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THE HINDU

GS 2 : Polity, Governance, International Relations

1. HC presses Centre on Uniform Civil Code

Stating that the Uniform Civil Code “is a necessity and mandatorily required today,” the Allahabad High Court has called upon the Central Government to forthwith initiate the process for its implementation.

Uniform Civil Code

- A Uniform Civil Code is one that would provide for one law for the entire country, applicable to all religious communities in their personal matters such as marriage, divorce, inheritance, adoption etc.
- Article 44, one of the directive principles of the Constitution lays down that the state shall endeavour to secure a Uniform Civil Code for the citizens throughout the territory of India.
- These, as defined in Article 37, are not justiciable (not enforceable by any court) but the principles laid down therein are fundamental in governance.

Why need UCC?

- UCC would provide equal status to all citizens
- It would promote gender parity in Indian society.
- UCC would accommodate the aspirations of the young population who imbibe liberal ideology.
- Its implementation would thus support the national integration.

Issues with UCC

- There are practical difficulties due to religious and cultural diversity in India.
- The UCC is often perceived by the minorities as an encroachment on religious freedom.
- It is often regarded as interference of the state in personal matters of the minorities.
- Experts often argue that the time is not ripe for Indian society to embrace such UCC.

Greater role for State

- Fundamental rights are enforceable in a court of law.

- While Article 44 uses the words “state shall endeavour”, other Articles in the ‘Directive Principles’ chapter use words such as “in particular strive”; “shall in particular direct its policy”; “shall be obligation of the state” etc.
- Article 43 mentions “state shall endeavour by suitable legislation” while the phrase “by suitable legislation” is absent in Article 44.
- All this implies that the duty of the state is greater in other directive principles than in Article 44.

What are more important – fundamental rights or directive principles?

- There is no doubt that fundamental rights are more important.
- The Supreme Court held in *Minerva Mills* (1980): Indian Constitution is founded on the bed-rock of the balance between Parts III (Fundamental Rights) and IV (Directive Principles).
- To give absolute primacy to one over the other is to disturb the harmony of the Constitution.
- Article 31C inserted by the 42nd Amendment in 1976, however, lays down that if a law is made to implement any directive principle, it cannot be challenged on the ground of being violative of the FRs under Articles 14 and 19.

Does India not already have a uniform code in civil matters?

- Indian laws do follow a uniform code in most civil matters – Indian Contract Act, Civil Procedure Code, Sale of Goods Act, Transfer of Property Act, Partnership Act, Evidence Act etc.
- States, however, have made hundreds of amendments and therefore in certain matters, there is diversity even under these secular civil laws.
- Recently, several states refused to be governed by the uniform Motor Vehicles Act, 2019.

What about personal laws?

- If the framers of the Constitution had intended to have a Uniform Civil Code, they would have given exclusive jurisdiction to Parliament in respect of personal laws, by including this subject in the Union List.
- But “personal laws” are mentioned in the Concurrent List.
- Last year, the Law Commission concluded that a Uniform Civil Code is neither feasible nor desirable.

Is there one common personal law for any religious community governing all its members?

- All Hindus of the country are not governed by one law, nor are all Muslims or all Christians.
- Not only British legal traditions, even those of the Portuguese and the French remain operative in some parts.
- In Jammu and Kashmir until August 5, 2019, local Hindu law statutes differed from central enactments.
- The Shariat Act of 1937 was extended to J&K a few years ago but has now been repealed.

Various customary laws

- Muslims of Kashmir were governed by a customary law, which in many ways was at variance with Muslim Personal Law in the rest of the country and was, in fact, closer to Hindu law.
- Even on registration of marriage among Muslims, laws differ from place to place. It was compulsory in J&K (1981 Act), and is optional in Bengal, Bihar (both under 1876 Act), Assam (1935 Act) and Odisha (1949 Act).
- In the Northeast, there are more than 200 tribes with their own varied customary laws.
- The Constitution itself protects local customs in Nagaland. Similar protections are enjoyed by Meghalaya and Mizoram.
- Even reformed Hindu law, in spite of codification, protects customary practices.

How does the idea of a Uniform Civil Code relate to the fundamental right to religion?

- Article 25 lays down an individual's fundamental right to religion;
- Article 26(b) upholds the right of each religious denomination or any section thereof to "manage its own affairs in matters of religion";
- Article 29 defines the right to conserve distinctive culture.
- An individual's freedom of religion under Article 25 is subject to "public order, health, morality" and other provisions relating to FRs, but a group's freedom under Article 26 has not been subjected to other fundamental rights
- In the Constituent Assembly, there was division on the issue of putting UCC in the fundamental rights chapter. The matter was settled by a vote.
- By a 5:4 majority, the fundamental rights sub-committee headed by Sardar Patel held that the provision was outside the scope of FRs and therefore the UCC was made less important than freedom of religion.

Minority opinion in the Constituent Assembly

- Some members sought to immunize Muslim Personal Law from state regulation.
- Mohammed Ismail, who thrice tried unsuccessfully to get Muslim Personal Law exempted from Article 44, said a secular state should not interfere with the personal law of people.
- B Pocker Saheb said he had received representations against a common civil code from various organisations, including Hindu organisations.
- Hussain Imam questioned whether there could ever be uniformity of personal laws in a diverse country like India.
- B R Ambedkar said “no government can use its provisions in a way that would force the Muslims to revolt”.
- Alladi Krishnaswami, who was in favour of a UCC, conceded that it would be unwise to enact UCC ignoring strong opposition from any community.
- Gender justice was never discussed in these debates.

