ProdEgyIAS

DEMOCRATIZING EDUCATION

An Institute for Civil Services Examination

BRIDGE

Bridge the gap between theory and practice...

A supplement for contemporary happenings in the spheres of Public Administration and Governance

June-July-August

2023

Address: 53/6, Second floor, Near Hotel Medonna, old Rajendra Nagar, New Delhi, 110060

Contact: 9990757586 | info@prodegyias.com | www.Prodegyias.com

Index

Aadhar Authentication

Relevance: Work processes; Recent Trends

Source: The Hindu

Context: According to a Ministry of Home Affairs' notification, the Ministry of Electronics, and Information Technology (MeitY) has allowed the office of Registrar General and Census Commissioner established under the Registration of Births and Deaths Act, 1969 to perform Aadhaar authentication for such registration. The authentication process, however, is not mandatory.

About office of Registrar General and Census Commissioner:

- Registrar General and Census Commissioner of India, founded in 1961 by the Government of India Ministry of Home Affairs, for arranging, conducting, and analysing the results of the demographic surveys of India including Census of India and Linguistic Survey of India.
- The position of Registrar is usually held by a civil servant holding the rank of Joint Secretary.
- The Indian Census is the largest single source of a variety of statistical information on different characteristics of the people of India.
- The first census of India was conducted in the 1870s and attempted to collect data across as much of the country as was feasible.
- The first decennial census took place in 1881. Until 1961, responsibility for arranging, conducting, and analysing the results of the census was exercised by a temporary administrative structure that was put in place for each census and then dismantled.
- From that time on, the office of the Registrar General and Census Commissioner of India has existed as a permanent department of central government; each state and union territory has a supervisory Directorate of Census Operations

About birth and death registration in India:

- History of Civil Registration System (CRS) in India dates to the middle of 19th century.
- In 1886, a Central Births, Deaths and Marriages Registration Act was promulgated to provide for voluntary registration throughout British India.
- Post-independence, Registration of Births and Death Act was enacted in 1969 to promote uniformity and comparability in registration of Births & Deaths across India and compilation of vital statistics.
- Registration of birth, death & still birth is mandatory.
- Registrar General, India at Union Government coordinates and unifies activities of registrations.
- Implementation of RBD Act is vested with State Governments.
- Registration of births and deaths is done by functionaries appointed by State Governments.
- Directorate of Census Operations are sub-ordinate offices of Office of Registrar General, India and these offices are responsible of monitoring of the Act in their concerned State/UT.
- Under Section 3(3) of the Registration of Births and Deaths Act, 1969, the Registrar-General may issue general directions regarding registration of births and deaths in the territories to which this Act extends and shall take steps to co-ordinate and unify the activities of Chief Registrars in the matter of registration of births and deaths and submit

to the Central Government an annual report on the working of this Act in the said territories.

- Under Section 7(1) of the Registration of Births and Deaths Act, 1969, State Government may appoint a Registrar for each local area comprising the area within the jurisdiction of a municipality, panchayat or other local authority or any other area or a combination of any two or more of them. The State Government may also appoint in the case of a municipality, panchayat, or other local authority, any officer or other employee thereof as a Registrar.

What changes have been allowed to facilitate Aadhaar authentication?

- According to the gazette notification, the Registrar appointed under Section 7(1) of the Registration of Births and Deaths Act, 1969 shall be allowed to perform Yes or No Aadhaar authentication, on voluntary basis, for verification of Aadhaar number being collected along with other details as sought in the reporting forms of births or deaths.
- The purpose of the authentication is to establish the identity of child, parent, and the informant in case of births, and of the parent, spouse, and the informant in case of deaths during registration of births or deaths.
- The State government and Union territory administration shall adhere to the guidelines with respect to the use of Aadhaar authentication as laid down by MeitY.
- Authentication process though not mandatory, aims to promote ease of living and better access to services based on the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules 2020.

Aadhaar authentication for good governance (social welfare, innovation, knowledge) rules 2020:

- The Rules has been made by the Central Government, in consultation with Unique Identification Authority of India under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.
- As per the Rules, Central Government may allow Aadhaar authentication by requesting entities in the interest of good governance, preventing leakage of public funds, promoting ease of living of residents, and enabling better access to services for them, for the following purposes, namely:

(a) usage of digital platforms to ensure good governance.

(b) prevention of dissipation of social welfare benefits; and

(c) enablement of innovation and the spread of knowledge.

- The rules however provided that Aadhaar authentication shall be on a voluntary basis.
- The Ministry or States desirous of utilising Aadhaar authentication shall prepare a proposal to justify such authentication and submit it to the Centre for making a reference to the Unique Identification Authority of India (UIDAI).

Proposed amendments in Aadhaar authentication for good governance rules in April 2023:

- Based on the amendment, any entity other than a Government Ministry or Department that desires to use Aadhaar authentication for the purpose of:
  - promoting ease of living and enabling better access to services, or

- usage of digital platforms to ensure good governance, or
- preventing dissipation of social welfare benefits, or
- enabling innovation and spread of knowledge,

- It shall prepare a proposal giving justification as to how the authentication sought is for one of the said purposes and in the interest of State and submit the same to the concerned Ministry or Department of the Central Government in respect of Central subjects and of the State Government in respect of State subjects.
- If the Ministry/Department is of the opinion that the proposal submitted fulfils such a purpose and is in the interest of the State, it will forward the proposal along with its recommendation to MeitY.

DGP Appointment in Punjab

Relevance: Union-state-local relations; Imperatives of development management and law and order administration; District administration and democratic decentralization

Source: The Indian Express

Context: The new Punjab Police Amendment Bill, 2023, passed by the state assembly recently, paves way for the Punjab government to appoint a new Director General of Police (DGP) without seeking procedural clearance from the Union Public Service Commission (UPSC), laid down by the Supreme Court (SC).

Procedure of Appointing the DGP so far:

As per the procedure, after vacancy of the DGP is announced, the state would send the names of all eligible officers to UPSC that would in turn appoint a three-member panel to pick the candidate for the top job.

About the act:

- After this amendment, the panel of three officials would be constituted by a seven-member committee set to feature a retired chief justice or a retired judge from the Punjab and Haryana high court as its chairperson.
- The chief secretary, a nominee of the UPSC, a nominee of Punjab Public Service Commission, administrative secretary of home department, a nominee of Union ministry of external affairs and a retired DGP of Punjab Police constitute the other six members.
- The amendment also states that the committee shall prepare a panel of three senior officers from the pool of eligible names based on the selection criteria, which would include the length of service, work record and range of experience.
- The DGP appointed following the amendments will have a minimum tenure of three years.
- In case of vacancy for the post of DGP, the state government may give the additional charge to any officer of an equivalent rank.
- Another important section of the bill states: "The provisions of this section (section 6) shall prevail notwithstanding anything contained in any judgement, order or decree of any court."
- Ever since the SC had laid down procedures for appointment of the DGP through UPSC in its judgement in the case of "Parkash Singh and others vs Union of India", the Punjab government had been raising this issue on various instances.

The procedure for appointment of DGP laid down in the judgement is:

- Director General of Police of State to be chosen by State Government from among

the three senior-most officers of the Police Department who have been empanelled for promotion by the UPSC (non-political body).

- On the basis of their tenure, exemplary performance history, and breadth of expertise, UPSC will nominate the three seniormost officers to head the police.
- Security of tenure: The chosen DGP should serve for a minimum of two years, regardless of the date of his retirement or superannuation.
- Removal of the DGP: If the incumbent DGP violates the All-India Services (Discipline & Appeal) Rules, is found guilty in a court of law or a corruption case, or becomes incapable of performing his duties, the State Government may remove him or her in consultation with the State Security Commission.
- Later in 2018, the Supreme Court amended the following rules to clarify the procedure set forth in the Prakash Singh Judgement:
- At least three months prior to the day the current DGP retires, all States must submit their suggestions to the UPSC in anticipation of openings in the position of DGP.
- States are not permitted to nominate anyone as an acting DGP.
- The UPSC should appoint applicants for the position of DGP since they have nearly two years of service left, which will allow them to remain in the position for a short time after their superannuation.
- Any state or federal law or rule that runs afoul of the direction must be put on hold to some extent.
- In 2019, the Supreme Court made it clear that a DGP officer's maximum residual tenure should be six months following his superannuation.

These modifications were implemented as a result of the following state policies:

States began appointing acting director generals of police to avoid the requirement to appoint UPSC nominees.

Candidates were chosen for DGP positions on the final retirement date. This led them to continue holding the position of DGP even after approximately two years of retirement.

Concerns of the states with procedure given by the SC:

- Since public order and police are state matters under Schedule VII of the constitution, states have demanded autonomy when choosing the DGP of the Police.
- The State government shall be solely responsible for managing all issues relating to the promotion, posting, and transfer of IPS officials within the State at all levels.
- States accept that UPSC lacks both the authority and the knowledge necessary to name the state's DGP.
- According to Article 320 of the Constitution, the UPSC is only permitted to specify criteria for promotions, transfers, and the eligibility of applicants for such positions.
- However, the Constitution does not grant the UPSC the authority to choose or appoint officers.
- When selecting officers for the position of DGP, the UPSC considers a minimum residual tenure of two years. As a result, the process disqualifies numerous qualified officers.

Thus, allowing states to select their DGPs is necessary. The Supreme Court should establish wide guidelines for selecting DGPs based on merit-based standards and grant states the

freedom to select the most qualified candidate for the crucial position of DGP.

Centre approves Special Assistance to States for Capital Investment 2023-24

Relevance: Centre-State relations

Source: PIB

Context: The Department of Expenditure, Ministry of Finance, Government of India, has approved capital investment proposals of Rs. 56,415 crores in 16 States in the current financial year. Approval has been given under the scheme entitled 'Special Assistance to States for Capital Investment 2023-24'.

More about the scheme:

- In view of a higher multiplier effect of capital expenditure and in order to provide boost to capital spending by States, the scheme 'Special Assistance to States for Capital Investment 2023-24' was announced in the Union Budget 2023-24.
- Under the scheme, special assistance is being provided to the State Governments in the form of a 50-year interest-free loan up to an overall sum of Rs. 1.3 lakh crore during the financial year 2023-24.
- The projects span various sectors including health, education, irrigation, water supply, power, roads, bridges and railways.
- Funds for meeting the state share of the Jal Jeevan Mission and Pradhan Mantri Gram Sadak Yojana have also been provided under this scheme to enhance the pace of the projects in these sectors.
- The highest amount of assistance totalling Rs 9,640 crore will be given to Bihar. It will be followed by Madhya Pradesh at Rs 7,850 crore and West Bengal at Rs 7,523 crore.
- The lowest allocation will go to Goa at Rs 386 crore. It will be followed by Rs 388 crore to Sikkim and Rs 399 crore to Mizoram.

Parts of the scheme:

- **Part I**: It is the largest with allocation of Rs. 1 lakh crore. This amount has been allocated amongst States in proportion to their share of central taxes & duties as per the award of the 15th Finance Commission. Other parts of the scheme are either linked to reforms or are for sector specific projects.
- **Part II**: In this part of the scheme, an amount of Rs. 3,000 crores have been set aside for providing incentives to States for scrapping of State Government vehicles and ambulances, waiver of liabilities on old vehicles, providing tax concessions to individuals for scrapping of old vehicles and setting up of automated vehicle testing facilities.
- **Part III & IV**: These parts aim at providing incentives to States for reforms in Urban Planning and Urban Finance. The amount of Rs. 15,000 crore is earmarked for Urban Planning Reforms, while additional Rs. 5,000 crore is for incentivising the States for making Urban Local Bodies creditworthy and improving their finances.
- **Part V**: Under this part of the scheme the scheme aims at increasing the housing stock for the police personnel and their families within the police stations in urban areas. The amount of Rs. 2,000 crore is earmarked for this purpose.
- **Part VI**: Another objective of the Scheme is to promote national integration, carry forward the concept of "Make in India" and promote the concept of "One District, One

Product (ODOP)" through construction of Unity Mall in each State. The amount of Rs. 5,000 crores have been set aside for this purpose under this part of the scheme.

- **Part VII**: With an allocation of Rs. 5,000 crore is for providing financial assistance to States for setting up libraries with digital infrastructure at Panchayat and Ward level for children and adolescents.
- **Part VIII**: The scheme provides incentive for implementing "Just in Time" of CSS funds by state government to vendors and beneficiaries using RBI's e-Kuber and for timely release of Central and State share of funds to Single Nodal Agency accounts.

The scheme guidelines include mandatory conditions which the States need to fulfil in order to avail benefits under any Part of the Scheme. These are:

- Full compliance with the official name of all CSSs and any guidelines/instructions issued by the Government of India regarding branding of CSSs, in all schemes of all ministries. However, correct translation of the official name of CSSs in local language is permitted.
- Integration of State treasuries with Public Finance Management System (PFMS) and exchange of data between State treasuries and PFMS in respect of all State Linked Scheme for CSS in a state for which the state has received funds from the Central Government in the past 21 days.
- Deposit of central share of interest earned in Single Nodal Agency accounts till 31st March 2023 in the Consolidated Funds of India and submission of certificate to this effect in the format, signed by the Finance Secretary of the State Government.

Capital expenditure:

Capital expenditure is the money spent by the government on the development of machinery, equipment, building, health facilities, education, etc. It also includes the expenditure incurred on acquiring fixed assets like land and investment by the government that gives profits or dividends in future.

Capital spending is associated with investment or development spending, where expenditure has benefits extending years into the future. Capital expenditure includes money spent on the following:

- Acquiring fixed and intangible assets
- Upgrading an existing asset
- Repairing an existing asset
- Repayment of loan

City Investments to Innovate, Integrate and Sustain 2.0 (CITIIS 2.0)

Relevance: Urbanisation

Sources: PIB, The Hindu, CITIIS website

Context: The Union Government has approved the 'City Investments to Innovate, Integrate and Sustain 2.0 (CITIIS 2.0)'. The program has been conceived by the Ministry of Housing and Urban Affairs (MoHUA) in partnership with the French Development Agency (AFD), Kreditanstaltfür Wiederaufbau (KfW), the European Union (EU), and National Institute of Urban Affairs (NIUA). The period of the program would be for 4 years.

About CITIIS 2.0

- The program envisages to support competitively selected projects promoting circular economy with focus on integrated waste management at the city level, climate-oriented reform actions at the State level,

and institutional strengthening and knowledge dissemination at the National level.

- CITIIS 2.0 aims to leverage and scale up the learnings and successes of CITIIS 1.0.
- CITIIS 2.0 will supplement the climate actions of Government of India through its ongoing National programs (National Mission on Sustainable Habitat, AMRUT 2.0, Swachh Bharat Mission 2.0 and Smart Cities Mission), as well as contributing positively to India's Intended Nationally Determined Contributions (INDCs) and Conference of the Parties (COP26) commitments.

CITIIS 2.0 has 3 major components:

- **Component-1**: Financial and technical support for up to 18 Smart Cities for projects promoting circular economy with focus on Integrated Waste Management.
- **Component-2**: All states and Union Territories will be eligible for support on Climate action on-demand basis. The states will be provided support to:

(a) set up/strengthen their existing state climate centres/ climate cells/ equivalents

(b) create state and city-level climate data observatories

(c) facilitate climate-data-driven planning, develop climate action plans

(d) build capacities of municipal functionaries.

To achieve these objectives, the Program Management Unit (PMU) at NIUA will coordinate the provision of technical assistance and strategic support to state governments.

- **Component-3**: Interventions at all three levels– Centre, State and City– to further climate governance in urban India through institutional strengthening, knowledge dissemination, partnerships, building capacity, research, and development to support scale-up across all States and Cities.

