

## 7 PM COMPILATION

**16th to 30th June, 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
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UAPA or Unlawful Activities Prevention Act – Explained, Pointwise

**Topic-Security**

**Sub topic-Legislations**

RBI's proposal for regulation of the Microfinance sector- Explained, pointwise

**Topic-Economy**

**Sub topic-Money and Banking**

[June Yojana Summary] Pandemic through Gandhian Principles – Explained, pointwise

**Topic-Ethics**

**Sub topic-Ethics**

Summary of State of Environment Report 2021 – Explained, Pointwise

**Topic-Environment**

**Sub topic-Organisations and Initiatives**

Right to be Forgotten – Explained, Pointwise

**Topic-Polity**

**Sub topic-Right duties and principals**

Draft e-commerce rules and their challenges – Explained, pointwise

**Topic-Economy**

**Sub topic-Industries and Industrial Policies**

UGC's Proposal For Blended Learning – Explained, Pointwise

**Topic-Higher Education**

**Sub topic-Higher Education**

India-Africa relations – Explained, **pointwise**

**Topic-International Relations**

**Sub topic-International Relations**

New Vaccine policy: Need and Concerns – Explained, Pointwise

**Topic-Social**

**Sub topic-Health Related Issues**

Threats Posed by UAVs – Explained, Pointwise

**Topic-Misc.**

**Sub topic-UAVs**

Analysis of government relief package- Explained, pointwise

**Topic-Economy**

**Sub topic- Other Sector News**

Draft Cinematograph Bill 2021 – Explained, pointwise

**Topic-Polity**

**Sub topic-Other Issues**

## UAPA or Unlawful Activities Prevention Act – Explained, Pointwise

### Introduction

The Delhi High Court recently granted bail to 3 students, accused of conducting riots and anti CAA protests in North East Delhi. This case highlights another instance of misuse of the [Unlawful Activities \(Prevention\) Act \(UAPA\)](#), 1967.

The UAPA was formulated to strengthen the security framework of the country and preserve the unity and integrity of the nation. Nonetheless, it has currently become a tool to curb free speech and political dissent in our country. The [cases filed under the law have been rising](#) for a few years, while the conviction rate is going down. It was merely 2.2% between 2016-19.

Therefore, it is imperative to do a comprehensive review of the concerning provisions that make it prone to misuse by the authorities.

### What was the case?

- The Delhi High Court granted bail to Natasha Narwal, Devangana Kalita, and Asif Tanha. They were imprisoned for over a year in connection with the riots in northeast Delhi and the anti-CAA-NRC protests under the UAPA act.
- The Delhi HC orders applied the **Watali precedent**. It placed the burden of making out a prima facie case on the police instead of the court itself.
- The court pointed towards the blurred line between the constitutionally guaranteed right to protest and terrorist activity done by an individual.
  - This blurring has allowed the government to suppress dissent and undermine the right to protest under Article 19 of the Indian Constitution.
  - **In Anita Thakur, 2016**, the SC recognised the right to protest as a fundamental right, flowing from Article 19 (1) (b) of the Constitution.
- The [bail was granted](#) by resorting to the **Sanjay Dutt case**. Under this, the SC said that people who are not covered by the express language of the law, shouldn't be included by stretching the law.

### About Unlawful Activities (Prevention) Act, 1967

- It is primarily an anti-terror law aimed at effective prevention of certain unlawful activities of individuals and associations.
- Its main objective is to empower the state for dealing with activities directed against the integrity and sovereignty of India.
- The Act assigns absolute power to the central government. It can declare an activity as unlawful, by way of an Official Gazette.
- The act has the **death penalty and life imprisonment as the highest punishments**.
- Under the act, **both Indian and foreign nationals can be charged**. It will be applicable to the offenders in the same manner, even if the crime is committed on foreign land, outside India.
- The investigating agency can file a charge sheet within a maximum of 180 days after the arrests. This duration can be extended further after information to the court.
- **2004 amendment:**
  - It added "terrorist act" to the list of offences, to ban organisations for terrorist activities.

- Till 2004, “unlawful” activities referred to actions related to secession and cession of territory. Following the 2004 amendment, the “terrorist act” was added to the list of offences.
- **2019 amendment:**
  - The amendment empowers the Central Government to **designate individuals** as terrorists on certain grounds.
  - It empowers the Director-General, National Investigation Agency (NIA) to grant approval of seizure or attachment of property when the case is under investigation by the agency.
  - It also empowers the officers of the NIA, of the rank of Inspector or above, to investigate cases of terrorism. Earlier, the power to investigate was with the officers of the rank of Deputy Superintendent or Assistant Commissioner of Police only.

### The rationale behind the law

- **Maintaining Sovereignty and Integrity:** It was initially promulgated to enable the government to curb secessionist activities.
  - For instance, states of Nagaland and Tamil Nadu were demanding a separate nation for them during the 1960s.
  - Similarly, during the 1962 war with China, there were few political parties that were supporting China and raising demands for forming a separate nation.
- **Supporting investigation agencies:** The law provides greater powers of search, seizure, and detention that are beneficial for aiding the investigation and preventing the occurrence of a bigger crime.
- **Constitutional support:** In 1963, Article 19(2) of the Constitution was amended for the last and final time. The words ‘the sovereignty and integrity of India’ were inserted in it as one more exception to the right to free speech. This enabled the parliament to enact the UAPA based on this exception.
- **International Scenario:** Countries across the world have formulated stringent laws for effectively protecting the security framework in their jurisdiction.
  - For instance, the United States, Israel, China, Pakistan, and European Union have dedicated laws to declare ‘individuals’ as terrorists.
- However, the [act is criticized for its Draconian provisions](#), which makes it susceptible to misuse.

### Draconian provisions of the UAPA

- The definition of terrorism in Section 15 of UAPA is indefinite and comprehensive, as it covers almost every kind of violent act, be it political or non-political.
- Under section-43A and section-43B of UAPA, the **police are empowered to search, seize and arrest any person** involved in unlawful activities without a warrant.
- Under section-43D police are empowered to detain the accused in police custody for 30 days and in judicial custody for a period of 180 days without the charge sheet.
- The police can get the police custody of the accused from the judicial custody with the permission of the court.
- Under UAPA, the accused **does not have the option of anticipatory bail**. It presumes the accused guilty solely on the basis of the evidence collected.

- Under section-44, secret witnesses are allowed during the case proceedings.\

### Issues associated with UAPA

- **Misuse for Curbing Political Dissent:** The wide provisions of the act have been used by the government to curb political dissent rather than to prevent sovereignty and integrity.
  - For instance, many people were booked under UAPA for conducting the North East Delhi riots. However, this was a localized offence and didn't pose a threat to the unity and integrity of India as a whole.
  - Further, many innocent protestors were also booked thereby undermining their free speech under Article 19 of the constitution.
- **Against Principle of Natural Justice:** The principle calls for assuming every person innocent unless proven guilty and hence a pre-trial imprisonment is a violation of this principle.
  - However, UAPA allows the Court to deny bail for a terrorist act if there are reasonable grounds to believe that the accusation is prima facie true.
- **Violation of Human Rights:** The wide powers given to police for search and arrest is a clear violation of an individual's right to privacy. It is a fundamental right under Article 21 of the Indian constitution as deduced by court in **K.S puttaswamy versus Union of India**.
- **Undermines Federalism:** Some experts feel that it is against the federal structure since it neglects the authority of state police in terrorism cases. However, 'Police' is a state subject under the 7th schedule of Indian Constitution.
- **Frivolous Filing:** The wide and ambiguous provisions of the act enables the state to impose frivolous charges on innocent individuals. This is testified by a mere 2.2% conviction rate between 2019-2019.
  - The total number of persons arrested and convicted under UAPA was 5,922 and 132 respectively.
- **Data Deficit:** The NCRB does not maintain UAPA data on the basis of religion, race, caste or gender. This creates a barrier in identifying the vulnerable groups who face greater abuse under the act.

### Suggestions for UAPA

- The Parliament should rectify the anomalies with a suitable amendment and vague provisions for improving the interpretation.
  - Currently, the act punishes an individual who is a member of a banned organisation under the first schedule of UAPA. However, it fails to define what constitutes membership.
- The court should also strike down the inappropriate provisions of UAPA especially the ones which undermine fundamental rights.
  - The SC had done this in the past as well. For instance, in **Shreya Singhal Case**, Section 66A of the IT Act was held as unconstitutional due to its vagueness that undermined the right to free speech.
- The government needs to **educate the Law enforcement authorities** to prevent the problem of misuse. The enforcement authorities should be trained regarding the

application and non-application cases of UAPA. Further, they should be made sensitive towards Right of Dissent in a democratic setup.

- The record of cases filed under UAPA must be subcategorised on the basis of religion, race, caste, or gender. This will help in the identification of the groups/communities who are most prone to abuse under the act.