How did the debate on a common code for Hindus play out?

- In June 1948, Rajendra Prasad, President of the Constituent Assembly, warned Nehru that to introduce “basic changes” in personal law was to impose “progressive ideas” of a “microscopic minority” on the Hindu community as a whole.
- Others opposed to reforms in Hindu law included Sardar Patel, Pattabhi Sitaramayya, M A Ayyangar, M M Malaviya and Kailash Nath Katju.
- When the debate on the Hindu Code Bill took place in December 1949, 23 of 28 speakers opposed it.
- On September 15, 1951, President Prasad threatened to use his powers of returning the Bill to Parliament or vetoing it. Ambedkar eventually had to resign.
- Nehru agreed to the trifurcation of the Code into separate Acts and diluted several provisions.

2. Post NEP, Odisha all set to teach in tribal languages

Recently, the Odisha government has decided to teach in indigenous languages in schools on the basis of the New Education Policy.

Details:

- Odisha's ten-year experience in multilingual education may be useful in meeting the challenge posed by the new National Education Policy to affect education in the tribal language.
- The 'Samhati' project aims to alleviate the linguistic barriers that tribal pupils confront in early grades or elementary school.

Additional Information

1. Tribal Education in India

Background

- Tribal education in India focuses on empowering and creating confidence and bravery in tribal students to tackle the obstacles in their daily lives with the aid of education.
- In India, tribal people are marginalised, poor, and deprived in some way. They have yet to enjoy the benefits of modernisation and technological advancement.
- Only through education, they will be able to break free from centuries of tyranny and enjoy the benefits of socio-economic prosperity.

Constitutional Safeguards:

- **Article 29(1):** This provides all citizen groups that reside in India having a distinct culture, language, and script, the right to conserve their culture and language.
- **Article 46** of the Indian Constitution lays down that the state is responsible for promoting the educational and economic interests of the poorer parts of the population, particularly the scheduled castes and tribes.
- **Article 154(4)** empowers the state to make any special provision for the advancement of socially and educationally backward classes of citizens or for SCs or STs.

Government Measures for Tribal Education:-

1. **Ministry of Tribal Affairs:** The Ministry of Tribal Affairs was established in order to guarantee a coordinated and planned approach to the development of scheduled tribes.
2. **Ashram Schools:** Tribal children's educational requirements are mostly met by ashram schools, which are residential institutions. These institutions provide boarding and accommodation for students from native communities.
3. **Eklavya Model Residential Schools:** 197 Eklavya Model Residential Schools, modelled after KGBVs and Navodaya Vidyalayas, have also been established by the Ministry of Tribal Affairs.

Different Aspects of Tribal Education

1. **Teacher-Student Relationship:** One of the most important variables in promoting meaningful learning in classrooms is a positive relationship between indigenous students and their instructors.
2. **Medium of Instruction:** Every state shall have enough facilities to teach children in their mother tongue, according to Article 350A of the Indian Constitution. Providing effective education at the basic level might help tribal students perform better.
3. **Potential of Youth:** In tribal societies, development should be centred on educational programmes that encourage tribal youngsters to remain immersed in their own culture.
4. **Tribal Leadership:** Working with tribal leaders is essential for ensuring their active involvement and cooperation in educational awareness campaigns.
5. **The role of the United Nations:** United Nations Children's Fund (UNICEF) has been promoting quality education and employability amongst marginalised children.

What are the challenges to Tribal Education?

1. The majority of ashram schools do not meet minimum requirements.
2. There is little consistency in ashram school management, primary school coverage, or infrastructure quality between states.
3. Inadequate infrastructure resulted in shortages, neglect, and, in some cases, abuse by school employees.
4. Children, particularly females, are in danger due to a lack of electricity and/or lighting, as well as the distance between usable restrooms and residential areas.
5. Years of geographical isolation and cultural variations have resulted in substantial disparities in communication, learning, and interaction styles, as well as gaps in contextual information.

Other Initiatives:

1. **Tribal textbooks:** The Odisha government has come up with textbooks in 21 tribal languages. These textbooks are developed by SC/ST Research and Training Institute (SCSTRTI) in association with the Academy of Tribal Language and Culture (ATLC).
2. **Tribal Model of Primary Education:** The School Education and Literacy Department has introduced a new model of imparting lessons to students of Class 1 to Class 5 in tribal languages in some Government-run primary schools.

3. Error corrected

Background

- A Single Judge of the Bombay High Court's Nagpur Bench created an uproar by acquitting a man under the POCSO Act and holding that an act against a minor would amount to groping or sexual assault only if there was "skin-to-skin" contact.
- The High Court had concluded that mere touching or pressing of a clothed body of a child did not amount to sexual assault.
- The Supreme Court has quashed a Bombay High Court decision to acquit a man charged with assault under the Protection of Children from Sexual Offences Act (POCSO) solely on the grounds that he groped the child over her clothes without 'skin-to-skin' contact.

Section 7 of POCSO

Sexual assault.

- "Whoever with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault".