What is CITIIS 1.0?

CITIIS, or the City Investments to Innovate, Integrate and Sustain, is a sub-component of the Government of India's Smart Cities Mission.

It was jointly launched program of the Ministry of Housing and Urban Affairs, Agence Francaise de Development (AFD), the European Union (EU), and the National Institute of Urban Affairs (NIUA), with a total outlay of ₹933 crore (EUR 106 million).

CITIIS 1.0 consisted of three components:

- Component 1: 12 city-level projects selected through a competitive process.
- Component 2: Capacity-development activities in the State of Odisha.
- Component 3: Promoting integrated urban management at the national level through activities undertaken by NIUA, which was the Program Management Unit (PMU) for CITIIS 1.0
- Technical assistance was made available under the program at all three levels through domestic experts, international experts, and transversal experts.
- It has resulted in the mainstreaming of innovative, integrated, and sustainable urban development practices through a unique challenge-driven financing model based on the principles of competitive and cooperative federalism.

Disaster Management in India

Relevance: Disaster management

Source: The Hindu, NDMA Website

Context: Union Minister Amit Shah announced three schemes worth ₹8,000 crore related to disaster management that include modernisation of fire services, flood mitigation in seven major cities and prevention of landslides in 17 states.

More about the schemes:

- The Centre will provide ₹5,000 crore to the state to modernise and expand fire brigade services.
- To mitigate the impact of floods in urban areas, seven major cities including Mumbai, Chennai, Kolkata, Bengaluru, Ahmedabad, Hyderabad, and Pune will get a total of ₹2,500 crore.
- As many as 17 states will be given ₹825 crore to deal with landslides,
- There are documents available from Chanakya's Arthashastra to the works of state administration of mythological times.
- Model fire prevention law, disaster prevention policy, thunderstorm and lightning policy and cold wave policy formulated by the central government. But a majority of the states have either not implemented them or work plans have not been formulated.
- Under the **Aapda Mitra** (friend during disaster) scheme, one lakh youth volunteers have been trained in 350 disaster-prone districts and this has yielded good results.

Do you know?

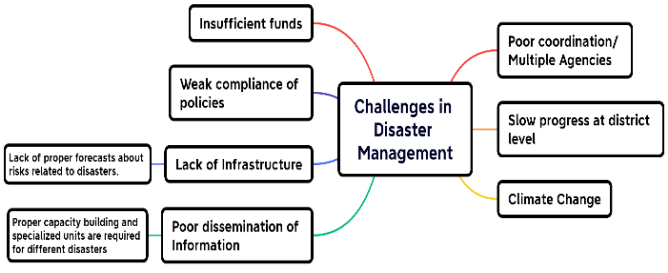
At the national level, the Ministry of Home Affairs is the nodal Ministry for all matters concerning disaster management. The Central Relief Commissioner (CRC) in the Ministry of Home Affairs is the nodal officer to coordinate relief operations for natural disasters. The CRC receives information relating to forecasting/warning of a natural calamity from India Meteorological Department (IMD).

- The schemes were launched at a meeting conducted with States'/Union Territories' administrations under the Vision@2047, to further strengthen the disaster risk reduction system in the country to make India disaster resilient.
- The ministry highlighted that the approach to disaster management in the country has been improved by replacing the earlier approach of reactionary and relief-centric with a holistic and integrated management approach.

Disaster Management Act:

The Government have enacted and notified the Disaster Management Act, 2005 on December 26, 2005, to provide for institutional mechanisms for drawing up and monitoring the implementation of the disaster management plans, ensuring measures by various wings of Government for prevention and mitigating effects of disasters and for undertaking a holistic, coordinated and prompt response to any disaster situation.

The Act provides for setting up of a National Disaster Management Authority (NDMA) under the chairmanship of the Prime Minister, State Disaster Management Authorities (SDMAs) under the chairmanship of the Chief ministers and District Disaster Management Authorities (DDMAs) under the chairmanship of District magistrate.



Role of Central and State Govts:

- Basic responsibility for rescue, relief, and rehabilitation with the State Governments.
- The Central Government supplements the efforts of State Governments. by providing financial and logistic support in case of major disasters.
- The logistic support includes deployment of aircrafts and boats, specialist teams of Armed Forces, Central Para Military Forces, and personnel of National Disaster Response Force (NDRF), arrangements for relief materials & essential commodities including medical stores, restoration of critical infrastructure facilities including communication network and such other assistance as may be required by the affected States to meet the situation effectively.

Funding Mechanisms

The existing scheme, based on the recommendations of the Eleventh Finance Commission, is valid for the period 2000-05. Under this, expenditure on immediate relief to the victims of natural calamities can be met by the State Governments through the following Funds: Calamity Relief Fund (CRF) constituted for each State with pre-determined annual allocations for each of the five-year period. The Central Government contributes 75% and the State Govt. 25%.

When the calamity is of a severe nature and the CRF is not sufficient, the States may approach Central Government for additional assistance from the National Calamity Contingency Fund (NCCF) which is financed by levy of a special surcharge on Central (federal) taxes for a limited period.

Govt.'s approach to Disaster Management

- Change in orientation from a primarily relief-centric approach to a holistic approach emphasizing mitigation, prevention, and preparedness besides strengthening response, relief, and rehabilitation mechanisms.
- Creation of institutional mechanisms at National and State levels to provide appropriate coordinating platforms keeping in view the multidisciplinary nature of the activities required to be undertaken to reduce and manage the risk from natural hazards.
- The Government of India have approved revision of items and norms of assistance from CRF/NCCF.

Mitigation Measures

- Core Groups comprising eminent experts / administrators set up to guide and facilitate formulation of strategies and programmes for mitigation of earthquakes, cyclones, and landslides.
- Emphasis on adherence to prescribed standards/codes for seismically resistant building designs and construction. Programmes for sensitization/training of Engineers, Architects and Masons in these aspects being implemented.
- Model building bye laws/regulations developed and interaction with State level authorities in progress to facilitate adoption and enforcement of appropriate techno-legal regime for hazard resistant construction.
- Evaluation of existing building stock and infrastructure, particularly life-line buildings and vital installations, for seismic safety, to carry out retrofitting/reconstruction.
- Sensitization and training of elected representatives, Civil servants/Police/Forest

Service Officers, and other public officials in disaster risk management.
- Awareness generation to inform and educate the general public on hazard risks, vulnerability, and basic do's and don'ts.
- Community level preparedness through programmes involving preparation of village/Block/District level Disaster Management Plans, constitution, and training of Disaster Management Committees/teams.
- Strengthening of disaster warning systems for cyclones, floods, and landslides.

The government has established the National Disaster Mitigation Fund and State Disaster Mitigation Fund in 2021 for mitigation activities. The fund allocation from NDRF has increased three times from 2005-2014 to 2014-23.

Drawing up project proposals for construction of multi-utility cyclone shelters, coastal shelter belt plantations.

Emphasis on drawing up and periodic rehearsing of on-site and off-site hazard management plans by industries stocking/producing hazardous materials.

Incorporating disaster management basics in school education.

Disaster management/mitigation aspects being incorporated in Engineering/Architecture/Medical Education curricula.

New Directions for Disaster Management in India

- A National Disaster Mitigation Fund will be administered by NDMA. States and districts will administer mitigation funds.
- A National Disaster Response Fund will be administered by NDMA through the National Executive Committee. States and Districts will administer the state Disaster Response Fund and Disaster Response Fund respectively.
- 8 Battalions of the National Disaster Response Force (NDRF) are being trained and deployed with CSSR and MFR equipment and tools in eight strategic locations.
- A National Disaster Management Policy and National Disaster Response Plan will also be drawn up.

Role of the state government during a disaster:

- In the state level disaster management, it is the responsibility of the chief minister or the chief secretary of the state. All decisions on relief operations are taken by them.
- Work is further delegated to the Relief commissioner who oversees relief and rehabilitation measures. He functions under the directive of the state level committee.
- The secretary of the department of Review is sometimes in charge of relief measures.

Disaster management at the district level

- Government plans for disaster management are implemented by the district administration.
- The actual groundwork for relief is the responsibility of the district magistrate, the district collector, and the deputy commissioner; they coordinate and supervise the relief work.
- The district disaster management committee is headed by the district magistrate.
- Officers from the health, irrigation; veterinary; police; fire services and the water and sanitation departments are members of this committee.

- The district disaster management committee takes decisions on the relief measure and those decisions are carried out by the disaster management committee.
- Trained persons from all the departments carried out the relief measures.

Main functions of the District disaster management committee:

- The committee prepares the district disaster management plan for the state Administration.
- The committee trains members of the disaster management Team in rescue and relief operations.
- The committee carries out mock rescue drills as preparation for disaster management.

The Role of Government in a Disaster Management:

What is a disaster?

Disaster is a sudden accident or a natural catastrophe that causes great damage or loss of life.

"A disaster can be defined as any occurrence that causes damage, ecological disruption, loss of human life, deterioration of health and health services on a scale, sufficient to warrant an extraordinary response from outside the affected community or area". (W.H.O.)

There are mainly two types of disaster:

a) Natural

b) Man-Made

What is disaster management?

"Disaster management" is the creation of plans through which communities reduce the impact of disasters.

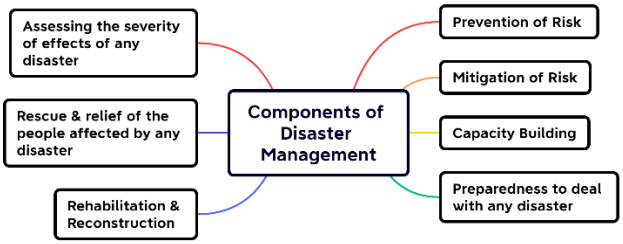


Figure: Components of Disaster management

Role of Government:

The Government of India enacted the Disaster Management Act, which envisaged the creation of "National Disaster Management Authority" (NDMA), "National Disaster Response Force" (NDRF).

Symbolic of National will to provide a multidisciplinary, multi-skilled, high-tech Specialist Response Force for all types of disaster capable of insertion by Air, Sea & Land.

Figure: Principles of Disaster Management

Way forward:

- Strengthening coordination mechanisms, clarifying roles and responsibilities, and establishing clear ways of communication.
- Integrating climate change impacts into disaster plans and developing effective local response systems for different disasters.
- Promoting community-based disaster preparedness and conducting awareness campaigns.
- Training programs, simulations, and exercises should be conducted to enhance the skills and knowledge of stakeholders.

- Improving and expanding early warning systems, including weather forecasting and seismic monitoring.

Energy Transition Index by WEF

Relevance: Quantitative mechanism under NPM; Environmental governance.

Source: PIB, The Indian Express

Context: The World Economic Forum recently ranked India at the 67th place globally on its Energy Transition Index.

The index is a part of a report titled "Fostering effective Energy Transition 2023" which has been published by WEF in collaboration with Accenture.

According to the Asian Development Bank, the country has increased its renewable-energy capacity by 250% over the past seven years and now ranks fourth in the world on this.

Energy Transition Index, 2023:

- It is prepared on the three parameters- **equity, security, and sustainability**.
- **Key findings:**
  - Sweden topped the list and was followed by Denmark, Norway, Finland, and Switzerland in the top five on the list of 120 countries.
  - India is the only major economy with energy transition momentum accelerating across the Energy Transition Index's equitable, secure, and sustainable dimensions. Despite continued economic growth, India has successfully reduced the energy intensity of its economy and the carbon intensity of its energy mix, while achieved universal energy access and effectively managed affordability of electricity.
  - The WEF said the global energy transition has plateaued amid the global energy crisis and geopolitical volatilities, but India is among the countries that have made significant improvements.
- **Factors contributing to these achievements of India:** Achieving universal access to electricity, replacing solid fuels with clean cooking options, and increasing renewable energy deployment have been primary contributors to the improvement of India's performance.
  - India also emerged relatively less affected from the recent energy crisis, largely due to the low share of natural gas in power generation and increased use of existing generation capacities.
  - The development and deployment of green technologies such as solar and wind, upcoming investments in hydrogen energy, and encouraging the adoption of electric vehicles (EVs) have all played an important role in this transition.
- Challenges for India: The rising import dependence represents a risk amid global energy market volatilities.
  - Although the country maintains a well-diversified mix of energy trade partners, this energy mix remains predominantly carbon intensive, with a low share of clean energy in final demand.
  - Continued progress will be challenged by two key macro trends: strong economic growth, and the urgency to create quality jobs for a growing working age population.
- Suggestions for India in the report: A skilled workforce, public-private collaboration in

innovation, and investment in research and development in low-carbon technologies are necessary to enable India's energy transition.

Energy transition:

It refers to the global energy sector's shift from fossil-based systems of energy production and consumption (including oil, natural gas, and coal) to renewable energy (RE) sources like wind and solar.

Need for energy transition:

In its latest report, the Intergovernmental Panel on Climate Change (IPCC) emphasized the need to significantly reduce fossil fuel consumption to keep **global warming** below 1.5°C (it's currently at 1.1°C).

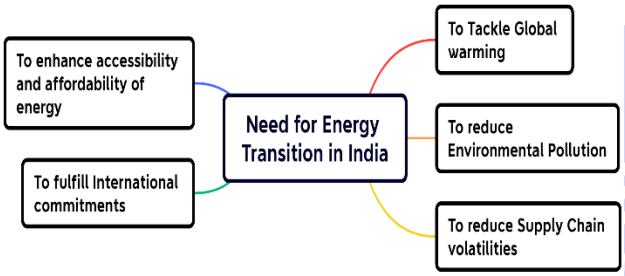


Figure: Need for energy transition in India

Challenges to energy transition in India:

- The benefits of green technology and renewable energy are apparent and tangible, but their implementation faces many risks and challenges:
- The construction and installation of such projects requires considerations of contractor/engineer experience, supply chain issues, accidents, and force majeure events. Once operational, new challenges arise. As the technology is new, there is no historical data on how performance could develop over time.
- The rapid development of hydrogen-based technologies and the potential transition to them from wind and solar needs to be considered in the long-term upkeep of such infrastructure.
- Environmental factors further amplify these risks as solar panels and wind turbines are exposed to the elements and will inevitably incur wear and tear or damage from adverse weather conditions.
- Given that the green energy sector is relatively nascent, it is also imperative to build technical knowledge in this field as historical data either does not exist or stems from a technical standard that has become antiquated.
- Uncertainty regarding the frequency and severity of extreme weather events poses additional challenges to risk evaluation. Meanwhile, the ever-growing risk of cyber threats continues to loom large, for both green-technology and traditional-energy infrastructure, further necessitating proper risk management and financial protection.

New role of insurers in the journey of energy transition:

- Green technology and renewable energy projects are capital intensive and typically financed by major banks and institutional investors, who require the assets to be properly insured. This gives insurance a pivotal role in supporting the energy transition.
- Insurers supported by reinsurers could effectively undertake risk assessments and underwrite renewable energy projects, providing coverage and financial protection to investors, lenders and project developers. In doing so, they could encourage investment in green energy infrastructure

and facilitate the growth of renewable energy capacity.

- As long-term renewable energy output remains a risk, reinsurers through insurers could provide performance guarantees, taking on risks such as projects producing less power than anticipated. This approach would stabilise returns for investors, making these projects more attractive for long-term financing.
- The same is true of batteries used in electric vehicles. Their long-term performance is crucial for the resale value of these vehicles. Many customers still hesitate to buy an electric vehicle because they are not sure if they will be able to resell it at a reasonable price down the road as there is simply no historical data on how engine performance will be affected. Performance guarantees provided by the insurance sector could eliminate this risk and boost the sales of environmentally friendly cars.

