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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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Vishnugadh project likely to face inquiry

World Bank panel mulls scrutiny over complaints of damage to Uttarakhand temple, livelihood loss

JACOB KOSHY
NEW DELHI

An independent panel of the World Bank is considering a plea by residents of Haat village, Chamoli district, Uttarakhand to investigate environmental damage from the under-construction Vishnugad Pipalkoti Hydro Electric Project (VPHEP) in the district, according to documents reviewed by *The Hindu*.

The 444-MW VPHEP is being built by the Tehri Hydropower Development Corporation (THDC), a partially State-owned enterprise. The project is primarily funded by the World Bank and was sanctioned in 2011. It is proposed to be completed in June 2023. About 40% of the funds for the \$792 million project (₹64,000 crore approx.) has already been disbursed.

Residents in their complaint have said muck dump-



Project underway: About 40% of funds for the \$792 million project has already been disbursed. • V.V. KRISHNAN

ing from the dam threatens the local Lakshmi Narayan Temple, which is deemed to be of historical and cultural importance by the Archaeological Survey of India (ASI).

The historical significance of the temple wasn't known until the ASI investigated and submitted its report this year, said Mallika Bhanot, an

environmentalist based in Uttarakhand.

The complainants, whose identities aren't public but comprise 83 community members, said that other than ecological damage, the project had caused forced resettlement, loss of livelihoods and, the amount of compensation offered was

often inadequate.

Last September, community members who refused to take compensation and relocate voluntarily were evicted, and some were "locked up in the police station," the plea notes.

They also complained about the limited availability of water, saying that 70 of the 92 households received water only for two hours daily. Before the project construction, they had ready access to water.

Fresh issues

This is the third such complaint to the bank panel by villagers, with past complaints not having triggering an investigation. Before deciding on whether such an investigation is required, the panel had written to the bank management asking for a response to the issues raised by the villagers.

The panel also contacted

the project management of the THDC who, it said, assured them that they wouldn't dump muck close to the Lakshmi Narayan Temple, that they were continuing to support livelihood activities and that a grievance redress mechanism, which included community members, was established in 2009.

Water supply in the resettled area was reviewed in June 2022 and that water is pumped twice daily from the river to a water tank in the resettled area, which could be accessed by households, the management informed the panel.

The panel noted that this time, fresh issues were being raised and the third request presented "new evidence or describes new circumstances." The panel also noted the requesters' claim that they are not being heard on these issues.

- Under-construction Vishnugad Pipalkoti Hydro Electric Project (VPHEP) on **river Alaknanda**
- **Independent panel of the World Bank** is considering a plea as it is primarily funded by the World Bank
- Built by the **Tehri Hydropower Development Corporation**
- threatens the local **Lakshmi Narayan Temple**, which is deemed to be of historical and cultural importance by the Archaeological Survey of India (ASI).
- Villagers argue
 - **Ecological damage**
 - **Forced resettlement,**
 - **Loss of livelihoods**
 - **Inadequate compensation**

Army speeds up procurement of light tank 'Zorawar' for LAC

It would improve Indian Army's operational capabilities

DINAKAR PERI
NEW DELHI

With the experience of deploying armour at an altitude of 15,000 ft. to outmanoeuvre the movement of Chinese forces during the stand-off in eastern Ladakh, the Indian Army is prioritising the procurement of the indigenous Indian light tank named 'Zorawar', for deployment in the mountains, official sources said.

In addition to the light tank, the Army will induct niche technologies such as loitering munitions, anti-drone capabilities and next generation Intelligence, Surveillance and Reconnaissance (ISR) capabilities, officials added.

"It will have equal firepower as the present tank, including missile firing. The power to weight ratio will make it very agile," sources



India and China had deployed tanks which were pulled back as part of the disengagement. ■ FILE PHOTO

in the security establishment said.

"The project is moving very, very well. The Acceptance of Necessity (AoN) from the Defence Acquisition Council is expected next month," a source stated.

The recent experiences along the northern borders have shown that armour equipment profile is one of the most prominent factors

in defining the operational capability of land forces, a source said, while noting that China has inducted a large number of state-of-the-art medium and light tanks.

At the height of the ongoing standoff in Eastern Ladakh, India and China had deployed tanks on the mountain peaks which were subsequently pulled back as part of the disengagement from both banks of the lake.

- **Indigenous Indian light tank**
- Deploying armour at an **altitude of 15,000 ft.** to outmanoeuvre the movement of **Chinese forces**
- Army will induct **niche technologies** such as
 - **Loitering munitions,**
 - **Anti-drone capabilities and**
 - **Next generation Intelligence,**
 - **Surveillance and Reconnaissance (ISR) capabilities,**
- Missile-firing capability, counter-drone apparatus, warning system and a power-to-weight ratio will make the tanks "very agile".

'Need system for maritime concerns'

Amid signs of strain, Sri Lankan envoy says trust deficit should be avoided, build equilibrium in ties

SUHASINI HAIDAR
NEW DELHI

Amidst signs of New Delhi's disappointment over Colombo's decision to allow a Chinese tracking vessel to dock in Hambantota, Sri Lanka's envoy in India called for building a new "framework" on how to deal with such maritime security concerns in the future.

Speaking to *The Hindu* days after the Chinese satellite and missile tracking ship, Yuan Wang 5, had departed from the Sri Lankan port after "refuelling and replenishing supplies", High Commissioner Milinda Moragoda said Colombo had kept the Modi government briefed at the "highest levels" through the controversy.