SC observation

- The most important ingredient in Section 7 was the sexual intent of the offender and not skin-to-skin contact.
- The court, while setting aside the High Court decision, confirmed the guilt of the offender in the case and sentenced him to three years of rigorous imprisonment subject to the period he has already undergone.

Conclusion

- Therefore, the act of touching the sexual part of the body or any other act involving physical contact, if done with "sexual intent" would amount to "Sexual assault" within the meaning of Section 7 of the POCSO Act.

GS 3 : Economy, Science and Technology, Environment

4. PM announces repeal of three Farm Laws

The Prime Minister has announced the withdrawal of the contentious farm laws.

What were the farm laws that have been repealed?

1. **Farmers Produce Trade and Commerce (Promotion and Facilitation) Act, 2020:** It was aimed at allowing trade in agricultural produce outside the existing APMC mandis
2. **Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020:** It seeks to provide a framework for contract farming;
3. **Essential Commodities (Amendment) Act, 2020:** It was aimed at removing commodities such as cereals, pulses, oilseeds, edible oils, onion and potato from the list of essential commodities.

Why were these reforms sought?

- **APMC reforms:** There has been a long-pending demand for reforms in agricultural marketing, a subject that comes under the purview of state governments.
- **Long pending stagnation:** It was in this backdrop that the present government went for reforms in the sector by passing these laws.

In what circumstances were the laws passed?

- **Ordinance route:** The government initially cleared them as ordinances in June 2020, there were token protests with the country's attention gripped by the first wave of Covid-19.
- **Without consultation and haste:** In Parliament, there was no thorough scrutiny of the Bills by a parliamentary panel. The government dismissed these demands and pushed the legislation through.
- **Opposition disregard:** The Opposition benches were suspended for a week for their "disorderly conduct" while protesting against the rushed passage of the laws.

Beginning of the protests

The protests gained momentum when the Centre pushed the Bills in Parliament in the Monsoon Session.

- **Fear over private mandis:** Farmers feared that the existing APMC mandis where they sell their products would be shut down once private players started trading in agri-produce outside the mandi premises.
- **Non-guarantee over MSP:** Once the APMC mandi system became redundant, procurement based on minimum support prices (MSP) too would come to an end.

After sporadic protests against the farm laws, including a nationwide road blockade, the farmers' unions in Punjab and Haryana gave a call for a 'Delhi Chalo' movement.

How protests could sustain for so long?

- **Unity:** The leaders of farmers' unions were very strategic in their approach to the protest and decided to work together very early in the agitation.
- **Finances:** The protest sites at the Delhi border needed a steady injection of resources to keep going. Aware of this need, the unions had begun making monthly collections.
- **People:** The unions behind the farm stir are well-organized machinery with committees at the level of villages, blocks, and districts.
- **Communication:** Social media has been central to the scale of this agitation.
- **Engagement:** The unions kept the stakeholders engaged by ensuring that there was never a dull moment in this agitation.

In practical terms, what was the status of the three laws until the repeal?

- The farm laws were in force for only 221 days – June 5, 2020, when the ordinances were promulgated to January 12, 2021, when the Supreme Court stayed their implementation.
- The Supreme Court stayed the implementation of the three laws on January 12 this year.
- Since the stay, the laws have been suspended.
- The government has used old provisions of the Essential Commodities Act, 1955 to impose stock limits, having amended the Act through one of the three farm laws.

Reasons for the repeal

There are contrasting suggestions about the timing of the decision to announce the repeal.

- **Forthcoming elections:** There are crucial Assembly elections early next year in five states, including Uttar Pradesh and Punjab.
- **Public appeasement:** The PM sought to announce this on Guru Nanak Jayanti probably in a move to appease a community, to which a significant segment of protesting farmers from Punjab belongs.
- **Rising anxiety among Public:** There was a risk that anxiety among the protesters could lead to tensions as there had been many deaths since the protests began.
- **Fury over year-long protests:** The protest had created a ruckus on the streets of capital due to continuous blockades even after the intervention of Supreme Court.
- **Rising political differences:** Given that it took the government a year to realise the socio-political costs, the repeal also signals a weakened political feedback mechanism within the party.

Significance of the repeal

- **Restores faith in the govt:** In the immediate term, the repeal exposes the government to charges of being on the wrong path and against popular sentiments, notwithstanding its claims to the contrary.
- **Dedication over farmers' cause:** The govt moves were increasingly perceived as being not in tune with the needs of rural farming communities.
- **Political stewardship:** The PM was clearly balancing his political posture that has thrived on the image of strong and decisive leadership.

Implications of the repeal

- **CAA standpoint:** Although the anti-CAA protests were called off, almost two years on, the Home Ministry has not yet framed the rules for implementation of the CAA.
- **Statehood for J&K:** There is no such unanimity over Article 370. Most of these parties have largely been united for the restoration of statehood to J&K, and early elections.

An analysis of the enactment-repeal conundrum

(1) Reforms are must

- There may be some deficiencies in the exact design and mechanism of the reforms proposed in the three farm laws.
- However, most advocates of agricultural reform would agree that they were in the right direction.

(2) Reforms don't occur overnight

- These laws could be a great example for passionate reforms. However, Legislative tapasya (penance) is all about listening to outer world (i.e the farmers), not inner self.
- It requires listening to those for whose benefit laws and policies are crafted. It can't be a meditation in isolation and implementation as a divine ordeal.

