

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

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### Edition: International | Table of Contents

<p>Page 10 Syllabus : GS 2 : Polity and Governance</p>	<p>The burgeoning expenditure of elections</p>
<p>Page 10 Syllabus : GS 3 : Agriculture and Environment</p>	<p>What challenges does India face in fertilizer imports</p>
<p>Page 14 Syllabus : GS 2 : International Relations</p>	<p>BRICS reflects 'current realities', summit was a 'total success', says Russian envoy</p>
<p>In News Syllabus : GS 2 – Polity and Governance</p>	<p>SC rules that Aadhaar cannot be used as proof of date of birth</p>
<p>In News</p>	<p>Digital Arrest</p>
<p>Page 08 : Editorial Analysis: Syllabus : GS 2 : Polity and Governance</p>	<p>The under-representation of women in the judiciary</p>

The estimated total expenditure for the upcoming U.S. presidential and Congressional elections in November 2024 is approximately \$16 billion (around ₹1,36,000 crores).

- In contrast, the total expenditure by various political parties for the recent general election to the Lok Sabha in India was about ₹1,00,000 crores, according to the Centre for Media Studies (CMS). This raises various debates surrounding campaign finance (election expenditure) in India.

# The burgeoning expenditure of elections

What is the difference between the election expenditure limits for candidates and political parties in India? How does the U.S. handle election financing, and what role do Super PACs play? Why is curbing the illegal distribution of cash to voters crucial?

## EXPLAINER

Rangarajan R.

### The story so far:

The total expenditure for U.S. presidential and Congressional elections in November 2024 is estimated at around U.S. \$16 billion (equivalent to ₹1,36,000 crores). According to the Centre for Media Studies (CMS), the total expenditure by various political parties for the general election to Lok Sabha this year was around ₹1,00,000 crores.

### What are the limits in India?

The election expenditure limit for candidates is ₹95 lakh per Lok Sabha constituency in larger States and ₹75 lakh in smaller States. With respect to Legislative Assemblies, they are ₹40 lakh and ₹28 lakh for larger and smaller States respectively. These limits are set, from time to time, by the Election Commission (EC). There are no limits on the expenditure of political parties during elections.

### What are international standards?

In the U.S., the financing for elections happens primarily by contributions from individuals, corporations, and political action committees (PAC). While there are limits on individual and PAC contributions to candidates, various judgments of the U.S. Supreme Court have resulted in the creation of Super PACs on which there are no limits for spending. Out of the estimated expenditure in the November 2024 election cycle, around \$5.5 billion is estimated to be spent on the presidential election. The balance is around \$10.5 billion on elections to the House of Representatives and Senate of the U.S.



**Behind the curtains:** In India, candidates from all major parties breach the election expenditure limits by a wide margin. FILE PHOTO

Congress. This humongous raise is due to large donations by organisational donors and Super PACs.

In the U.K., a political party is allowed to spend £54,010 for each constituency they contest. This translates to a limit of £35 million for parties contesting all constituencies. There are also limits placed on candidates' spending during the campaign period. It translates, per constituency, to an average of £46-49,000 during the long campaign period (beginning five months before the full term of the House of Commons ends) and £17-20,000 during the short campaign period after elections are announced.

### What are the challenges?

Elections across the world democracies have become very expensive. Such increased expenditure that is met primarily through large donations creates an unholy nexus between the elected representatives and donors who seek favours. This acts as an entry barrier into electoral politics for many well-meaning citizens.

In India, candidates from all major political parties breach the election expenditure limits by a wide margin. Further, there are no limits on political party spending during elections. The official expenditures declared by the BJP and Congress for the 2019 election were ₹1,264 crores and ₹820 crores, respectively. However, according to a report by the CMS, ₹50,000 crore was spent by various parties during the 2019 election.

The report suggests that 35% of this money was spent on campaigns and publicity, while 25% was illegally distributed among voters. The CMS has estimated that spending during the 2024 election by various political parties was close to ₹1,00,000 crores. Such inflated election expenditure fuels corruption, resulting in a vicious cycle.

### What can be possible reforms?

The Indrajit Gupta Committee (1998) and the Law Commission report (1999) have advocated for State funding of elections. This would mean the government

partially bears the election expenditures of candidates nominated by recognised political parties. However, the feasibility and mechanism for implementing this measure are doubtful in the present context.

