

Forum IAS

7 PM COMPILATION

16th to 30th November, 2023

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
- ❖ Wide use of charts, diagrams and info graphics
- ❖ Best-in class coverage, critically acclaimed by aspirants
- ❖ Out of the box thinking for value edition
- ❖ Best cost-benefit ratio according to successful aspirants

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Uttarakhand Tunnel Collapse- Explained Pointwise

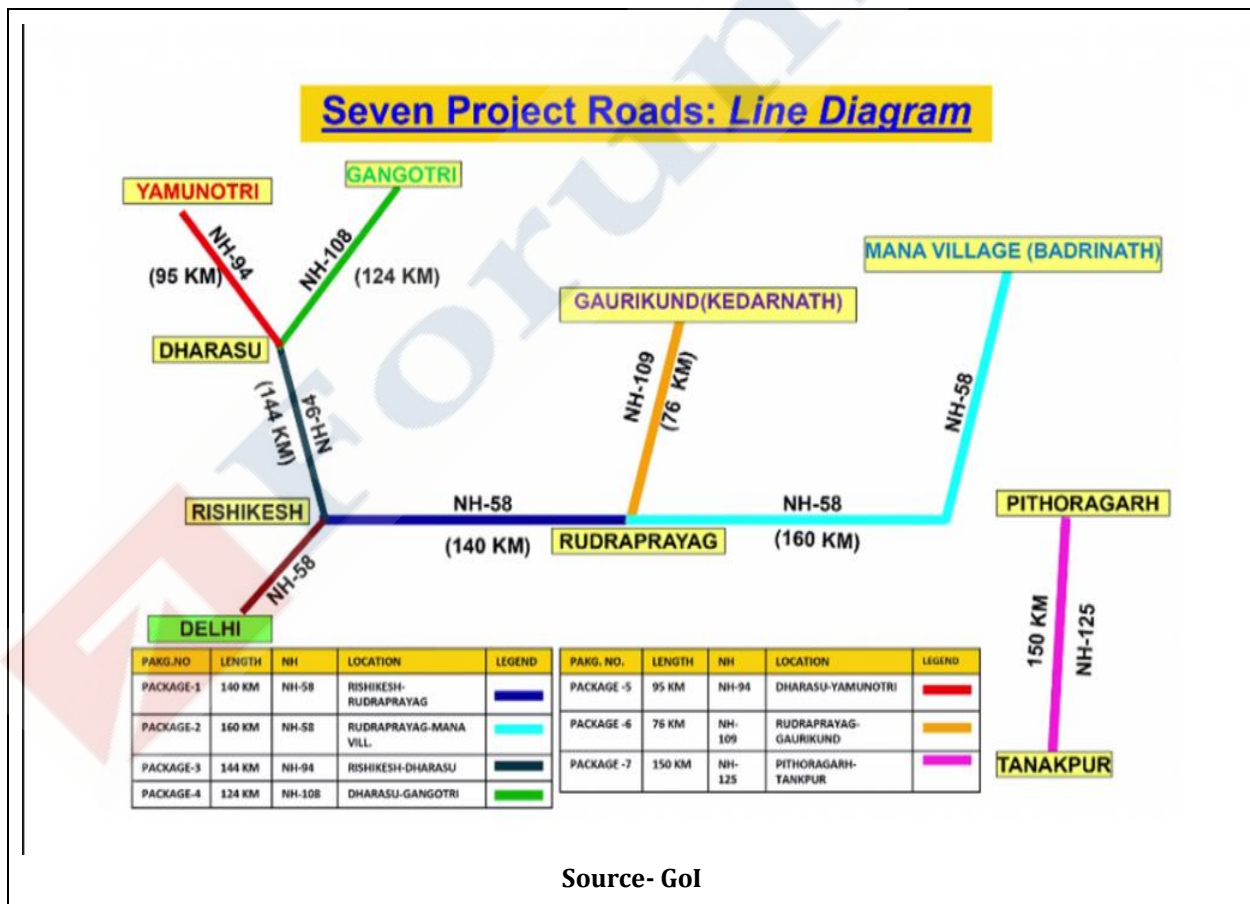
Introduction

Recently, Uttarakhand Tunnel Collapse has led to the trapping of 40 workers inside the tunnel. The under-construction tunnel also known as **Silkyara Tunnel**, is located on the Yamunotri National Highway in Uttarakhand's Uttarkashi district. The tunnel is a part of the Char-Dham all-weather road project. A mega search and rescue operation led by the NDRF and SDRF teams is underway to safely evacuate the trapped workers.

The need for tunnels has increased in recent times with the push for **infrastructure development** in the hilly terrains (For ex- Arunachal Pradesh infrastructure development). The tunnels also help in **bolstering national security** by connecting the border areas with the ammunition and military bases (For Ex- Char Dham project in Uttarakhand). Tunnels also **reduce the logistic cost** of transportation of goods.(For ex- Himachal Pradesh's improved rankings in logistics performance index)

What is the Char-Dham project, which has come into focus with the recent Uttarakhand Tunnel Collapse?

Char-Dham Project- It is a highway expansion project to widen 889 km of hill roads to provide all-weather connectivity in the Char Dham circuit. The project, envisaged in 2016, covers Uttarakhand's four major shrines- Badrinath, Kedarnath, Gangotri and Yamunotri- in the upper Himalayas.



About the Silkyara Tunnel (Uttarakhand's Tunnel which collapsed)-

1. The total length of the tunnel of the tunnel is 4.5 Km. It is meant to connect Silkyara to Dandal-gaon in

Uttarkashi district.

2. The double-lane tunnel is one of the longest tunnels under the Char Dham all-weather road project and aims to reduce the journey from Uttarkashi to Yamunotri Dham by 26 kilometres.

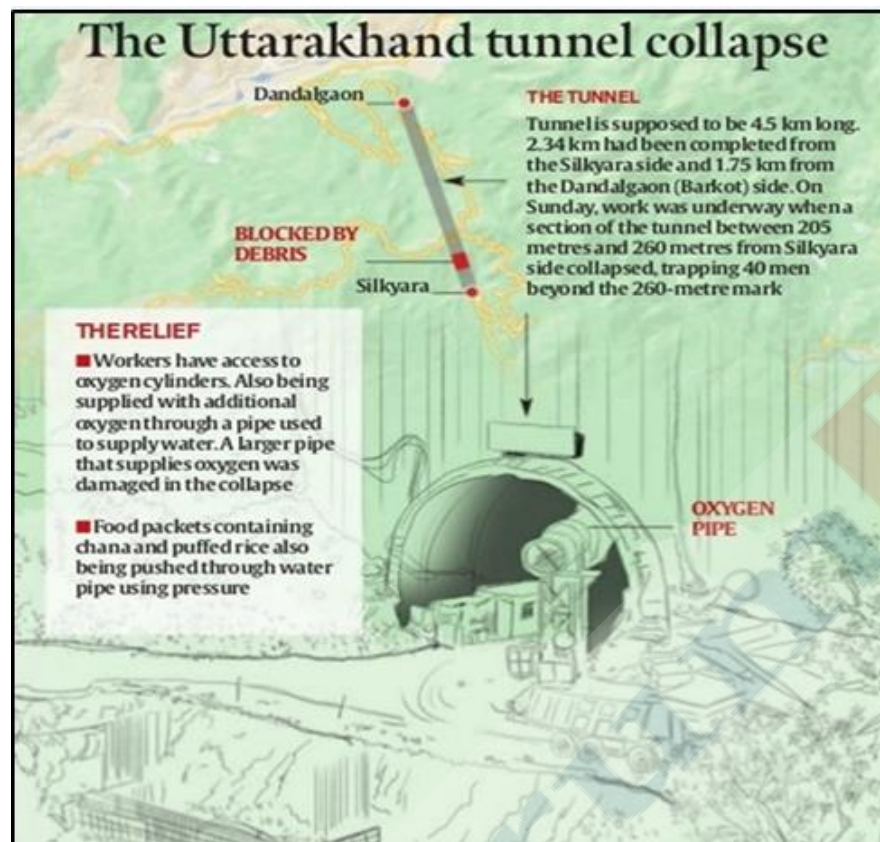


Figure 1. Source- The Indian Express

Collapse Site- The collapse happened about 270m from the entrance of the Silkyara side.

Recent Incidents of Collapse in Himalayas

1. Subansiri Lower Hydroelectric Power Project-

A major landslide disrupted construction and blocked diversion tunnels of the project.

2. Teesta River Flash

Floods- Flash floods damaged the Chungthang Dam and Teesta hydropower stations, leading to significant financial losses.

Other Incidents of Tunnel Collapse in Himalayas

1. Kiratpur- Nerchowk Tunnel collapse in

Himachal Pradesh, 2015

2. Tehri Hydroproject Tunnel

Collapse 2004

What are the methods of Tunnel Excavation used in India?

In India, two methods of Tunnel Excavation are employed-the drill and blast method (DBM), and tunnel-boring machines (TBMs).

Techniques	Method of Excavation	Use and Advantages
Tunnel-boring machines (TBMs)	TBMs bore the rock from the front using a rotating head. The portion of the excavated tunnel is supported by installing precast concrete segments.	TBMs are used when the rock cover is up to 400 metres tall . TBM method was used for construction of tunnels for the Delhi Metro.
Drill and Blast Method (DBM)	DBM involves drilling holes into the rock and loading them with explosives. When the explosives are detonated, the rock breaks apart.	DBM method is used for mountains which are 1000-1200m high . DBM is used for tunnel construction in the Himalayas,

	Jammu & Kashmir and Uttarakhand.
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TBM method is much safer but expensive, when compared with the DBM method.

What are the possible causes of Uttarakhand Tunnel Collapse?

The Uttarakhand Govt. has formed a committee to determine the exact cause of the Uttarakhand Tunnel Collapse. However, experts have pointed out several reasons which might have led to the accident.

- 1. Presence of fractured or fragile rock-** Fractured rocks have a lot of joints, which makes it weak to sustain large overhead weight. This could have led to the collapse of the Tunnel.
- 2. Water Seepage-** Water erodes loose rock particles over time, creating a void on the top of the tunnel. This might have also led to the caving of the Tunnel.
- 3. Landslide prone young Himalayan Rock System-** The **Main Central Thrust (MCT)/Barkot thrust** of the Himalayas passes a few kilometres north and northwest of the incident site. The seismic wave generated could have triggered a possible landslide in the tunnel.
- 4. Lack of geological and Geo-technical Studies-** Experts have expressed doubts whether geological and geotechnical studies like **petrographic analysis, seismic refraction waves analysis**, were conducted before undertaking the tunnel excavation work. These experiments help to determine help to determine, whether the rock can take the load of the overburden when a tunnel is created.
- 5. Improper study of Shear Zone and lack of protection measures-** Experts have also pointed that one of the reasons of collapse could be the lack of proper **geological mapping studies of the shear zone**. There was also failure to take protection measures to prevent the collapse of the shear zone using **steel ribs, rock bolts, or shotcrete** due to lack of regular monitoring.
- 6. Failure to design an escape tunnel-** The authorities failed to ensure that an escape tunnel is designed simultaneously with the main tunnel. Design and construction of an escape tunnel is a must for emergencies like collapse and fire. Also, the escape tunnel helps in determining the geology of the main tunnel. For ex- The escape tunnel was constructed in the case of **9 km Chenani-Nashri tunnel in Jammu and Kashmir**.

Besides these reasons given by experts, questions have been raised on the fragility of the Himalayas in sustaining massive infrastructure projects like the Char-Dham project, massive hydroelectric power projects.

Read More- [Fragility of Himalayan ecosystem](#)

What are the initiatives taken for ensuring safe tunnel construction mechanism in India?

- 1. Creation of Tunnel Zone department in the MoRTH-** A tunnel zone department has been created in the Ministry with a mandate to build the capacity for excellence in tunnelling, preparation of guideline on design and construction of tunnel.
- 2. Constitution of Expert Committee on Tunnel-** This expert committee has been created for resolving technical issues which arise in implementation of Tunnel Projects in the country.
- 3. Indian Standard Code for Tunnel Construction-** The Indian Standard Codes-**IS 15026 (2002)** and **IS 4756 (1978)** have been issued for tunnel Construction. This code prescribes the guidelines for tunnel design, lighting and ventilation.
- 4. IRC Codes for Tunnels-** **IRC code 2019 for tunnels** is being implemented to ensure the road tunnels which are constructed, are as per the international standards.

5. **Implementation of other standard codes in tunnel construction-** Integrated Tunnel Control Systems (ITCS), The Work in Compressed Air Regulations 1996, Emergency Evacuation and Rescue Plans for tunnels & RDSO (Research Designs and Standards Organisation) guidelines must be properly implemented.

6. **International Tunnelling and Underground Space Association safety practices in tunnel construction-** According to these guidelines on the safety practices in tunnel construction, particular attention should be given to the means of escape in an emergency situation like **specific escape routes marked by signs** and **contingency plan**.

What should be the way forward to ensure safe tunnel construction?

1. **Detailed geotechnical studies-** Currently, in India the design and construction of a tunnel project is done simultaneously. More detailed geotechnical studies like the **petrographic analysis**, needs to be done to incorporate in the design and the construction of the tunnel project.

2. **Regular monitoring by specialist geologist-** Regular site visits of an independent specialist geologist must be conducted to check for **probable failures** and to **determine the rock's stand-up time**. (Rock-stand up time- It is the duration for which a rock can remain stable without any support. Support is given to the rock within its stand-up time.)

3. **Supports provided to the tunnel must be tested for adequacy-** Supports of the tunnel like **shotcrete** (sprayed concrete that works as a membrane to prevent parts of the rock from falling), **rock bolt** (a long anchor bolt for stabilising rock excavations), **steel ribs** and **tunnel pipe umbrella** need to be properly tested for its adequacy to prevent tunnel collapse.

4. **Arrangements for safe evacuation in case of collapse-** There must be **deployment of NDRF personnel & proper safety equipments** to ensure safe evacuation in case of any mishap. The construction companies must submit a **safety plan** along with the bid for the projects.

Conclusion

Tunnel-building technology is around 200 years old and, if executed properly, tunnels aren't dangerous.

