

VEDHIK
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FOREWORD

We, at Team Vedhik is happy to introduce a new initiative - "Daily Current Affairs_The Hindu" compilations to help you with UPSC Civil Services Examination preparation. We believe this initiative - "Daily Current Affairs_The Hindu" would help students, especially beginners save time and streamline their preparations with regard to Current Affairs. A content page and an Appendix has been added segregating and mapping the content to the syllabus.

It is an appreciable efforts by Vedhik IAS Academy helping aspirants of UPSC Civil Services Examinations. I would like to express my sincere gratitude to Dr. Babu Sebastian, former VC - MG University in extending all support to this endeavour. Finally I also extend my thanks to thank Ms. Shilpa Sasidharan and Mr. Shahul Hameed for their assistance in the preparing the compilations.

We welcome your valuable comments so that further improvement may be made in the forthcoming material. We look forward to feedback, comments and suggestions on how to improve and add value for students. Every care has been taken to avoid typing errors and if any reader comes across any such error, the authors shall feel obliged if they are informed at their Email ID.

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Historian Babasaheb Purandare passes away

SHOUMOJIT BANERJEE
PUNE

Eminent historian and Padma Vibhushan awardee Balwant Moreshwar Purandare, popularly known as Babasaheb Purandare, passed away aged 99 on Monday.

Mr. Purandare, an authority on the 17th century Maratha warrior king Chhatrapati Shivaji, was diagnosed with pneumonia a week ago and was undergoing treatment at the city's Deenanath

Mangeshkar Hospital.

He passed away a little after 5 a.m. on Monday.

He was given a state funeral and his final rites were performed at the city's Vainkunt crematorium, which saw the attendance of the 'who's who' of Maharashtra's political and cultural fields. Known by his moniker 'Shivsahir' (literally Shivaji's bard), Mr. Purandare is considered one of the pre-eminent authorities on



Babasaheb Purandare

Chhatrapati Shivaji.

Tributes flowed in from the political spectrum with

Prime Minister Narendra Modi being one of the first to express his condolences.

Maharashtra Chief Minister Uddhav Thackeray, who announced a state funeral for the historian, said that Mr. Purandare's eternal adoration of Chhatrapati Shivaji and his dedication to studying the life of the Maratha warrior king had been his greatest source of energy and inspiration throughout his life.

In Jhansi event, PM to hand over indigenous LCH to IAF

MoD to formally dedicate a number of schemes to nation

SPECIAL CORRESPONDENT
NEW DELHI

Later this week, Prime Minister Narendra Modi would hand over the indigenous Light Combat Helicopter (LCH) to the Indian Air Force (IAF), drones built by start-ups to the Army and electronic warfare suites to the Navy at a three-day celebration titled *Rashtriya Raksha Samarpan Parv* in Jhansi, Defence Secretary Ajay Kumar said on Monday.

The Ministry of Defence (MoD) would formally dedicate a number of schemes to the nation from November 17-19 in events that were part of "Azadi Ka Amrit Mahotsav" celebrations," Mr. Kumar told the media.

The twin-engine LCH, designed and developed by Hindustan Aeronautics Limited (HAL), is a 5-8 tonne class dedicated combat heli-



The Light Combat Helicopter was designed and developed by HAL.

copter. It is the only attack helicopter in the world which can land and take off at an altitude of 5,000 m with considerable load of weapons and fuel, significantly augmenting the firepower of the IAF and the Army in high-altitude areas. It will eventually be deployed along the Line of Actual Control with China in addition to

the AH-64E Apache helicopters in service.

The Prime Minister would also hand over the DRDO-designed and Bharat Electronics Limited (BEL)-made advanced electronic warfare suites to the Navy for installation on all front line warships, including aircraft carrier Vikrant, which is undergoing trials, Mr. Kumar said.

Defence Minister Rajnath Singh would inaugurate the event on November 17 and Mr. Modi would launch the initiatives in a grand ceremony being organised in the precincts of the Jhansi Fort on November 19, which is the birth anniversary of Rani Lakshmi Bai, Mr. Kumar noted. The *Rashtra Raksha Samarpan Parv* was being organised by the MoD along with the Uttar Pradesh Government.

PM reaches out to tribal people, unveils schemes

Modi launches Birsa Munda museum

SPECIAL CORRESPONDENT
NEW DELHI

Prime Minister Narendra Modi on Monday reached out to tribal people, inaugurating the Birsa Munda museum in Ranchi as well as a slew of welfare schemes in Bhopal on what was the first-ever 'Janjatiya Gaurav Diwas' or tribal pride day.

Addressing the event in Bhopal, he said, "After Independence, for the first time in the country, on such a large scale, the art-culture of the entire country's tribal society, their contribution to the freedom movement and nation-building is being remembered and honoured with pride."

Some people were surprised when the contribution of tribal society in nation-building was discussed as these details were not told to the country. "This happened because those who ran the government in the country for decades after Independence gave priority to their selfish politics," he stated.

Mr. Modi dedicated sever-



Hand of support: PM Narendra Modi with a tribal girl in Bhopal. • A.M. FARUQUI

al railway projects to the nation, including the redeveloped Rani Kamalapati Railway Station in Bhopal.

Earlier, he inaugurated the first of 10 new museums dedicated to tribal culture and contribution to the freedom movement and also marking the birth anniversary of tribal freedom fighter Birsa Munda in Ranchi.

He inaugurated the Bhagwan Birsa Munda memorial-cum-freedom fighter museum on what was the first 'Janjatiya Gaurav Diwas' or tribal pride day.

Bid to get heritage status for jackfruit tree

The 250-year-old tree in Magadi taluk of Karnataka is now in the limelight

B.S. SATISH KUMAR
BENGALURU

A jackfruit tree, aged around 250 years, located 40 km from Bengaluru, is believed to be Karnataka's oldest tree of this variety and one of the oldest in the country. The tree at Janagere village in Magadi taluk is now in the limelight as agricultural and horticultural scientists are striving to get "heritage tree" status for it.

