

Forum IAS

7 PM COMPILATION

1st to 15th January, 2021

Features of 7 PM compilation

- ❖ Comprehensive coverage of a given current topic
- ❖ Provide you all the information you need to frame a good answer
- ❖ Critical analysis, comparative analysis, legal/constitutional provisions, current issues and challenges and best practices around the world
- ❖ Written in lucid language and point format
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Importance of Allahabad HC judgment on Special Marriage Act

Topics: Society

Subtopics: – Diversity and communalism

Agricultural Exports- India's potential, initiatives, challenges and solutions

Topics: Agriculture

Subtopics: Transport and marketing of agricultural produce and issues and related constraints

WhatsApp Privacy policy Issue and Data protection in India

Topics: Security

Subtopics: – Issues linked to Social Media

India at the UN – challenges, significance and way forward

Topics: International Relations

Subtopics: Important International institutions

Central Vista judgment: Issue of public participation in public projects

Topics: Environment and Polity

Subtopics: Environmental Impact Assessment and Functioning of Judiciary

Capitol building coup attempt in US: Reasons behind launch and failures

Topics: International Relations

Subtopics: Effect of policies and politics of developed and developing countries on India's interests

Contradictions between farm laws and the MSP system

Topics: Agriculture

Subtopics: Issues related to direct and indirect farm subsidies and minimum support prices

Supreme Court Judgment on Central Vista Redevelopment Project

Topics: Environment and Polity

Subtopics: Environmental Impact Assessment and Functioning of Judiciary

Approval to Covaxin, and Covishield Vaccines: Concerns and way forward

Topics: Social issues

Subtopics: Health related issues

Importance of Allahabad HC judgment on Special Marriage Act

Synopsis: The Allahabad high court's recent decision to strike down the provisions of the Special Marriage Act, 1954 that make it mandatory for couples to publish a 30-day public notice of their intent to marry is a significant and much-needed correction.

About the Special Marriage Act

- **The Special Marriage Act** was originally enacted in 1872 to provide a framework for inter-caste and inter-religious marriages.
- The Act **allows the solemnization of marriages** (performing the public ceremony/rites of marriage) **without any religious customs or rituals**. The law solemnizes marriages **by the way of registration**.
- As per **Section 5 of the Special Marriage Act**, marriages irrespective of the religion of the couple require parties to give a 30-day **public notice of their intention to marry** before solemnizing their marriage
- The provision of mandatory 30 days' notice period ended up giving **vigilante groups**, families hostile to inter-faith and **inter-caste unions** with disproportionate powers to police young couples.
- The Act is **applicable to all Indian citizens and Indian nationals** who live **in abroad**.
- Allahabad High Court observed the Special Marriage Act as **'one of the earliest endeavors towards Uniform Civil Code**.

About the case

Recently, in response to a writ petition filed, Allahabad High Court gave a judgment that would have far-reaching impacts.

- In its conclusion, the HC stated, though the couple wanted to marry under the **Special Marriage Act**, the mandatory provision for 30-day notice, under section 5 of the act, compelled them to take the easier route of **religious conversion**.
- **Thus, Section 5 acting as** a barrier to inter-faith couples, willing to marry under the **secular SMA** rather than taking religious conversion routes.
- On this basis, the Court allowed couples not to publish the mandatory 30-day notice of their intention to marry.
- Also, the court allowed the individuals, who desire to have more information about their counterparts, to opt for publication of notice under Section 6 of **the Act**. Such publication of notice under free will not be a violation of fundamental rights due to free choice.
- The court also noted that when marriages under personal law do not require a notice or invitation for objections, such a requirement for inter-faith couples' is obsolete in secular law and cannot be forced on a couple.
- As a result, many preferred to convert and marry under personal laws, rather than under the **Special Marriage Act, 1954** to prevent themselves from harassment.

Why the Allahabad high court's decision is regarded as a significant step?

The high court's ruling against the mandatory need for couples to publish a 30-day public notice has been praised for the following reasons,

- **First**, the decision comes at the right time where the anti-conversion ordinances in Uttar Pradesh and Madhya Pradesh have **endorsed the state intrusions on inter-personal relationships**. The decision will **protect the primacy of individual autonomy**.

- Second, the HC ruling is in line with **The Law Commission of India report in 2012** that recommended keeping a check on the unnecessary interference by caste assemblies in **sagotra, inter-caste or inter-religious marriages**.
- Third, The HC judgment **reaffirms the constitutional protection to minorities** as even today a minuscule of minority of marriages are, inter-faith unions.
- Fourth, it is in line with a series of landmark Supreme Court judgments that are against societal and state interference in personal affairs and firmly establishes **personal liberty and privacy** to be fundamental. For example,
 - **Puttaswamy v Union of India**, that recognise the **right to privacy** as a fundamental right
 - **The Hadiya case**, right to choose one's partner.
 - In **Navtej Singh Johar** case: The ruling that **decriminalised homosexuality**.
- It will be a body blow to **Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020** which have provisions such as
 - Declaring conversion of religion by marriage to be unlawful
 - Mandating a 60-day notice to the District Magistrate
 - Requiring the Magistrate to conduct a police inquiry to know the real intention behind the conversion.
- As the **Special Marriage Act is a central legislation**, couples across the country seeking to marry under the law will benefit from the liberal ruling of the provisions.
- It paves way for abolishing and cleansing obsolete **Victorian-era protectionist provisions** in other laws as well.

The Allahabad High Court judgement is a reminder and a warning that the constitution remains the bulwark against an overreaching state policy such as the anti-conversion ordinance in UP and MP.

Agricultural Exports- India's potential, initiatives, challenges and solutions

What is the News?

US Department of Agriculture (USDA) has forecasted 1.8 million tonnes of wheat and 14.4 million tonnes of rice to be imported from India. This will be the highest ever wheat export from India to the US in the last six years. Despite the Indian government's various steps to improve agricultural exports, there are few challenges associated with the exports.

Status of India's agricultural exports:

The 2019-20 Economic survey mentions a few important figures of India's agricultural exports. Indian agricultural/horticultural and processed foods are **exported to more than 100 countries/regions in the world.**

India is one of the 15 leading exporters of agricultural products in the world.