### **Conclusion**

UAPA gives unfettered powers to the government and leaves a person vulnerable in front of the government. This Act compromises with constitutional values such as freedom of speech, personal liberty and the right to a fair trial. However given the evolving nature of crime and terrorist activities, it is not possible to completely abandon the law. Hence focus must be placed on balancing the security interests with fundamental freedoms granted by the constitution.

**RBI's proposal for regulation of the Microfinance sector- Explained, pointwise****Introduction**

Recently, the Reserve Bank of India has released a Consultative Document on Regulation of Microfinance sector. The document aimed to address the concerns related to the over-indebtedness of microfinance borrowers and empowering them. The document proposes that there should be **no prepayment penalty and collateral for all microfinance loans**. The introduction of regulation is much needed, as the Microfinance Institutions loan portfolio has reached Rs 2.31 lakh crore at the end of FY2020, touching the lives of 5.89 crore customers. The microfinance sector has grown rapidly in India over the past few decades. Currently, the microfinance sector is serving around 102 million accounts (This includes banks and small finance banks) of the poor population of India. But still, there are certain inherent challenges associated with the Microfinance sector.

**What are Microfinance Institutions?**

These are organizations that offer financial services to low-income populations. They provide services such as [micro loans](#) (all loans that are below Rs.1 lakh), micro-savings, and microinsurance.

Microfinance Institutions provide small loans to people who do not have any access to banking facilities. Their area of operation includes rural areas and among low-income people in urban areas.

The **Non-Banking Financial Company -Micro Finance Institutions (Reserve Bank) Directions, 2011** of the Reserve Bank of India (RBI) is regulating all the Non-Banking Finance Company (NBFC)-MFIs in India

**Salient provisions of RBI document on Regulation of Microfinance sector**

The suggested framework in the Document is intended to be made applicable to the microfinance loans provided by all entities regulated by the Reserve Bank. After the consultation, the RBI will release the overall guidelines for the regulation of the Microfinance Sector.

1. **A common definition of microfinance loans:** there is no common definition for microfinance loans available from various microfinance entities in India. The document aims to provide one common definition for all regulated microfinance sector entities.
2. **Capping the outflow on account of repayment** of loan obligations of a household to a **percentage of the household income**. Further, borrowers can determine the period of repayments as per their requirements.
3. **A Board approved policy for household income assessment.**
4. There should be **no pre-payment penalty; no collateral requirement, and greater repayment frequency** for all microfinance loans.
5. Alignment of pricing guidelines for NBFC-MFIs with guidelines for NBFCs.
6. Introduction of a **standard simplified fact sheet on the pricing of microfinance loans**. Further, MFIs need to display minimum, maximum and average interest rates charged on microfinance loans on their websites for greater transparency.
7. **Aligning pricing guidelines** for NBFC-MFIs with guidelines applicable to NBFCs

**Need for RBI document on Regulation of Microfinance sector**

1. **Decade-old rules and regulations:** At present, Microfinance Institutions are governed by **NBFC-Micro Finance Institutions (Reserve Bank) Directions, 2011**. So the new document is much needed to govern the growth and misuse of Microfinance Sectors.
2. **Increased share of banks and small finance banks:** After 2015 the banks and small finance banks started increasing their operations in Microfinance Sector. At present, only 35% of the Microfinance sector lies with the MFIs, the rest are with banks and small finance banks. This resulted in the following difficulties,
  - o The RBI's 2011 directions **did not cover around 70 percent share in the microfinance portfolio**.
  - o This **created a non-level playing field** among the Microfinance Sector.
  - o **The issue of Over-indebtedness and Multiple Lending:** small borrowers are able to get multiple loans from several lenders, contributing to their over-indebtedness.
3. So, for creating a level playing field and cover all the regulated entities (REs) engaged in the microfinance sector, a new regulation is necessary.

**Significance of RBI document on Regulation of Microfinance sector**

1. **Provides a new interest rate regulatory system for MFIs:** The regulations provide a **more market-based interest system**. Further, the transparent pricing mechanism will provide **competition among players in the microfinance sector** to bring down the interest rates.
2. **The centrality of the borrower:** Further, the new document places the borrower (i.e Customer) at the center of the microfinance sector. It empowers the borrowers to make an informed decision, the framework.
  - o At present, with the rise in competition in the microfinance sector, the interest rates are not getting lower.
  - o The document also protects the microfinance borrowers from over-indebtedness (As the document mentions that the payment of interest/loan will not exceed 50% of monthly income)
  - o **No prepayment penalty:** This will aid the borrower (low-income households) and provide **greater flexibility in repayment of the loan**.
3. **Venture into other types of loans:** As the consultative document removed the time limit of the loan, the institutions in the microfinance sector now can provide other types of loans. Such as affordable housing loans, loans for renewable energy, sanitation requirements, etc.
4. **Provides overall growth of the microfinance sector:** With these guidelines, more and more small finance banks and banks can venture into the microfinance sector and provide benefits to a rural and low-income population.
5. **Facilitates financial inclusion:** The borrower will have a wide variety of institutions to cater to his/her needs specifically. This will help in financial inclusion.

**Challenges with the microfinance sector in India**

1. **Sustainability of MFIs:** MFIs generally **lack access to capital**. Many Microfinance Institutions are socially-oriented institutions and have little access to financial capital. So, they charge high rates of interest to attain sustainability. This was passed on at higher interest rates from their clients (who are "interest insensitive").

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2. **Impact on profits:** The SLR and CRR requirements of Microfinance Institutions hampers short-term profits of microfinance sectors. Along with the **operating expenses**, their profit margin is very less.
3. **Impact of COVID-19 pandemic:** The pandemic has impacted the microfinance sector more compare to other credit institutions. Their loan collections have taken a hit, and loan disbursals are yet to observe any meaningful growth.

### Suggestions to improve the microfinance sector

The consultative document provides [holistic reform in the microfinance sector](#). Along with that, certain measures can be taken to improve the sector further. Such as,

1. **Introduction of Digital technologies:** Like regular banking, the MFIs also have to embrace complete digital formats for providing loans. This will improve digital literacy also among the public as MFIs focus on the low-income population.
2. **Creation of Social Impact Scorecard:** The RBI should encourage all the entities in the Microfinance sector to create a Social impact scorecard and to update it regularly. This will be helpful to measure the societal change and also help in framing government policies for the low-income populations based on their specific needs.
3. **Creation of authenticated customer data:** If the consultative policy turned into policy, then the MFIs cannot charge payment of interest/loan exceeding 50% of monthly income. Since the MFIs function for the low-income population, the field officers might face challenges in calculating the exact income of the household. So, apart from approving the household income, the board should **also create an authenticated data of households**, by including all revenue sources of low-income populations.
4. **Verification after loan:** Many times people will get the loan and use them for commercial purposes like buying mobile phones, paying interest to the moneylender, etc. The MFIs have to verify and update the loan has been properly used for the stated purpose and not for any other purpose.

### Conclusion

The RBI's Consultative Document on Regulation of Microfinance sector alters the complete functioning of the microfinance sector in India. The guidelines provide much-needed reforms and pave the way to recover the microfinance sector from the dreadful Covid-19 pandemic. But along with that, the RBI may introduce other suggestions to ensure the smooth functioning of MFIs.

## [June Yojana Summary] Pandemic through Gandhian Principles – Explained, pointwise

### Introduction

The Covid-19 Pandemic has changed every aspect of human life. It has altered our consumption pattern, shocked our smart production systems, changed the modes of education and entertainment. Above all, the pandemic also changed the perception, “Man is a ‘social animal’”. Ever since the imposition of lockdown, the Gandhian principles started gaining ground.

[Gandhian principles](#) like dignity of labour, self-sufficient and strong village economy and the principle of trusteeship emerge as logical outcomes of the pandemic. Gandhian thought can also provide some critical insights into the post-pandemic world also.

### Gandhian principles on economy vs modern economic principles

- Gandhi’s principles on economics grounded on the premises of non-violence, truth, self-containment, and non-covetousness. This is completely antithetical to the modern economy.
- In the textbook economy or positive economy, “**wants, in general, are insatiable** (impossible to satisfy)”. On the other hand, in Gandhian system focus on the “**idea of containment of wants**”. This is explicit as Gandhi mentioned, “Earth provides enough to satisfy every man’s needs, but not every man’s greed”.
  - According to Gandhi, Greed breeds violence and gives rise to the need to exploit others, which is against the first primal principle of the Gandhian system.
- Two practical examples of Gandhian principle on the economy are,
  1. **Bhoodan movement by Vinoba Bhave:** Voluntary distribution of land from wealthy landowners to landless people.
  2. **Jajmani system:** It is a reciprocal arrangement between craft-producing castes and the wider village community.