With a vast canopy, a height of 19.5 m and a trunk girth of 6.5 m, the tree is visible from a long distance to visitors who come to this village during summer to taste its fruits.

Everybody's favourite Ravish J.R., owner of the tree, has fenced it for protection. Villagers say that



Green asset: The jackfruit tree at Janagere village in Magadi taluk, about 40 km from Bengaluru. • SPECIAL ARRANGEMENT

he is the 10th generation owner of the tree that has been protected not only by the family of owners, but

the community as well. What makes this tree special is not just its age but also the taste of its fruits and

its ability to continuously bear a big number of quality fruits.

Yields 300 fruits a year "The tree yields 250 to 300 fruits a year ranging between 8 kg and 20 kg. Each fruit fetches ₹300 to ₹500 depending upon the size," says K. Narayana Gowda, former Vice-Chancellor of the University of Agricultural Sciences-Bengaluru, who is part of a four-member study team that inspected the tree to assess its characteristics scientifically in a bid to get it heritage status.

The scientists have taken up the proposal with the Central authorities along with scientific data for getting heritage status for the tree.

The EU's role in the Indo-Pacific

By being more assertive with China and more cooperative with India, the EU can create a vantage position for itself



RAJIV BHATIA

The Indo-Pacific region has acquired striking salience with the U.S.-China strategic contestation becoming sharper than before. Speedy development of the Quad comprising Australia, Japan, India and the U.S.; the emergence of AUKUS comprising Australia, the U.K. and the U.S.; and other alignments raise the question: where does Europe stand in relation to this churning?

It is complicated

Europe's Asia connect is old, strong and multi-layered. Asia is viewed and evaluated through national and regional perspectives. This explains why at least since 2018, countries such as France, the Netherlands, Germany and the U.K. announced their specific policies towards the Indo-Pacific. The European Union (EU) is in the process of coping with the rise of China and other Asian economies, the tensions due to China's aggressiveness along its periphery, and economic consolidation through the Regional Comprehensive Economic Partnership, and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership. In this backdrop, the announcement by the Council of the European Union of its initial policy conclusions in April, followed by the unveiling of the EU strategy for cooperation in the Indo-Pacific on September 16, are notable.

Seen from Brussels, the EU and the Indo-Pacific are "natural partner regions". The EU is already a significant player in the Indian Ocean littoral states, the ASEAN area and the Pacific Island states, but the strategy aims to enhance the EU's engagement across a wide spectrum. Future progress will be moulded by principles ranging from the imperative to defend the "rules-based international order"; promote a level-playing field for trade and investment, Sustainable Development Goals and multilateral cooperation; support "truly inclusive policy-making" encompassing the civil society and the private sector; and protect human rights and democracy.

The policy document also says cooperation will be strengthened in sustainable and inclusive prosperity, green transition, ocean governance, digital governance and partnerships, connectivity, security and defence, and human security. The EU thus promises to focus on the security and development dimensions of its relationship with the region.

But the EU's security and defence capabilities are quite limited, as compared to the U.S. and China. To obviate an imbalance in favour of economic links, EU will need to give adequate space and support to France which has sizeable assets and linkages with the Indo-Pacific. It also must forge strategic coordination with the U.K. as the latter prepares to expand its role in Asia as part of its 'Global Britain' strategy.

As a major economic power, the EU has an excellent chance of success in its trade negotiations with Australia, Indonesia and New Zealand; in concluding discussions for an economic partnership agreement with the East African Community; and in forging fisheries agreements and green alliances with interested partners to fight climate change. To achieve all this and more, EU must increase its readiness to share its financial resources and new technologies with partners.

Approach to China and India

The EU suffers from marked internal divisions. Many states view China as a great economic opportunity, but others are acutely conscious of the full contours of the China challenge. They believe that neither China's dominance in Asia nor bipolarity leading to a new Cold War will serve Europe's interests.

The risks facing the EU are varied. Russia next door is the more traditional threat. It is increasingly on China's side. Hence, the EU should find it easy to cooperate with the Quad. However, AUKUS muddied the waters, especially for France. Yet, endeavours by a part of the western alliance to bolster naval and technological facilities to deal with China cannot be unwelcome. What the EU needs is an internally coordinated approach.

India has reasons to be pleased with the EU's policy. India's pivotal position in the region necessitates a closer India-EU partnership. The India-EU Leaders' Meeting on May 8, followed by the External Affairs Minister's Gymnich meeting in Slovenia with the EU foreign ministers on September 3, were designed to "foster new synergies". Early conclusion of an ambitious and comprehensive trade agreement and a standalone investment protection agreement will be major steps. Cooperation in Industry 4.0 technologies is desirable. Consolidating and upgrading defence ties with France, Germany and the U.K. should also remain a significant priority.

The EU can create a vantage position for itself in the Indo-Pacific by being more candid with itself, more assertive with China, and more cooperative with India.

Rajiv Bhatia is Distinguished Fellow, Gateway House and a former Ambassador

Biden to discuss 'guardrails' for U.S. and China, with Xi: official

Taiwan issue may be discussed; no concrete deliverables expected from meeting

SRIRAM LAKSHMAN

U.S. President Joe Biden will discuss 'guardrails' to the U.S.-China dynamics with his Chinese counterpart, Xi Jinping, during the duo's virtual meeting on Tuesday morning (IST), a senior U.S. administration official said. However, no specific deliverables are expected from the virtual meeting.

Mr. Biden also plans to discuss divergences between the two countries - China's actions towards Taiwan, most notably, but also human rights and China's "coercive" tactics, in addition to areas of alignment, the official said.

"...It's important to keep channels of communication open. That's why President Biden initiated this meeting. We want to make clear our intentions and our priorities to avoid misunderstandings," the official told reporters on a briefing call on Sunday, while previewing the meeting.

