

**The Hindu Important News Articles & Editorial For UPSC CSE**

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**Page 01 : Prelims Fact**

The National Institutional Ranking Framework (NIRF) 2024 highlights top Indian educational institutions based on comprehensive parameters.

- ➔ IIT-Madras and Indian Institute of Science, Bengaluru continued their dominance in engineering and research.
- ➔ New categories and increased institutional participation reflect ongoing enhancements in India's higher education landscape.

**IIT-Madras retains top spot in NIRF ranking for sixth consecutive year**

**The Hindu Bureau**  
NEW DELHI

The Indian Institute of Technology, Madras is the best educational institution in the country for the sixth time since 2019, shows the overall ranking based on parameters identified and defined in the National Institutional Ranking Framework (NIRF).

In the 2024 rankings, released here by Union Education Minister Dharmendra Pradhan on Monday, the IIT-Madras also retained the first position in engineering for the ninth year since 2016. The Indian Institute of Science, Bengaluru is the top institution under both the universities and research categories, retaining both positions

since 2016 and 2021, respectively.

The ranks were given in 16 categories this year, three more than last year. Open universities, skill universities and State public universities are the three new categories. Mr. Pradhan said the Ministry is considering "sustainability" as a criterion, probably from next year.

While the IIM-Ahmedabad continued to be the top management institute for the fifth consecutive year since 2020, the All India Institute of Medical Sciences (AIIMS), New Delhi is the best place to study medical sciences as it retained the top spot for the seventh consecutive year.

The IIT-Bombay is the best 'innovational institution' followed by the IIT-

**Top institutions in India**

The table shows the top 10 overall institutions and Central and State universities, according to India Rankings, 2024. IIT-Madras secured the top spot in overall category

Ranks	Overall	Top universities	State universities
1	IIT-Madras	IISc, Bengaluru	Anna University
2	IISc, Bengaluru	Jawaharlal Nehru University	Jadavpur University
3	IIT-Bombay	Jamia Millia Islamia	Savitribai Phule University
4	IIT-Delhi	MAHE, Manipal	Calcutta University
5	IIT-Kanpur	Banaras Hindu University	Punjab University
6	IIT-Kharagpur	University of Delhi	Osmania University
7	AIIMS, Delhi	Amrita Vishwa Vidyapeetham	Andhra University
8	IIT-Roorkee	Aligarh Muslim University	Bharathiar University
9	IIT-Guwahati	Jadavpur University	Kerala University
10	JNU	Vellore Institute of Technology	CUSAT



the rankings. Anna University, Chennai tops the State public universities category and Indira Gandhi National Open University (IGNOU), New Delhi is the best open university. Symbiosis Skill and Professional University, Pune emerged the best in the skill universities category.

Jawaharlal Nehru University and Jamia Millia Islamia, both in New Delhi, have secured the second and third ranks in the university category. Jadavpur University, Kolkata and Savitribai Phule Pune University, Pune are the second and third best universities under State public universities category. St. Stephen's College, New Delhi and Ramakrishna Mission Vidyamandira, Howrah shared third place in col-

leges category. IITs in Madras and Delhi secured second and third places in research institution subject.

**Increased participation**  
A total of 6,517 institutions participated in the ranking under overall, category-specific or domain-specific rankings. "In all, 10,845 applications for ranking were made by these 6,517 unique institutions under various categories/domains," the Ministry said in a release, highlighting a "noticeable increase" in institutional participation in the rankings exercise.

Mr. Pradhan said the Centre is considering inclusion of institutions in the neighbouring countries in the ranking to make it more comprehensive.

Madras, and IIT-Delhi.

Jamia Hamdard, New Delhi is the best college for pharmacy, while Saveetha Institute of Medical and Technical Sciences, Chennai is the best college to pursue dental science.

Colleges from New Delhi

remained at the top in the colleges category with Hindu College and Miranda House being the top two. The IIT-Roorkee retained its first position in architecture and planning for the fourth consecutive year.

The National Law School of

India University, Bengaluru was named the best law school, for the seventh year in a row.

The Indian Agricultural Research Institute, New Delhi is the best institution to study agriculture and allied sectors, according to

**About the news:**

- ➔ **IIT-Madras** ranked as the best educational institution in India for the sixth time since 2019.
- ➔ **IIT-Madras** also retained the top position in engineering for the ninth consecutive year.
- ➔ **Indian Institute of Science**, Bengaluru ranked highest in universities and research categories.
- ➔ **New NIRF categories:** open universities, skill universities, and State public universities.
- ➔ **IIM-Ahmedabad** continued as the top management institute for the fifth year.
- ➔ **AIIMS**, New Delhi remains the best in medical sciences for seven years.
- ➔ **IIT-Bombay** is the top institution for innovation.
- ➔ **Increased participation in 2024:** 6,517 institutions, 10,845 applications.

**National Institutional Ranking Framework (NIRF)**

- ➔ The National Institutional Ranking Framework (NIRF) is an initiative by the Ministry of Education, launched in 2015 to rank higher education institutions in India.
- ➔ It assesses institutions across several parameters, including teaching, learning, and resources, research and professional practices, graduation outcomes, outreach and inclusivity, and perception.
- ➔ NIRF publishes annual rankings in various categories such as overall, universities, engineering, management, pharmacy, and colleges, among others.

- ▶ The framework aims to promote competitive excellence and enhance the quality of education.
- ▶ Participating institutions submit data online, which is then subjected to thorough scrutiny and analysis to ensure accuracy and transparency.

### UPSC Prelims Practice Question

**Ques : Consider the following statements with respect to National Institutional Ranking Framework**

1. It is the first government-backed ranking of universities and institutes in higher education in India.
2. The ranking is based on the data collected by the Ministry of Human Resource and Development.

**Which of the above statement(s) is/are correct?**

- a) Only 1
- b) Only 2
- c) Both 1 and 2
- d) None of the above

**Ans : a)**



Page 03 : GS 2 : Indian Polity – Federal Structure

The issue revolves around the Union government's use of cesses and surcharges, which reduce the divisible pool of taxes shared with States.

- This practice, coupled with perceived discriminatory redistribution, has led to tensions in fiscal federalism, especially affecting the financial autonomy and resource distribution among different Indian States.

## Centre and States are in for a confrontation over redistribution of taxes: Thomas Isaac

**The Hindu Bureau**  
CHENNAI

Former Kerala Finance Minister T.M. Thomas Isaac on Monday said there would be a serious confrontation between the Centre and States over redistribution of the divisible pool of taxes when the issue came up before the 16th Finance Commission.

The confrontation would be around the levy of cesses and surcharges by the Union government and discriminatory Central redistribution of divisible pool of taxes to the States, he said, speaking on the topic of "Union-State fiscal relations in India – challenges and the way forward" at an event organised by the Asian College of



Former Kerala Finance Minister T.M. Thomas Isaac (right) with N. Ram (left), Director, The Hindu Group Publishing Pvt. Ltd., and Venkatesh Athreya, former Professor, at an event at the Asian College of Journalism in Chennai on Monday. B. VELANKANNI RAJ

Journalism (ACJ) here and Bharathi Puthakalayam.

Dr. Isaac said the States had lost a whopping ₹5.26 lakh crore between 2015-16 and 2018-19 from levy of cesses and surcharges,

which shrunk the divisible pool. There should be some objective criteria for resources to be transferred, he said. The devolution has to be done on the principle of equity, but

it had gone to an unsustainable level, he said.

He said that of the taxes collected by the Centre, only 29% came back to Tamil Nadu, 10% to Maharashtra and 57% to Kerala, while the States such as Bihar, Uttar Pradesh and Chhattisgarh got a higher share. The backward States, which received a higher share from the divisible pool, had not fared better in terms of per capita income.

In his introductory remarks, N. Ram, Director, The Hindu Group Publishing Private Limited and Trustee, Media Development Foundation, said every attempt was being made to squeeze the finances of Opposition-ruled States, particularly those

ruled by the Left and the DMK that have invested in the social sector. The Union Budget provided a shameful example of discrimination against States that needed a fair share of the taxes, he added.