### The Gandhian principle on technology and industry

- Gandhiji’s ideas about technology are debatable. But the key idea was to “**optimally use the local resources and skills**“. In other words, the introduction of machines is useful. But they should not impact the dignity of labour. Gandhiji’s concept of dignity of labour has the following dimensions.
  - **No labour is menial:** According to him, all the labours in society are equal.
  - **Treating labour with decency:** Decency includes healthy and clean working conditions, reasonable wages
- This is reflected in the **Ahmadabad Mill strike**. There Gandhi attempted to ensure the dignity of labour.
- According to him, **Industries are necessary for progress** and the Industries need profit to survive. **But the profits belong to society**. So, the **Industrialist has to redistribute the wealth and act as a mere trustee of wealth**.
- A practical example of the Gandhian principle in the industry is the **implementation of Corporate Social Responsibility**.

### Gandhian principles during the pandemic

Though Gandhian principles never fail, there was an opinion that these can only be admired from a distance. This opinion prevented practical experimentation and implementation of Gandhian principles. But the **pandemic paved new ways to experiment with Gandhian principles**. For example,

*Changing consumption pattern based on Gandhian principle*

The pattern of consumption has changed significantly, especially during the lockdown periods. Many studies have noted a substantial reduction in ‘discretionary’ consumption. Such as,

- People not focused on the ‘brand value’ of the products. Few brand conscious people, even distinguish between the essential and non-essential product and avoided non-essential consumption.
- A majority of the population shifted towards natural and herbal remedies. They even learned about their goodness and lasting effects.
- Each and every household choose a healthy lifestyle to bolster immunity.
- Ceremonies reduced and the drastic expenditure on lavish things reduced manifold.
- *Changing manufacturing pattern based on Gandhian principle*
- **Promoting self-sufficiency:** Covid-19 pandemic also highlighted the problem of **fragmentation of the supply chain**. This forced manufacturers to relocate near to the sources of supply. A study “How Covid-19 is Changing Global Value Chains” observes a trend towards the **relocation of the GVC (Global Value Chain) in favour of greater use of local skills and materials**. This is in line with the **Gandhian principle of optimal utilisation of the local resources and skills**.
- **Shifting towards green technologies** (fulfilling needs, not greed): With the advent of the pandemic, many manufacturers started shifting to green technologies. For example, **The Confederation of British Industry has urged the government to invest in green technology and jobs**.
  - The UK government has even announced **Green Recovery Challenge Fund**.
- *Change in human empathy towards Gandhian principles*
- Individuals and NGOs supported migrants and the poorest sections of people by providing food packets and other materials
- *Change in urban development*
- The pandemic has taught us that an infection anywhere is a threat to health everywhere. This changed the focus of urban development programs. For example,
- Urban local bodies started improving health and sanitation in slum areas and changed the living condition of people drastically.
- *Change in Treating labour with decency*
- The pandemic increased reverse migration. This resulted in higher wages in states where migration occurred.
- Further, manufacturing states like Maharashtra, Tamil Nadu faced a severe shortage of labour. There are instances where workers have been given air tickets to return to work.
- If some of these benefits last long enough, then Gandhiji’s intervention in Ahmedabad textile strike will prove fruitful even today.

Read more: [Gandhian imprint in the farmer’s protest](#)

**Suggestions to strengthen Gandhian principles in the post-pandemic world**

1. **Tackle the parallel pandemic in homes:** The issue of Domestic Violence and Gender Issues is high during the pandemic. This has to be rectified to empower and develop women. This will facilitate the overall development of mankind and create gender parity.
2. **Reducing Rural-Urban Imbalance:** Agricultural sector remains as a resort to migrant workers. This indicates the non-availability of non-agricultural jobs. So, the government has to create the following reforms to **create a self-sufficient village economy**.
  1. Providing more jobs in the non-agricultural sector and manufacturing sector in rural areas.
  2. Promoting agro-based and related commercial activities such as fisheries and food processing industries to diversify the rural workforce.
  3. **More attention to Environment:** Lockdown reportedly reduced the air and water pollution substantially. Now it is the time to maintain that level from individual and government. Policies like eco-friendly urban transport and manufacturing systems will further reduce carbon emissions and create employment opportunities also.

**Conclusion**

Any attempt to engage in greater sustainability is Gandhian in spirit. Further, All the 17 Sustainable Development Goals integrate the Gandhian principle of peaceful and harmonious coexistence of human beings with each other, with nature, and other beings supported by nature. The pandemic has opened up opportunities to tweak our ways of living on this planet in a wiser and more compassionate way. Now it is for us to retain Gandhian principles in everyday life.

## Summary of State of Environment Report 2021 – Explained, Pointwise

### Introduction

The Centre for Science and Environment (CSE) has released its annual State of Environment Report, 2021. This year's assessment has been made against the backdrop of the Covid-19 pandemic. The report highlights the dismal state of the environment in India wherein the country is jeopardising its natural wealth for meeting its economic objectives.

It also throws light on the impact of Covid-19 over India, which may create a **pandemic generation in future** who would possess poor health and education levels.

The report is a reminder for humans to **stop indiscriminate usage of the environment**. As the Environment has increased, the progression towards sixth mass extinction. The focus should now be on **developing eco-friendly products and living harmoniously with nature** in order to attain sustainable development.

### About State of Environment Report

- It is an annual publication by **the Centre for Science and Environment (CSE) along with Down To Earth**.
- It covers aspects such as forests, wildlife, agriculture, rural development, water and sanitation, and climate change.
- This publication is regarded as the **most credible and complete annual survey of India's environment**.

### About Centre for Science and Environment (CSE)

CSE is a public interest research and advocacy organisation based in New Delhi.

It researches into, lobbies for and communicates the urgency of development that is both sustainable and equitable.

It creates awareness about problems and proposes sustainable solutions. For instance, it exposed the high level of pesticides present in American brands of soft drinks such as Coke and Pepsi.

In 2018 the CSE was awarded Indira Gandhi Prize for Peace, Disarmament and Development

### Key Findings of the State of Environment Report 2021

- **Biodiversity and forests:**
  - Environmental crime cases are increasing and the disposal of the cases is slow. In 2019, 34,671 crimes were registered and 49,877 cases are pending trial. To clear the backlog in a year, courts need to dispose of 137 cases a day.
  - **Forestland diversion is continuing consistently**. In 2019, over 11,000 hectares were diverted in 22 states. Eight coal projects were granted **clearance in 'No-Go' areas**.
  - More than 160 species have gone extinct over the last decade (2009-2019).
- **Sustainable Development Goals:**
  - India ranks 117 among 192 nations in terms of sustainable development. Its rank was 115 in the 2020 report.
  - **Five best performing states in achieving SDGs:** Kerala, Himachal Pradesh, Andhra Pradesh, Tamil Nadu, and Telangana
  - **Five worst-performing states in achieving SDGs:** Bihar, Jharkhand, Arunachal Pradesh, Meghalaya, and Uttar Pradesh.

- **Pollution Levels:**
  - India's air, water, and land have become more polluted between 2009 and 2018.
  - **Tarapur in Maharashtra** has emerged as the most polluted cluster.
  - In 2019, **1.67 million Indians died due to air pollution**. Its economic cost was over \$36,000 million, which is equivalent to 1.36 percent of India's GDP.
  - Both the surface and groundwater in the country are under threat, with 86% of the water bodies critically polluted.
- **Rural India:**
  - Community health centres in rural India need 76 percent more doctors, 56 percent more radiographers and 35 percent more lab technicians.
- **Climate Change:**
  - India recorded 12 of its 15 warmest years in the period between 2006 and 2020. Further, **India also had its warmest decade** on record.
  - Extreme weather events continued their rampage across the country. India was the fourth-worst hit in the world in terms of internal displacements due to disasters.
  - Between 2008 and 2020, some 3.73 million people per year were displaced because of floods, earthquakes, cyclones and droughts.
- **Pandemic related:**
  - The world is **going to face a pandemic like the current one more frequently**, as we know just 0.1 per cent of potential zoonoses. These are diseases that can be transmitted to humans from animals. Ex – Bird Flu, Anthrax, Ebola etc.
  - The country is all set to host a '**pandemic generation**'. 375 million children (from newborn to 14-year-olds) will have a long-lasting impact ranging from being underweight, stunting, and increased child mortality.
  - Out of the 500 million **children forced out of school** globally, India accounts for more than 50%.
  - Covid-19 has also turned **the world's poor into poorer**. 115 million additional people might get pushed into extreme poverty.

### Analysing the Key Findings of State of Environment Report 2021

**First**, the data shows that **humans possess a minuscule level of information** to tackle future pandemics. The world remains ignorant of 99.9 percent of potential zoonotic viruses.

**Second**, the nations would be left **with poor human capital** in the future if immediate steps towards sustainable development are not taken.

The report said that malnutrition and hunger levels could rise with more pandemic events in the future. This would reduce the potential of human capital.

**Third, humans have been increasingly exploiting the environment**, as observed by rising air and water pollution levels.

A **reduction** in intervention would **allow natural healing of the environment**, as seen by the appearance of the "clean air and blue sky" during the country-wide lockdown.