Reinsurers have access to vast amounts of data, and by leveraging their expertise in risk modelling and data analytics, they can accurately assess and quantify the risks and uncertainties associated with renewable energy projects. This knowledge also allows them to offer valuable insights to project developers and investors, enabling informed decision-making and more precise risk assessment.

Way forward:

The demand for green-technology insurance in India is expected to soar, given the country's pursuit of renewable energy solutions and ambitious carbon-neutrality targets.

As the country embraces green technologies, the insurance sector will serve as a crucial enabler. By assessing risks, providing performance guarantees, and leveraging data analytics, (re)insurers could facilitate the growth of renewable energy projects and infrastructure.

Given the complexity of insuring green technology, well-capitalized reinsurers, in partnership with leading insurers, have a critical role to play in mitigating these risks and providing support and protection to these assets and projects.

Directorate of Enforcement (ED)

Relevance: Departments; Commissions

Source: Directorate of Enforcement (ED) website

Context: Recently, the Supreme Court declared the third extension given to the Directorate of Enforcement (ED) chief invalid.

More on news:

- SC upheld the amendment to the Central Vigilance Commission (Amendment) Act, 2021, Delhi Special Police Establishment (Amendment) Act, 2021, and the Fundamental (Amendment) Rules, 2021.
  - Amendments allow the tenures of Directors of the Central Bureau of Investigation and the ED a maximum of three annual extensions.
- However, the SC ruled that the current ED chief's term extension was unlawful for violating the mandate of the Supreme Court's 2021 judgment, wherein the court had barred further extensions.

About the Directorate of Enforcement (ED):

- ED is a multi-disciplinary organisation mandated to investigate economic crimes and violations of foreign exchange laws.
- It is responsible for enforcement of the Foreign Exchange Management Act, 1999

(FEMA), certain provisions under the Prevention of Money Laundering Act and The Fugitive Economic Offenders Act, 2018

- The Directorate is under the administrative control of the Department of Revenue for operational purposes; the policy aspects of the FEMA, its legislation and its amendments are within the purview of the Department of Economic Affairs.
- **Appointment of Director of ED**
  - ED director is appointed as per the provisions of the CVC Act 2003.
  - The tension should be "not less than two years," and any transfer must be sanctioned by the appointing committee chaired by CVC.
  - The mandatory two-year appointment period is followed by a maximum of three annual extensions under the Central Vigilance Commission Act of 2021.

Powers of the Directorate of Enforcement

- **Power to seize assets**: ED has the authority to undertake "search and seizure" against any individual based on information in the officer's possession and by establishing in writing exact "reasons to suspect".
- **Power to summon**: FEMA has empowered the ED to hold an enquiry against any person/entity who is alleged to have committed a contravention of the provisions of FEMA or rules and regulations made thereunder.
- Moreover, under ED has the same power as a civil court regarding discovery, inspection, production of evidence, summons, examining, issuing commissions, etc.
- **Power to arrest**: ED can investigate and make arrests for violation of the Prevention of Money Laundering Act (PMLA) 2002 and FEMA 1999 without waiting for registration of a formal FIR by police.
- **Record Admissibility**: In 2022, the Supreme Court ruled that statements recorded by ED officials can be admitted as evidence in court, as they are not police officials and are thus not subject to challenge on the grounds of being self-incriminatory.
- **Recovery of Fines, Penalties and Arrears of Penalties:** ED can take necessary steps to recover fines, penalties, or arrears of penalties by the concerned person under the FEMA act.

Issues with the Directorate of Enforcement:

- Abysmal convictions rate: From 2014-2022, ED's conviction rate is as low as 0.5 per cent.
- Lack of transparency: There is a lack of clarity and transparency about ED's selection of cases to investigate, which exacerbates perceptions of being used as a political tool by the ruling party.
- Falling credibility: The image of investigative agencies like ED, CBI, and SFIO has been tarnished by allegations of corruption, lack of impartiality, and a close nexus with the political class.
- Lack of workforce: ED needs more resources, infrastructure, and workforce to deal with rising complexities and economic offences.

Way forward:

- **Enhancing capacity**: ED requires an increased workforce and proper training in modern technology to effectively address the surge in high-value money laundering, cybercrimes, and cryptocurrency-related cases.

- **Regulation**: The discretion exercised by ED under PMLA should be guided by the rule of law and must be transparent, non-arbitrary and based on facts of the case rather than politically motivated.
- **Reducing Pendency**: Measures such as Fast Track courts and special benches should be constituted to expedite the adjudication process.
- **Oversight Committee**: A committee should be constituted to overlook and streamline the case selection process based on objective criteria and to boost transparency in the functioning of the ED.
- **Awareness and Protection**: Public awareness should be generated about the ED's role, reform its image, and encourage whistleblowers to come forward.

Increasing centralization

Relevance: Centre-State relations

Source: Indian Express

Context: The article highlights restricting impact on Indian federalism especially the autonomy of states based on recent steps taken by the central government which is also reflective of increasing centralising tendencies.

About federalism:

- **Two Levels of Government**: In the modern nation-state system, the term "federalism" refers to the constitutionally mandated division of powers between two or more levels of government. One is at the federal level, and the other is at the state, local, or provincial level.
- **Division of Power and Functions** - Federalism is a form of governance in which, through a written constitution, the power is divided between a central authority and the numerous states or provinces that make up the nation.
- **Independent functioning**: As required by the constitution, both levels of government—the central government and the state governments—exercise their authority independently of one another.
- Independent Judiciary- By interpreting the law of the land, an independent court resolves conflicts between the two tiers of government.

Federalism in Constitution of India:

- **Article 1**: India, or Bharat, is mentioned as a Union of States in Article 1. It implies that states lack the authority or right to break away from the Indian Union.
    - Additionally, unlike the USA, no new states have emerged in India because of an accord among the existing ones.
- **Article 3** gives Parliament the authority to establish new States. It enables the federation to develop, expand, and respond to regional ambitions.
- The Constitution's Schedules I and IV are changed when a new state is created. The list of States and Union Territories is in Schedule I.
- Schedule IV - allocates seats for the Rajya Sabha. The population of each State is used to determine how many seats in the Rajya Sabha should be allocated.
- The Indian Constitution's federal nature is expressly listed in Article 246 of that document. It enables the following to pass laws: o The Parliament may do so under the Union List; o The States may do so under

the State List; and o The Parliament and the States may do so under the Concurrent List.

- The Finance Commission, established pursuant to Article 80, assesses the finances of the Union and State Governments, suggests that taxes be shared between them, and specifies the criteria for allocating these taxes among States. As a result, the Finance Commission, which is at the core of fiscal federalism, is a body with constitutional authority.
- Applying Article 262 to interstate river water issues. Parliament passed The Inter-State River Water Disputes Act, 1956, with this goal in mind.
- The Inter-state Council conducts investigations into disputes and makes recommendations (Article 263). The Finance Commission, established pursuant to Article 80, assesses the financial standing of the Union and State Governments, suggests that taxes be shared between them, and establishes the criteria for allocating these taxes among States. Financial federalism is thus centered on the Finance Commission, an institution with constitutional authority.
- Resolving conflicts over interstate river water under Article 262. Parliament passed The Inter-State River Water Disputes Act, 1956, with this goal in mind.
- The Interstate Council (Article 263) investigates and provides advice on potential interstate disputes.
- The GST Council (Article 279A) provides advice to the federal government and state governments on matters pertaining to the goods and services tax.
- The Union Finance Minister serves as the GST Council's head, while other members include the Union State Ministers of Revenue and Finance and the Ministers in charge of Finance and Taxation in each State.

However, it has been noted that disputes between the center and the states have risen over the past few years, with the Union Government's trend toward centralization being one of the major causes.

The three main areas where the Center and states disagree in this regard:

1. Legislative Issues

- Increasing Centralisation
  - Passing bills without referring them to legislative committees
  - Converting bills into money bills
  - Using ordinance excessively
  - Failing to have meaningful debates on important matters in Parliament.
  - Merging three Delhi municipal corporations
- An increase in the Center's use of the Concurrent List to draft laws for: socioeconomic development; a stronger central role; the Electricity Amendment Bill; the Selection Committee; and the State Electricity Regulatory Commission; and the Government of National Capital Territory of Delhi (Amendment) Act, 2021, which upsets the LG-CM balance.
- Regular protests are preventing Parliament from operating, which is further affecting the legislative process.
- Municipal elections in Maharashtra were delayed when the current Shiv Sena government, led by the Eknath Shinde faction, took office due to political rivalry in the state.

ProdEgyIAS
DEMOCRATIZING EDUCATION
An Institute for Civil Services Examination

2. Administration of Justice

- Growing politicization in the governor's office:
  - Particularly in states where the opposition is in power, it has upset the delicate balance between an elected government and an appointed governor.
  - In Subhash Desai v. Principal Secretary, Governor of Maharashtra & Others, the Five Judge Constitution Bench also questioned the function of the governor.
  - The governor's active involvement in the selection of the vice chancellor of state-run universities (in West Bengal and Kerala, for example) has increased tensions between the elected government and the governor.
- Governors and LG are interfering more in day-to-day operations while ignoring the elected government. The Centre has taken measures that are against the rulings of the Supreme Court through the LG of Delhi, despite the Supreme Court's order on control over services provided to the elected Delhi Government.
- The pain of people was made worse by unilateral actions that had a negative influence on administration or finance without taking states' interests into consideration, such as the decisions about demonetization and the sudden declaration of a lockdown during the Covid epidemic in March 2020.
- Restricting interactions between states and other nations was evident in 2018 after the terrible floods in Kerala, when the center banned financial relief worth 700 crores of rupees from the UAE.
- Despite the significance of the Inter-state Council as a forum for inter-state collaboration, the organization has not received the respect it deserves and was re-established last year in 2022.
- NE Council, Zonal Council, and Inter-state Council working issues & challenges.
- Governors' Special Powers under the Fifth and Sixth Schedule.
- Article 371A-J: Constitutional Asymmetry - Special Provisions.
- Lack of coordination between states on state-by-state lists of health facilities

3. Fiscal difficulties

- The Constitution's 101st Amendment led to the implementation of the Goods and Services Tax:
  - Replaced indirect taxes like sales taxes and other fees that the states used to collect in part.
  - The GST Council makes policy choices; the states hold two-thirds of the voting rights, while the Centre owns the remaining third (more than 25%).
  - In addition, a 75% majority is needed for a decision to be made by the GST Council, thereby giving the Centre veto authority.
- Article 293- Limited state borrowing authority from countries outside of India
- According to the FRBM Act, a state's fiscal deficit cannot be greater than 3% of its GDP. This further restricts a state's ability to borrow money.
- Permission from the center to borrow money in the future through the recently introduced 50-year interest-free loan for states.

- A higher share of Cess and Surcharge collected by Centre (A-271) is not dispersed among the States.
- Problems with paying GST compensation Cess to States due to decline in revenue because of COVID.\
- Problems with paying GST compensation Cess to States due to decline in revenue because of COVID.
- Centrally Sponsored Schemes (CSS) such as the Swachh Bharat Mission, Pradhan Mantri Awas Yojana, Jan Dhan Yojana, Ujjwala Yojana, PMJAY, etc., act more as political advertisements for the federal government when states share funds with them without ensuring administrative independence in the scheme's implementation.
- These further restrict the state's ability to provide as even the state is required to contribute financially to such programs.

Way forward:

Constitutional authority, especially monetary relationships, are skewed in favor of the center. Despite this, Article 246 of the Indian Constitution allows for a healthy amount of room to preserve state autonomy. In order to maintain good relations between the center and the states, the center must act responsibly without interfering with state authority. This action will guarantee the balance of power as outlined in the Indian Constitution's Seventh Schedule, which is one of its fundamental tenets.

Grievance Redressal Assessment and Index (GRAI)

Relevance: Grievance redressal mechanism

Source: PIB, The Indian Express

Context: The Union Minister of Public Grievances, and Pensions, has launched the Grievance Redressal Assessment and Index (GRAI) 2022.

About Grievance Redressal Assessment and Index (GRAI) 2022:

- GRAI 2022 was conceptualised and designed by the Department of Administrative Reforms and Public Grievances (DARPG), Govt. of India based on the recommendation of Parliamentary Standing Committee of Ministry of Personnel, Public Grievances and Pensions.
- The objective of GRAI is to present organisation-wise comparative picture and provide valuable insights about strengths and areas of improvement regarding grievance redressal mechanism.
- Eighty-nine Central Ministries and Departments were assessed and ranked based on a comprehensive index in the dimensions of (1) Efficiency, (2) Feedback, (3) Domain and (4) Organisational Commitment and corresponding 12 indicators.
- To compute the index, data between January and December 2022 was used from the Centralised Public Grievance Redressal and Management System (CPGRAMS).
- The adoption of the 10-Step CPGRAMS reforms resulted in a significant decrease in the average time for grievance disposal. These reforms have enhanced the efficiency, accountability, and accessibility of the grievance redressal process, benefited citizens and improved public service delivery.
- The number of disposed Public Grievance cases has consistently increased, crossing 1 lakh cases per month multiple times. For the first time, the average disposal time of

public grievances by Central Ministries & Departments has reduced to 16 days, as recorded in May 2023.

- These reforms have also positively impacted the disposal of State Public Grievances cases on the CPGRAMS portal, crossing 50,000 cases per month since September 2022.
- Grievance Redressal is important for accountability of the Government and also for the Citizen-centric Governance.
- The Union Minister also called for a more robust human interface mechanism including Counselling post-resolution of the grievance. The Minister called upon the DARPG to devise a proforma for various offices & states to effectively monitor the qualitative and quantitative disposal of grievances.

About CPGRAMS:

- Centralised Public Grievance Redress and Monitoring System (CPGRAMS) is an online platform available to the citizens 24x7 to lodge their grievances to the public authorities on any subject related to service delivery.
- It is a single portal connected to all the Ministries/Departments of Government of India and States. Every Ministry and States have role-based access to this system.
- CPGRAMS is also accessible to the citizens through standalone mobile application downloadable through Google Play store and mobile application integrated with UMANG.
- The status of the grievance filed in CPGRAMS can be tracked with the unique registration ID provided at the time of registration of the complainant.
- CPGRAMS also provides an appeal facility to the citizens if they are not satisfied with the resolution by the Grievance Officer. After closure of grievance if the complainant is not satisfied with the resolution, he/she can provide feedback. If the rating is 'Poor' the option to file an appeal is enabled.
- The status of the Appeal can also be tracked by the petitioner with the grievance registration number.

Importance of Grievance Redressal Mechanism:

- According to the 2nd ARC study, one of the key mechanisms that may be effectively used to make the administration more citizen-centric is the grievance redressal process.
- The fundamental tenet of a grievance redressal system is that a citizen should have access to a mechanism to have their grievance addressed if the promised level of service delivery is not met or if their right is not honoured.
- The grievances of public are received at various points in the Government of India. There are primarily two designated nodal agencies in the Central Government handling these grievances. These agencies are:-
  a. DARPG, Ministry of Personnel, Public grievances, and Pensions
  b. Directorate of Public Grievances, Cabinet Secretariate.

Need for Appropriate grievance redressal mechanisms:

- An explosive issue today in context of public grievance redress is the pace and phasing of the movement towards open markets after the gradual abandonment of centralized planning model. The Government is today withdrawing from various service sectors traditionally monopolosized by it and private enterprise is

moving in. This may lead to a scenario where the Government monopolies are replaced by even more vicious private monopolies or cartels in the absence of adequate regulation, enforcement, and recourse to grievance redress.