Venkatesh Athreya, former Professor, Bharathidasan University, pointed out that post the introduction of the Goods and Services Tax, the States ability to levy taxes had been constrained and they could now collect taxes only on petrol, diesel and alcohol.

Sashi Kumar, Chairman, ACJ and Media Development Foundation, delivered the welcome address. K. Nagaraj, publisher, Bharathi Puthakalayam, proposed a vote of thanks.

### Levy of Cesses and Surcharges by the Union Government

- The Union government imposes cesses and surcharges, which are not part of the divisible pool of taxes shared with States.
- Between 2015-16 and 2018-19, States reportedly lost approximately ₹5.26 lakh crore due to these levies, reducing the resources available for distribution.

### Discriminatory Redistribution of the Divisible Pool

- The central redistribution of the divisible pool of taxes is perceived as discriminatory, with some States receiving a smaller share compared to others.
- Examples include Tamil Nadu receiving only 29% of its contributions back, Maharashtra 10%, while Kerala gets 57%, compared to higher shares for States like Bihar, Uttar Pradesh, and Chhattisgarh.

## Challenges in Fiscal Federalism

- **Lack of Objective Criteria for Resource Transfer**
  - There is a need for transparent and objective criteria for transferring resources to ensure fairness and equity among States.
  - Current devolution practices are seen as inequitable, leading to fiscal stress for some States.
- **Impact on State Finances**
  - States argue that the current system restricts their financial autonomy and ability to effectively manage their resources.
  - The fiscal pressure is particularly acute for States investing heavily in social sectors, facing reduced funding from the Centre.

## Implications for Backward States

- **Limited Economic Improvement Despite Higher Share**
  - Despite receiving a higher share from the divisible pool, many backward States have not shown significant improvement in per capita income.
  - This raises questions about the effectiveness of the current redistribution model in promoting balanced regional development.

## Constraints Post-GST Implementation

- **Reduced Taxation Powers for States**
  - The introduction of the Goods and Services Tax (GST) has limited the taxation powers of States, restricting them to levying taxes mainly on petrol, diesel, and alcohol.
  - This has further constrained States' ability to generate revenue independently, increasing reliance on central transfers.

## Political Dimensions

- **Perceived Discrimination Against Opposition-Ruled States**
  - There is an allegation that the Union government discriminates against Opposition-ruled States, particularly those investing significantly in social sectors.
  - This perceived bias adds a political dimension to the fiscal confrontation, with claims of financial squeezing of these States.

**UPSC Prelims PYQ : 2023**

**Ques : Consider the following:**

1. Demographic performance
2. Forest and ecology
3. Governance reforms
4. Stable government
5. Tax and fiscal efforts

**For the horizontal tax devolution, the Fifteenth Finance Commission used how many of the above as criteria other than population area and income distance?**

- (a) Only two
- (b) Only three
- (c) Only four
- (d) All five

**Ans: (b)**



In Indore, Madhya Pradesh, a 20-year-old man showing symptoms of the Chandipura virus, such as flu, cold, and cough, had his sample sent to a Pune lab for testing.

- ➔ Union Health Minister J.P. Nadda reported 53 confirmed cases in India, with 51 from Gujarat, including 19 deaths.

#### Chandipura Virus:

- ➔ **Origin:** Chandipura virus was first identified in 1965 in the village of Chandipura in Maharashtra, India.
- ➔ **Transmission:** The virus is primarily transmitted by sandflies, particularly the *Phlebotomus* species.
- ➔ **Geographic Distribution:** While initially reported in India, outbreaks have also been observed in neighbouring countries like Nepal and Bangladesh.
- ➔ **Symptoms:** The virus can cause an acute encephalitic illness characterised by sudden high fever, convulsions, altered mental status, and sometimes coma. It primarily affects children.
- ➔ **Outbreaks:** Notable outbreaks have occurred in central and western India, with significant mortality rates among children.
- ➔ **Diagnosis:** Diagnosis is typically made through serological tests and RT-PCR to detect the virus in blood or cerebrospinal fluid.

## Suspected case of Chandipura virus found in M.P.'s Indore

### The Hindu Bureau

BHOPAL

Health department officials in Madhya Pradesh's Indore have sent the sample of a 20-year-old man, who showed symptoms similar to Chandipura virus infection, to a laboratory in Pune for testing.

Indore district's Chief Medical and Health Officer B.S. Saitya said the man, a resident of Khargone district, was admitted to a private hospital for treatment and showed symptoms of the virus. "The private hospital sent his samples to us for testing which we have forwarded

to Pune," he told *The Hindu*. He added that the man's symptoms included flu, cold and cough.

Dr. Saitya said the man's condition is currently stable and he has been kept under isolation at the hospital.

Union Health Minister J. P. Nadda informed the Rajya Sabha on August 6 that 53 confirmed cases of the Chandipura virus had been reported in the country till July 31, including 51 from Gujarat.

Gujarat has also reported 19 deaths due to the Chandipura virus, Mr. Nadda said in a written response in the Upper House

- ▶ **Prevention and Control:** Control measures focus on reducing sandfly populations and avoiding exposure, as there is currently no specific antiviral treatment or vaccine for the Chandipura virus.





**Page 10 : GS 2 : Indian Polity : Statutory, Regulatory & Various Quasi-Judicial Bodies**

Hindenburg Research alleges SEBI Chairman Madhabi Puri Buch and her husband had hidden stakes in offshore funds linked to Adani stock manipulation.

- ➔ Hindenburg Research also raised concerns about Buch's continued involvement with Agora Partners and Blackstone.
- ➔ SEBI denies bias and maintains the integrity of its policies and recusal procedures.

**On the allegations against the SEBI chief**

What are the accusations brought forth by New York-based Hindenburg Research against SEBI Chairman Madhabi Puri Buch and her husband Dhaval Buch? How is Blackstone involved? What is the status of the ongoing investigation by SEBI into the Adani Group's actions?

**EXPLAINER**

Saptarnano Ghosh

**The story so far:**

New York-based Hindenburg Research has released a new set of documents to substantiate its accusation that the ongoing investigation into insider trading and other stock market violations by the Adani Group by India's financial regulator — the Securities and Exchange Board of India (SEBI) — is compromised. In its latest tranche, Hindenburg has included emails and publicly available records of stakes held by SEBI Chairman Madhabi Puri Buch and her husband Dhaval Buch in Adani Group-related entities through offshore investment funds to allege a conflict of interest that aided the Adani Group to "syphon monies". The short seller attempts to establish a correlation between the alleged use of two offshore funds, the couple's investments and varied professional engagements to accuse Ms. Buch of being biased toward the Adani Group. Both Ms. Buch and the Adani Group have denied the charge.

**What is short selling about?**

Short selling entails profiting from a fall in the prices of a scrip. Although short selling can serve many purposes, such as mitigating demand-supply imbalances in scrips and ensuring price efficiency, it has also been used as a means of manipulation — or what the US Securities and Exchange Commission (SEC) has described as a "bear raid". Thus, prompting concerns about intent and credibility. As a practice, it entails selling a borrowed scrip in anticipation of a downward price movement and buying it back when the lower price level is realised. Let us say, anticipating a downward movement, an individual sells 10 shares at ₹100 apiece. The total sale value is ₹1,000. The price of the share decreases to ₹85 apiece and they opt to buy the quantity back. This time it will cost them ₹850 — a direct profit of ₹150.

The short seller in discussion had shorted electric truck maker Nikola Corp in 2020 placing concerns about their functionality. In October 2022, the Nikola's founder Trevor Milton was convicted by a U.S. jury of fraud for lying to investors about the technology.

**What is the SEBI chief accused of?**

At the centre of the allegations are the Buchs' alleged "hidden stakes" in certain offshore funds in Bermuda and Mauritius, two tax havens, and their professional engagements during and before Ms. Buch's tenure at SEBI. Hindenburg asserts concern on two fronts, a conflict of interest and an ensuing collusion.