Simultaneous elections are touted as a panacea for addressing the issue of rising election expenditures. There are challenges on account of principles of federalism and constitutional amendments to this idea that need to be debated. It must also be noted that this mechanism may rein in campaign and publicity expenditure to some extent. However, without curbing the illegal distribution of cash to voters, any form of simultaneous election will not have a significant impact on election expenditure.

In this regard, certain practical steps to create a level playing field regarding election expenditure can be implemented if there is political will. These are based on the EC's 2016 report on 'Proposed Electoral Reforms'. Firstly, the law must be amended to explicitly provide that 'financial assistance' by a political party to its candidate should also be within the candidate's prescribed election expenditure limits. Secondly, there should be a ceiling on political party expenditures. This may be kept at not more than the expenditure ceiling limit provided for a candidate multiplied by the number of candidates of the party contesting the election. Finally, additional judges may be appointed in High Courts for the speedy disposal of election-related cases, which would act as a deterrent against violating these norms. These reforms would require bipartisan political support and need to be expeditiously implemented.

*Rangarajan R. is a former IAS officer and author of 'Polity Simplified'. Views expressed are personal.*

## THE GIST

- In India, candidates from major political parties frequently exceed the election expenditure limits set by the Election Commission. These limits are meant to regulate spending and prevent undue influence, but they are often disregarded.

- In the U.S., spending is largely driven by Super PACs with no spending limits. The U.K. has strict caps on both party and candidate expenditures.

- Rising election costs in India, as well as globally, create significant challenges. In India, inflated election expenditures foster a deep-rooted nexus between politicians and donors, creating entry barriers for genuine candidates without deep financial backing.

## Legislations Governing Campaign Finance in India

### ➤ Background

- The issue of election funding was not specifically addressed during the Constituent Assembly debates (1946-1950).
- The first significant laws governing election funding were the Representation of People Act, 1950, and Representation of People Act, 1951.

### ➔ Representation of People Act, 1951

- It does not impose limits on expenditure for political party leaders in disseminating messages.
- Candidates must maintain accounts of their election expenditures, but political parties are not required to maintain such accounts for promoting official programs.
- However, parties must disclose contributions over ₹20,000 to income tax authorities and cannot accept donations from government companies or foreign sources.

### ➔ Election and Other Related Laws (Amendment) Act, 2003

- The 2003 Amendment introduced Section 29C, requiring political party treasurers to prepare annual financial reports detailing donations over ₹20,000.
- These reports must be submitted to the Election Commission before submitting audited accounts to the Income Tax authorities.
- Non-compliance leads to disqualification from tax relief under the Income Tax Act.

### ➔ Companies Act, 1956

- Under Section 293-A of the Companies Act, 1956, corporate contributions to political parties are limited to five percent of the company's average net profits over the last three years.

### ➔ Foreign Contribution (Regulation) Act, 1976

- FCRA prohibits political organizations from receiving foreign contributions.

### ➔ Income Tax Act, 1961

- Under the Income Tax Act, 1961, contributions to political parties are deductible from income tax calculations.
- Section 13A mandates that political parties submit annual audited accounts to the Income Tax authorities by a specified date.

## Election expenditure limit in India

### ➔ Existing limit

- The election expenditure limit for candidates is ₹95 lakh per Lok Sabha constituency in larger States and ₹75 lakh in smaller States.
- With respect to Legislative Assemblies, they are ₹40 lakh and ₹28 lakh for larger and smaller States respectively.
- These limits are set, from time to time, by the Election Commission (EC). There are no limits on the expenditure of political parties during elections.

### ➔ Purpose and Reality of Expenditure Limits

- While limits aim to minimize the influence of wealth in elections and ensure a level playing field, the effectiveness is questionable.
- The Representation of the People Act mandates candidates keep accurate spending records within these limits and submit affidavits post-election.
- However, analysis from the Association for Democratic Reforms (ADR) shows most candidates report spending far below the limits, raising doubts about transparency.