(3) Answerability and consultation matters

- That the government chose to push these reforms through its own set of consultations left many stakeholders feeling left out, and created a backlash.
- The repeal underlines that any future attempts to reform the rural agricultural economy would require a much wider consultation.

(4) Success lies in the acceptance of reforms

- The better design of reforms ensures wider acceptance.
- The repeal would leave the government hesitant about pursuing these reforms in stealth mode again.

5. Indigenous chopper, drones handed over to armed forces

Recently, the Prime Minister inaugurated multiple projects at 'Rashtriya Raksha Samarpan Parv'.

Details:

Initiatives Inaugurated at Rashtriya Raksha Samarpan Parv:

- Admission of girls has started in 33 Sainik schools.
- Many indigenously-built warfares were inaugurated, such as:
 - Light Combat Helicopter (LCH) in the Air Force
 - Two small drones built by Indian start-ups in the Army
 - Electronic warfare suites in the Navy

- A stone signage of **Rani Laxmibai** of Jhansi on her 193rd birth anniversary was unveiled.

1. Defence Indigenisation in India

What is Indigenisation in the Defence Sector?

- Indigenisation of the Defence Sector refers to the competence of design and production of defence equipment within the nation for the goal of establishing self-reliance and lowering the weight of imports.
- The Indian Defence Sector aspires to design, develop, and lead the manufacturing of cutting-edge sensors, weapon systems, platforms, and related equipment for the Indian Defense Services.

Objectives:

- To reduce the heavy reliance of the Indian defence sector on imports.
- To focus primarily on research and development (R&D), defence production and procurement.
- To promote the development of defence and dual-use systems, subsystems, components, or technologies, for a product that is Indian Designed, Developed and Manufactured (IDDM).
- To promote Micro, Small, Medium Enterprises (MSME) including start-ups by inculcating R&D culture in the defence applications.

Vijay Kelkar Committee (2004) Recommendations:

- Encourage the companies in the country to participate in the development of defence capabilities.
- To attract technology and investment and pursue an offset strategy.
- To boost high-tech capabilities, look for synergies between the commercial sector, DPSUs, and the DRDO.
- Create the conditions for a massive increase in the export of defence equipment and services.

Benefits of Defense Indigenisation:

- Help in furthering the objectives of 'Make in India'.
- Reduction in the fiscal deficit by reducing the expense on defence equipment.
- Security against its porous borders and hostile neighbours.
- Generation of employment.
- Inculcating a sense of integrity and sovereignty amongst the Indian Forces.
- Boost to the 'AtmaNirbhar Bharat Initiative' of the government.

Concerns of Indigenisation in the Defence Sector:

Way Forward

- The focus should be on adopting a Public-Private Partnership (PPP) model that brings together the public and private sectors.
- The government needs to deploy extensive infrastructure, facilities, and highly qualified personnel.
- The bureaucratic institutions must abandon their protectionist attitude toward the public sector.
- It will be useful to develop a National Indigenisation Plan, as well as mechanisms and organisations to track the level of indigenization achieved and share this information with all stakeholders.

6. The defeat of hubris, a confrontation on hold

- Repeal of the three farm laws by the Union government.

Laws to be repealed

- The Farmers Produce Trade and Commerce (Promotion and Facilitation) Act, 2020, which is aimed at allowing trade in agricultural produce outside the existing APMC (Agricultural Produce Market Committee) mandis;
- The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, which seeks to provide a framework for contract farming;
- The Essential Commodities (Amendment) Act, 2020, which is aimed at removing commodities such as cereals, pulses, oilseeds, edible oils, onion and potato from the list of essential commodities.

Repealing a law

- It is one of the ways to nullify a law.
- A law is repealed when the Parliament believes the law is not a necessity.
- Legislations can also come with a “sunset” clause.
 - A sunset clause or provision is a measure within a law, regulation or statute that provides that the law shall cease to have effect after a specific date, unless the law is extended by legislative action. This way, unwanted laws will not accumulate.

- For example, the anti-terror legislation Terrorist and Disruptive Activities (Prevention) Act 1987, commonly known as TADA, had a sunset clause, and was allowed to lapse in 1995.
- For laws that do not have a sunset clause, Parliament has to pass another legislation to repeal the law.

What was the status of the three laws until the repeal?

- The Supreme Court stayed the implementation of the three laws on January 12 2021.

Issues with farm laws

- It was a long-held constitutional consensus in India that agricultural marketing was the legislative arena of State governments.
 - The consensus was broken, when the Union government took upon itself the task of legislating on agricultural marketing and passed the farm laws.
 - Federal principles were violated as the Union government invoked Entry 33 of the Concurrent List to intervene into matters in Entry 14, Entry 26 and Entry 27 of the State List.
 - The farm laws even interfered with Entry 28 of the State List, which was not subject to Entry 33 of the Concurrent List.
 - Thus, to begin with, the farm laws were reasonably and justifiably argued to be unconstitutional.
 - The grievance redress mechanisms for contract farming also came up for criticism.
 - It replaced the jurisdiction of civil courts with a bureaucratic procedure under the authority of the Sub-Divisional Magistrate, a government employee, which had raised fears among the farmers that it may benefit corporate sponsors more than the contracting farmers.
 - The farm laws also looked like they encouraged the participation of larger corporate players in agricultural markets rather than farmer-friendly organisations, such as cooperatives or Farmer Producer Companies (FPC).
 - Especially in the case of the amendment of the Essential Commodities Act, there was reasonable suspicion that a handful of corporate players were to substantially benefit from investments in logistics, storage and warehousing.
 - The laws were introduced to reform the agricultural sector in accordance with the principles of a market economy.