Read More- [The Indian Express](#)

UPSC Syllabus- GS Paper 3 Disaster and Disaster Management

State Funding of Election- Explained Pointwise

Introduction

State funding of election can address the issue of 'Lack of Transparency in election funding'. The Lack of transparency in election funding is the central issue, on which the electoral bond scheme of the Government of India has been challenged.

Read More- [Electoral Bonds Scheme-Explained Pointwise](#)

What is state funding of Elections?

State Funding of elections- It is an election funding mechanism, where the government gives funds to political parties or candidates for contesting elections.

Committees formed for state funding of elections and their recommendations

Committees	Recommendations
Indrajit Gupta Committee on State Funding of Elections (1998)	Recommended partial state funding , considering the economic situation of the country at that time. But placed two conditions – 1. Only national and regional parties with symbol. Excluded the independent candidates. 2. Funding should be in the form of kind (certain facilities) and not in cash.
Law Commission Report on Electoral Law Reform (1999)	State funding of elections is “desirable” as long as political parties are not allowed to accept money from other sources. Concurred with the Indrajit Gupta Committee’s recommendation of ‘partial state funding’. Recommended setting up of a strong regulatory procedure.
Second Administrative Reforms Commission (2008)	Recommended partial state funding for the purpose of reducing “illegitimate and unnecessary funding” of elections expenses.
National Commission to Review the Working of the Constitution, 2001	It did not endorse state funding but concurred with the 1999 Law Commission report that the appropriate framework for regulation of political parties would need to be implemented before state funding is considered.

What is the need for State Funding of Election?

1. **Lack of Transparency in electoral funding**- Large proportion of electoral funding comes from unknown sources. The electoral bonds, also, do not disclose the donors details to the public. This violates the basic transparency principles, as the **electorate has a right to know** whether the funds are being raised through legitimate means.

Sources of Income of National and Regional Parties for FY 2020-21				
Political Parties	Income from Unknown Sources (as per IT Returns) **	Income from Known Sources (donations details declared to ECI)	Income from Other Known Sources*	Total Income
National Parties	426.742	593.748	353.293	Rs 1373.783 cr
Percentage share	31.06%	43.22%	25.72%	100%
Regional Parties	263.928	119.395	147.38	Rs 530.703 cr
Percentage share	49.73%	22.50%	27.77%	100%
Grand Total	690.67	713.143	500.673	Rs 1904.486 cr
Percentage share	36.30%	37.40%	26.30%	100%

Source-ADR

2. **Corruption and Crony capitalism**- The current system of funding by ‘unknown donors’ which include large corporate houses has led to **corporate lobbying, crony capitalism** and has **institutionalised political corruption**.

3. **Lack of Fairness**- Supreme court, in **Kanwar Lal Gupta v Amar Nath Chawla case**, observed that access to large financial resources translates into electoral advantage. Richer candidates and parties have a greater chance of winning elections, which distorts the level playing field.

4. **Contravention of Laws and guidelines**- The non-disclosure of sources of electoral funding goes against the **ECI guidelines**, Central Information Commission’s **(CIC) rulings** and SC’s ruling in the **PUCL vs Union of India case**. The political parties have **refused to submit** themselves to the **transparency** that comes with Right to Information.

What will be the advantages of State Funding of Election?

- 1. Transparency in electoral funding-** The state funding of elections fulfils the citizen's **right to know** about the election funding and expenditure. This enhances the transparency of the electoral process.
- 2. Fairness of the electoral process-** The state sponsored elections will ensure all political parties and candidates are at equal footing. This will ensure fairness of the electoral process.
- 3. Reduction in criminalisation of Politics-** According to **Vohra committee**, the criminalisation of politics has been a result of the donation of criminal proceeds to political parties. The state funding of elections to political parties will reduce the criminalisation of politics.
- 4. Encourage citizen centric decisions-** The funding of elections by the state will **break the corporate-political nexus**. It will encourage the government of the day to take citizen-centric decisions and ensure good governance.
- 5. Increased accountability-** Use of public money will make the political parties more accountable to the public, as it will improve the party-public relations and break the politico-corporate nexus.

What are the challenges in the implementation of state funding of election?

- 1. Fiscal Challenge-** The government is grappling with the rising fiscal deficit. Putting further strain on the government exchequer, by state sponsored electoral funding, will **worsen the fiscal health of the government**. State funded election will pose a serious challenge to our **FRBM targets**.
- 2. Funds Diversion-** The funding of elections by the state will lead to diversion of government funds from social sector which need immediate attention like Health, Education and Skill Development. Funds being diverted to finance elections will **hinder state welfare programs** and the **development of the weaker sections**.
- 3. Operational challenges-** Building a consensus on, the criteria to be used for distribution of the funds amongst political parties and candidates, will be a huge operational challenge.
- 4. Risk of Misuse of state sponsored electoral funding-** State funds for elections can be misused as many **frivolous political parties may crop** up to receive state subsidies, rather than running for political office and engage in development work.
- 5. Regulatory hurdles-** **ECI has opposed state funding of elections** on the ground that it would not be able to prohibit or check candidates' expenditure, over and above which is provided for by the state.
- 6. Limited benefits due to lack of intra-party democracy-** The benefits of state funding of election will be limited due to lack of intra-party democracy.
- 7. Can promote extremism in elections-** According to a study, the state funding of election using '**democracy vouchers' method tried in Seattle** resulted in election of more extremist candidates. (**Democracy voucher method-** Under this system, the government distributes a certain number of vouchers worth a certain amount to eligible voters. The voters can use these vouchers to donate to the candidate of their choice. While the voucher is publicly funded, the decision to allocate the money is taken by individual voters.)

Conclusion and way forward

There are 34 countries in the world where state funding of elections is available in some form or the other. The highest proportion of state funding is in Norway, which is about 74% of the total expenses on the election. But there are different models of state funding. In some countries, only parties get the fund and the candidates do not.

The implementation of state funding of election, is a desirable goal to introduce transparency in electoral funding. However, we need to devise a **proper procedure for distribution of funds**, with the consensus of all major political parties. In the meantime, we can implement some major suggested reforms of election funding-

1. Explore setting up of National Electoral Fund- The idea of National Electoral Fund, put forth by former chief election commissioner T.S. Krishnamurthy, can be explored as an alternative to state funding of election. This fund would **allow contributions from all donors**. The money will then go to the parties according to the results of the elections or any other principle that all parties would agree upon.

2. Audit of accounts of political parties- **Venkatachaliah Committee Report (2002)** which has recommended strict regulatory frameworks for auditing and disclosure of party income and expenditure must be implemented to check for undisclosed funding.

3. Capping the expenditures of the political parties and the Donations – India must implement expenditure limits of political parties **like UK**. (In the UK, a political party is not allowed to spend more than £30,000 per seat contested by that party).

Also, **The 255th report of the Law Commission of India's** recommendation of capping the anonymous donations must be implemented.

These measures if implemented will serve our requirements of ensuring transparency in electoral funding till a consensus is reached on state funding of elections.

Read More- [The Hindu](#)

UPSC Syllabus- **GS 2-** Electoral Reforms

Syllabus Line- **Salient Features of the Representation of People's Act.**

India-UK FTA and India's FTA 2.0 approach- Explained Pointwise

Introduction

India-UK FTA is being negotiated under **India's FTA 2.0 approach**. The India-UK FTA will serve as a **template for India-EU FTA** (EU is India's second-largest trade partner). India's earlier FTAs with ASEAN and Japan yielded moderate results for India. India has taken its learnings from its earlier approach to FTAs and has come up with a new FTA 2.0 approach.

Under its **new FTA 2.0 approach**, India has recently signed **three trade pacts** with **Mauritius, UAE and Australia**. All the future trade pacts with countries like Canada, Israel, GCC, EU and EFTA will be negotiated under this new approach.

India-UK FTA- Advantages and Challenges summarised in Brief

India-UK FTA negotiations hold importance for both the Indian and the British government. The FTA consists of 26 chapters, out of which 21 chapters have been negotiated. There are some contentious issues, which are delaying the finalisation of the India-UK FTA.

Advantages of India-UK FTA	Challenges in India-UK FTA
Advantage for India 1) Boost to India's labour-intensive sectors- India's labour-intensive sector like apparel/textile and gems and jewellery face high tariffs in the UK	1) Reaching an agreement on the Rules of Origin (ROO)- ROO determines the national source of a product. India is pushing for strict Rules of origin. For ex- India fears dumping of European alcoholic

(**Indian Textiles attract 10% tariff**). The proposed FTA will bring down the tariffs and help revive India's labour-intensive sectors.

2) **Increase in Indian service exports**- The proposed FTA is expected to increase exports of Indian service sectors like **IT/ITES, Nursing, education, healthcare, including AYUSH and audio-visual services**.

3) **Elimination of Non-Tariff barriers for Indian exports**- Non-Tariff barriers like testing, certification and pre-shipment inspections have been a major concern for Indian agri-exporters. For ex- **Rejection of Indian rice due to pesticide residue**.

4) **Diversification of Indian trade partners**- After India's exit from RCEP, these FTAs with **UK, EU, GCC** will help in diversification of India's trade partners.

5) **Strategic Advantage**- By strengthening trade bonds with UK, India can seek UK's support on issues like **standoff with China** and **claim for permanent seat at UNSC**.

Advantages for UK

1) **Push to 'China-plus one' strategy**- The proposed FTA gives a further push to the strategy of reducing the risks of over-dependence of the British economy on China after the **COVID-19 experience**.

2) **Boost to UK's beverage and automobile industry**- The FTA seeks to lower the Indian tariffs imposed on imported EVs and alcoholic products from UK. (Currently, **70% to 100% duty is imposed by India on imported cars**).

3) **New partners after Brexit**- The search of UK for new trade partners after Brexit is the reason UK is pushing for the deal with India since 2016.

4) **Boost to UK's investment in India**- India and the UK are also signing a bilateral investment treaty (BIT) alongside the FTA that can provide an avenue to improve UK's investments into India. This will be a win-win situation for both countries.

drinks like gin, vodka and Irish whiskey, into India via UK.

2) **Work permit for Indian service sector workforce**- After Brexit, UK has adopted a strict policy on granting work permits to foreigners. India is pushing for **relaxation in the work permit policy**.

3) **Carbon tax**- UK is looking to impose carbon tax on metal imports **on lines of EU's carbon border adjustment mechanism (CBAM)**. This tax will hurt Indian manufacturing sector's exports such as cement, iron and steel and glass sector.

4) **Intellectual property rights**- Strong IPR regime is being pushed by UK. For ex- UK which is a leader in life science innovation, is **pushing for stronger IPR regime in the medical sector** while this is being opposed by India which is the largest manufacturer of generic drugs in the world.

5) **Digital Trade/Cross Border Data Flow** - India is yet to finalize its domestic laws on digital trade and data protection. Hence, it is exercising caution in making commitments in the proposed FTA.

6) **WTO's MFN violation**- Any interim and incomplete FTA would attract violation of the Most Favoured Nation (MFN) principles of the WTO.

7) **Global Value Chain (GVC)**- Discussions on the India-UK FTA are going in details to address complexities related to global value chains. India is negotiating hard for outcomes, which favour its ambition to become an alternative to China in the GVC.

8) **Domestic political compulsions**- India-UK FTA also faces challenges due to the growing political negativity towards India within Britain.

9) **India's concerns of protection of its domestic industries**- India is also concerned to protect its domestic alcohol bottling industry, which will face tremendous competition from the UK beverage companies.

What is FTA? What were the failures of India's old FTA which led to India's new FTA 2.0 approach?

Free Trade Agreements- FTAs are arrangements between two or more countries or trading blocs that agree to **reduce or eliminate** customs, tariff and non tariff barriers on substantial trade between them.

Trade deals are of Different types which are explained below

EXPLAINING TRADE DEALS		
<p>Preferential Trade Agreement (PTA) Two or more partner countries agree on preferential import tariffs on certain products. Each country has a mutually accepted positive list of tariff lines (products) eligible for low or zero duties. Eg: India-Afghanistan PTA</p>	<p>and tariff concessions to each other for a much wider set of products and services. Both sides maintain a negative list of products and services that are excluded. Eg: India-Sri Lanka FTA.</p>	<p>Malaysia CECA</p>
<p>Free Trade Agreement (FTA) FTAs are bigger in scope as partner countries offer preferential trade terms</p>	<p>Comprehensive Economic Cooperation Agreement (CECA) CECA is more comprehensive than FTA as it generally covers negotiation on trade tariffs and tariff rate quotas that allow mutually agreed concessional import rate up to a certain quantity. Eg: India-</p>	<p>Comprehensive Economic Partnership Agreement (CEPA) & Economic Cooperation and Trade Agreement (ECTA) The most comprehensive of all, CEPA or ECTA, covers negotiation on trade in services and investment and other areas of economic partnership like trade facilitation, customs cooperation, competition, IPR, etc. It can cover regulatory aspects of trade too. Eg: India-Japan CEPA</p>

Source- Fortune India

Read More- [What are free trade agreements](#)

Failures/Challenges of India's Earlier FTAs which led to adoption of new FTA 2.0 approach

- 1. Uneven distribution of gains-** The margin of preference (actual tariff cuts) given by India to its FTA partners in the old FTAs were higher than the margin of preference given by partner countries.
- 2. India's low FTA utilisation-** India's FTA utilisation remained very low at around 25 per cent. On the other hand, developed countries utilise the FTAs to the maximum (~ 70-80 per cent).
- 3. Increase in Indian imports to the detriment of Indian domestic industries-** The earlier signed FTAs, resulted in the increase of import of FTA partner's goods in India to the detriment of Indian domestic markets. **For ex- Japan and ASEAN countries, exports to India increased tremendously while Indian export to them did not increase commensurately.**(In the period between 2017 and 2022, India's exports to its FTA partners increased by 31 per cent, while its imports increased by 82 per cent).
- 4. Misuse of Rules of Origin-** The earlier negotiated FTAs had relaxed Rules of Origin(ROO) provisions, which were misused by the FTA partners to dump their products in Indian market. For ex- **Chinese electronics via ASEAN FTA.** However, the complexity of certification requirements of ROO, under these FTAs hindered India's ability to streamline processes for its exporters

5. **Lack of adequate industry and stakeholder consultation-** During the previous FTA negotiations, Negotiators failed to involve representatives from relevant industries, businesses and associations. This led to **market access being granted to FTA partners without considering critical views** and concerns from **domestic industries**.