### ➔ Associated challenge

- **Political Party Spending — The "Elephant in the Room"**

## Daily News Analysis

- Currently, no cap exists on political parties' expenditures during elections, which can indirectly favor wealthy candidates.
- Experts argue that real reform requires transparency in party finances and internal democratization to achieve genuine equality for all candidates.
- **Possible gap between actual and reported costs**
  - The official expenditures declared by the BJP and Congress for the 2019 election were ₹1,264 crores and ₹820 crores, respectively. However, according to a report by the CMS, ₹50,000 crore was spent by various parties during the 2019 election.
  - The report suggests that 35% of this money was spent on campaigns and publicity, while 25% was illegally distributed among voters.
- ➔ **Unholy nexus between the elected representatives and donors**
  - Elections across the world democracies have become very expensive.
  - Such increased expenditure that is met primarily through large donations creates an unholy nexus between the elected representatives and donors who seek favours.
  - Creates an entry barrier into electoral politics
  - Expensive elections act as an entry barrier into electoral politics for many well-meaning citizens.

### Way forward

- ➔ **Advocacy for State Funding of Elections**
  - The Indrajit Gupta Committee (1998) and the Law Commission report (1999) have proposed state funding of elections,
  - They suggested that the government should partially cover the election expenses of candidates nominated by recognized political parties.
  - However, doubts remain regarding the feasibility and implementation of this measure in the current context.
- ➔ **Simultaneous Elections as a Solution**
  - Simultaneous elections are often viewed as a potential solution to the rising costs of elections.
  - While this approach may help reduce campaign and publicity expenditures, it faces challenges related to federalism and the need for constitutional amendments.
  - Moreover, without effective measures to curb illegal cash distribution to voters, simultaneous elections alone may not significantly impact overall election expenditures.
- ➔ **Proposed Electoral Reforms**
  - The Election Commission's 2016 report on proposed electoral reforms outlines practical steps to create a more equitable environment concerning election expenditures:
    - **Regulating Financial Assistance:** Amend the law to ensure that any financial assistance provided by political parties to their candidates falls within the candidates' prescribed expenditure limits.
    - **Ceiling on Party Expenditures:** Establish a ceiling on the total expenditures of political parties, set at no more than the expenditure limit for individual candidates multiplied by the number of candidates from that party contesting the election.

- **Expediting Legal Processes:** Appoint additional judges in High Courts to facilitate the speedy disposal of election-related cases, serving as a deterrent against violations of expenditure norms.
- ➔ **Need for Bipartisan Support**
  - These reforms require bipartisan political support and prompt implementation to be effective in addressing the challenges associated with election financing in India.



India is currently grappling with significant challenges in meeting its fertilizer demands due to dependency on imports, especially amidst the ongoing Ukraine and Gaza crises, which could further impact fertilizer availability and prices.

# What challenges does India face in fertilizer imports?

What impact has the conflict in Ukraine had on the global fertilizer market and its effects on India?

A. M. Jigeesh

**The story so far:**

**W**ith the crisis continuing in Ukraine and Gaza, experts and policymakers are concerned about further increases in the prices of the components used for making petroleum-based chemical fertilizers. Recently, Senior Economist of the Food and Agriculture Organization Nicholas Sitko told *The Hindu* that India has to increase its own fertilizer production capacity. The Agriculture Minister of the country's largest foodgrains producing Uttar Pradesh recently complained that the State has the stock of fertilizers for only 10 more days. The sowing of winter rabi crops has started in almost all the wheat-growing States and fertilizers such as Diammonium phosphate (DAP) and NPK [Nitrogen, Phosphorus, and Potassium] are essential for its growth.

**What is the current import fertilizer import scenario?**

Though the latest data on import is yet to be made available by the Ministry, the Standing Committee of Parliament on Chemicals and Fertilizers, in August 2023,

tabled a report on 'Planning for Fertilizers Production and Import Policy on Fertilizers Including GST and Import Duty Thereon' in both the Houses. It expressed concern that the "production capacity of fertilizers does not commensurate with its demand/requirement and, therefore, the gap between demand and supply is met through imports." According to the report, about 20% of the domestic requirement of urea, 50-60% of the domestic requirement of DAP, and 100% of the domestic requirement of Muriate of Potassium (MOP, or Potash) is met through imports.