**Fourth, India is performing poorly in the attainment of SDG goals** in comparison to its peers. It is behind all South Asian nations except Pakistan.

Challenges such as hunger, low food security, achieving gender equality, fostering innovation are the reasons why India's rank slipped in 2021.

**Fifth**, the loss of species and biodiversity shows a progression towards **the Sixth Mass Extinction** (Holocene extinction).

As per the report, before an extinction phase sets in, there are two signs: **Loss in population and shrinking distribution areas**. These two signs are evident among all species currently.

### Suggestions from the State of Environment Report 2021

1. The government **must undo its 2020 policy decisions** that effectively diluted India's environmental regulation regimes.
  - For instance, **the draft Environment Impact Assessment notification 2020** was an extremely lenient version of its predecessor.
2. The focus should be **on tackling the pandemic without jeopardising the environment**.
  - For instance, the rise in plastic waste due to the higher usage of masks and PPE kits can be tackled with innovative solutions.
  - **Dr Binesh Desai's model of Eco Bricks** should be adopted in constructing buildings and hospitals. (Around 52% of the Eco brick is made from plastic.)
3. There should be **timely completion of targets** aimed at countering climate change and achieving Sustainable Development goals. This demands **timely devolution of funds and resources** to the respective departments. For example,
  - With just 55 percent of the target met, India is **nowhere close to installing 175 GW of renewable capacity by 2022**.
  - The country also has a target of setting up at least 50 solar parks by 2021-22. However, not even **one park has been operationalised till now**.
4. The **expenditure on health and environmental research should be enhanced**. This will help in finding out eco-friendly methods of production and develop greater resilience against future pandemics.

### Conclusion

The [State of Environment Report](#) is a reminder of the progressive worsening of the environment due to human actions. It calls for resetting our relationship with nature in such a way that it leads to sustainable development. India should now **switch from a reactive to a proactive approach** in order to mitigate and develop greater resilience against the upcoming environmental changes.

## Right to be Forgotten – Explained, Pointwise

### Introduction

The Delhi High Court ordered the removal of easy access from one of its own judgments. The move respected the petitioner's **right to be forgotten (RTBF)** and aimed to prevent post-acquittal stigmatization. RTBF is a right to remove private information about a person from Internet searches and other directories under some circumstances.

It is not explicitly available to the Indian masses. However, it has been implicitly recognised by courts as part of the right to privacy under Article 21 of the Indian Constitution. However, some experts have expressed concerns about it. Because RTBF deters the right to information and media freedom under Article 19(1)(a) of the constitution. Therefore, cautious balancing is desired, to enable its implementation in a restricted sense.

### Why in the News?

- The Delhi High Court in **Jorawar Singh Mundy v Union of India (2021)** made an interim order protecting the rights of an American citizen.
  - The petitioner desired the removal of a judgment of acquittal in a case filed under the Narcotic Drugs and Psychotropic Substances Act (1985).
  - As per the petition, the continued existence of judgment on the websites/portals of Google and Indiankanoon had caused irreparable damage to his social life as well as his career prospects.
- An interim order was issued by the High Court of Delhi. It directed Google and IndianKanoon to remove access to a judgment from their portals.
- The court recognised that the petitioner **has a right to be forgotten**, which must be balanced with the right of the public to access the court's records.
- This is the **first instance** of a court ordering the removal of access to its complete final judgment from certain spaces.

### About Right to be forgotten

- It is a right to remove private information about a person from Internet searches and other directories under some circumstances.
- It empowers individuals to ask organisations to delete their personal data.
- Likewise, it allows the individuals to determine the development of their life in an autonomous way without being perpetually stigmatized for a specific action performed in the past.

### The scenario of Right to be forgotten in India

- The RTBF is not an explicit right granted to Indian citizens. Although courts in various judgments have emphasized the importance of this right.
  - In **K.S Puttaswamy versus Union of India (2017)**, the court deduced that the right to privacy also encompasses an individual's right to control his existence on the internet.
- The recommendations by the B.N Srikrishna committee also emphasized this right. Thus, it was incorporated under the **Draft Personal Data Protection Bill, 2019**.



- Section 20 of the bill states that every person has the right to restrict or prevent continuing disclosure of personal data by any data fiduciary. Provided such disclosure meets any one of the following conditions:
  - The disclosure served the purpose for which it was made or is no longer necessary
  - Further, the disclosure was made with the prior consent of the individual, and such consent has since been withdrawn.
  - Lastly, the disclosure was made contrary to the provisions of the new bill or any other law in force.

### International Scenario of Right to be forgotten

- The right took shape largely from the 1995 Directive of the **European Union on the protection of individuals** with regard to the processing of personal data.
- It is currently being provided by the **EU's General Data Protection Regulation (GDPR)**, a law passed by the 28-member bloc in 2018.
- According to the EU GDPR's website, the right to be forgotten appears in **Article 17 of the regulation**.
  - It states that the data subject shall have the right to obtain the erasure of personal data concerning him or her, without undue delay, from the controller. Further, the controller shall have the obligation to erase personal data without undue delay.
- In 2019, the European Court of Justice ruled that the 'right to be forgotten' under European law would not apply beyond the borders of EU member states.
  - This was in favour of Google, which was contesting a French regulatory authority's order to have web addresses removed from its global database.
- Currently, the EU, UK, and Australia are strongly moving towards the consolidation of the Right to be forgotten.

### Arguments in Favour of the right to be forgotten

- **First**, it will uphold an **individual's privacy** under Article 21 of the Indian Constitution. This would enable him/her to fully [enjoy the right to life and personal liberty](#).
- **Second**, it would **prevent post-acquittal social stigmatization** by society. The right may save an individual from additional punishments like social boycott, difficulty in getting jobs, doing marriage, etc.
  - The Delhi HC revoked access to its judgment in **Jorawar Singh Mundy v Union of India (2021)** based on this premise.
- **Third**, it would help in maintaining a **veil of secrecy on the victim's identity**, especially in highly sensitive cases involving rape or affecting the modesty of the woman. This was observed by the Karnataka High court in **Sri Vasunathan v The Registrar General (2017)**.
- **Fourth**, many articles are written based on **half-truths and mere accusations**. The media doesn't update its prior articles based on future verdicts.
- **Fifth**, much information is **published without an individual's consent** which may cause severe harm to its reputation and mental peace.
  - For instance, uploading fake or revenge posts with respect to a person.

- Jasleen Kaur (a former Delhi University student) had in 2015 accused Saravjeet Singh of verbally harassing her at a traffic signal in West Delhi.
- This induced media persons to label him an “eve teaser” and a “pervert” however he was later acquitted.

### Arguments against the right to be forgotten

- **First, it gets in conflict with the right to information**, which is part of freedom of speech under Article 19(1)(a) of the Indian constitution.
  - For instance, a rape victim has a right that her past is forgotten. While a criminal cannot claim that he has the right to insist that his conviction should not be referred to by the media.
- **Second**, under the proposed data protection bill, **removal depends on the discretion of the adjudicating officer**. This may lead to partisan or arbitrary removal in favour of the government.
- **Third**, it may impair the **right of media personnel** to do independent reporting. The adjudicatory officer may remove articles of media groups that generally criticize government policies.
  - Thus, the freedom to criticize the public personalities for their public policies based on their past statements and activities will be in jeopardy.
- **Fourth**, the removal of **complete judgments may restrict public scrutiny** of judicial performance to ascertain the fairness and objectivity of the administration of justice. Further judgments are an important source of learning for law students.
- **Fifth**, the removal sometimes creates a **Streisand effect**. It is a social phenomenon that occurs when an attempt to hide, remove or censor information has the unintended consequence of further publicizing that information.

### Suggestions

- **Privacy needs to be added as a ground for reasonable restriction** under Article 19 (2) through a constitutional amendment for the effective implementation of RTBP.
- The **impending Data Protection Bill** should be passed expeditiously. This would give individuals a legal right to erase their unnecessary and inappropriate personal data.
- The courts **should resort to narrow tailoring of the judgment** rather than forbidding access to its complete judgment.
  - For instance, in the current *Jorawar Singh Mundy v Union of India* (2021), the court could have ordered that the name and personal details of the petitioner be censored while maintaining public access to the judgment itself.

### Conclusion

The right to be forgotten is well established across the world, although Indian courts have not had much occasion to deal with the same. However, this situation may change in the future as more petitions are likely to be filed on account of the evolving international jurisprudence and impending enactment of the Indian Personal Data Protection Bill.

## Draft e-commerce rules and their challenges – Explained, pointwise

### Introduction

The government has proposed changes to the [e-commerce rules under the Consumer Protection Act](#) to make the framework under which firms operate more stringent. It comes 11 months after the Government notified the Consumer Protection (E-Commerce) Rules, 2020, The latest proposals aim **towards greater compliance** and **protecting the interests of consumers**.

**Ministry of Commerce and Industry** has earlier released a few sets of rules to govern the e-commerce operators. Now, the **new rules** are issued by the **Consumer Affairs ministry** to deal with 'unfair' trade practices that hurt customers.