India's **major export destination** for agricultural products are the USA, Saudi Arabia, Iran, Nepal, and Bangladesh.

India's **major agricultural export basket** includes rice (both Basmati and non-basmati), spices, cotton, and wheat apart from this India also exports marine products and buffalo meat.

As per APEDA (Agricultural and Processed Food Products Export Development Authority), India exported pulses worth US\$ 163.90 million and dairy products worth US\$ 89.50 million from April–September 2020.

Initiatives to encourage Agricultural exports in India:

Firstly, India encourages agricultural exports by creating a **dedicated body named the Agricultural and Processed Food Products Export Development Authority (APEDA)**. The government created APEDA under the APEDA Act 1985.

- Under the Export Promotion Scheme of APEDA, the government is providing **assistance to the exporters of agricultural products.**

Secondly, The Government has introduced a comprehensive **Agriculture Export Policy in 2018**. The policy aims to double farmers' income by 2022 by doubling agricultural exports from the country. The policy also aims to integrate Indian farmers and agricultural products into the global value chain.

Thirdly, The Government has also brought out a Central Sector Scheme – '**Transport and Marketing Assistance for Specified Agriculture Products**'. The scheme aims for assisting the international component of freight handling and marketing of agricultural products.

Fourthly, As per the present FDI Policy, **100% FDI is allowed in the following activities of agriculture through the automatic route.**

However, the **total agricultural export basket** accounts for **only** a little over **2.15 percent** of the world agricultural trade. This is because of various challenges associated with the exporting of agricultural commodities.

What are the challenges associated with Agricultural exports?

Firstly, The **yield levels of the majority of crops** in India remains much lower than the world average. This is compounded by **fragmented landholdings**. The average farm size in India is only 1.15 hectares.

- Majority of the Indian farmers belongs to small and marginal category. The agricultural products produced were used majorly for own consumption.

Secondly, In India, **no study has been conducted to assess the long term impact of exports** on the agricultural and horticultural sector by the Department of Commerce.

Thirdly, **exporters of agro-commodities are not successful** in due to uncertainty in the foreign trading regime

Fourthly, The **government's pro-consumer bias** in India's farm policy is unfair. Indian government putting export restrictions on imported food items to prevent inflationary pressures in the domestic economy. This **hurts Agricultural exports**.

- The policy deprives farmers of higher prices in the international market and also adds an element of income uncertainty.
- For example, If the government is going to impose export restrictions when international prices are at a peak. Farmers would lose part of the incentive to cultivate exportable crops.

Lastly, there is an International demand & supply situation, international prices and quality concerns also restrict India's agricultural exports.

How to improve agricultural exports?

Firstly, the Government can provide **Infrastructure status to agricultural value chains**, such as warehousing, pack-houses, ripening chambers, and cold storage, etc.

Secondly, As per NITI Aayog recommendation, the Government can create **village level procurement centres**. This will benefit small and marginal farmers to improve agricultural exports.

Thirdly, Government can **Re-invigorating agricultural research and education**, this will increase lab to land connectivity.

Fourthly, APEDA has suggested **augmenting cargo handling facilities** at airports, ports, etc. This will reduce the waiting time.

Along with this government can **create a Green channel clearance** for perishable agro products in toll, air, and freight cargo stations.

Fifthly, the Government can **establish regional production belts**. This can be achieved by linking the Mission for Integrated Development of Horticulture and Self Help Groups.

Way forward:

India occupies a leading position in the global trade of agricultural products. But the share can be improved to a greater level if certain bottlenecks are resolved. The key to doubling farmer's income is not only focusing on internal agricultural productivity but also encouraging India's global share in the agriculture export basket.

WhatsApp Privacy policy Issue and Data protection in India

Context:

The recent WhatsApp privacy policy attracted widespread criticism among various sections of society for its latest privacy policy. Due to severe protests, WhatsApp has issued clarification related to its policy. But there is a wider concern about data protection in India.

[Click here to read about the new Whatsapp privacy policy](#)

What is the clarification WhatsApp has issued?

In its latest clarification, WhatsApp is trying to differentiate between “**messages with friends or family**” and “**messages with a business**”.

WhatsApp says that the **latest changes only affect the “messages with a business”**. Policy regarding “messages with friends or family” will remain the same.

In its clarification WhatsApp has issued the following statements:

- **Personal messages** are protected by end-to-end encryption and **neither accessed nor heard** by WhatsApp or Facebook.
- **No log of personal messages or calls** has been maintained due to “privacy and security risk”.
- **Location** shared by users are also protected by end-to-end encryption and cannot be seen by WhatsApp or Facebook.
- **Any user’s contact** is not shared with Facebook or any other App.
- All the communications within WhatsApp groups are end-to-end encrypted and are not shared with Facebook for Ads.

How business messages are different?

- Businesses on Facebook will be able to create **Facebook shops** to create an online store and interact with the users through WhatsApp.
- WhatsApp will soon offer businesses with **Facebook’s hosting services** to manage their communication with users.
- **On these hosting services**, Businesses will soon be provided with the facilities to manage WhatsApp chats with their customers, answer questions and send information like purchase receipts.
- Businesses will be allowed to use the above information for their marketing, including ads on Facebook.
- However, **Businesses using Facebook’s hosting services will be labelled**, to make the user aware of what follows.
- If the users are interacting with the businesses on WhatsApp for shopping or other purposes, their shopping activities will be shared with Facebook to personalise their experience on the related ads on Facebook and Instagram.

What is the Privacy Policy in EU?

- Privacy policies of different countries put different types of restrictions on businesses. **EU’s General Data Protection Regulation (GDPR)** provides much more control to the users on their personal information shared on the online platforms.
- While in the EU also, WhatsApp privacy policy talks about sharing information with Facebook, but users have an additional right “Managing and Retaining Your Information”.
- As per WhatsApp’s own policy for EU, **Users there can access, rectify, port, and erase their information.**

- They can not only restrict or object to a certain type of information used by the platform but also can withdraw their consent to WhatsApp for processing of data.

How data is protected in India?

In **Puttaswamy v India (2017) case, privacy was established as a fundamental right**. In other cases, MP Sharma v. Satish Chandra (1954) and Kharak Singh v. Uttar Pradesh (1962), as well, Privacy rights were upheld by SC.