- It could have reshaped the country's food procurement and distribution mechanisms. However, the farmers felt it would benefit big companies at the cost of farmers and customers.
- Farmers feared that the existing APMC mandis, where they sell their produce, mostly wheat and paddy, would be shut down once private players started trading in agri-produce outside the mandi premises, and that once the APMC mandi system became redundant, procurement based on minimum support prices (MSP) too would come to an end.
- The fears were further aggravated by the manner in which these laws were brought about, through ordinances, and passed in Parliament without much deliberations, or consultations with the States and the stakeholders.

Unanswered questions

- One, mandi taxes were used to invest in rural infrastructure in States such as Punjab. If mandis are weakened, what would substitute for such investments?
- Two, even if private markets emerged, how would they address the structural problem of poor farm-gate aggregation of the produce of small and marginal farmers?

Way forward

- Consultative decision making would always be more sustainable and easier to enforce.
- Further moves on agriculture sector reforms must also draw lessons from the making of laws, and now the repeal, of the three farm laws.
- Therefore in the future, the government should rebuild trust among the stakeholders to plant the seeds of reforms.

THE INDIAN EXPRESS

GS 2 : Polity, Governance, International Relations

1. 25 years of Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)

The Ministry of Tribal Affairs has celebrated the 25th year of the inauguration of the Panchayats (Extension to Scheduled Areas) Act 1996 (PESA)' as a part of Azadi Ka Amrit Mahotsav.

PESA

- The PESA is a law enacted by the govt. **for ensuring self-governance** through traditional Gram Sabhas for people living in the Scheduled Areas of India.
- **Scheduled Areas** are areas identified by the Fifth Schedule of the Constitution of India.

What are Scheduled Areas?

- "Scheduled Areas" mean the Scheduled Areas as referred to in Clause (1) of **Article 244** of the Constitution.
- They are **found in ten states** of India which have predominant population of tribal communities.
- At present, Scheduled Areas have been declared in the States of AP (including Telangana), Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, MP, Maharashtra, Odisha and Rajasthan.

Powers granted to Gram Sabha/Panchayats

- **Land acquisition:** To be consulted on matters of land acquisition and resettlement.
- **Mining licencing:** Grant prospecting license for mining lease for minor minerals and concessions for such activities.
- **Water Bodies:** Planning and management of minor water bodies.
- **Regulation of Liquor:** The power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant.
- **Minor Forest Produces:** The ownership of MFPs
- **Land reforms:** The power to prevent alienation of land and to restore any unlawfully alienated land of a scheduled tribe.

- **Village Markets:** The power to manage village markets.
- **Money Lending:** The power to exercise control over money lending to scheduled tribes.

Role of Governor in Implementation of PESA

(1) Report as sought by the President:

- As per para 3 of the Fifth Schedule, the Governor therein is required to make a report to the President regarding the administration of the Scheduled Areas.
- The Attorney General had advised the Home Ministry that the role of the governor in sending this report is discretionary.

(2) Applicability of certain laws:

- An even more significant role of the Governor in scheduled areas arises out of the powers inherent in sub-para (1) of Para 5 of the Fifth Schedule.
- Governor may direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area.

(3) Modification of laws:

- The regulation-making powers of the Area is bound neither by the advice of the Tribes Advisory Council or the assent of the President.
- The provision lays down the responsibility on the Governor to ensure that laws that are contrary to the interests of Scheduled Areas may be suitably modified.

Why was PESA enacted?

- **Filling the constitutional vacuum:** These Areas were not covered by the 73rd Constitutional Amendment or Panchayati Raj Act of the Indian Constitution as provided in Part IX of the Constitution.
- **Self-governance:** PESA sought to enable the Panchayats at appropriate levels and Gram Sabhas to implement a system of self-governance.
- **Customary regulation:** It includes a number of issues such as customary resources, minor forest produce, minor minerals, minor water bodies, selection of beneficiaries, sanction of projects, and control over local institutions.

Significance of PESA

- **Tribal autonomy:** PESA was seen as a panacea for many of these vulnerabilities where the tribal communities in such Scheduled Areas were to decide by themselves the pace and priorities of their development.
- **Tribal way of development:** PESA was viewed as a positive development for tribal communities in Scheduled Areas that had earlier suffered tremendously from engagement with modern development processes.
- **Sustainable access to forests:** The loss of access to forest, land, and other community resources had increased their vulnerability.
- **Easing of tribal distress:** Rampant land acquisition and displacement due to development projects had led to large-scale distress in tribal communities living in Scheduled Areas.