"The President will also make clear that we want to



Reaching out: U.S. President Joe Biden will gauge Chinese President Xi Jinping's reaction to the AUKUS deal. ■ FILE PHOTO

build common sense guardrails to avoid miscalculation or misunderstanding," the official said.

Monday's interaction would be different from the two calls the two leaders have had since Mr. Biden became President (most recently in early September), as per the official, because it would be a virtual, face to face (rather than voice only) interaction and because of the level of preparation going into the meeting.

The official listed China's "coercive and provocative behaviour" with respect to Taiwan, human rights, Chi-

na's "extraordinary" state support of enterprises, and its actions in cyberspace, as among the issues on the anvil for Monday's discussions.

"This is an opportunity for President Biden to tell President Xi directly that he expects him to play by the rules of the road," the official said.

The U.S. has been alarmed at the number of intrusions by Beijing into Taiwan's Air Defence Identification Zone in recent months. China, on the other hand, had objected to U.S. support for Taiwan. Tensions around the issue were evident in

both sides' summaries of a call on Friday between U.S. Secretary of State Antony Blinken and his Chinese counterpart, Wang Yi.

On Australia's plan to acquire nuclear-powered submarines via the AUKUS (Australia-U.K.-U.S.) security partnership, the Biden administration official suggested they would see how Beijing raised the issue on Monday.

"It's certainly possible that we could hear from them on that," the official said.

Australia's support

Australian Defence Minister Peter Dutton had said over the weekend that it was "inconceivable" that Australia would not join the U.S. in any action taken to defend Taiwan. The official was unwilling to commit to a position on whether Mr. Biden would accept any invite to attend the Winter Olympics, scheduled to be held in Beijing in 2022.

The virtual meeting with Mr. Xi is scheduled for 6:15 a.m. on Tuesday (IST).

Pegasus inquiry must reverse the 'chilling effect'

The Government's complacency in the snooping case is worse than its alleged involvement under the garb of 'security'



M. SRIDHAR ACHARYULU

It is startling to know that governments in India purchase very expensive Israeli software to bug the Opposition and suppress dissent. The revelations about the misuse of Pegasus spyware have shaken the world and even India has felt its reverberations. The Government has stonewalled queries on the subject, has refused to order any probe, and even allowed a whole Parliament session to be washed away as a discussion on the subject was denied. The Pegasus scandal matches the Watergate scandal that brought down U.S. President Richard Nixon in the 1970s, but here in India, business has been as usual.

There was a fact-finding judgment in May 5, 2021 by the Royal Courts of Justice Strand, London (<https://bit.ly/3HraRx4>) that was to look into "factual allegations" made by a princess that the software had been installed in her phone as well as those used by her her solicitors, her personal assistant and security by her husband (a high-profile ruler in the United Arab Emirates) in the case of the welfare of their two children. It was an example of how even the phones used by royals have been hacked using Pegasus. After the United States government determined that Pegasus was acting contrary to the foreign policy and the national security interests of the U.S., it blacklisted the NSO group by putting it on an "entity list". But India has neither looked into the facts nor blocked the hacker.

In India, the suspected abuse of surveillance power followed by blatant denial of Right to Information requests and Parliament questions, defiant responses to Public Interest Litigation (PIL) notices and, above all, the 'inaction' of the Government are what have com-

pelled the Supreme Court of India to act. On October 27, 2021, a Bench of the Court, led by the Chief Justice of India (CJI), N.V. Ramana, constituted a three-member independent expert committee to conduct an investigation (it will be overseen by a retired judge of the Court) and protect public faith in the constitutional system. In the world over, this is the first-ever inquiry ordered by any Chief Justice with such wide-ranging terms into spying by Pegasus. This initiative of the CJI will embolden civilians to question the suppression of rights and instil fear among rulers. It should reverse the chilling effect. This dynamic order evoked positive responses while some wanted greater relief than what was prayed in the original PILs.

A worrying silence

The Union Government has been consistently silent on the question on whether it had or has invaded the privacy of hundreds of innocent non-accused citizens and what it has done with the collected 'intelligence'. It has a constitutional duty now to justify its defence of 'national security' before the Court-appointed inquiry committee or face politico-constitutional consequences. More than anything else, what is worrisome is the Centre's deafening silence.

The Court turned down the Government's request to allow it to set up the inquiry committee, as the principles of natural justice will not permit the 'accused' to select his investigators. The Bench has enough reasons to suspect that the Government is a party to this unconstitutional action (Pegasus). It made it clear that allowing that request "would violate the settled judicial principle against bias, i.e., that justice must not only be done, but also be seen to be done."

The use of the invasive spyware was noticed in May 2019 when WhatsApp claims that 'Pegasus' had infiltrated the devices of WhatsApp users; the fact of Indians being affected was acknowledged by the Minister for Law in

GETTY IMAGES/ISTOCKPHOTO



November 2019; and when Amnesty International and Citizen's Lab reported on June 15, 2020 of nine individuals in India having been targeted. The nation cannot afford to ignore the Pegasus Project, or the report of a consortium of 17 media organisations on July 18, 2021, which showed, based on its investigation, that a "list of over 50,000 phone numbers in more than 45 countries had been potentially targeted for surveillance by misusing Pegasus". The list included the numbers of over 300 Indians, some of whom were senior journalists, doctors, lawyers, political persons and even court staff. WhatsApp, in 2019, said it had notified the Government that 121 Indian citizens had been targeted. Yet, there has been no response.

Privacy, a sacrosanct right

Though privacy was not a specifically guaranteed right earlier, unabated surveillance was never allowed. The Supreme Court emphatically defined it in *R. Rajagopal* in 1994. With the landmark order in 2017 by the Supreme Court declaring that the right to privacy is as sacrosanct as human existence and is inalienable to human dignity and autonomy, the burden to secure this right has also fallen on the top court.

