10/01/2024 WEDNESDAY

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DAILY NEWS ANALYSIS

POLITY

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POLITY AND GOVERNANCE

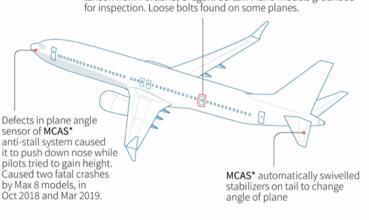
BOEING 737 MAX-8 OF AN INDIAN AIRLINE HAD MISSING COMPONENT

CONTEXT: An Indian airline during a routine maintenance check discovered that a "washer" in the rudder control system of a Boeing 737 MAX-8 plane was missing.

Boeing 737-Max

Technical problems with jetliner series since it began service 7 years ago

Door plugs** On Jan 5, 2024 left side door plug blows out after takeoff from Portland, Oregon. Certain Max 9 models grounded for inspection. Loose bolts found on some planes.



*Maneuvering Characteristics Augmentation System
**a cover panel to fill unneeded emergency exit for smaller seat configurations

Source: Boeing

In December, Boeing issued an advisory for a global inspection of the MAX family of aircraft for possible loose hardware. The Directorate General of Civil Aviation (DGCA) did not name the Indian airline that reported the missing washer, but three Indian airlines — Akasa Air, SpiceJet, and Air India Express — operate 737 MAX-8 planes. Thirty-nine of the 40 MAX-8 in service in India have been inspected. An aircraft remains to be examined. The DGCA confirmed that rectification recommended by Boeing was carried out before clearing the aircraft for flight operations.

In a separate incident, two U.S carriers, United Airlines and Alaska Airlines, found loose bolts on their MAX-9 plug doors. The U.S. National Transportation Safety Board is investigating whether four bolts that were supposed to hold the panel in place were missing when the plane took off. Both airlines have grounded their MAX planes and cancelled hundreds of flights. Alaska has 65 MAX-9 planes and United has 78. Reports suggest that United Airlines has found loose bolts on as many as 10 aircraft.

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ECOLOGY AND ENVIRONMENT

MAJORITY OF INDIAN CITIES FAR FROM CLEAN AIR TARGET, SAYS STUDY

CONTEXT: The ₹ 9,631 Cr. National Clean Air Programme (NCAP) seeks to reduce average particulate matter concentrations 40 % by 2026 compared to 2017 in 131 cities. The National Clean Air Programme (NCAP) seeks to cut pollution 20 % - 40 % by 2024, but later shifted to 2026.

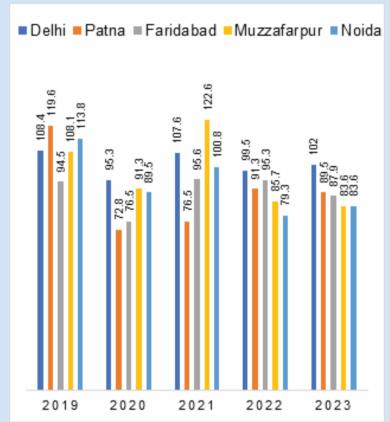


FIGURE: Column chart representation of Air Quality Index (AQI).

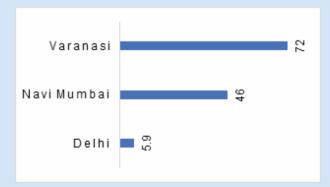
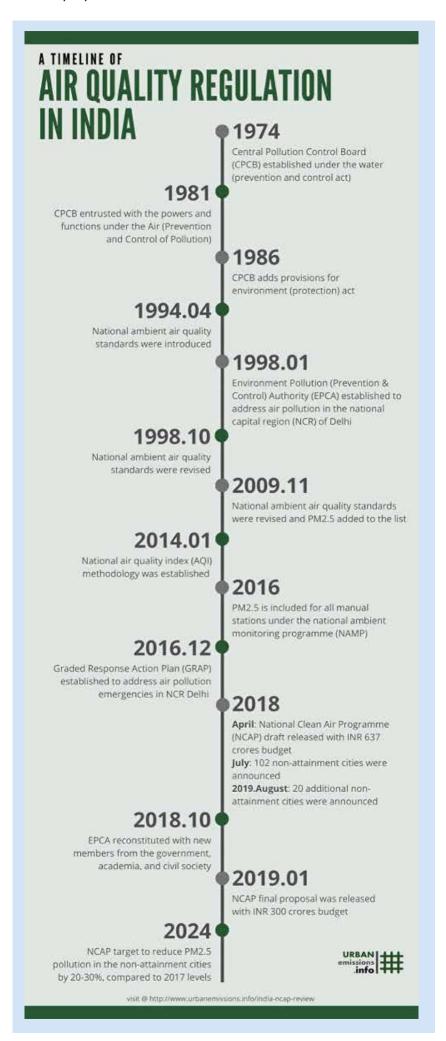