As India has not implemented the Personal Data Protection Bill, there is no control over how user data will be processed by tech companies.

[Click here to read about the challenges of Personal Data Protection Bill.](#)

Apart from this **IT Act 2000, and its amendment in 2008** deal with data protection to some extent.

- Information Technology (Reasonable Security Practices and Sensitive Personal Data or Information) Rules, 2011 issued under the Information Technology Act, 2000, provides a measure of legal protection of personal information
- **Breach of data privacy is punishable** under Section 72-A of the IT Act. The Act Penalises the offender for three year imprisonment or a maximum fine of Rs 5 lakh.
- **But this provision is only applicable to corporate entities** not to individuals.
- Rules are restricted to sensitive personal data — medical history, biometric information, and sexual history, among other things.

Way forward:

Justice BN Srikrishna committee report talks about three approaches to data protection and a draft data protection bill.

1. The US model of laissez-faire approach: The USA does not have an overarching data protection framework.
2. European Model of GDPR: Provides control of personal data in the hands of the data generators (Users)
3. China's model of protecting National interests: China created a national law in 2017 which contains top-level principles for handling personal data.

Though WhatsApp's privacy policy is relaxed to some extent it is not perfect. This might be the first of many such privacy guidelines by the companies operating in India. The solution lies in the faster enactment of the Personal Data Protection Bill and the successful implementation of the Act. It is high time the government should enact the same.

India at the UN – challenges, significance and way forward

His article is based on the recent Indian Express article India at UN high table.

Context: Recently India has been elected as a non-permanent member to UN Security Council for the 8th time.

The United Nations is the most powerful International Organisation that ever existed in the history of mankind. 193 members of the UN have participated and contributed their part to make the UN a truly global organisation. India as a country and a member have participated and contributed significantly to the United Nations.

About United Nations (Source)

- The name “United Nations” was coined by then US President Franklin D. Roosevelt in the Declaration during the peace declaration of Second World War, where the representatives of 26 nations pledged their Governments to continue fighting together against global challenges.
- As an International Organization, The United Nations was founded in 1945.
- The powers vested in the UN Charter facilitate the United Nations to take action on a variety of global issues such as peace, security, climate change, sustainable development, human rights, disarmament, terrorism, humanitarian and health emergencies, global governance, food production, etc.
- The Six major organs of UN are
 1. UN General Assembly (UNGA)
 2. The UN Security Council (UNSC)
 3. Economic and Social Council (UN ECOSOC)
 4. International Court of Justice (ICJ)
 5. UN Secretariat
 6. Trusteeship Council

All the six were established in 1945 during the formation of the UN.

- Under the UN Charter, the Security Council has primary responsibility for the maintenance of international peace and security. The UNSC has 15 Members of which 5 are permanent members (China, France, Russia, UK, and the U.S.) and other 10 are non-permanent members elected for 2-year terms. Each Member has one vote and the permanent members have Veto Powers.

History of India's participation at the UN:

India is a **founding member of UN**. India signed the UN charter on 1945. Since the Independence the participation of India in the UN is huge and highly commendable. The participation can be divided into 3 Phases.

1. During Cold war period (1947 to 1990)
2. A decade of economic reforms in India (1990-2000)
3. The phase of New India (Since 2000's)

During Cold war period (1947 to 1990):

- In 1950-51, India, being a President of UNSC, India presided over the adoption of resolutions asking for a cessation of hostilities during the Korean War and also for assisting the Republic of Korea.
- In 1967-68, India co-sponsored a Resolution for extending the mandate of the UN mission in Cyprus.

- In 1977-78, India was a strong supporter of Africa and spoke against apartheid, and also raise concerns for the independence of Namibia.
- In 1984-85, India was leading supporter in the UNSC for the resolution of conflicts in the Middle East, especially Palestine and Lebanon.

A decade of economic reforms in India (1990-1992):

- **India suffered a humiliating defeat in the hands of Japan in the 1996 contest for a non-permanent seat in the UNSC.**
- India stood against indefinite extension of the **Non-Proliferation Treaty(NPT)** in 1995, and rejected the backdoor introduction for adoption of the **Comprehensive Test Ban Treaty(CTBT)** in 1996
- With the objective of providing a comprehensive legal framework to combat terrorism, India piloted a draft Comprehensive Convention on International Terrorism (CCIT) in 1996.

The phase of New India (Since 2000's)

India's Economic policies and globalization strengthened India's role and negotiating powers in the UN.

- Gradually India became a strong voice for the developing world, peacekeeping, counter-terrorism, and concerns about the problems in the African nations.
- During the 2011-12 term, India chaired the UNSC Committee concerning Counter-Terrorism, a Working Group concerning the threat to international peace and security by terror acts, and Security Council Committee concerning Somalia and Eritrea.
- India worked closely with its supporters in the UNSC and in May 2019 India succeeded in placing Pakistan-based terrorist Masood Azhar under the UNSC's 1267 Sanctions Committee concerning al-Qaida and ISIS and associated individuals and entities, The action which was pending since 2009.

Significance of India to the UN:

- Firstly, India is the **3rd largest economy** in terms of GDP (PPP) and the 2nd most populous nation.
- Secondly, **India is a founding member** of the UN, and India has been a non-permanent member of the UNSC for the 8th term and also a **member of other international structures** such as MTCR, The Wassenaar Arrangement, etc.
- Thirdly, **India enjoys the backing of major powers** including four permanent members other than China and also the African Union, Latin America, Middle Eastern countries, and other LDCs from different parts of the globe.
- Fourthly, India provides large numbers of soldiers to the UN for peacekeeping missions,
- Fifthly, India is a **responsible nuclear nation**, which has stated a clear **no-first-use policy** and also followed the same in spirit and soul.
- Sixthly, India's success in space technology is another point for its candidature.
- Lastly, India has been a responsible power and it has contributed significantly to global peace efforts and Humanitarian and Disaster Relief measures in various countries such as Pakistan, Yemen, South Sudan and the majority of the South Asian nations, etc.

Read Also: [upsc current affairs](#)

What are the Challenges to India at the UN?

