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States can sub-classify SCs for quotas: top court

Seven-judge Constitution Bench of the Supreme Court holds that sub-categorisation within a class is a constitutional requirement to secure substantive equality, if the social position of the constituents is not comparable; says apprehensions of 'potential political tinkering' cannot obviate constitutional need for acknowledging inequality among SCs

GS Paper II: Reservation

Krishnadas Rajagopal
NEW DELHI

In a 6:1 majority judgment on Thursday, a seven-judge Constitution Bench of the Supreme Court, headed by Chief Justice of India D.Y. Chandrachud, held that the States have the right to sub-classify Scheduled Castes notified in the Presidential List to provide them more preferential treatment in public employment and education.

Referring to how a nine-judge Bench in the *Indra Sawhney* case had held it constitutional to classify the backward class into "backward" and the "more backward", Chief Justice Chandrachud said the same principle would apply to the SCs.

"The principle of sub-classification will be applicable to Scheduled Castes if the social position of the constituents among the castes/groups is not comparable... Sub-categorisation within a class is a constitutional requirement to secure substantive equality," he said.

He, however, remained silent on introducing the creamy layer principle to the SCs and STs.

'Creamy layer principle'

Four of the seven judges on the Bench separately said the government should extend the "creamy layer principle" to Scheduled Castes and Scheduled Tribes, as in the case of the Other Backward Classes (OBC) category. It was necessary to exclude affluent individuals or families from the benefits of reservation and make room for the underprivileged within these classes, they said.

"The State must evolve a policy for identifying the creamy layer even from the Scheduled Castes and Scheduled Tribes so as to exclude them from the benefit of affirmative action. In my view, only this and this alone can achieve the real equality as enshrined under the Constitution...

Why sub-classification?

Here are the salient points of the Supreme Court judgment:

- Scheduled Castes are not an 'indivisible monolith'
- They are composed of heterogeneous groups of castes, races or tribes with varying degrees of backwardness
- The States can further classify them, if there is a rational principle for differentiation and if the rational principle has a nexus with the purpose of sub-classification
- States have to produce data to support their claim that a sub-class required more beneficial treatment

Can a child of IAS/IPS or civil service officers be equated with a child of a disadvantaged member belonging to Scheduled Castes, studying in a gram panchayat/zilla parishad school in a village," Justice B.R. Gavai asked.

The view was backed by Justices Vikram Nath, Pankaj Mithal and Satish Chandra Sharma.

Chief Justice Chandrachud's joint opinion with Justice Misra that it was constitutionally permissible for the States to sub-classify groups among Scheduled Castes was backed by four other judges. Justice Gavai opined that the unequals have to be treated unequally to bring "real equality".

"It is the duty of the State to give preferential treatment to the backward class of citizens who are not adequately represented," Justice Gavai said.

Justice Bela Trivedi remained the lone dissenter on the Bench, saying the States did not have the power to tinker with the Presidential List of Scheduled Castes.

The Constitution Bench judgment followed a reference made to the seven-judge Bench in 2020 to examine the constitutionality of the Tamil Nadu Arunthathiyars Reservation Act, 2009 and the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006.

Chief Justice Chandra-chud traced the power of these States to sub-classify the Scheduled Castes for the purpose of affirmative action, including reservations, to Articles 15(4) [prohibition of discrimination on grounds of religion, caste, etc] and 16(5) [equal opportunity in public employment] of the Constitution.

The court agreed that apprehensions of "potential political tinkering" by parties in power in States to expand vote banks cannot obviate the constitutional need for acknowledging and remedying *inter se* inequality among Scheduled Castes.

'EVOLVE POLICY'
» PAGE 4

States can sub-classify SCs for quotas: top court (02 August)

Seven-judge Constitution Bench of the Supreme Court holds that sub-categorisation within a class is a constitutional requirement to secure substantive equality, if the social position of the constituents is not comparable; says apprehensions of 'potential political tinkering' cannot obviate constitutional need for acknowledging inequality among SCs

- A seven-judge Constitution Bench of the Supreme Court, led by Chief Justice of India D.Y. Chandrachud, ruled that States can sub-classify Scheduled Castes in the Presidential List for preferential treatment in public employment and education.
- The judgment referred to the Indra Sawhney case, where a nine-judge Bench found it constitutional to classify the backward class into "backward" and "more backward."
- Chief Justice Chandrachud stated that the same principle applies to Scheduled Castes if their social positions are not comparable.
- Sub-categorization within a class is deemed a constitutional requirement to achieve substantive equality.

- The judgment did not address the introduction of the creamy layer principle to SCs and STs.
- Four of the seven judges suggested that the government should apply the creamy layer principle to Scheduled Castes and Scheduled Tribes, similar to the OBC category, to exclude affluent individuals or families from reservation benefits and prioritize the underprivileged within these classes.
- The State should develop a policy to identify the creamy layer within Scheduled Castes and Scheduled Tribes to exclude them from affirmative action benefits.
- Justice B.R. Gavai emphasized that real equality under the Constitution can be achieved only by excluding the affluent within these groups.
- Justice Gavai questioned whether a child of IAS/IPS officers can be equated with a child of a disadvantaged Scheduled Caste member studying in a rural school.
- Justices Vikram Nath, Pankaj Mithal, and Satish Chandra Sharma supported this view.
- Chief Justice Chandrachud, along with Justice Misra, stated that it is constitutionally permissible for States to sub-classify groups within Scheduled Castes.
- Four other judges backed this joint opinion.
- Justice Gavai noted that treating unequals unequally is necessary to achieve real equality.
- Justice Gavai emphasized the State's duty to give preferential treatment to underrepresented backward classes.
- Justice Bela Trivedi dissented, arguing that States cannot alter the Presidential List of Scheduled Castes.
- The judgment followed a reference to the seven-judge Bench in 2020 regarding the constitutionality of the Tamil Nadu Arunthathiyars Reservation Act, 2009, and the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006.
- Chief Justice Chandrachud traced the States' power to sub-classify Scheduled Castes for affirmative action to Articles 15(4) and 16(5) of the Constitution.
- The court acknowledged concerns about potential political manipulation by parties but stated that this does not negate the constitutional need to address inequality among Scheduled Castes.

Swapnil guns down third shooting medal for India

On target: It was Swapnil Kusale's turn on Thursday to win a shooting medal in Paris after Manu Bhaker and Sarabjot Singh. He won a bronze in the 50-metre rifle three positions event. RITU RAJ KONWAR

Jonathan Selvaraj
PARIS

Swapnil Kusale had an Olympic debut to remember, winning a bronze – India's third medal of the Games – in the men's 50m rifle three position event on Thursday.

The 29-year-old from Kambalwadi was lying in fifth place at the end of the kneeling and prone segments of the event. He would then find his rhythm in the standing position even as those around him lost theirs. Jon Herman Hegg of Norway, who was in the lead at the start of the series, fell behind him and Kusale held on to take a career-defining medal behind Serhiy Kulish of Ukraine and Liu Yukun of China.

FULL REPORT
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# Above-normal rain in August, La Nina could intensify September precipitation, says IMD (02 August)

- Landslides triggered by rain have killed over 200 people in Wayanad, Kerala.
- Uttarakhand and Himachal Pradesh are also experiencing intense rainfall.
- The India Meteorological Department (IMD) forecasts above-normal rain in August and September.

Sparring over forecasts

The landslide forecast bulletin issued for the Wayanad district on July 29 predicted low possibility of occurrences of landslides

Day 1: (valid from July 29, 2024 14:30 to July 30, 2024 14:30)

Day 2: (valid from July 30, 2024 14:30 to July 31, 2024 14:30)
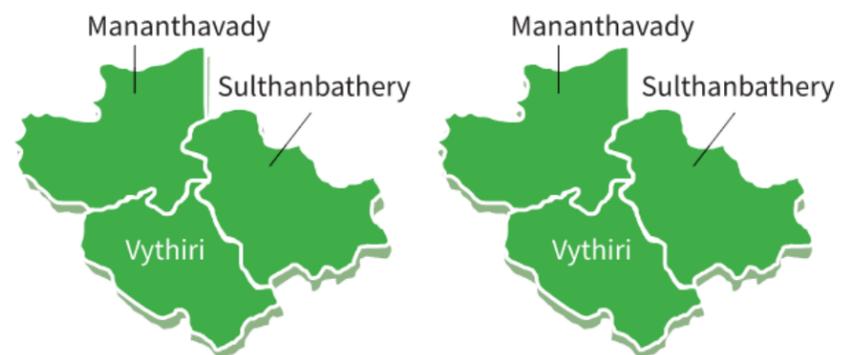
Forecast level	Description
Very high	**Very high possibility** of occurrences of landslides in **many locations (widespread)**
High	**High possibility** of occurrences of landslides in **one or many locations (localised)**
Moderate	**Moderate possibility** of occurrences of landslides. Isolated landslide events may occur.
Low	**Low possibility** of occurrences of landslides, a **few small landslides may occur**

- August is expected to receive normal rainfall, while September is likely to have more rainfall than the average 17 cm.
- The IMD predicts that rainfall across the country from August to September will be above normal, exceeding 106% of the Long Period Average (LPA).
- Increasing September rainfall in recent years has caused damage to standing crops, such as the soybean crop in Madhya Pradesh two years ago.