FIGURE: Bar chart representation of decline in PM 2.5 concentrations.

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INTERNAL SECURITY

RAPID RISE IN WEB BLOCKING ORDERS, SHOWS RTI REPLY

CONTEXT: A Bihar-based activist Kanhaiya Kumar on a RTI query showed that website blocking orders have grown over a 100-fold from 2013 to October 2023.

Banning websites

The number of URLs blocked under Section 69A has drastically increased in the past decade, according to a recent RTI response

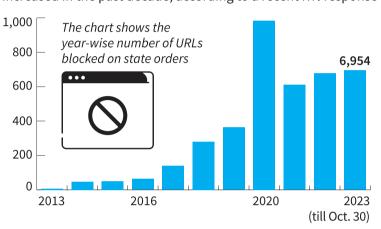


FIGURE: Column chart representation of number of URLs blocked under Section 69A of the Information Technology Act, 2000.

The Union government issued 62 such orders in 2013, and in 2023, 6,954 till October. This comes even as the Department of Telecommunications (DoT), in December, directed Internet service providers (ISPs) to compile Internet Protocol (IP) addresses of servers in India, to facilitate blocking them quickly.

Section 69A of the IT Act allows the Union government to block content online in the "interest of sovereignty and integrity of India, defence of India, security of the state, friendly relations with foreign states or public order or for preventing incitement to the commission of any cognisable offence".

Fall in data prices

The increase in blocking orders has coincided with a massive uptick in Internet use, specifically since mobile data prices fell dramatically in 2016. The data reflect blocking orders sent to social media and content firms for specific pages, profiles and videos.

Most of the webpages blocked are likely to be individual posts, videos or profiles. In 2022, the Union government said in response to a parliamentary query that 228 websites were blocked. When other orders, such as those sent directly to social media and online content providers, are factored in, the number for that year is 6,775.



"If you invest more in your education, then you are likely to get more interest in it." —Benjamin Franklin

ECOLOGY AND ENVIRONMENT

'WORLD CAME CLOSE TO THE CRITICAL 1.50 CELSIUS LIMIT IN 2023'

CONTEXT: The year 2023 was the hottest on record, with the increase in Earth's surface temperature nearly crossing the critical threshold of 1.50 Celsius.

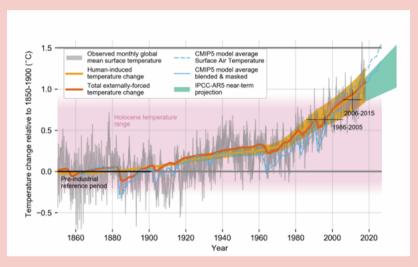


FIGURE: Line chart representation of Sea Surface Temperatures (SSTs).

Climate change intensified heatwaves, droughts and wildfires across the planet, and pushed the global thermometer 1.480 Celsius above the pre-industrial benchmark. It is also the first year with all days over one degree warmer than the pre-industrial period. Temperatures during 2023 likely exceed those of any period in at least the last 1,00,000 years. Nearly half the year exceeded the 1.50 Celsius limit, beyond which climate impacts are more likely to become self-reinforcing and catastrophic.

But even if Earth's average surface temperature breaches 1.5 degree Celsius in 2024, as some scientists predict, it does not mean the world has failed to meet the Paris Agreement target of capping global warming under that threshold. That would occur only after several successive years above the 1.50 Celsius benchmark, and even then the 2015 treaty allows for the possibility of reducing Earth's temperature after a period of "overshoot".