Issues with PESA

- **Dilution of the role of Tribal Advisory Councils:** PESA mandates Tribal Advisory Councils to oversee tribal affairs and also gives extrajudicial, extra-constitutional powers to the Governors.
- **Politicization:** The councils, with the CM as their chairperson, have evolved into a non-assertive institution amid the machinations of upper-class politics.
- **Non-involvement:** The Governors, in order to have friendly relations with the Chief Ministers, have desisted from getting involved in tribal matters.
- **Lack of coordination at Centre:** Two different ministries, the Ministry of Panchayati Raj and the Ministry of Tribal Affairs, have an overlapping influence and they function almost without any coordination.
- **Lack of operationalization:** In most of the state the enabling rules are not in place more than eight years after the adoption of the Act suggests the reluctance to operationalize the PESA mandate.
- **Ignoring the spirit of PESA:** The state legislations have omitted some of the fundamental principles without which the spirit of PESA can never be realised.
- **Ambiguous definitions:** No legal definition of the terms like minor water bodies, minor minerals etc. exist in the statute books.

2. Odisha's project 'Samhati' for tribal languages

The new National Education Policy lays emphasis on imparting teaching in mother tongue in primary classes.

- Thus, Odisha has launched Samhati project for imparting its various tribal languages.
- The project will help save endangered tribal languages.

About Odisha's Samhati project

- According to the Odisha School Education Programme Authority (OSEPA), more than 302 textbooks and 2,500 supplementary reading materials including story books and pictures charts in 21 tribal languages have been developed.
- Under Samhati, all teachers of primary level would be provided functional knowledge of tribal languages.
- **Implemented by:** The Scheduled Castes and Scheduled Tribes Research and Training Institute (SCSTRTI) and the Academy of Tribal Language and Culture (ATLC), Bhubaneswar
- Of the 21 languages, Santhali – the only language which has been included in eighth schedule of Constitution – is taught in its own ol chiki script while rest of tribal languages have Odia scripts.
- Odisha is home to 62 different tribal communities including 13 particularly vulnerable tribal groups (PVTGs), making it the State with the most diverse indigenous communities in the country.
- Of Odisha's 21 tribal languages, Santhali – the only language which has been included in eighth schedule of Constitution – is taught in its own ol chiki script while rest of tribal languages have Odia scripts.

3. Geographical Information System (GIS) plans for Gram Panchayats

Ministry of Rural Development reaches an important milestone with the completion of GIS plans for 2 lakh Gram Panchayats (GPs) out of 2.69 lakh GPs under Mahatma Gandhi NREGA.

GIS-based planning under Mahatma Gandhi NREGS is an initiative of the Ministry of Rural Development which helps the Gram Panchayat to ensure a scientific & holistic approach for planning at the Gram Panchayat level. It is an important tool to ensure participatory planning at the implementation level.

- Contributions of Mahatma Gandhi NREGS have enhanced significantly by using the GIS-Based Planning approach and impacts of which are visible at ground level
- CRISP-M tool will further enable the local communities to understand the impact of changing climate and make smart decisions on them

- Yuktdhara Geospatial Planning portal helps the other Ministries to see the geographical location of planned assets on a map, which integrates planning for works, optimises convergence plans and facilitates effective monitoring.
- The planning of works under Mahatma Gandhi NREGS are now carried out using advanced technologies viz. Geographical Information System (GIS) and Remote Sensing (RS). Leveraged for this purpose is the much acclaimed 'Bhuvan' space technology solution from the National Remote Sensing Centre (NRSC) of the Indian Space Research Organisation (ISRO).

Geographical Information System (GIS): The GIS is a computer-based tool for mapping and analyzing the geographic terrain and offers scientific choices of development works suitable to the area. This technology integrates common database operations such as query and statistical analysis with the unique visualization and geographic analysis benefits offered by the maps.

GS 3 : Economy, Science and Technology, Environment

4. Why India's pro-rich, anti-poor taxation policies must change

To develop their renewable energy capacities poor countries may well have to help themselves to make the transition that society urgently needs. One source of funding could well be the well-off citizens of India, who are getting richer and richer.

Growing inequality in India

- A 2018 Oxfam report revealed that 10 per cent of the richest Indians garnered 77.4 per cent of the nation's wealth.
- In fact, according to the report, 58 per cent of India's wealth was in the hands of one per cent of the country's population.
- The combined income of this handful of people in 2017 was almost as much as India's budget that year.
- In 2017, the fortune of India's 100 richest tycoons leaped by 26 per cent.
- According to Crédit Suisse, the number of dollar millionaires in India has jumped from 34,000 in 2000 to 7,59,000 in 2019 – in other words, the country has one of **“the world's fastest-growing population of millionaires”**.
- The average wealth of these millionaires has increased by 74 per cent over this period.

Issues with taxation policies

- The taxation policy of the government, instead of making the exchequer benefit from this trend, has actively strengthened the trend of growing millionaires.
- **Replacing wealth tax by increasing income tax:** The government replaced the wealth tax by an income tax increase of two per cent for households that earned more than 10 million rupees annually.
- **Corporate tax was reduced:** The corporate tax was lowered, for existing companies **from 30 per cent to 22 per cent**, and for manufacturing firms incorporated after October 1, 2019 that started operations before March 31, 2023, from 25 to 15 per cent – the biggest reduction in 28 years.
- **Increase in income tax exemptions:** In the 2019-20 budget, the income tax exemption limit jumped from Rs 2,00,000 to 2,50,000 and the tax rate for incomes up to Rs 5 lakh was reduced from 10 to 5 per cent.