- La Nina or La Nina-like conditions are likely to develop towards the end of August, potentially causing more rain in September.
- Heavy rain in September and October, during the monsoon retreat, can affect winter sowing and increase air pollution in northern India.
- July, the rainiest monsoon month, recorded 30.5 cm of rainfall, nearly 9% more than normal.
- The IMD had forecast that July's rain would be "above normal," meaning 6% or more than usual.
- Except for northeastern, eastern, and northwestern India, most of the country experienced surplus rain, over 30% more than usual, aligning with the IMD's forecast.
- In July, 1,223 stations reported heavy or very heavy rainfall (11 cm or more).
- Kerala was warned of very heavy rain beginning on July 29, with an orange alert issued, followed by a red alert early on July 30.
- Delhi, which experienced intense rain on Wednesday evening, received orange alerts two days in advance.

T.N. fisherman dies in bid to evade arrest by Lanka navy (02 August)

Two fishermen held by the Sri Lankan Navy; search operation on to and another fisherman

- An Indian fisherman from Tamil Nadu died after his boat capsized in Sri Lankan waters while resisting arrest by the Sri Lankan Navy.
- A search operation is ongoing for another fisherman, while two others from the capsized boat were arrested.
- India summoned a senior Sri Lankan diplomat to express strong protest over the incident.
- Fishing community leaders in Rameswaram demanded the government file a murder case against the Sri Lankan Navy personnel.
- Sri Lankan Navy spokesperson Captain Gayan Wickramasooriya stated that the fishermen engaged in aggressive maneuvers when the Navy attempted to apprehend them for illegal fishing.
- Early in the morning, 10 to 15 Indian trawlers were in Sri Lankan waters. When a Sri Lankan patrol boat tried to capture one, the fishermen attempted to escape, causing their boat to capsize.
- Four fishermen fell into the sea; one was seriously injured and later died at a hospital in Pungudutivu.
- One fisherman is missing, and two were rescued and are in Sri Lankan custody.
- The two fishermen in custody were taken to Kankesanthurai for further investigation.
- Indian Consulate officials in Jaffna have been instructed to provide assistance to the fishermen and their families.

Rajasthan may enact UCC, says Law Minister (02 August)

Two Ministers had earlier promised that the UCC would be implemented shortly in the State

- The Bharatiya Janata Party (BJP) government in Rajasthan is considering introducing a Bill for the Uniform Civil Code (UCC).
- The timeline for the Bill's introduction is undecided, but the State government is studying a similar Bill passed in Uttarakhand.
- Parliamentary Affairs Minister Jogaram Patel stated that the Bill would be introduced at an appropriate time after considering all aspects.
- The government is taking into account all relevant factors before introducing the Bill, and the matter is under consideration.
- Mr. Patel, who also holds the Law and Justice portfolio, made the statement during Question Hour in response to BJP MLA Kalicharan Saraf.
- The House was informed that the Bill would be tabled after thorough evaluation during the ongoing budget session.
- Earlier this year, Public Health Engineering Minister Kanhaiya Lal and Education Minister Madan Dilawar had promised that the UCC would be implemented soon in Rajasthan, following Uttarakhand's passage of a similar Bill.
- Despite the BJP's election manifestos promising the UCC's implementation, the Rajasthan government has not held consultations with stakeholders, including the Opposition Congress and other parties.
- No public suggestions have been invited for the draft Bill.
- Uttarakhand is the first State to enact the UCC.
- BJP-ruled Gujarat, Assam, and Madhya Pradesh have announced plans to implement the Code.
- Union Home Minister Amit Shah announced that a UCC would be implemented within the next five years if the BJP returned to power.

Article 44:

- The Uniform Civil Code (UCC) is a proposed law in India that aims to establish a **common set of personal laws for all citizens, regardless of their religion**.
- These personal laws would cover matters such as **marriage, divorce, inheritance, adoption, and maintenance**.
- It provides for Uniform Civil Code (UCC)
- UCC aims to have common standardized civil laws in the country.

Historical Context

- The idea of a UCC has its roots in the British colonial era. The **Law Commission of 1835** recommended a uniform civil code for India, excluding personal laws of Hindus and Muslims.
- However, the British government did not implement this suggestion.
- Despite the introduction of Article 44 into the original constitution, Successive governments have found it difficult to build a consensus on the adoption of UCC in India.
- Implementing a UCC in India is a complex issue due to the country's diverse religious and cultural landscape.
- Religious Sentiments: Many religious groups are apprehensive about changes to their personal laws, fearing it as an encroachment on their religious freedom.
- Customary Practices: Personal laws are deeply intertwined with customs and traditions, making their uniformization challenging.
- Gender Equality: While UCC aims to promote gender equality, its impact on women's rights within different religions is a subject of debate.
- At the same time, Indian Courts have given several important judgments.

Landmark Judgments

Apex courts have played a crucial role in shaping the discourse on UCC. Important judgments include:

- **Shah Bano case (1985):** The Supreme Court ruled in favor of a Muslim woman's right to maintenance after divorce, leading to a political backlash and the subsequent passing of the Muslim Women (Protection of Rights on Divorce) Act, 1986.
- **Sharla Mudgal case (1995):** The court emphasized the need for uniform laws on adoption, irrespective of religion.
- **Triple Talaq case, 2017 (Shayara Bano case):** The Supreme Court declared instant triple talaq (talaq-e-biddat) unconstitutional, highlighting the need for legal reforms in personal laws.
- **Petitioner:** Claimed that instant triple talaq violated her fundamental rights under Articles 14 (Right to Equality), 15 (Prohibition of discrimination), 21 (Right to Life and Personal Liberty), and 25 (Freedom of Religion) of the Indian Constitution.
- **Verdict:** By a 3:2 majority, the Supreme Court declared the practice of instant triple talaq unconstitutional.
- **Legislation:** Following the judgment, the Parliament of India passed the **Muslim Women (Protection of Rights on Marriage) Act, 2019**, which criminalized the practice of instant triple talaq.

Arguments in Favor of the UCC

- **Legal Uniformity and Efficiency:** A UCC would simplify the complex legal framework by providing a single set of rules for all citizens, regardless of religion. This would reduce litigation, enhance legal clarity, and improve the efficiency of the judicial system.
- **Gender Equality:** Many personal laws contain discriminatory provisions against women, particularly in matters of **marriage, divorce, property inheritance, and maintenance**. A UCC could address these disparities and promote gender equality.
- **National Integration:** By creating a common legal framework for personal matters, a UCC could foster a sense of national unity and reduce religious tensions.
- **Effective Implementation and Enforcement:** A uniform law would be easier to implement and enforce compared to multiple, often contradictory, personal laws.
- **Protection of Vulnerable Sections:** A UCC could provide better protection for vulnerable sections of society, such as women, children, and the elderly, by establishing clear rights and remedies.
- **Upholding Secularism:** A UCC can reinforce India's commitment to secularism by ensuring that all citizens are treated equally under the law, regardless of their religion. This can help to prevent discrimination and promote a sense of unity among diverse communities.
- **Breaking Down Barriers:** By establishing a common legal framework for personal matters, the UCC can contribute to breaking down social and religious barriers. It can foster a sense of shared citizenship and national identity.
- **Example:** In matters of inheritance, a UCC could ensure that women from all religions have equal rights to inherit property, thereby challenging discriminatory practices prevalent in some personal laws.

Arguments Against the UCC
- Religious Sentiments: Many religious groups view personal laws as an integral part of their faith and culture, fearing that a UCC would infringe upon their religious freedom.

- Creation of apprehensions among Minorities.
- Interfere with the exercise of the right to religion.
- Diversity and Pluralism: India is a diverse country with multiple religions and customs (Examples: tribals, Parsis, etc.). Implementing a uniform code could be seen as undermining this diversity.
- Practical Challenges: Drafting a UCC that accommodates the varied customs and practices of different communities is a complex task.
- Political Feasibility: Building a consensus on the UCC is politically challenging, given the sensitive nature of the issue.
- Potential for Social Disharmony: The imposition of a UCC without adequate consultation and sensitization could lead to social unrest and conflict in society.

Way Forward

- **Article 44 of the Indian Constitution** explicitly mandates the state to strive for a Uniform Civil Code (UCC). This directive places a constitutional obligation on the government to work towards this goal.
- Role of State and Religion: The relationship between the state and religion is a complex issue. The UCC raises questions about the extent to which the state should intervene in matters of personal law.
- Defining the appropriate balance between state intervention and religious autonomy is a complex issue. The UCC should be framed in a manner that respects both.
- Any such decision should not be taken with haste.
- **Consensus Building:** Implementing the UCC requires a delicate balance between the need for legal uniformity and the preservation of religious and cultural sensitivities.
- Public Consultation: Extensive public consultation and awareness-building are essential for gaining acceptance of the UCC.
- **Gradual Implementation:** A phased or incremental approach, rather than a sudden overhaul of personal laws, might be a more practical and acceptable strategy. This would allow for adjustments and adaptations based on feedback and experience.
- **Respect for Diversity:** While aiming for uniformity, it's crucial to respect the diverse customs and practices of different communities. The UCC should strive to accommodate variations while upholding the principles of equality and justice.
- The government and the society need to work harder to build trust, as well as to make a common cause with the social reformers attached to every community.