ECONOMICS AND DEVELOPMENT

'INDIA SEEKS NEW TEXTILES EXPORT MARKETS AMID WEAK DEMAND'

CONTEXT: India is looking for new markets through free trade agreements (FTAs) with countries such as Australia and the United Arab Emirates with demand for textiles exports turning sluggish in Europe and the U.S.

The Centre is taking steps to address the issues of lack of demand and uncontrolled imports in the textiles sector. A series of reports on the problems in the sector due to lack of demand and unregulated imports. The demand for Indian textiles had waned in the U.S. and European markets last year and also this year. The quality control orders on textile materials would assure quality in the products imported and would curb the import of substandard products.

The Centre was exploring new markets besides strengthening existing major markets for textiles. FTAs with the U.K. and some West Asian countries were also being negotiated, adding that the Centre's target was to achieve \$100 billion in exports by the end of 2030.

Citing competitiveness, logistical costs and value chains that were spread out across the country as factors affecting exports. Schemes such as PM Mitra and Production Linked Incentives (PLI) would help scale up production and address such issues.

ECONOMICS AND DEVELOPMENT

DEBT MARKET TO ADD \$3 BN ON INCLUSION IN BLOOMBERG EM INDEX, SAY ECONOMISTS

CONTEXT: India's imminent inclusion in the Bloomberg EM Index would further boost foreign portfolio investments in country's debt markets in 2024, expected to support increased debt issuances by the government in the coming years.

Ahead of the Indian government bond inclusion in global bond indices from June, several foreign portfolio investors (FPIs) are expected to front-load investments in the debt markets this year. This would come on the top of the record \$ 7.1 billion pumped into Indian government bonds by FPIs in 2023, they said. This was led by the G-Sec Fully Accessible Route (FAR) window, as investors front-loaded purchases ahead of the inclusion into indices.

FPI inflows

India's inclusion into the Bloomberg EM bond index is likely to generate inflows of \$ 2-3 billion over five months starting September. The JP Morgan EM bond index is far larger and India's inclusion in the index is expected to generate FPI inflows of \$ 30 billion over 10 months, starting June end.

The inclusions stand to improve the demand-supply dynamics for sovereign bonds by tapping a significant

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under-realised investor group. This would also help balance fiscal discipline with the need to boost infrastructure capabilities and support the overall balance of payments math. Anticipation of further portfolio flows is likely to convince the authorities to continue absorbing flows passively to bolster defences and keep the rupee on a predictable as well as stable path.

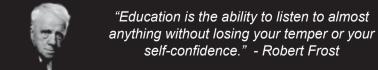
Bloomberg Index Services Ltd. (BISL) said it proposes to include the Indian government's Fully Accessible Route (FAR) bonds in the Bloomberg Emerging Market (EM) Local Currency Index. This will be phased over a five-month period starting September. Bloomberg has sought feedback on the proposed inclusion of India bonds by January 2025. Indian government bonds are expected to continue to attract foreign inflows ahead of the index inclusion, which will be staggered between June and March 2025.

Growth prospects

Given optimism over India's growth prospects, a boost from bond index inclusion starting in June, and U.S. rate cut expectations, foreign inflows into Indian government bonds (IGBs) jumped to a six-year high in the last quarter of 2023.

The Clearing Corporation of India Ltd. data show foreign investors bought a net ₹ 35,000 crore in bonds between October and December 2023, bringing the yearly inflow to ₹ 59,800 crore, the highest since 2017. India's economy is expected to remain resilient in the near-term, backed by strong domestic demand and accelerated government spending ahead of the elections this year. The country's GDP growth is likely to touch 7 % this fiscal, according to RBI. The U.S. Fed's pivot towards rate cuts has also given emerging markets, such as India, a boost.





ECONOMICS AND DEVELOPMENT

GROWTH SANS DEMAND

CONTEXT: As per initial estimates from the National Statistical Office, India's Gross Domestic Product (GDP) grew at a higher-than-expected 7.6 % in the July-September 2023 quarter. The July-September 2023 quarter growth was slightly lower than the 7.8 % rise in the previous quarter, but well over the central bank's projected uptick of 6.5 %. The Reserve Bank of India projected India's growth in 2023-24 at 7 %, while the International Monetary Fund (IMF) and the World Bank have pegged it at 6.3 %. The IMF has projected an annual growth of 6.3 % up to 2028-29 in the medium-term.