In a possible sign of the strain in ties over the issue, the Ministry of External Affairs had issued a rare "travel guidance" on Thursday cautioning Indian tourists about

visiting Sri Lanka, which is in the middle of a deep economic crisis.

Without commenting on the MEA advisory, Mr. Moragoda said it was important to look to the future of ties, particularly in terms of India-Sri Lanka cooperation in the economic and strategic sphere. Apart from the economic assistance of \$3.8 billion including credit lines from India, New Delhi and Colombo are discussing more trade ties, a power-sharing grid, infrastructure projects in renewable energy and oil storage.

India has also supported Sri Lanka in talks with the International Monetary Fund (IMF) for a bailout.

"There is no question that the docking of the ship was an issue between us. The question is how to build a framework for such problems in order to avoid them in the future, and not to allow this



Milinda Moragoda

kind of issue to lead to a trust deficit," Mr. Moragoda said, adding that despite "ups and downs", Sri Lanka would like to "build an equilibrium in the relationship, where there are no surprises."

In an unusually public move, the Modi government had last month conveyed its concerns over the docking of the ship, believed to be a satellite research and surveillance vessel. While the Sri Lankan government had asked China to defer the ship's plans entirely after In-

dia's objections, the Chinese government had only agreed to delay its arrival in Hambantota by a few days, and eventually the Yuan Wang 5 docked in the port from August 16-22.

According to Mr. Moragoda, the permissions for the docking had been granted to China amidst a period of political turmoil in Colombo, when President Ranil Wickremesinghe took charge after the ouster of previous President Gotabaya Rajapaksa, as well as the economic crisis, leading to "not enough attention" being given to the case.

"In this particular case, there could have been a level of confusion in Colombo when it came to differentiating between the classes of vessels and technologies involved. Unfortunately, once the approvals were given, it was hard to take them back," Mr. Moragoda said, adding that Sri Lanka was hoping to

focus on strengthening lines of communication, as well as high level exchanges, and people-to-people ties.

According to sources, both Prime Minister Narendra Modi and President Ranil Wickremesinghe are expected to travel to Tokyo to attend former Japan PM Shinzo Abe's state funeral.

On a visit to Gujarat last week, Sri Lankan tourism minister Harin Fernando had pitched for more Indian tourists, saying that he hoped that at least 10 lakh international tourists, mostly Indians, would visit this year.

However, striking a cautionary note, MEA spokesperson said to encourage Indians to exercise all care and caution while in Sri Lanka, and "examine all relevant factors, including currency convertibility and the fuel situation before undertaking any essential travel to Sri Lanka".

- India cautioning Indian tourists about visiting Sri Lanka
- Economic assistance of \$3.8 billion including credit lines from India
- India has also supported Sri Lanka in talks with the International Monetary Fund (IMF) for a bailout.
- **Yuan Wang 5 docked in the Hambantota port**
- Need a framework to with such a situation in future

At least one Constitution Bench will function all-year: Justice Lalit

CJI-designate promises clarity, transparency in listing of cases

LEGAL CORRESPONDENT
NEW DELHI

Justice Uday Umesh Lalit, who is going to take oath as the 49th Chief Justice of India on August 27, 2022 assured that the Supreme Court will strive to have at least one Constitution Bench functioning throughout the year.

The Chief Justice-designate promised clarity and transparency in the urgent listing of cases in the top court.

Justice Lalit said a clear-cut mechanism would be in place to allow lawyers to mention urgent matters, which includes bail petitions, etc., before the respective Benches for early listing. He said he has already discussed these three key issues with the Supreme Court Bar leaders.



Justice U.U. Lalit

The sweeping changes would help the judges identify, hear and provide relief in cases which need their urgent attention.

It would also help litigants and lawyers to avoid delay in getting their cases listed for hearing before judges due to the long-winded processes of the Supreme Court Registry.

Mornings in the Supreme Court are witness to crowds of lawyers trying to convince

judges to put up their cases for hearing. Often, many of these cases require urgent attention as they concern the right of personal liberty or property of common citizens.

Justice Lalit's initiative comes at a time when the Supreme Court's pendency has crossed over 71,000 from a little over 55,000 in 2017.

This is despite the fact that the sanctioned judicial strength of the court was increased to 34 judges in August 2019. A steady rise in arrears regardless of the periodic increase in judicial strength has been a constant phenomenon since 1950.

The outgoing Chief Justice N.V. Ramana, on his last working day, apologised for not being able to list all the pending matters.

- Justice Uday Umesh Lalit - 49th Chief Justice of India
- promised clarity and transparency in the urgent listing of cases in the top court.
- **Constitution bench** is the name given to the benches of the Supreme Court of India which consist of **at least five judges**
- To decide any case **"involving a substantial question of law as to the interpretation"** of the Constitution of India
- or "for the purpose of hearing any **reference**" **made by the President** of India under Article 143.
- This provision has been mandated by **Article 145 (3)** of the Constitution of India.
- The Chief Justice of India has the power to constitute a Constitution Bench

The great Godavari floods

People living along the mighty river in Andhra Pradesh and Telangana have faced three floods in the last two months. **T. Appala Naidu, P. Sridhar and B. Chandrashekhar** report on the recurrent floods, logistics of irrigation dams, and concerns about relief and rehabilitation

In the last week of June, Kunja Sai Kumar, a farmer belonging to the Koya tribe, was jubilant as he sat with the 160 families of his community in Mukunuru village for a dinner. The village is situated on the banks of the Sabari river, a tributary of the mighty Godavari. The Koyas sang songs of prayer for a good harvest in Mukunuru, situated in the Aluri Siharama Raju district of Andhra Pradesh. The men completed all the rituals mandated for bringing down the curtains on the three-day bhumi puja, celebrated to mark the commencement of the agriculture season in July. Paddy, sesame, pulses and chilli are the major crops grown in Mukunuru and its surrounding areas. In summer, the farmers earn their income by selling sweet-smelling mahua flowers and nuts collected from the forest.