Conclusion

- Social Justice: A UCC can be a powerful tool for promoting social justice by addressing issues such as child marriage, polygamy, and dowry, which are prevalent in certain communities.
- Modernization: By adopting a UCC, India can demonstrate its commitment to modernization and progress, aligning with the aspirations of a growing young population.

Question: Discuss the possible factors that inhibit India from enacting for its citizen a uniform civil code as provided for in the Directive Principles of State Policy.   (12.5 Marks/200 Words)   (UPSC 2015)

ANSWER STRUCTURE

- Briefly introduce the answer with Uniform Civil Code (UCC) as a proposed law aimed at establishing common personal laws for all Indian citizens and mention its constitutional basis in Article 44.
- Then discuss the historical background, including the Law Commission of 1835 and the lack of implementation of its recommendations. Mention the difficulty in building consensus since the introduction of Article 44.
- **Further bring the factors Inhibiting UCC**
  - o **Religious Sentiments**: Apprehensions among religious communities fearing encroachment on religious freedom.
  - o **Customary Practices**: Challenges in integrating deeply rooted customs and traditions.
  - o **Gender Equality**: Debate on the impact on women's rights across different religions.
  - o **Political and Social Challenges**: Political feasibility and potential for social unrest.
- In addition we can add significant court cases (Shah Bano, Sharla Mudgal, and Triple Talaq) influencing the discourse on UCC.
- **Conclude with Way Forward**:

ANSWER:

The Uniform Civil Code (UCC) aims to establish common personal laws for all citizens of India, covering matters such as marriage, divorce, inheritance, adoption, and maintenance. Despite being enshrined in Article 44 of the Indian Constitution as a Directive Principle of State Policy, several factors inhibit the enactment of a UCC.

Historical Context

- The concept of a UCC dates back to the British colonial era, when the Law Commission of 1835 recommended a uniform code excluding personal laws of Hindus and Muslims.
- However, this recommendation was not implemented. Since the introduction of Article 44, successive governments have struggled to build a consensus on UCC adoption due to India's diverse religious and cultural landscape.

Factors Inhibiting UCC Enactment

- Religious Sentiments:

- o **Apprehension Among Religious Groups:** Many religious communities view personal laws as integral to their faith and culture. They fear that a UCC would infringe upon their religious freedom.
  - o **Examples:** Personal laws for marriage, divorce, and inheritance are deeply rooted in religious practices. Changes to these laws are often seen as encroachments on religious autonomy.
- **Customary Practices:**
  - o **Integration with Tradition:** Personal laws are closely tied to customs and traditions, making their uniformization challenging.
  - o **Cultural Significance:** Diverse customs, such as those of tribals, Parsis, and other communities, highlight the difficulty of creating a one-size-fits-all legal framework.
- **Gender Equality:**
  - o **Debate on Impact:** While the UCC aims to promote gender equality, its potential impact on women's rights within different religions remains a contentious issue.
  - o **Legal Disparities:** Many personal laws have discriminatory provisions against women, particularly in matters of marriage and inheritance.
- **Political and Social Challenges:**
  - o **Political Feasibility:** Building a consensus on the UCC is politically challenging given the sensitive nature of the issue.
  - o **Potential for Social Disharmony:** Imposing a UCC without adequate consultation and sensitization could lead to social unrest and conflict.

Indian courts have significantly influenced the UCC discourse through landmark judgments:

- **Shah Bano Case (1985):** The Supreme Court ruled in favor of a Muslim woman's right to maintenance after divorce, leading to political backlash and the Muslim Women (Protection of Rights on Divorce) Act, 1986.
- **Sharla Mudgal Case (1995):** The court emphasized the need for uniform adoption laws irrespective of religion.
- **Triple Talaq Case (2017):** The Supreme Court declared instant triple talaq unconstitutional, highlighting the need for legal reforms in personal laws.

Thus, implementing a UCC in India is a multifaceted challenge that requires careful consideration of religious, cultural, and social factors. Achieving a balance between uniformity and diversity is essential for promoting social justice, modernization, and national unity.

What early warning did Kerala have? (02 August)

In response to a calling attention motion on Wayanad landslides in Parliament, Home Minister Amit Shah makes several claims on early warning systems in India and how they are utilised to alert the Kerala government ahead of the tragedy

- Union Home Minister Amit Shah claimed that early warnings were issued to Kerala ahead of the Wayanad landslides.
- On July 18, a warning was issued for more than normal rainfall in the western coastal area of Kerala.
- On July 23, this was updated to very heavy rainfall.
- On July 25, the warning specified 'heavy to very heavy' rainfall.
- An IMD press release on July 18 mentioned flash flood risks in northern Kerala until 11:30 a.m. on July 19.
- However, the extended range forecast for July 18-31 issued on the same day did not mention Kerala.
- An IMD press release on July 23 warned of very heavy rainfall at isolated places in Kerala and Mahe on July 25, with heavy rainfall from July 23-27.
- The visual weather warnings included an orange alert for Kerala on July 25 and a yellow "watch" alert for July 23.
- A press release on July 25 forecasted scattered to fairly widespread light to moderate rainfall with thunderstorms and lightning over Kerala and Mahe for the next five days, with heavy rainfall at isolated places from July 25-29.
- Visual warnings showed a yellow alert for Kerala.
- The extended range forecast for July 25 to August 7 predicted scattered to fairly widespread light to moderate rainfall with thunderstorms and lightning over Kerala and Mahe, along with heavy rainfall at isolated places during the week.
- On July 29, the IMD issued an orange alert for very heavy rainfall at isolated places in Kerala and Mahe for July 29.
- The landslides occurred in the early hours of July 30.
- A red alert for July 30 was issued in a press release published at 1:10 p.m. on July 30, after the landslides had happened.
- The same press release included an orange alert for Kerala and Mahe for July 31 and August 1.
- The IMD's Agricultural Meteorology Division forecasted 15 mm of rain for Wayanad on July 30, which is not considered a significant cause for concern.

- The extended range forecast from July 25 predicted above-normal rainfall for Kerala from July 26 to August 1, but no alarms or warnings were issued.
- The forecast for August 2-8 predicted normal rainfall for Kerala.
- The Thiruvananthapuram Met Centre's district rainfall forecast for Wayanad on July 26 predicted light to moderate rainfall on July 30.
- Union Home Minister Amit Shah claimed an early warning for rainfall over 20 cm and possible landslides was issued to Kerala on July 26, but the IMD press release on that day did not include such a warning, only a yellow watch alert.
- Kerala Chief Minister Pinarayi Vijayan stated that the IMD, Geological Survey of India, and Central Water Commission forecasts and alerts were inadequate.
- Vijayan shared an "Experimental Rainfall Induced Landslide Forecast Bulletin" for Wayanad issued on July 29, which predicted a low possibility of landslides.
- The information about the early warning system for landslides and rainfall was not publicly available.
- Union Home Minister Amit Shah claimed that before 2014, disaster response was limited to relief and rehabilitation, which is incorrect.
- India established the National Monsoon Mission (now called the Monsoon Mission) in 2012 to improve monsoon predictions.
- The first phase of the Monsoon Mission (MM-I) was completed successfully in 2017, and the second phase (MM-II) began in September 2017, focusing on predicting weather extremes and developing climate applications.
- MM-II is part of the Atmosphere and Climate Research — Modelling Observing Systems and Services (ACROSS), but its budget allocation was cut by ₹50 crore in 2024.

4 dead as cloudbursts wreak havoc in Himachal Pradesh (02 August)

49 missing in the State; Chief Minister Sukhvinder Singh Sukhu urges people to stay away from

rivers amid forecast of more rain; PM directs officials to ensure all possible assistance to elected

- Four people were killed and 49 are missing due to cloudbursts in Shimla, Mandi, and Kullu districts of Himachal Pradesh.
- Torrential rain has caused rivers to swell and left one person injured and nine people stranded in different parts of the State.
- Chief Minister Sukhvinder Singh Sukhu reported that search and rescue operations are ongoing, with assistance requested from the Army and Air Force.
- The State has suffered significant damage.
- Heavy rain is expected over the next 36 hours, and people are advised to stay away from rivers and rivulets.
- Thirty-three people went missing after a cloudburst caused a flash flood in the Samej area near Jhakri hydro project in Shimla district.
- Seven people went missing and three died near Tikkan Thalukot village in Mandi district.
- In Jaon village, Kullu district, one person was killed, nine went missing, and 11 houses were washed away. Two bridges were also damaged
- A flash flood occurred in Malana village, Kullu, and nine people were stranded near Charuru village due to swollen waters in the Beas River.
- Various teams, including the National Disaster Response Force, State Disaster Response Force, State Police, Home Guard, and fire service, are conducting search and rescue operations.
- Prime Minister Narendra Modi is monitoring the situation and has instructed officials to provide all possible assistance.
- Home Minister Amit Shah has assured Chief Minister Sukhvinder Singh Sukhu of help from the Centre.

Prime Minster takes dig at China, says India does not believe in expansionism

GS Paper II: IR

Kallol Bhattacherjee
NEW DELHI

India does not believe in "expansionism", Prime Minister Narendra Modi said on Thursday, indirectly referring to the Chinese activities in the South China Sea.