FIGURE: Column chart representation of the Quarter-wise Real GDP Growth Rates (%) for FY 2018-19 to FY 2023-24 (Q II). Inset: Column chart representation of the Real GDP growth rate forecasts of major economies in 2023-24.

Though, RBI forecasted a broad-based recovery in the second quarter projecting a growth of 7.8 % and 7.6 % in the first two quarters of 2023-24, respectively the GVA growth in the farm sector skidded sharply to just 1.2 % from 3.5 % in Q1 while it more than halved for services sectors such as trade, hotels and transport from 9.2 % in Q1 to 4.3 %.

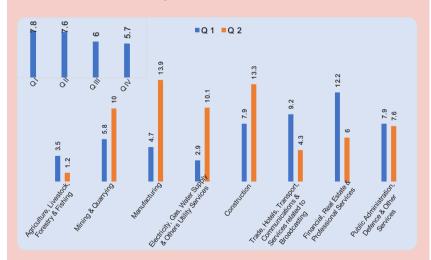


FIGURE: Column chart representation of the Quarterly Estimates of sectorial GVA growth rates. (Inset) Column chart representation of the quarterly GVA growth rates.

The Union Ministry of Statistics and Programme Implementation, which monitors 1,763 projects infrastructure projects worth ₹ 150 Cr. or more reported cost over-runs in

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417 projects and delays in 842 projects. The Union Ministry of Statistics and Programme Implementation found cost overruns of more than ₹ 4.77 lakh Cr. in September for 417 infrastructure projects, each with investments exceeding ₹150 Cr. The anticipated completion cost of 1,763 projects worth ₹ 24,86,402.70 crore is likely to face cost overruns by almost 20 %. Non reporting of year of commissioning or tentative gestation periods of 298 projects and the average time overrun in these projects is reported to be more than three years.

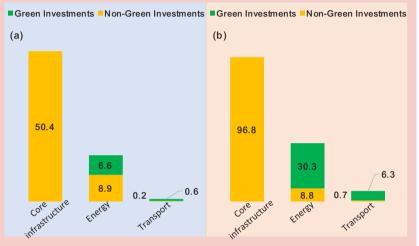


FIGURE: Column chart representation of the (a) investments in infrastructure during FY 2017-2023. (b) investments in infrastructure during FY 2024 -2030.

POLITY AND GOVERNANCE

JUSTICE FOR BILKIS BANO, QUESTIONS ON REMISSION

Observations of Supreme Court:

The Court notes that the Gujarat government "usurped" power from the Government of Maharashtra. The Constitution Bench in Union of India vs V. Sriharan (2015) noted that the appropriate government to decide a remission application is the State where the convicts are sentenced. The Court declared the two judge Bench decision of the Supreme Court holding the Gujarat government as the appropriate government to grant remission as illegal (per incuriam).

Prison is a State subject. Each State identify certain reformative and rehabilitative activities that the prisoners can undertake in order to earn remission in the form of days. The total number of days earned in remission is deducted from the actual sentence imposed by the court. Remission is rooted in the logic that, ultimately, prisons are meant to be rehabilitative spaces rather than simply being an instrument to carry out retributive punishment. In the context of life convicts, they necessarily have to serve a minimum of 14 years in prison before they can become eligible to apply for remission. An application does not guarantee remission and the setting off the earned remission against the punishment imposed by the courts.

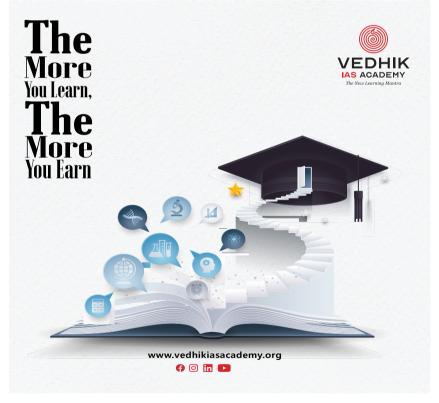
The concept of remission

The Supreme Court in Laxman Naskar vs State of

West Bengal (2000) noted that each application to be individually considered by a committee based on factors laid down. These include examining whether the offence is an individual act of crime without affecting the society at large; chance of recurrence of crime; whether the convict has lost their potentiality in committing crime; whether there is any fruitful purpose of confining the convict any more; and socio-economic condition of the convict's family. Naturally, given the individualised nature of the inquiry, these factors are subjective. This makes the reasons guiding these decisions extremely crucial. However, the reality is that there is both a lack of transparency on how these committees are formed to decide individual applications and reasons guiding the decisions. Such a state of affairs makes remission a potent site for exercise of arbitrary power.