Snooping can be justified only on three counts: the restriction must be by law; it must be necessary and only if other means are not available, and proportionate (only as much as needed); and it must promote a legitimate state interest (e.g., national security), according to paragraph 325 of the nine-judge Bench judgment on privacy). Without establishing this justification, the Government cannot use 'national security', in the

case of Pegasus, as an empty or lame excuse, because surveillance directly infringes on the privacy right. If the Government wants to justify the surveillance as authorised then it has to answer the question whether anybody has been prosecuted for terrorism with evidence procured by snooping. And who is the authority that decides the need and mode of surveillance? Without this information, the state cannot rely on the excuse of 'national security'. The leaked list of phone numbers, which includes those of journalists, politicians and lawyers only raises the suspicion of abuse of surveillance power.

Injures freedom of speech

The Bench led by the CJI observed that surveillance injures the freedom of speech and results in fear based self-censorship. When it relates to the freedom of the press, it results in a chilling effect on the basic civil right of freedom of speech. Using the highly expensive software, Pegasus, is an assault on the vital public watchdog role of the press, which could undermine the ability of the press to provide accurate and reliable information which is needed for people to know about the acts of their elected government. The potential technological power of Pegasus must be challenged. The Centre's complacency is worse than its alleged involvement that needs to be probed. In fact, the Court has faced criticism of 'inaction', giving a long rope to the Government, and refused to stay the notification issued by the West Bengal government, setting up an inquiry commission to investigate the revelations of the Pegasus Project. The Delhi-based lawyer, Gautam Bhatia, even wrote that the Court should ask the Government to answer whether it ordered spying on citizens who are not accused of any crime. If yes, it should be made liable. If the Government refuses to answer, or says 'no', what is the Court expected to do? This is what the committee must probe.

Ensuring the independence and

the objectivity of members of the committee is not a mean task. The Court has explained how the chairman and other members were chosen with great care and research. The terms are specific: the committee has the task of finding answers to whether spyware was used to access conversations and information through the devices, the interception of the communications, who the victims were, which law authorised this, and who decided this on what basis and at what cost.

The defence and a pointer

The stock defence of 'national security' for snooping has provided, *prima facie*, grounds to believe the involvement of the 'state'. The Court has explained: "the Petitioners have placed on record certain material that *prima facie* merits consideration by this Court. There has been no specific denial of any of the facts averred by the Petitioners by the Respondent – [the] Union of India". Although it is "a settled position of law that in matters pertaining to national security, the scope of judicial review is limited", the Bench was vocal in saying "this does not mean that the state gets a free pass every time the spectre of 'national security' is raised." It is well within the four corners of its jurisdiction for the Supreme Court to constitute this committee as specifically prayed in the 12 PILs.

Using criminal spyware is not only a mere violation of Part III rights but is also a serious blow to freedom of the press, expression of dissent by the Opposition, and fearlessness of lawyers to challenge in courts the unconstitutional actions of the state. It undermines democracy and converts elected leaders into absolute dictators. The Supreme Court committee and Bench has the onerous duty of resurrecting the constitutional scheme of rule of law.

M. Sridhar Acharyulu is Former Central Information Commissioner. He is Dean, School of Law, Mahindra University, Hyderabad

Exception to the rule

Allowing yearly extensions to heads of CBI, ED will compromise their autonomy

The new law authorising an extension of the services of the heads of the Central Bureau of Investigation and the Enforcement Directorate until they complete a total tenure of five years will seriously compromise the autonomy of those agencies. It goes against the spirit of the Supreme Court judgment in *Vineet Narain vs Union of India* (1997) which laid down a dictum that the Directors of the CBI and the ED should have a minimum tenure of two years. This was to prevent their sudden transfer out of office if their functioning goes against the interests of the regime of the day. While it did not specifically bar longer terms or extensions, the prospect of getting an annual extension can be an incentive for displaying regime loyalty in the discharge of their duties. Significantly, in the case of the present Director of Enforcement, S.K. Mishra, who was appointed for two years in November 2018, his services were extended by an order on November 13, 2020, which amended the original term of appointment from two years to three years. That the changes were brought in through the ordinance route in November raises a doubt whether the Government is keen on retaining him at the helm. Given that the central agencies have drawn much criticism for their focus on personages linked to Opposition parties, such a measure will be seen as a reward for guided functioning instead of a necessity to keep ongoing investigations on track.

As it is, the fixed tenure for certain posts means their superannuation within that period will not end their term. In effect, there is an implied extension for an officer appointed to one of these protected posts if the appointment comes within two years of retirement. A further extension that will take the officers' services well beyond superannuation, that too one year at a time, will render the heads of two investigating agencies unacceptably beholden to the Government. Also, in Mr. Mishra's case, the Supreme Court declined to interfere with the one-year addition to his original term of appointment, but also said that "extension of tenure granted to officers who have attained the age of superannuation should be done only in rare and exceptional cases". And that the further extension should only be for "a short period". It also made it clear that no further extension shall be granted to him. It is possible that the Government will abide by this order and not give the benefit of the amendment to Mr. Mishra, but it does not render the act of authorising year-on-year extensions to future appointees any less detrimental to the public interest. The protection given by a fixed tenure and the use of a high-ranking committee to recommend appointments and transfers were meant to dilute the 'doctrine of pleasure' implicit in civil service. However, it may be breached, if the extension allowed in exceptional circumstances becomes the rule.

Centre amends rules to clear tenure extension

Posts of chiefs of CBI and Enforcement Directorate now added to list of top govt. servants whose term is flexible

SPECIAL CORRESPONDENT
NEW DELHI

A day after promulgating two ordinances that would allow the Centre to extend the tenures of the Directors of the CBI and the Enforcement Directorate from two years to up to five years, the Personnel Ministry issued an order to amend the Fundamental Rules, 1922 adding the two posts to the list whose services can be extended by up to two years beyond the two-year fixed tenure in "public interest".

The previous list comprised Defence Secretary, Foreign Secretary, Home Secretary,

Intelligence Bureau and Secretary, Research and Analysis Wing. Though Director, CBI, was also mentioned in the previous order, the Monday notification adds the Delhi Special Police Establishment Act, 1946 (25 of 1946) under which the investigation agency's head is appointed.