- This has significant implications for the role of Government. The Government cannot just abandon the interests of citizens to be taken care of by the market forces in areas of service delivery covered by the private sector. In the open market scenario, it is often the major stakeholders and players which define the cost, quality, and mechanism etc. of service delivery.
- The Government therefore needs to put in place appropriate mechanisms in the regulatory authorities, ombudsmen and like bodies in such sectors so that the concerns of individual citizens are also accorded equal importance and weightage and are appropriately and effectively addressed. They should safeguard the interests of the common citizens and ensure that the grievances of the citizens are attended to promptly and effectively.

Mechanisms for Grievance Redressal:

- CPGRAMS
- Lokpal and State Lokayuktas,
- Right to information
- Citizens Charter
- Tribunals
- Gram Sabhas
- Pro-Active Governance and Timely Implementation (PRAGATI)
- E-Nivaran
- Unified Mobile Application for New-Age Governance (UMANG)
- MyGov
- Nivaran.
- Integrated Grievance Redressal Mechanism (INGRAM)
- Mera Aspataal (My Hospital)
- Central Vigilance Commission
- Organisations like Reserve Bank of India have set up Ombudsman to look into grievances.
- Senior Citizens Act
- Digital platforms in states like Gujrat (SWAGAT), Andhra Pradesh (SPANDANA), Rajasthan (Rajasthan Sampark), Odisha (e-Abhijoga) etc.
- Hostels Act

Sevottam Model for improving Public Service delivery:

This is a model proposed by the 2nd Administrative Reforms Commission. Sevottam is an assessment - improvement model that has been developed with the objective of improving the quality of public service delivery in the country. The model was conceived by the Department of Administrative Reforms & Public Grievances (DARPG), Ministry of Personnel, Public Grievances and Pensions in 2006.

The word "Sevottam" is a combination of two Hindi words: Seva (Service) and Uttam (Excellent). It means “Service Excellence”, emphasizing the idea of “Service”. It symbolizes the change in mindset within the Government, from administration and control to service and enablement.

Conclusion:

Grievance redressal mechanism is an important tool of the government in order to prove its accountability and responsibility in any democracy which creates public’s trust over the government.

Law on Sedition

Relevance: Various valuable premises mentioned in the constitution.

Source: The Indian Express

Context: Recently in its 279th Report, 22nd Law commission has recommended retaining the law on sedition with some safeguards in order to prevent the misuse of the law. At present the Sedition law is under suspension after the directions issued by the Supreme Court in 2022 due to the challenges it poses to individual rights and liberty.

What is law of Sedition?

The law of Sedition was incorporated into the Indian Penal Code (IPC) in 1870 by James Stephen. It is defined as any action that brings or attempts to bring contempt or hatred towards the Government established by law.

Sedition offenses can result in a maximum sentence of life in prison. It divides seditious acts into four categories: spoken words, written words, signs, and visible representations.

It is classified as 'cognizable' (Court warrant is not required to arrest the person) and a 'non-bailable' and 'non-compoundable' offence.

Arguments in favour of Law of Sedition:

- While Article 19 (1) guarantees free speech protection, it is not absolute. Speech can occasionally be used as a weapon to undermine a nation's government and incite social conflict.
- It shields the legitimately elected government against attempts to overturn it by force or illegitimate means. A crucial requirement of the State's stability is the continuous existence of the legal government.
- Rebel organizations and Maoist rebels openly support the removal of the government by revolution. Thus, it is crucial for national security to uphold section 124A.
- If disrespect for the law is punishable, so should disrespect for the government.

Arguments against Law of Sedition:

- In the Shreya Singhal case (2015), the supreme court ruled that undefined and overbroad offenses would be unconstitutional and could not be justified as a restraint on free speech that is Article 19. Vague definitions of "disaffection towards government" and other aspects of the section contribute to the misuse of the law. The Union and State Governments have increasingly utilized the legislation to suppress dissent and free speech.
- Sedition law also infringes Article 21 that is Protection of Life and Personal Liberty, since it is a non bailable, cognizable and non-compoundable offence.
- In an effort to stifle political opposition, governments have used this provision against activists, critics, writers, and even cartoonists by charging them with encouraging disaffection. Recent studies indicate a 160% increase in the number of Section 124A sedition prosecutions. On the other side, from 33.3% in 2016 to 3.3% in 2019, the conviction rate decreased. In 2020, the percentage of pending cases of sedition in the courts rose to 95%.
- The provisions of the IPC and the Unlawful Activities Prevention Act (UAPA) are considered sufficient by many experts to safeguard national integrity. Therefore, there is no need for a distinct sedition law provision.

Interpretations of Judiciary regarding Section 124A:

- **Romesha Thapar v. State of Madras, 1950**: According to the Supreme Court, criticism of the government is not considered to be a justification for limiting the freedom of expression and the press unless it threatens to jeopardize national security or has the potential to destabilize the government.
- **Punjab and Allahabad High court**: The Punjab High Court declared Section 124A invalid in 1951. The Allahabad High Court made a similar decision in 1959 and came to the same conclusion that it violated the fundamental right to free speech.
- **1962's Kedar Nath Singh v. State of Bihar:** The Supreme Court maintained Section 124A's validity on the grounds that the state needed this ability to defend itself. However, it said that every person has the freedom to express their opinions regarding the government in writing or orally.

  However, the court also mentioned that if any speech is likely to incite "public disorder'" then that would be considered as sedition.
- **P. Alavi v. State of Kerala, 1982:** In P. Alavi v. State of Kerala, the Supreme Court determined that making statements critical of the government or the judiciary system did not constitute sedition.
- **Balwant Singh v State of Punjab,1995**: The Supreme Court cleared individuals in the 1995 case of Balwant Singh v. State of Punjab of allegations of sedition for yelling phrases like "Khalistan Zindabad." The Court ruled that two people screaming slogans alone cannot be considered sedition. It is also not regarded as a move meant to incite hostility or discontent towards the administration.
- **Vinod Dua v. Union of India, 2021**: The Supreme Court ruled that citizens have the freedom to criticize and comment on the actions done by the government and its officials as long as they do not encourage others to use violence against the legally established government.
- **S.G. Vombatkere v. Union of India, 2023:** The Supreme Court ordered the State and Central governments to put on hold all ongoing trials, appeals, and actions resulting from charges brought under Section 124A.

It asserted that the restrictions of Section 124A of the IPC were designed at a time when the country was under the colonial regime and were out of step with the contemporary social setting.

Way forward:

Gandhi had called Sedition 'the prince among the political sections of the IPC designed to suppress the liberty of the citizen'. In order to keep in check, the arbitrary arrests the fowling measures should be adopted:

Limited application: In its constitution paper on sedition published in 2018, the law commission emphasized that Section 124A should only be used when the aim behind any conduct is to disturb public order or overthrow the government through violence and illicit means.

Training and awareness Police officers: It is possible to ensure that unlawful arrests don't occur by giving police officers thorough training on the precise requirements of Section 124A of the IPC, including its elements, scope, and legal thresholds.

The law commission has recently proposed the following suggestions:

a. To extend the jail term up to seven years or life imprisonment. This removes the wide discretion on sentencing available with the judges.
b. No FIR shall be registered for sedition "unless a police officer, not below the rank of Inspector, conducts a preliminary inquiry and grants permission for registering a First information Report."

Conclusion:

Liberty is a deeply imbibed value of our constitution as it is enshrined in our constitution and preamble. In order to uphold the national security, proper and evidence-based investigation should take place before taking up any case under Sedition, in order to protect the liberty and dignity of individuals.

Minimum Support Price (MSP)

Relevance: Functions of Government

Source: The Indian Express; PIB

Context: The Centre on Wednesday announced a 5.3% to 10.35% hike in minimum support prices (MSP) of all mandated Kharif crops for marketing season 2023-24, with moong seeing the highest increase and urad the lowest.

Minimum Support Price:

- Minimum Support Price (MSP) is a form of market intervention by the Government of India to insure agricultural producers against any sharp fall in farm prices.
- The minimum support prices are announced by the Government of India at the beginning of the sowing season for certain crops on the basis of the recommendations of the Commission for Agricultural Costs and Prices (CACP).
- MSP is price fixed by Government of India to protect the producer - farmers - against excessive fall in price during bumper production years.
- The minimum support prices are a guaranteed price for their produce from the Government.
- The major objectives are to support the farmers from distress sales and to procure food grains for public distribution. In case the market price for the commodity falls below the announced minimum price due to bumper production and glut in the market, government agencies purchase the entire quantity offered by the farmers at the announced minimum price.
- The Government of India announces MSPs for 24 designated crops at the start of the sowing season based on the suggestions of the Commission for Agricultural Costs and Prices (CACP). 24 commodities are now announced, including:
  - 7 Cereals (paddy, wheat, barley, jowar, bajra, maize and ragi)
  - 5 Pulses (gram, arhar/tur, moong, urad and lentil)
  - 8 Oilseeds (groundnut, rapeseed/mustard, toria, soyabean, sunflower seed, sesamum, safflower seed and Niger seed)
  - Copra
  - Raw cotton
  - Raw jute
  - Virginia flu cured (VFC) tobacco.

Determinants of MSP:

While recommending price policy of various commodities under its mandate, the Commission keeps in mind the various Terms of Reference

(ToR) given to CACP in 2009. Accordingly, it analyzes:

1. demand and supply;
2. cost of production;
3. price trends in the market, both domestic and international;
4. inter-crop price parity;
5. terms of trade between agriculture and non-agriculture;
6. a minimum of 50 percent as the margin over cost of production; and
7. likely implications of MSP on consumers of that product.

It may be noted that cost of production is an important factor that goes as an input in determination of MSP, but it is certainly not the only factor that determines MSP.

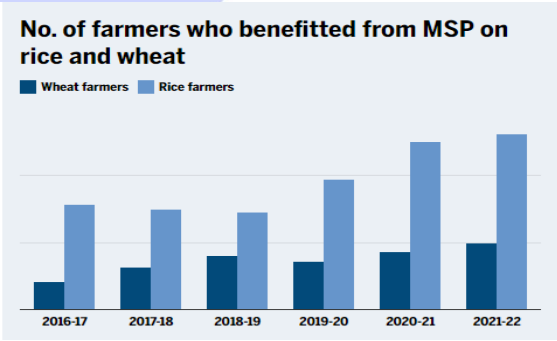
- The CACP projects three kinds of production cost for every crop, both at state and all-India average levels:

a) 'A2': Covers all paid-out costs directly incurred by the farmer in cash and kind on seeds, fertilisers, pesticides, hired labour, leased-in land, fuel, irrigation, etc.
b) 'A2+FL': Includes A2 plus an imputed value of unpaid family labour.
c) 'C2': It is a more comprehensive cost that factors in rentals and interest forgone on owned land and fixed capital assets, on top of A2+FL.

- CACP considers both A2+FL and C2 costs while recommending MSP. CACP reckons only A2+FL cost for return.
- However, C2 costs are used by CACP primarily as benchmark reference costs (opportunity costs) to see if the MSPs recommended by them at least cover these costs in some of the major producing States.
- The Cabinet Committee on Economic Affairs (CCEA) of the Union government takes a final decision on the level of MSPs and other recommendations made by CACP.

Concerns with MSP:

- Unequal benefits of MSP: The actual procurement by the government remains confined mainly to wheat and paddy and that too from 2 States- Haryana and Punjab.
  - The Food Corporation of India (FCI) is the main state-run grain procurement agency which largely buys only paddy and wheat at MSP from the farmers.
  - MSP does not impact all states equally. Punjab and Haryana are the main states where bulk of the rice and wheat are produced and then procured by the government.
  - In Punjab itself, more than 95 per cent of the paddy growers benefit from MSP, whereas in UP the percentage comes down to 3.6 per cent of farmers' benefit.



Source: Department of food and public distribution

- Lack of Statutory Recognition for MSP Regime: One of the primary issues for

farmers is the "non-procurement" of all crops at the MSP.

- Rise in MSP is less than inflation: Farmers claim that, except for lentils and mustard, none of the announced MSP increases have exceeded the current inflation rate of 6% (CPI) over the past three months.
- The formula to calculate the MSP: While the government works with the A2+FL approach to determine the cost of production, farmers have been demanding for the C2 method, which is more thorough than A2+FL and was also suggested by the MS Swaminathan committee.
- Other factors: The government takes into account a number of other less important elements while deciding MSP, such as global markets and inter-crop price parity, etc.

Importance of legalizing MSP:

- Legalising MSP would put the government under a legal obligation to buy every grain of the crops for which MSPs are announced.
- Only three to four crops (mostly wheat, paddy, cotton, and occasionally some pulses) were purchased at MSP, while the other crops were purchased at prices far less than MSP. Therefore, efforts to diversify the types of crops grown discouraged by the lack of any reliable or assured market mechanism of procurement-purchase for crops on the MSP in most parts of the nation.

Do you know?

The Commission for Agricultural Costs & Prices (CACP) is an attached office of the Ministry of Agriculture and Farmers Welfare, Government of India. It came into existence in January 1965.

It is mandated to recommend minimum support prices (MSPs) to incentivize the cultivators to adopt modern technology and raise productivity and overall grain production in line with the emerging demand patterns in the country.

As of now, CACP recommends MSPs of 23 commodities, which comprise seven cereals (paddy, wheat, maize, bajra, jowar, ragi and barley), five pulses (chana, arhar, moong, urad and masur), seven oilseeds (groundnut, soybean, rapeseed-mustard, sesame, sunflower, Niger seed and safflower) and four commercial crops (sugarcane, cotton, copra, and jute.)

CACP submits its recommendations to the government in the form of Price Policy Reports every year, separately for five groups of commodities namely Kharif crops, Rabi crops, Sugarcane, Raw Jute and Copra.

Challenges of legalizing MSP:

- **Administrative Challenge**: The government lacks the machinery necessary to acquire all crops covered by the MSP system.
- **Environment and farmer's income loss**: Legalizing MSP will stimulate excessive production of wheat and rice, which is against farmers' interests. Significant environmental costs could result from this, including a loss in soil fertility and the depletion of groundwater. This would have a long-term negative impact on farmers' income levels.
- **Adverse impact on the economy**: A negative impact on the economy will result from higher procurement costs brought on by a mandatory MSP, which will raise food prices and cause inflation.

Exports of agricultural commodities would suffer if commodity prices surged.
    - According to some calculations, purchasing all 23 crops at MSP would consume half of the government's budget.
- **Unsustainable Food Grain Management Policy**: With a budget of about Rs. 2 lakh crores, the Food Subsidy Bill is already highly unsustainable. The FCI purchased more food grains than it needed, which resulted in surplus buffer stocks, which increased storage costs and waste. Legalizing MSP would make the situation even worse.
- **Negative Consequences of Government Intervention**: Any free-market economy must allow the market, not the government, to determine the price of all goods and services produced there. According to Economic Survey 2019–20, although sometimes having the best of intentions, government involvement frequently has an adverse effect on the market.
- **Promote Inequality**: The MSP only provides benefits to 6% of farmers. Similar to how the majority of rice and wheat comes from states like Punjab, Haryana, MP, etc. Therefore, legalizing MSP could increase regional disparities and worsen socioeconomic inequality.
- **WTO Agreement on Agriculture (AoA) Violation**: If MSP were legalized, it would go against the AoA's cap on subsidies and might be contested by other nations. India's efforts to find a permanent solution to the issue of public stockholding may be in danger.

Conclusion:

Ever since the process of liberalisation began in India in the 1990s, the income of the farmers has been affected massively for various reasons. The majority of farmers, especially those who are small and marginal, have found that farming is not profitable throughout the years. The long-term solution to the financial hardship of farmers may be an increase in their revenue.