Their prayers went unanswered. Within a fortnight, the Koyas turned sombre as the Godavari, in all its rage, submerged their crops, fields, homes, and hopes as early as July. They were surprised, for they were generally prepared for floods in the months of August and September every year. This time, the villagers were subjected to not one but three floods in July and the first three weeks of August, which cut them off from the mainland. While they mourn the loss of their crop, they are equally worried about the next harvest. "How can crops now be grown on this land," asked a distraught Sai Kumar.

Beeraboyina Ramakrishna, 50, said the Godavari floods have "wrecked their plans". Water gushed into his thatched house and spoiled the seeds he had stored, which were to be sown on 11 acres of land. "Except my bullock cart, which I had tied to a tree, everything was swept away by the floods," the farmer said.

On August 25, when the waters had mostly receded, thousands of tribal people, who had fled their villages, said they were waiting to return to their houses, which are still filled with mud and yellow-brown water.

Apart from Aluri Siharama Raju, the flood waters have affected four districts in Andhra Pradesh — Eluru, Dr. B.R. Ambedkar Konaseema, West Godavari and East Godavari — affecting the lives of over two million people.

A survey of the damage caused by the floods is still in progress. "We have not been able to carry out the survey because of these repeated floods," officials said. The Indian Navy (Eastern Naval Command, Visakhapatnam) and the National Disaster Response Force were deployed to help the government in relief and rescue efforts.

Tussle over a project

In the neighbouring State of Telangana too, a similar mood of despondency prevailed. On July 16, in the temple town of Bhadrachalam in Kothagudem district, the waters of the Godavari swelled mightily, taking the flood level to 71.30 ft. This was the highest level the town had seen after the floods of 1986 when the water level reached 75.6 ft. It was way above the warning level of 53 feet (the second warning level is 48 feet and the first is 43 feet). This year, the flood level rose above the third warning level of 53 ft four times. The flood waters forced the authorities to shut the bridge running across the town for two days. While Kothagudem district was among the most affected by the floods in Telangana, the Adilabad, Jayashankar Bhupalpalay, Kurumam Bheem Asifabad, Mancheril, Mulugu, Nirmal, and Peddapalli districts were battered by heavy rain.

Rambabu of Subash Nagar colony in Bhadrachalam recalled how his family had to move out of their home on July 15. "We left all our belongings behind. We moved to a relief camp at a local school and spent sleepless nights there for over a week. In the last week of July, we returned to our home only to find a portion of the house damaged. Electric appliances were wet and the certificates of our children were soaked," he said.

The Telangana government blamed the Andhra Pradesh government's decision to increase the height of the Polavaram irrigation project by 1.5 metres, for its woes. The Polavaram project is an under-construction multi-purpose irrigation project on the Godavari river, in the Eluru and East Godavari districts of Andhra Pradesh. Following Andhra Chief Minister Y.S. Jagan Mohan Reddy's direction on July 15, the State government raised the height of the upper cofferdam of the project to increase its capacity so that it could withstand massive floods. The decision helped Andhra Pradesh prevent damage to the cofferdam as well as the overflowing of floodwaters, but, ironically, several low-lying areas of Bhadrachalam were marooned soon after. Telangana's Transport Minister Puvvada Ajay Kumar demanded that the five villages, which were given to Andhra Pradesh during bifurcation along with six other mandals, be given back to Telangana so that the government can take foolproof mea-



Residents marooned in Sunambatti in Dummugudem mandal of Bhadrachalam district leave their homes by boat. (Below): The water level in the temple town of Bhadrachalam in Bhadrachalam district of Telangana reached the highest level since 1986. -G.L.R. RAO



All-India Democratic Women's Association. "Strengthening the two-decade-old *karakatta* (flood bank) along the banks of the Godavari in Bhadrachalam and extending it to the entire flood-prone area in the Bhadrachalam and Pinnaka constituencies is the only way to find a lasting solution to the flood menace," she said. "It is imperative that the five gram panchayats situated near Bhadrachalam in Andhra be transferred back to Telangana's Bhadrachalam division so that the *karakatta* can be extended."

On July 17, Chief Minister K. Chandrashekhar announced the allocation of ₹1,000 crore to take up works for the protection of Bhadrachalam town. "This should be immediately released and alternative housing should be provided," said Deva of Ayyapa Colony. Officials said compensation of ₹10,000 each has already been disbursed to about 16,000 families affected by the floods.

'We can never leave the river'

In Andhra Pradesh, the Godavari meets the Bay of Bengal through its five branches — Gowthami, Vridha Gowthami, Coringa, Vasista, and Vynatava — which together let a staggering 1,300 tmcft (thousand million cubic feet) of floodwater into the sea last August alone. The division into these five branches occurs downstream of the Sir Arthur Cotton Barrage at Dowleswaram near Rajamahendravaram city. "In the central and eastern delta, spread across the Dr. B.R. Ambedkar Konaseema district, 98 habitations in 17 mandals had been affected by the Godavari floods by July 16. More than 14,000 people were evacuated," said District Revenue Officer Ch. Satibabu. A majority of these are island villages.