6. **Stringent Non-Tariff barrier provisions in the Old FTAs-** Previous FTA negotiation focus of India was more on Tariff barrier reduction. The non-tariff barriers provisions were not negotiated properly, which led to its mis utilisation against India. For ex- **Indian exports have remained stagnant due to Japan's high import standards**, despite India-Japan FTA.

7. **Disparity in the performance of the manufacturing sectors in India and its FTA partner economies-** South Korea and ASEAN's manufacturing sectors outperformed India's in critical industries such as electronics, automobiles, leather and textile products as **their industries were more competitive** than the Indian counterparts. This led to a surge in Indian imports due to the FTA between South-Korea and ASEAN.

8. **Lack of Government's efforts to popularise FTAs among industry stakeholders-** Limited outreach activities and inadequate marketing to create awareness about the benefits of the FTAs resulted in the underutilisation of these agreements.

9. **Failure of India to take advantage of its service sector-** India failed to take advantage of its strong service sector capability by failing to include service sector in some of the earlier FTAs.

Difference between the Earlier FTAs and the FTA 2.0

India has recognised the flaws in its earlier FTAs, with the Indian Minister of Commerce and Industry Piyush Goyal acknowledged that earlier FTAs were poorly conceived. The government initiated the review, and came up with a new FTA 2.0 policy.

WHY EARLIER FTAs WERE INEFFECTIVE...

- Low use by Indian exporters as margin of preference given by India to its partners was higher than what it got in return.
- Earlier FTAs could not lower technical barriers to trade such as mandatory standards, procedures and compliances.
- In sectors like electronics, Indian industry failed to withstand competition from FTA partners.
- FTAs were skewed towards imports, increasing trade deficit.
- They covered mostly goods and not services, where India is competitive.

...AND HOW THE NEW ONES ARE DIFFERENT

- FTA 2.0 is not just about goods and services but also covers labour, innovation, anti-corruption, gender and investment initiatives.
- Strict 'local value addition' and 'country of origin' rules. For example, 40% value-addition in India-UAE FTA is higher than the 30% mentioned in earlier FTAs.
- Introduction of Mutual Recognition Agreements is making FTAs more balanced by taking care of technical barriers to trade.
- Government has linked export growth to schemes for boosting overall competitiveness of India industry.

Source- Fortune India

Conclusion and Way Forward

India's **Comprehensive Economic Partnership Agreement (CEPA)** with the United Arab Emirates and the **Economic Cooperation and Trade Agreement (ECTA)** with Australia are both part of India's FTA 2.0 approach. India's exports to both countries have shown a significant increase just a few months after the conclusion of the CEPA, and remarkable FTA utilisation statistics have also been reported.

However, we should not be buoyed by the short term results. We must focus on taking the following steps to use the FTAs 2.0 to our advantage.

- 1. Development of Trade infrastructure-** Govt must take efforts to give a boost to trade infrastructure, set up **fast track dispute settlement mechanism** and **digitise trade procedures**.
- 2. Increase global competitiveness of Domestic industries-** Increased competitiveness of Indian industries will help us increase exports to FTA partners and achieve our target of \$5 trillion economy.
- 3. Regular industry consultation and use of data analytics-** The regular feedback of industrial bodies like **CII, FICCI** and creation of data analytics division in the commerce ministry to regularly analyse the trade data to take corrective measures.
- 4. Inclusion of new Paradigms of international trade-** Trade in services, e-commerce, labour, climate/environment, digital trade, public procurement have become central issues in international trade. Government must be prepared to adjust to this new paradigm in FTA 2.0 rather than avoiding these issues. Like for example- **Foreign Trade Policy for digital goods**.
- 4. WTO Plurilateral Negotiations-** India could further increase its exports by participating in the major plurilateral negotiations on services, environmental goods, and government procurement now taking place at the WTO.

Read More- [The Indian Express](#)

UPSC Syllabus- GS 3- Indian Economy and Issues related to Growth

The Issue of Governors Withholding Assent to Bills- Explained Pointwise

Introduction

The Governors, in various instances in the last few years, have **delayed and sometimes withheld giving assent to Bills passed by State legislatures**.

Recently, the Tamil Nadu Governor 'withheld' assent for certain Bills passed by the Legislative Assembly. Earlier, the Tamil Nadu NEET Bill for granting exemption to TN from the National Eligibility cum Entrance Test (NEET) was reserved for the President's assent by the Governor after considerable delay.

Apart from Tamil Nadu, **Kerala, Telangana, and Punjab** too have sought the intervention of the Supreme Court on the issue.

Kerala in its plea has argued that 3 Bills have been pending with the Governor for more than 2 years, and 3 Bills for more than a year.

Telangana has argued that more than 10 key Bills are pending with the Governor.

A detailed article on the office of the **Governor** can be [read here](#).

What are the Constitutional Provisions regarding Governor's assent to Bills?

While **Article 163** of the Constitution deals with the powers of the Governor, **Article 200** specifically deals with the issue of granting assent to Bills. Both the provisions are read together to determine the power of the Governor to withhold assent to bills.

As per **Article 200**, when a Bill is passed by the state legislature, the Governor has four options:

- (1) grant assent to the bill;
- (2) withhold assent to the bill (**Absolute Veto**);
- (3) return the bill for reconsideration, if it is not a Money Bill (**Suspensive Veto**): If the legislature passes the bill again, with or without amendments, the Governor has to give assent;
- (4) reserve the bill for the consideration of the President.

It also stipulates that the Governor shall reserve for the President's consideration any Bill that, in the Governor's opinion, would **diminish the powers of the High Court**.

However, Governors have been accused of misusing their powers and unfairly withholding their assent to Bills, leading to friction with State governments. This is due to the following factors:

1. **Discretionary Powers (Article 163):** The Constitution makes it clear that if any question arises on whether a matter falls within the governor's discretion or not, the decision of the governor is final and the validity of anything done by him cannot be called in question on the ground that he ought or ought not to have acted in his discretion.
2. **No provision for a Time Limit:** The Constitution has no time limit under which the Governor has to make a decision regarding assent to a Bill. Thus, he/she can exercise a **Pocket Veto** (A pocket veto is when a President or a Governor essentially prevents a Bill from being passed by taking no action on the Bill (i.e. "keeping it in their pocket")).
The proviso in Article 200 says the **Governor must return the Bill "as soon as possible" but does not prescribe a specific timeframe**. Governors have exploited this ambiguity to sit on Bills indefinitely without returning them to the state legislature.
3. **Alleged Partisan Behaviour:** Governors have been accused of acting as agents of the Centre and not as an independent Constitutional Office.

What are the issues with Governors withholding assent to Bills?

4. **Undermines the Democratic Process:** The Governor, who is appointed by the Centre, can delay or reject Bills passed by state assemblies for political reasons. This undermines the democratic process, since the Governors are not elected officials.
5. **Undermines Federal Nature of Indian Polity:** The Governor's alleged partisan actions to reject legislations passed by States at the behest of the Centre undermine federalism, which is a basic feature of our constitution (Keshavananda Bharati Case, 1973).
6. **Lack of Accountability:** When the Governor withholds assent, he/she does not have to provide any reason for the decision.
7. **Abuse of Power:** The grant of assent is a routine function of the titular head of state, and the exceptional power to withhold it is not meant to be exercised unreasonably.
8. **Delay in Decision-Making and Implementation of Policies:** This affects the effective functioning of the state government. For instance, due to the delay in approving proposals for the appointment of Tamil Nadu Public Service Commission (TNPSC) members, it currently has several posts vacant.
9. **Negative Public Perception:** The public often views pending Bills as a sign of inefficiency or even corruption in the state government, which can damage the government's reputation.

What are the recommendations of various Committees on this issue?**Sarkaria Commission:**

10. Apart from exceptional cases where bills are outright unconstitutional, the Governor must discharge his functions under Article 200 as per the advice of ministers.
11. The Governor should be a detached figure without intense political links or should not have taken part in politics in the recent past. Besides, he should not be a member of the ruling party.

Punchhi Commission:

12. It recommended that the Governor should take a decision with respect to a Bill presented for their assent within a **period of 6 months**.
13. It also called for providing a procedure for the Governor's removal by the process of impeachment (similar to that of the President) by the State Legislature.
14. A committee with the respective Chief Minister as a member should choose the Governor.

National Commission to Review the Working of the Constitution (NCRWC):

15. NCRWC proposed a **four-month time limit** for the Governor to decide on a bill's fate.
16. It also suggested the removal of the Governor's power to withhold assent except in cases explicitly stipulated in the Constitution.

2nd Administrative Reforms Commission:

17. The **Inter-State Council** should formulate guidelines on how governors should exercise discretionary power.

Rajamannar Committee on Centre-State relations:

18. It emphasised that the Governor should not consider himself as an agent of the centre but play his role as the constitutional head of the State.

What are the observations of the Supreme Court on this issue?

Rameshwar Prasad Case: SC ruled that Article 361 (which grants Governors complete immunity from court proceedings for any actions taken in the exercise of their powers) does not prevent the Court from examining the validity of the action, including on the grounds of malicious intent. If the grounds for refusal reveal malicious intent, the Governor's decision to refuse assent could be deemed unconstitutional.

Shamsher Singh Case: The Court held that the expression "in his discretion" is used only in those Articles of the Constitution that confer special responsibilities on the Governor and does not extend to Article 200. It held the view that the principle of Cabinet responsibility is firmly entrenched in our constitutional democracy.

Nabam Rebia & Bamang Felix Case 2016: The SC clarified that a Governor's discretion under Article 200 is limited to deciding whether a bill should be reserved for the President's consideration. The Court emphasized that actions by the Governor regarding bill assent can be subject to judicial review.

SC's Observations in the petition filed by the State of Telangana: While referring to the first proviso to Article 200 of the Constitution, the SC mentioned that **Governors should not act slowly on Bills sent to them**

for assent. The Bench held that the phrase ‘as soon as possible’ in Article 200 has a significant content and must be borne in mind by constitutional authorities.

What are the various solutions to prevent this issue?

19. **Ensuring Accountability for the Decision:** The Governor must provide a valid reason for such refusal. They cannot act arbitrarily.
20. **Maintaining a Neutral Constitutional Stand:** The Governor is supposed to be an independent, non-partisan person. It is important that the governor must act judiciously and impartially while exercising his discretion.
21. **Framing a Code of Conduct:** There is a need to devise a ‘Code of Conduct’ that should define certain ‘norms and principles’ that should guide the Governor’s actions.
22. **Careful Use of Discretionary Powers:** Governors should use the pocket veto judiciously.
23. **Respecting the Federal Nature of Indian Polity:** Federalism is a basic feature of our Constitution, and the Governor’s office should not undermine the powers of elected governments at the States.
24. **Following International Best Practices:** The practice followed in the United Kingdom can be replicated, where the veto could only be exercised on ministerial advice. The refusal of royal assent on controversial grounds is considered unconstitutional.
25. **Committee Recommendations:** The recommendations of Sarkaria Commission, Punchhi Commission and NCRWC, as mentioned above, must be implemented.
26. **Authoritative Supreme court decision-** The SC decision must address the grey areas of Art 200 which the Governors misuse for with holding the Bill. It must also prescribe a time limit for which the governor can with hold the Bill.

[Yojana November 2023] Circular Economy- Explained Pointwise

Introduction

The **concept of Circular economy** has gained momentum in recent times and is here to stay. With the environment and climate at the verge of catastrophes, ‘circular economy’ has already earned the status of a **powerful antidote** for **preventing the worst from happening**, or at least for lessening the negative impacts.

This concept has entered the scientific debate and the jargon of politicians, entrepreneurs and civil society. It has become an important **policy priority**. India recognised the need for it and launched the **Resource Efficiency and Circular Economy Industry Coalition (RECEIC)** under its G20 presidency.




Read More- [Resource Efficiency Circular Economy Industry Coalition](#)

What is Circular economy? How is it different from the other economic production-consumption models?

Circular Economy- It is an economic model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products for as long as possible. This in turn extends the life cycle of the product.

Three economic production-consumption models- Compared

Linear Economy	Recycling Economy	Circular Economy
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<p>It is a 'take-make-consume-waste' model.</p> <p>There is no focus on either recycling or reduction.</p> <p>The model relies on large quantities of cheap, easily accessible materials and energy.</p>	<p>It is a 'take-make-consume-waste-recycle' model.</p> <p>The model focuses on recycling of the end products for reuse.</p> <p>This model was an advancement over the linear economy model with the introduction of recycling.</p>	<p>It is a 'reduce-reuse-recycle-refurbishment-recover-repair' model.</p> <p>The model focuses on reduction of waste in the first place and minimisation of the need for recycling.</p> <p>For ex- Use of microbial biodegradable polymers produced from agri-food waste for packaging of food items. This will eliminate use of plastics and the need of recycling.</p>
<p>— Linear Economy —</p>  <p>Source- European Parliament</p>	<p>— Recycling Economy —</p>  <p>Source-European Parliament</p>	<p>— Circular Economy —</p>  <p>Source-European Parliament</p>

What are the benefits of Circular Economy?