Several proposals in the draft e-commerce rules are aimed at increasing liabilities for online retailers. Major industry bodies, including the Confederation of Indian Industry (CII), Federation of Indian Chambers of Commerce & Industry (FICCI) are expected to hold meetings with e-commerce firms and other stakeholders, to discuss amendments to the e-commerce rules.

### About the Draft E-commerce rules

1. **Mandatory registration for e-commerce entities:** Any online retailer will first have to register itself with the Department of Promotion for Industry and Internal Trade (DPIIT).
2. Appointing a chief compliance officer.
3. A nodal contact person for **24×7 coordination with law enforcement agencies**,
4. Requiring e-commerce entities offering imported goods or services to 'incorporate a filter mechanism to identify goods based on country of origin
5. Suggest alternatives to ensure a fair opportunity to domestic goods'.
6. **Specific flash sales or back-to-back sales** "which limit customer choice, increase prices and prevents a level playing field are **not allowed**".
  - o Govt will not seek disclosure of other flash sales from e-commerce companies
7. All e-commerce entities must provide information within 72 hours on any request made by an authorised government agency, probing any breach of the law including cybersecurity issues.
8. **Introduced the concept of "fall-back liability":** The rules **made the e-commerce firms liable** in case a seller on their platform fails to deliver goods or services due to negligent conduct, which causes loss to the customer.
9. According to the proposed rules, the consumer affairs ministry is planning fresh guidelines for e-commerce companies, including the appointment of a chief compliance officer, etc.

### Need for the draft e-commerce rules

- **Uncompetitive trade practices:** The two large e-commerce players (Amazon and Flipkart) have been contending with accusations that their **pricing practices are skewed to favor select sellers** on their platforms and that their **discounting policies have hurt offline retailers**. Further, The **Competition Commission of India** wants to **conduct antitrust probes to investigate business practices** (Amazon and Flipkart).
  - o The Media investigations suggest this to be the case: Internal documents from Amazon, for instance, showed that just 35 of the 400,000-odd sellers on its

platform account for two-thirds of sales, suggesting that it extends preferential treatment to a handful of sellers.

- The e-commerce platforms are both players and regulators, as they provide the marketplace and also compete directly with other sellers using it. This creates a **conflict of interest**.

#### Advantages of the draft e-commerce rules

1. **Equal protection to all:**

- The rules **restrict** e-commerce companies from “**manipulating search results or search indexes**”. It is a long-standing demand from sellers and traders to prevent preferential treatment to certain platforms.
- Further, the rules also **mandate the logistics service provider to not provide differentiated treatment** between sellers of the same category.
- The rules also **protect against unfair trade practices** and also **against misleading advertising**.

2. **Push for made-in-India products:** The e-commerce companies will have to provide domestic alternatives to imported goods. This will boost made-in-India goods.

3. **Lead to more accountability:** The proposed amendments will lead to more accountability from stakeholders of e-commerce firms. The e-commerce companies need to provide an explanation on how they rank the products, which consumers can understand easily, and also create transparency.

4. **Weed out fly-by-night operators:** With mandatory registration for e-tailers with DPIIT, the fraudulent e-commerce operators can be tackled.

## Challenges with the draft e-commerce rules:



- Greater oversight over all online platforms:** Following on the heels of the recent [IT \(Intermediary Guidelines and Digital Media Ethics Code\) Rules](#), the draft e-commerce amendments show the Government's increasing enthusiasm to exercise greater oversight over all online platforms.
- Cannot sell retail products of their own:** The new rules mention "none of an e-commerce entity's 'related parties and associated enterprises is enlisted as a seller for sale to consumers directly'". This impacts several platforms that retail products supplied by vendors with arm's length ties.
  - Any entity having 10 percent or more common ultimate beneficial ownership will be considered an "associated enterprise" of an e-commerce platform
- Legal challenges overburden Judiciary:** The enforcement of many of these norms is bound to spur extended legal fights. This will overburden the Judiciary.
  - The rules will open the door to **subjective government intervention**. For instance, flash sales are prohibited if they are back-to-back and limit customer choice. The decision on whether a sale violates these terms remains vulnerable to regulatory interpretation.

4. **Impact on growth and job creation:** The new e-commerce rules create over-regulation, along with a scope for interpretative ambiguity in rules. This will retard growth and job creation in the hitherto expanding e-commerce sector.
5. **Discourage MSMEs:** E-commerce also has provided MSMEs with a wider audience to sell their products. Tightening of rules for marketplaces will discourage these MSMEs from coming online.
6. **Deprive the strategic autonomy:** The proposed draft rules look like a manual for **micro-management** of e-commerce companies like **pre-1991 Licence Raj**. Further, If all e-com websites are forced as generic market platforms, these companies could lose their ability to outperform rivals and serve the market's ultimate cause.
  - o These rules appear to be catering to traditional retailers, who have been increasingly unhappy with the huge success of deep discount festive-season flash sales on Amazon and Flipkart.
7. **Contradiction with Commerce and Industry Ministry rules:**
  - o The new draft rules said no related parties and associated enterprises should be listed as sellers on marketplaces. On the other hand, the Commerce ministry rules forced companies like Amazon to bring down their shareholding in what they called preferred sellers to 24%. This was done to provide a more level playing field among sellers. This creates confusion on the rules.

**Other issues:**

- o It is not clear, how identifying goods based on "country of origin" will offer domestic manufacturers a better deal unless it is assumed that consumers are driven by patriotism rather than value.
- o Unlike the last set of rules issued by the commerce ministry, this draft doesn't distinguish between foreign and domestic e-commerce.

**Conclusion**

1. **Appoint a single nodal agency:** The government needs to remove ambiguities that arise from multiple ministries governing the e-commerce sector. So, the government needs to appoint a single nodal agency and streamline rules for online marketplaces.
2. **Need final laws:** Until the government doesn't come with final laws to govern the sector, e-commerce companies will continue to **create more structures and build complicated supply chains to evade the current norm**.

The new rules will only create a new set of problems and possibly give support to some inefficient competitors. So, the new draft rules need a relook.

## UGC's Proposal For Blended Learning – Explained, Pointwise

### Introduction

A recent circular by the University Grants Commission (UGC) proposed a blended learning mode wherein all higher educational institutions (HEI) should teach **40% of any course online** and the rest **60% offline**.

### What are the benefits of Blended learning (BL) as stated by UGC?

- Paves the way for increased student engagement in learning
- enhanced student-teacher interactions
- improved student learning outcomes
- more flexible teaching and learning environments
- increased opportunity for institutional collaborations at a distance
- enhanced self-learning

### Benefits of Blended learning (BL) to teachers

- It shifts the role of the teacher from being a “**knowledge provider to a coach and mentor**”. This will enable teachers to have a greater influence and effect on students’ learning.
- Further, as against traditional classroom instruction which is “teacher-directed, top-down, and one-size-fits-all”, Blended learning is “**student-driven, bottom-up, and customized**”.
- Blended learning introduces flexibility in assessment and evaluation patterns as well.

### Challenges in Blended learning

- **Majority colleges in rural areas:** The latest All India Survey on Higher Education (2019-20) report shows that **60.56% of the 42,343 colleges in India are located in rural areas** and 78.6% are privately managed.
- **Poor internet penetration: Internet penetration in India is only 45%** as of January 2021. This policy will only worsen the existing geographical and digital divide resulting in the exclusion of a large number of rural students.
- **All-round development hampered:** Blended learning leaves little room for the all-round formation of the student that includes the development of their intelligent quotient, emotional quotient, social quotient, physical quotient and spiritual quotient.
- **Dropout rates might increase:** Blended learning mode assumes that all students who enter the arena of higher education have similar learning styles and have a certain amount of digital literacy to cope with the suggested learning strategies of BL. This is far from true.
- Education in India is driven by a teacher-centred approach. Expecting these students to switch over quickly to collaborative and technology-enabled learning will be stressful for them. It may increase the existing dropout rate in higher education.

### Recommendations to improve Blended learning

Given these challenges, it is worth considering a few recommendations.

- **Equity in access:** The government should ensure equity in access to technology and bandwidth for all HEIs across the country free of cost.

- **Digital training for teachers:** Massive digital training programmes must be arranged for teachers.
- **Appointment of new teachers:** Even the teacher-student ratio needs to be readjusted to implement BL effectively. This may require the appointment of a greater number of teachers.
- **Curriculum design:** The design of the curriculum should be decentralized and based on a bottom-up approach.
  - Also, switching over from a teacher-centric mode of learning at schools to the BL mode at the tertiary level will be difficult for learners. Hence, the government must think of overhauling the curriculum at the school level as well.
- **More power with state governments:** More power in such education-related policymaking should be vested with the State governments.
- **Periodic feedback and discussion:** Finally, periodical discussions, feedback mechanisms and support services at all levels would revitalize the implementation of the learning programme of the National Education Policy 2020 and BL. It'll lead to the realization of the three fundamental principles of education policy: access, equity and quality.