On the rainy midnight of July 16, Maladi Peda Satyam, 60, had fled his

thatched house in Dr. B.R. Ambedkar Konaseema. Half his house, at Vakala Garuvu village, was already under water. He eked out a living by fishing in the Godavari.

"All my six daughters are married. This year, I borrowed ₹70,000 from them to replace the roof of my thatched house. But now the floods have shattered my hopes of building a permanent house," he said. Peda Satyam named his youngest daughter after the Godavari. "We can never leave the river," he said.

In the Godavari region of Andhra Pradesh, the flood causes losses to the tune of ₹2,000 crore every year. In 2020, the estimated loss was above ₹2,000 crore, as per government records. This year, the losses have not been estimated due to repeated floods.

In the low-lying Eluru district, villagers said the situation was so bad that they ran out of drinking water. Villagers in Torpu Mettu said they were compelled to drink the flood water. The Navy was pressed into relief operations. Those suffering from prolonged illness were forced to brave the flood waters to reach nearby hospitals, and pregnant women had to be airlifted. This Koya tribal habitation has 79 families.

Apart from the people, the floods have also affected the wildlife of the region. Deer and black bucks can be found on at least 20 islands of the river, all of which have been affected by the floods. In the flood mitigation plan of the State government, the protection of wildlife is still to get any attention, said environmentalists.

On the Chintoor-VR Puram stretch, thousands of tribal women waited for clothes as all their belongings had been carried away by the floodwaters. At Mukunuru village in Chintoor mandal of East Godavari, a Koya tribal girl said she had no clothes left. In Hyderabad, G. Ya-

daiah, who previously ran Koitur Bata, a school for the Koyas, agreed this was a major problem. "We have been flooded with requests from the Koyas and Konda Reddis in the flood-hit villages for clothes. We have managed to arrange some hundred sets of clothes to be distributed by August-end."

Residents of the region were also worried that their fertile agricultural lands along the Godavari would be taken up for construction of the guide bund of the barrage of the Sitamma Sagar multi-purpose project.

For those living in remote areas in the forest, commuting during floods is nothing short of a nightmare. A pregnant woman of Aswarampudi village in Karakgudem mandal had to be carried on a 'doli' (makeshift stretcher) by her family members through slushy terrain to a road point, when a local stream flooded the kutcha road connecting their village. She was subsequently shifted to the District Headquarters Hospital in Kothagudem in an ambulance.

"About 190 pregnant women from the flood-prone areas were shifted to our hospital based on the expected delivery date, by the officials between July 10 and 29," said Dr. Ramakrishna, Superintendent, Government Area Hospital, Bhadrachalam. All of them had safe deliveries at the hospital last month, he said.

There are dozens of tribal habitations that lack pucca roads, said Aruna, a former Zilla Praja Parishad member of Yellandu. "Bike ambulances fitted with sidecars should be immediately pressed into service in such areas in the tribal majority district until all the tribal habitations get pucca roads," she suggested.

Devastation in Kaleshwaram

The floods have left a trail of devastation



not only in Bhadrachalam, but also in the upstream area of Kaleshwaram. Here too, there is a debate on a project — the Kaleshwaram Lift Irrigation Project. Construction on this project by the Telangana government began in 2016 after redesigning and re-engineering of the Pranahitha Chevella Lift Irrigation Project taken up by the United Andhra Pradesh government in 2007. The project is expected to provide water for drinking and irrigation purposes to about 45 lakh acres in 20 districts in Telangana, apart from Hyderabad and Secunderabad.

The July floods inundated two pump-houses of the project on the night of July 14-15 as the river witnessed an unprecedented flow of 28.71 lakh cuses (cubic feet per second) at Medigadda, one of the three key barrages of the project. (The other two are Annaram and Sundilla.) According to the project authorities, the flood level in the Godavari at Kaleshwaram, located in the upstream of Medigadda Barrage, surpassed the previous highest level of 107.05 m, recorded in the 1986 floods.

The first pump house constructed to lift water from Medigadda at Kanepally is designed to stand a flood level of 107.5 m at that location against the highest flood level of 106.7 m recorded in 1986. However, the pump house was flooded as the level crossed the 107.5 m barrier this time. Opposition parties have alleged that the pump houses were designed at levels lower than what was recommended.

As there was damage to crops as well as siltation along the course of Godavari and its tributaries, the flood level in the river at Kaleshwaram reached a new flood level of 108.8 m. A senior engineer of the Irrigation Department said this had ripple effects, with the pump house at Kasipeta, in the upstream of Annaram Barrage, also being submerged.

New records of the flood level were also seen at several other locations in the upstream.

'Our lives have been paralysed'

With the Godavari witnessing heavy floods in 36 years of the last 70 years, people living along the river's course both in Telangana and Andhra Pradesh brace themselves to face the impact every alternate year on an average. As Venkatesh Jati, a resident of Chintoor, said: "Since July, our lives have been paralysed. People who died of prolonged illness during the floods could not even get a decent farewell."

This year, the river has discharged nearly 4,277 tmcft of surplus water into the sea from Sir Arthur Cotton Barrage as on August 26. This is the highest in the last decade. The disaster calls for the two governments to strengthen embankments of the river in the stretches where people live, to minimise the impact of inundation, and address their concerns about irrigation projects and water levels.

The Great Godavari Floods

Explanation

- **Koya** community and the **Konda Reddi** community, a **Particularly Vulnerable Tribal Group**.
- The **Polavaram project** is an under-construction multi-purpose irrigation project in AP
- the **Kaleshwaram Lift Irrigation Project** by the Telangana

About Godavari.