The notification amended fifth proviso of Clause (d) of Rule 56 of the Fundamental Rules, 1922. It said, "Provided also that the Central Government may, if it considers necessary in public interest so to do, give extension in service to the Defence Secretary,



The CBI and ED are two of the country's top investigative agencies.

Home Secretary, Director of Intelligence Bureau, Secretary of Research and Analysis Wing and Director of Central Bureau of Investigation appointed under the Delhi Special Police Establishment Act, 1946 (25 of

1946) and Director of Enforcement in the Directorate of Enforcement appointed under the Central Vigilance Commission Act, 2003 (45 of 2003) in the Central Government for such period or periods as it may deem proper on a case-to-case basis for reasons to be recorded in writing, subject to the condition that the total term of such Secretaries or Directors, as the case may be, who are given such extension in service under this rule, does not exceed two years or the period provided in the respective Act or rules made there under, under which

their appointments are made."

Retrospective move

The Centre had retrospectively extended the tenure of Sanjay Kumar Mishra as the Director of the ED in 2020. The Finance Ministry said a November 19, 2018 order through which Mr. Mishra, a 1984-batch Indian Revenue Service official, was appointed has been modified with approval from the President and it would now be read for three years. He is to retire on November 17.

The NGO Common Cause, represented by advocate

Prashant Bhushan, had challenged the retrospective extension in the Supreme Court. The SC on September 8 said Mr. Mishra should not be given any further extension.

On August 12, the Appointments Committee of the Cabinet (ACC) gave a one-year extension to Home Secretary Ajay Kumar Bhalla, beyond his two-year fixed tenure that was to end on August 22. On May 28, one-year extension in service was granted to Intelligence Bureau Director Arvinda Kumar and R&AW Secretary Samant Kumar Goel.

Will examine validity of special courts for MPs, MLAs, says SC

A Madras HC panel had said it was not legally permissible

LEGAL CORRESPONDENT
NEW DELHI

The Supreme Court on Monday decided to examine questions regarding the legal jurisdiction of the special courts set up to exclusively prosecute Members of Parliament and State Legislative Assemblies for various offences.

The Madras High Court, in a report on October 13 last year through a three-judge Criminal Rules Committee, had raised the issue of the "constitutional validity" of the special courts for MPs/MLAs. The committee had even said it was not "legally permissible" to create such special courts. It had said special courts "can only be offence-centric and not offender-centric". The High Court committee had flagged how a special court to try an MP/MLA could override the jurisdiction of a special court already in existence under an Act.

The court would also examine whether these special



courts deprive the accused of their right to a rung of appeal. Here, the argument raised is that some of these cases are triable by magistrates. In the normal course, if an accused has failed before the magistrate, he or she could file an appeal against the decision before the sessions court. In such cases, the trial judge is the magistrate. The sessions court is the first appellate court and the High Court the second appellate court.

Petitioners have argued that a special court would have the powers of a sessions court. If the case of an MLA or MP whose offence

can be tried by a magistrate is directly placed before a special court, the accused would lose his right to defend his case before a magistrate and also is stripped of his right to make his first appeal before a sessions court.

A special Bench of Chief Justice of India (CJI) N.V. Ramana, Justices D.Y. Chandrachud and Surya Kant have agreed to hear the issues on November 24.

Senior advocate Kapil Sibal said the issue raises a "major problem and will affect the right to appeal". He said an administrative order would force a case triable by a magistrate to be prosecuted by a sessions court. Among the suggestions was whether there should be special magistrate courts along with special sessions court in every jurisdiction.

Amicus curiae, senior advocate Vijay Hansaria, assisted by advocate Sneha Kalita, said the special courts were meant to speedily dispose of cases pending for long.

The debacle of demonetisation

Five years later, it is clear that the policy was neither economically sound nor ethically grounded



PULAPRE BALAKRISHNAN

On November 8, 2016, the Prime Minister announced that from midnight, ₹500 and ₹1,000 notes would no longer be legal tender. Though Indians were given the opportunity of redeeming the full value of their money held in this form, they could do so only by depositing the notes in a bank or Post Office savings account. The total value of the currency affected by this move, henceforth referred to as demonetisation, was 85%. A former U.S. Secretary of the Treasury said this was by far the “most sweeping change in currency policy that has occurred anywhere in the world in decades”. With five years of experience, we are now in a position to give an unqualified verdict on the consequences of this move.

Changing goalposts

The original argument given for demonetisation was that it would extinguish unaccounted or ‘black’ money. The presumption underlying this was that with unaccounted income inevitably held as cash, owners of these hoards would be hesitant to turn them in to banks as they would have to explain the source. When it was pointed out that unaccounted income is very likely to have been converted into real assets or transferred overseas, the government shifted the narrative. It then explained that the move was meant to get the economy to run on ‘less cash’. Finally, it strongly asserted that the move would incentivise direct tax payment and this would raise the government’s revenues sufficiently to allow for greater public investment and the provision of more public services.

The Reserve Bank of India’s Annual Report of 2019 settled the first issue conclusively when it reported that approximately 99% of the affected money supply was deposited into accounts with commercial banks. So, the existence of black money hoards may have been exaggerated, to put it mildly, even though this does not imply that all earnings were being



People wait in front of State Bank of India in Ramanathapuram on December 20, 2016. ■ L. BALACHANDAR

declared to the income tax authorities.

What about the predicted move towards less cash? Well, the ratio of currency with the public to national income has, at 11.5%, remarkably remained the same from 2015-16 onwards. Money seems to remain a chosen medium of exchange for Indians, even if purchases are increasingly being made online. Any independent economist could have pointed out to the government that in an economy where a large section of the population has little income to save, cash is likely to stay as a medium of exchange for some time. After all, electronic payments other than those based on credit cards draw upon prior savings. All this is besides the point, however, and misses how disingenuous the official narrative was. If the idea was to make the population use less cash, there was no need for the secrecy implicit in the hurried announcement of demonetisation. It could have been simply achieved by amendment of the Income Tax Act requiring all large-value transactions to be made by cheque or electronic means.