- Firstly, **the China Factor:** China does not want India and Japan to join the UNSC as permanent members. China is against India for reasons such as
 - On the issue of cross-border terrorism, China continues to protect Pakistan.
 - China tried to get the UNSC to focus on India's constitutional changes in Kashmir.
 - China uses India's non-membership in the Nuclear Proliferation Treaty (NPT) and Nuclear Suppliers Group (NSG) as the reasons to deny India's entry into UNSC.
- Secondly, **Challenge to multilateralism**– There is a rift between the permanent members of the Security Council. For example,
 - China has stepped in to take advantage of the West's retreat from multilateralism and China is also flouting international law and order.
 - BREXIT has shown that nationalism still remains a strong factor in Europe.
 - The recent Coup in the USA and the global wave of right wing politics failed to reach a consensus on critical issues.
- Thirdly, **change in Contemporary geopolitical realities:**The global power matrix has moved towards multilateralism but the UNSC and UN's power matrix concentrated on select countries.
- Fourthly, **under-representation of Countries:** The regions like far East Asia, South America, Africa have no representation in the permanent membership of the council which can push for reforms at the UN level.

What are the solutions for India?

- **Firstly, making the UN effective.** India needs to carve out a larger room for itself and try to create an atmosphere of cooperation as done by the US and USSR on nuclear proliferation.
- **Secondly, making the UN more representative.** India should push its efforts in partnership with Brazil, Germany, and Japan (**G4 countries**), to expand the UNSC.
- **Thirdly, India has to deal with China's growing enmity:** By presenting the real facts on the issue of cross-border terrorism and the constitutional changes in Kashmir.
- **Fourthly, India should renew its ties with African Nations:** 60 percent of UNSC documents and 70 percent of its resolutions are about peace and security in Africa. So there is an opportunity for India to deepen ties on peace and security issues in Africa at bilateral, regional, and global levels.
- **Fifthly, P5 has to be realistic:** The UNSC's Permanent members have to accept the present world's challenges and the significance of co-operation at multi-level, especially the COVID-19 pandemic exposed the fault lines and the need for a multilateral collective solution.

Way forward:

UN should not merely be an institution but also an instrument for positive change. But the UN as an institution for conflict resolution has not developed as desired and India along with other nations should try to reform the UN structure.

Central Vista judgment: Issue of public participation in public projects

Synopsis: The issue of public consultation in the project development process should not be underestimated.

Introduction

In the recent judgment of the Supreme Court, *Rajeev Suri v. Delhi Development Authority*, Court granted its approval to the proposed redevelopment of the Central Vista in the national capital.

What are the changes proposed?

- In 2009, the Central Vista was considered as a Grade-I heritage precinct after extensive public consultation, which meant that any development inside the area had to be “regulated and controlled” without damaging its impressive style.
- However, the Redevelopment plan includes taking down a number of post-Independence buildings, including the National Museum.

Read more:

- [Issues with Central Vista Project](#)
- [Central Vista Judgment](#)

ISSUES IN THE JUDGMENT ON CENTRAL VISTA PROJECT

Following were 2 issues in the Central Vista Judgment, as per **Suhrith Parthasarathy**, the advocate of Madras High Court;

- **Court refused to acknowledge** the existence of a **right to public participation**, a right, which ought to be seen as fundamental in a democracy.
- **Delhi Development Act, 1957** mandated opportunity to the public to place their objections on the record. Although objections were invited from the public, a mere three-days’ notice was given for the hearing on those complaints
 - However, majority judgment ruled that the **law does not make personal hearings mandatory**.
 - **Issues:** 2 issues are involved in this case:
 1. In the past SC itself held that arbitrary state action violates fundamental rights under article 14 i.e. sufficient time should be accorded to the public if any big change is being introduced to imp. Acts like DDA.
 2. For Public to scrutinise the project, authentic technical information on the project was available in the public domain.

ISSUES IN GENERAL IN THE PUBLIC PROJECTS

Public participation and architectural services procurement are 2 of several areas that are in urgent need of improvement;

The issue of public Participation

- **Horizontal accountability** ensures check on government, by creating connected state organizations such as heritage committees and environmental regulators.
- **Vertical accountability requires citizen oversight. Citizens are asking for an improved participatory process.**
 - Government argues that horizontal accountability is in place. Provisions for consultation although are not absent, but the process of consultation is vague.
 - Judgment in central Vista is also not clear on the matter of public participation.
 - Development of Land Acquisition act provides a few lessons that have spelt out consent required from a minimum number of landowners.

Process of architectural services procurement

- The process of choosing a **designer for a public project needs improvement** as there is a lack of evaluation criteria and standards for design. Also, weightage is given to lower fees instead of better designs.
- **The architecture firms face entry barriers** as their expertise is judged on the basis of their company's turnover. The unreasonable revenue conditions make it difficult for many firms to qualify and also reduce the pool of choice.

Way Forward

- **First**, according to the dissenting judge, the most basic principles of procedural fairness require the state to make adequate and intelligible disclosures. It becomes more important as the project will have permanent and irreversible consequences.
- **Second**, for improving consultation, regulations and process have to clearly state what prior disclosures are required, when meetings have to be held and reasons for accepting and declining suggestions should be listed properly.
- **Third**, the government adopted the Quality and cost based selection (QCBS) for choosing designers. This method specifies requirements for consultants, places higher weightage on their technical capability and lower weightage on financial proposals.
- **Fourth**, in order to reduce the entry barrier, one can consider the suggestions made by the Architects' Council of Europe. It suggests dropping turnover requirements and emphasized qualitative selection criteria.
 - Weightage given to design value has to be clear and fixed as more than 65% of the registered architects in India are below 35 years and many firms are medium-sized, such changes are all the more required.

Capitol building coup attempt in US: Reasons behind launch and failures

January 9th, This article has been developed based on the Indian Express Article 'Once upon a failed coup'.

Synopsis: Recent coup attempt in the US Capitol Building has been caused by several factors.

Why Capitol building coup failed in the US?

January 6 coup attempt by rioters in US Capitol hill refutes the traditional wisdom that coups take place in developing countries.

It was not a usual Military led coup, but a coup led by executive i.e. an executive coup led by President Donald Trump himself. It was aimed at forcing two Houses of Congress to overturn the presidential election results, lost by Trump.