**Source:** [The Hindu](#)



## India-Africa relations – Explained, pointwise

### Introduction

Africa is considered a foreign policy priority by India. The Indian government has designed a forward-looking strategy to deepen India-Africa relations further. Even during the COVID-19 times, India took new initiatives to assist Africa through prompt dispatch of medicines and later vaccines.

### The quantum of India-Africa trade

- According to the Confederation of Indian Industry, in 2020-21, India's exports to and imports from Africa stood, respectively, at \$27.7 billion and \$28.2 billion.
- India's top five markets today are South Africa, Nigeria, Egypt, Kenya and Togo. The countries from which India imports the most are South Africa, Nigeria, Egypt, Angola and Guinea.
- India's **top three exports** to Africa are **mineral fuels and oils** (processed petroleum products), **pharmaceutical products and vehicles**.
- **Mineral fuels and oils**, (essentially crude oil) and **pearls, precious or semi-precious stones** are the top **imports** accounting for over 77% of our imports from Africa.
- **India's other engagements with African nations**
- Apart from [India-Africa trade relations](#), India also engages in,
- **Peacekeeping missions** in Africa,
- Lending **support** to African nations in **counter-terrorism operations**,
- Contributing to African institutions through **training and capacity-enhancing assistance**.
- Further, India also established **communication with Africa at a political level**.
- India also provides **aid for economic development** in the African continent

### What are the latest Challenges in India-Africa relations?

- **The impact of COVID-19 in Africa:** The latest economic data confirms India's exports and imports have reduced 4.4% and 25% respectively in 2020-21 compared to the previous year.
- **The third scramble:** A recent study, Engagement of External Powers in Africa; Takeaways for India showed, Africa experienced a sharpened international competition. This is known as **'the third scramble'**.
  - A dozen nations from America, Europe and Asia have come forward to assist Africa in resolving the continent's political and social challenges. In return, they got benefits from Africa's **markets, minerals, hydrocarbons and oceanic resources**, and thereby an opportunity to **expand their geopolitical influence**.
  - It **created competition and contestation** involving traditional and new players, especially the United States, the European Union (EU), China, Japan and India.
- **The increased presence of China:** China has successfully used the pandemic to expand its footprint by increasing the outflow of its vaccines. Unfortunately, India's 'vaccine diplomacy' faced challenges like COVID-19 second wave, shortage of vaccine raw materials from the U.S., etc.
- **Geopolitical tensions** in Asia and the imperative to consolidate its position in the Indo-Pacific region have compelled India to deviate from India-Africa relations. Instead,

India **concentrated on its ties with the United Kingdom, the EU, and the Quad powers**, particularly the U.S.

- **Pending summits:** The third India-Africa Forum Summit was held in 2015. The fourth summit, pending since last year. The summit is not even pushed in a virtual format.

#### **Suggestions to improve India-Africa relations**

- **More engagement between India and Africa:** For mutual benefit, Africa and India should remain optimally engaged. For instance, **conducting the fourth India-Africa Forum Summit, Allocating fresh financial resources** for grants and concessional loans to Africa, etc.
- The promotion of economic relations demands a higher priority. India needs to impart 21st-century complexion (the third scramble and global competition) into India's African policy.
- **Tackling China in Africa:** Increased cooperation between India and its international allies is key to tackle China, both in Asia and elsewhere. For instance, the recent **India-EU Summit** has **identified Africa as a region where a partnership-based approach will be followed**. This will limit Chinese plans in Africa.

Source: [The Hindu](#)

## New Vaccine policy: Need and Concerns – Explained, Pointwise

### Introduction

Vaccines are a proven shield against the SARS-CoV-2 virus. They have prevented serious illness and death, especially in patients who have been administered both doses. India's new vaccine policy came into effect on 21st June. The policy aims to reduce the stress of procurement on states who were not able to effectively procure under the previous policy.

It would also boost the per day vaccine administration in the country and ensure equitable access to vaccines by small hospitals as well.

However, it also gives a disproportionate allocation of 25% to the private sector and doesn't provide concrete steps to tackle hesitancy, which may impair the vaccination drive. Therefore, allocation of government should be enhanced, and confidence-building measures are taken for achieving universal immunization.

### Progress of Vaccination in the country

- India's cumulative COVID-19 vaccination coverage has reached 28.33 crores since 16th January 2021.
- A spike in vaccination delivery was observed post the initiation of the new vaccine policy from 21st June 2021.
  - More than 82 lakh doses were administered on the first day, which was the highest-ever single day inoculation since the drive began in India.
- Currently, 17.1% of the country's population has received at least one dose, while 3.7% are fully vaccinated.

### About the New Vaccination Policy

- The stated objective is universal access to free vaccinations in all government and accredited facilities.
- It creates a dual market, under which the Centre will buy 75% of doses from vaccine makers and give it to the State governments for free to inoculate all adults. While the rest will be left for the private sector procurement.
- The funding will be a mix of public finance and out-of-pocket expenditure.
- The outcome is to ensure that all 95 crore adults are fully vaccinated by the end of this year.
- **Pricing:**
  - Covishield and Covaxin would be supplied to the Central government at Rs. 150 per dose, while procurement price would be higher for private players.
  - Consumers will get a free dose at government centers while a capping price is placed on private players. It is Rs. 780 for Covishield, Rs. 1,145 for Sputnik V and Rs. 1,410 for Covaxin.
- **Quota allocation:**
  - 75% of Vaccines would be procured by the Centre and 25% would be available for private players.
  - The Central government will specify hospital-wise and State-wise quotas for private sales.
- The policy was announced on 7th June and came into effect from 21st June.

### Previous Vaccination Policy

**Changes for Citizens:**

All adults over the age of 18 will be eligible for vaccination starting from May 1. Those eligible in the earlier phases can continue to get the free doses provided by the Government of India.

**Changes for distribution:**

Under the rules, **the Centre will automatically receive only 50% of vaccines produced by manufacturers.**

It will allocate these to states based on the extent of infection (active cases) and performance (speed of administration).

The remaining 50% can be acquired by the states directly or by private hospitals and industrial establishments.

Read more: [Previous Vaccination Policy](#)

**Need of New Vaccine Policy**

- **First**, the revision in the vaccination policy came after the **number of doses administered daily started to decline** in May.
  - Between May 11 and 20, only 15.7 lakh doses were administered on an average daily. However, the need was to administer around 82.1 lakh doses for attaining universal immunization in 2021.
  - The daily rate reduced **due to a shortage of vaccines**, as most major States used 90% of all doses supplied to them.
- **Second**, the states were obligated to purchase vaccines on their own under the previous policy. The Centre gave free doses only to vaccinate the elderly and the frontline workers.
  - This **induced severe financial stress on them** as their cost of procurement was much higher than Centre.
- **Third**, the **second wave of Covid-19 brutally impacted the population**. Its reach and magnitude were much higher than the first wave. Thus, a new vaccination policy was desired to **speed up the vaccination drive in a short time**.
- **Fourth**, the previous policy was **unable to make substantial progress towards universal immunisation**. The shortage of vaccines in government centers and the high cost of vaccines in private centers discouraged vaccine administration to millions.
- **Fifth**, under the previous policy, the States were competing with each other for the limited vaccines. This was **adversely impacting the spirit of cooperative federalism** in India.

**Issues associated with New Vaccine Policy**

- **First**, the private sector possesses **less vaccination centres than its approved procurement quota**. This may create a **demand-supply mismatch and result in inequitable distribution**.
- **Second**, the quota is based on a **mistaken assumption of an inflated 'middle class'**.
  - The data of Pew Research Centre shows a fall in the number of people in the higher, middle, and lower-middle-class segment due to the pandemic. For instance, the middle class numbers fell from 9.9 crores to 6.6 crores.

- **Third**, the top 25% of the population has better access to government vaccination centres. They may choose to get free vaccination which may **have a ‘crowding out’ effect for the poorer sections**.
- **Fourth**, the price of vaccination in small hospitals would be much higher than in big healthcare hospitals, as they do not have deep pockets to buy such costly vaccines.
  - The piecemeal orders and delivery in remote locations would enhance the price and discourage private vaccination in these regions.
- **Fifth**, differential pricing and **dual markets provide wrong incentives** and result in unhealthy competition.
  - There could be diversion and leakage of the free vaccines to the private markets as many government doctors are also owners of private hospitals.
- **Sixth**, the **policy doesn’t propose concrete steps to tackle vaccine hesitancy** which has grown tremendously post the occurrence of the new delta variant. Further, constant shifts in vaccine dosage and periodicity also shakens the trust of masses.