- 1. Transformation of the Current Throwaway economic model-** According to the **Circularity Gap Report 2020**, the global economy is only 8.6% circular. This means that over 90% of the 100 billion tonnes of resources that enter the economy per year are wasted. Adoption of Circular economic model **eliminates wastage and increases the circulation of resources.**
- 2. Increase in employment opportunities-** Circular Economy fosters the development of a new, more inventive, and competitive industrial model. This can result in higher economic growth and more employment opportunities. **For ex-** According to **NITI Aayog**, in the next 5–7 years, this circular economic model has the potential to produce **1.4 crore employment and lakhs of new businesses like waste to energy.**
- 3. Reduced reliance on imports-** Reuse of local resources reduces reliance on imported raw materials and helps in achieving self-sufficiency. This fulfils our vision of **Aatmanirbhar Bharat.** **For Ex-** **Used newspapers for making plates and use of earthen lamps in place of electric lights.**
- 4. Protection of the environment-**
 - a. Circular economy benefits the environment by consuming fewer natural resources and reducing the

generation of waste. **For ex-** According to the **Central Pollution Control Board (CPCB)**, India generates over **62 million tonnes of waste every year**. Most of this waste is disposed of in landfills or dumped in open spaces, leading to environmental degradation and health hazards.

b. It helps in preservation of biodiversity and reduces the pressure on natural resources like forests. **For Ex- Decreased mining in forest areas.**

5. Achieving the sustainable Development goals- Adoption of this economic model leads to the adoption of responsible production and consumption patterns (**SDG 12**).

What steps have been taken to promote circular economy?

The Government of India is putting special emphasis on the importance of the circular economy, resource efficiency, and sustainable consumption and production.

Mission LiFE, launched by India in October 2022, seeks to **promote circular economy** by reshaping demand, rethinking supply and developing a responsive ecosystem.

Some of the other key initiatives taken by India, to promote the circular economic model are mentioned below:

1. **National Resource Efficiency Policy (NREP)**- The NREP was launched in 2019 with the objective of promoting sustainable production and consumption patterns, enhancing resource efficiency, and reducing the environmental impact of economic activities. **Steel scrap recycling policy** and **Vehicle scrapping policy** have also been launched with the same objectives.
2. **Extended Producer Responsibility (EPR)**- EPR is a regulatory framework that makes manufacturers and producers responsible for the post-consumer waste generated by their products. The Government has notified various rules, such as the **Plastic Waste Management Rules, e-Waste Management Rules, Construction and Demolition Waste Management Rules, Metals Recycling Policy.**
3. **Bio-Economy and Biofuels- Pradhan Mantri JI-VAN Yojana**, Galvanizing Organic Bio-Agro Resources (**GOBAR) Dhan scheme** and Sustainable Alternative Towards Affordable Transportation (**SATAT) Scheme**, promote circular economy in the agricultural sector by converting agri-waste into ethanol and compressed Bio-gas (CBG).
4. **Initiatives of NITI Aayog**- NITI Aayog has taken initiatives to address the challenges in the **utilization of waste as resource**. **For ex-** Promotion of the **usage of fly ash and slag produced in the steel industry** in other sectors.

Other international initiatives and Case Studies for Circular Economy

1. **China, Germany and Japan**- China has enacted the **Circular Economy Promotion Law**. Germany and Japan have used this model as a binding principle for reorganising their economies.
2. **Global Alliance on Circular economy and Resource Efficiency (GACERE)**- It was launched in 2021 and is supported by UNEP and UNIDO. India is a member of GACERE. It advocates for a **global circular economy transition**.
3. **Resource Efficiency and Circular Economy Industry Coalition (RECEIC)**- Mentioned above.

What are the Challenges in achieving Circular Economy ?

1. **Unclear Vision for Circular Economy**- Currently the efforts for promotion of this economic model are being made at the **very end of value chains at the recycling stage**. This has resulted in suboptimal economic and environmental outcomes.
2. **Reluctance of Industries**- The Industries have been reluctant in adopting this model due to **supply chain limitations, complex recycling processes** and **lack of incentives in investments for circular economy**.

3. **Infrastructure Challenges-** Currently, India's infrastructure is not well-suited to support a circular economy. For ex- there is **lack of adequate recycling facilities**, which makes it difficult to recycle and reuse materials.

4. **Cultural Challenges-** There is a cultural resistance to the idea of reusing and recycling products in India, making it difficult to change consumer behaviour and shift towards a circular economy. For Ex- **Discarding the clothes of deads, in India, contributes to increase in lifestyle related pollution.**

5. **Growth of consumerism and materialism-** The growth of consumerism and materialism has increased the resource extraction and wastages. For ex- **Discarding iPhones every year for a new iPhone.**

Conclusion and Way forward

1. **Develop a comprehensive circular economy policy-** India needs to create a comprehensive policy framework that **outlines the goals, strategies and mechanisms** to transition towards a circular economy.

2. **Increase the investment in innovation and technology-** India should invest in innovation and technology to develop **new circular solutions**, such as **advance recycling technologies, sustainable materials** and renewable energy sources.

3. **Shift of focus of our efforts for Circular economy-** The focus of Indian Government has been more on recycling till now. Now, the focus of the circular economic model, must shift to the **design and manufacturing stage.**

4. **Encourage sustainable production and consumption-** Government should encourage the production and consumption of sustainable products and services through **tax incentives, product labelling and awareness campaigns.**

5. **Promote waste reduction and management-** Government needs to focus on reducing waste generation and managing waste more efficiently. These can include measures such as promotion of **recycling, composting, and waste-to-energy conversion.** This would in turn benefit the local community.

India must take proactive steps to accelerate the transition to a circular economy, including investing in infrastructure, encouraging innovation and technology development, and building public awareness and support for a circular economy.

Read More- [The economic Times](#)

UPSC Syllabus- GS III- Conservation, Environment Pollution and Degradation

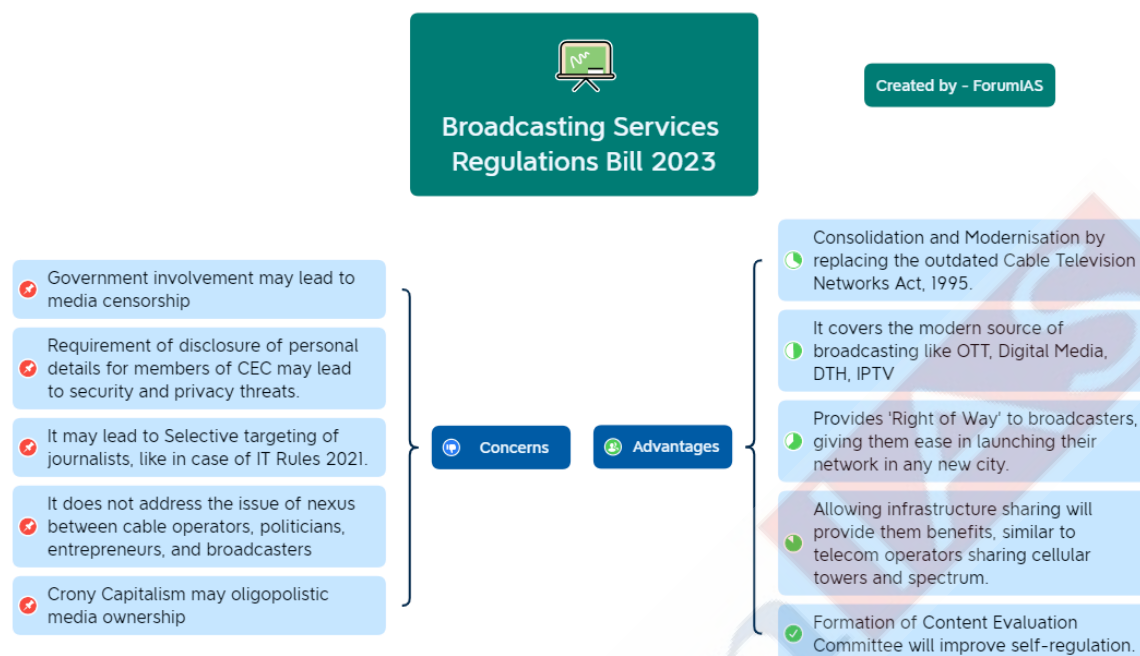
Broadcasting Services Regulation Bill 2023- Explained Pointwise

Recently, the draft Broadcasting Services Regulation Bill 2023 has been released by the Ministry of Information and Broadcasting for public consultation. The Bill aims to provide for a consolidated framework to regulate the broadcasting services in the country. However, concerns have been raised by experts regarding some provisions of the bill.

What are the key features of the Broadcasting Services Regulation Bill 2023?

Some of the Key Features of the Broadcasting Services Regulation Bill 2023 are mentioned below:

Unified Regulatory Framework for Broadcasting	The bill aims to replace the Cable Television Networks Act of 1995 . It also extends the regulatory purview to cover broadcasting of the over-the-top (OTT) content and digital news and current affairs, currently regulated through IT Act, 2000.
Contemporary Definitions and Future-Ready Provisions	The bill introduces comprehensive definitions for contemporary broadcasting terms . It incorporates provisions for emerging broadcasting technologies , to keep pace with the evolving technologies and services.
Strengthens self-regulation mechanism	1) The Bill establishes ' Content Evaluation Committees ' for self-regulation. 2) The Bill Introduces a ' Broadcast Advisory Council ' to advise the central government on violations of program and advertisement codes.
Differentiates Programme Code and Advertisement Code	The Bill allows for a differentiated approach to Programme and Advertisement Codes across various services.
Accessibility for Persons with Disabilities	1) The Bill promotes the use of subtitles, audio descriptors, and sign language for persons with disabilities. 2) The Bill provides for the appointment of Disability Grievance Officer .
Penalties	1) Prescribes penalties such as advisory, warning, censure, or monetary penalties for operators and broadcasters. 2) Reserves imprisonment and/or fines for severe offences, like obtaining registration with a false affidavit.
Equitable Penalties	The Bill links monetary penalties and fines to the financial capacity of the entity. It takes into consideration, the entities turnover and investment for fairness and equity.
Infrastructure sharing provisions	The Bill introduces provisions for infrastructure sharing among broadcasting network operators.
Dispute resolution	The Bill establishes a structured dispute resolution mechanism.
Read More- Draft Broadcasting Services (Regulation) Bill, 2023	



What are the advantages of the Broadcasting Services Regulations Bill 2023?

- 1. Consolidation and Modernisation-** The Bill replaces outdated Cable Television Networks Act, 1995. The Bill adopts a **unified, future-focused approach** by adapting to the dynamic world of OTT, Digital Media, DTH, IPTV.
- 2. Promotes 'ease of doing business'** The bill seeks to promote 'ease of doing business' by incorporating provisions for **Dispute Resolution mechanism** in the broadcasting domain.
- 3. Further Push to 'Digital India'** - The bill seeks to promotes **technological advancement** and **service evolution** in the broadcasting domain, which will give a further push to our goal 'digital India'.
- 4. Provides for 'Right of Way'** - The Bill provides for **'Right of Way'** which would enable cable operators to easily obtain permissions from various local agencies to roll out their network in a new city.
- 5. Promotes infrastructure sharing-** The broadcasters would be benefit from the infrastructure sharing, in the same way as the **telecom operators benefited** from **sharing cellular towers and spectrum**.
- 6. Empowers Broadcasters by providing for self-regulation mechanisms-** The Bill provides provisions for the establishment of **Content Evaluation Committees** which would be a self-certification body of the broadcasters. This would provide **autonomy to the broadcasting industry** in matters of obtaining certification.
- 7. Promotes 'ease of living'** - The bill promotes 'ease of living' by enhancing the accessibility of broadcasting services for **persons with disabilities** by promoting the use of subtitles, audio descriptors and sign language.

What are the Concerns with the Broadcasting Services Regulations Bill 2023?

- 1. Threat of Censorship-** The **government-prescribed programming and advertising codes** might stifle creativity, artistic freedom, debate, and discourse, which are the lifeblood of a healthy democracy. Also, the Bill

allows government officers to **prohibit broadcasts** they deem inappropriate. Hence, there are fears of misuse of the Bill, which may be used to impose undue restrictions and censorship.

2. Issues with the Content Evaluation Committees (CEC)-

- a. The **government will prescribe the criteria** for the constitution of CEC, which raises questions of its independence.
- b. The **requirement of disclosure of personal details** of the members of the CEC to the government and public, is **against the Right to Privacy**. It also contradicts the provisions of the Digital Personal Data protection legislation.
- c. Disclosure of personal details also puts them at **risk of physical or online harassment**, for approving a content which may offend an individual or a group.

3. **Issues with the Broadcast Advisory Council (BAC)-** All the members of the proposed Broadcast Advisory Council (BAC) will be nominated by the Centre. Since the BAC will have a final say on censoring content across all broadcasting mediums, government may push for content censorship through BAC.

4. **Selective targeting of Journalists-** Critics fear that the bill may be misused to selectively target the journalists by the govt, like the **IT Rules 2021 are being misused to arrest media personnel**.

5. **Potential Impact on Minority Communities-** There are concerns of misuse of the **vague language in the bill** for erasure or **selective representation of Indian minority** communities and promotion of a universal majority identity of India.

6. **Conflict of Interest** – The bill does not address the conflict of Interest and opaque issues in media regulation, such as the **unholy nexus involving cable operators, politicians, entrepreneurs, and broadcasters**.

7. **Oligopoly in Media Ownership** – The unbridled power provided to government officials in the broadcast media regulation may lead to collusion between the government and media houses to create oligopolistic media ownership.

8. **Reduced autonomy of OTT platforms-** Application of the stringent rules and codes of cable or radio to “OTT” broadcasting services, may increase the **financial and compliance burden** for OTT broadcasters. This will end up negatively impacting the **user experience, choice, and costs** borne by the users.

Conclusion and Way Forward

We must also seek to explore these ways for addressing the challenges of the Bill and for better media regulation-

1. **Stakeholder Consultation-** Extensive Consultations with industry experts, content creators, broadcasters, and the public can give **extensive feedback** to the government regarding their concerns on the Bill.
2. **Promotion of Media Literacy-** Investment in media literacy programs to educate the public about responsible media consumption like **Singapore and Australia**.
3. **Responsible Media-** The media must uphold its duty of being the 4th pillar of the Indian democracy and ensure that **journalistic ethics** are not compromised.
4. **Ensuring the independence of the CEC and BAC-** The government **must nominate members from the broadcast industry and from civil society** to keep the CEC and BAC independent and impartial.

The Broadcasting Services (Regulation) Bill, 2023, seeks to usher in a modern the regulatory framework, but it must be implemented with caution and careful consideration. As India navigates the ever-changing landscape of broadcasting, striking a balance between regulation and freedom of expression is important.