Finally, we come to the claim that demonetisation would lead to an increase in direct tax payments. Why this would be so was never spelt out,

but the data can settle this matter conclusively. We find that the ratio of direct tax collections to the national income rose marginally in 2016-17, but higher rates had been achieved earlier. It continued to rise marginally for two more years, but this cannot confidently be attributed to demonetisation alone. The Goods and Services Tax introduced in 2017 may have nudged potential income tax assesses to comply with the law due to the surveillance that came into force. We can see in the Finance Ministry’s latest ‘Budget at a Glance’ that the trend of a rising direct tax to national income ratio came to an end in 2019-20, and is now lower than it was at the beginning of the decade.

Reversing growth acceleration

With not a single one of the claims made for it having materialised, it may seem that there cannot be a more stinging assessment of demonetisation but there is worse to come. In 2016-17, India’s economy did register a slight increase in the rate of growth. This may appear to validate the action, but it does not. It is explained by the fact that the growth of the agricultural sector registered a positive swing of over 7% that year. As agricultural yield is weather related, it is independent of

economic conditions in the short term. But in the other sectors of the economy, production could have been held back by the cash crunch engineered by demonetisation, thus slowing expansion. We see this in the data on the manufacturing sector, with growth slowing by about a third immediately. Nevertheless, growth of the overall economy did not slow in 2016-17 as much of the services sector held out. This was to come the next year, with annual growth slowing continuously ever since. So, this is something demonetisation did achieve. It reversed a growth acceleration that had been in place for at least two years when the Modi government took over in 2014 and had continued till it met the gleefully named ‘surgical strike’.

Imposing hardship

Numbers cannot, however, capture the hardship and insecurity that were so casually imposed on the population by the move. The country was thrown into utter chaos with people trying to change their hard-earned small cash savings in banks that were utterly unprepared for the task. There was an acute shortage of currency notes for at least a couple of months. The supply chain for farm produce was severely disrupted but a history of informal credit meant that it did not die out entirely. Indeed, India was bailed out by the traditional practices of its business communities, even as the government was ostensibly goading it into modernity.

Vladimir Lenin reportedly said, “the best way to destroy the capitalist system [is] to debauch the currency.” In one of the ironies of history, a whole century later, a government committed to capitalism in all its forms attempted precisely that. But demonetisation was not just a flawed economic policy move. Economic policies must not only be sound, they must also be ethically grounded. While it may have been within the government’s constitutional powers to implement demonetisation, on an ethical conception of powers it was a moral failure. Perhaps not since Muhammad bin Tughlaq have the people of India been forced to endure as much by the state. The difference is that today India is a democracy.

Pulapre Balakrishnan teaches at Ashoka University, Sonapat, Haryana

Centre to disburse ₹95,082 cr. to States to sustain recovery

Sitharaman meets CMs, State Finance Ministers to push growth and investment

SPECIAL CORRESPONDENT
NEW DELHI

The Centre will remit ₹95,082 crore to States next week, double the funds due to them from the shareable pool of taxes this month to enable them to deploy more money on capital spending, Finance and Corporate Affairs Minister Nirmala Sitharaman said late on Monday after a six-hour meeting with State Chief Ministers and Finance Ministers.

About 15 Chief Ministers, mostly from the NDA-ruled States, attended what Ms. Sitharaman described as a 'rare, one-off' meeting between the Centre and States, held to figure out ways to sustain the economic recovery after the second COVID-19 wave and understand States' concerns and plans. Three States were represented by deputy CMs while the



Booster shot: Union Finance Minister Nirmala Sitharaman briefing the media in New Delhi on Monday. ■ PTI

In most of the issues related to investment, development and manufacturing activities, it is the States who are doing work at the forefront. The support from the Centre is always there. But we also wanted to make sure that the States' understanding and the issues they want to discuss must be heard and that's the reason this meeting was called

NIRMALA SITHARAMAN

Finance Ministers of the rest were present, along with the Lieutenant Governor of Jammu and Kashmir, she said.

"The context of the meeting was that after the second wave, we are seeing a robust growth. However, it's also a time where we are looking at ways to sustain the growth,

take it as close as possible to a double-digit growth for which the Centre and States have to work together," Ms. Sitharaman said.

She urged States to help India become the fastest growing economy in coming years, through facilitating investment attractiveness and

expediting ease of doing business measures and undertake power sector reforms.

States were also nudged to smoothen land acquisition and create land banks for investors as land is one of the major bottlenecks for investment projects. Moreover, with the Centre taking up monetisation of public assets, States were asked to consider doing the same.

"Unless States and the Centre put up money for building, the ripple effects for speedier and better growth would not be as desirable as we wish to have it and therefore, that expenditure is absolutely necessary," the Minister pointed out and said she has directed the Finance Secretary to concede to States' request as 'this is an exceptional year'.

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Garbage being burnt by the roadside at GTB Nagar in Delhi on Monday. •SUSHIL KUMAR VERMA

Despite ban on construction, dust pollution unchecked in many areas

Heaps of earth found uncovered in violation of CPCB guidelines

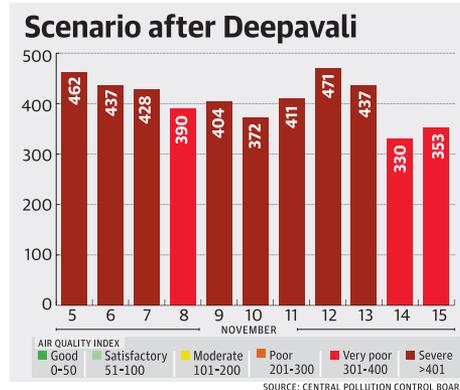
NIKHIL M BABU
NEW DELHI

Despite the city's air quality being in the "very poor" category for the last two days, dust pollution caused by construction activities was noticed in three areas along an eight-km stretch of road in central and south Delhi on Monday, which was selected at random for a spot check by *The Hindu*.