About personal investments: gathering from investigations by the Organized Crime and Corruption Reporting Project (OCCRP), the short seller points to Vinod Adani, brother of Adani Group Chairman Gautam Adani, who invested in the Bermuda-based "Global Dynamic Opportunities Fund" (GDOF), which then invested in the Mauritius-based IPE Plus Fund 1. A separate investigation by the *Financial Times* said that the parent fund of GDOF, that is, the Global Opportunities Fund (GOF) were used by two Adani associates, Nasser Ali Shaban Ahl from UAE and Chang Chung-Ling from Taiwan, to amass and acquire large positions in scrips of the conglomerate, amounting to stock manipulation. Additionally, as per the Hindenburg report, the founder and Chief Investment Officer (CIO) of the IPE Plus Fund was Anil Ahuja, director at Adani Enterprises for nine years until



REUTERS

2017.

The Buchs opened an account with the Mauritius-based fund in 2015. The short seller places that SEBI's alleged unwillingness to take "meaningful action" (in the ongoing investigation) could stem from the chairperson's "complicity" in using the exact same funds as Mr. Adani.

The other set of accusations relate to their professional engagements. In 2013, Ms. Buch had set up a consulting firm Agora Partners in India and Singapore respectively. Important to note that she became a whole-time member with SEBI in April 2017 before being elevated as the chairperson in March 2022. SEBI's Code on Conflict of Interests for Members of Board stipulates that whole-time members can neither hold any office of profit nor engage in any professional activity that involves receiving any fees or payment. However, the short seller accuses her of transferring only the 100% stake in the Singapore unit (not the Indian one) after her appointment to the top post, and that too only in 2022. In an X post responding to the Buchs statement Hindenburg says: "Buch remained a 100% shareholder of Agora Partners Singapore until March 16th, 2022, per Singaporean records, owning it during her entire time as a SEBI Whole Time Member. She only transferred her shares into her husband's name 2 weeks after her appointment as SEBI Chairperson."

The last set of accusations concern her husband, Dhaval Buch. The short seller stated that Mr. Buch notwithstanding a lack of prior experience in either real estate nor fund management, was appointed senior advisor at the investment management firm Blackstone in 2019. With Ms. Buch employed at SEBI and later at the helm of affairs, the report accuses, that SEBI "proposed, approved

and facilitated" major changes to real-estate investment trusts' (REITs) policies and rules on listing and other stock market related activities. Thus, enabling Blackstone — "one of the largest REIT sponsors in India" — to benefit from the changes, Hindenburg alleged.

**What has been the recent exchange about their investments?**

In a detailed statement, the Buchs said the investments referred to in Hindenburg's report were made two years before Ms. Buch joined SEBI. While addressing concerns about collusion, the Buchs stated the investment was undertaken considering Mr. Ahuja's "strong investing career" and that he was also Mr. Buch's "childhood friend" and a batchmate at IIT Delhi. Re-emphasising their argument, they pointed to redeeming their investment in the fund when Mr. Ahuja stepped down as its CIO in 2018. The joint statement further affirms that at no point the fund invested in any bond, equity or derivative of the Adani conglomerate.

However, Hindenburg in its response on 'X', said the response only confirmed the investment in the offshore fund. Mr. Ahuja also served as a director at the Adani Group until 2017, something the conglomerate has also mentioned in their response to the short-seller's allegations. Hindenburg emphasised the Buchs' investments in the offshore fund was first made in 2015, when Mr. Ahuja was still a director at the Adani Group. The short seller also pointed to Ms. Buch's investments in the offshore fund in 2017 and 2018. In 2017, Mr. Buch had sought that the ownership be transferred entirely to him. However, in 2018, during her tenure as a whole-time SEBI member, Ms. Buch sought to redeem the units in the fund —

prompting concerns about continued engagement.

**What about the consulting firm?**

The statement from the Buchs also stated that two consulting companies in discussion had become "immediately dormant on her appointment with SEBI". This was also disclosed to SEBI. It further informs that Dhaval Buch in 2019, started his own consultancy practice with "prominent clients in the Indian industry" enabled by his deep expertise in "supply chain" management.

In their 'X' post however, Hindenburg accused the SEBI chief of still holding a 99% stake in the Indian consulting entity, and not her husband. The entity, it said, was active and generated revenues to the tune of \$3,12,000 between financial years 2022-2024, when Ms. Buch was the SEBI chief. About the Singapore unit, the short seller said Ms. Buch only transferred the stake in 2022, after becoming the chairperson and held it during her entire tenure as a whole-time member.

Hindenburg further alluded to more conflict of interest concerns based on the firm's clientele (if they are regulated by SEBI) and its revenue. The short seller expresses its inability to trace the same (about the Singapore unit) citing the local legislation exempting the firm from making disclosures. However, it deems the information as necessary to assess the "probity of the chairperson's external business".

**What of the Blackstone appointment?**

About Mr. Buch's appointment at Blackstone, the couple stated that the appointment was on account of Mr. Buch's expertise in supply chain management. It further states that at no point was Dhaval Buch associated with the real-estate side of Blackstone.

In fact, it also informs about Blackstone Group being immediately added to the incumbent SEBI chief's recusal list. The markets regulator in its standalone statement also described Hindenburg's accusations as "inappropriate". The statement other than explaining the mandatory exhaustive consultation process, also pointed to having underscored the potential of REITs, SM REITs, InvTs and Municipal Bonds among other asset classes for democratisation of markets, financialisation of household savings and for capital formation through markets.

**Where do we stand now?**

The Supreme Court in an order this January had, among other things, sought SEBI to also probe whether the losses suffered by Indian investors because of Hindenburg's erstwhile report involved any "infraction of the law". SEBI issued a show cause notice to the short seller this June. "It is unfortunate that instead of replying to the show cause notice, they have chosen to attack the credibility of SEBI and attempt character assassination of the Chairperson," SEBI said. In an order dated January 3, the SC had also asked SEBI to complete the investigation into the pending two allegations of the twenty-four overall ones within three months. It informed on Sunday about having completed one of them and the other being "close to completion".

In fact, the apex court in the same order had refused to transfer the investigation from SEBI to the Special Investigative Team (SIT) or the Central Bureau of Investigation (CBI). But it noted that it would exercise its powers in "extraordinary circumstances" if the competent authority displays a "glaring, willful and deliberate" inaction in carrying out the investigation.

**THE GIST**

New York-based Hindenburg Research has released a new set of documents to substantiate its accusation that the ongoing investigation into insider trading and other stock market violations by the Adani Group by India's financial regulator — the Securities and Exchange Board of India (SEBI) — is compromised.

At the centre of the allegations are the Buchs' alleged "hidden stakes" in certain offshore funds in Bermuda and Mauritius, two tax havens, and their professional engagements during and before Ms. Buch's tenure at SEBI.

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### Accusations Against SEBI Chairman Madhabi Puri Buch

- **Offshore Fund Connections:** Hindenburg Research alleges that Madhabi Puri Buch and her husband, Dhaval Buch, held stakes in offshore funds based in Bermuda and Mauritius, which are linked to the Adani Group.
- These funds are purportedly used by Vinod Adani, brother of Gautam Adani, raising concerns about a conflict of interest.
- **Financial Opacity:** The report highlights that Mr. Buch fully owned a consulting firm, Agora Partners, during her tenure at SEBI.
- Hindenburg asserts that she transferred ownership of this firm to her husband shortly after her appointment as SEBI Chairperson, which raises questions about financial transparency.
- **Conflict of Interest with Blackstone:** Hindenburg alleges that Dhaval Buch was appointed as a senior advisor at Blackstone, a major player in the Real Estate Investment Trusts (REITs) market, while Madhabi Puri Buch was leading SEBI.
- The report claims that under her leadership, SEBI approved regulatory changes that favored REITs, benefiting Blackstone.

### Status of the Ongoing Investigation by SEBI

- **Supreme Court Oversight:** The Supreme Court has directed SEBI to investigate the allegations made by Hindenburg Research. The Court has set a timeline for SEBI to complete its investigation into specific allegations, emphasizing the need for accountability in the ongoing inquiry.
- **Show Cause Notice by SEBI:** In June 2024, SEBI issued a show cause notice to Hindenburg Research, indicating that the regulator is actively pursuing the matter.