Therefore, it is very important to make sure that their welfare is taken care of in a proper manner and a mechanism is developed to increase their incomes and make agriculture reasonably profitable.

The National Bank for Financing Infrastructure and Development (NaBFID)

Relevance: Departments; commissions; Functions of the government

Source: Livemint

Context: The National Bank for Financing Infrastructure and Development (NaBFID), India's youngest state-backed infrastructure financier, plans to introduce takeout financing products to help finance projects and allow timely exits for commercial lenders.

About takeout financing:

- A takeout loan is a method of financing whereby a loan that is procured later is used to replace the initial loan. More specifically, a takeout loan, or takeout financing, is long-term financing that the lender promises to provide at a particular date or when criteria for completion of a project are met.

- Takeout loans are commonly used in property development. A developer might secure a short-term loan to scrap an existing structure and pay a crew to build a new one. Once the new structure is in place or a significant portion of it is finished, the developer might secure longer term financing to pay off the original loan.
- In other words, take-out financing refers to the process by which a long-term lender in the infrastructure industry, such as the NaBFID, purchases an infrastructure loan sanction issued by a commercial bank from its book.
- This will release the commercial bank from long-term asset lockup.
- Takeout financing gives banks a way to finance longer-term projects with medium-term funds by relieving their balance sheet of the risk associated with infrastructure loans, lending to new projects, and improving management of the asset liability position.

About NaBFID:

- A development bank called NaBFID is to be established as part of the Union Budget 2021–22 to serve as a financier, facilitator, and accelerator for the National Infrastructure Pipeline. NaBFID is anticipated to relieve strain on banks, lower the cost of capital, and meet the $5 trillion economy's investment demands.
- It is a specialized Development Finance Institution in India aimed at supporting the country's infrastructure sector, which can significantly gain from an enabling credit flow by means of attractive instruments and channelized investment.
- NaBFID was set up in 2021, by an Act of the Parliament (The National Bank for Financing Infrastructure and Development Act, 2021), with the essential objectives of addressing the gaps in long-term non-recourse finance for infrastructure development, strengthening the development of bonds and derivatives markets in India, and sustainably boosting the country's economy.
- Global examples of Development Banks include Germany (KfW), the UK (Green Investment Bank), and China (China Development Bank).
- NABARD (agriculture and rural development), IFC (industrial development), SIDBI and MUDRA (MSME development), EXIM Bank (trade development), and National Housing Bank (housing infrastructure) are other Indian examples.
- NaBFID will also work towards developing a deep and liquid market for bonds, loans, and derivatives for infrastructure financing. It will specifically facilitate the development of relevant electronic and negotiated markets, enabling fair and accessible trade and exchange.

Do you know?

IFCI, which was founded in 1948, was the first development bank ever.

The **Narasimham Committee** made recommendations that led to the conversion of ICICI and IDBI Banks from development banks to commercial banks

Source of Funds: Raise capital through loans in both foreign and Indian rupees. NaBFID is allowed to take out loans from the following sources: the Indian government, the Reserve Bank of India (RBI), scheduled commercial banks, mutual funds, and four multilateral organizations like the World Bank and Asian Development Bank.

ProdEgyIAS
DEMOCRATIZING EDUCATION
An Institute for Civil Services Examination

National Research Foundation (NRF)

Relevance: Recent trends; Human resource development

Source: The Hindu; PRS

Context: The Union Cabinet approved the introduction of National Research Foundation (NRF) Bill, 2023. The approved Bill will pave the way to establish NRF that will seed, grow, and promote R&D and foster a culture of research and innovation throughout India's universities, colleges, research institutions, and R&D laboratories.

About National Research Foundation:

- The bill, after approval in Parliament, will establish NRF as an apex body to provide high-level strategic direction of scientific research in the country as per recommendations of National Education Policy (NEP), at a total estimated cost of Rs. 50,000 crores during five years (2023-28).
- Department of Science and Technology (DST) will be the administrative Department of NRF which will be governed by a Governing Board consisting of eminent researchers and professionals across disciplines.
- Prime Minister will be the ex-officio President of the Board and Research the Union Minister of Science & Technology & Union Minister of Education will be the ex-officio Vice-Presidents.
- NRF's functioning will be governed by an Executive Council chaired by the Principal Scientific Adviser to the Government of India.
- The bill will repeal the Science and Engineering Research Board (SERB) established by an act of Parliament in 2008 and subsume it into NRF which has an expanded mandate and covers activities over and above the activities of SERB.

Functions of National Research Foundation:

- NRF will be the apex body in the country to provide strategic direction for research, innovation, and entrepreneurship in the fields of: (i) natural sciences including mathematics, (ii) engineering and technology, (iii) environmental and earth sciences, (iv) health and agriculture, and (v) scientific and technological interfaces of humanities and social sciences.
- Key functions of NRF include:

(i) Preparing short-term, medium-term, and long-term roadmaps and formulating programs for research and development (R&D),
(ii) Facilitating and financing the growth of R&D and related infrastructure in universities, colleges, and research institutions,
(iii) Providing grants for research proposals,
(iv) Supporting translation of research into capital intensive technology,
(v) Encouraging international collaboration,
(vi) Encouraging investments in the Foundation by private and public sector entities, and
(vii) Undertaking annual survey of scientific research, outcomes, and spending.

Funds for NRF:

The Foundation will be financed through: (i) grants and loans from the central government, (ii) donations to the fund, (iii) income from investments of the amounts received by the Foundation, and (iv) all amounts with the Fund

for Science and Engineering Research set up under the 2008 Act.

The following Funds will be constituted by the Foundation for allocation purposes: (i) the Anusandhan National Research Foundation Fund for salaries, allowances, and administrative purposes, (ii) the Innovation Fund for funding outstanding creativity in the areas supported by the Foundation, (iii) the Science and Engineering Research Fund for the continuation of projects initiated under the 2008 Act, and (iv) one or more special purpose funds for any specific project or research. The central government will prescribe rules for the utilisation of these Funds. CAG will audit the accounts of the Foundation annually.

Governing Board: NRF will have a Governing Board headed by the Prime Minister of India. The Board will provide strategic direction to the Foundation and monitor the implementation. Other members of the Board are: (i) the Union Ministers of Science and Technology, Education as Vice Presidents, (ii) the Principal Scientific Advisor as Member Secretary, and (iii) Secretaries to the Departments of Science and Technology, Biotechnology, and Scientific and Industrial Research.

The President of the Board may appoint or nominate additional members to the Board. These may include: (i) up to five members from business organisations or industries, (ii) one member from the fields of social sciences and humanities, and (iii) up to six experts from natural sciences, engineering, and technology. The President may appoint a Chief Executive Officer, who should be of the rank of an Additional Secretary, or above.

Executive Council: The Foundation will have an Executive Council to undertake implementation. The functions of the Executive Council include: (i) considering applications for the grant of financial assistance, (ii) prescribing regulations regarding applications for financial assistance, requirements for extension of assistance, and grounds for revocation of assistance, and (iii) preparing budget of the Foundation and maintaining its accounts. The Council will have the power to authorise an officer to visit the applicants for grants and verify the accuracy of submissions made by them.

The Principal Scientific Advisor will be the chairperson of the Council. Other members of the Council include: (i) secretaries to various departments of the central government including Science and Technology, Higher Education, Health Research, Agricultural Research, and Defence Research, and (ii) the Chief Executive Officer of the Foundation. The President of the Foundation may nominate or appoint to the Council: (i) up to two secretaries of departments not covered under the Bill, and (ii) up to three experts.

Significance of National Research Foundation:

- As per the NRF detailed project report, less than one per cent of the nearly 40,000 institutions of higher learning in the country are currently engaged in research. NRF aims to get colleges and universities involved in scientific research.
- It will aim to remove artificial separation between research and higher education in the country. Presently universities and colleges are more focused towards imparting education and very little research. One of the objectives of NRF would be to build research capacities in universities.
- Serving or retired researchers with no age bar would be encouraged to take up NRF professorships at universities and colleges. It

also plans to offer doctoral and post-doctoral fellowships to young researchers at these universities.

- It will give opportunities to university professors and researchers to participate in long-term projects aimed specifically at solving societal problems, such as river cleaning, access to clean energy in villages, etc.
- It aims to identify priority areas in which science and technology interventions can help larger national objectives.

Open Market Sale Scheme (OMSS)

Relevance: Functions of the government; Commissions

Sources: PIB

About OMSS:

- Food Corporation of India sells surplus stocks of wheat and rice under Open Market Sale Scheme (Domestic) at pre-determined prices through e-auction in the open market from time to time to enhance the supply of food grains, especially wheat during the lean season and thereby moderate the open market prices specially in the deficit regions.
- Open Market Sale Scheme (OMSS) refers to selling of foodgrains by Government / Government agencies at predetermined prices in the open market from time to time to enhance the supply of grains especially during the lean season and thereby to moderate the general open market prices especially in the deficit regions.
- **Objective**: Food Corporation of India (FCI) on the instructions from the Government, sells wheat and rice in the open market from time to time to enhance the supply of wheat and rice especially during the lean season and to moderate the open market prices especially in the deficit regions.
- **Mode of Auction**: For transparency in operations, the Corporation has switched over to e- auction for sale under Open Market Sale Scheme (Domestic). The FCI conducts a weekly auction to conduct this scheme in the open market using the platform of commodity exchange NCDEX (National Commodity and Derivatives Exchange Limited).
- **Participants**: The State Governments/ Union Territory Administrations are also allowed to participate in the e-auction, if they require wheat and rice outside the Targeted Public Distribution Scheme (TPDS) and Other Welfare Schemes (OWS).
- Pricing: The reserve price is fixed by the government. In the tenders floated by the FCI, the bidders cannot quote less than the reserve price.
- Components: The present form of OMSS comprises 3 schemes as under:
    - Sale of wheat to bulk consumers/private traders through e-auction.
    - Sale of wheat to bulk consumers/private traders through e-auction by dedicated movement.
    - Sale of Raw Rice Grade 'A' to bulk consumers/private traders through e-auction.

Recent changes to OMSS:

- **Limits on Quantity Procured**: Previously, the Department had already imposed restrictions on the sale of wheat under OMSS(D) to a bidder, limiting the quantity to 3,000 tonnes. Now, under the Open Market Sale Scheme (Domestic) or OMSS(D), the maximum quantity that a bidder can purchase in a single bid is now

restricted to ranges from 10 to 100 metric tons.

- **Enhanced Reach**: This reduction in quantities aims to accommodate more small and marginal buyers, ensuring a wider reach of the scheme and immediate availability of stocks to the public.
- **Exclusion of State Governments**: As part of the revised policy, the government has also decided to exclude state governments from the purview of OMSS(D) to maintain adequate stock levels in the central pool while controlling prices.
- **Exception**: For the North-Eastern states, hilly states, and states facing law and order issues or natural calamities. The sale of rice for these exceptional cases will continue at the existing rate of ₹3400 per quintal.

Why were the changes needed?

- **Control Inflation**: The government's decision to discontinue the sale of wheat and rice under OMSS(D) aims to control food inflation and protect the interests of consumers.
- **Accommodate Small Buyers**: The quantities have been reduced this time to accommodate more small and marginal buyers and to ensure a wider reach of the scheme. This will facilitate the release of stocks sold under OMSS (D) to reach the general public immediately.
- **Meet Other Obligations**: This will also lead to higher availability of foodgrains for the Department's other obligations such as distribution of free food grains to 80 crore beneficiaries under the Pradhan Mantri Garib Kalyan Yojana.
- **Implications**: States now will have to procure the foodgrains from the open market at a higher cost. This will add to the already burgeoning food subsidy bill.

Food Corporation of India (FCI):

- It is a statutory body set up in 1965 (under the Food Corporation Act, 1964) against the backdrop of major shortage of grains, especially wheat, in the country.
- **Nodal Ministry**: Ministry of Consumer Affairs, Food and Public Distribution, Government of India.
- **Headquarters**: New Delhi
- **Vision**: Ensuring Food Security for citizens of the country.
- **Objectives**: FCI aims to fulfil following objectives of the Food Policy:
  - Effective price support operations for safeguarding
  - The interests of the farmers.
  - Distribution of foodgrains throughout the country for the public distribution system.
  - Maintaining satisfactory level of operational and buffer stocks of foodgrains to ensure National Food Security
- **Mission:**
  - Efficient procurement at Minimum Support Price (MSP), storage and distribution of food grains.
  - Ensuring availability of food grains and sugar through appropriate policy instruments; including maintenance of buffer stocks of food grains.
  - Making food grains accessible at reasonable prices, especially to the weak and vulnerable sections of society under PDS.
- Since its inception, FCI has played a significant role in India's success in transforming the crisis management-oriented food security into a stable security system.

ProdEgyIAS
DEMOCRATIZING EDUCATION
An Institute for Civil Services Examination

Ordinance On Control of Services in UT of Delhi

Relevance: Centre-state relations

Source: Livemint; Indian Express

Context: The Central government had recently put into effect an ordinance under Article 123 of the Constitution of India to bypass a judgment of the Supreme court to take control of the transfer and posting of IAS and DANICS officers in Delhi.

- Under the ordinance, the National Capital Civil Services Authority (NCCSA) has been created by the central government.
- This ordinance was introduced after the Supreme Court, in an order, handed over the transfer control of bureaucrats in Delhi to the elected government.
- The order excluded control over the police, public order, and land.

About National Capital Civil Services Authority (NCCSA):

- The NCCSA is the body that will take decisions on the transfer and posting of bureaucrats in the city, as per the GNCTD (Amendment) Act, passed in Parliament earlier this month.
- The body has Chief Minister Arvind Kejriwal as chairperson and the chief secretary and the principal secretary, home, as its members.
- The body will now decide whether to transfer and post Group 'A' officers and DANICS officers who work for the Delhi government.
- The NCCSA will make decisions on issues by a majority vote of the members who are present and voting.
- The authority will ensure that Article 239AA's declared goals, including that it is being introduced to offer recommendations to the Inquiries regarding transfer posting, vigilance, and other incidental matters should be directed to the Lieutenant Governor (LG).
- The ordinance stated that the L-G can consult the chief minister only at his "discretion". The notification had excluded Entry 41 (services) of the State List from the scope of powers of the Delhi government.

Do you know?

Article 123 (1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—
(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the President.
Explanation. —Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.

(3) If and so far as an Ordinance under this

article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void.

The following are the legislative powers of the central executive:

a) **Involvement of the Executive in the Legislative Process** –
   - The Council of Ministers, which is a crucial component of Parliament, actively engages in the legislative process and carries out several significant duties because the President also belongs to the Parliament.
   - Both houses of Parliament may be summoned to order, convened, or prorogued by the executive (Article 85).
   - Power of Dissolving Lok Sabha.
   - Article 86: The President's Right to Speak and Send Messages to the Houses
   - Article 87: The President's Special Address
   - Article 108: Call for Joint Sitting of Parliament by the President.
   - Prior recommendations of the President are required to introduce legislations on some matters such as:

I. Introduce a Bill in either house for formation of new states or alteration of areas, boundaries, or name of existing states – Article 3.
II. Introducing Money Bill in Lok Sabha – Article 117(1)
III. Consideration by the house of a Bill involving expenditure from Consolidated Fund of India – Article 117(3).
IV. Introducing any Bill in either House affecting any tax in which States are interested – Article 274

b) **Rule Making power under the Constitution**:
   - Article 77(2): Authentication of Orders and instruments made and executed in the name of the President.
   - Article 77(3): More convenient transaction of government's business.
   - Article 148(5): Power to make rules by the President for condition of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the CAG.
   - Article 318: Power of President to make regulations as to conditions of service of members and staff of the Union and Joint Public Service Commission
   - Article 98(3): President can make rules after consultation with the Speaker of the House of the People or the Chairman of the Council of States regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the House of the People or the Council of States.
   - Article 146: Consultation with UPSC regarding appointment of officials of Supreme Court.
   - Article 101(2): Rules made by the President on a person becoming members of both House of Parliament and State Legislature (Legislative Assembly & Legislative Council).
   - Article 118(3)- President can make rules after consultation with the Chairman of Rajya Sabha and the Speaker of Lok Sabha regarding the procedure with respect to joint sittings of and communications between the two Houses of Parliament.
   - Article 309- President can make rule regulating the requirements and conditions of service of persons

appointed to services and posts in connection with the affairs of the Union.

c) Powers to Make Ordinances:

When one of the two Houses of Parliament or the State Assembly is not in session, the Constitution grants the President (Article 123) and Governor (Article 213) the authority to pass legislation immediately by the promulgation of ordinances.