Read More- [Business Standard](#)

UPSC Syllabus- GS Paper 2 Indian Polity – Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

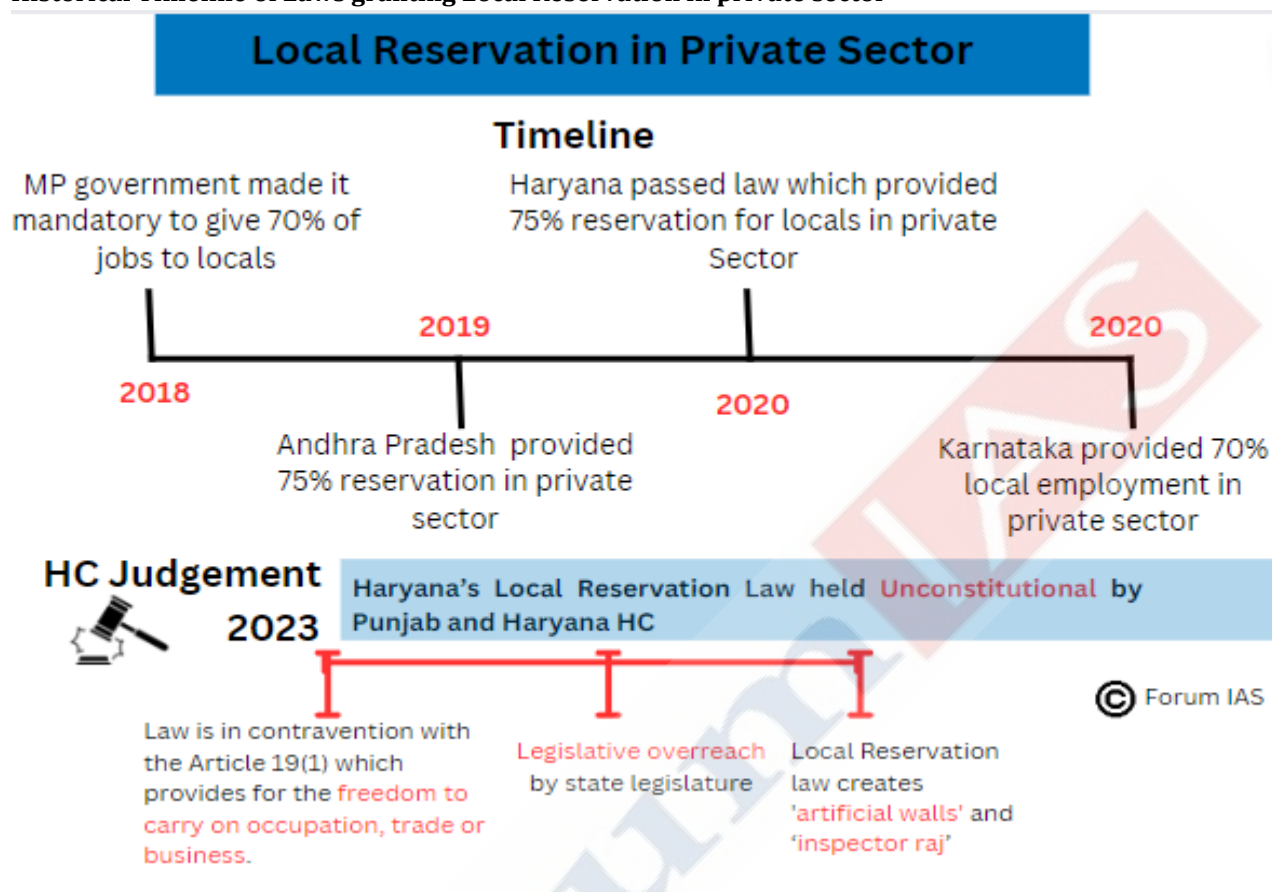
Local Reservation in Private Sector- Explained Pointwise

Recently, the Punjab and Haryana High Court quashed the Haryana State government legislation providing 75% local reservation in private sector jobs with a monthly salary of less than ₹30,000. This judgement has also raised a question on the constitutionality of laws providing local reservation in private sector which have been enacted by other states, such as Jharkhand, Maharashtra, Karnataka, Andhra Pradesh and Madhya Pradesh.

Snippet of the HC Judgement on Haryana's Law on Local Reservation in Private Sector

Arguments in Favour of the Legislation	Arguments against the Legislation
<p>1. Protection of Right to livelihood- The State government contended that the local reservation law intends to protect the right to livelihood of people domiciled in the State.</p> <p>2. Solving the rising unemployment problem- The legislation aims to solve the rising unemployment in Haryana.</p> <p>3. Mandate of Article 16(4)- The government contended that it is empowered to provide local reservation under Article 16(4) of the Constitution. Art 16(4) stipulates that the right to equality in public employment does not prevent the State from making reservation for any backward class of citizens which are not adequately represented.</p>	<p>1. Violation of provisions of Article 19 of the Constitution- The reservation law violated the Right to freedom to reside and settle in any part of the Indian territory and practise any profession, business or trade.</p> <p>2. Infringement of Article 14 and 15- The law was an infringement of Article 14 (equality before the law) and Article 15 (prohibition of discrimination on grounds of place of birth).</p> <p>3. Contravention of common citizenship-The local reservation law creates a wedge between persons domiciled in different States and is contrary to the concept of common citizenship envisaged in the Constitution.</p>
High Court's Judgement	
<p>1. Local Reservation Law is unconstitutional- The law is in contravention with the Article 19(1)(g) of the Constitution, which provides the freedom to carry on occupation, trade or business in any part of the country.</p> <p>2. Legislative overreach by state legislature- Article 16(3) provides the power to prescribe local residence as a pre-criterion for employment only to the parliament.</p> <p>3. Local Reservation law creates 'artificial walls'- The law discriminates against individuals who do not belong to a certain State by putting up artificial walls of local residence requirement.</p> <p>4. Certain provisions of the Law amount to 'Inspector Raj'- Certain sections, like section 6 and section 8 of the act which mandated the firms to submit quarterly reports on the status of implementation of local reservation in their firms, amounts to 'Inspector Raj'.</p>	

Historical Timeline of Laws granting Local Reservation in private sector



Created by- Forum IAS

What arguments are provided in support of Local Reservation in private sector?

In addition to the 3 arguments made above in the table in favour of local reservation, the following arguments also support such a move –

- 1. Empowerment of local youth-** The objective of local reservation is to empower the local youth by giving them employment. **For ex-** Haryana, has one of the highest rates of unemployment (9%) as per PLFS 2021-22.
- 2. Addresses Local Resentment** – The local reservation addresses the resentment of locals **against migrant workers** taking up their jobs.
- 3. Legitimate right of the State-** The proponents of local reservation argue that the states have a legitimate right to ask private sectors to adhere to the local reservation policy as the **private sector utilizes public sector infrastructures**.
- 4. Social Equality-** Local Reservation in private sector jobs is needed to achieve **substantial social equality**, as the proportion of public sector jobs is very low as compared to private sector jobs.
- 5. Ends private sector's exploitation of migrant workers-** Private employers often exploit the migrant labour market as such workers tend to **work long hours for low wages** with little or **no social protection and benefits**.

6. **In line with global practices-** US (The US Civil Rights Act of 1964) and Canada (The Employment Equity Act) provide for reservation in private jobs.

What are the arguments against Local reservation in private sector jobs?

In addition to the 3 arguments made above in the table against local reservation, the following arguments also counter such a move-

1. **Negative effect on the Economy-** Local reservation in private sector jobs decreases inter-state mobility of skilled and unskilled labour. This shortage of qualified workers in a state may impact business units and thus the economy of the entire country. For ex- **Flight of firms from Gurugram to Noida.**

2. **Discourages Investment-** 'Compulsory and restricted' employment choices decreases the competitiveness of companies. It also discourages investment potential in a state by creating compliance burden. For Ex- **Haryana's quarterly compliance report to be submitted by the companies appraising local reservation implementation.**

3. **Hampers Inclusive Growth-** Developed States imposing 'domicile based employment restrictions' reduces the job opportunities of workers from the underdeveloped states like Bihar and UP. For Ex- **Increases in the Human development Index (HDI) gap.**

4. **Threat to National Unity-** Local reservation fuels the growth of 'Sons of Soil' feeling and breeds antagonistic regionalism. It also increases friction among locals and non-locals, negatively impacting the social fabric of the nation. For ex- **Attack on Bihari workers in Maharashtra.**

5. **Against the reservation ceiling-** The provision of 75% reservation goes against the Supreme court's mandated ceiling of 50% reservation as enunciated in the **Indira Sawhney Judgement.**

Read More- [On Domicile-based Private Sector Reservation – Parochial law](#)

Conclusion and Way Forward

The following must be explored to douse the contentious issue-

1. **States must Uphold Uniform Labour Rights-** States should ensure that migrant workers enjoy basic labour rights and create a level playing field for both the migrant and local workers. This will also protect the migrant labours from exploitation.

2. **Shift of focus from Reservation to Development-** The State government must focus on Ease of Doing Business Reforms to attract industries, Skill Development Programs, Infrastructure Development, Education Reforms and Rural Development. It will help solving in the unemployment problem in the long term.

3. **Supreme court must lay down the guidelines-** As the supreme court laid down the ceiling of reservation in public sector jobs in the Indira Sawhney judgement, it must also give its guidelines on the local reservation in private sector.

4. **Promotion of the spirit of 'Ek Bharat Shrestha Bharat'**- The narrow parochial views of regionalism which is propagated by these local reservation must be countered by actively promoting interstate cultural interactions through the 'Ek Bharat Shrestha Bharat' Scheme.

Read More- [The Hindu](#)

Syllabus- [GS Paper 2 Indian Polity](#) – Indian Constitution. [GS Paper 1 Indian Society](#) – Regionalism.

Common But Differentiated Responsibilities- Explained Pointwise

Common but differentiated responsibilities (CBDR) principle is back in focus, as the members of **United Nations Framework Convention on Climate Change** (UNFCCC) assemble for the Conference of Parties (COP 28) meeting in Dubai, UAE. The principle of CBDR was first introduced in the **1992 UNFCCC** in **Rio De Jenario**. The CBDR concept has evolved into CBDR-RC with the addition of Respective Capacities term to it, in the Paris Accord. CBDR-RC principle, has since then been a key element in international environmental agreements involving climate change.

What is the Common but differentiated responsibilities (CBDR) principle?

Common but differentiated responsibilities respective capacities- The concept of CBDR-RC has evolved from the notion of the '**common heritage of mankind**'. The principle recognizes **historical differences** in the contributions of developed and developing States to the creation of global environmental problems like climate change, global warming. At the same time, the principle also recognizes the **differences in the economic and technical capacities** of developed and developing countries to tackle these problems.

Key Elements of CBDR-RC explained in detail

Common Responsibilities	All countries share a common responsibility to address global challenges, such as climate change. This implies a recognition that collective action is necessary to address issues that transcend national borders .
Differentiated Responsibilities	Developed countries , which historically have contributed more to environmental issues, have used up the major share of global carbon budget. As such, they are expected to take on more significant commitments and actions compared to developing countries.
Respective Capacities	The principle considers the varying capacities of countries to deal with environmental challenges. Developing countries may require support, both in terms of financial assistance and technology transfer , to effectively participate in global efforts to address environmental issues.

Infograph for quick read

Common But Differentiated Responsibilities

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Common but differentiated responsibilities (CBDR) establishes that all states have shared obligation to address global environmental destruction, but are not equally responsible. Developed countries which have been historical polluters have greater responsibility in addressing the climate change problem



Advantages

1. CBDR mandates the developed nation's financial aid to developing countries like **Green Climate Fund**
2. Paris Agreement reaffirmed the importance of CBDR principles to achieve the **climate action goal**.
3. CBDR introduces principles of **loss and damage** and **adaptation measures** for least developing countries.
4. CBDR institutionalises bottom-up and **democratic approach** to climate action
5. CBDR ensures **climate justice for the vulnerable communities** of Small Island nations



Challenges

1. Lack of application of the CBDR principle in new climate change negotiations like **Loss and Damage**.
2. Continued **over-exploitation of Global Carbon Budget** by Developed countries goes against CBDR
3. Backtracking on **commitments by developed countries** on climate finance of \$100 bn.
4. Developed countries demands from **developing countries** like India to **shoulder more responsibility**.
5. Developed countries **avoiding binding targets**, as seen in the case of INDCs.



Way Forward

1. Fair allocation of **Global Carbon Budget** to every nation.
2. Binding targets of **emission reduction** for developed nations
3. Predictable and assured **Climate Finance Regime**.
4. Climate Finance must be augmented by technology transfer mechanisms like **Clean Development Mechanism**
5. **United voice of global south** in climate change negotiations by using forums like Voice of Global South summit for consensus building

Created by Forum IAS

What is the advantage of Common But Differentiated responsibilities (CBDR) principle?

1. **Economic benefits to developing countries-** CBDR-RC mandates the developed nations to offer technological and **financial aid to developing countries** in addressing climate challenges. Simultaneously, it alleviates developing countries from the expenses associated with adhering to stringent carbon reduction regulations, indirectly contributing to their economic development and narrowing the gap with developed nations. **For Ex- Green Climate Fund, Adaptation Fund etc.**
2. **Achievement of Climate action goals-** The **Paris Agreement reaffirmed the importance of CBDR-RC principles** to achieve the climate action goal of limiting the rise in global temperature to below 2 degree celsius.
3. **Introduction of principle of Equity-** CBDR-RC prioritizes equity over equality, ensuring that no country or group is disadvantaged. Instead, it seeks a balanced approach that benefits everyone involved. **For Ex- CBDR-RC introduces principles of loss and damage and adaptation measures for developing countries.**
4. **Bottom-up and Democratic Approach-** According to the principle of CBDR-RC, nations have been mandated to formulate **Intended Nationally Determined Contributions (INDCs)** at the central, state, and grassroots levels. This process involves multiple stakeholders and is fundamentally democratic in its approach and emphasizing a bottom-up methodology. **For Ex- Tribals and PVTGs, opinions are taken to draft the action plan for INDCs.**
5. **Ensures Climate Justice-** CBDR-RC ensures climate justice for the **vulnerable communities** of Small Island nations and least developing countries, who have paid the price without even polluting the environment.