**How has India's fertilizer production changed?**

In 2021-22, India's yearly consumption of all major chemical fertilizers was approximately 579.67 lakh metric tonnes (LMT), comprising 341.73 LMT of urea, 92.64 LMT of DAP, 23.93 LMT of MOP, and 121.37 LMT of NPK. In 2020-21, the total consumption of fertilizers was about 629.83 LMT. The country produced 435.95 LMT of chemical fertilizers in 2021-22, resulting in a shortfall of 143.72 LMT relative to demand. While MOP is not produced here, in 2021-22, India produced 250.72 LMT of urea, 42.22 LMT

of DAP, 89.67 LMT of NPK, and 53.34 LMT of Single Super Phosphate (SSP). Total production in 2014-15 was 385.39 LMT, indicating an increase of only about 50 LMT over seven years.

In the case of Urea, the most consumed fertilizer, in 2019-20, the production was 244.58 LMT and the use was 336.96 LMT. In 2020-21, the country produced 246.05 LMT of urea and consumed 350.51 LMT. In 2021-22, the figure was 250.72 LMT and 341.72 LMT, respectively.

The Centre allocated ₹ 1.79 lakh crore as fertilizer subsidy under the Budget estimates for 2023-24. Out of this, for indigenous P&K Fertilizers, the subsidy amount was ₹25,500 crore and ₹18,500 crore for imported P&K Fertilizers. For indigenous Urea, the subsidy was ₹1,04,063.20 crore while the subsidy for imported urea was ₹ 31,000 crore.

**What is the situation in Ukraine and Gaza?**

Dr. Sitko said that he does not see any stability in fertilizer markets now due to the situations in Ukraine and Gaza. He is primarily bothered about the impact of the crisis on the oil prices, which will spill over to the by-products such as fertilizers. According to an answer provided in Lok

Sabha, in 2018-19, 2019-20, and 2020-21, India's fertilizer imports were mostly from countries such as China, Russia, Saudi Arabia, UAE, Oman, Iran and Egypt. The worsening situation in West Asia and the ongoing conflict in Russia and Ukraine could impact imports from these regions.

**What can India do?**

Experts like Dr. Sitko have been asking India to enhance its fertilizer production capacity and to shift its farming systems to reduce dependence on imported fertilizers while making better use of the existing fertilizers. Suggestions such as using nano urea, shifting to natural farming, and enhancing the capacity of fertilizer factories have also been made to the government.

The Standing Committee of Parliament also pointed out the need for policy initiatives aimed at creating an environment that would facilitate investments in the public, co-operatives, and private sectors engaged in the manufacturing and marketing of fertilizers.

Commenting on the new investment policy, implemented in 2012, to streamline fertilizer production, the committee said it is satisfying to note that six new Urea plants have since been set up each having an annual production capacity of 12.7 LMT thereby adding Urea production capacity of 76.2 LMT per annum. "Now, 36 Urea manufacturing units are functioning, out of which, four new Urea Units viz Ramgundam, Gorakhpur, Sindri Unit of Fertilizers Corporation of India Limited and Barauni unit of Hindustan Fertiliser Corporation Limited, have been revived by setting up of new gas-based Greenfield units," the panel had noted.

**THE GIST**

▼ The conflict in Ukraine has led to rising prices of raw materials used in fertilizer production, affecting global fertilizer costs and subsequently increasing prices in India.

▼ The instability in fertilizer markets is likely to impact agricultural production in India, posing risks to food security and increasing dependence on government subsidies.

## About Fertilizers:

- A fertilizer is a chemical product either mined or manufactured material containing one or more essential plant nutrients that are immediately or potentially available in sufficiently good amounts.
- Fertilizers have played an essential role in agricultural production, providing vital nutrients for crops, increasing demands over the years.
- As an agrarian country, India is home to numerous small and marginal farmers and is often plagued by low productivity and low quality.
- Crops are mainly rain-fed and cultivated on a single piece of land over time, decreasing soil fertility in many regions.
- Thereby, increasing quantities of nitrogen fertilizers have been used in the country.

## Macro & Micro Elements in Fertilizers:

- **Macro Nutrients:** Nitrogen (N), Phosphorus (P), Potash (K), Calcium, Sulfur (S), and Magnesium are known as macro-nutrients (required in comparatively larger amounts).