Election system of US

- Election administration **process of the US is very complicated**. Unlike India, the **US doesn't have an independent election commission**.
- **States form an electoral college** to certify the final outcome of the election process after people have cast their votes.
- **At the final stage**, the outcome certified by the states is finally **accepted by US legislators**. This was the stage ongoing on January 6.
- The **vice-president presides** over the process in US legislators. Mike Pence (vice-president) refused to overturn the election on demand of Trump.
- At the completion of the process, the victory of Biden was ratified and he is set to take oath on Jan. 20th.

What were the possible reasons behind coup attempt in the US?

2 main hypotheses are formulated to understand possible reasons for Trump behind this coup attempt:

1. **First** is the ideological reason, his commitment to restoring white supremacy was visible in his policies. Many rioters in the mob were carrying Confederate flags, which represent pre-civil war southern states, which stood to preserve slavery.
2. **Second** is a personal reason, Trump fears persecution for tax frauds, corruption, abuse of power and the latest one is for abetting an insurrection.

Why scholars believe, coup happens in poor countries?

Scholar believes that coups happen only in poor countries due to the following reasons.

Poor democracies

1. In poor countries, oversight institutions like election commission or other bodies taking care of democratic processes are weaker and not able to go against the mighty politicians.
2. Government here are mighty and has much to lose. Their control on economy and society makes them subject to imprisonment and coercion, once out of power.

Developed democracies

1. In richer democracies, firstly government doesn't control all sectors of society, thus not subject to imprisonment later.
2. Moreover, politicians have many opportunities after politics, thus they are not concerned about their well-being after government.

Coup in presidential vs parliamentary democracies

Coup in parliamentary democracies is less likely compared to Presidential.

- **In Presidential democracies**, the executive and the legislature are independently elected. If they are from different parties, clashes are possible between them.
- **Whereas in parliamentary democracies** both executive and the legislature are interlinked. Prime Minister is selected based on the majority in Parliament. Thus clashes between the executive and parliament are less likely.

What are the reasons behind the failure of coup attempt in US?

1. **Firstly, military support was absent**, thus mob failed to occupy the Capitol building. In richer democracies, armies rarely help leaders in electoral disputes.
2. **Secondly, Even the Republican governments officials did not bow** to the coup attempt of Trump.
 - In a leaked tape of Trump's phone call to Georgia's Secretary, he asked Secretary to "find 11,780 votes". But he did not agree to follow and declined to act on this.
3. **Third, American Courts played a constructive role** in ensuring the fair play in the election process. Trump's campaign filed more than 60 legal challenges from state courts to the Supreme Court but failed to secure any big gain.
 - During his term, Trump appointed many judges and expected them to secure decisions in his favor but they followed the law and made their decisions on this basis only.

A coup attempt in the history of US proves that no country in the world is safe from these types of challenges. It is only through the integrity of the established institutions in the country that this attempt could not succeed to turn around the democratic process of the country.

Thus, the transparency and integrity of institutions should not be undermined and kept at the highest level.

Contradictions between farm laws and the MSP system

This article has been created based on the Indian Express article “Misunderstanding the MSP”

Synopsis- Mere amendments to farm laws will not solve the MSP issue, as the MSP system may not be able to face the private system of farm laws.

Syllabus– GS Paper III (Issues related to direct and indirect farm subsidies and minimum support prices)

Introduction- Recent negotiations between the farmers’ organisations and the Centre are stuck on the issue of MSP and repeal of farm laws. Although the government offered an amendment to address flaws in the three farming laws. But the farmers demanding, laws themselves need to be repealed.

Understanding the aspects related to the MSP system

- **MSP Package:** MSP alone is not remunerative for farmers. Remuneration is facilitated by a combination of **1.MSP, 2. Public Procurement System (PPS)** and **3. Strict time-bound purchase of output brought to the PPS (By APMC, mandi yards)**.
 - If any one of the above factors is missing from the combination, farmers will not be able to get the intended benefits.
 - For example; Gaurang Sahay of the TISS, Mumbai reported that in MP, **the absence of timely purchase of vegetables led to farmers feeding cauliflower and aubergine to their animals. i.e., one missing aspect from the combination.**
- **Availability of package:** The government system of announcing and implementing MSPs is inadequate.
 - **MSP is announced for 23 crops but PPS and timely public procurement, are provided mainly for two crops, wheat and rice.**
 - For other 21 crops, the full package is not available and the market price falls way below MSP.
 - It is the reason behind the demand for MSP continuation by Wheat and Rice farmers.
- **Definition of MSP is another contested issue–** Farmers’ organisations are insisting on the **Swaminathan Committee formula of C2+50 percent**, also announced by BJP government in its 2014 election manifesto, but not yet implemented.
 - **The MSP announced by the government is based on the A2+FL+50 percent formula**, which, unlike the C2+50 percent formula, does not cover all the costs of farming.
 - This led to Farmers’ lack of trust in the government regarding its “assurance” on MSP.

Components of MSP Calculation:

1. **A2:** the actual expenses paid by farmers in cash and kind for seeds, fertilisers, pesticides, paid labour, irrigation, etc.
2. **A2+FL:** the A2 cost along with an adjustment for the costs of unpaid family labour (given traditional Indian farming practices involve families).
3. **C2:** A2+FL along with all other production costs, including loans, rentals, cost of land and other fixed capital assets, i.e. a comprehensive cost of production.

How has the significance of MSP/PPS system changed over time?

At the launch of the Green Revolution, MSP and PPS were designed to

- incentivize farmers to produce cereals — mainly wheat and rice —and
- achieve food self-sufficiency, which was met by the early Seventies.

At present, the purpose of MSP, PPS/APMC are:

- To maintain food self-sufficiency because crop diseases and extreme weather conditions can lead to food shortages.
- To ensure a reasonable, assured income to the farmers.

The 2nd purpose of ensuring reasonable income to farmers becomes crucial as **86 per cent of India's farming households are either marginal** (cultivating less than one hectare of land) or **small** (cultivating between one hectare and two hectares of land).

The above fact has been totally ignored by many pro-farm bill experts and even the Shanta Kumar Committee in its 2015 report by suggesting the dismantlement of FCI public procurement.

Can MSP system co-exist with the Private market system?