### Understanding Short Selling

- **Definition:** Short selling involves profiting from a decline in the price of a stock. It involves selling borrowed shares with the expectation of buying them back at a lower price.
- **Example:** Selling 10 shares at ₹100 each results in ₹1,000. If the price drops to ₹85, buying back the shares costs ₹850, yielding a profit of ₹150.
- **Uses and Risks:** While short selling can help address market imbalances and ensure price efficiency, it can also be used for market manipulation, as described by the U.S. Securities and Exchange Commission (SEC) as a "bear raid".

### Key Takeaways

- **Allegations of Conflict of Interest:** The core issue is the alleged conflict of interest involving SEBI Chairman Madhabi Puri Buch and her husband's investments and professional engagements.
- **Short Selling and Market Manipulation:** Short selling can be a tool for market manipulation, raising concerns about the intentions of short sellers.
- **SEBI's Response and Legal Proceedings:** SEBI is defending its actions and the Supreme Court is overseeing the investigation, with ongoing scrutiny of the regulator's handling of the case.

**UPSC Mains PYQ : 2015**

**Ques :** In the light of Satyam Scandal (2009), discuss the changes brought in the corporate governance to ensure transparency and accountability.





## Location In News : Ukraine's Kursk Operation in Russia

Ukrainian troops have advanced up to 35 kilometers into Russian territory in the Kursk region.

### What is the Kursk Operation?

- The Kursk operation marks a significant escalation in the ongoing conflict between Ukraine and Russia.
- The operation has been characterized by intense fighting, with reports of casualties.

### About Kursk Region:

- It is located in the western part of Russia, bordering Ukraine to the southwest.
- The region holds historical significance Battle of Kursk as the site of the, which took place from July to August 1943 and is recognized as the largest tank battle in history during World War II.
- The Kursk region is rich in iron ore, which has led to substantial mining operations in the area.
- The region experiences a continental climate, with cold winters and warm summers.



### Significance of the Kursk Operation for Ukraine

- **Strategic Leverage:** Strengthens Ukraine's position in future negotiations by capturing Russian territory for potential land exchanges.
- **Buffer Zone Creation:** Enhances security for contested Ukrainian areas by establishing a protective buffer on Russian soil.
- **Military Diversion:** Forces Russia to redeploy troops, weakening their main front lines and easing pressure on Ukrainian forces.



**UPSC Prelims PYQ : 2023**

**Ques : Consider the following pairs:**

<b>Regions often mentioned in news</b>	:	<b>Reason for being in news</b>
1.North Kivu and Ituei	:	War between Armenia and Azerbaijan
2.Nagorno-Karabakh	:	Insurgency in Mozambique
3.Kherson and Zaporizhzhia	:	Dispute between Israel and Lebanon

**How many of the above pairs are correctly matched?**

- (a) Only one
- (b) Only two
- (c) All three
- (d) None

**Ans: d)**

Important News Article From 12<sup>th</sup> Aug's The Hindu

Page 07 : GS 3 : Environment

Recent research reveals that plants absorb more CO<sub>2</sub> and store it for shorter periods than previously thought. Using radiocarbon from Cold War nuclear tests, scientists found that plants cycle carbon faster than estimated.

- ➔ This finding challenges existing climate models and highlights the need for better integration of radiocarbon data in climate projections to improve accuracy.

# Cold War nuke tests light up a bug in present-day climate models

A study by an international team of researchers, recently published in the journal *Science*, suggests plants absorb more carbon dioxide from the atmosphere than expected and also store it for a shorter duration, before releasing it into their surroundings

Karthik Vinod

**F**or billions of years, the carbon cycle has been nature's solution to removing excess carbon from the atmosphere.

In nature, volcanic eruptions and life forms vent carbon dioxide (CO<sub>2</sub>) into the atmosphere. Plants and trees then draw in and store this CO<sub>2</sub> during photosynthesis.

Of late, the carbon cycle has been a focus area in climate mitigation. Plants' ability to lock away carbon produced by burning fossil fuels can offer respite. Both fossil-fuel corporations and governments have subscribed to this idea as they look for ways to offset their still-rising carbon footprints.

But a study recently published in the journal *Science* by an international team of researchers suggests plants absorb more CO<sub>2</sub> from the atmosphere than expected and also store it for a shorter duration than expected before releasing it into their surroundings.

To establish their findings, the researchers investigated the remains of nuclear bomb tests the U.S. and the Soviet Union conducted in the 1960s using climate models.

### Relics of the Cold War

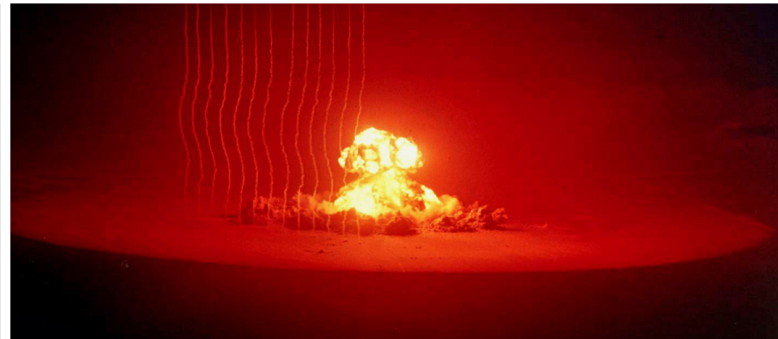
The dozens of nuclear bomb tests during the Cold War in the second half of the 20th century maintained an atmosphere of trepidation worldwide and, scientists later found, an opportunity for climate research.

"As terrible as they were, they've been quite useful to scientists," Heather Graven, a climate physicist at Imperial College London and the study's lead author, said.

The explosions sprayed radioactive material around the planet, including a lot of it in the atmosphere. One of them was carbon-14, an isotope also called radiocarbon. Its atom's nucleus has two neutrons more than in the nucleus of the more common carbon-12. Radiocarbon is naturally found in minute quantities, but the nuclear bomb tests steadily deposited more and more of it in the atmosphere.

In 1963, Cold War powers signed the Limited Test Ban Treaty (LTBT) that prohibited nuclear testing over land, air, and under water. The atmospheric radiocarbon concentration stopped increasing beyond this year. Dr. Graven and her team used models to track the change in this level between 1963 and 1967 and found that it dropped steadily.

Often, radiocarbon bonds with oxygen to form CO<sub>2</sub>. Plants, trees, and other vegetation absorb this CO<sub>2</sub> during photosynthesis to produce food and,



A view of the nuclear test Upshot-Knothole Annie, conducted by the U.S. on March 17, 1953. PUBLIC DOMAIN

ultimately, energy. The researchers found that the models suggested the radiocarbon was moving into vegetation from the atmosphere.

### 'The whole system is cycling faster'

Plants need food, to survive and they make it themselves. They absorb CO<sub>2</sub> from the atmosphere during photosynthesis and use it to make glucose. A plant consumes some of the glucose, and some it stores as starch in its leaves. In this process, some carbon is also lost when the plant exhales CO<sub>2</sub> as it respirates. Scientists don't have a direct way to measure the rates at which vegetation loses and gains carbon. But they have been able to use satellite data to estimate how much carbon vegetation around the world holds.

The researchers behind the new study used climate models to estimate the amount of carbon stored in vegetation around the planet in a year. Previous studies had shown this value to be at least 43-76 billion tonnes of carbon per year worldwide. But the study team said it could be around 80 billion tonnes per year, with most of the carbon being stored in leaves and finer roots, i.e., the non-woody parts of the plant.

If the higher value is accurate, plants must also be shedding their carbon sooner than thought. Otherwise, the researchers figured, they would have more carbon than estimated based on satellite data.

The findings also shed light on how quickly carbon is exchanged between vegetation and the atmosphere. "The whole system is kind of cycling faster than we thought before," Dr. Graven said.

But Raghuram Murtugudde, a climate scientist at IIT Bombay who wasn't



In nature, volcanic eruptions and life forms vent carbon dioxide into the atmosphere. Plants and trees then draw in and store this CO<sub>2</sub> during photosynthesis

involved in the study, advised caution. "To say what the actual impact on the carbon cycle is would be a challenge," he told *The Hindu*. "Theoretically you want to include all the details [in the models], but there are missing understandings, a lack of data, and irreducible uncertainties."

He said the models simulating carbon stored in vegetation in the study make assumptions that, if tweaked, could change the results significantly.