- ➔ **Micro Nutrients:** Iron (Fe), Zinc (Zn), Copper, Boron, Manganese Molybdenum, Chloride, and others are the micro-nutrients (required in a smaller quantity) for the growth and development of crop plants.
- ➔ Among the various types, NPK (nitrogen, phosphorus, and potassium) fertilizers are the most common ones, and Urea stands as the most highly consumed fertilizer in India.
- ➔ India is the second-largest consumer of fertilizers globally, with an annual consumption of more than 55.0 million metric ton.

### Current Fertilizer Import Scenario:

- ➔ India's domestic fertilizer production does not meet its full demand, creating a dependency on imports. As per the 2023 Standing Committee of Parliament report:
  - **Urea:** 20% of the domestic requirement is imported.
  - **Diammonium Phosphate (DAP):** 50-60% of the demand is met through imports.
  - **Muriate of Potash (MOP):** 100% dependency on imports.
- ➔ The report stresses a need for self-reliance in fertilizer production to stabilize supplies.

### Production and Consumption Trends:

- ➔ India's annual fertilizer consumption in 2021-22 was 579.67 lakh metric tonnes (LMT), with:
  - Urea: 341.73 LMT
  - DAP: 92.64 LMT
  - MOP: 23.93 LMT
  - NPK (Nitrogen, Phosphorus, and Potassium): 121.37 LMT
- ➔ Domestic production for the year totalled 435. 95 LMT, leaving a shortfall of 143.72 LMT. Notably, MOP is entirely imported due to the lack of local production.

### Impact of the Ukraine and Gaza Conflicts:

- ➔ Experts, at the Food and Agriculture Organization (FAO), highlighted potential volatility in fertilizer prices due to the Ukraine and Gaza conflicts. This unrest could:
  - ➔ Affect oil prices, impacting petroleum-based fertilizer production.
  - ➔ Disrupt imports from Russia and West Asia, two significant suppliers for India's fertilizer imports.

### Financial Burden of Fertilizer Subsidies:

- ➔ The Indian government has allocated substantial funds to support fertilizer affordability. In the 2023-24 Budget:
  - Total subsidy: ₹1.79 lakh crore.
  - Indigenous Urea subsidy: ₹1.04 lakh crore.
  - Imported Urea subsidy: ₹31,000 crore.
  - Indigenous P&K Fertilizer subsidy: ₹25,500 crore.
  - Imported P&K Fertilizer subsidy: ₹18,500 crore.
- ➔ These subsidies, while necessary for farmers, impose a heavy financial burden on the government.

### Strategic Initiatives for Self-Reliance:

- ➔ Experts recommend increasing India's production capacity and reducing reliance on imports:

## Daily News Analysis

- **New Urea Plants:** Since the 2012 investment policy, six new urea plants have been established, adding 76.2 LMT to India's production capacity. Currently, 36 urea plants operate, with recent additions like Ramgundam, Gorakhpur, Sindri, and Barauni facilities.
- **Shift to Sustainable Fertilizers:** Emphasis on nano urea and natural farming could reduce chemical fertilizer usage and dependency.
- **Investment in Domestic Production:** The Standing Committee suggests fostering a favorable environment for investments from public, cooperative, and private sectors in fertilizer manufacturing.

### Policy Recommendations and Future Outlook:

#### ➔ The Standing Committee recommends:

- Increasing incentives for fertilizer manufacturing within India.
- Encouraging use of nano urea and shifting focus to organic and sustainable farming practices.
- Investing in infrastructure to better utilize existing fertilizers efficiently.
- By expanding production capacities and promoting sustainable agricultural practices, India could gradually reduce its dependency on imported fertilizers, stabilizing the domestic market and insulating it from global disruptions.



The 16th BRICS Summit, hosted by Russia in Kazan, marked a significant international gathering amid the ongoing geopolitical tensions following the Ukraine war.

- The summit emphasized strengthening economic ties among member countries, countering narratives of Russia's isolation, and showcased the growing influence of emerging economies. It also highlighted the group's unified stance against unilateral sanctions imposed by Western nations on its members.

## BRICS reflects 'current realities', summit was a 'total success', says Russian envoy

**Kallol Bhattacharjee**

NEW DELHI

The BRICS summit in Kazan has been a "total success", Russian Ambassador to India Denis Alipov said on Monday.