Read more: [Challenges in Vaccine Procurement in India – Explained, Pointwise](#)

### Suggestions

- There is a need to simplify the policy with the government as **the sole procurer**. The model of the **Universal Immunisation Program (UIP)** can be adopted in this regard.
  - Under UIP, the Central government indicates the quantity required, the delivery schedules, and the rates as per global tender. It supplies quality, ready-to-use vaccines to the States.
  - The manufacturer is left to dispose of excess quantity, if any, in accordance with market forces and without interference from the government.
  - The private sector’s participation catering to the better-off sections has averaged 5%-15% depending on the vaccine.
- The implementation of the policy **must be in accordance with district-level micro plans** incorporating the public and private sector. This would help cover target groups in accordance with epidemiological data.
- The government should **encourage walk-in vaccination** in hinterland regions due to poor digital literacy levels, which impairs online registration on Cowin portal. Further a framework of **‘Vaccination at Home’** should be made for severely ill patients.
- It **should now prepare a robust strategy for children as well**. The advent of the delta variant made it clear that the previous plan to vaccinate a smaller part of the population was inadequate. The need is to vaccinate around 85% of the population for achieving herd immunity.
- India can establish an independent team of experts under the aegis of the WHO. They will ensure adherence to recruitment standards, consent conditions, and adverse event record management. This would **improve public confidence and provide enough data** for the future policies of the government.

Read More: [Universal vaccination in India : Challenges and way forward – Explained, Pointwise](#)

**Conclusion**

India witnessed a large number of deaths in the second wave and to date, only 3.7% of the population has been fully vaccinated. Further many experts are predicting an onset of the third wave around October-November. This makes it imperative to achieve universal immunisation in a short time with an effective vaccine policy. Under this, the vaccines should be freely available and accessible to all, not only to the privileged few.

ForumIAS

## Threats Posed by UAVs – Explained, Pointwise

### Introduction:

Over the past two years, drones or [UAVs](#) have been deployed regularly by Pakistan-based outfits to smuggle arms, ammunition, conducting aerial surveillance, and drugs into Indian territory. Recently, two explosive devices were dropped from a drone at the air force base in Jammu. This was the **first known drone or UAV attack on an Indian military establishment**.

In certain incidents, the small drones were also armed with explosive ordnance, to convert them into potentially lethal guided missiles. This demonstrates the growing sophistication in the field of UAVs.

### Past UAVs threats:

Weaponised drones were first used by the Islamic State in northern Iraq in 2016 and then in Syria. After that, every terror outfit started using drones to create devastation. According to government figures, 167 drone sightings in 2019 and 77 in 2020 were recorded along the border with Pakistan. Significant ones include,

- In October 2020, the Army shot down one drone along the Line of Control in the Keran sector of J&K.
- In January 2021, the Jammu & Kashmir Police caught two persons while they were picking up a consignment of arms and ammunition smuggled via drones.

### What are UAVs?

An unmanned aerial vehicle (UAV) is an aircraft that carries no human pilot or passengers. UAVs, sometimes called “drones” can be fully or partially autonomous but are more often controlled remotely by a human pilot.

**Read more:** [Drone regulations and application of UAVs](#)

### Threats of using UAVs in attacks:

UAVs are generally called **attackers delight and defender's nightmare** for the following reasons,

1. UAVs have no restriction on the terrain nor the condition of the environment.
2. Drones fly low and therefore cannot be detected by any radar system because they are small and do not have much radar cross-section.
3. Difficult to detect also means **difficult to engage** as well.
4. They **do not match the cost of the kill vs the cost of the target**. For example, killing the \$1000 UAV with the Million \$ sophisticated missile. So, the defender **needs soft kill systems** like LASER, Radio Frequency jamming and Electronic Jamming etc.
5. Drone attacks **cannot be ruled out even in the safest cities** in the world.
6. UAVs can be controlled from a remote distance and **does not endanger any member of the attacking side**.
7. UAVs are easy-to-procure, easy-to-operate, and have a **proven damage potential**.

**Ethical concerns of using UAVs to attacks:**

There are certain ethical questions surrounding UAVs and their deployment in security operations. Such as,

1. As the UAVs take over human operations on the battlefield, is the world ready to **let the machine take over man?**
2. Can the machine be allowed to kill a man (Target)?

**Government guidelines to counter rogue UAVs:**

In 2019, following drone attacks on two major Saudi Arabian oil installations, the Indian government had expedited the process to come out with guidelines to counter rogue drones.

The civil aviation ministry **formed a committee chaired by the Director-General of Bureau of Civil Aviation Security (BCAS)**. Based on the committee recommendation, the Civil Aviation Ministry issued the **National Counter Rogue Drones Guidelines 2019**. The salient points are,

- For places of critical national importance, the rules called for the deployment of a model that consists of **primary and passive detection means** like radar, radio frequency (RF) detectors, electro-optical and infrared cameras.
- In addition to this, **soft kill and hard kill measures** like RF jammers, GPS spoofers, lasers, and drone catching nets were also suggested to be installed.
- A **steering committee** chaired by a representative of the Indian Air Force and comprising representatives from NSG, Central Armed Police Forces (CAPF), etc. will be formed to ensure a coordinated approach.

**Conclusion:**

**Anti-drone jammers** cannot be that effective in the border areas, but they can be deployed at security-sensitive installations to prevent such attacks in the future.

**Note:** The DGCA already has regulations in place for civilian drone operations. These include mandating the no-permission, no-takeoff (NPNT) regulations for drones that prescribe a built-in firewall, which prevents drones without the necessary permissions from taking off.



## Analysis of government relief package- Explained, pointwise

### Introduction

The Indian economy has fallen behind by several years if one looks at the gross domestic product (GDP) numbers, the sectoral value added in manufacturing and construction, or the actual off-take of items like electricity, steel, cement, vehicles, and so on. The principal means for reviving the economy over the next few months has to be a significant boost in consumption and demand.

To revive the Indian Economy, the finance minister has announced a **set of relief package worth Rs 6,28,993 crore**. These measures chiefly rely on **credit easing and other supply-side props** that require the mediation of state-run agencies.

### What was the need for a relief package?

Health, education, poverty, employment, and environment surveys provide the real metric of progress rather than stock market indices and GDP growth.

- India's Debt/GDP ratio rose sharply, from 74 per cent at the end of 2019 to 90 per cent at the end of 2020.
- The impact of the Covid-19 epidemic and the response in the form of lockdowns have reduced household incomes and restrained consumer demand. One indicator of this is the loss of employment.
  - The widely used employment data from the Centre for Monitoring Indian Economy showed a massive increase in unemployment in April-May 2020.
  - The data on [employment in MGNREGA](#) shows a similar [large jump in April-May 2020](#) and a lowering since then.
- A recent research report suggests that an additional **75 million people** were **pushed below the poverty line** due to **severe lockdown** and the associated movement of about **10 million migrant workers**.
- Children from poorer families have suffered a severe loss in terms of education and nutrition, with the loss of mid-day meals for over a year.
- The latest [National Family Health Survey](#) shows a significant **deterioration in the proportion of stunted children**.
- The [Annual Status of Education Report](#) continues to show the poor outcomes of schooling.
- **The major problems in tax collection:** The Controller General of Accounts released provisional revenue and expenditure figures. It points out that the **collections of indirect taxes were more** than direct taxes, and **personal income tax collection exceeded corporate income tax**

### Major highlights of recent relief package

- Rs 1.1 lakh crore loan guarantee scheme for COVID affected sectors
- Additional fund for [Emergency Credit Line Guarantee Scheme](#)
- **Credit Guarantee Scheme** to facilitate loans to 25 lakh persons through Micro Finance Institutions (MFIs)
- Financial support to more than 11,000 Registered Tourists/ Guides/ Travel and Tourism Stakeholders and Free one-month Tourist Visa to first 5 lakh tourists
- Additional subsidy for DAP & P&K fertilizers

- Extension of [Pradhan Mantri Garib Kalyan Anna Yojana](#) (PMGKAY) – Free food grains from May to November 2021 and Aatma Nirbhar Bharat Rozgar Yojana till 31st March 2022
- Besides supporting the health sector through a credit guarantee scheme, a new scheme for strengthening public health infrastructure and human resources. The **new scheme will focus on short term emergency preparedness with special emphasis on children and paediatric care/paediatric beds.**
- 21 varieties of the bio-fortified crops for nutrition, climate resilience and other traits to be dedicated to the nation
- Revival of North Eastern Regional Agricultural Marketing Corporation (NERAMAC) and boosting exports through National Export Insurance Account (NEIA)
- Expansion and up-gradation of Broadband to each Village through BharatNet PPP Model
- Extension of Tenure of PLI Scheme for Large Scale Electronics Manufacturing till 2025-26
- New Streamlined Process for PPP Projects and Asset Monetization

#### Other Government steps to boost economic growth

- The government expanded the rural employment guarantee and food security programmes.
- Indian Government also launched many **black money-related measures**, including demonetization. In the information gathered as part of the demonetization exercise, the number of **corporate taxpayers had increased** in 2017-18 from 2016-17. So did **corporate tax collection** in 2017-18.
- [Real Estate Regulation Act](#): The act provide relief to home buyers and people. Further, It also reduced the incidence of unfair trade practices in the real estate sector.
- Further, the government increased **indirect taxes on fuel products**, once in 2014-15 and again in 2020-21. (In this process, tax collection through direct taxes suffered).