Source : Thriambak Hills **Nasik**

Tributaries : Banganga, Kadva, Shivana, Purna, Kadam, Pranahita, Indravati, Taliperu, Sabari , Nasardi, Pravara, Sindphana, Manjira, Manair, Kinnerasani

Distributaries - Godavari meets the Bay of Bengal through its five branches — **Gowthami, Vridha Gowthami, Coringa, Vasista, and Vynateya**

Disaster Management -

- 1) Preparedness before flood impact such as flood **forecasting and warning;**
- 2) **Readiness** upon flood arrival;
- 3) **Emergency responses** during flood impact and;
- 4) **Rescue and rehabilitation** after flood impact.

Murder in the sewer

Deaths during manual cleaning
of sewage are unacceptable

All human lives are precious, but, in practice, some are seen as less precious than others. Despite the efforts of courts and governments, law and enforcement have been unable to keep a certain category of workers out of harm's way: those who are engaged in sewage cleaning. While the job itself is dangerous, as several other human pursuits are, sewage cleaning involves working with human excreta, and cannot be seen without invoking the concept of dignity of labour. To allot the task of removing excreta and cleaning sewers to humans when machines are able to do the work is a gross violation of rights. It is in this context that Tamil Nadu's recent move to notify the rules of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, though belated, must be seen. While manual 'scavenging' is completely prohibited, the rules allow manual cleaning, in specific conditions where mechanical equipment cannot be deployed to fix the problem, or when it is absolutely necessary to have human intervention, after stating the valid reasons for allowing such a process to take place. But, more importantly, it specifies a long list of protective devices and gear that any person engaged to clean a sewer or a septic tank must be provided, including air line breathing apparatus, air line respirator, air purifier gas mask, a device for artificial respiration, mask and breathing apparatus. Besides this, chlorine masks, emergency medical oxygen resuscitator kit, gas monitor for gases, hydraulic devices, and first aid will have to be provided by the employer. The list is not limited to those devices mentioned. Regular maintenance of the equipment and devices has also been mandated by the rules. Naturally, all workers must be fitted out in the safety gear before they enter the sewer line.

The practice of manual cleaning of septic tanks and sewers has been, and will always be, as long as it exists, a serious concern in any country sworn to humane treatment of all citizens. While quibbling has dominated discussions about the actual number of deaths due to manual scavenging, government-acknowledged deaths from manual cleaning of sewers and septic tanks are shocking enough. A total of 971 people lost their lives while cleaning sewers or septic tanks since 1993, the year the law prohibiting employment of manual scavengers was enacted, according to the Social Justice and Empowerment Ministry. Tamil Nadu is among the top States in the list. Since the causes of deaths while cleaning sewers and septic tanks are predictable – noxious gases – not taking measures to prevent those deaths would be criminal. Proper implementation of the rules, and adequate monitoring are absolutely essential. Simultaneously, all efforts must be taken, within existing schemes, to provide compensation to the family members of those who have died, and to provide them a way out of the profession, if they so wish.

- **Tamil Nadu's recent move to notify the rules** of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
- Concept of **dignity of labour**
- Protective devices and gear that any person engaged to clean a sewer or a septic tank must be provided,
- **Air line breathing apparatus**, air line respirator, **air purifier gas mask**, a device for **artificial respiration**, mask and breathing apparatus.
- Regular maintenance of the equipment and devices has also been mandated by the rules.
- A total of 971 people lost their lives while cleaning sewers or septic tanks since 1993
- to provide **compensation** to the family members of those who have died, and to provide them a way out of the profession

Puttaswamy and the fading promise of a right

Five years after the crucial judgment on the right to privacy, the ground reality is an eye-opener



KARAN SAINI

August 24 has passed, marking five years since a nine-judge Bench of the Supreme Court of India delivered a crucial judgment in the case of *Justice K.S. Puttaswamy (retd.) vs Union of India* (2017). The judgment delivered on that date formally recognised the right to privacy as being a fundamental right stemming from the right to life and personal liberty, guaranteed under Article 21 of the Indian Constitution. The Bench also held that while the right to privacy is intrinsic to an individual's ability to exercise bodily autonomy, it is still not an "absolute right" in and of itself, placing limitations in a manner similar to those placed on the right to free speech and expression.

An erosion

Five years later, however, the once eventual-beneficiaries of the agency that the recognition of the fundamental right had promised may realise that the order delivered as part of the judgment has not been upheld in letter or in practice. For example, one can consider the nature of the relationship that is currently shared among consumers and companies. If one looks at

how the negotiation of privacy is placed now, they would realise that not much changed following the formal recognition of the right to privacy. The Personal Data Protection Bill, 2021, which had been in the offing for quite some time now (despite how flawed it may have been) was withdrawn earlier this month after an unnecessarily long period of stagnation.

Personal data for a price

Meanwhile, the ground reality for the citizenry has not changed much either. Data security breaches which result in the loss and theft of personal, sensitive data have not reduced in terms of measurable frequency or their impact. Even worse, as of today, any person or business within and outside India is still in a position where, for a slight bargain, they can procure the personal information for a vast majority of the people, categorised and labelled neatly wherever possible, for use and consumption.