Welcoming Vietnamese Prime Minister Pham Minh Chinh, Mr. Modi indirectly referred to China and highlighted the importance of freedom of navigation.

Speaking at the Indian Council of World Affairs, Mr. Minh Chinh echoed the Indian position on maritime security and called for a collective approach to solving all conflicts including in West Asia and Myanmar.

The Vietnamese leader recollected India's contribution to peace building in Vietnam in the 1950s and sought greater cooperation between the two sides in energy, defence, and culture.

"We support development, not expansionism in the region. We believe in a free, open, rule-based and prosperous Indo-Pacific," said Mr. Modi.

His remarks came days after External Affairs Minister S. Jaishankar attended the Quad Foreign Ministers' meeting in Tokyo, where India was joined by Australia, Japan, and the United States in "upholding freedom of navigation and overflight", an oblique reference to China's activities in the South China Sea.

Reflecting the Indian

Expanding partnership: Prime Minister Narendra Modi with his Vietnamese counterpart Pham Minh Chinh. R. V. MOORTHY

position, Mr. Minh Chinh said, "The two sides redoubled the importance of ensuring peace, stability, security, safety and freedom of navigation over the East China Sea and the South China Sea and a peaceful settlement of disputes based on respecting international law, especially UNCLOS 1982." He described India as a force of "stability and prosperity" in the Indo-Pacific region.

Years of bilateral ties

Mr. Minh Chinh paid tribute to the early years of the bilateral relation when India was the Chairman of the International Commission for Supervision and Control formed as part of the Geneva Accord of 1954 to help the peace process in Vietnam.

Vietnam, he said, is "deeply grateful" for the policy of non-alignment which was championed by India.

He urged for a collective approach for solving the intractable conflicts in the world and described the Association of Southeast Asian Nations (ASEAN) as a major platform in dealing with issues of development and dialogue.

"Multilateral organisations should provide comprehensive solution to the existing conflicts. Conflicts like the one in the Middle East and in Myanmar can not be solved by a single country. They require collective solution," said Mr. Minh Chinh laying down the Vietnamese approach towards conflicts and peace-building. Briefing the media, Secretary (East) of the Ministry of External Affairs reiterated that both India and Vietnam desire return of peace and stability in Myanmar and supported an ASEAN-centric approach in ensuring peace in the conflict-torn country.

Prime Minster takes dig at China, says India does not believe in expansionism (02 August)

- Prime Minister Narendra Modi stated that India does not believe in expansionism, indirectly addressing Chinese activities in the South China Sea.
- Modi welcomed Vietnamese Prime Minister Pham Minh Chinh and emphasized the importance of freedom of navigation.
- Mr. Minh Chinh supported India's maritime security stance and advocated for a collective approach to resolving conflicts, including in West Asia and Myanmar.

- The Vietnamese leader praised India's historical peace efforts in Vietnam and sought increased cooperation in energy, defense, and culture.
- Modi reaffirmed India's commitment to a free, open, rule-based, and prosperous Indo-Pacific region.
- Prime Minister Modi's remarks on expansionism followed External Affairs Minister S. Jaishankar's participation in the Quad Foreign Ministers' meeting in Tokyo, where India, Australia, Japan, and the US emphasized freedom of navigation, indirectly addressing China's South China Sea activities.
- Vietnamese Prime Minister Minh Chinh supported this stance, stressing peace, stability, security, and adherence to international law, including UNCLOS 1982, for resolving disputes in the East and South China Seas.
- Minh Chinh described India as a stabilizing force in the Indo-Pacific region and acknowledged India's early role in supporting peace in Vietnam as Chairman of the International Commission for Supervision and Control in the 1950s.
- Vietnamese Prime Minister Minh Chinh expressed gratitude for India's non-alignment policy and called for a collective approach to resolving global conflicts.
- He highlighted ASEAN as a key platform for development and dialogue and argued that conflicts, such as those in the Middle East and Myanmar, require multilateral solutions rather than efforts from a single country.
- Secretary (East) of India's Ministry of External Affairs confirmed that both India and Vietnam support peace and stability in Myanmar and advocate for an ASEAN-centric approach to address the conflict.

RTE Act covers admissions to KG classes too, rules Madras HC

GS Paper II: Polity

Mohamed Imranullah S.
CHENNAI

Though the Right of Children to Free and Compulsory Education (RTE) Act, 2009, applies only to children aged between six and 14, admissions to kindergarten cannot be denied to much younger children too under the law, the Madras High Court has ruled.

Justice Anita Sumanth wrote: "Since the categoric object of the Act is to make available education to children from pre-school to eighth standard, it is this parameter that is paramount in understanding the application of the Act. The object of providing education for the children up to eighth standard will override any technical concerns relating to the age…"

The court allowed a couple of writ petitions filed against denial of admission to Lower Kindergarten (LKG), under the RTE Act, to the petitioners' children by two private schools in Coimbatore.

Additional Government Pleader M. Rajendiran argued that the kids were below six years of age. However, the judge pointed out that the State government had been *suo motu* "and appropriately" treating children below six years of age too as beneficiaries under the RTE Act by fixing the per child expenditure for the LKG and UKG classes at ₹6,000 per annum.

She said that though the term 'child' had been defined to mean a male or female child of the age of six to 14 under Section 2(c) of the RTE Act, the State's action of extending the benefit to much younger children too finds support under Section 12(1), which makes a reference to pre-school education.

Stating that Section 12(1) implies that the benefit of the Act must be extended to education from kindergarten to eighth standard, the judge said: "It is thus this stipulation that would apply, irrespective of the age of the child. This is all the more for the reason that the RTE Act is a Central enactment and different States have prescribed different ages for commencement of school education."

RTE Act covers admissions to KG classes too, rules Madras HC (02 August)

- The Madras High Court ruled that under the Right of Children to Free and Compulsory Education (RTE) Act, 2009, admissions to kindergarten cannot be denied based on age, even though the Act specifically applies to children aged six to 14.
- Justice Anita Sumanth emphasized that the Act's goal is to provide education from pre-school to eighth grade, and this objective takes precedence over technical age-related concerns.
- The court granted petitions against two private schools in Coimbatore that had denied admission to Lower Kindergarten (LKG) for children under the RTE Act.
- Government Pleader M. Rajendiran argued that the children were under six years old. However, the judge noted that the State government had included younger children under the RTE Act by setting per child expenditure for LKG and UKG classes at ₹6,000 per year.
- The judge explained that although the RTE Act defines a child as aged six to 14, the State's extension of benefits to younger children aligns with Section 12(1) of the Act, which supports preschool education.

- The judge emphasized that the RTE Act's intent to provide education from kindergarten to eighth grade overrides specific age definitions, and states can set different age requirements for starting school.

Opposition targets Centre over roof leak in Parliament, seeks discussion (02 August)

- A blue plastic bucket placed in the new Parliament building's lobby to catch roof leaks led to criticism from the Opposition and a Congress motion for discussion.
- The Lok Sabha Secretariat said there was only "minor leakage" due to displaced adhesive from the glass domes, with heavy rain causing waterlogging around the complex.
- The new Parliament building, costing ₹971 crore, was inaugurated by Prime Minister Narendra Modi just over a year ago.
- Congress MP Manickam Tagore posted a video showing a leaky dome and a bucket in the new Parliament building, criticizing the building's weather resilience and calling for a discussion in the Lok Sabha.
- Samajwadi Party chief Akhilesh Yadav also criticized the new building, suggesting the old Parliament was better and questioning whether the water leakage was a result of poor design under the BJP government.

'Monstrous edifice'

- Trinamool Congress MPs criticized the new Parliament building's design, highlighting its lack of shelter and inadequate features during a cloudburst in Delhi.
- Sagarika Ghose noted that the old Parliament building provided better shelter, while Mahua Moitra called the new building a "monstrous edifice to @narendramodi's ego" and suggested it's fitting that it is now facing issues.
- The Lok Sabha Secretariat addressed concerns about the building's resilience, explaining that the glass domes, part of the Green Parliament concept, had minor leaks due to displaced adhesive during heavy rain.
- They assured that the issue was detected promptly and corrective measures were taken immediately.

BCCI, SAI told to curb surrogate advertising for tobacco, alcohol

GS Paper IV: Ethics

Bindu Shajan Perappadan
NEW DELHI

The Health Ministry has asked both Sports Authority of India (SAI) and the Board of Control for Cricket in India (BCCI) to bring in measures to prevent surrogate advertisement of tobacco and or alcohol related products by sportspersons.

In a communication issued on Thursday, the Ministry said sportspersons, especially cricketers, are role models for society in particular youngsters for promoting a healthy, active, and productive lifestyle and it is disheartening to see surrogate advertisements of tobacco and/or alcohol-related products by some of the most well-known cricketers and famous actors during cricketing events such as IPL. These personalities are role models for millions of youth across the country.

The Ministry has listed out measures including signing an anti-tobacco declaration of interest form, not promoting/advertising in stadiums or events hosted or partnered by BCCI, issuing directive(s) to sportspersons under BCCI's ambit to refrain from surrogate promotion/partnership/advertisement of tobacco and related products. Also, it is hereby requested not to allow such surrogate advertisements by other celebrities in sporting events of the BCCI, such as the IPL.