Government argument of Coexistence of MSP/APMC with big agribusiness-controlled private markets doesn't look promising, due to the following factors.

1. **Firstly, Contract with the private trader**, once entered into by a farmer, he will not be legally allowed to use the APMC mandi system for a better price than that contracted with the trader.
2. **Secondly, Dispute Resolution Mechanism doesn't favor farmers**. In case a farmer tries to use the other avenues providing better remuneration, private entities will take the non-compliant farmer to court.
3. **Third, Farmers will not be able to win a legal battle** due to the structural inequities of legal resources and social-cultural capital under the dispute resolution mechanism.
4. **Fourth, Lack of choice for farmers**— The proposed dispute resolution mechanism increases the choice of the trader to trade i.e. can trade with n number of farmers but not of the farmers i.e. can enter into agreement with a single trader.
5. **Fifth, genesis of Centre-State conflict**- As central law will prevail in the private markets, while state laws in the APMC mandis., it will create conditions for perpetual Centre-state conflicts.

How to improve MSP system in India?

NITI aayog in its report provided with the following recommendations to improve the MSP system in India:

- **Awareness among the farmers** needs to be increased and the information disseminated at the lowest level so that the knowledge would increase the bargaining power of the farmers.
- **Prompt payment:** The delay in payment needs to be corrected and immediate payment should be ensured. For sustainability of farming prompt payment at remunerative rates should be made.
- **Timing of MSP announcement:** MSP should be announced well in advance of the sowing season so as to enable the farmers to plan their cropping.
- **Transport and storage:** More god owns should be set up and maintained properly for better storage and reduction of wastage. Transport facility (say, in the form of providing two wheelers) for Purchase Officers may be considered to help them effectively discharge their work.
- **Updated criterion for fixing MSP:** The criteria for fixing MSP should be current data and based on more meaningful criteria rather than C3.

- **The small and marginal farmers** can be provided with Procurement Centres in the village itself to avoid transportation costs.

MSP has been very helpful in keeping agriculture in our country alive and we have been able to become self-sufficient in food grains due to it. It becomes crucial for government to provide some solid assurance to farmers that it won't be allowed to die down.

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Supreme Court Judgment on Central Vista Redevelopment Project

Supreme Court pronounced 2-1 judgment and cleared the Central Vista Redevelopment Project.

Petition challenging the Centre's change-of-land-use notification of March 2020 for 86 acres of land was filed in SC.

Following statements were put forward by the majority judgment and dissenting judge:

More about judgment

SC Court in its judgment held that it found no issues in the following orders and found them as per laws and procedures.

- “No Objection” by the Central Vista Committee (CVC);
- “Approval” by the Delhi Urban Art Commission (DUAC) as per the DUAC Act, 1973;
- “Prior approval” by the Heritage Conservation Committee (HCC) under Building Byelaws for Delhi, 2016.”
- Exercise of power by central government under DDA (Delhi Development Authority) Act, 1957.
- Environmental Clearance (EC) recommendation for the project by the Expert Appraisal Committee (EAC).

SC in its judgment also made a statement regarding the limits on its powers. As per the bench, development policies of the Government of the day must be debated in the Parliament. The role of the Court is limited to examining their constitutionality and not to govern.

Further, it asks for the **creation of smog towns and deployment of smog guns** to mitigate the pollution from construction materials and directs that waste management at the site be subjected to constant monitoring.

What were the issues raised in the petition challenging Central Vista Project?

Supreme Court was hearing the petition on the following main grounds, put forward by the petitioner:

1. **Change of land use:** DDA in its notification made changes in the land use to facilitate the use of public open spaces such as a district park and children's play area for the use of government office.
2. **Violations of municipal law:** consultation with Delhi Urban Commission (DUAC) had to be completed at the plan conception stage itself.
 1. In the absence of a comprehensive consultation, the approvals were granted without proper application of mind.
3. **Violations of environmental law:** Parliament building was granted environmental clearance from the Ministry of Environment, Forests & Climate Change without any Environment Impact Assessment (EIA).
4. **Change in heritage Status:** Heritage Conservation Committee allowed the demolition of post-independence constructions by redefining the 'Heritage status'.
5. **Central Vista Committee (CVC):** As per the petitioner, CVC was set up to rush the approvals and it consists of the members, who were proponents of the central vista project. Thus, there is an apparent conflict of interest.

For more Info. on Issues: Issues with Central Vista Project

What is Central Vista and Central Vista Redevelopment Project?

History of Central Vista development

- Britain's King George V on December 12, 1911, at his coronation announced the transfer of the seat of the Government of India from Calcutta to the ancient Capital of Delhi.
- This 20 years-long project of Central Vista development was led by architects Edwin Lutyens and Herbert Baker. It was completed in 1927 and inaugurated by Viceroy Lord Irwin.
- Central Vista is 3.2 kilometre area in Delhi housing Parliament House, Rashtrapati Bhavan, North and South Blocks, Rajpath, India Gate, National Archives and the then princes' houses around India Gate.
- In the 1962 Master plan of Delhi, site was declared a heritage precinct as an "important site to meet the aspirations of a rich culture".

About the Central Vista Redevelopment Project

- Project was announced by Ministry of Housing and Urban Affairs in 2019 as a redevelopment project to give a new identity to the 'power corridor' of India.
- Redevelopment project includes
 - Construction of a new parliament next to existing one,
 - Prime minister and vice-president's residences along with 10 building blocks that will accommodate all government ministries and departments.
 - Revamping of the 3-km-long Rajpath — from Rashtrapati Bhavan to India Gate.
- Project will change the structure of the 86-acre area in Lutyens' Delhi that shows off India's iconic buildings such as South and North blocks of Central Secretariat, Parliament House, and Rashtrapati Bhavan.
Read Also : [upsc syllabus Parliament Complex](#)
- Complete project is estimated to cost around Rs. 20,000 crores. Of this amount, around Rs. 1000 crores is allocated for construction of Parliament Building.
- It will be a triangular-shaped Parliament building and spans across over 64,500 square metres.
- It will be able to accommodate 336 more Lok Sabha members and 139 more Rajya Sabha members than the current capacity i.e. 888 Lok Sabha members and 384 Rajya Sabha members.
- Building is projected to complete by 2022, for which Tata Projects won at Rs. 861.90 crores.