The study's co-author, Will Wieder, a climate scientist with the U.S. National Center for Atmospheric Research, said Dr. Murtugudde's statement was "accurate" but also "short-sighted."

### Radioactive representation

In 1995, the World Climate Research Program set up the Coupled Model Intercomparison Project (CMIP), which prepares climate projections that inform the U.N.'s climate reports.

For the CMIP, scientific institutions in several countries pool their individual climate models together to produce better projections. But most of these models haven't been tested with radiocarbon data.

It's not difficult to input this data, according to Dr. Graven. "Some of them haven't really bothered to do so."

In fact, only one model, the

'Community Earth System Model 2' developed by the U.S. University Corporation for Atmospheric Research, accounted for radiocarbon in its simulations — but it also predicted plants had absorbed much less radiocarbon than Dr. Graven & co. found they should. Climate models have always had uncertainties.

"They are not wrong. They are imperfect," Dr. Murtugudde said. "It's like a car that pulls to one side, but it can be driven. So it needs to be looked at by a mechanic to make sure it eventually drives straight."

The CMIP models used in the study included some of the latest versions (5 and 6). The shortfalls highlighted in the study are more of a stepping stone for future research into climate modelling, according to Dr. Wieder. "This kind of information is critical as we work to improve the models for CMIP 7 and beyond."

This said, all these climate scientists agreed that radiocarbon needs to be better represented in climate predictions. So far, radiocarbon inclusion has been plagued by "limited resources, both funding and effort, available for model development and observational research," Govindasamy Bala, a climate physicist at the Indian Institute of Science, Bengaluru, not involved in the study, told *The Hindu*.

"Representation of isotopes, ice sheet dynamics, permafrost, etc. in models is likely to gain momentum in the future," he added.

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### THE GIST

Radiocarbon released into the atmosphere from nuclear tests bonds with oxygen to form CO<sub>2</sub>. Plants absorb this CO<sub>2</sub> during photosynthesis to produce food and, ultimately, energy

Models show carbon stored in vegetation ranges from 43-76 billion to 80 billion tonnes per year. If the higher value is accurate, plants must be shedding carbon sooner. 'The whole system is cycling faster than we thought before'

Scientists agree that radiocarbon needs to be better represented in climate predictions. So far it has been plagued by 'limited resources available for model development and observational research'

### Study by an International Team of Researchers:

- A recent study published in Science by an international research team suggests that plants absorb more CO<sub>2</sub> from the atmosphere than previously thought but release it back into their surroundings sooner than expected.
- Researchers utilized climate models to analyze the impact of radiocarbon (carbon-14) from nuclear bomb tests on the carbon cycle. They tracked changes in radiocarbon levels in the atmosphere and how it was absorbed by plants during photosynthesis.
- The study estimates that plants store around 80 billion tonnes of carbon per year, primarily in leaves and finer roots, which is higher than previous estimates of 43-76 billion tonnes. This indicates that plants may be cycling carbon through the atmosphere and soil more rapidly than previously thought.

### Study from the Relics of the Cold War:

- The nuclear bomb tests conducted during the Cold War inadvertently provided scientists with valuable data for climate research.
- The tests released significant amounts of radiocarbon into the atmosphere, allowing researchers to study its movement and absorption by vegetation.
- The presence of radiocarbon in the atmosphere serves as a marker for understanding carbon dynamics.
- The study analyzed the radiocarbon levels before and after the 1963 Limited Test Ban Treaty, which halted atmospheric nuclear testing, providing insights into how carbon is cycled between the atmosphere and vegetation.
- The study highlights that many climate models have not incorporated radiocarbon data, which could lead to inaccuracies in predicting carbon cycling and its impact on climate change.
- Only one model, the Community Earth System Model 2, has accounted for radiocarbon, but it predicted lower absorption levels than the study found.

### How the Whole System is Cycling Faster?

- **Accelerated Carbon Exchange:** The researchers concluded that the entire carbon cycle is operating faster than previously understood.
  - This means that while plants absorb more CO<sub>2</sub>, they also release it back into the atmosphere more quickly, leading to a more dynamic and less stable carbon storage system.
- **Implications for Climate Mitigation:** The findings suggest that strategies relying on plant carbon sequestration to offset fossil fuel emissions may need to be reevaluated.
  - If plants are releasing carbon sooner than expected, the potential for mitigating climate change through natural carbon sinks could be less effective than previously thought.

### Way forward:

- **Incorporate Radiocarbon Data:** Integrate radiocarbon data into existing and future climate models to more accurately predict carbon cycling and the role of vegetation in carbon sequestration. This will lead to more reliable forecasts of climate change impacts and inform better policy decisions.

- ➡ **Develop Dynamic Carbon Cycle Models:** Improve models to account for the faster carbon cycling observed, ensuring they reflect the actual pace at which carbon is absorbed and released by plants. This will help in refining strategies for climate mitigation.

### UPSC Prelims PYQ : 2018

**Ques : What is/are the consequence/consequences of a country becoming the member of the 'Nuclear Suppliers Group'?**

1. It will have access to the latest and most efficient nuclear technologies.
2. It automatically becomes a member of "The Treaty on the Non-Proliferation of Nuclear Weapons (NPT)".

**Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (a)**



**Important News Article From 13<sup>th</sup> Aug's The Hindu**  
**Page 10 : GS 2 : Indian Polity**

The Union government introduced a Bill to amend the 1995 Waqf Act, aiming to enhance regulatory control over waqf properties and include non-Muslims in management boards.

➔ This reform seeks to improve efficiency but faces criticism for potential infringement on religious rights and lack of stakeholder consultation.

**On amendments to the Waqf Act**

What are the various contentious changes being proposed to the 1995 Waqf Act? Why have Muslim bodies and several Opposition parties registered their protest? How has the definition of 'waqf' being altered in the new Bill? What is the way forward?

**EXPLAINER**

Aaratrika Bhaumik

**The story so far:**  
On August 8, the Union government introduced a Bill in the Lok Sabha to amend the 1995 Waqf Act (1995 Act). The proposed amendments seek to significantly reform the law by enhancing the Centre's regulatory authority over waqf properties and, for the first time, permitting the inclusion of non-Muslim members in Waqf Boards. The draft legislation, proposed to be renamed the Unified Waqf Management, Empowerment, Efficiency, and Development Act, 2024, is heralded by the government as a comprehensive overhaul aimed at enhancing "the efficiency of the administration and management of the waqf properties." However, several Opposition parties have accused the Centre of floating the bill without adequate consultation with stakeholders, claiming it encroaches upon the Muslim community's religious rights.

**What is India's 'waqf' law?**  
In Islamic law, waqf refers to property dedicated in the name of God for religious and charitable purposes. This can include any movable or immovable property set aside for the public good, embodying an act of piety that allows Muslims to extend their charitable deeds beyond their lifetime. A waqf can be established through a formal deed or instrument, or a property can be deemed waqf if it has been used for religious or charitable purposes over an extended period. The proceeds from such properties are typically used to maintain mosques, fund schools or provide for the poor. However, once designated as waqf, the property cannot be transferred through inheritance, sold, or given away. A non-Muslim is also allowed to create a waqf as long as the objective of creating it aligns with Islamic principles.

In India, waqfs are regulated by the 1995 Act. Waqf properties are identified and delineated through a survey conducted by the State government. A survey commissioner, appointed under the Act, identifies these properties through local investigators, witness testimonies, and review of public documents. Once identified, the properties are recorded in the State's official gazette, and a list is maintained by the State Waqf Board. Each waqf is managed by a *mutawalli* (custodian) who oversees its administration. While similar to a trust established under the Indian Trusts Act of 1882, a waqf, unlike a trust, cannot be dissolved by a Board.

**What is the role of the Waqf Board?**  
The 1995 Act establishes Waqf Boards in each State to oversee the administration of waqf properties within their jurisdiction. These Boards are considered juristic persons, allowing them to sue or be sued in a court of law. Each State Waqf Board has a chairperson and includes one or two nominees from the State government, Muslim legislators, recognised Islamic scholars, and *mutawallis* of the waqfs. The Act also mandates the appointment of a full-time Chief Executive Officer for each Board, who must be a Muslim by faith and hold at least the rank of Deputy Secretary in the State government.