Do you know?

Constitution 38th Amendment (1975) – added Article 123(4) and made satisfaction of the President to issue an ordinance non-justiciable or beyond judicial review.

Despite this, Supreme Court in State of Rajasthan v Union of India suggested that Presidential Satisfaction under Article 123(1) could still be questioned on the ground of mala fides or action taken in bad faith.

Constitution 44th Amendment (1976) – Deleted Article 123(4) and restored the status quo ante. On the question of judicial review of Presidential satisfaction, Supreme Court in A.K. Roy v Union of India did observe that judicial review is not totally excluded regarding the question relating to the President's satisfaction.

An ordinance cannot be passed on matters that the State Legislative Assembly or Parliament are not authorized by the constitution to pass, and the power to pass an ordinance effectively overlaps with the legislative authority of the State Legislative and Parliament. Any ordinance made on these topics is subject to judicial review. The President or Governor uses the authority to issue an ordinance not at their own discretion but with the support and counsel of their separate councils of ministers.

Limitations on the use of the Ordinances:

- The executive's power to make ordinances is subject to restrictions under the Constitution:
  - The President can only publish an Ordinance when one of the two Houses of Parliament is not in session.
  - The President may not publish an Ordinance unless he is persuaded that "immediate action" is necessary under the circumstances.
  - Ordinances must be passed by Parliament during a session within six weeks of the assembly to remain in effect. Additionally, they will stop operating if both Houses vote resolutions opposing the Ordinance.
- In accordance with Article 114(3), an ordinance cannot make an appropriation from the Consolidated Fund.
- Union List (List I) and Concurrent List (List III) entries under the Seventh Schedule are subject to ordinance, while State List (List II) entries are not. Only when an emergency has been declared and is ongoing, an ordinance can be established in accordance with Article 123 on List II.
- Ordinances established by Parliament are subject to basic rights just like any other law.

Repromulgation of Ordinance:

- In normal circumstances, an ordinance's lifespan ends after 7.5 months. However, in the past, the government repeatedly reissued an ordinance to lengthen its useful life.
- If, for whatever reason, an Ordinance lapses, the only option for the government is to reissue or repromulgate it.

- In 2017, the Supreme Court examined a case where the state of Bihar re-promulgated an Ordinance several times without placing it before the legislature (Krishna Kumar Singh and Another v. State of Bihar).
- Re-promulgation for 14 years - It was looking at a case where a state government issued 259 different ordinances, some of which were re-promulgated for up to 14 years.
- For instance, without going before the legislature for approval, The Bihar Sugarcane (Regulation of Supply and Purchase) Ordinance was re-promulgated and stayed in effect for more than 13 years.
- Examples of recent ordinances that the center has re-promulgated.
- The securities laws ordinance was once again made effective for three years in 2013–2014.
- The land purchase statute, which was published in 2014, was re-promulgated twice in 2015.
- The Indian Medical Council Ordinance was published in 2018 and re-promulgated in 2019. It is effective from 2016 to 2019.
- In the year 2020-21, a new version of the Commission for Air Quality Management in the National Capital Region and Adjoining Areas Ordinance was promulgated.

- A seven-judge Bench of the court, which included now Chief Justice of India (CJI) D Y Chandrachud, reiterated that legislation should normally be done by the legislature, and the Governor's power to issue an Ordinance is an emergency power.
- The court clarified that there might be circumstances permitting the re-promulgation of an Ordinance — however, it said, repeated re-promulgations without bringing the Ordinance to the legislature would usurp the legislature's function, and will be unconstitutional.
- Executive Cannot Usurp Legislative Role - According to the Court, the executive cannot use Article 213 to usurp the legislative branch's authority to make laws since doing so would undermine the democratic process, which is the foundation of the constitutional system.
- People who are subject to laws imposed by the executive Re-promulgation would also mean that the administration would be in charge of making laws rather than the legislative, as the Constitution specifies.
- The DC Wadhwa v. State of Bihar, 1987, in Bihar involved an ordinance that was repeatedly promulgated without being submitted to the legislature for approval.
  - In this case, the SC ruled that the executive's ability to publish ordinances is in the nature of an emergency power and should only be utilized in extreme cases, not as a replacement for the ability to enact laws.
  - It was known as the "ordinance raj" and amounted to the executive branch passing laws rather than the legislative.
  - By using the re-promulgation approach, the president would be using its ambiguous power to extend an ordinance with essentially the same provision beyond the time frame set forth in the Constitution.
  - According to the Court, the executive cannot use Article 213 to subvert the legislative branch's authority to make laws since doing so would undermine the democratic process, which is the foundation of the constitutional system.
  - People who are subject to laws imposed by the executive Re-promulgation

would also mean that the administration would be in charge of making laws rather than the legislative, as the Constitution specifies.

- As a result, it was obvious that the Bihar Government's practice of issuing successive ordinances without passing them through the legislature was unconstitutional and was equal to constitutional malpractice.

State of Bihar v. Krishna Kumar Singh, 1998:

- Re-promulgation - Bihar Government issued an ordinance to assume control of privately recognized Sanskrit schools receiving government funding. The ordinance was first published in 1989 and then again in 1991 and 1992.
- The ordinance had a "repeal and savings" language that effectively nullified the prior ordinance so that a new, identical ordinance could be adopted.
- The Supreme Court declared the succeeding ordinances to be unlawful and unconstitutional after citing the D.C. Wadhwa case. The Court ruled that any laws that took away land from schools without providing any sort of compensation were invalid under the constitution because they formed a chain.
- The Supreme Court also ruled that it is an abuse of authority and a violation of the Constitution when an ordinance is not presented to the legislature. It mandates that an ordinance be presented to the legislature for approval.

Other cases related to the Ordinances:

- State of Andhra Pradesh v. K. Nagraj An ordinance cannot be found illegal for lack of application of mind since the authority to enact an ordinance does not fall within executive authority but rather executive legislative authority. A legislative act cannot be invalidated for lack of application of mind, but an executive act can.
- In AK Roy v. Union of India, 1982, the Supreme Court ruled that a presidential ordinance completely embodies the legislative character and is made during the legislative process. SC claimed that the President's authority to enact Ordinances is not immune from judicial review.
- In R.C. Cooper v. Union of India, the Supreme Court ruled that although the ordinance was officially and constitutionally promulgated in the name of the President and to his satisfaction, it was actually done so on the advice of the Council of Ministers and to their approval.
- On the basis of malafide, the president's satisfaction may be called into doubt in court. This means that the President's decision to issue an ordinance may be challenged in court on the grounds that the President purposefully prorogued one or both Houses of Parliament in order to promulgate an ordinance on a contentious issue, thereby avoiding parliamentary approval and undermining the authority of the Parliament.

Why is the Ordinance Route so often used?

- The reluctance to discuss certain laws, or amendments with the lawmakers.
- Lack of majority support in the legislature regarding those legislations.

- The opposing parties' intentional and persistent disruption in the parliament which disrupts the clearance of the bill.

Concerns:

- The Ordinance-making authority of the executive conflicts with the doctrine of the separation of powers between the legislature, executive branch, and judicial branch.
- It avoids the democratic necessities of discussion and argument. The debate and discussion among the MLAs and MPs represent the dissent and consent of the people of the country, thereby involving them in the decision-making process.
- The constitutional design that grants the President and the Governors a restricted ability to draft ordinances is defeated by re-promulgation.
- It puts at risk the independence of the state legislatures and the Parliament, which the Constitution has designated as the main law-making bodies.
- The legislature's role in enacting legislation is outlined in the Constitution's provision for the separation of powers. The administration must exercise restraint and should only use the power to make ordinances in accordance with the spirit of the Constitution, not to sidestep legislative review and discussion.

Regulation of OTT platforms in India

Relevance: Recent Trends; Functions of Government

Source: The Indian Express

What is OTT or Over the top platforms?

- OTT or Over the Top Platforms are services that offer viewers access to movies, TV shows, and other media directly through the Internet, bypassing cable, or satellite systems.
- OTT services can be accessed through internet-connected devices like computers, smartphones, set-top boxes, and smart TVs. These services are accessible either without any cost or after paying a subscription fee to the associated service provider.
- The OTT is a nonlinear model whereby recorded substances of various kinds can be accessed after purchase with the service provided. India has nearly 170 million OTT Platform customers.
- In India's regulatory parlance, OTT platforms are called 'publishers of online curated content'. Online curated content is audio-visual content such as films, web series, podcasts, etc. made available to viewers on demand, including but not limited to subscriptions on OTT platforms.
- "On demand" means a system where a user is enabled to access, at a time chosen by them, any content in electronic form that is transmitted over a computer resource and is selected by the user.
- Popular video-on-demand services in India include Disney+ Hotstar, Amazon Prime Video, Sony LIV, etc.

Present regulatory mechanism for OTT Platforms:

a) Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021:

- In 2022, the government notified these rules to regulate OTT platforms.
- The rules establish a soft-touch self-regulatory architecture with a Code of Ethics and a three-tier grievance redressal mechanism for OTT platforms.
- They provide for self-classification of the content without any involvement of the Central Board of Film Certification.
- General principles require the platforms to not publish any content that is prohibited under any law, take into consideration the implications, and exercise due caution and discretion in respect of the content that affects the sovereignty and integrity of India.
- They should also take into consideration India's multi-racial and multi-religious context and exercise due caution and discretion when featuring the activities, beliefs, practices, or views of any racial or religious group.
- OTT platforms must display an age-based content rating and content descriptor for each piece of content. If applicable, they should also display an advisory on viewer discretion at the beginning of the program.
- In addition to this, the rules mandate a three-tier institutional mechanism for handling public grievances. These are:
    - Every publisher should appoint a Grievance Officer based in India for receiving and redressing grievances in 15 days.
    - Also, every publisher needs to become a member of a self-regulating body.
    - Such a body will have to register with the Ministry of Information and Broadcasting.
    - Address grievances that have not been resolved by the publisher within 15 days.
- The Ministry of Information and Broadcasting and the Inter-Departmental Committee constituted by the Ministry constitute the third-tier Oversight Mechanism.

Need for their regulation:

- **Easy to access**: These OTT platforms are getting considerable attention because of progress in innovation and the favoured utilization of small screens, for example, phones, laptops, and tablets. These services have represented genuine competition and a fight for legacy services.
    - The OTT market's overall development, the wide distribution of these services, and stiff and inflexible competition to customary transmission services have made controllers watchful everywhere globally.
- **Lack of strict regulation**: The OTT players in India were not liable to any set of principles. Additionally, as a controller, it turns into a duty to give a level battleground to all.
    - Since OTT platforms seek a similar promotion or membership income as the authorized administrators, it is primarily essential that such services be managed at par with various other services along these lines.
    - In case of theatres, issues related to the content and other issues, are dealt with by a body named the Central Board of Film Certification (CBFC) and the Cinematographic Act, 1952 along with various rules

and guidelines to be followed by each movie director.
- In the case of broadcast media, i.e., television broadcasting, it is regulated by the Broadcasting Content Complaints Council (BCCC).
- The OTT platforms have no such legislation or body, regulating them, they are only governed by the Ministry of Electronics and Information Technology (Meity) and the other is the Information Technology (IT) Act, 2000.
- However, these OTT platforms have certain self-regulation/censorship standards of their own like Netflix has self-imposed maturity ratings.

What is Central Board of Film Certification (CBFC)?

Also, if given the power to regulate and to censor OTT content the CBFC will also face the same fate as the broadcasters of TV and cinema had faced and under grounds of ' obscenity', ' immorality', ' vulgarity' which are termed as vague terms by media, and they would also be censored.

It has been alleged that, CBFC is infamous for its misusing and overreaching power and nature and the unnecessary censorships have been provided to movies like Udta Punjab and NH-10 and along with it many others too.

- Large number of OTT Platforms: Growing OTT platforms have put the regulation of their content in the spotlight. Existing laws and the Central Board of Film Certification certify films before their release for the general masses to watch, but no such specific framework exists for OTT platforms.
  - In 2013, TRAI (Telecom Regulatory Authority of India) focused on the absence of OTT regulations and issued a consultation paper in 2015.
  - In 2018, TRAI invited comments on the subject from OTT stakeholders.
  - In 2018, the Ministry of Information and Broadcasting clearly stated they had no power to censor OTT Platform content.
- Sudden increase in usage: The impact of the Covid-19 pandemic can be seen in every single business and industry. While most of the companies experienced a precipitous fall some businesses were affected positively. Online games, video conferencing services, and Over the Top (OTT) platforms such as Netflix, Hotstar, Prime Video, and online meeting platforms experienced a boom.
- Threat of propagandizing: The Internet is becoming progressively pervasive and can be utilized to spread disinformation, propaganda, or create tensions purposefully. Additionally, it is unexpected that web stages are confronting phenomenal strain to consent to state laws to control content.
- Negative impact on society: There have always been controversies regarding the release of content on OTT platforms, as people had always criticized that the content on these platforms is full of obscenity, vulgarity etc. and which is having a bad impact on children and other sections of society because of getting influenced by these contents, people are

committing the crime and the rate of criminal cases are increasing day by day.

The laws that regulated online content before:

As, there are no specific laws and regulations that are enacted to regulate the content available online on OTT platforms, but there are different articles in the Constitution of India and also various sections from different acts that regulate the content available online on OTT Platforms. Some of them are as follows:

- Article 19(1)[3] of the Indian Constitution, mentions everyone the "Freedom of Speech and expression" while on the other hand, the right under Article 19(2)[4] of the Indian Constitution, which clearly mentions that by imposing the various reasonable restrictions the freedom can be taken away. This is the case for content when it is against the well-being of the state or when public order is hampered or any crime against international relations is caused.
- The Indian Penal Code (IPC), which serves to punish anybody who has been indulged or found in the selling or distribution of works of literature which is obscene as mentioned in (Section 293). Also, the intention of outraging religious sentiments which is intentional and done maliciously as given under Section 295 A. Any act of publishing defamatory content, or we can say defamation, as per Section 499 of IPC and to anyone who insults any modesty of women as per Section 354 of the IPC.
- The Indecent Representation of Women (Prohibition) Act, 1986 emphasis on acting towards making sure that there is a complete prohibition of indecent representation of women in advertisements, books, movies, paintings etc.
- POCSO (Protection of Children from Sexual Offences) Act 2012, which makes it an offence to sell the child pornography and to distribute the child pornography.
- Information Technology Act (IT), 2000: There are provisions mentioned as the Sections 67A, 67B and 67C of the Information Technology Act (IT), 2000 which clearly mention and provide for penalties as well as the imprisonment to be imposed on anybody transmitted or published any kind of obscene material, along with any sexually explicit material including those where children are depicted in sexual acts.
    - The Central Government is also provided with the powers to issue directives to block certain information from being in public access, under Section 69A of the IT Act, 2000.