"Such measures shall not only help in reducing the consumption of tobacco especially amongst youth but also reinforce a positive image of sportspersons as advocates of health and fitness and continue to uphold the highest standards of integrity and responsibility in sports," the Ministry said.

The Health Ministry's move is part of the effort to reduce tobacco use among the youth.

BCCI, SAI told to curb surrogate advertising for tobacco, alcohol (02 August)

- The Health Ministry has directed the Sports Authority of India (SAI) and the Board of Control for Cricket in India (BCCI) to prevent surrogate advertisements of tobacco and alcohol by athletes.
- The Ministry emphasized that sportspersons, particularly cricketers, are role models for promoting a healthy lifestyle and expressed concern over their involvement in such ads during events like the IPL.
- The Health Ministry has proposed measures to prevent surrogate advertising of tobacco and alcohol by athletes.
- These include signing an anti-tobacco declaration, avoiding promotions at BCCI events, and issuing directives to athletes to refrain from such ads.
- The Ministry also requests that celebrities be restricted from such advertisements at BCCI events.
- The goal is to reduce tobacco consumption among youth and promote a positive image of athletes as health advocates.

Lt.-Gen. Sadhna Saxena Nair is DG, Medical Services of Army (02 August)

- Lieutenant-General Sadhna Saxena Nair became the first woman Director General, Medical Services (Army) on Thursday.
- She was previously the first woman DG Hospital Services (Armed Forces) and an Air Marshal.
- She graduated from Armed Forces Medical College, Pune, and joined the Army Medical Corps in 1985.
- She is also the first woman Principal Medical Officer for Western Air Command and Training Command in the Indian Air Force.
- She was an expert member of the Dr. Kasturirangan Committee for the National Education Policy.

States can directly buy rice from FCI, says Food Minister (02 August)

They need not take part in e-auction for buying additional stock; Centre brings 16 more items underprice monitoring system, launches app

- State governments can now purchase rice directly from the Food Corporation of India (FCI) under the Open Market Sale Scheme (Domestic) without e-auction.
- This change aims to reduce surplus stocks before the next kharif season's procurement.

PCS — Lt.-Gen. Sadhna Saxena Nair is DG, Medical Services of Army

Lieutenant-General Sadhna Saxena Nair assumed the office of Director General, Medical Services (Army) on Thursday, becoming the first woman to be appointed to this position. Prior to this, she was the first woman to hold the post of DG Hospital Services (Armed Forces) on promotion to the rank of Air Marshal. Lieutenant-General Nair graduated from the Armed Forces Medical College, Pune and was commissioned into the Army Medical Corps in December 1985. She is also the first woman Principal Medical Officer of Western Air Command, and Training Command, Indian Air Force. She was nominated as an expert member of Dr. Kasturirangan Committee for drafting part of the medical education component of the National Education Policy.

States can directly buy rice from FCI, says Food Minister

They need not take part in e-auction for buying additional stock; Centre brings 16 more items under price monitoring system, launches app

GS Paper III: PDS System

NEW DELHI

Union Food and Consumer Affairs Minister Pralhad Joshi announced here on Thursday that State governments can directly purchase rice from the Food Corporation of India (FCI) under the Open Market Sale Scheme (Domestic) from Thursday without participating in e-auction.

According to the Centre, the decision was taken to reduce the huge surplus stocks ahead of the procurement after this kharif season.

Mr. Joshi said if the States wanted to procure more rice over the stipulated 5 kg of free grain per individual under the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY), they could procure it for ₹2,800 per quintal (excluding transportation cost), instead of the earlier rate of ₹2,900 per quintal. The Centre will directly offload rice to the States under the scheme.

Speaking on the PMGKAY, Mr. Joshi maintained that the Centre would continue to provide free foodgrains to about 81.35 crore beneficiaries for a period of five years with effect from January 1, 2024, with an estimated financial outlay of ₹11.8 lakh crore borne by the Centre.

He said the Centre had successfully completed all three phases of replacing custom-milled rice with fortified rice in every scheme of the government.

Vegetable prices
On the increasing prices of vegetables, he said the issue was seasonal.

Tomato price was stabilising, and the Centre had made subsidised tomato available at ₹60 a kg without the use of price stabilisation fund.

He launched the 4.0 version of the Price Monitoring System (PMS) mobile app on which prices of 22 commodities were monitored daily. "Now, prices of 38 commodities will be monitored. We are now adding 16 more commodities," he added. The 16 food items are bajra (whole), jowar (whole), ragi (whole), suji (wheat), maida (wheat), besan, ghee, butter (pasteurised), brinjal, egg, black pepper, coriander, cumin seed, red chillies, turmeric powder and banana.

The decision was taken by the Centre to reduce the surplus stocks ahead of the procurement after the kharif season. SRINATH M

- States can buy rice at ₹2,800 per quintal (excluding transportation) if they need more than the 5 kg free grain per person under the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY), down from the previous rate of ₹2,900 per quintal.
- The Centre will provide rice directly to the States under this scheme.
- PMGKAY will continue to provide free foodgrains to about 81.35 crore beneficiaries for five years starting January 1, 2024, with a total cost of ₹11.8 lakh crore borne by the Centre.
- The Centre has completed replacing custom-milled rice with fortified rice in all government schemes.
- Rising vegetable prices are seasonal, with tomato prices stabilizing. Subsidized tomatoes are available at ₹60 per kg without using the price stabilization fund.
- The Price Monitoring System (PMS) mobile app now monitors 38 commodities daily, up from 22.
- New items added for price monitoring include bajra, jowar, ragi, suji, maida, besan, ghee, butter, brinjal, egg, black pepper, coriander, cumin seed, red chillies, turmeric powder, and banana.

Allahabad HC rejects plea by Shahi Id gah mosque committee (02 August)

- The Allahabad High Court dismissed a plea by the Shahi Idgah mosque committee challenging 18 lawsuits seeking the mosque's removal from a shared complex with the Katra Keshav Dev temple.
- The court noted that the Places of Worship Act does not define "religious character," and such determination is necessary for the Act's provisions to apply.
- A main suit on the Krishna Janmabhoomi-Shahi Idgah mosque dispute is still pending. Hindu worshippers claim the mosque was built by Mughal Emperor Aurangzeb after demolishing a Hindu temple.
- The Allahabad High Court had previously ordered a survey of the mosque, but the Supreme Court stayed this order earlier this month.
- The High Court rejected the Muslim side's plea to dismiss the Hindu side's lawsuits based on the Places of Worship Act, Limitation Act, and Specific Relief Act.
- The court ruled that all 18 lawsuits from the past two decades are maintainable and should proceed to trial.
- The court stated that the religious character of the property cannot be determined at this stage and must be decided based on trial evidence.
- The mosque committee argued that a compromise was made in 1968 between the parties, which was acknowledged by the Hindu plaintiffs.

Punitive tax on imported laboratory chemicals removed after furore (02 August)

- The Finance Ministry clarified that imported laboratory chemicals will now be taxed at 10% instead of the previously proposed 150%.
- Denatured ethanol is the only laboratory chemical excluded from this reduced tax rate.
- Laboratory chemicals are essential for scientific research, including reagents and enzymes that are often rare and costly.
- The Customs Department defines these chemicals as any chemicals, organic or inorganic, packed in quantities not exceeding 500 grams or milliliters, intended solely for laboratory use.

Seek clarification

- Scientists were alarmed when notified that they would face a 150% tax increase on laboratory chemicals, which was later clarified to be 10%.
- This tax hike aimed to address misuse of the classification by some importing ethanol to avoid high duties.
- Ethanol is of two types: one used in alcohol production and denatured ethanol used in labs. Local denatured ethanol production means imports are often unnecessary.
- The Finance Ministry now requires imported laboratory chemicals to have a certification stating they will be used solely for research and not for commercial trade.

A verdict on the Money Bill that India awaits (02 August)

- A seven-judge Bench of the Supreme Court of India will soon hear arguments on the definition of a Money Bill.
- The ruling will impact several recent legislations passed without the Rajya Sabha's approval.
- The case has significant implications for India's federal structure and constitutional power divisions.

- The reference to the seven-judge Bench stems from a November 2019 verdict in the Rojer Mathew vs South Indian Bank Ltd. case.
- The Finance Act, 2017, challenged in this case, was certified as a Money Bill and significantly changed the authority and jurisdiction of 26 different tribunals.
- The Act abolished some tribunals, merged others, set qualifications for tribunal members, and imposed various service conditions.