Roads were being dug up at a colony in Jor Bagh without following any dust-control measures, though there is a ban on construction activities in the city due to the high pollution levels.

The air quality index of the city was 353 (very poor) on Monday, up from 330 on Sunday, as per the Central Pollution Control Board's (CPCB) 4 p.m. bulletin, which is the average of the past 24 hours.

On Monday afternoon, at B.K. Dutt Colony in central Delhi, more than a dozen sections of the road were dug up and work was going on in



multiple areas. Heaps of red-dish earth were dug out and were not covered and water was also not sprinkled on them. Workers said they are laying cable for a company, which provides services related to telecommunication and Internet.

As per the CPCB guidelines for dust control issued in November 2017, sheets made of

plastic, tarpaulin etc. should be used to cover construction material that are easily airborne and also the debris that are dumped at temporary storage sites.

Dust contributes to fine inhalable particles called particulate matter, which goes deep into the lungs and even bloodstream and causes health problems.

ICMR moots change in cattle rearing practices, shift from coal

'This is to combat challenges of climate change'

JACOB KOSHY
NEW DELHI

Senior scientists at the Indian Council of Medical Research (ICMR) have recommended that India shift from "traditional animal husbandry practices" and "urgently wean away from coal as its main source of energy". This

is to combat the challenges of climate change that is posing a global threat, the scientists argued in a policy brief that accompanies the 2021 Global Lancet Countdown report focussing on premature mortality due to ambient air pollution by sector; emissions from agricultural production and consumption; and detection, preparedness and response to health emergencies.

"The combustion of coal,

mainly in power plants followed by industrial and household settings, has resulted in an increase in premature mortality. Therefore, India needs to urgently wean away from coal as its main source of energy and needs to invest more on renewable, cleaner and sustainable sources such as solar, wind or hydro energy," the brief noted.

The recommendations come a day after India defended its right at Glasgow,

Scotland, to use coal even as it would continue to increase its reliance on renewable sources of energy. India intervened hours before the text of the agreement was finalised to insist that it read that coal would be "phased down" as opposed to "phased out". India was also among the countries that did not sign on a methane pledge. The U.S. and the European Union have jointly pledged to cut emissions of

the greenhouse gas methane by 2030 by 30% compared with the 2020 levels. India is the third largest emitter of methane, primarily because of the size of its rural economy and by virtue of having the largest cattle population.

"Since 46% of all agricultural emissions in India are contributed by ruminants such as goats, sheep and cattle, India needs to move away from the traditional animal husbandry practices

and invest in newer technologies that will improve animal breeding and rearing practices, use of good livestock feeds and implement proper manure management, all of which will contribute to the reduction of the GHG emissions," said the policy brief authored by Leyanna Susan George and Samiran Panda of the Division of Epidemiology and Communicable Diseases, ICMR.

'Urban factors, not farm fires, cause of pollution'

Cat is out of the bag, says SC; farm fires in Punjab, Haryana and U.P. contributed to only 10% of the air pollution, says Centre

KRISHNADAS RAJAGOPAL
NEW DELHI

The Supreme Court on Monday said the "cat is out of the bag" to prove that urban factors such as construction activities, industry, vehicular exhaust and road dust were actually the major causes of pollution in Delhi and not farmers' stubble burning.

A special Bench led by Chief Justice of India (CJI) N.V. Ramana gleaned the fact from the affidavits filed by the Centre and the Delhi Government. The Centre, for one, said farm fires in Punjab, Haryana and Uttar Pradesh contributed to only 10% of the pollution.

In the previous hearing, the court had questioned the narrow focus of the Centre and the Delhi Government on farmers.

"You say 76% of the pollution is caused by industry,



Under grey skies: Heavy traffic moving under a thick layer of smog in New Delhi on Monday. • SUSHIL KUMAR VERMA

dust, vehicles and construction and not due to stubble burning... So the cat is out of the bag... You are now trying to target pollution that is insignificant?" Justice D.Y. Chandrachud, on the Bench, asked both Solicitor-General Tushar Mehta and senior advocate Rahul Mehra, appearing for the Centre and Delhi

respectively.

Justice Surya Kant asked, "Are you agreeing in principle that farm fires are not the major cause? So all that hue and cry had no scientific or actual basis?"

Chief Justice Ramana said the court had been insisting that stubble burning was not the major cause. "Pollution

is caused by city-related issues... You first take care of them and then we will come to stubble burning," he said, nudging the Centre, Delhi and the States towards a firm commitment to act against pollution.

The court was shocked to realise that Delhi had only 69 mechanised road sweepers to cover all the streets of the capital. The municipal corporations in Delhi were autonomous bodies and the court should ask the mayors to file "specific" affidavits, Mr. Mehra said. Justice Kant lashed out at the Delhi Government for coming up with "lame excuses". If this went on, the court would be constrained to order an audit inquiry into the money the Government spent on "popularity slogans" seen across the capital.

The Delhi counsel said the

Government had been doing everything the Union of India had asked to quell the pollution. "Everything that needs to be done further, will be done in 24 to 48 hours."

During the hearing, the court found that the Centre's Commission for Air Quality Management in National Capital Region (NCR) and Adjoining Areas Act had not, over the weekend, "precisely" chalked out a plan to immediately control pollution caused by construction, vehicles, power plants and industries. In fact, Mr. Mehra said, "drastic steps" like the odd-even vehicles' scheme, ban on entry and plying of trucks in the capital and a complete lockdown had been "deferred" for now. "The severest step would be a lockdown."

But Delhi said it was will-

ing to initiate a lockdown, provided it was "cohesive arrangement" involving the NCR.

The court directed the Centre to call an urgent meeting in 24 hours with Punjab, Delhi, Haryana and Uttar Pradesh to craft effective anti-pollution measures and their implementation. The court also asked the Centre, Punjab, Haryana and Uttar Pradesh to introduce work from home for now.