The Code of Best Practices for Online Curated Content Providers:

- A self-regulatory code is signed by many of these platforms. A code named 'The Code of Best Practices for Online Curated Content Providers' was released by IAMAI or the Internet and Mobile Association of India.
- The main and sole purpose of this code is to work towards a framework of open disclosure.
- It is also said by maintaining elucidation or illustration of the content along with mention of maturity ratings the open disclosure is to be done. The code is divided into three versions and in September 2020 latest code is brought.
- In November 2020 a notice to IAMAI was sent or issued by the Supreme Court of India and the central government after hearing a petition which mentions about for the regulation of OTT platforms.

- Also, after this a notification came out which wrote that including the OTT platforms, all the online curated content providers or the OCCPs will now be controlled under the Ministry of Information and Broadcasting and not under Melty which was earlier one.

The three major features of this code are:

- Firstly, categorization of content into separate categories is provided and along with its disclaimers to be provided for the inappropriate content for some age groups.
- Secondly, a definition to be given for age sensitive and the content which is prohibited must be provided.
- A proper grievance redressal mechanism for consumers to be provided to talk any complaints or concern brought by the consumers against any content which is made available on these platforms.

Also, age ratings such as 'U' or we can say 'Universal Ratings' along with other ratings as per age groups must be provided by these platforms for the security purposes of the children.

Regulations for online content in foreign countries:

United Kingdom:

- In September 2018, in the United Kingdom one of the most famous media that is the BBC which had called out the Government of UK for not regulating these OTT platforms.
- Further, the British Board of Film Certification also had made an announcement which had clearly mentioned that they will be partnering up with Netflix. As there were not any direct regulations over these OTT platforms. As per this partnership made the board will help to allow Netflix to set their own ratings for all the content available on their platform.
- Moreover, still now till present day there aren't any strict regulations that regulate these OTT platforms. Also, the UK Government is said to be working on these regulations.

Singapore:

In Singapore it was in the year 2018 that the regulatory body named Infocom Media Development Authority (IMDA) had issued a code to regulate these OTT Platform. As per the guidelines issued by the government, now the OTT platform will have to rate the content and movies, which are available on their platform. They are also required to give age-specific instructions for content that is available for viewers. Also, the platform has to ensure parental lock function has been provided by them.

Australia, Turkey, Indonesia, Kenya, and Saudi Arabia are the other few countries that have put up regulations on the OTT platforms directly or have other laws to regulate the OTT platforms and its content.

Conclusion:

It is sure that with the presence of the 'OTT regulations,' the exchange between media substance and ownership, platforms will experience tremendous, unsettling influence. Some online players have already started expressing their concerns. OTT platforms' regulatory structure has been a work-in-progress for around ten years, and doubtlessly would have a few openings to fill in. Having discussed directing on the web content, it is expected that an excessive amount of oversight/guideline could influence the creative freedom of the

substance journalists/makers and that this will influence the viewership of OTT stages.

Along with this, all these initiatives took by the government will surely help to deal with the complaints and grievances of the public related to OTT Platforms and there will be no involvement of courts anymore.

Removal of Ministers by Governor in Tamil Nadu

Relevance: Union-State administrative; Governor; Chief Minister; Council of Ministers

Source: The Hindu

Context: Tamil Nadu Governor R.N. Ravi announced Dravida Munnetra Kazhagam (DMK) leader V. Senthil Balaji's dismissal from the state council of ministers. The move not only put him on the warpath with the state's DMK government, but also led to constitutional questions, the chief among them being whether the governor had overstepped his authority.

Constitutional position of Governor:

- The Governor, who serves as the state's chief executive, is joined by the Council of Ministers, which is led by the Chief Minister. The Governor acts as:
- Under Articles 153 and 154 of the Constitution, a constitutional head of state; under Articles 156 of the Constitution, an agent of the Centre serving at the leisure of the President.
- The governor is neither indirectly elected by a specially organized electoral college as is the case with the president, nor is he or she directly elected by the people.
- According to Article 155, the President appoints governors by warrant bearing his signature and seal. He is, in a sense, a Central government nominee.
- In accordance with Article 164, the Governor appoints the Chief Ministers and other Ministers, and the Ministers serve at the Governor's pleasure.

Meaning of withdrawal of pleasure:

- "Pleasure of the Governor" did not mean the Governor has the right to dismiss the Chief Minister or Ministers at will. The "pleasure" of the Governor is understood to flow from the fact that the government enjoys majority on the floor of the House. The Governor can have his pleasure if the government enjoys a majority in the House.
- The Governor can withdraw his pleasure only when the government loses majority but refuses to quit. Then he withdraws the pleasure and dismisses it. Without the advice of the Chief Minister, a Governor can neither appoint nor dismiss a minister.
- Surya Narain Choudhary vs Union of India (1981)-Rajasthan High Court held that the pleasure of the President was not justiciable, the Governor had no security of tenure and can be removed at any time by the President withdrawing pleasure.

Supreme court to aid and advice under art. 163:

In accordance with Article 163 of the Constitution, the Governor shall be assisted and advised in the performance of his duties by a Council of Ministers, headed by the Chief Minister, unless the Governor is required by or pursuant to this Constitution to perform his duties or any of them at his discretion. However, the Indian Constitution neither directly mentions nor elaborates on discretion as such.

Shamsher Singh v State of Punjab-

- The Governor must only use their constitutional powers "upon, and in accordance with, the aid and advice of their ministers, save in a few well-known exceptional situations," according to a seven-judge Constitution Bench ruling.
- These exceptions concern the choice to invite a party to form the government or the dismissal of a government that has lost its majority. Both of these situations make the assistance and counsel of the Council of Ministers unavailable or unreliable.
- The court ruled that the Governor does not have the authority to disregard the Council of Ministries' recommendations. Such an attitude runs counter to the idea of "responsible government."

Way Forward:

- In a recent judgement on a Shiv Sena lawsuit involving the political crisis in the Maharashtra government, the Supreme Court advised against the Governor mediating political disputes.
- As a result, the Governor must adhere to the Constitution's requirements and should avoid political conflict with the elected administration, particularly when it comes to the withholding of pleasure.

Smart Cities Mission

Relevance: Urbanisation

Source: The Indian Express, PIB

Context: The government has decided to extend the Smart Cities Mission deadline by one from June 2023 to June 2024.

Smart Cities Mission:

- The 100 Smart Cities Mission in India was launched by Prime Minister Narendra Modi on June 25, 2015. Smart Cities Mission is an urban renewal and retrofitting programme launched by the Government of India to develop smart cities and make them citizen friendly and sustainable.
- The Union Ministry of Urban Development is responsible for implementing the mission in collaboration with state governments; this is expected to be completed between 2019 and 2023.

Need for Smart Cities Mission:

Cities accommodate ~31% of India's current population and contribute 63% to the GDP (Census 2011). By 2030, urban areas are expected to accommodate 40% of India's population and contribute 75% to the GDP. Population growth in cities leads to infrastructure management and service delivery challenges. The Smart Cities Mission (SCM) in India is an initiative that aims to efficiently and effectively tackle these challenges.

Objective of Smart Cities Mission:

- The objective is to promote cities that provide core infrastructure and give a decent quality of life to its citizens, a clean and sustainable environment and application of ‘Smart’ Solutions, such as data-driven traffic management, intelligent lighting systems, etc.
- The focus is on sustainable and inclusive development and the idea is to look at compact areas, create a replicable model which will act like a light house to other aspiring cities.
- The Smart Cities Mission of the Government is a bold, new initiative. It is meant to set examples that can be replicated both within and outside the Smart City,

catalysing the creation of similar Smart Cities in various regions and parts of the country.

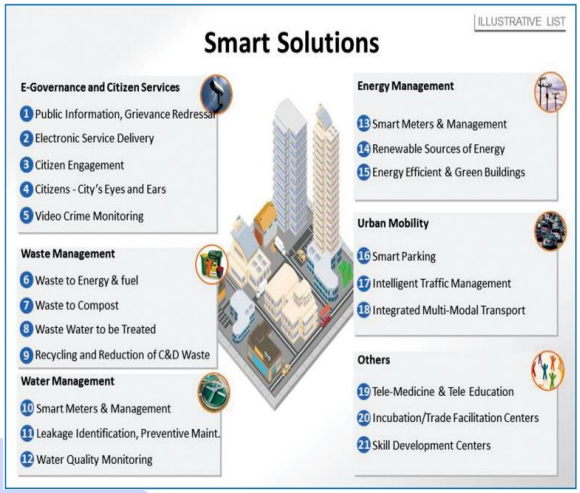
Funding:

The Smart City Mission will be operated as a Centrally Sponsored Scheme (CSS) and the Central Government proposes to give financial support to the Mission to the extent of Rs. 48,000 crores over five years i.e., on an average Rs. 100 crore per city per year.

The core infrastructure elements in a Smart City are as follows:

- Adequate water supply
- Assured electricity supply
- Sanitation including solid waste management.
- Efficient urban mobility and public transport
- Affordable housing, especially for the poor
- Robust IT connectivity and digitalization
- Good governance, especially e-governance and citizen participation
- Sustainable environment
- Safety and security of citizens, particularly women, children, and the elderly
- Health and education

The focus is on sustainable and inclusive development and the idea is to look at compact areas, create a replicable model to serve as a beacon to other aspiring cities.



Strategy for Smart Cities Mission:

- Pan-city initiative in which at least one Smart Solution is applied city-wide.
- Develop areas step-by-step – three models of area-based developments.
  - Retrofitting,
  - Redevelopment,
  - Greenfield

Features of Smart cities:

Some typical features of comprehensive development in Smart Cities are described below:

(i) **Promoting mixed land use in area-based developments**: Planning for 'unplanned areas' containing a range of compatible activities and land uses close to one another in order to make land use more efficient. The States will enable some flexibility in land use and building bye-laws to adapt to change;

(ii) **Housing and inclusiveness**: Expand housing opportunities for all;

(iii) **Creating walkable localities**: Reduce congestion, air pollution and resource depletion, boost local economy, promote interactions and ensure security. The

road network is created or refurbished not only for vehicles and public transport, but also for pedestrians and cyclists, and necessary administrative services are offered within walking or cycling distance;

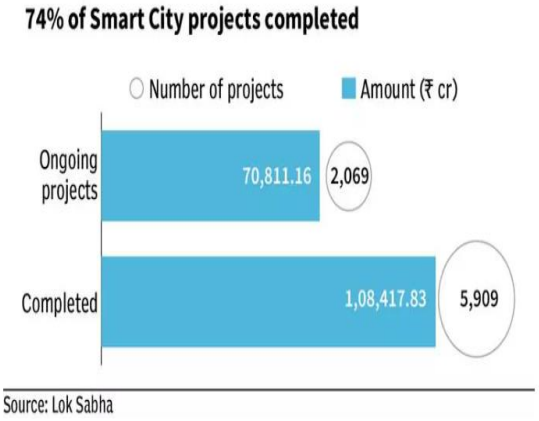
(iv) **Preserving and developing open spaces**: Parks, playgrounds, and recreational spaces in order to enhance the quality of life of citizens, reduce the urban heat effects in Areas and generally promote eco-balance;

(v) **Promoting a variety of transport options**: Transit Oriented Development (TOD), public transport and last mile para-transport connectivity;

(vi) **Making governance citizen-friendly and cost effective**: Increasingly rely on online services to bring about accountability and transparency, especially using mobiles to reduce cost of services and providing services without having to go to municipal offices; form e-groups to listen to people and obtain feedback and use online monitoring of programs and activities with the aid of cyber tour of worksites;

(vii) **Giving an identity to the city**: based on its main economic activity, such as local cuisine, health, education, arts and craft, culture, sports goods, furniture, hosiery, textile, dairy, etc;

(viii) Applying Smart Solutions to infrastructure and services in area-based development in order to make them better. For example, making Areas less vulnerable to disasters, using fewer resources, and providing cheaper services.



Implementation of SCM:

- Smart Cities Mission, monitored by an Apex Committee headed by the Secretary, Ministry of Housing and Urban Affairs, regularly reports implementation status of projects through the Real Time Geographical Management Information System (GMIS).
- As per SCM Statement and Guidelines, a Smart City Advisory Forum (SCAF) is established at the city level to advise and enable collaboration among various stakeholders. It consists of Member(s) of Parliament, Member(s) of Legislative Assembly, Mayor, District Collector, local youth, technical experts, other stakeholders, etc. All 100 Smart Cities have established their SCAFs. So far, the Smart Cities have convened more than 756 meetings of SCAF.
- At the State level, High Powered Steering Committee (HPSC) chaired by the Chief Secretary has been established. Besides, Ministry of Housing and Urban Affairs Nominee Directors on the Boards of Special Purpose Vehicle (SPVs) regularly monitor the progress in respective cities.

- The Ministry regularly interacts with the States / Smart Cities through video conferences, review meetings, field visits, regional workshops, etc. at various levels to assess the performance of cities and to handhold them for improvement.

Challenges faced by Smart Cities Mission:

- This is the first time a MoUD programme is using the 'Challenge' or competition method to select cities for funding and using a strategy of area-based development. This captures the spirit of 'competitive and cooperative federalism'.
- States and ULBs will play a key supportive role in the development of Smart Cities. Smart leadership and vision at this level and ability to act decisively will be important factors determining the success of the Mission.
- Understanding the concepts of retrofitting, redevelopment and greenfield development by the policy makers, implementers and other stakeholders at different levels will require capacity assistance. Major investments in time and resources will have to be made during the planning phase prior to participation in the Challenge. This is different from the conventional DPR-driven approach.
- The Smart Cities Mission requires smart people who actively participate in governance and reforms. Citizen involvement is much more than a ceremonial participation in governance. The participation of smart people will be enabled by the Special Purpose Vehicle (SPV) through increasing use of ICT, especially mobile-based tools.

Remedies:

- There is a strong similarity between the Atal Mission for Rejuvenation and Urban Transformation (AMRUT) and Smart Cities Mission in achieving urban transformation. While AMRUT follows a project-based approach, the Smart Cities Mission follows an area-based strategy.
- Significant benefits can be derived by seeking integration of other Central & State Government Programmes/Schemes with the Smart Cities Mission.
- At the planning stage, cities must seek convergence in the Smart City Proposal (SCP) with AMRUT, Swachh Bharat Mission (SBM), National Heritage City Development and Augmentation Yojana (HRIDAY), Digital India, Skill Development, Housing for All, Construction of Museums funded by the Culture Department and other programmes pertaining to social infrastructure such as Health, Education and Culture.

Conclusion:

- Nearly the entire world has been impacted by COVID-19, which has severely disrupted economic and healthcare systems. However, the effort to build 100 smart cities in India has improved in the months since the lock down as funding usage has nearly doubled.
- Infrastructure for smart cities demands a large capital outlay. For the successful implementation of the smart city project in India, the government is focusing on encouraging Public-Private Partnerships (PPP) (at the moment, roughly 21% of the projects for smart cities are funded through the PPP mode). For instance, Sterlite Power and the Gurugram Metropolitan Development Authority (GMDA) entered into a PPP contract in June 2020 to construct

and maintain the fiber network in Gurugram Sub City 2 for a period of 21 years.

- India has more than 4,000 urban local governments and towns, and there are potential in all key areas including housing, sanitation and hygiene, livelihood, IT, health and education, transportation, and the environment. Leading economies throughout the world have expressed interest in the Smart City Mission, and the government has prioritized attracting investments to the financial and IT services sectors.
- The mission is a wise and developing decision that depends on thorough preparation, appropriate execution, and ongoing supervision.