Unchecked discretion

The Supreme Court in Epuru Sudhakar vs State of Andhra Pradesh (2006) has held that judicial review of an order of remission is only available when there is a non-application of mind; relevant materials have not been considered, the order is mala fide, or based on irrelevant considerations or suffers from arbitrariness. In the absence of reasons guiding the decisions, there is little scope to challenge them on these grounds. This concern of non-application of mind is writ large in the case of the 11 convicts in Bilkis Bano's case because the orders of the Gujarat government for each of them are exact copies.





ECOLOGY AND ENVIRONMENT

A LOOK AT PROJECT TIGER, 50 YEARS ON

CONTEXT: In 1973, Project Tiger introduced India's tiger reserves, whose status has since rapidly ascended.



The origins of Project Tiger

In 1972, India enacted the Wildlife (Protection) Act (WLPA), which introduced new spaces within notified forests called 'National Parks', where the rights of forest-dwellers were removed and vested with the State government. It also created 'Wildlife Sanctuaries', where only some permitted rights could be exercised.

There were nine tiger reserves in 1973 over 9,115 sq. km; today there are 54 in 18 States, occupying 78,135.956 sq. km. Critical Tiger Habitats (CTH) cover 42,913.37 sq. km, or 26% of the area under National Parks and Wildlife Sanctuaries. As of 2022, the camera-trap method indicated there were 3,167-3,925 tigers in India. The government created the CTHs to vouchsafe a part of India's forests for tiger-centric agendas. Beyond each CTH would be a Buffer Area — a mix of forest and non-forest land. But even though the latter had an inclusive, people-oriented agenda, the overall 'fortress conservation' approach to protecting tigers displaced people who had coexisted with tigers for generations.

A change of operations

In 2005, Prime Minister Manmohan Singh appointed a five-member Tiger Task Force noted the approach of using guns, guards, and fences not effective in protecting tigers, and that the increasing conflict between the forest/wildlife bureaucracy and those who coexist with the tigers was a recipe for disaster.

In September 2006, Parliament amended the Wildlife (Protection) Act, 1972 to create the National Tiger Conservation Authority (NTCA) and a tiger conservation plan. The Act modified forest-dwellers' use of the forest — mostly tribals — and planned to relocate them if required.

The government also enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, also known as the FRA. The FRA recognised all customary and traditional forest rights on forest land, including in tiger reserves. Under the Act, the habitation-level Gram Sabha was to democratically determine and demarcate the forest rights that the FRA recognised. The Gram Sabhas became the authority to protect, conserve, and manage forests, wildlife, and biodiversity within their customary and traditional boundaries. As a result, the FRA secured the livelihoods of at least 20 crore Indians in 1.79 lakh villages.

The FRA introduced a 'Critical Wildlife Habitat' (CWH), like the CTH under WLPA — once a CWH had been notified, it couldn't be diverted for non-forest purposes. The government planned to notify the FRA Rules on January 1, 2009, and operationalise the Act. But on November 16, 2007, the NTCA gave the Chief Wildlife Wardens 13 days to submit a proposal to delineate CTHs of around 800-1,000 sq. km each. As a result, the government ended up notifying 26 tiger reserves in 12 States as per Section 38 (V) of the WLPA, without complying with its provisions. Of the 25,548.54 sq. km thus notified, 91.77% encompassed CTHs. And except for Similipal in Odisha, the CTHs had no Buffer Area. (They were added in 2012 after the Supreme Court rapped the NTCA and set it a three-month deadline.) Today, India bears the brunt of this error.

India's basis for CTHs

The tiger conservation plan was similarly required to "ensure the agricultural, livelihood, development and other interests of the people living in tiger-bearing forests or a tiger reserve." The basis for the CTH is evidence of the irreversible damage to wildlife that human activities have wrought. The Indian government has a responsibility to

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ascertain whether forest-dwellers and tigers could reasonably coexist. The Buffer Area outside the CTH is to promote human-animal coexistence while recognising the livelihood, developmental, social, and cultural rights of the local people. Its geographical limits are to be determined on the basis of objective criteria with inputs from the concerned Gram Sabha as well as an expert committee. The problem is that all of India's tiger reserves have been notified without meeting these requirements. The government hasn't obtained informed consent from forest-dwelling Scheduled Tribe communities and other traditional communities.