The Waqf Board is authorised to manage waqf properties and take measures to recover lost assets. It can also sanction the transfer of immovable waqf property through sale, gift, mortgage,



**Next move:** Union Minister Kiren Rijju with a delegation of Muslim clerics for a meeting on the Waqf (Amendment) Bill, 2024 in New Delhi, on August 9, 2024.

exchange, or lease. However, this would require the approval of at least two-thirds of the Board members. Amendments to the 1995 Act in 2013 further strengthened the Board's authority and made the sale of waqf properties nearly impossible, as neither the *mutawalli* nor the Board had the right to sell a waqf property. In addition to the State Waqf Boards, the legislation also establishes the Central Waqf Council – a national advisory body under the Ministry of Minority Affairs. The Council ensures the uniform administration of waqf properties across the country and is headed by the Union Minister of Minority Affairs. It also advises the government on waqf-related issues, including policy development, implementation of waqf laws, and resolution of inter-State disputes.

**What are the key changes in the proposed law?**  
The definition of 'waqf' has been altered. Now, under the Bill, only lawful property owners who have practised Islam for at least five years are authorised to create 'waqf' properties through the execution of formal deeds. This revision abolishes the 'waqf by use' concept – which permits a property to be considered waqf based on usage, even if the original deed was disputed. Traditionally, waqf properties were often dedicated orally until formal documentation became standard practice.

To prevent any fraudulent waqf claims, the Bill states, "any government property identified or declared as waqf property, before or after the commencement of this Act, shall not be recognised as waqf property." Additionally, the law also permits widows, divorced women, and orphans to be beneficiaries of proceeds from waqf assets.

Under the new Bill, the responsibility of surveying waqf properties, previously managed by survey commissioners under the 1995 Act, will now be assigned to the district collectors or officers of equivalent rank. To improve the accuracy of waqf property records, the Bill proposes a centralised registration system. All

information about waqf properties must be uploaded to this portal within six months of the new law's enactment. Moreover, any new waqf property registrations must be submitted exclusively through this portal to the Waqf Boards. Notably, the Bill omits section 40, which previously granted waqf tribunals the authority to determine whether a property qualifies as waqf. Instead, it designates the district collector as the final arbiter in such matters. Once a determination is made, the collector must update the revenue records and submit a report to the State government. However, the Bill makes it clear that the disputed property cannot be treated as a waqf property until the collector submits his final report. This implies that until the government decides the issue, a Waqf Board cannot be in control of the disputed land.

One of the most contentious aspects of the Bill is the proposed inclusion of non-Muslims in key waqf institutions – the Central Waqf Council, State Waqf Boards, and waqf tribunals. It empowers the Centre to appoint three Members of Parliament (two from the Lok Sabha and one from the Rajya Sabha) to the Central Waqf Council without specifying that they have to be Muslims. Under the 1995 Act, the three MPs to be included in the Council had to be from the Muslim community. But, as per the new Bill, State Waqf Boards have to include two non-Muslims and two women as members. The composition of waqf tribunals has been changed from a three-member body to a two-member body. The tribunal will now consist of a district judge and an officer of joint secretary rank to the State government.

Under the proposed law, tribunals must resolve disputes within six months, with a possible extension of six months. Additionally, the Bill empowers the Centre to "direct the audit of any waqf at any time by an auditor appointed by the Comptroller and Auditor-General of India, or by any officer designated by the Central Government for that purpose." The Waqf Boards are required to audit

their accounts annually, selecting auditors from a panel constituted by the State governments. Penalties will also be levied upon *mutawallis* if they fail to maintain proper accounts. The proposed law allows courts to intervene in waqf disputes. It removes the finality of decisions made by waqf tribunals, allowing aggrieved parties to appeal directly to the concerned High Court. This is aimed at increasing judicial oversight and curbing instances of arbitrary exercise of power by Waqf Boards or tribunals.

**What are the potential implications?**  
Professor Faizan Mustafa, noted academician and Vice Chancellor of Chanakya National Law University, Patna, told *The Hindu* that while the amendments are a positive step, it is crucial to implement measures that adequately protect waqf properties without infringing upon the freedom of religion guaranteed under Article 25 of the Constitution.

"Rights vested in waqf properties hundreds of years ago cannot be taken over by executive officers without fair judicial determination," he added. He also noted that the increased centralisation of waqf property management might undermine the autonomy of Muslim religious institutions. While welcoming the inclusion of non-Muslims and women in waqf governance, Mr. Mustafa questioned, "Will non-Hindus be allowed on Hindu temple boards in States such as Tamil Nadu, Kerala, and Karnataka?" He further asserted that excessive government control is at odds with the principles of economic liberalisation.

After its introduction in Parliament, the Bill was referred to a joint parliamentary panel for further scrutiny after the Congress-led INDIA bloc opposed the proposed law in its present form. In March last year, the Union government apprised the Delhi High Court that close to 120 petitions challenging provisions of the 1995 Act are pending before courts across the country.

**THE GIST**

In Islamic law, waqf refers to property dedicated in the name of God for religious and charitable purposes. This can include any movable or immovable property set aside for the public good, embodying an act of piety that allows Muslims to extend their charitable deeds beyond their lifetime.

One of the most contentious aspects of the Bill is the proposed inclusion of non-Muslims in key waqf institutions – the Central Waqf Council, State Waqf Boards, and waqf tribunals.

After its introduction in Parliament, the Bill was referred to a joint parliamentary panel for further scrutiny after the Congress-led INDIA bloc opposed the proposed law in its present form.

### Introduction of the Bill

- On August 8, 2024, the Union government introduced a Bill in the Lok Sabha to amend the 1995 Waqf Act.
- The draft legislation, proposed to be renamed the Unified Waqf Management, Empowerment, Efficiency, and Development Act, 2024, seeks to improve the “efficiency of the administration and management of waqf properties.”
- Several Opposition parties have accused the government of introducing the Bill without adequate consultation with stakeholders, claiming it encroaches on the Muslim community's religious rights.

### Understanding Waqf in Islamic Law:

- In Islamic law, waqf refers to property dedicated in the name of God for religious and charitable purposes.
- Waqf properties include movable or immovable assets set aside for the public good, supporting mosques, schools, or the poor.
- Such properties cannot be transferred, sold, or inherited once designated as waqf. Non-Muslims can also create waqfs if they align with Islamic principles.

### Regulation of Waqfs in India

- In India, waqfs are governed by the 1995 Waqf Act.
- The Act involves a survey by the State government to identify waqf properties, with a list maintained by the State Waqf Board.
- Each waqf is managed by a mutawalli (custodian), and waqf properties are treated similarly to trusts but cannot be dissolved by a Board.

### Role of the Waqf Board

- The 1995 Act establishes State Waqf Boards to oversee waqf property management.
- Boards consist of a chairperson, State government nominees, Muslim legislators, Islamic scholars, and mutawalli.
- A full-time Chief Executive Officer, required to be Muslim, heads each Board.
- The Boards manage waqf properties, can recover lost assets, and sanction property transfers with a two-thirds majority.
- Amendments in 2013 made it nearly impossible to sell waqf properties.

### Central Waqf Council

- The Central Waqf Council, under the Ministry of Minority Affairs, ensures uniform administration across the country.
- It advises the Union government on waqf issues and policy development.