What are the challenges in the application of Common But Differentiated Responsibilities Principles?

1. **Application in new climate change negotiations-** The present day international climate regime is facing a major challenge in the application of the CBDR-RC principle in new climate change negotiations. **For ex- The developed countries' rejection of the references to the CBDR-RC Loss and Damage fund's draft.**

Read More- [Loss and Damage Fund](#)

2. **Continued over-exploitation of Global Carbon Budget-** The developed countries, which have already used 4/5th of global carbon budget, continue their overexploitation of the remaining budget. This reduces the share of developing nations in the carbon budget and goes against CBDR-RC principles.

Global Carbon Budget- It refers to the maximum cumulative global anthropogenic CO₂ emissions from the pre-industrial era to when such emissions reach net-zero. The remaining carbon budget indicates how much CO₂ could still be emitted, from a specified time after the pre-industrial period, while keeping temperature rise to the specified limit.

3. **Backtracking on Commitments-** Developed countries have been violating the CBDR-RC principles by backtracking on their net-zero targets, climate finance pledges, climate related actions. For Ex- Reopening coal plants across Europe after the Russia-Ukraine war created an energy crisis, failure of the developed countries to provide US \$100 billion dollars a year (agreed at COP-15), overstretched net-zero reduction targets (US must achieve net-zero by 2025 instead of 2050 to achieve Paris goals).

4. **Attempt at Dilution-** The developed countries are attempting to reduce their responsibilities by demanding developing countries like India to shoulder the responsibility of emission reduction. The per capita CO₂-FFI (fossil fuel and industry) emissions of South Asia is just 1.7 tonnes CO₂-equivalent per capita, which is significantly lower than the world average of 6.6 tonnes CO₂-eq. per capita.

5. **Avoidance of Binding Targets-** Developed countries by avoiding binding targets in the new negotiations have reneged on their responsibility owing to historical contributions. For ex- The Nationally Determined Contributions (NDCs) under the Paris Agreement are voluntary in nature & non legally binding, unlike the Kyoto protocol targets.

Conclusion and Way Forward

1. **Fair allocation of global Carbon Budget-** The developing and underdeveloped countries must be provided a fair share in the global carbon budget. This will ensure equity as per the CBDR-RC principles.

2. **Binding targets of emission reduction-** Developed countries, recognizing their historical responsibility, must take binding targets in reducing their emissions. Developed countries must bring forward their net-zero target dates.

3. **United Voice of Global South in Climate Change Negotiations-** A United voice of global south in climate change negotiations must be built by using forums like Voice of Global South summit for consensus building

4. **Predictable and assured Climate Finance-** There must be binding targets on developed countries to provide funding to vulnerable countries to ensure adequate compensation for them. For ex- Institution of Loss and Damage Fund (L&D Fund).

5. **Technology transfer-** Climate Finance must be augmented by technology transfer to the developing nations to help accelerate their transition to low-carbon economies. For ex- Mechanisms like the Clean Development Mechanism.

Every stakeholder- Developed, developing and least developed countries-must realize that the CBDR-RC is still a potent tool to achieve collective viable climate change solutions. COP-28 must be driven by the CBDR-RC principles.

Read More- [The Hindu](#)

UPSC Syllabus- GS III, Conservation, Environmental Pollution and Degradation

[Yojana November 2023] Energy Transition In India- Explained Pointwise + Infographic

Energy Transition in India, from conventional to renewable sources of electricity generation, has been a transformative journey. This energy transition journey marks a monumental step towards a sustainable energy future. The Government's unwavering commitment to ambitious renewable energy targets, coupled with innovative policies and incentives, has set the stage for a greener energy landscape.

Energy Transition in India Info graph for Quick Read



Energy Transition refers to the transformation of the energy sector from fossil-based systems of energy production and consumption to renewable energy sources. It involves a shift in the energy mix to reduce the carbon emissions.

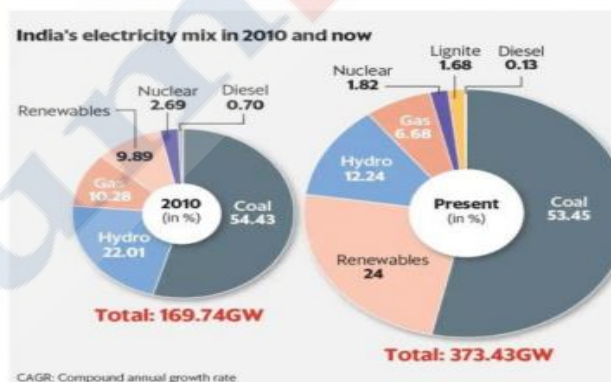
Need

- » **Mitigating the negative impacts of climate change** like rise in global temperatures, glacial melting, sea level rise.
- » **Ensuring India's Energy Security** as India is vulnerable to oil price volatility due to geopolitical instability like Russia-Ukraine war.
- » **Improving India's Air Quality** as Fossil fuel combustion produces harmful air pollutants that contribute to respiratory illnesses, premature death
- » **Adding new age employment opportunities** in sectors such as renewable energy development and electric vehicle production.
- » **Fulfilling India's commitment of Paris agreement** and India's INDC



Way Forward

- » **Systematic Identification of States' Potential** like Geo-thermal energy exploration in Ladakh
- » **Increased private investment in R&D** in renewable sector for the development of cost effective storage technology
- » **Use of fora** like ISA, Global Biofuel alliance for International Support and global Cooperation in just energy transition



Challenges

- » **Job losses** in the Fossil fuel dependent industries like Coal industry, thermal power plants
- » **High initial cost of development** of renewable energy infrastructure
- » **Constrained financial capacity** of the government to spend in renewable energy sector due to high social welfare programme expenditure
- » **Lack of robust transmission network** capable of handling intermittent and decentralised energy sources

Forum
LEARNING CENTRE

What is Energy Transition and what is the status of Energy Transition in India?

Energy Transition refers to the transformation of the energy sector from fossil-based systems of energy production and consumption to renewable energy sources. It involves a shift in the energy mix to reduce the carbon emissions.

Energy Transition Status of India

Target of renewable energy installation (by 2022)	175 GW
Installed renewable energy capacity (Till FY 22)	172 GW
Percentage increase in RE capacity from FY 2014 to FY 2023	17.2% (2014) 22.5% (2023)
India's Global Rank in installed RE capacity	4th

New Energy Transition Targets for India

Panchamrit- Five Nector of India's climate action

1. Reach 500GW Non-fossil energy capacity by 2030.
2. 50 per cent of India's energy requirements to be met by renewable energy by 2030.
3. Reduction of total projected carbon emissions by one billion tonnes from now to 2030.
4. Reduction of the carbon intensity of the economy by 45 per cent by 2030, over 2005 levels.
5. Achieving the target of net zero emissions by 2070.

Read More- [India's New Climate Targets \(INDCs\) – Explained, pointwise](#)

What is the need for energy transition in India?

1. **Mitigating the negative impacts of climate change-** Fossil fuel driven energy sector has resulted in increase in industrial emissions, causing threats of extreme climate change events like **rise in global temperatures, glacial melting, sea level rise**, heatwaves, cyclones and floods.
2. **Energy Security-** The reliance on fossil fuels has made India vulnerable to price volatility and geopolitical instability. **For ex-** Oil prices increase due to **Russia-Ukraine war, Gulf war**.
3. **Improving Air Quality-** Fossil fuel combustion produces harmful air pollutants that contribute to **respiratory illnesses, premature death, and environmental damage**.
4. **Economic Opportunities-** Energy transition in India has added **new age employment opportunities** and spurred economic growth in sectors such as renewable energy development, energy efficiency and electric vehicle production.
5. **Fulfilment of India's commitment-** Energy transition measures help in fulfilment of **India's commitment at Paris Agreement**.

What steps have been taken by India towards Energy Transition?

The Government of India has taken several measures for India's energy transition. Some of them are mentioned below-

Energy Conservation (Amendment) Act 2022	Energy Conservation Amendment Act, 2022 aims to mandate the use of non-fossil fuel sources including green hydrogen, green ammonia, biomass and ethanol for energy and feedstock in industries.
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Renewable Purchase Obligations (RPO)	All electricity distribution licensees should purchase or produce a minimum specified quantity of their requirements from Renewable Energy Sources.
National Solar Mission	An initiative of the Government of India and State Governments to promote solar power in India with the target of target of 100 GW of solar power by 2022.
National Policy on Biofuels	The policy's objective is to reduce the import of petroleum products by fostering domestic biofuel production.
National Green Hydrogen Mission	National Green Hydrogen Mission was launched to make India a leading producer and supplier of Green Hydrogen in the world.

What are the challenges to Energy Transition ?

- 1. Fossil-Dependent Jobs-** The shift away from fossil fuels may result in job losses, which can be disruptive for affected communities and workers. **For ex- Job losses in the coal production sector.**
- 2. Cost and Infrastructure-** The initial cost of transitioning to renewable energy is very high. The availability of land for renewable projects has also been one of the major challenges in India's energy transition.
- 3. State's expenditure on Welfare Programmes-** Government's focus on welfare programmes such as healthcare, education, and housing assistance, etc has limited its capacity to invest in new energy infrastructure and technology.
- 4. Energy Storage-** Power generated through solar and wind energy is intermittent and poses challenges in grid stability and load balancing. India lack's the storage technology like stro for renewable energy.
- 5. Transmission Networks-** India lacks a robust transmission network capable of handling intermittent and decentralised energy sources, which is crucial to maintaining grid stability and reliability.

Conclusion and Way Forward

- 1. Systematic Identification of States' Potential-** States with the potential of contributing to RE installations and the 2030 clean energy transition goal need to be identified and leveraged systematically. **For ex- Geothermal energy being explored in Ladakh.**
- 2. Increased private investment in R&D in renewable sector-** India should draft policies to attract more FDI in renewable energy sector, which will help in the development of better storage cells and transmission sector.
- 3. International Support and global Cooperation-** India must use fora like ISA, Global Biofuel alliance to mobilise international capital and technical expertise for the renewable energy sector.
- 4. Alternate Livelihood Opportunities-** People employed in fossil fuel based energy systems (coal mines, power plants etc.) will be losing their jobs as a result of energy transition. They will need to be retrained and provided with new employment opportunities as quickly as possible.
- 5. Proper planning and monitoring-** Realistic transmission and Renewable Energy project planning coupled with regular monitoring and remedial actions are needed to achieve the targets.

Energy Transition is the most vital aspect of shift towards green and sustainable economic systems. However, there are several challenges that may derail the transition. There is a need for greater efforts in terms of financial support and technology sharing to ensure that the process of energy transition is equitable and least disruptive.

Source- The Hindu

Syllabus- GS III Infrastructure: Energy; GS III, Conservation.

Development distances among Indian states- Explained Pointwise

Large development distances among Indian states has been a major challenge for inclusive development in India. While the 1991 structural reforms addressed the policy and regulatory framework at the national level, India needs another set of structural reforms at the state level to reduce the large development gap among the states.

What is the status of Development Distance among Indian states?

Development Distance- There are very large differences in levels of development across Indian states. These differences are larger than those among different countries of Europe. **For example-** Haryana's per capita income is five times that of Bihar. Life expectancy in Kerala at 75 years, is ten years longer than 65 years in Uttar Pradesh (UP). Enrolment in higher education is over 51% in Tamil Nadu, compared to less than 15% in Bihar.

What are the factors behind the large Development Distance among Indian states?

1. Historical Factors- The British government and industrialists concentrated their development efforts on regions with significant potential for thriving manufacturing and trade. Thus, the coastal states which included port cities like Bombay, Calcutta and Madras, witnessed disproportionate development as compared to hinterland states.

2. Geographical Factors- The challenging landscape characterized by flood-prone areas, hilly terrain, rivers, and dense forests results in elevated administrative and developmental project costs. Hence, the Himalayan states such as Himachal Pradesh, Northern Kashmir, Uttarakhand, and the North-Eastern states have predominantly lagged behind in development due to their inaccessibility and other inherent challenges.

3. Location Specific Advantages- Due to some locational advantages like availability of irrigation, raw materials, market, port facilities, some regions get special favour in respect of site selections of various developmental projects. **For ex-** Location of oil refineries in states like Maharashtra, Gujarat.

4. Early Mover Advantage- New investment in private sector has a general tendency to concentrate much on regions with basic infrastructural facilities. Term-lending institutions and commercial banks tend to concentrate investments in the relatively more developed States.

5. Failure of Planning Mechanism- The one size fits all approach, poor implementation of plans, lack of planning capacity at state level have increased the development distance among the states.

6. Restricted Success of Green Revolution- The benefits of the Green revolution was restricted mainly to the states of Punjab and Haryana. The states of Bihar and UP could not reap its benefits.

7. Law and Order Problem- Extremist violence, law and order problem, have all obstructed the flow of investments into backward regions. These have also led to the flight of capital from backward states.

Why is the Development Distance a challenge?

1. Increasing development distance- The development gap between the southern and western states (Tamil Nadu, Karnataka, Kerala) and the BIMARU states (Bihar, Jharkhand, Madhya Pradesh, Chhattisgarh, Rajasthan, UP and Uttarakhand) is diverging instead of converging, presenting a challenge to inclusive growth.

2. Challenge to the National Unity- The BIMARU states hold a significant demographic sway, accounting for more than 40% of India's population. This demographic strength translates into a substantial representation of Members of Parliament (MP) in the Lok Sabha, creating a notable political influence. The increasing divide

between the economic influence of the developed states and the political influence of the BIMARU states, can lead to the political fragmentation of the country.

Read More- [North-South Divide- Explained Pointwise](#)

3. Social Inequality- Economic disparities contribute to social inequalities, leading to issues such as unequal access to education, healthcare, and basic amenities. Unequal opportunities can exacerbate social divisions based on caste, class, and gender, hindering social harmony.

4. Environmental Concerns- In an effort to catch up, lagging states often undertake unsustainable developmental projects that are not aligned with the carrying capacity of the region. For ex- Hydropower plants and road infrastructure in the ecologically sensitive hilly areas.