Why the Central Vista redevelopment Project has been planned?

- **Firstly**, the Current Parliament was built in 1927 to house the legislative council and was **not intended to house a bicameral legislature** that the country has today. The **current building will be under more stress** when the number of seats to Lok Sabha and Rajya Sabha are raised.
- **Secondly**, the present Parliament House **signifies an imperial origin**, whereas India is a successful citizen-led democracy. Thus, the present parliamentary building is **not in accordance with the aspirations of independent Indian citizens** and the new building will stand out as an institution created by 130 crore citizens.
- **Thirdly**, there are **international examples** of building new parliamentary structures after gaining independence.
 - The Capitol Building in the USA was constructed within 25 years of the country's independence.
 - In Brazil, the National Congress Building was constructed, almost 70 years after Independence, in 1960.

- **Fourthly**, Present Parliamentary complex was built by the British on their own patterns and designs. New building's design and interiors will capture Indian values and the rich diversity of **our regional arts, crafts, textiles, architecture, and culture**.
- **Fifthly**, World history proves that Public infrastructure projects playing a **key role in reviving economies** in distress. For ex; the Tokyo Tower in Japan, built after World War II, provided employment to thousands of workers, instilled a greater sense of nationalism, and contributed to the resurgence of the Japanese economy.
- **Sixthly**, the existing building **does not conform to fire safety norms** and is not earth quake proof. Water and sewer lines are also haphazard and this is damaging its heritage nature. 2001 Parliament attack is a fit example questioning the safety.

Although SC has given a green light to Central Vista Project, it also underlined the need for the significance of transparency i.e. if the relevant information is not placed in the public domain, public will be ill-equipped to understand the need and rationale behind such projects.

Government should become more transparent and try to bring in a consultation process at the initial stage of the project developments to maintain a level of confidence among people of the country.

Approval to Covaxin, and Covishield Vaccines: Concerns and way forward

This article has been developed based on the Indian Express article “Turning point”.

Synopsis- The Drug Controller General of India (DCGI) approved two vaccines — the indigenously developed Covaxin, and Covishield. There are several concerns associated with the hasty approval of vaccines.

About Vaccines

COVISHIELD:

- This vaccine is incubated in the laboratories of Oxford University and Swedish-British pharma firm, AstraZeneca. It is manufactured by the Serum Institute of India.
- **Type of vaccine:** It is made from a weakened version of a common cold adenovirus that causes infections in chimpanzees.

COVAXIN:

- It has been indigenously developed by Hyderabad-based Bharat Biotech in collaboration with the Indian Council of Medical Research (ICMR).
- Approval of this vaccine has raised many concerns as the Vaccine was still undergoing phase-3 clinical trials.

Read More about Vaccines

As per the regulators, Phase I and Phase II clinical trials were conducted on approximately 800 subjects and the results have demonstrated that the vaccine is safe and provides a robust immune response.

An efficacy trial of this vaccine was initiated in India on 25,800 volunteers, and the data provided till now has been found to be safe, according to regulators.

However, there is no clarity about the type of data available.

Conditions associated with approval

- The emergency use approval is conditional on the vaccine developers submitting details of any adverse effect to the drug regulator, every 15 days.
- A factsheet with safety details will also be provided to those receiving the first lot of vaccines.

Accelerated approval process in India

The term “Emergency Use Authorisation (EUA)” has been used mainly by regulatory agencies like FDA in the US and some other countries.

The term Emergency Use Authorisation (EUA) has not been used anywhere in rules in India. However, 2019 rules provide for an “Accelerated Approval Process” for granting approval to a drug that is still in clinical trials. The definition of a new drug in the 2019 Rules includes a vaccine.

Conditions for Accelerated Approval Process

- There should be a prima facie case that the drug is of Therapeutic benefits.
- “Accelerated approval may also be granted to a new drug if it is intended for the treatment of a serious, or life-threatening condition, or disease of special relevance to the country, and addresses unmet medical needs,”.
- Approval can be granted even if “remarkable” effectiveness is reported even from phase-II trials.

Approval granted to drugs or vaccines that are still in clinical trials is temporary, and valid only for one year.

Read more – [Emergency Use authorisation of vaccines](#)

What are the concerns associated with the hasty approval of vaccines?

India which is regarded as a manufacturer of vaccines, has put its credibility at a stake by this hasty approval of vaccine. It has raised a wave of concerns by scientific and healthcare communities about a “public rollout of an untested product.

- **First, Covaxin has been approved without clinical efficacy data.** This vaccine was on the 3rd stage, which is always a key to prove its efficiency. Government’s approval to this vaccine might hurt India’s credibility in case of any adverse impacts.
 - Efficacy data is an indication of how effective the vaccine is in preventing the virus attack.
- **Second, As regulators have themselves evaded their rules, credibility of regulator at stake-** This lack of transparency could lead to a lack of trust in the vaccine. There are several issues with the way the approval has been granted, which can lead to people losing confidence in the regulatory system.
- **Third, approval an untested vaccine makes it nearly impossible to conduct a proper phase-3 trial.**
 - It will be unethical to expect volunteers to participate in a trial where there is only a 50% chance of being administered the actual vaccine, when they have the option of the real dose elsewhere.
- **Fourth, While Pharmaceutical giants like Pfizer, Moderna, and AstraZeneca have given a go-ahead only after partial results of vaccine’s abilities in their own populations,** In India Covishield has not been tested for **vaccine ability among Indian population.**
 - As it is a possibility that vaccine response among Indian population may not be the same as among the European Population.
- **Fifth,** several data and reports have suggested the Vaccine hesitancy among people due to Emergency Use authorization. Approval without even base-level data will only strengthen this hesitancy among the public.

The rush to approve the COVID-19 vaccine without proper clinical trial may do more harm than good. So, it would be better to wait for the preliminary data from the phase-III trials to come in, and then grant the approval.

What is the way forward?