Data concerning the scale and nature described here is used most often by some legitimate advertising agencies, unscrupulous telemarketing firms, and cyber criminals. Brokers of such data have in fact become so brazen where they have taken to listing their goods for sale on mainstream e-commerce platforms. This may be done in a bid to reach more customers who can discover and subsequently purchase the data they provide, but perhaps also in an at-



GETTY IMAGES/ISTOCKPHOTO

tempt to lend some kind of legitimacy to the unethical and possibly illegal nature of their trade. This *status quo* leaves the general populace open to a range of harm in the form of elaborate phishing attacks and financial scams aided by the attacker's access to personal information, as well as other harmful activities which rely on the attacker possessing key bits of information about an individual.

'Spying' from above

While the threat model for a general user of the Internet in India may only comprise non-state actors (such as cyber criminals and unscrupulous businesses), individuals with certain political and intellectual affinities however have found themselves worrying about the capabilities of the Government in this regard; and rightly so, as far as the security and integrity of their electronic devices are concerned.

An investigation in January 2022 by *The New York Times* offered some credence to the debate and outcry that had existed around the alleged use of the Pegasus spyware in India. The investi-

gation revealed that the Indian government had purchased access to the Pegasus spyware suite in 2017 as part of a roughly \$2 billion acquisition deal for weapons and miscellaneous surveillance gear from Israel. The alarming revelations and the planting incriminating evidence in at least one case, targeting Indian nationals (alleged to have been carried out by the Government of India) reveals a blatant disregard for any jurisprudential significance the Puttaswamy judgment might have been thought to carry.

Other 'transgressions'

The recent interventions by the Government which aim to restrict Indian nationals from subscribing to and accessing VPN services shows a similar disregard, too. Summarily, the Government has demanded that VPN service providers – most of which operate in jurisdictions outside of India – start collecting and maintaining KYC records on Indian nationals who seek to avail their services.

The kind of information requested to be collected and stored includes general identifiers such as full name, phone number, home address, and more (information which generally is not sought by VPN service providers, and which may only be validated by a potential customer having to furnish valid identity documents to a given service provider), along with a small box asking for the "reason" for which an individual sought ac-

cess to the VPN service. The justification provided by the Government for the request to collect and furnish data predictably begins and ends with a mention of the words "national security".

While it need not even be said that VPN services in and of themselves do not enable or significantly further criminal activity in a way where such a response would be warranted, the Government's position demonstrates that it is not above placing hindrances in an individual's effort to exercise their fundamental right to privacy, of which informational privacy is a part. However, this should not be surprising given other privacy-infringing transgressions, and considering that the initial position, argued by the then Attorney General was that "the right of privacy may at best be a common law right, but not a fundamental right guaranteed by the Constitution".

In light of all of this, five years later, it can be said confidently that the Puttaswamy judgment has missed the mark quite spectacularly for the objective that was sought, and that it represents a foregone opportunity to protect the rights of Indian citizens while ensuring all of the checks and balances necessary to prevent Government overreach and abuse of power.

Karan Saini is an independent security researcher and public interest technologist. He is presently a Technology Fellow at Bellingsca

- Recognised the right to privacy as being a fundamental right - Article 21
- **not an "absolute right"** in and of itself, placing limitations in a manner similar to those placed on the right to free speech and expression.
- **The Personal Data Protection Bill, 2021 is withdrawn**
- Data security breaches.
- business within and outside India is still can procure the personal information
- "national security".- Government has demanded that VPN service providers — most of which operate in jurisdictions outside of India — start collecting and maintaining KYC records on Indian nationals who seek to avail their services.
- Former Attorney General was that **"the right of privacy may at best be a common law right, but not a fundamental right guaranteed by the Constitution"**.

Conclusion

No change in ground reality that Privacy and Data protection Breaches.

Shadow over Soren

He should resign as CM and not continue in the hope of getting elected within six months

Uncertainty looms large over Hemant Soren's continuation as Jharkhand Chief Minister as he is likely to be disqualified by the Governor as Member of the Legislative Assembly; the Governor has received the Election Commission of India's opinion on the question. Technically speaking, Mr. Soren could remain in the post for up to six months without being an MLA. He could also get elected in the meantime. But that technicality apart, it is a huge loss of face for him and the parties that form the ruling coalition in Jharkhand, i.e., the JMM, the Congress, and the RJD. The case against him has its roots in a mining lease that he gave himself as a Minister for Mines in 2021. The BJP complained to the Governor on February 11, 2022, that this act was in violation of Section 9(A) of the Representation of the People Act, 1951. The Governor referred the complaint to the Election Commission of India (ECI) for its opinion, as required by law, on March 28. On August 25, the ECI wrote to the Governor that Mr. Soren could be disqualified under Section 9(A). The awarding of a mining lease to himself was a brazen act of self-service, misuse of office and breach of people's trust. One cannot also not take note of the innocence of his thought that such a transparent act of corruption would go unnoticed or unpunished – reminiscent of his father Shibu Soren going to a bank and depositing the cash he had received as bribe.

Mr. Soren's agonies may not end with disqualification. Two PILs against him are pending in the Jharkhand High Court which seek a probe into the alleged allotment of mining lease for a stone quarry in a 0.88-acre land parcel in the Angara Block of Ranchi and the alleged laundering of money via some shell companies said to be linked to his family members. On June 3, the High Court accepted the maintainability of the PILs, holding that they did not suffer from any anomaly. In separate pleas, the High Court's decision was challenged by the Chief Minister and the State government in the Supreme Court, which on August 17 reserved its order in the matter and stayed the High Court proceedings. The BJP is waiting in the wings to upend the Jharkhand government, and has tasted blood. The arrest in July of three Jharkhand Congress MLAs in West Bengal with huge amounts of money they had allegedly received to defect was a smoking gun. Cornered by proceedings of disqualification as an MLA and potentially facing a corruption investigation, Mr. Soren will have diminished authority over the MLAs of the alliance. The honourable thing for him to do in this instance of disqualification would be to resign as Chief Minister. His absence from the central seat of power in the State will be a test for the alliance and its government.