How can the Development Distance be turned into an opportunity?

1. Applying the 'flying geese' paradigm- Flying geese paradigm refers to the situation where geese following in line learn lessons from the geese ahead in line, culminating in a single leading goose. Hence, the lagging states must learn their lessons from the leader states to culminate India into a single leading goose.

2. Different reform priorities for different states- States need to prioritize reforms in areas where they are lagging. The reforms undertaken must not be prioritized in some overarching sense, but at the level of individual sectors or services, based on comparative advantage.

3. Adoption of location specific targeted action- Location specific targeted action is required in less prosperous regions to ensure a minimum acceptable level of prosperity. **For ex-** Drought Area Development Programme, Hilly Areas Development Programme.

4. Invigoration of Civil Society- Collaboration with civil society organisations/ NGOs in backward regions to develop social and human capital can also help reduce the development distance between the states.

Large development differences across Indian states pose challenges as well as opportunities. The opportunities must be leveraged to overcome the challenges. State level political leaderships must develop the necessary vision and humility to learn reform lessons from other states.

Read More- [Livemint](#)

UPSC Syllabus- GS III- Indian Economy- Inclusive growth and issues arising out of it

Social Audit in MGNREGA & MGNREGA Challenges- Explained Pointwise+ Infographic

Social Audit in MGNREGA is a crucial element for ensuring success of the programme. Currently, its implementation is monitored by the Management Information System (MIS) on Social Audit, maintained by the Ministry of Rural Development (MoRD). The recently released data by the MIS on Social Audit sheds light on the progress and challenges of social audit in MGNREGA.



Social Audit in MGNREGA

Social Audit in MGNREGA- Social audit is the inbuilt anti-corruption mechanism in the MGNREGA Act, 2005. Section 17 of MGNREGA mandates the Gram Sabha to monitor the execution of works under MGNREGA. It empowers the citizens and helps in ensuring accountability and enhancing transparency in the implementation of the scheme.

Status of Social Audit

- » Kerala is the only state to achieve 100% social audit status
- » Only 6 states (Kerala, Bihar, Gujarat, J&K, Odisha & UP) have conducted social audits in more than 50% their Gram Panchayats

Social Audit Challenges

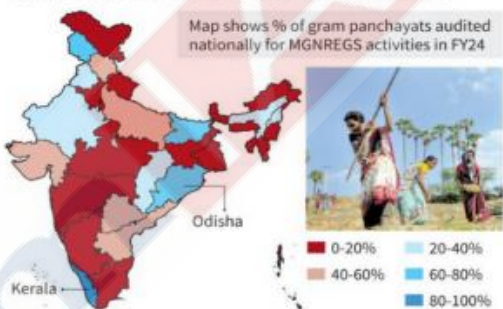
- » Limited financial resources hinder the ability of Social Audit Units (SAUs) to carry out effective Social Audit.
- » Lack of proper protection and support mechanism for Whistleblowers and social auditors.
- » Lack of proper coordination and follow-up action between the implementing agencies and Social Audit Units (SAUs).

Challenges to MGNREGA

- » Insufficient Fund allocation and delay in devolution of Funds to the States
- » Gender based Discrimination like delays in the issue of Job Cards to women
- » Regular delays in wage transfer and no provision for compensation for delayed wages
- » Over centralisation and neglect of local area specific infrastructure needs

Audited panchayats

Kerala is the only State that has completed social audits of all activities done under MGNREGS in each of its Gram Sabhas



Source: Union Ministry of Rural Development (as of November 10, 2023)

Way Forward

- » Increase the guaranteed days of work under MGNREGA from 100 days to 150 days
- » Ensuring proper social audits and placing the audit reports in the public domain every year.
- » Consultation with the local stakeholders to include local area-specific works as per the local needs.
- » Increase in the MGNREGA wage rates commensurate with inflation
- » Compensation to the beneficiaries in case of delays in wage payments

For More Detailed Reading - [7 PM Article Link](#)

What is MGNREGA? What is Social Audit in MGNREGA?

MGNREGA- The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) is the **legal framework** that **enables the implementation** of the **Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)**.

MGNREGS- The MGNREGS, launched in 2005 by the Ministry of Rural Development, is one of the largest work guarantee programmes in the world. It gives the right to work to the rural poor. Under MGNREGS a total of 11.37 Crore households availed employment and a total of 289.24 crore person-days employment has been generated (till 15th December 2022).

Objectives of MGNREGS

1. Providing at least 100 days of guaranteed wage employment in a financial year to rural households whose adult members volunteer to do unskilled manual work.
2. Strengthening the livelihood resource base of the poor.
3. Proactively ensuring social inclusion
4. Strengthening Panchayati Raj Institutions (PRIs)

Read More- [MGNREGA](#)

Social Audit in MGNREGA- Social audit is the **inbuilt anti-corruption mechanism** in the MGNREGA Act, 2005. Social Audit is the examination and assessment of a programme/scheme conducted with the active involvement of people and comparing official records with actual ground realities.

Significance of Social Audit in MGNREGA

1. Quality checks of infrastructure created under the MGNREGA.
2. Checks on the financial misappropriation in wages.
3. Checks on procedural deviations.
4. Empowerment of the local communities by involving them in the audit process.

Legal Framework of Social Audit in MGNREGA

1. **Legal Basis-** **Section 17** of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) mandates the **Gram Sabha** to monitor the execution of works, providing a legal basis for social audits.
2. **Social Audit Rules-** Mahatma Gandhi National Rural Employment Guarantee Audit of Schemes Rules, 2011, were developed by the **Ministry of Rural Development** in collaboration with the **Comptroller and Auditor General (CAG) of India**. These rules outline the procedures for social audits and the duties of various entities, including the **Social Audit Unit (SAU)**, state government, and field workers of MGNREGA, to be followed nationwide.
3. **Autonomy Provisions-** Social audit units operate independently of the implementing authorities, ensuring an unbiased evaluation of the programs. To ensure the autonomy of Social Audit Units, they are **entitled to funds equivalent to 0.5% of the MGNREGA expenditure** incurred by the state in the previous year.
4. **Penalty-** The **Centre has the authority to withhold funds** allocated under MGNREGS, in cases where states fail to conduct regular social audits.

Progress of Social Audits in MGNREGA according to MIS Data on Social Audit

1. **Only 6 states have surpassed the 50% mark** in completing social audits of works done under MGNREGS in gram panchayats.
2. **Kerala** is the only state to have achieved 100% coverage of gram panchayats in social audits.

3. Five other states, apart from Kerala which have surpassed the 50% mark in social audit coverage are **Bihar (64.4%), Gujarat (58.8%), Jammu and Kashmir (64.1%), Odisha (60.42%), and Uttar Pradesh (54.97%).**

What are the Challenges in Implementation of Social Audit in MGNREGA?

1. **Limited Financial Resources-** Social Audit Units (SAU's) ability to carry out thorough and effective audits has been compromised due to limited financial resources.
2. **Political Influence-** The intrusion of political influence has hindered the impartiality of social audits. This has impacted the authenticity and objectivity of the evaluation process.
3. **Limited Awareness-** Limited awareness of the legal framework for social audits among local communities has impeded their active involvement in the process.
4. **Lack of cooperation-** Social audit process has been impeded by the lack of cooperation and coordination between the implementing authorities and the social audit units.
5. **Lack of Follow-up action-** The findings and recommendations of the social audit reports are kept in abeyance, with no follow-up action to implement the recommendations.
6. **Lack of protection and support-** The social auditors and the Whistle Blowers face threats and harassment from vested interests due to lack of protection and support mechanism.

What are the benefits of MGNREGA?

1. **Increase in rural income-** The act provides a guarantee for 100 days of employment. This adds to the rural income of the households during the lean periods when no agricultural works are required in the field. **For ex- In Barmani village of Madhya Pradesh,** MGNREGA has given a boost to rural income agrarian income.
2. **Curtailment of Distress Migration-** The scheme provides support in times of agrarian and economic distress so that the individuals are not forced to migrate into cities. **For ex- In Bandlapalli village in Andhra Pradesh,** effective implementation of MNREGA has reduced the distress migration and made the village drought proof.
3. **Women Empowerment-** MGNREGA mandates that 33% of the labour workforce must be women. The Direct Benefit Transfer (DBT) of wages into women's account has further led to their empowerment. **For ex- In Pookkottukavu village of Kerala,** MGNREGA has led to the formation of the country's largest group of trained women well-diggers.
4. **Battling Economic uncertainties like COVID-** MGNREGA has proved its vitality in providing relief to the migrants during the COVID distress. It ensured income support to the vulnerable during the pandemic. **For Ex- During the COVID pandemic, MGNREGA worker numbers crossed the 11-crore mark in a year for the first time since the launch** of the scheme in 2006-07.
5. **Revival of community assets-** The community assets of traditional water conservation structures have been revived due to MGNREGA. These have helped to mitigate water stress to an extent. **For Ex- Revival of Johads (percolation ponds)** which remained abandoned for several years in many villages of Haryana.

What are the challenges with the working of MGNREGA?

1. **Insufficient Fund allocation-** The government has not been duly allocating the budget in commensuration with the demands. **For ex-** Allocated budget of Rs. 73,000 in FY 2021-22 was 34.5% lower than the revised estimate of Rs. 1,11,500 cr.

Further, there has been delays in the devolution of funds to the states by the centre during the peak demand period.

2. **Insufficient support mechanism-** The guarantee of the scheme to provide 100 days of employment is insufficient with unemployment rates reaching a 45-year high.

3. **Gender based Discrimination-** Various cases of discrimination against women have been reported in the implementation of MGNREGA like **delays in the issue of Job Cards** and **less number of job cards being issued to women**.

4. **Delay in wage payments-** There are regular delays in wage payments as the MoRD withholds wage payments for workers of States that **do not meet administrative requirements like previous financial year's audited fund statements, utilisation certificates, bank reconciliation certificates etc.** It is workers who end up being penalised for administrative lapses. Also, there is no provision for compensation in case of delay in payment despite the Supreme Court mandating it in its order.

5. **Deletion of Job Cards-** The huge administrative pressure to meet 100% DBT implementation targets in MGNREGA has led to the deletion of genuine job cards. **For ex- In Jharkhand**, there were examples of deletion of genuine job cards, which were later issued due to the intervention by civil society.

6. **Over-Centralisation and neglect of local needs-** A **real-time MIS-based implementation** and a **centralised payment system** has reduced the role and diminished the accountability of the representatives of the Panchayati Raj Institutions in implementation, monitoring and grievance redress of MGNREGA schemes. The role of Gram Sabha in recommending works, has also decreased as a result of standardisation and over-centralisation.

7. **Issues with the Online Attendance-** The **National Mobile Monitoring Software (NMMS) App** for real-time attendance and geo-tagged photographs of workers has been a challenge for the workers due to digital illiteracy, poor internet connectivity, limited access to smartphones etc.

What steps can be taken to improve working of MGNREGA?

1. Implementation of the recommendations of the Parliamentary Standing Committee on Rural Development and Panchayati Raj on MGNREGA-

- a. **Increasing the guaranteed days of work** under the scheme from 100 days to 150 days.
- b. Regular consultation with the local stakeholders to **include local area-specific works** as per the local needs.
- c. Increase in the wage rates commensurate with inflation and **linking the MGNREGA wages to Consumer Price Index (CPI)-Rural** as opposed to CPI-Agricultural Labour as recommended by **Dr. Nagesh Singh Committee**.
- d. **Compensation to the beneficiaries** in case of delays in wage payments, at the rate of 0.05% of unpaid wages per day for the duration of delay.
- e. Ensuring proper social audits and **placing the audit reports in the public domain** every year.
- f. State governments must comply **with appointment of ombudsmen** for each district who will receive grievances, conduct enquiries, and pass awards in matters of MGNREGA.

2. **Greater allocation of Funds-** The World Bank recommends allocation of 1.7% of the GDP for optimal functioning of MGNREGA. The current allocation is around 0.5% of the GDP.

3. **Involving the civil society organisations-** Civil society organisations can become developmental partners in the implementation of the scheme. **For Ex-** Support of civil society organisations like the Paani Foundation for constant monitoring and maintenance of water work under MGNREGA.

Read More- [The Hindu](#)

UPSC Syllabus- GS II- Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Patent Regime In India- Explained Pointwise + Infographic

In recent years, significant process reforms have been implemented in patent regime in India. The reform processes mainly targeted to remove the '**capacity constraint**' of the Patent regime in India in issuing patents. The government has tried to address this by providing Indian Patent Offices with adequate '**funds**' and '**functionaries**', thereby bolstering their capacity. As a result of these reforms, in 2022-23, India recorded 82,805 patent applications and 34,153 grants, which has been a substantial increase from 45,444 patent applications and 9,847 grants in 2016-17.

However, as the country progresses in its ability to grant patents efficiently, there are fears that a quality challenge might emerge. The focus should now shift towards ensuring that each patent granted represents a genuine and significant innovation. India needs to **shift its focus from quantity to quality** of the patents, to avoid the '**patent paradox**' situation like China.

Patent Paradox- It is a situation, where the prevalence of low-quality patents perpetuates a cycle under which patentees are incentivized to continue filing low-quality patents. Firms engage in high volume, low-quality patenting strategies to maximize potential benefits or minimize losses from the patent system, despite the negative cash value of most patents.



Patent Regime In India

Patent Regime in India- A patent is a **form of intellectual property** granted by the government to inventors. It provides the owner with the legal right to prevent others from making, using, or selling an invention for a specific period. In India, patents are governed by the **Patents Act, 1970**.



Advantages

- » Robust patent regime attracts greater FDI inflows from the MNCs like in the **case of China**
- » Helps in development of niche technologies which can be used to increase exports. Ex- **COVISHIELD vaccine technology**.
- » Fulfils India's obligations of implementing the international conventions like **TRIPS, Berne convention** and **Budapest treaty**
- » Promotes a culture of research and grassroots innovation like the **Low cost menstrual pad manufacturing machine in India**.
- » Helps in solving the contemporary social issues of climate change, poverty, hunger. Ex- **Patents in the CCUS technology to solve global warming**.