### Key Changes in the Proposed Law

- ➔ **Definition of Waqf:** The Bill revises the definition to require lawful property owners who have practised Islam for at least five years to create waqf properties through formal deeds. The Bill abolishes the 'waqf by use' concept.
- ➔ **Government Property:** Government properties identified or declared as waqf before or after the Act's commencement will not be recognized as waqf.
- ➔ **Beneficiaries:** The Bill allows widows, divorced women, and orphans to benefit from waqf assets.
- ➔ **Survey Responsibility:** District collectors or equivalent officers will handle the surveying of waqf properties instead of survey commissioners.
- ➔ A **centralised registration system** for waqf properties will be established, and records must be uploaded within six months of the law's enactment.
- ➔ **Disputed Properties:** The Bill omits section 40, which previously allowed waqf tribunals to determine waqf status. Instead, district collectors will make the final determination and update revenue records. Disputed properties cannot be controlled by Waqf Boards until the final report is submitted.
- ➔ **Non-Muslim Inclusion:** The Bill allows non-Muslims to be included in the Central Waqf Council, State Waqf Boards, and waqf tribunals. It permits the Centre to appoint three Members of Parliament to the Council without religious restrictions and requires State Boards to include two non-Muslims and two women.
- ➔ **Waqf Tribunals:** The Bill changes waqf tribunals from three-member to two-member bodies, consisting of a district judge and a joint secretary rank officer. Tribunals must resolve disputes within six months, with an extension possible.
- ➔ **Audit and Oversight:** The Bill grants the Centre authority to direct the audit of waqfs by auditors appointed by the Comptroller and Auditor-General of India. Waqf Boards must conduct annual audits and face penalties for failing to maintain proper accounts.
- ➔ **Judicial Intervention:** Courts can now intervene in waqf disputes, allowing appeals to the High Court and removing the finality of tribunal decisions.

### Potential Implications

- ➔ Some scholars have supported the amendments as positive but stress the need for measures protecting waqf properties without infringing on religious freedom under Article 25 of the Constitution.
- ➔ Questions whether similar non-Muslim participation would be acceptable in Hindu temple boards and criticises increased government control as contrary to economic liberalisation principles.
- ➔ The Bill has been referred to a joint parliamentary panel for further scrutiny after opposition from the Congress-led INDIA bloc.



**UPSC Prelims PYQ : 2019**

**Ques : Which Article of the Constitution of India safeguards one's right to marry the person of one's choice?**

- (a) Article 19
- (b) Article 21
- (c) Article 25
- (d) Article 29

**Ans: (b)**





## The top court as custodian of liberties

**F**ormer Delhi Deputy Chief Minister Manish Sisodia's enlargement on bail by the Supreme Court of India, after an unconscionably long incarceration, is a welcome vindication of the apex court's remit as custodian of individual liberties. In an eloquent exposition of its mandate, the Court reiterated that 'a constitutional court has to lean in favour of constitutionalism and the rule of law of which liberty is an intrinsic part.'

Citing its judgment in *Arnab Manoranjan Goswami vs The State of Maharashtra and Ors.* (2020), it reaffirmed that 'liberty across human eras is as tenacious as tenacious can be'. Reiterating the salutary constitutional principle expounded as early as 1977 by Justice V.R. Krishna Iyer, that bail is the rule and jail an exception, the Court reaffirmed that the right to fair and speedy trial was implicit in the right to life under Article 21. It concluded that this right was denied to Mr. Sisodia.

### Earlier observations

In arriving at its conclusions, the Court relied on the observations of the Court in its first order of October 30, 2023 (*Manish Sisodia vs Central Bureau of Investigation*), and also the submissions advanced before it in the first round, adverting particularly to the 56,000 pages of documents and 456 witnesses (at that stage which, numbers were subsequently increased) in the two cases – and which the Court felt could delay the trial and conclusion of the case inordinately. It also referred to and relied upon several of its judgments, from *Kashmira Singh* (1977) till the later decisions – (in *P. Chidambaram* (2020) and *Satender Kumar Antil* (2022) – on the accused's right to speedy trial. To these could be added the Court's decision in *Sheikh Javed Iqbal* (2024).

Stating further that the constitutional mandate must prevail as the higher law, the apex court ruled, in *Manish Sisodia vs Directorate of Enforcement*, purposively that 'the right to bail in cases of delay, coupled with incarceration for a



**Ashwani Kumar**

Senior Advocate, Supreme Court of India and a former Union Minister for Law and Justice

The Manish Sisodia case raises the question whether the liberty of individuals can be held hostage to the benevolence or sense of fairness of the prosecutor alone

long period, depending on the nature of the allegations, should be read into Section 439 Cr.PC and Section 45 of the PMLA [Prevention of Money Laundering Act]'.  
In its entirety, the judgment must gladden the hearts of libertarians, considering the troubling and persistent apprehensions about the weaponising of the stringent penal laws in the country, and concerns about the oppressive application and implementation of the PMLA. Taking cognisance of the information furnished to Parliament recently, the Court noticed that out of the over 5,000 cases brought under the PMLA in the last 10 years, only 40 cases resulted in convictions. In his statement in the Rajya Sabha, the Minister of State for Finance disclosed that 'the ED filed 15 enforcement case information reports (ECIRs) in 2019, followed by 28 in 2020, 26 in 2021, 34 in 2022, 26 in 2023 and three in 2024 as on July 31. Only one conviction in the cases was reported to have been made in 2020. Clearly, the processes of our criminal justice system, leading to endless delays, are oppressive, with procedure itself being the punishment. The reality of the technicalities of procedural laws defeating justice has been judicially recognised and eloquently summed up as 'the mortality of justice at the hands of law' – *Sushil Kumar Sen* (1975); *Rani Kusum* (2005).

### A caveat

Notwithstanding its unexceptionable constitutional merit, the judgment begs a troubling question. Was it right for the Court, consistent with its other observations in the first round, to condone the custodial confinement of the accused based on the statement of the prosecution that the trial would be completed within six to eight months? Or to extend the detention of the accused on the basis of the prosecuting counsel's statement recorded in the Court's second order of June 4, 2024 that the complaint/charge sheet would be filed on or before July 3, 2024? In a sense, does this not

make the prosecutor a judge in its own cause, contrary to the first principles of natural justice and vitiating at its core the procedural imperatives of fair trial?

### The guarantee of civil liberties

In our constitutional scheme, the liberty of individuals cannot be held hostage to the benevolence or sense of fairness of the prosecutor alone. It must stand on the unbreachable foundation of justice anchored in inalienable rights 'born in flesh, carried in our bodies from birth to death'. We know that sacrosanct rights 'undergrid' the law; that there is no virtue in legal processes that are unjust and laws that fail to render justice must be changed. Denial of freedom is denial of humanity itself. Therefore, its preservation against excesses of the executive is the first charge on the apex Court's constitutional and moral authority. Although the ultimate guarantee of civil liberties lies in the faith and assertion of the people, as Justice Robert Jackson of the United States reminded us in *Douglas vs City of Jeannette* (1943), the courts' auxiliary protection against encroachment of human rights is the crucial test of a vibrant democracy.

In eventually restoring Mr. Sisodia's liberty, pending the final decision in his case, the apex court has redeemed itself of the charge of ambivalence in the earlier rounds despite the existence of legal and factual basis for bail. It need not now 'trudge on the debris of conscience'. The judgment would have served its purpose if undertrials are not made to languish in custody endlessly, with their freedom, reputation, privacy and dignity irretrievably lost without apology or recompense. And, the nation must repurpose its politics away from personal animosities in an ennobling pursuit of justice and dignity for all, thereby revitalising a democracy under stress.

*The views expressed are personal*

## GS Paper 02 : Indian Polity : Executive & Judiciary

**(UPSC CSE (M) GS-2 2016)** What was held in the Coelho case? In this context, can you say that judicial review is of key importance amongst the basic features of the Constitution? (200 words/10m)

**Practice Question :** Evaluate the role of the Supreme Court of India in upholding individual liberties and the right to a speedy trial in light of recent bail decisions. How do such judgments reflect on the broader challenges within the Indian criminal justice system? (250 w/15m)

## Context :

- The Supreme Court of India granted bail to former Delhi Deputy Chief Minister Manish Sisodia, emphasising the importance of individual liberties and the right to a speedy trial.
- The decision highlighted issues with India's criminal justice system, including prolonged pretrial detentions and the misuse of stringent penal laws like the PMLA.

## Previous judgments on the 'Right to Speedy Trial':

- The Supreme Court referenced its earlier judgments, including *Kashmira Singh* (1977), *P. Chidambaram* (2020), and *Satender Kumar Antil* (2022), which establish that the right to a speedy trial is fundamental under Article 21 of the Constitution.
- The Court's decision in *Arnab Manoranjan Goswami vs The State of Maharashtra and Ors.* (2020) was cited, reinforcing that liberty is a core component of constitutionalism.
- In recent scenario, the SC relied on its earlier order dated October 30, 2023, in *Manish Sisodia vs Central Bureau of Investigation*, which highlighted concerns about the large volume of evidence (56,000 pages of documents and 456 witnesses) potentially causing significant delays in trial proceedings.