Articles and dentitions

- In Rojer Mathew, petitioners argued that the changes in the Finance Act, 2017, were too extensive to qualify as a Money Bill.
- Under India's Constitution, a Bill must be approved by both Houses of Parliament to become law, except for Money Bills.
- Article 109 allows Money Bills to become law with only the Lok Sabha's approval, while the Rajya Sabha can only make non-binding recommendations.
- Article 110(1) defines a Money Bill and lists subjects it can cover, such as taxation, borrowing regulation, appropriation from the Consolidated Fund, and related matters.
- A Bill containing only these subjects is deemed a Money Bill.
- Article 110(3) states that the Speaker of the Lok Sabha has the final authority to determine if a Bill is a Money Bill.
- The term "only" implies that a Bill with additional subjects beyond those listed in Article 110(1) cannot be a Money Bill.
- The Finance Act, 2017, attempted to include more subjects than allowed, thus challenging its classification as a Money Bill.
- A Finance Act is typically passed annually to outline fiscal plans.
- The Finance Act, 2017, made significant changes to tribunal functioning, affecting judicial independence.
- The law allowed the Union Executive extensive power to regulate tribunals.
- The Act included elements related to Article 110(1), such as tribunal members' salaries from the Consolidated Fund of India.
- Most of the Act amended substantive laws, extending beyond the scope of Article 110(1).
- The Supreme Court in Rojer Mathew found the Act's use of a Money Bill to be an abuse of power.
- Changes to terms of office, executive regulation of tribunals, and appointment qualifications should not have been made through a Money Bill.
- The Finance Act, 2017, was deemed a colorable exercise of power, distorting the Constitution's intent.
- The majority on the five-judge Bench felt constrained by previous rulings.
- In K.S. Puttaswamy vs Union of India (2018), the standards for reviewing a Speaker's decision to certify a Money Bill were unclear.
- The word "only" in Article 110(1) was overlooked in K.S. Puttaswamy.
- Justice A.K. Sikri's majority opinion stated that the Aadhaar Act met Money Bill conditions due to Section 7's link to subsidies, benefits, and services funded by the Consolidated Fund of India.
- Other provisions of the Aadhaar Act, like enrollment, biometric data, consent, offenses, penalties, and a statutory authority, were not incidental to Article 110(1) subjects.
- The seven-judge Bench must now consider the implications of "only" in Article 110(1).
- Their decision will have significant consequences as the Rajya Sabha has been bypassed in other instances before and after Rojer Mathew.
- The Finance Act, 2019, made significant changes to the Prevention of Money Laundering Act, 2002 (PMLA) via a Money Bill.
- Changes included redefining "proceeds of crime" and granting the Enforcement Directorate extensive powers.
- The Supreme Court upheld many of these amendments in Vijay Madanlal Choudhary vs Union of India (2022) but left open the validity of using a Money Bill for these changes.
- The seven-judge Bench's ruling will be significant, impacting various laws.
- Justice D.Y. Chandrachud emphasized the Rajya Sabha's essential role in reflecting India's pluralism and federal structure.
- He argued that differences between the two Houses should not be resolved by bypassing the Rajya Sabha.
- Money Bills should ensure government access to funds for basic administration without bypassing the Rajya Sabha's legislative oversight.
- Allowing the misuse of Money Bills could undermine the Constitution and democracy.

Propelling the U.K. and India story (02 August)

- Prime Minister Narendra Modi won a third consecutive term in India in June.
- The Labour Party under Sir Keir Starmer achieved a landslide victory in the U.K. in July.
- This marks a new chapter in the U.K.-India partnership.
- The Labour Party aims to establish a "new strategic partnership" with India.
- Goals include quickly finalizing the U.K.-India Free Trade Agreement (FTA) and increasing cooperation on security, technology, climate change, and education.
- U.K.'s Secretary of State for Foreign Affairs, David Lammy, visited India shortly after taking office.
- The '2030 Roadmap' has been successful, with bilateral trade at £39 billion in 2023.
- Both countries are heavily investing in each other's economies, employing around 800,000 people.
- A new Roadmap to 2047 is suggested to further enhance the partnership.

India matters and it matters now

- India's global position is strong with a successful G-20 Presidency, a notable moon landing, leadership in digital infrastructure, and soon-to-be the world's third largest economy.
- The U.K. India Business Council aims to help the U.K. and its companies understand and capitalize on India's opportunities.
- India is seen as a strategic partner in R&D, technology, talent, and supply chains.
- The new U.K. government should prioritize India for an equal economic partnership, creating jobs and prosperity in both countries.
- A swift Free Trade Agreement (FTA) would be transformative, focusing on technology and R&D collaboration.
- India offers the best ROI per dollar of R&D spend, exemplified by ISRO's achievements.
- Indian firms are eager to collaborate with U.K. companies and universities.
- The U.K. and India have a strong healthcare partnership, including developing life-saving malaria vaccines.
- There is potential for more U.K. clinical trials in India, shared healthcare research, and knowledge transfer.
- The U.K. is investing in sustainability technology and providing climate financing to India.
- U.K. universities are collaborating with Indian industry to develop talent and offering higher education through Transnational Education routes.

Key areas of alignment

- The landmark G2G agreement on science and innovation highlights the potential for collaboration.
- The U.K. and India are natural partners in defense and security.
- The U.K. used to supply most of India's defense equipment, now holding only a 2.5% market share.
- India focuses on indigenization, building defense technology supply chains, accessing critical technology, increasing exports, and creating domestic jobs.
- The U.K.'s defense industry can support India's goals.
- India's Defence Minister Rajnath Singh's visit to the U.K. in January 2024 indicates rising momentum.
- Mobility is a key area of alignment, especially for students and skilled professionals.
- Ensuring mobility will build trust and confidence, encouraging Indian investment in the U.K.
- The U.K. issued about 350,000 visas to Indian nationals for work, education, or as dependents last year.
- There is vast potential for a deeper U.K.-India economic partnership, requiring effort from both nations.
- India could benefit from further business environment reforms.
- British companies are committed to manufacturing in India and welcome policies that integrate India into their supply chains without reducing efficiency.
- A facilitative tariff and standards regime would help unlock significant investment inflows
- Taxation policies and regulatory treatment should ensure parity and a level playing field for all investors.
- British investors are interested in creating new Intellectual Property (IP) in India, provided there is adequate protection and commercial compensation for their IP.
- Optimizing ease of doing business is important, including shorter approval timelines and a consistent, transparent approach across government departments, states, and regulators.
- Continued collaboration with both governments is crucial to deepen the bilateral economic partnership.
- India is seen as the most exciting economic story today, marking the beginning of the Indian century.
- There is a strong emphasis on joining forces for greater global good.

Private consultation (02 August)

Government's gatekeeping of critical debates hurts trust in policymaking

- The Ministry of Information and Broadcasting is holding closed-door meetings with the broadcasting and entertainment industry regarding the Broadcasting Services (Regulation) Bill, 2023.

- **Only a few select stakeholders have access to the newest draft, under strict confidentiality with unique watermarks to identify leaks.**

- Public consultations are crucial for laws affecting many, as recognized by the 2014 Pre-Legislative Consultation Policy.

- While the government circulated an earlier version of the Bill publicly, it withheld responses and consulted only a few stakeholders.

- This approach excludes online creators, large parts of the media industry, and civil society, who are most affected by media regulation.

- The Bill aims to expand an already comprehensive regulatory framework, criticized for chilling free expression in news and entertainment media.

- Evidence of this chilling effect includes the toning down of OTT streaming platforms' content since the IT Rules, 2021.

- Lack of meaningful public consultation in policymaking may be a deliberate strategy to gatekeep major policy changes.

- This strategy determines who gets to participate in policy deliberations.

- The process of excluding broader public input is alarming, especially in media regulation.

- Interests of established corporate stakeholders may not align with those of emerging creators, independent commentators, social media users, and independent journalists.

- Without knowing or responding to other stakeholders' views, the proposal's quality and sincerity are questionable.

- The government should stop quick and closed methods of policymaking that reduce public trust.

- Meaningful public consultation allows diverse points of view without hindering lawmakers' actions.

- Rushed and exclusive consultations may result in flawed and exclusionary legislation.

Contested harvest (02 August)

GM crops might not be perfect, but what matters is that they are useful

- A two-judge Bench of the Supreme Court of India delivered a split verdict on allowing genetically modified (GM) mustard in farmer fields.

- Currently, only GM cotton is permissible in India.

- Success with GM cotton led to the development of GM seeds in food crops like rice, wheat, tomato, brinjal, and mustard, but none have been released yet.

- DMH-11 (Dhara Mustard Hybrid-11) was developed at Delhi University's biotechnology department under a publicly funded project.

- DMH-11's genes make it lucrative for private seed companies to create new hybrid varieties.

- For approval, crops must be sown over three seasons in different agro-climatic zones and perform better than existing varieties.

GS Paper III: S&T, Environment

Contested harvest

GM crops might not be perfect, but what matters is that they are useful

India's torturous saga on the fate of genetically modified food crop made another pit stop last week with a two-judge Bench, of Justices B.V. Nagarathna and Sanjay Karol of the Supreme Court of India, delivering a split verdict on the question of allowing genetically modified (GM) mustard in farmer fields. As of today, the only GM seed permissible in India is cotton. The gain in cotton yield had prompted agricultural institutions, private and public, to develop GM seeds in food crops such as rice, wheat, tomato, brinjal and mustard though none has been released. These issues underpin the story of DMH-11, or Dhara Mustard Hybrid-11, that was developed under a publicly funded project at the Delhi University's biotechnology department. The genes used in the plant make the crop suitable and lucrative to private seed companies for making newer hybrid varieties. For crops to be approved under India's agricultural system, they must be sown over three seasons in different agro-climatic zones and prove themselves to be consistently better than their existing comparators. Trials conducted over three years by the Indian Council of Agricultural Research suggest that DMH-11 passed these metrics. This led the GEAC, the scientific advisory body led by the Ministry of Environment and Forests, to approve DMH-11 in October 2022, subject to certain tests. On the other hand, environmentalist groups have said that the DMH-11 is a 'herbicide tolerant' crop. It is genetically coded in a way that effectively forces farmers to use certain kinds of pesticide, with destructive environmental consequences; the allegations are that the developers were not transparent with this information. These findings, and the GEAC approval, have been contested in the Court by Aruna Rodrigues and the organisation, Gene Campaign.