Way Forward

- » Focus on improving the quality of patents, rather than quantity by learning from China's failure. Focus on reducing **junk patents**, developing **triadic patents** and avoiding the **patent paradox**
- » Carry out a **post-facto analysis of patent quality** under the aegis of the Office of Principal Scientific Adviser
- » **Re-establish IPAB and empower it** with more structural autonomy and infrastructure for early disposal of patent violation cases
- » **Create public awareness** about the economic, social and cultural benefits of patents



Challenges

- » Fear of misuse of the provision of compulsory licensing has been a major deterrent in patent development in India. Ex- **Compulsory licence used by India in case of Naxavar drug developed by Bayer**
- » The provisions against evergreening of patents has been a concern especially for pharma industry. Ex- **Novartis drug was prohibited from patent in India on account of ever greening**.
- » The abolition of Intellectual Property Appellate Board (IPAB), has created a void in the early resolution of patent dispute cases
- » Low expenditure of private sector in India on quality patent development and low commercialisation of academic patents
- » Poor implementation of the patent laws that results in **patent thefts, patent violations**.

For detailed Reading- [7 PM Link](#)



Created by Forum IAS

What is Patent Regime in India?

Patent- A patent is a form of intellectual property granted by the government to inventors. It provides the owner with the legal right to prevent others from making, using, or selling an invention for a specific period.

Patent Regime in India- In India, patents are governed by the **Patents Act, 1970**.

Under the act, patents are granted if the invention fulfils the following criteria:

- (a) It should be novel;
- (b) It should have inventive step/s, or it must be non-obvious;
- (c) It should be capable of industrial application; and
- (d) It should not attract the provisions of **section 3** (what cannot be qualified as patents) and **section 4** (inventions related to atomic energy) of the Patents Act 1970.

Indian Patent Act of 1970 was amended to align with the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement of WTO. The Amended Indian Patent Act of 2005, introduced patents for pharmaceutical products.

The patent regime in India also aims to fulfil India's obligation of various conventions to which it is a signatory:

1. **Berne Convention-** Patents for Copyright
2. **Budapest Treaty-** Patents in Microorganisms
3. **Paris Convention-** Protection of Industrial Property
4. **Patent Cooperation Treaty (PCT)-** International filing of patents which grants simultaneous protection of patents across countries.
5. **Doha Declaration-** Compulsory licensing provisions in public health crisis.

What are the advantages of robust patent regime in India?

1. **Promotes a culture of research and grassroots innovation-** A robust patent regime is a basic requirement for creating a culture of research and designing innovative products suited to the local needs and demands. **For ex- Low cost menstrual pad manufacturing machine in India.**
2. **Greater foreign investment-** Robust patent regime attracts greater FDI inflows from the MNCs. **For ex- China's patent protection regime attracted manufacturing sector FDI.**
3. **Promotes exports-** Strong patent regime helps in development of niche technologies which can be used to increase exports from India. **For ex- COVISHIELD and COVAXIN in vaccine technology.**
4. **Social benefits-** Patents play a pivotal role in solving the contemporary social issues of climate change, poverty, hunger. **For ex- Patents in the Carbon Capture, Use and Storage technologies to solve global warming.**
5. **Fulfilment of India's obligations-** A strong and robust IPR regime fulfils India's obligations in implementing the international conventions of which it is a signatory, like **TRIPS, Berne convention** and **Budapest treaty** etc. It enhances India's global image.

What are the challenges in the development of a strong patent regime in India?

1. **Low expenditure by the private sector in patent development-** India spends around 0.7% of its GDP on R&D, with most of the expenditure borne by the government. Other developed countries, spend more on the R&D for product development like US (2.8% of GDP), China (2.1% of GDP), with most of their expenditure coming from the private sector.

2. Provisions of Compulsory licensing- Compulsory Licensing is the grant of permission by the government to entities to use, manufacture, import or sell a patented invention without the patent-owner's consent. The fear of misuse of the provision of compulsory licensing has been a major deterrent in patent development in India. **For ex-** **Compulsory licence used by India in case of Naxavar, a crucial drug for kidney and liver cancer sold by Bayer.**

3. Provisions against evergreening of patents- Evergreening of patents is a corporate, legal, business, and technological strategy for extending / elongating the term of a granted patent in a jurisdiction that is about to expire, in order to retain royalties from them, by taking out new patents. **Section 3(d) of the Indian Patent Act 1970, does not allow evergreening of patents.** This issue has been a concern, especially for pharma industry, which usually relies on such strategies. **For ex-** **Novartis vs. Union of India case where Novartis drug was prohibited from patent on account of evergreening.**

4. Abolition of the Intellectual Property Appellate Board (IPAB)- The IPAB was abolished in 2021 and its functions were assigned to the country's Commercial Courts and High Courts. This has made dispute resolution cumbersome and increased the pendency of cases in the commercial and HC.

5. Poor implementation of patent laws & poor enforcement mechanisms for patent violation- Recent **U.S. Trade Representative's Special 301 report** has criticized India for having stricter patent laws along with poor implementation that discourages patent filing. India lacks strong enforcement mechanism for violation of the patents. **For ex-** **Pharma sector.**

6. Infrastructure and Human resources issues- Due to poor infrastructure and limited resources, Indian patent offices are working at suboptimal levels, leading to delays in filing and grant of patents. **For ex-** India has far less number of patent officers than US.

7. Protection of generic medicines in India- India has been reluctant in giving patents to foreign pharma industries to protect its generic pharma industries.

Read More- [Special 301 Report 2022: India among most challenging economies, says USTR](#)

What should be the way ahead in developing a strong patent regime in India?

1. Incorporating learnings from China's failure to improve the quality of patents-

- India must aim to reduce the number of '**junk patents**' which have been on a rise in China. (Junk patents- Which do not contribute to substantial innovation)
- India must aim for development of **triadic patents**, which can be filed in major tech markets of Japan, the US and Europe. Chinese patents lack the triadic filing quality.
- India must ensure that the **academic patents are commercially used**. In China just 8.4% of academic patents were used commercially, contrasting with 40-50% in the US.
- India should not subsidise patent development, like China does.

2. Post-facto analysis of patent quality- India should carry out a post-facto analysis of patent quality, under the aegis of the **Office of Principal Scientific Adviser**. It could assess a patent's value by the volume of subsequent citations it receives.

3. Robust Intellectual property regime- India must focus on making its Intellectual Property Rights regime even more robust, which in turn will incentivize more firms and research institutions to file high-quality patents.

4. Re-establishment of Intellectual Property Appellate Board (IPAB)- There is a need to re-establish IPAB and empower it with more structural autonomy, infrastructural, and administrative reforms for early disposal of patent violation cases.

5. **Public awareness-** Public awareness should be created about the economic, social and cultural benefits of IPRs among all sections of society.

Read More- [Livemint](#)

UPSC Syllabus- GS 3- Issues relating to Intellectual Property Rights

Uttarakhand Tunnel Rescue Mission- Explained Pointwise + Infographic

The **Uttarakhand Tunnel Rescue mission** has been the longest rescue operation conducted in India. 41 workers were trapped inside the collapsed Silkyara tunnel since November 12, 2023. The rescue operation lasted for almost 17 days. It was a test of grit and perseverance – for men on both sides of the 57 metres of debris – as the rescue operation suffered one setback after another. Finally, the mission ended in a success with the safe evacuation of all 41 workers.

Uttarakhand Tunnel Rescue Mission

Uttarakhand Tunnel Rescue Mission- The Uttarakhand Tunnel Rescue mission has been the **longest rescue operation** conducted in India. **41 workers** were trapped inside the collapsed tunnel since November 12, 2023. The rescue operation lasted for **more than 400 hours**. Finally, the mission ended in a success with the safe evacuation of all 41 workers.

Process Followed

- **First Attempt- Heavy earth-moving machines** were used to remove the rubble, but the attempt was unsuccessful.
- **Second Attempt- Auger drilling machine** was operationalised. However, it kept breaking down as the rubble consisted of metal rods, pipes and girders from the tunnel roof.
- **Final Attempt- Auger machine failed**, with 10 metres of rubble to be cleared. Finally, **rat-hole mining technique was employed** to clear the rubble and reach to the other end of the tunnel. The trapped workers were then pulled out by the NDRF personnel.

Way Forward

- Detailed geotechnical studies like the **petrographic analysis** needs to be conducted and incorporated in the design and the construction of the tunnel project
- Regular site visits of an independent specialist geologist must be conducted to check for **probable failures** and to **determine the rock's stand-up time**.
- Supports of the tunnel like **shotcrete, rock bolt, steel ribs and tunnel pipe umbrella** need to be properly tested for its adequacy to prevent tunnel collapse.
- **Deployment of NDRF personnel, proper safety equipments** to ensure safe evacuation and **detailed EIA studies must be conducted** before taking up the infra projects in the fragile Himalayan region.

Lessons

- **India's jugaad capabilities** were demonstrated with the involvement of the most marginalised and deprived rat hole miners playing a crucial part in the mission.
- **Co-opting Indigenous expertise** in Disaster Management like the rat-hole miners in this case.
- **Thrown the spotlight on the safety of the invisible migrant workers** after COVID-19.
- **Attention on the huge environmental risks that the government has been taking by building poorly engineered infrastructure** in the fragile Himalayan ecology
- **Effective inter-agency co-ordination** which can serve as a **blueprint for future disaster management missions**.

For detailed Reading- [7 PM Link](#)

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How did the Uttarakhand Tunnel Rescue Mission Unfold?

While efforts for rescuing the trapped workers continued, a system of supply of food and water through a pipe was set up for them. A communication system was also established to keep the spirits of the trapped workers high.

Sequence of Attempts of the Uttarakhand Tunnel Rescue Mission

1. First Attempt	The use of Heavy earth-moving machines to remove the rubble was unsuccessful.
2. Second Attempt	An Auger drilling machine was operationalised. The first low-power Auger was replaced with one that had a higher capacity, which was airlifted to the site by the Air Force. However, the auger kept breaking down, as the rubble being drilled was littered with metal rods, girders and pipes from the tunnel roof that had collapsed from the cave-in
Simultaneous Planning of other methods	Five more plans were put in place -two sites for vertical drilling, an additional site for a horizontal tunnel, a drift inside the tunnel and opening the tunnel from the Barkot end. All these options, were carefully calibrated and sequenced, to not sabotage the functioning of the auger machine boring.
3. Third Attempt	The Auger machine failed, with 10 metres of rubble to be cleared. Finally, the task was entrusted to the rat-hole miners , who toiled non-stop for 27 hours, in claustrophobic confined spaces to emerge at the other end.
4. Final leg	The final leg of the rescue operation, which involves taking the men out one by one, was handled by personnel of the National Disaster Relief Force , with their state counterparts providing support.

Effective Coordination between different agencies- 652 government employees were deployed in the rescue operation that lasted 17 days. Seven government agencies including the Prime Minister's Office, ONGC, National Disaster Management Authority (NDMA) and armed forces were all involved in the rescue mission. This mission involved a range of experts, from international experts to the rat-hole miners, who proved to be crucial in the mission.

[Read More- Uttarakhand Tunnel Collapse- Explained Pointwise Rat-hole mining](#)

What lessons can we derive from the Tunnel Rescue Mission?

- 1. Example of India's jugaad capabilities-** Unlike the highly paid and trained British, Australian and Irish divers who played the lead role in the Thai cave rescue, the hazardous last-mile operation at Silkyara was carried out by the most **marginalised and poorest workers in the Indian labour chain**.
- 2. Co-opting Indigenous expertise in Disaster Management-** The capabilities demonstrated by rat-hole miners at Silkyara has made a case for their **co-option into the standing institutions of state disaster management**.
- 3. Spotlight on the safety of the invisible migrant workers** – The Uttarakhand tunnel rescue mission has once again turned the **spotlight on the plight of the invisible migrant workers**. The last time they drew the nation's attention was because of their travails during the lockdown in the pandemic.
- 4. Need to protect the fragile Himalayan ecosystem-** The Uttarakhand rescue mission has refocused our attention on the huge environmental risks that the **Centre and state governments have been taking in**

indiscriminately building largely unneeded and poorly engineered infrastructure in the fragile Himalayan ecology.

5. **Inter-agency co-ordination-** The rescue mission involved multiple agencies like the NDRF, ONGC, armed forces, state agencies, which showed remarkable inter-agency co-ordination under the aegis of the PMO. This effective co-ordination can serve as a **blueprint for further disaster management missions**.

What should be the way forward to ensure safe tunnel construction?

1. **Detailed geotechnical studies-** Currently, in India the design and construction of a tunnel project is done simultaneously. More detailed geotechnical studies like the **petrographic analysis** (geological analysis of the rock structure and strength), needs to be done to incorporate in the design and the construction of the tunnel project.

2. **Regular monitoring by specialist geologist-** Regular site visits of an independent specialist geologist must be conducted to check for **probable failures** and to **determine the rock's stand-up time**. (Rock-stand up time- It is the duration for which a rock can remain stable without any support. Support is given to the rock within its stand-up time.)

3. **Supports provided to the tunnel must be tested for adequacy-** Supports of the tunnel like **shotcrete** (sprayed concrete that works as a membrane to prevent parts of the rock from falling), **rock bolt** (a long anchor bolt for stabilising rock excavations), **steel ribs** and **tunnel pipe umbrella** need to be properly tested for its adequacy to prevent tunnel collapse.

4. **Arrangements for safe evacuation in case of collapse-** There must be **deployment of NDRF personnel & proper safety equipments** to ensure safe evacuation in case of any mishap. The construction companies must submit a **safety plan** along with the bid for the projects.

5. **Detailed EIA studies-** Detailed EIA studies must be conducted before taking any major infrastructural projects in the fragile Himalayan region. The **10-year-old notification waiving environmental impact assessments** for projects of less than 100 km **must be reconsidered**, as this waiver of EIA can be misused by breaking up bigger projects into smaller ones.

Read More- [The Indian Express 1](#), [The Indian Express 2](#)
Syllabus- GS Paper 3 Disaster and Disaster Management