- Government needs to strengthen its vaccine distribution and administration mechanism to meet the need of 1/4th of the population it is looking to vaccinate in the first phase.
- Immunogenicity of both the vaccines could vary, thus there is a need to understand the adverse effects.
- Prioritising the elderly people needs to be re-examined because the elderly are **less mobile and** have a **lower level of social interaction**, they are less likely to spread the virus. So, in the long run, prioritizing the elderly people may not actually minimize the total **social and economic cost** inflicted by the virus.
- Surveillance and monitoring systems will require to be tweaked as per the efficiency and effectiveness data of the Vaccine.
- Vaccinators required to be educated on the finer details of the two vaccines.

What are the issues in anti-conversion law?

Synopsis: After UP, MP has also promulgated an ordinance related to anti-conversion laws. But UP’s anti-conversion law itself is fraught with many challenges.

Prohibition of Unlawful Conversion of Religious Ordinance, 2020:

- Law **prohibits conversion** from one religion to another by “misrepresentation, force, fraud, undue influence, coercion, allurement or marriage”.

- **Marriage will be declared “shunya”** (null and void) if the “sole intention” was to “change a girl’s religion”
- The **persons** forced the girl to change religious conversion may **face jail term of up to 10 years** if the girl is minor, a woman from the Scheduled Caste or Scheduled Tribe, if the person involved religious conversion on mass scale. For the rest of the cases, the jail term ranges from 1 to 5 years.
- The law also provides for the way to conversion. The **person willing to convert to other religion would have to give it in writing to the District Magistrate at least two months in advance.**
- The **burden to proof** would be on the **person who caused the conversion or the person who facilitated it.** If any violation is found under this provision, then she/he will face a jail term from 6 months to 3 year
- If any person **reconverts to his immediate previous religion, then it shall not be deemed to be a violation** of the ordinance.

Read more – [What is the term ‘Love Jihad’ or ‘Romeo Jihad’?](#) | [ForumIAS Blog](#)

Rationale behind the enactment of anti-conversion laws:

- Firstly, the **threats of forceful conversion:** Force not solely embody physical force to convert a person belongs to one faith to a different one however additionally it includes mental force **like** the “threat of divine displeasure”. For example, assume if a missionary informs a person that only Christians are allowed entry into heaven – a core part of the faith – that could also be construed as “force”.
 - The Orissa High Court in **Yulitha Hyde v. the State of Orissacase** upheld this interpretation of “force” (Physical and mental).
- Secondly, the **problem of Inducement or allurement:** Odisha’s anti-conversion law mentions allurement or inducement as an offering of any gift or gratification, either in cash or in-kind, and also includes a grant of any benefit, which is pecuniary or otherwise. **In Rev. Stanislaus vs State of Madhya Pradesh (1977) case** the court upheld this definition.
- Thirdly, **Religious conversion is not a Fundamental Right:** Supreme Court in **Rev. Stanislaus vs State of Madhya Pradesh (1977) case** held that the conversion isn’t a fundamental Right and so could be regulated by the state. Both Odisha and Madhya Pradesh laws were upheld. This act as the legal basis for other such laws created by other States.
- Fourthly, the **aim of all anti-conversion laws** enacted by various States **are same**, such as to constrain the ability of communities and individuals to convert from their own religion to another in the name of protecting those sectors of society—namely women, children, backward castes and untouchables etc.

Court’s judgement in Rev Stanislaus case:

The freedom of religion enshrined in Article 25 is not guaranteed in respect of one religion only but covers all religions alike... What is freedom for one is freedom for the other in equal measure and there can, therefore, be no such thing as a fundamental right to convert any person to one’s own religion

Issues with anti-conversion laws

1. The Ordinance route taken by the government for promulgating this law is controversial as the law is not containing any specific urgency for this route.
 - For promulgating an ordinance, 3 conditions must be satisfied
 - State Legislature should not be in session;

- circumstances should exist for promulgating an ordinance
 - Circumstances must warrant immediate action.
 - However, disclosing the circumstances and urgency for the same is not mandatory.
2. Police do not require a special law to prevent a fraudulent or coercive inter-faith marriage. It can do so under normal circumstances too as in the case of child marriages.
 3. Section 7 authorises the arrest of a person by a police office on receipt of the information that a religious conversion is taking place.
 1. Arrest doesn't require a magistrate order or warrant.
 2. Information can be a false news as seen in some of the recent cases.
 4. In case, a person want to convert but not marry, she/he require to inform a DM 2 month in advance. Then DM requires the police to inquire the real purpose of conversion and file a report.
 1. It leaves the scope of heavy pressure on the person from all around i.e. police and right groups.
 5. Section 12 of the article puts the burden of proof that it is not through coercion or fraud, on the person causing conversion through marriage or by any other way.
 6. This law through all the above methods is encroaching upon the right to privacy and violates the right to life, liberty and dignity of the consenting adults.
 7. These laws promotes patriarchal mind-set, where an adult women is unable to make her own choice in the matters of religion or marriage.

How to deal with the issues?

- **Firstly**, the **need for uniformity**, Article 18 of the Universal Declaration on Human Rights mentions everyone has the right to freedom of religion including changing their faith. That is included in the State laws but there is a wide variation in the state laws such as prison terms, burden of proof, the procedure to get converted, etc. Since the **conversion falls within the "State list"**. **Central can frame a model law like Model law** on contract farming etc.
- **Secondly**, **State** while enacting anti-conversion laws **should also respect their Freedom** to get convert and should **not put any vague or ambiguous provisions** for the person who wanted to convert of his own will.
- **Thirdly, awareness to the people**: People also need to be educated about the provisions and ways of Forceful conversions, Inducement or allurement, etc.
- **Fourthly**, disclosing circumstances leading to adopting the ordinance route should be made mandatory at both state level and central level.
- **Fifthly**, according to the **USCIRF** (United States Commission on International Religious Freedom), some observers note that "**anti-conversion laws create a hostile, and on occasion violent, environment for religious minority communities** since they do not require any evidences to support such accusations of wrongdoing.
 - So, the anti-conversion laws also **need to include a provision to mention the valid steps for conversion** by minority community institutions.

Way forward:

Conversion in India is legal but not the conversion made using force/allurement/inducement to convert people. Various Court judgments have made conversion laws a legal one but not the laws which have whimsical/fanciful/arbitrary laws by State. So, there is a clear limit for the State to intervene in the religious conversion, this can be further demarcated by small but significant steps such as model law, enhancing awareness, etc.