Impact of pro-rich taxation policy

- **Deprives the state of resources:** This taxation policy **deprived the state of important resources**.
- **Increase in indirect taxes:** To (partly) compensate for the decline of direct taxes, the government has increased indirect taxes, unfairly so, because they affect all Indians irrespective of their income.
- The share of indirect taxes in the state's fiscal resources has increased to reach **50 per cent of total taxes in 2018**.
- Taxes on petroleum products are a case in point.

High taxes on petroleum products

- About two-thirds of the cost of a litre of petrol now goes towards taxes.
- The tax collected on petrol and diesel has **increased by 459 per cent in the past seven years** – from Rs 52,537 crore in 2013 to Rs 2.13 lakh crore in 2019-2020.
- Given that petrol is a **less elastic good**, people are bound to consume it even at higher prices.
- This also explains why the government sees fuel sale in India as a safe “revenue collection” medium.
- In 2018-19, excise duty on petroleum products alone accounted for roughly 24 per cent of the indirect tax revenue.

Conclusion

The government's taxation policy will probably continue to prevail depriving the exchequer of some of the resources it needs for dealing with issues as important as climate change.

5. Economic, political implications of repeal of farm laws

In a surprise move, Prime Minister Narendra Modi announced that the government will repeal the farm laws in the Winter Session of Parliament.

Economic impact

- **Agri-growth rate to remain constant:** The agri-GDP growth has been 3.5 per cent per annum in the last seven years.
- One expects this trend to continue – there might be minor changes in the agri-GDP depending on rainfall patterns.
- **Cropping pattern to remain skewed:** Cropping patterns will remain skewed in favour of rice and wheat, with the granaries of the Food Corporation of India bulging with stocks of grain.
- **Increase in food subsidy:** The food subsidy will keep bloating and there will be large leakages.
- **Environmental impact:** The groundwater table in the north-western states will keep receding and methane and nitrous oxide will keep polluting the environment.

Suggestion on increasing farmers income

- **Average agri-household income:** The latest **Situation Assessment Survey of the NSO** reveals that the income of an average agri-household in India was only Rs 10,218 per month in 2018-19.
- This is not a very happy situation and all out measures need to be taken to increase rural incomes in a sustained manner.
- **How to increase farmers income:** Given that the **average holding** size stands at just **0.9 ha** (2018-19), and has been shrinking over the years.
- **Efficient functioning value chain:** Unless one goes for **high-value agriculture** – and, that's where one needs efficient functioning value chains from farm to fork by the infusion of **private investments in logistics, storage, processing, e-commerce, and digital technologies** – the incomes of farmers cannot be increased significantly.

- **Reforms:** This sector needs reforms, both in the **marketing of outputs as well as inputs**, including land lease markets and direct benefit transfer of all input subsidies – fertilisers, power, credit and farm machinery.

Implications

- **Demand for legal status to MSP could strengthen:** Farmer leaders are already asking for the legal guarantee of MSPs for 23 agri-commodities.
- Their demand could increase to include **a larger basket of commodities.**
- **Demand for privatisation:** There could be demands to block the privatisation reforms of public sector enterprises – Air India, for instance – or to scuttle any other reform for that matter.
- The net result is likely to be **slowing down the economic reforms** that are desperately needed to propel growth.

Conclusion

The most important lesson from the repeal of the farm laws is that the process of economic reforms has to be more consultative, more transparent and better communicated to the potential beneficiaries. It is this inclusiveness that lies at the heart of democratic functioning of India.

6. NCRA astronomers discover rare radio stars

A team of astronomers from the Pune-based National Centre for Radio Astrophysics (NCRA-TIFR) have used the upgraded Giant Metrewave Radio Telescope (uGMRT) to discover eight stars belonging to a rare category called ‘Main-sequence Radio Pulse’ emitters or MRPs.

Implications

- The discovery will aid in the understanding of “exotic” radio stars and stellar magnetospheres.
- The current notion of MRPs as rare objects may not be correct. Rather, they are probably more common but are difficult to detect.
 - The reason for the difficult detection of MRPs was that the radio pulses are visible only at certain times and the phenomenon is mostly observable at low radio frequencies.

What are MRPs?

- The MRPs are stars hotter than the Sun with unusually strong magnetic fields, and are much stronger than stellar winds (a continuous flow of gas from a star's upper atmosphere).

7. Farm laws repealed

- The process of repealing the laws – which are currently stayed by the Supreme Court – will take place in the upcoming Winter Session of Parliament.

Key takeaways

- Repealing a law is one of the ways to nullify a law.
- A law is reversed when Parliament thinks there is no longer a need for the law to exist.
- Legislation can also have a “sunset” clause, a particular date after which they cease to exist.
 - For example, the anti-terror legislation Terrorist and Disruptive Activities (Prevention) Act 1987, commonly known as TADA, had a sunset clause, and was allowed to lapse in 1995.
- For laws that do not have a sunset clause, Parliament has to pass another legislation to repeal the law.
- **Article 245:** Parliament has the power to make laws for the whole or any part of India, and state legislatures the power to make laws for the state.
- A law can be repealed either in its entirety, in part, or even just to the extent that it is in contravention of other laws
- Laws can be repealed in two ways – either through an ordinance, or through legislation.