The judges disagreed among themselves whether the GEAC was correct. Justice Nagarathna said that the GEAC had violated the 'precautionary principle', under which any new organism or modifying technology should, by default, be caged in unless its consequences are deliberated upon. Justice Karol, however, appeared to be satisfied by the process. Therefore, the case passes on to a larger Bench led by the Chief Justice of India. However, the most significant decision was a Court order to the Centre to evolve a policy on GM crops. The dispute over GM crops is fundamentally ideological and less on the traditional agricultural yardsticks of yield and farm economics. This is amplified by India's agricultural history where a panacea from yesteryears, hybrid seeds and synthetic fertilizer, while improving yields and productivity, have unleashed environmental harm. In their decisions, the Court and the government must remember that the good ought not to be seen as the enemy of the perfect.

- Trials by the Indian Council of Agricultural Research showed DMH-11 met these metrics.
- The GEAC, a scientific advisory body under the Ministry of Environment and Forests, approved DMH-11 in October 2022, subject to certain tests.
- Environmentalist groups claim DMH-11 is a 'herbicide tolerant' crop, forcing farmers to use specific pesticides with harmful environmental effects.
- There are allegations of a lack of transparency about this information by developers.
- The approval and findings have been contested in court by Aruna Rodrigues and Gene Campaign.
- The judges disagreed on whether the GEAC was correct.
- Justice Nagarathna said the GEAC violated the 'precautionary principle' by not fully deliberating on the consequences.
- Justice Karol was satisfied with the GEAC's process.
- The case is now passed to a larger Bench led by the Chief Justice of India.
- The Court ordered the Centre to develop a policy on GM crops.
- The dispute over GM crops is more ideological than based on agricultural metrics like yield and farm economics.
- India's history with hybrid seeds and synthetic fertilizers, which improved yields but caused environmental harm, amplifies the ideological divide.
- The Court and the government should balance good solutions against seeking perfect ones.

Is the Centre being iniquitous in State transfers? (02 August)

- Opposition Chief Ministers have boycotted a NITI Aayog meeting, accusing the Centre of bias in resource allocation.
- Pinaki Chakraborty notes that the Budget has become less significant for state resource allocation since economic liberalization.
- This year's Budget focused on schemes for specific states like Bihar and Andhra Pradesh, but their fiscal impact is considered limited in the overall resource flow to states.
- R. Ramakumar highlights different types of central transfers to states: devolution of taxes, loans, finance commission grants, and discretionary grants.
- The issue lies with discretionary grants, which lack clear criteria and can lead to arbitrary allocation, undermining cooperative federalism.
- Over the past decade, packages have been announced for selected states without clear rationale, and this trend continues in the current Budget.
- Critics argue that NITI Aayog, which replaced the Planning Commission, now mainly focuses on creating indices and ranking states. There is a debate on whether it should be given more powers.
- Pinaki Chakraborty (PC) explains that the Planning Commission was abolished to give states more flexibility through untied resources and increased devolution, which was intended to improve planning and reduce regional inequalities.
- NITI Aayog could potentially provide capital grants through a consultative process without the rigidity of centrally sponsored schemes.
- R. Ramakumar (RR) notes that while the Planning Commission, though not a constitutional body, acted as a crucial forum for addressing regional inequalities and allowed states to engage with the Centre.
- NITI Aayog lacks this role, leading to concerns that states no longer have a forum to discuss and address their issues with central transfers.
- The National Development Council has been disbanded, and NITI Aayog is seen as a powerless think tank with no enforcement capability.
- Decision-making on transfers has shifted to the Ministry of Finance, leading to calls for a new, credible body for transparent and professional discussions between the Centre and States.
- There is a need for rule-based, non-discretionary transfers outside of Finance Commission recommendations.
- The debate on tax distribution involves whether states that contribute more should receive more or if resources should be distributed to ensure comparable service levels across states.
- Pinaki Chakraborty argues that using tax collection as a criterion for devolution will increase inequality in resource distribution, as major taxes are collected in a few key business areas.
- Tax devolution alone cannot address all issues because major taxes are collected in a few key areas, leading to increased inequality.
- States with high per capita incomes may face declining transfers, which could affect their fiscal stability; such issues should be addressed through grants.

- Specific state needs may not be fully addressed by devolution formulas, so grants are needed for state-specific challenges.
- The devolution share should be increased to 50% of the divisible pool to balance differences between states.
- The revenue from cesses and surcharges, which have grown, should either be shared with states or the Centre should reduce its reliance on them.
- Cesses and surcharges have increased over time, despite the Constitution suggesting they should be temporary. Their rise is linked to the growth of Centrally Sponsored Schemes (CSS).
- The Centre offset the increased devolution to states (from 32% to 42%) by raising cesses and surcharges, which are excluded from net proceeds shared with states, and by shifting more costs to states.
- Cumulatively, about ₹36 lakh crore from cesses and surcharges collected between 2015-16 and 2024-25 has not been shared with states.
- While cesses and surcharges are not unconstitutional, they should be limited in number and duration, and should be used fully for their intended purposes.
- The Finance Commission could address this by increasing states' share in devolution from 41% to 50% and ensuring that cesses and surcharges are more transparently managed.
- Kerala's Finance Minister noted that revenue deficit grants for the state have decreased, borrowing limits have been reduced, and the state's share in the divisible pool has fallen.
- According to Pinaki Chakraborty, revenue deficit grants are given to states with deficits even after tax devolution. States have strict borrowing limits for macroeconomic stability, and allowing unrestricted borrowing could harm stability.
- R. Ramakumar argued that Kerala faces a hard budget constraint not due to fiscal irresponsibility but because of its significant investments in the social sector. Kerala's investment in social sectors results in a need for revenue deficit grants. The 16th Finance Commission should continue providing such grants to compensate for Kerala's historical challenges in the devolution process.

The relevance of pumped storage projects

Why is renewable power generation subject to variations and weather changes? How do power managers decide which energy source to use? Where are some of the pumped storage projects of India situated? How do the reservoirs in Kadamparai, Tamil Nadu operate?

GS Paper III: Renewable Energy

EXPLAINER

M. Kalyanaraman

The story so far:

The Union Budget for 2024-25 promised that "a policy for promoting pumped storage projects will be brought out for electricity storage and facilitating smooth integration of the growing share of renewable energy with its variable and intermittent nature."

Why is pumped storage important?
India has planned to create an ambitious 500GW of non-fossil fuel energy by 2030. In around two years, from 2021 to 2023, it created some 23GW of non-fossil generation capacity. Out of the total 10GW added in eight months in 2023-24, 7.5GW were from wind and solar energy, pointing to how renewables will account for most of the new power generation that will be added in India. The share of actual renewable power generation will increase in times to come, but this power will necessarily vary and will be "infirm".

Indian policies have laid down that all the power that renewable sources generate should be used and their curtailment should be last priority. State-of-the-art forecasting techniques have helped to predict more accurately how much renewable power generation might vary in the course of a day. This has helped grid operators plan in advance how to increase or decrease power generation from other sources to provide steady power to the consumer. For example, hydro power generation can be quickly ramped up or down in a matter of seconds. However, coal and nuclear energy need hours of notice.

When the world's attention turned to renewables and the problem of variable power generation, many solutions were proposed for storing energy and releasing it when wind and solar power generation are down. Until then, no electricity generated was stored at a large scale.

Power centre: The Kadamparai Cavern Power House.

Some of the proposed energy storage methods include scaling up batteries and pumping in compressed air into large caverns and then drawing on them to generate power when required. However, much of the energy storage adopted across the world today is pumped storage that uses water. These are like super large batteries but natural and use water.

Does India have pumped storage?
India has 3.3GW of pumped storage. Main ones are in Nagarjunasagar, Kadana, Kadamparai, Panchet and Bhira. China leads the world with 50GW of pumped storage supporting 1,300GW of wind and solar energy. India would need to ramp up its pumped storage capacity by several times if it wants to meet its renewable power generation targets.

Pumped storage is of two types: on river and off river. On-river is like any hydroelectric project supplied by a river. Off-river projects are those that have two reservoirs at two different levels to which the water can be pumped up or let down under gravity in a closed loop. When there is surplus power, water is pumped up from the lower reservoir to the upper, and when power is needed the water can flow down to turn the turbines and generate power. One such project is at Kadamparai, Tamil Nadu.

How does pumped storage at Kadamparai operate?
In Tamil Nadu, at noon on a typical day in July, wind and solar can generate half of all power. This is among the highest in the country. On a summer day, solar plants in Tamil Nadu currently produce some 5,000MW at noon. But that power dwindles and drops to zero at sunset. Wind also has its own vagaries. Tamil Nadu has peaks of around 17,000MW to 20,000MW on a daily basis. This year in July, maximum wind power generated reached 5,499MW and maximum solar reached 5,512MW. Wind and solar energy have must-run-status in the State which means whatever energy they produce must be taken.