Relocation and rehabilitation

The Wildlife (Protection) Act (WLPA) allows voluntary relocation with mutually agreed terms and conditions. The Forest Rights Act (FRA) recognizes the rights of people living in CTHs. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act 2013 requires consent for relocation and a comprehensive rehabilitation package. LARR mandates double market value for land, asset value, subsistence allowance, one-time financial assistance, building materials, and other support. Each family should receive land, a house, and access to various facilities like alternative fuels, fodder, electricity, roads, healthcare, and educational institutions.

The government is relying on the 2008 Revised Guidelines for Project Tiger, offering ₹10-15 lakh as cash or a package. This falls short of the comprehensive compensation and resettlement requirements of LARR.

Inadequate compensation and limited resettlement support can lead to hardships for relocated communities. Consent and community involvement in the relocation process are crucial but not always ensured. There's a significant number of families still residing in CTHs, highlighting the ongoing challenge of relocation.

Strict adherence to LARR provisions and ensuring fair and comprehensive compensation. Active community participation in decision-making and relocation planning. Providing long-term support for livelihood generation and sustainable development in resettlement areas. Strengthening monitoring and grievance redressal mechanisms.

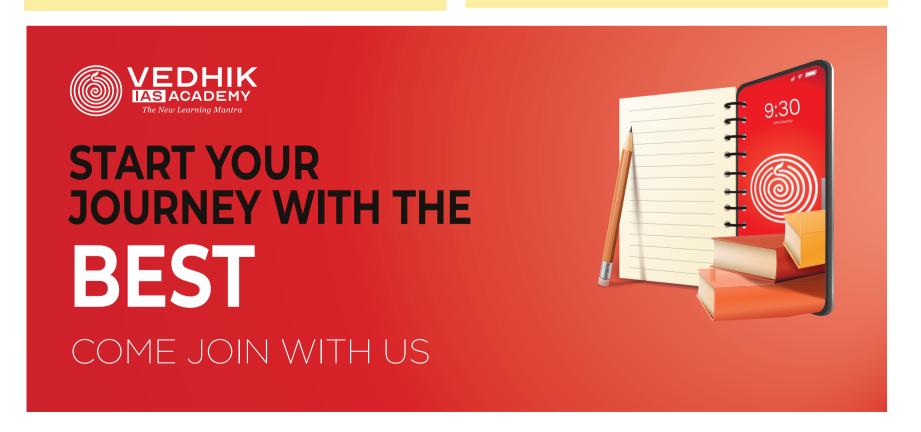
However, the Union and State governments have limited themselves to provisions in the 2008 Revised Guidelines for the Ongoing Centrally Sponsored Scheme of Project Tiger 2008 and subsequent guidelines. This entails a compensation of ₹10 lakh — revised in April 2021 to ₹15 lakh — as a cash or relocation/rehabilitation 'package'. This is not a substitute for the total compensation, resettlement, and relocation as required by the law.

As of 2018, there were 2,808 villages in CTHs. The Union Environment Ministry stated in the Lok Sabha that as on July 12, 2019, there were 57,386 families in these CTHs, of which 42,398 remained inside 50 tiger reserves.

Tigers versus people

In March 2017, the NTCA refused to recognise rights under FRA in the CTHs "in the absence of guidelines for notification of critical wildlife habitat", which the Environment Ministry was to issue. Both the WLPA and the FRA require forest-dwellers' rights to be recognised inside CTHs. The Environment Ministry issued the guidelines in January 2018 and NTCA withdrew the ban order two months later.

The FRA provides for 13 basic government public utilities (as described earlier), each of which can fell up to 75 trees over forest land smaller than one hectare. The Gram Sabha's consent is mandatory for such diversion of land. But on October 28, 2020, the Environment Ministry insisted that the National Board for Wildlife, a statutory body under WLPA, must issue a wildlife clearance if these diversions are from National Parks and Wildlife Sanctuaries.





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