Prelims Practice Questions

1. The term 'Zircon', recently seen in the news, refers to -

- a. DRDO's robotic bomb disposal prototype
- b. Russian hypersonic cruise missile
- c. Israel's single-dose COVID-19 vaccine

d. Google's satellite-based internet project

Answer: b

Explanation:

- Russia has carried out another successful test of its Zircon hypersonic cruise missile.
- Hypersonics can travel more than five times the speed of sound making them much harder to track and intercept than traditional projectiles.

2. Persistent Viral Shedding was in the news, it is a condition of-

A Full Immunity developed against the virus.

B A special type of viral infection developed in Old age people.

C Recovered patients continue to carry some of virus within their system

D When recovered patients are not affected again by the virus already infected.

Answer : C

Explanation

- **Persistent Viral Shedding:**
 - When an individual gets infected by a respiratory virus like SARS-CoV-2, the virus particles bind to the various types of viral receptor.
 - Thus, Recovered patients can sometimes continue to carry low levels of virus within their system for up to three months.
 - These levels are no longer enough to make the person sick or transmit the disease to others, but it can get detected in diagnostic tests.
 - The disease developed from such persistent virus is what is called Persistent viral shedding.
 - **Hence option C is correct.**

3. The Sydney Dialogue is an annual summit on:

A Climate change

B Cyber technology

C Hunger and malnutrition

D Sustainable water utilisation

Answer : B

Explanation

- The **Sydney Dialogue** is an initiative of the **Australian Strategic Policy Institute**.
- It is an **annual summit of cyber and critical technologies** to discuss the fallout of the digital domain on the law and order situation in the world.
- Recently, the Prime Minister delivered the keynote at the inaugural Sydney Dialogue via video conferencing where he spoke on the theme of India's technology evolution and revolution.
- **Hence, option B is correct.**

4. With reference to Remittances, consider the following statements:

1. They help in stimulating economic development in recipient countries.
2. The World Bank has declared India as the world's third largest recipient of remittances after China and Mexico.

Which of the statements given above is/are correct?

- A 1 only
- B 2 only
- C Both 1 and 2
- D Neither 1 nor 2

Answer : A

Explanation

- **Remittances** are usually understood as financial or in-kind transfers made by migrants to friends and relatives back in communities of origin.
 - These are basically sum of two main components - Personal Transfers in cash or in kind between resident and non-resident households and Compensation of Employees, which refers to the income of workers who work in another country for a limited period of time.
 - Remittances **help in stimulating economic development in recipient countries**, but this can also make such countries over-reliant on them. **Hence, statement 1 is correct.**

- According to the **World Bank's Migration and Development Brief, India has become the world's largest recipient of Remittances**, receiving USD 87 billion (a gain of 4.6 % from previous year) in 2021.
 - **India is followed by China, Mexico, the Philippines, and Egypt. Hence, statement 2 is not correct.**
 - The United States being the biggest source, accounting for over 20% of all Remittances.

5. Hydraulic fracking has been recently in the news. Which of the following statements most appropriately describes it.

- A Process used in extraction of shale gas.
- B Process of centrifugation in nuclear fission.
- C Process of extracting geothermal energy.
- D Process of whaling

Answer : A

Explanation

- Extraction requires creation of fractures in oil and gas rich shale to release hydrocarbons through a process called **hydraulic fracking/fracturing**.
- It requires a mixture of '**pressurised water, chemicals, and sand**' (shale fluid) to break low permeable rocks and have access to the shale gas reserves.
- While fracking, the shale fluid could possibly penetrate aquifers leading to **methane poisoning of groundwater** used for drinking and irrigation purposes.
- **Hence, option A is correct.**

6. Consider the following statements:

1. Pradhan Mantri Gram Sadak Yojana is a Centrally Sponsored Scheme.
2. It includes a component of upgradation of existing rural roads.

Which of the above statements are correct?

- A 1 only
- B 2 only
- C Both 1 and 2
- D Neither 1 nor 2

Answer : C

Explanation

- The Cabinet Committee on Economic Affairs (CCEA) gave its approval for continuation of Pradhan Mantri Gram Sadak Yojana-I and II (PMGSY-I and II) upto September, 2022 for completion of balance road and bridge works.
- It is a **Centrally Sponsored Scheme**, launched in the year 2000 to provide connectivity to eligible unconnected habitations of 500+ in plain areas and 250+ in North-East and Himalayan states as per census 2001. **Hence statement 1 is correct.**
- The Scheme also **included a component of upgradation** of existing rural roads for those districts where all the eligible habitations had been saturated. **Hence statement 2 is correct.**

Mains Practice Questions

Q1. Over the past few decades, the Dairy sector has emerged as a lifeline of the rural economy in India. However, it has become one of the most vulnerable sectors of the rural economy too. Discuss.

Approach

- Start the answer by briefly mentioning the importance of dairy sector
- Discuss the major challenges faced by the dairy sector.
- Conclude Suitably.

Q2. Courts are sitting on a pendency bomb and it has never been more urgent to strengthen the Indian judiciary. Discuss.

Approach

- Start the answer by briefly mentioning the magnitude of pendency of cases in India.
- Discuss the major reasons for pendency of cases and steps to rectify them.
- Conclude Suitably.