Social Audit

Relevance: Social Audit

Source: The Hindu

Context: Lieutenant-Governor of Delhi has raised the issue of the Delhi government's 10-year delay in framing rules for conducting a social audit into the functioning of the public distribution system (PDS) and fair price shops under the National Food Security Act (NFSA), 2013.

Social Audit:

A social audit is a powerful accountability tool to understand, measure, verify, report on, and improve a government's implementation of its policies and programs.

Social audits let communities' control public investment in a variety of programs such as the construction of roads or water supply, housing programs, as well as social safety net and employment programs. Similar to a financial audit, the social audit verifies how money is being spent. It involves reviewing official records and determining whether state-reported expenditures reflect the actual monies spent on the ground.

The very nature of social audits—which involve the dissemination of information, a physical space for citizens to interact with officials, the public and collective form of interaction, and the presence (which in some cases is mandatory) of government officials—contains the necessary ingredients to ensure national or state agencies take action.

Social audits were first developed and used in the 1990s by Mazdoor Kisan Shakti Sangathan (MKSS), a grass roots organization in Rajasthan, India, that has been spearheading the fight against corruption and misappropriation of public funds in the state. Public investment and safety net programs had deteriorated into self-service outlets of the powerful at the time. MKSS used the social audit process, which culminates in a 'Jansunwai' or public hearing to uncover the secrecy and corruption of those involved in misappropriations and was successful in improving how some state program function. Subsequently, the social audit and other processes that increase accountability have become an integral part of state programs in India. One example is the Employment Guarantee Act of 2005 and the National Food Security Act of 2013. The film that follows explores a social audit of the government's national rural employment scheme.

What is the purpose of the Social Audit?

The social audit is a process through which all stakeholders, both service providers and users, systematically examine the impact of a project or service, comparing the real benefits that have been achieved with the planned benefits, while also looking at unexpected impacts. The findings

of the social audit are shared with all stakeholders.

Principles of social audit

- **Transparency**: Complete transparency in the process of administration and decision making, with an obligation on the govt to proactively give the people full access to all relevant information.
- **Participation**: A right based entitlement of all the affected persons and not just their representatives to participate in the process of decision making and validation
- **Representative Participation:** In those cases where options are pre-determined out of necessity, the right of the affected persons to give informed consent, as a group or as individuals, as appropriate
- **Accountability**: Immediate and public answerability of elected representatives and government functionaries, to all the concerned and affected people, on relevant action or inactions.

How to conduct a social audit

1. Preparatory groundwork

- Define the scope of the audit, (e.g., the specific service, organization, program, project, component, or activity to be examined).
- Form a committee or working group to implement and oversee the social audit.
- Identify key stakeholders (intended users, community members, local civil society organizations, service providers, responsible government officials, employees, contractors, volunteers, donors, etc.)
- Develop a clear understanding of relevant administrative structures and pinpoint key responsible agencies/actors.
- Develop a clear understanding of the vision and objectives of the service/project in question.
- Develop performance indicators through stakeholder consultation.
- Consider requesting specialized assistance to plan your information-gathering channels (including sampling, development of questionnaires) and how you will analyze and use the data collected.
- Organize a public awareness campaign about the aims and benefits of the social audit, using media, public forums, door-to-door visits, etc.

2. Investigation and analysis

- Access relevant public documents (such as accounting records, cash books, payroll, bills, technical project reports, and managerial records). The Right to Information Act (if enacted in your country) can be used for this purpose.
- Gather qualitative data from relevant stakeholders about their perceptions and experiences of the service/project in question (e.g., using surveys, focus group discussions, community meetings, etc.).
- Collect qualitative and quantitative data through household questionnaires; community profile questionnaires that focus on the use, experience, and perception of public services; published and available administrative data; interviews with elected representatives and service providers; and focus group discussions.
- Analyze the collected data (specialized assistance may be needed).

3. Public disclosure and evidence-based dialogue

- Develop a communication strategy to disseminate findings and outcomes

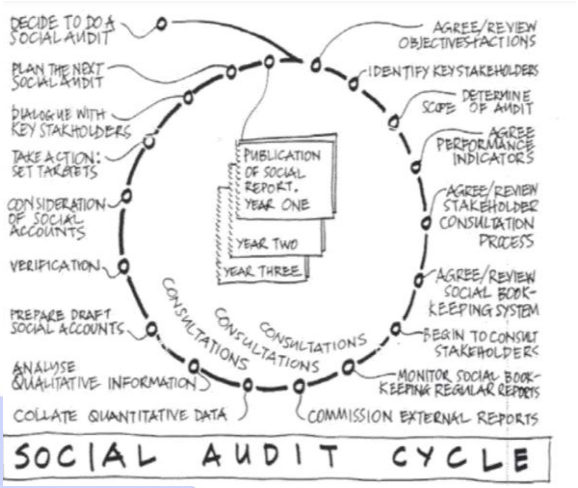
(using the media, public meetings, and postings, etc.).

- Convene meetings with community members to discuss findings and propose changes and solutions.
- Convene public meetings with public authorities/service providers to allow community members to discuss the evidence, and to plan and implement changes.

4. Follow-up

- Where necessary, use findings to address specific instances of mismanagement and corruption, as well as broader policy considerations.
- Train and support community members and service providers to undertake future social audits.
- Prepare a formal report on the social audit after the hearing/forum, and send copies to relevant senior government officials, the media, and other groups.
- Aim to ultimately institutionalize social audits and repeat them regularly.

This tool can be applied to collective action at the community level. The main audit is for one to two days but preparatory work involving invitation and analysis of data as well as community interaction takes time, which may vary, as officials need to check their schedules and availability. The preparatory work starts a month before the public meeting and regular follow-ups with officials must be done to ensure their participation. Also, communication with the community should continue.



What are the advantages?

Government, civil society, and community-level actors can individually or jointly conduct social audits. They often start as civil society initiatives and sometimes evolve into collaborative efforts as the government sees the benefits of the approach. Social audits are sometimes undertaken as a one-off event but are usually more effective when planned as an ongoing process and undertaken at regular intervals. Usually, participatory techniques are used to involve all relevant stakeholders, where problems are identified and the process of implementing changes is initiated.

Over the years, various studies have found that social audits' most significant contribution is increased public awareness. This increased awareness, coupled with the public nature of the audit, encourages public debate on different aspects of the implementation of government programs. As a result, the social audit brings out a range of complaints or issues citizens face. Not only do social audits expose corruption, but they also reveal a range of governance issues related to day-to-day administration, such as policy bottlenecks and lack of information. More

important, access to information through audits enables citizens to pinpoint actions the government must take.

The advantages of a social audit include:

- Ensuring that the implementation of projects and programs is transparent, enabling community members to identify, control, and report irregularities.
- Generating information that is perceived to be evidence-based, accurate, and impartial.
- Raising awareness among beneficiaries and local service providers about public projects or services.
- Assessing the impact of projects and preventing the abuse of funds and corruption.
- Strengthening community empowerment through participation in the process
- Improving citizens' access to public information and serving as a valuable tool for exposing corruption and mismanagement.
- Increasing social audit committee members' basic understanding of project finance and procurement. Promoting collective decision-making and shared responsibilities. They allow stakeholders to better influence the government's behavior and monitor progress.

What are the challenges when conducting a social audit?

- Requires substantial technical support, especially in obtaining and analyzing data.
- Access to public records is crucial and obtaining records may often depend on political willingness. The Right to Information laws should be used to access copies of public records in such cases.
- In some cases, the absence of accurate and updated public records is a problem.
- Public service providers and policymakers may feel threatened by the social audit process. It is prudent to foresee the need for conflict management and to remind all participants that the primary goal is not to blame, but to bring about improvements.
- Social audits, if not handled sensitively, can inflame emotions, and can potentially lead to conflict or retribution from those who are "exposed". It is prudent to foresee the potential need for conflict management and to remind all participants that the primary goal is not to assign blame but to bring about improvements.

RTI and Social Audit:

To conduct Social Audit, it needs all relevant information and decision-making processes that are totally transparent. Section 4(1) (b) of the RTI Acts (Right to Information) lists the information that public authorities need to make public suo moto. It should publish all relevant facts while formulating important policies or announcing the decisions which affect the public. Thereby RTI Acts helps to conduct audits in a smooth manner.

Control over Social Audit:

- No official/ political pressure should be brought on to the social audit process.
- All records pertaining to works that are to be audited must be available from the social audit team before the Audit process begins.
- The role and responsibilities of Government/Administration and the Social audit team should be clearly explained.

- The purity of the social audit must be maintained in all circumstances. It should not be politicized.
- A Social auditor shall not bring his/her personal or organizational 's agenda into the social audit process.
- All the aspects of the scheme must be closely examined during the social audit process.
- There should not be any place for discrimination in social audit process based on caste, race, religion, or profession.
- A social auditor must be an impartial observer of facts.

Social audit in Jharnipalli Panchayat, Agaipur block, Bolangir district, Orissa

- In October 2001, the Gram Sabha members of Jharnipalli Panchayat conducted a one-day social audit of development works carried out in the panchayat over the preceding three years.
- This audit took place with the active participation of many individuals and agencies, including block and district administration officials.

Mazdoor Kisan Shakti Sangathan (MKSS)

- It conducted social audits of daily wage earners and farmers on government projects, and more generally, to expose corruption in government expenditure in Rajasthan.
- They found various irregularities in finance which resulted in the right to information movement in Rajasthan

Conclusion:

The key to successful Social Auditing is in knowing which techniques to use and in what sequence. The Social Auditor can choose different methods to capture both quantitative and qualitative information from the respondent. It is equally important to ensure the follow-up action taken on the Social Audit report and the receptiveness of the departments/organisations to adopt the recommendations in the Social Audit report. The social auditors should suggest modalities for improving its performance based on the feedback received from different stakeholders. The detailed work plan needs to be identified by the social auditors and the same should be implemented at the earliest.

World's largest Grain Storage Plan

Relevance: Government's Functions

Resources: The Indian Express

Context: The Union Cabinet recently approved the constitution of an Inter-Ministerial Committee (IMC) to facilitate the world's largest grain storage plan in the cooperative sector.

About The World's Largest Grain Storage:

- Agencies involved in grain management presently:
  - Food Corporation of India (FCI)
  - Central Warehouse Corporation
  - Warehouse Development Regulatory Authority
  - Railways
  - Civil Supply Departments of States

- Under the new plan, the Ministry of Cooperation aims to set up a network of integrated grain storage facilities through

Primary Agricultural Credit Societies (PACS) across the country.

- There are more than 1,00,000 PACS spread across the country with a huge member base of more than 13 crore farmers.

Why does India need a grain storage plan?

- India, the most populous country in the world, accounts for 18 per cent (1.4 billion) of the global population (7.9 billion).
  - However, it accounts for only 11 per cent (160 million hectare) of the arable land (1,380 million hectare) in the world.
- India runs the world's largest food programme under the National Food Security Act, 2013, that covers about 81 crore people.
- In order to ensure food security for a billion plus population, a robust network of foodgrain storage facilities becomes essential.
- At present, India has a foodgrain storage capacity of 145 million metric tonnes (MMT) against the total food production of 311 MMT—leaving a gap of 166 MMT. In the absence of sufficient storage facilities, foodgrains are sometimes stored in the open, which results in damage.
- According to the Ministry of Cooperation, several countries have better storage capacities.
  - For instance, against the total foodgrain production of 615 MMT, China has a storage capacity of 660 MMT.
  - USA, Brazil, Russia, Argentina, Ukraine, France, and Canada are among other countries with the capacity to store more food grains than they produce.
- India has a storage capacity of 47 per cent of its total foodgrains production.
  - At the regional level, only a few southern states have storage capacity of 90 per cent and above.
  - In northern states like Uttar Pradesh and Bihar, it is below 50 per cent.

Budgetary Allocation:

- The plan does not have a separate allocation, it will be implemented by the convergence of 8 schemes.
  - These schemes are— Agriculture Infrastructure Fund (AIF), Agricultural Marketing Infrastructure Scheme (AMI), Mission for Integrated Development of Horticulture (MIDH), and Sub Mission on Agricultural Mechanisation (SMAM) under the Ministry of Agriculture and Farmers Welfare.
  - It includes two schemes of the Ministry of Food Processing Industries: Pradhan Mantri Formalisation of Micro Food Processing Enterprises Scheme (PMFME), and Pradhan Mantri Kisan Sampada Yojana (PMKSY).
  - The plan also includes two schemes of the Ministry of Consumer Affairs, Food and Public Distribution: allocation of food grains under the National Food Security Act, and Procurement operations at Minimum Support Price.

Benefits of the Plan:

- The plan is multi-pronged —
  - It aims to address the shortage of agricultural storage infrastructure in the country by facilitating establishment of godowns at the level of PACS.

- It would also enable PACS to undertake various other activities, viz: Functioning as Procurement centres for State Agencies/ Food Corporation of India (FCI); Serving as Fair Price Shops (FPS); Setting up custom hiring centers; Setting up common processing units, including assaying, sorting, grading units for agricultural produce, etc.

- The new initiative would result in the following benefits:
  - First, it would reduce post-harvesting losses.
  - Second, it would bring down the foodgrain handling and transportation cost.
  - Third, farmers would have a choice to sell their produce depending on the market conditions, and not be forced into distress sale.

About the Integrated Facility:

- The integrated modular PACS will have a custom hiring centre, a multi-purpose hall—procurement centers, primary processing units for cleaning and winnowing — a storage shed, and container storage and silos.
- The new storage plan is based on the hub and spoke model. Of the 63,000 PACS across the country, 55,767 will function as spoke and will have a grain storage capacity of 1,000 metric tonnes each, while the remaining 7,233 PACS, which will function as hubs, will have a storage capacity of 2,000 metric tonnes each. Thus, all the 63,000 PACs will have a combined grain storage capacity of 70 million tonnes.
- The PACS will purchase agricultural equipment like tillers, rotary tillers, disc harrows, harvesters, and tractors under various government schemes, such as Sub-Mission on Agricultural Mechanisation (SMAM) and Agriculture Infrastructure Fund (AIF). It will then offer this equipment to farmers on rent.
- Spread over 1 acre of land, the facility will be built at a cost of Rs 2.25 crore.
- Of the Rs 2.25 crore, Rs 51 lakh will come as subsidy, while the remaining will come as margin money or loan. It is expected that the PACS will earn Rs 45 lakh in a year.

ProdEgyIAS

DEMOCRATIZING EDUCATION

An Institute for Civil Services Examination

Toppers under the guidance of Ashutosh Pandey

Achyut ashok, 2022

Deepesh gaur, 2022

Ashutosh sani, 2022

Karishma Nair, IAS 2020

Mrunalee Joshi, IAS 2020

Rishita Gupta, IAS, 2018

Dr. Hasrat Jasmine, 2017

Isha Priya, IAS, 2016

Ashwini Kumar, IAS 2015

Preeti Yadav, IAS 2015

Sachin Rana, IAS

Shaikh Rizwan Basha, IAS

Dipankar Chaudhary, IAS

Aman Deep, IPS

Suman Saurabh Mohanty, IAS

Sidharth jaiswal, IPS

Neetika Vilash, IRS

Jitendra Pratap Singh

Akansha Verma

Ashish Pal, IRTS

You!

Address: 53/6, Second floor, Near Hotel Medonna, old Rajendra Nagar, New Delhi, 110060

Contact: 9990757586 | info@prodegyias.com | www.Prodegyias.com