- Mr. Soren could remain in the post for up to six months without being an MLA
- violation of Section 9(A) of the Representation of the People Act, 1951
- act of self-service, misuse of office and breach of people's trust
- The honourable thing for him to do in this instance of disqualification would be to resign as Chief Minister.

Disqualification under Representation of the People Act, 1951

1. Corrupt practices in the elections.

2 convicted for any offence resulting in imprisonment for **two or more years**.

3. **Failed to lodge an account of his election expenses** within the time.

4. **Interest in government contracts**, works or services.

5. Director in which the government has at least **25 per cent share**.

6. **Dismissed from government service** for corruption or disloyalty to the state.

7. Convicted for **promoting enmity** between different groups or for the offence of bribery.

8. Preaching and practicing **social crimes such as untouchability**, dowry and sati.

The governor's decision is final with the opinion of the Election Commission

A draconian law that needs to disappear

The north-east needs to be freed from the net of AFSPA, as it has subsumed constitutional rights with impunity



M.P. NATHANAEL

The statement made by the Prime Minister, Narendra Modi, in April this year, to the people of the North-east to the effect that the Government intends withdrawing the much-dreaded Armed Forces (Special Powers) Act 1958, or AFSPA, completely from the region – this follows its partial withdrawal from parts of Assam, Nagaland, Arunachal Pradesh and Manipur in March this year – could spell tidings for the denizens of these States. The Prime Minister was addressing a ‘Peace, Unity and Development’ rally in Diphu in Assam’s Karbi Anglong district. In the north-east, Nagaland has largely borne the brunt of this draconian law after it was imposed in the late 1950s when insurgency raised its head in the State.

Roots in the Raj

The genesis of the law can be traced to the Armed Forces (Special Powers) Ordinance 1942 which was enacted by the British to subjugate the rebels in the country during the Quit India movement, particularly in Assam and Bengal in October 1942. The law continues to be enforced in its new format as the Armed Forces (Special Powers) Act 1958.

Indubitably, the need for the law was required in the 1950s when Naga insurgents resorted to large-scale violence. Hundreds of Indian Army soldiers, central and State paramilitary personnel were either killed or injured in ambushes that had been meticulously planned and launched by the insurgents. Informers of the security

forces were eliminated or disabled.

Nagaland, other aberrations

While there was some semblance of peace having been restored after the Shillong Peace Accord with the Naga insurgents in 1975, the situation took an ugly turn after the breakaway group led by Isak Chishi Swu and Thuingaleng Muivah formed the Nationalist Socialist Council of Nagalim (Isak-Muivah), better known as the NSCN(I-M), in January 1980, and resorted to large-scale violence across the States of Nagaland and Manipur. Thuingaleng Muivah is a Tangkhul Naga from Ukhrul district of Manipur while Isak Chishi Swu was a Sumi Naga from Zunheboto in Nagaland. Isak Chishi Swu died in June 2016 after the Naga Framework Agreement had been signed between the Government and the NSCN (I-M) in August 2015. It is believed that the agreement was rushed through given Isak Swu’s health condition. The agreement has been hanging fire since then as the Government has not agreed to permit a separate flag and constitution for Nagaland which the NSCN (I-M) is determined to have.

A generation has lived with AFSPA in Manipur and Nagaland. Residents in these States have been victims of the aberrations committed by security forces for decades. While AFSPA gives sweeping powers to the security forces to shoot and kill anyone on suspicion and even search or arrest any person without warrant, no prosecution against them is possible for any wrongdoing without the previous sanction of the Central government. While the Armed Forces (Special Powers) Ordinance 1942, authorised “Any officer not below the rank of Captain in (the Indian) Military forces... to use such force as may be necessary, even to the causing death against any per-



K. MURALI KUMAR

son...”, AFSPA 1958 empowers even a non-commissioned officer (may be a Lance Naik, a Naik or Havildar) to “fire upon or otherwise use force; even to the causing of death”; no prosecution against them is possible without the consent of the Central Government.

It is the consent from the Central government that is delaying any further action being taken against the commandos of the Army’s 21 Para (Special Forces) who killed six locals initially in a case of mistaken identity in Mon district of Nagaland on December 4, 2021. The incident led to a riotous situation in which more persons, including an Assam Rifles jawan, were killed. Unconfirmed reports put the civilian death toll at 17.

Court’s stand

Meanwhile, the Supreme Court of India passed an interim order recently “staying further proceedings pursuant to FIR No.27 of 2021/ Final Report of the Special Investigation Team [SIT]/Chargesheet,” on a petition filed by the wives of the commandos found guilty by the SIT.

Armed with unbridled power, aberrations by security forces operating in the States are bound to take place. When the Extrajudicial Execution Victim Families’ Association Manipur (EEVFAM) approached the top court in 2012 to have 1,528 cases of alleged fake encounters investigated through the Central Bureau of Investigation

(*Extra Judicial Execution Victim Families Association (EEVFAM) vs Union of India & Anr.*), it was found that the first six cases investigated were indeed fake encounters. This prompted the Court to conclude that the veracity of the allegations made by the Association was beyond suspicion. Having come under the scanner, the AFSPA drew critical comments from the Supreme Court.