Senior advocate Vikas Singh, for the petitioners, said the Centre had made a "wrong statement in court today on stubble burning as their high-powered meeting last night has recorded that stubble burning even now is responsible for 35-40% of Delhi's air pollution".

The court scheduled the next hearing for November 17.

General Studies Paper I	
A	History of Indian culture will cover the salient aspects of art forms, literature and architecture from ancient to modern times;
B	Modern Indian history from about the middle of the eighteenth century until the present-significant events, personalities, issues;
C	Freedom struggle-its various stages and important contributors / contributions from different parts of the country;
D	Post-independence consolidation and reorganization within the country;
E	History of the world will include events from 18 th century such as industrial revolution, world wars, re-drawal of national boundaries, colonization, decolonization,
F	Political philosophies like communism, capitalism, socialism etc.-their forms and effect on the society
G	Salient features of Indian Society, Diversity of India;
H	Effects of globalization on Indian society;
I	Role of women and women's organization;
J	Social empowerment, communalism, regionalism & secularism
K	Salient features of world's physical geography;
L	Geographical features and their location- changes in critical geographical features (including water bodies and ice-caps) and in flora and fauna and the effects of such changes;
M	Important Geophysical phenomena such as earthquakes, Tsunami, Volcanic activity, cyclone etc.
N	Distribution of key natural resources across the world (including South Asia and the Indian subcontinent);
O	Factors responsible for the location of primary, secondary, and tertiary sector industries in various parts of the world (including India);
P	Population and associated issues;
Q	Urbanization, their problems and their remedies
General Studies Paper II	
A	India and its neighbourhood- relations;
B	Important International institutions, agencies and fora- their structure, mandate;
C	Effect of policies and politics of developed and developing countries on India's interests;
D	Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests.
E	Indian Constitution, historical underpinnings, evolution, features, amendments, significant provisions and basic structure;
F	Comparison of the Indian Constitutional scheme with other countries;
G	Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein; Inclusive growth and issues arising from it;
H	Parliament and State Legislatures - structure, functioning, conduct of business, powers & privileges and issues arising out of these;
I	Structure, organization and functioning of the executive and the judiciary, Ministries and Departments;

J	Separation of powers between various organs dispute redressal mechanisms and institutions;
K	Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional bodies;
L	Statutory, regulatory and various quasi-judicial bodies;
M	Mechanisms, laws, institutions and bodies constituted for the protection and betterment of these vulnerable sections;
N	Salient features of the Representation of People's Act;
O	Important aspects of governance, transparency and accountability, e-governance- applications, models, successes, limitations, and potential;
P	Citizens charters, transparency & accountability and institutional and other measures;
Q	Issues relating to poverty and hunger,
R	Welfare schemes for vulnerable sections of the population by the Centre and States, Performance of these schemes;
S	Issues relating to development and management of social sector / services relating to education and human resources;
T	Issues relating to development and management of social sector / services relating to health
General Studies Paper III	
A	Indian Economy and issues relating to planning, mobilization of resources, growth, development and employment;
B	Effects of liberalization on the economy, changes in industrial policy and their effects on industrial growth;
C	Inclusive growth and issues arising from it;
D	Infrastructure Energy, Ports, Roads, Airports, Railways etc. Government budgeting;
E	Land reforms in India
F	Major crops, cropping patterns in various parts of the country, different types of irrigation and irrigation systems;
G	Storage, transport and marketing of agricultural produce and issues and related constraints;
H	e-technology in the aid of farmers; Technology Missions; Economics of Animal-Rearing.
I	Issues of buffer stocks and food security, Public Distribution System- objectives, functioning, limitations, revamping;
J	Food processing and related industries in India – scope and significance, location, upstream and downstream requirements, supply chain management;
K	Issues related to direct and indirect farm subsidies and minimum support prices
L	Awareness in the fields of IT, Space, Computers, robotics, nano-technology, bio-technology;
M	Indigenization of technology and developing new technology;
N	Developments and their applications and effects in everyday life;
O	Issues relating to intellectual property rights
P	Conservation, environmental pollution and degradation, environmental impact assessment
Q	Disaster and disaster management
R	Challenges to internal security through communication networks, role of media and social networking sites in internal security challenges, basics of cyber security;
S	Money-laundering and its prevention;

T	Various forces and their mandate;
U	Security challenges and their management in border areas;
V	Linkages of organized crime with terrorism;
W	Role of external state and non-state actors in creating challenges to internal security;
X	Linkages between development and spread of extremism.
General Studies Paper IV	
A	Ethics and Human Interface: Essence, determinants and consequences of Ethics in human actions;
B	Dimensions of ethics;
C	Ethics in private and public relationships. Human Values - lessons from the lives and teachings of great leaders, reformers and administrators;
D	Role of family, society and educational institutions in inculcating values.
E	Attitude: Content, structure, function; its influence and relation with thought and behaviour;
F	Moral and political attitudes;
G	Social influence and persuasion.
H	Aptitude and foundational values for Civil Service , integrity, impartiality and non-partisanship, objectivity, dedication to public service, empathy, tolerance and compassion towards the weaker sections.
I	Emotional intelligence-concepts, and their utilities and application in administration and governance.
J	Contributions of moral thinkers and philosophers from India and world.
K	Public/Civil service values and Ethics in Public administration: Status and problems;
L	Ethical concerns and dilemmas in government and private institutions;
M	Laws, rules, regulations and conscience as
N	sources of ethical guidance;
O	Accountability and ethical governance; strengthening of ethical and moral values in governance; ethical issues in international relations and funding;
P	Corporate governance.
Q	Probity in Governance: Concept of public service;
R	Philosophical basis of governance and probity;
S	Information sharing and transparency in government, Right to Information, Codes of Ethics, Codes of Conduct, Citizen's Charters, Work culture, Quality of service delivery, Utilization of public funds, challenges of corruption.
T	Case Studies on above issues.