Article 15, which prohibits discrimination on various grounds such as religion, race, caste, sex or place of birth. The court was also apprised that the reservation creates a wedge between persons domiciled in different States and is contrary to the concept of common citizenship envisaged in the Constitution.

How has the State defended it?

The State government contended that the law intends to 'protect the right to livelihood of people domiciled in the State', and that the enactment was rooted in the rising unemployment in Haryana. It was also asserted that the government is empowered to create such reservations under Article 16(4) of the Constitution, which stipulates that the right to equality in public employment does not prevent the State from 'making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State'.

Have other States enacted such laws?

States such as Maharashtra, Karnataka, Andhra Pradesh and Madhya Pradesh have enacted laws providing reservations for their local residents in the private sector. In November 2019, the Andhra Pradesh Assembly passed the Andhra Pradesh Employment of Local Candidates in the Industries/Factories Bill, 2019, reserving three-fourths of jobs for local candidates within three years of the commencement of the Act. The law was subsequently challenged in the Andhra Pradesh High Court, which opined that 'it may be unconstitutional'. However, the challenge is yet to be heard on its merits.

Has the Supreme Court intervened?

On February 3, 2022, the High Court passed an interim order staying the law following which a division Bench of the

Supreme Court bench set it aside on the ground that the High Court had not provided 'sufficient reasons' for putting the law on hold. The High Court was ordered to expeditiously decide the petition and the Haryana government was also directed to not take any coercive steps against companies for non-compliance until the matter is finally decided upon.

Why did the High Court quash it?

The court ruled that the law as unconstitutional to the extent that 'a person's right to carry on occupation, trade, or business' under Article 19(1)(g) of the Constitution was being impaired. The Court also highlighted that the law discriminates against individuals who do not belong to a certain State by 'putting up artificial walls throughout the country'. Placing reliance on Article 35 of the Constitution, the court outlined that the provision bars the State legislature from legislating on matters that fall within the purview of Article 16(3) of the Constitution (equality of opportunity in matters of public employment) since only the Parliament can pass laws on such subjects. Section 6 of the Act requires employers to submit quarterly reports with details of local candidates employed and Section 8, under which officers could call for documents to ensure the law was being implemented, the court said that these restrictions amounted to 'Inspector Raj' that furthered State control over private employers.

"Doing nothing is very hard to do. You never know when you're finished."—Leslie Nielsen



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