The Kadamparai plant in Coimbatore district that came up some 37 years ago has four units, each 100 MW. The plant has a higher reservoir that is at a height of around 380m above a lower reservoir. Each unit has a turbine generator set producing power when the water flows from the upper reservoir to the lower. The same unit can function as a pump consuming power when it pumps water from the lower to the higher reservoir. Power managers plan in advance for the next day on how much and when to operate each power plant in the State based on factors such as demand expected and forecast of wind and sunshine conditions. Typically, around noon, there is a power surplus coming from solar energy. That power is used to pump up the water at Kadamparai. Each unit needs 20% more power to operate as a pump than what it can produce as a generator. But since it is solar energy, no fuel is being burned to produce the required power.

When the Kadamparai plant is operating as a pump to store energy, it would need about an hour and a half to switch to generating mode. When stopped, it would need about half hour to start and generate a full load. When solar generation stops and the evening peak load begins after 6pm, the Kadamparai plant becomes a generator. It can produce 400MW of full power for three to four hours and help support evening peak loads. Sometimes the plant is operated at less than full load late into the night depending on the conditions. The upper reservoir has around 1 TMC feet of water. Leakages are marginal and are often replenished by natural rainfall.

THE GIST

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The relevance of pumped storage projects (02 August)

Why is renewable power generation subject to variations and weather changes? How do power managers decide which energy source to use? Where are some of the pumped storage projects of India situated? How do the reservoirs in Kadambari, Tamil Nadu operate?

- The 2024-25 Union Budget plans to introduce a policy for pumped storage projects to manage electricity storage and integrate renewable energy smoothly.
- Pumped storage is important because India aims to reach 500GW of non-fossil fuel energy by 2030. From 2021 to 2023, India added 23GW of non-fossil capacity, with a significant portion coming from wind and solar energy.
- Renewable energy is variable and intermittent, so maintaining a steady power supply is challenging.
- Policies prioritize using all renewable energy generated and minimizing its curtailment.
- Advanced forecasting techniques help predict renewable power generation variations, allowing grid operators to adjust other power sources accordingly.
- Hydro power can be adjusted quickly, while coal and nuclear power require more time to change output.
- To address the variability of renewable energy, solutions for energy storage have been proposed, including scaling up batteries and using compressed air. Pumped storage, which uses water, is a common method.
- India currently has 3.3GW of pumped storage capacity, with major sites including Nagarjunasagar, Kadana, Kadamparai, Panchet, and Bhira.
- China leads globally with 50GW of pumped storage supporting 1,300GW of wind and solar energy.
- India needs to significantly increase its pumped storage capacity to meet renewable energy targets.
- Pumped storage comes in two types: on-river (like traditional hydroelectric projects) and off-river (using two reservoirs at different levels to store and release water). Kadamparai in Tamil Nadu is an example of an off-river pumped storage project.
- n Tamil Nadu, wind and solar power generate up to half of all electricity during noon but drop to zero at sunset.
- The Kadamparai pumped storage plant in Coimbatore, operational for about 37 years, has four units, each with a capacity of 100 MW.
- The plant has a higher reservoir about 380 meters above a lower reservoir.
- It generates power when water flows from the upper to the lower reservoir and functions as a pump to move water back up when needed.
- Power managers plan the next day's operations based on expected demand and weather forecasts.
- At noon, surplus solar power is used to pump water at Kadamparai.
- Each unit of Kadamparai needs 20% more power to pump water than it generates.
- The plant takes about 1.5 hours to switch from pumping to generating mode and 30 minutes to start generating full load.
- After sunset, Kadamparai switches to generating power, producing up to 400 MW for 3-4 hours to support evening peak loads.
- The plant may operate at less than full load late at night, with minimal water leakage often replenished by rainfall.

On election of the European Commission president

Why did Giorgia Meloni, Italy's far right Prime Minister, disapprove of the European Council's decision on Ursula von der Leyen's candidature? What are some of the challenges ahead for the European Union?

GS Paper II: IR
Garimella Subramaniam

The story so far:
On July 18, the newly constituted European Commission (EC), the executive arm of the European Union, elected Ursula von der Leyen, the EC's first female President, for a second term. Ms. Von der Leyen, of the centre-right European People's Party (EPP), won by a clear majority of 40 votes unlike the razor-thin nine vote margin she secured in 2019.

How is the EC President chosen?
The selection of the EC President entails a two-stage process in consonance with the results of the parliamentary polls. The candidate is initially proposed and elected by the European Council – comprising the leaders of the EU's 27 member countries – and subsequently put to a secret ballot in parliament. Conventionally, the Council's choice has been a straightforward affair, determined essentially by the steady dominance of top three of the bloc's eight political groups, namely the EPP, the centre-left Socialists & Democrats (S&D) and the liberal Renew group.

Yet the decision regarding Ms. Von der Leyen's candidature was not unanimous. Brothers of Italy, the party of Giorgia Meloni, Italy's far right Prime Minister, had bagged the maximum number of seats in the EU parliamentary polls. The European Conservatives and Reformists (ECR), the far-right caucus Ms. Meloni heads, had for a short time managed to muster the numbers to be counted the third largest group in the legislature. Italy, moreover, is one of the EU's six founder members and the bloc's third largest economy. Given this formidable background, the Italian far-right caucus was straining every nerve to exert Rome's clout on the EU stage. While EU leaders and heads of the three main groups finalised Ms. Von der Leyen's candidature, Ms. Meloni took strong exception to her exclusion from the meeting. In the end, Ms. Meloni and the hard-right Hungarian Prime Minister Viktor Orban disapproved the decision, leaving it to the remaining 25 leaders to back the Council's nominee.

What about the vote in parliament?
The ripples from Ms. Meloni's abstention in the Council were felt across the board, giving momentary pause for Ms. Von der Leyen's prospects for automatic reinstatement by the legislature. There were even murmurs of the Council calling for a possible second vote in case parliament rejected her appointment. Eventually, Ms. Von der Leyen secured 401 votes, exactly the number of seats held by the parliament's three main political groups supporting her, and well over the halfway mark in the 720-strong house. It fell to the 53 MEPs s from the Green party to come to Ms. Von der Leyen's final rescue, backing for the first time a commission nominee. The revival of the landmark Green Deal to achieve net zero emissions by 2050, in return for the party's critical support, remains to be seen. Ms. Meloni and the ECR are for now a much reduced force. A more potent threat facing EU centrists is the newly launched Eurosceptic and anti-immigrant Patriots for Europe group, which has overtaken the ECR and is now the third largest bloc in parliament.

What will be the challenges Ms. Von der Leyen will have to face?
The bloc's most powerful institution, the EC, speaks as a single voice on external affairs and proposes legislation covering areas that require collective action, sifting through competing claims arising from divergent national and ideological perspectives. The most complex exercise of them all is the formulation of the bloc's seven-year budget. Crucially, Ms. Von der Leyen has pledged to tie national disbursements from the EU budget to the observance of the rule of law and plans to impose conditions relating to the respect for fundamental rights for availing other funds. With far-right parties heading national governments or in coalition, democratic backsliding could be a matter of some concern in the coming years.

Ms. Von der Leyen's second term would be anything but smooth sailing, as she seeks to appease and accommodate particular political constituencies.

The writer is Director, Strategic Initiatives, AgnoShin Technologies.

THE GIST

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On election of the European Commission president (02 August)

Why did Giorgia Meloni, Italy's far right Prime Minister, disapprove of the European Council's decision on Ursula von der Leyen's candidature? What are some of the challenges ahead for the European Union?

- On July 18, Ursula von der Leyen was re-elected as the President of the European Commission for a second term.
- Her re-election had a clear majority of 40 votes, a significant increase from the narrow nine-vote margin she had in 2019.
- The EC President is chosen in a two-stage process: first, proposed and elected by the European Council (EU leaders), and then confirmed by a secret ballot in the European Parliament.
- Traditionally, the choice is straightforward due to the dominance of three major political groups: EPP, S&D, and Renew.
- Von der Leyen's candidacy faced challenges due to the strong performance of the far-right Brothers of Italy party and the European Conservatives and Reformists (ECR), which briefly became the third-largest group in the EU Parliament.
- Italian far-right leader Giorgia Meloni and Hungarian Prime Minister Viktor Orban opposed Ursula von der Leyen's candidacy for a second term.
- Meloni's opposition and the disapproval from Orban led to a vote among the remaining 25 EU leaders.
- In the European Parliament, Von der Leyen faced some uncertainty due to Meloni's stance.
- Von der Leyen ultimately received 401 votes, meeting the required majority in the 720-seat parliament.
- The Green party, with 53 MEPs, played a crucial role in her confirmation by supporting her for the first time.
- The future of the Green Deal and the impact of the Eurosceptic Patriots for Europe group, now the third-largest bloc, remain to be seen.

What will be the challenges Ms. Von der Leyen will have to face?

- The European Commission (EC) handles external affairs and proposes collective legislation for the EU.
- One of its key tasks is creating the EU's seven-year budget.
- Ursula von der Leyen has promised to link EU budget disbursements to adherence to the rule of law and respect for fundamental rights.
- With far-right parties gaining influence in some national governments, there are concerns about democratic backsliding.
- Von der Leyen's second term is expected to be challenging as she navigates various political interests and constituencies.