Despised by every citizen of the States where it has been in force, AFSPA was not withdrawn despite their demands. The very basic tenets of democracy which espouse the principles “of the people, by the people and for the people” have stood negated. No section of society would ever allow itself to be subjected to a law that is as draconian as AFSPA, which in effect curbs the liberty and the rights of the people as enshrined in the Constitution – a Constitution that is held sacrosanct by the nation.

Resistance to a rescinding

Efforts made in the past to rescind the law have met with failure. The iron lady of Manipur, Irom Chanu Sharmila, went on a 16-year long hunger strike starting from November 2000. Hailed as a heroine for nearly two decades, she fell from glory when people were disapproving of her breaking the fast. On being asked to comment on the withdrawal of AFSPA in several parts of Manipur, Assam and Nagaland, she was of the opinion that this was a new beginning and a result of decades-long fight.

The Justice B.P. Jeevan Reddy Commission that was tasked with reviewing the provisions of AFSPA submitted its report on June 6, 2005 with the recommendation that AFSPA be withdrawn. Surprisingly, it had suggested making amendments to the Unlawful Activities (Prevention) Act, 1967 (UAPA) to achieve the purpose of AFSPA. The report was subsequently

shelved.

Former Union Home Minister P. Chidambaram was of the firm opinion that AFSPA should be withdrawn. But stiff resistance from the Defence Ministry which was headed by A.K. Antony scuttled the proposal. The Indian Army offered stiff opposition to any proposal to do away with the much-detestable law.

There needs to be a review

The present dispensation at the Centre has been hailed for its bold decision to rescind the law as the Army would have still offered resistance to its withdrawal. It must be noted that at a function in Guwahati on April 23, Union Defence Minister Rajnath Singh said that all three wings of the defence forces were in favour of the removal of AFSPA from the Northeast and Jammu and Kashmir, but the act remained in place “due to the situation”. In Nagaland, AFSPA has been removed from the jurisdiction of 15 police stations in seven districts, while in Assam, it has been removed completely from 23 districts; one district will be covered partially under the Act. In Manipur, 15 police station areas of six districts will be excluded. However, there needs to be a comprehensive and serious periodical review undertaken by the Centre till the entire North-east is freed from the tentacles of AFSPA.

Investigations into the 1,528 alleged fake encounters also need to be fast tracked and taken to their logical conclusion. If necessary, there needs to be incarceration of the guilty, thereby sending out a clear message that those who murder under the cloak of the uniform of the security forces cannot expect to go scot free if there are violations.

M.P. Nathanael was Inspector General of Police, Central Reserve Police Force (CRPF)

A draconian law that needs to disappear

Explanation

- PM Modi - intends withdrawing Armed Forces (Special Powers) Act 1958
- Ordinance 1942 which was enacted by the British to subjugate the rebels in the country during the Quit India movement
- 1950s when Naga insurgents - Hundreds of Indian Army soldiers, central and State paramilitary personnel were either killed or injured in ambushes.
- **Shillong Peace Accord** with the Naga insurgents in 1975
- breakaway group led by Isak Chishi Swu and Thuingaleng Muivah formed the Nationalist Socialist Council of Nagalim (Isak-Muivah), better known as the NSCN(I-M), in January 1980
- sweeping powers to the security forces **to shoot and kill anyone on suspicion** and **even search or arrest**
- Extrajudicial Execution Victim Families' Association Manipur (EEVFAM) - Allege **Fake encounters**
- The **iron lady of Manipur, Irom Chanu Sharmila** 16-yr hunger strike
- All three wings of the defence forces were in favour of the removal of AFSPA from the Northeast and Jammu and Kashmir,

Three-judge Bench to review SC verdict on poll promises

Court suggests an independent study

KRISHNADAS RAJAGOPAL
NEW DELHI

The Supreme Court on Friday decided to reconsider a 2013 judgment, which held that promises in the election manifesto do not constitute a “corrupt practice” under the law.

A Bench led by the Chief Justice of India, N.V. Ramana, ordered a three-judge Bench to be set up to review the court’s earlier position that such pre-poll promises made by political parties to entice voters do not fall within the ambit of Section 123 (corrupt practices) under the Representation of the People (RP) Act.

The S. Subramaniam Balaji judgment, delivered by a two-judge Bench, had observed that “although the law is obvious that the promises in the election manifesto cannot be construed as ‘corrupt practice’ under Section 123 of RP Act, the reality cannot be ruled out that distribution of freebies of any kind, undoubtedly, influences all people”.

Eye on vote banks

On Friday, the Chief Justice said the three-judge Bench should consider whether an “enforceable” order can be passed to stop political par-



ties in power from promising and distributing “irrational freebies”, completely divorced from actual welfare schemes, using public money in order to merely “capture vote banks”.

“Freebies may create a situation wherein the State government cannot provide basic amenities due to lack of funds and the State is pushed towards imminent bankruptcy,” the court said.

The court said the three-judge Bench should also deliberate if an expert body can be formed to independently study and make recommendations against the distribution of largesse at the cost of the national economy and public welfare.

CONTINUED ON PAGE 8

- **S. Subramaniam Balaji judgment** reconsider a 2013 judgment - do not constitute a “corrupt practice” under the law.
- **Section 123** (corrupt practices) under the Representation of the People (RP) Act.
- using **public money** in order to merely “capture vote banks”.
- “Freebies may create a situation wherein the State government **cannot provide basic amenities** due to lack of funds and the State is pushed towards imminent bankruptcy,” the court said

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| H | Effects of globalization on Indian society; |
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