## Constitutional Mandate

- The Supreme Court ruled that the right to bail in cases of delay should be integrated into Section 439 CrPC and Section 45 of the Prevention of Money Laundering Act (PMLA).
- The judgement is significant due to concerns over the misuse of stringent penal laws and oppressive application of the PMLA.
- The Court highlighted the low conviction rate under the PMLA, with only 40 convictions out of over 5,000 cases in the last decade.

## Challenges in the Criminal Justice System

- The criminal justice system faces significant challenges due to delays, where procedural complexities become punitive.
- Issues like justice being hindered by legal technicalities are recognized in cases such as *Sushil Kumar Sen* (1975) and *Rani Kusum* (2005).

## Concerns Raised

- Despite its merits, the judgement raises concerns about prolonged custodial confinement based on prosecutorial assurances.
- Relying on the prosecutor's statements for trial timelines and charge sheet filing can contradict principles of natural justice and fair trial procedures.

## The Guarantee of Civil Liberties

- **Constitutional Foundation:** The Supreme Court emphasized that individual liberties should not be contingent on the discretion of the prosecution.
  - In judgments like *Maneka Gandhi v. Union of India* (1978), the Court expanded the understanding of due process, emphasising that any deprivation of liberty must follow fair, just, and reasonable procedures.

- ➔ **Judicial Responsibility:** The judgment aims to prevent the misuse of stringent laws like the Prevention of Money Laundering Act (PMLA) and to uphold the dignity and rights of individuals.
- ➔ In *Rana Ayyub v. Directorate of Enforcement* (2023), the Supreme Court emphasized judicial oversight in PMLA enforcement while ensuring trials follow underlying offenses.
- ➔ **Public's trust on Judiciary:** Presently, the Apex Court pointed out the flawed tendency of some judges to deny bail unnecessarily, ignoring the principle of timely trials. This may lead to loss of public trust in the judiciary.
- ➔ **Call for Systemic Change:** The ruling urges a reevaluation of the political and legal systems to prioritize justice and individual rights over personal vendettas.
  - *State of Maharashtra v. Rani Kusum* (2005) underscores the necessity for reforms to address delays in the judicial process.
- ➔ **Bail is the Rule, Not the Exception:** The Supreme Court's decision in granting bail to Manish Sisodia reinforces the principle that bail is the rule, not the exception.

### Restoring Liberty

- ➔ By granting Mr. Sisodia bail, the Supreme Court has addressed previous ambiguities and upheld the principles of bail and individual freedom.
- ➔ The judgement aims to prevent undertrials from languishing in custody, losing their freedom, reputation, privacy, and dignity without accountability.
- ➔ The nation must shift its political focus away from personal animosities towards justice and dignity for all, revitalising democracy.

### Conclusion

- ➔ The article concludes with a personal reflection that the Court's decision is a step toward ensuring that undertrials are not unjustly detained.
- ➔ It calls for a national shift in politics toward justice and dignity, emphasising the role of the judiciary in safeguarding civil liberties.

### What is Money Laundering?

- ➔ **About:**
  - Money laundering is a complex process used by individuals and organisations to conceal the origins of illegally obtained money. It involves making illicit funds appear legitimate through a series of transactions.
- ➔ **Stages of Money Laundering:**
  - **Placement:** The initial stage where illicit funds are introduced into the financial system. This can involve deposits into bank accounts, currency exchanges, or purchases of valuable assets.
  - **Layering:** The process of separating the illicit funds from their source through a series of complex financial transactions. This often involves transferring funds between accounts or across borders to obscure their origin.
  - **Integration:** The final stage where the laundered funds are reintroduced into the economy as legitimate funds. This can involve investing in businesses, purchasing real estate, or other means of legitimising the funds.



### ➡ **Methods of Money Laundering:**

- **Structuring (Smurfing):** Breaking up large amounts of cash into smaller, less conspicuous amounts that are then deposited into bank accounts.
- **Trade-Based Laundering:** Using trade transactions to move value across borders and disguise the origins of illicit funds.
- **Shell Companies:** Creating companies with no legitimate business activity to funnel illicit funds through legitimate-looking transactions.
- **Real Estate:** Purchasing real estate with illicit funds and then selling it to convert the value into legitimate assets.

### **What is PMLA, 2002?**

#### ➡ **About:**

- The Prevention of Money Laundering Act, 2002 (PMLA) is an Act of the Parliament of India enacted to prevent money laundering and provide for the confiscation of property derived from money laundering.
- It aims to combat money laundering related to illegal activities such as drug trafficking, smuggling, and terrorism financing.

#### ➡ **Key Provisions of PMLA:**

- **Offences and Penalties:** PMLA defines money laundering offences and imposes penalties for such activities. It includes rigorous imprisonment and fines for offenders.
- **Attachment and Confiscation of Property:** The Act allows for the attachment and confiscation of property involved in money laundering. It provides for the establishment of an Adjudicating Authority to oversee these proceedings.
- **Reporting Requirements:** PMLA mandates certain entities, such as banks and financial institutions, to maintain records of transactions and report suspicious transactions to the Financial Intelligence Unit (FIU).
- **Designated Authority and Appellate Tribunal:** The Act establishes a Designated Authority to assist in the investigation and prosecution of money laundering offences. It also provides for the establishment of an Appellate Tribunal to hear appeals against orders of the Adjudicating Authority.

#### ➡ **Objectives of PMLA:**

- **Prevention:** To prevent money laundering by implementing stringent measures and monitoring financial transactions.
- **Detection:** To detect and investigate instances of money laundering through proper enforcement and regulatory mechanisms.
- **Confiscation:** To confiscate properties derived from money laundering activities to deter offenders and disrupt illicit financial flows.
- **International Cooperation:** To facilitate international cooperation in combating money laundering and terrorist financing activities.

#### ➡ **Recent Amendments to PMLA, 2002:**



## Daily News Analysis

- **Clarification about the Position of Proceeds of Crime:** Proceeds of the Crime not only includes the property derived from scheduled offence but would also include any other property derived or obtained indulging into any criminal activity relate-able or similar to the scheduled offence.
- **Money Laundering Redefined:** Money Laundering was not an independent crime rather depended on another crime, known as the predicate offence or scheduled offence. The amendment seeks to treat money laundering as a stand-alone crime.



## United Nations (UN)

The United Nations (UN) is an international organization founded in 1945. It is currently made up of 193 Member States.



### United Nations (UN) Specialized Agencies:

- ▶ Articles 57 and 63 of the United Nations (UN) Charter provides provision of creating specialized agencies.

### UNCTAD

- ▶ UNCTAD supports developing countries to access the benefits of a globalized economy more fairly and effectively.
- ▶ It helps to use trade, investment, finance, and technology as vehicles for inclusive and sustainable development.

### **UNODC**

- ▶ United Nations Office on Drugs and Crime (UNODC) is a global leader in the fight against illicit drugs and international crime.
- ▶ It was established in 1997 through a merger between the United Nations Drug Control Programme and the Centre for International Crime Prevention.
- ▶ UNODC is mandated to assist Member States in their struggle against illicit drugs, crime and terrorism.

### **UNHCR**

- ▶ The office of the United Nations High Commissioner for Refugees (UNHCR) was created in 1950, during the aftermath of the Second World War, to help millions of Europeans who had fled or lost their homes.
- ▶ In 1954, UNHCR won the Nobel Peace Prize for its ground-breaking work in Europe.
- ▶ The start of the 21st century has seen UNHCR help with major refugee crises in Africa, the Middle East and Asia.
- ▶ It also uses its expertise to help many internally displaced by conflict and expanded its role in helping stateless people.

### **ESCAP**

- ▶ United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) is the main economic and social development centre of the UN in the region, headquartered in Bangkok (Thailand) in 1947.
- ▶ It responds to the development needs and priorities of the region through its convening authority, economic and social analysis, normative standard-setting and technical assistance.