#### Challenges with the recent government relief package

- **Not focused on the demand side**: While the measures announced are focused more on the supply side, these steps would **take a lot of time to provide faster relief to the economy**. For example, the loan guarantees may help the businesses to borrow on favourable terms, but there are hardly any new projects by Indian companies.
- **No direct package for certain sectors**: small loans and specific assistance for the tourism sector could help improve credit flows to small firms, and MSME firms. But there was **no direct package for sectors such as airlines, airports, malls, offline retail and hotels** — which saw a total collapse of their business model.
- **Low fund allotment to economic activity**: Rs 1.1 lakh crore loan guarantee scheme for COVID-affected sectors was announced. But this will not be enough as Rs 50,000 crore of this has been allocated to the health sector and Rs 60,000 crore for other sectors.
- **Suggestions to improve relief package**
- The primary task of government should be to **boost the quality and reliability of public services** for health and education, **provide credible social protection to low-income households**, particularly the wage labourers.

- India needs **direct state spending on job-assuring projects**. The government can even try out **cash transfers, for a quick and comprehensive demand boost**.
- **Direct economic stimulus measures** such as tax cuts for individuals and industry would have helped to prop up the Indian economy, which was hit hard by the lockdowns across several states.
- To **improve the economic policy**, the government should **set up a sensible, stable, and predictable structure of taxes, tariffs and regulations** and leave the rest to the market.
- **Reduce indirect taxes on fuel**: To wean oneself off the reliance on fuel taxes is not easy because both state governments and the Centre depend on them for revenue. So, India needs to bring in fuel under the [GST regime](#)
  - In the short run, the government can **provide relief to households** below specified income thresholds **through coupons** that can be exchanged for fuel.

- In the long run, the Centre could **initiate a study on the cascading effect of fuel taxes** and the efficiency, growth and revenue gains that could accrue **if duties are dropped to reasonable levels.**

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## Draft Cinematograph Bill 2021 – Explained, pointwise

### Introduction

Recently, government released the Draft Cinematograph Bill 2021 which seeks to amend **the**

### Cinematograph Act of 1952.

- The Cinematograph Act is the sole legislation guiding the certification of films released in India for public exhibition. It regulates the Mumbai-headquartered CBFC, which is mandated with certifying every film released in Indian theatres.
- Present draft comes shortly after the **abolition of the Film Certificate Appellate Tribunal** (a statutory body set up to hear appeals of film-makers against decisions of the CBFC). Earlier it was the last point of appeal for filmmakers against the certificate granted to their film.

Many sections from the film-making fraternity have expressed their concerns against the draft cinematograph bill. It is being criticized by filmmakers as a **“super censor”**. They are afraid that proposed changes would give the government overriding power over cinema and threaten freedom of expression in India.

From a UPSC perspective, it therefore becomes critical that we familiarize ourselves with issues surrounding this latest development.

Let us begin.

### Key provisions of the bill

Changes proposed	Existing provision
<p><b>Revision of certification:</b> As per draft cinematograph bill, the Centre will have revisionary powers on account of violation of <b>Section 5B(1)</b> (<i>principles for guidance in certifying films</i>).</p> <p>Now, if the situation necessitates, the Central Government will have the power to <b>reverse the decision of the Central Board of Film Certification (CBFC)</b> and direct the Chairman of the CBFC to <b>re-examine a film</b>.</p>	<p>The current Act, in <b>Section 6</b>, already equips the Centre to call for records of proceedings wrt a film’s certification but it is unable to use this power as,</p> <p>In 2000, the Supreme Court had upheld the verdict of the Karnataka High Court in the <b><i>K.M. Shankarappa vs Union of India</i></b> case that the Union government cannot exercise revisional powers in respect of films that have already been certified by the CBFC.</p>

<p><b>Age-based certification:</b> The draft cinematograph bill proposes to introduce age-based categorization and classification. Proposes to divide the film categories into <b>five age-based groups:</b> U, U/A 7+, U/A 13+, U/A 16+ and Adult.</p>	<p>Currently, films are certified into <b>three categories</b> —  ‘U’ for unrestricted public exhibition;  ‘U/A’ that requires parental guidance for children under 12;  ‘A’ for adult films.</p>
<p><b>Provision against piracy:</b> The draft proposes to add <b>Section 6AA</b> that will prohibit unauthorized recording. Penal provisions, including imprisonment and fine, have been proposed.</p>	<p>At present, there are <b>no enabling provisions</b> to check film piracy in the Cinematograph Act, 1952</p>
<p><b>Eternal certificate:</b> The draft proposes to certify films for perpetuity.</p>	<p>Currently a certificate issued by the CBFC is <b>valid</b> only for <b>10 years</b>.</p>

**Note:** Section 5 B (1) of the Cinematograph Act, 1952, discourages certifying a film that is “against the

- interests of [the sovereignty and integrity of India] the security of the state
- friendly relations with foreign States
- public order
- Decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence.

### Rationale behind the changes

A change in censorship was the need of the hour because present system is stuck with age-old rules and regulations.

- Bifurcating the U and U/A ratings is indeed a welcome change. The **age-based certification** is good, as is in Europe and America.
- Provisions against **piracy** are much needed as the **film industry is estimated to lose around ₹22,000 crore** and around 60,000 jobs every year because of piracy.
- Govt has cited the “**reasonable restrictions**” placed by the constitution in [Article 19](#) of the constitution to justify exercising its powers to act as a super-censor for films about which it receives complaints.

### Criticism of the bill

- **Role of CBFC:** The draft cinematograph Bill must clearly define the role of the Central Board of Film Certification (CBFC) as a body that certifies film content for public

exhibition, and not as a censoring body. The Bill in its current form overturns the sovereignty of the two bodies – CBFC and the Supreme Court

- **Revisory powers of the centre:** The revisional powers that the Centre seeks in the draft law will not only see “State censorship” but also “mob censorship”.
- **Encouraging vigilantism:** The proposed Act will give a lot of power to vigilantism – instead of dealing with the problem. The plight of the independent filmmaker will be far more difficult. Any fringe group will be successful in getting films or OTT series banned.
- **Undue impact on documentary-makers:** The draft cinematograph Bill will fundamentally impact documentary makers more; the money to certify is charged basis a film’s length, the production cost of a 2-hour fiction film is hugely different from a 2-hour documentary, where a lot of radical work is happening.
- **Compliance of anti-piracy provisions:** Considering that film piracy in India rose by over 60% post-COVID, it is difficult to imagine how our already-stressed law enforcement agencies would be able to ensure the compliance of this provision.

### Central Board of Film Certification (CBFC)

Statutory body under the Ministry of Information and Broadcasting

**Function:** Regulates the public exhibition of films under the provisions of the Cinematograph Act 1952.

Films can be publicly exhibited in India (on cinema halls, T.V. channels) only after they have been certified by the Central Board of Film Certification

**Members:** The Board consists of non-official members and a Chairman (all of whom are appointed by Central Government) and functions with headquarters at Mumbai.

### FCAT

It was a **statutory body** (Ministry of Information & Broadcasting), under the Cinematograph Act, 1952.

**Function:** Hearing appeals filed under Section 5C of the Cinematograph Act, by applicants for certification aggrieved by the decision of **the Central Board of Film Certification (CBFC)**.

**Membership:** The tribunal was headed by a chairperson and had four other members, including a Secretary appointed by the Government of India to handle.

The Tribunal was headquartered in New Delhi.

It stands abolished now.

Filmmakers would now have to approach the High Court whenever they want to challenge a CBFC certification.

### Suggestions

- **On CBFC:** The government has to believe in the power of CBFC. There needs to be a **guidance or grievance cell** within the certification board.
- **On piracy:** The existing law penalizes piracy, there is no need to introduce further penal provisions”. Instead, sufficient exceptions on fair use, derivative work specific to films must be crafted. The offence must be made non-cognizable and bailable.
- **Audio-Visual Media Council:** Like the Press Council of India or Advertising Standards Council of India, there can be a Audio-Visual Media Council, a self-regulating body. It will “address and arbitrate on any public grievances or complaints about films, TV or OTT series, etc.

- **FCAT should be reinstated:** Reinstatement of the Film Certification Appellate Tribunal (FCAT) as it enables affordable and accessible remedies to filmmaker.
- **Clear definition of public exhibition:** Cinematograph Act must be amended to include a clear definition of 'public' exhibition and bring under its purview only commercial films with substantive capital investment and revenue models tied to theatrical exhibitions.

### Conclusion

Preserving artistic freedom and reducing regulatory compliance are much-needed reforms for the film industry. The proposed changes in the draft amendment bill, however, do not seem to be easing either compliance issues or freedom of speech and expression through filmmaking in the country.