In an interaction with the media, the Russian envoy said the BRICS grouping represents "current realities" and pointed out that Indian banks are "over cautious" while dealing with Russian entities because of the threat of "secondary sanctions" from Western governments. He hit out at Ukrainian President Volodymyr Zelenskyy for criticising BRICS and



Denis Alipov

described him as "delusional".

"BRICS is not an exclusive but an inclusive platform. It is not anti-West or non-West formation. BRICS has become an indispensable framework for

the emerging centres of power and keeps attracting more and more countries as a result of global turbulence and uncertainties," Mr. Alipov said, adding that "more than 40 countries have expressed interest in joining" BRICS.

Mr. Zelenskyy had described the Kazan summit as a "complete failure".

During the briefing, Mr. Alipov said, "The Ukrainian President has become completely delusional. He has very delusional views on many other accounts. But this is one of the topics on which he is absolutely wrong."

Mr. Alipov's briefing

came days after the Kazan Declaration of the 16th BRICS summit gave out a detailed financial vision and held Israel responsible for the ongoing violence in Gaza Strip and Lebanon.

He said the creation of a new category of partner-countries of BRICS is one of the major outcomes of the Kazan summit.

"This step will definitely multiply the value of our diversified partnership and add to the forum's global influence, which is now making a decisive contribution to the global food and energy security," stated the Russian Ambassador.

### Strengthening Economic Bonds

- **New Initiatives and Agreements:** The summit resulted in several key agreements, including a push for interbank cooperation, a grain exchange, and a cross-border payment system, signaling a collective effort to develop alternatives to existing global financial structures.

## Daily News Analysis

- **Expansion of BRICS Membership:** The induction of new members like Iran, Egypt, Ethiopia, the UAE, and Saudi Arabia underscores BRICS's role as a counterbalance to Western-dominated international institutions, reinforcing its significance in global governance.
- **Message of Inclusivity:** The Kazan Declaration emphasized that BRICS is an inclusive organization focused on global cooperation, with Prime Minister Modi advocating for dialogue and diplomacy, underscoring differing geopolitical alignments among member states.

### Addressing Geopolitical Challenges

- **India's Unique Position:** As the only BRICS member aligned with U.S.-led groups like the Quad, India's participation aims to maintain a balance between global partnerships while promoting BRICS's agenda of unity and cooperation.
- **Support for Global Issues:** The summit's strong endorsement of Palestinian statehood and concerns over the situation in Gaza reflect BRICS's commitment to addressing pressing global issues, even amidst diverse political views among its members.
- **Platform for Bilateral Discussions:** BRICS provides a valuable platform for member countries to address bilateral tensions, as demonstrated by the constructive engagements between India and China during the summit, facilitating dialogue on critical issues like territorial disputes.

### In News : GS 2 – Polity and Governance

The Supreme Court's recent ruling on Aadhaar cards not being valid proof of age has garnered significant attention, particularly in relation to compensation claims for motor vehicle accidents. The case involved the family of a man who died in an accident, with the compensation amount hinging on his age as listed on various documents, including his Aadhaar card and School Leaving Certificate.



#### Why Did the Court Issue This Ruling? (Background)

- ▶ The ruling was prompted by a compensation dispute involving the deceased's age.
- ▶ Initially, the Punjab & Haryana High Court used the age listed on the Aadhaar card to calculate compensation, applying a specific multiplier based on that age.
- ▶ However, the family contended that the School Leaving Certificate indicated a different age, warranting a higher compensation amount.
- ▶ The Supreme Court criticized the lower court's reliance on the Aadhaar card, referencing established legal precedents and provisions that designate specific documents (like the School Leaving Certificate) as valid proof of age.
- ▶ The court emphasized the importance of using verified educational documents rather than Aadhaar, which was primarily intended as proof of identity.

#### What Did the SC Say Now?

- ▶ The Supreme Court, in its judgement, reiterated that Aadhaar should not be considered proof of age. It cited:
  - Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015: This section specifies that matriculation or equivalent certificates are acceptable for determining age.
  - Previous Supreme Court Rulings: The court referred to a 2018 ruling that characterized Aadhaar as proof of identity, explicitly stating it does not serve as proof of date of birth.
  - The court overturned the Punjab & Haryana High Court's decision, establishing that the School Leaving Certificate should be used to determine the age for calculating compensation, ultimately awarding the family Rs 15 lakh based on the correct multiplier.

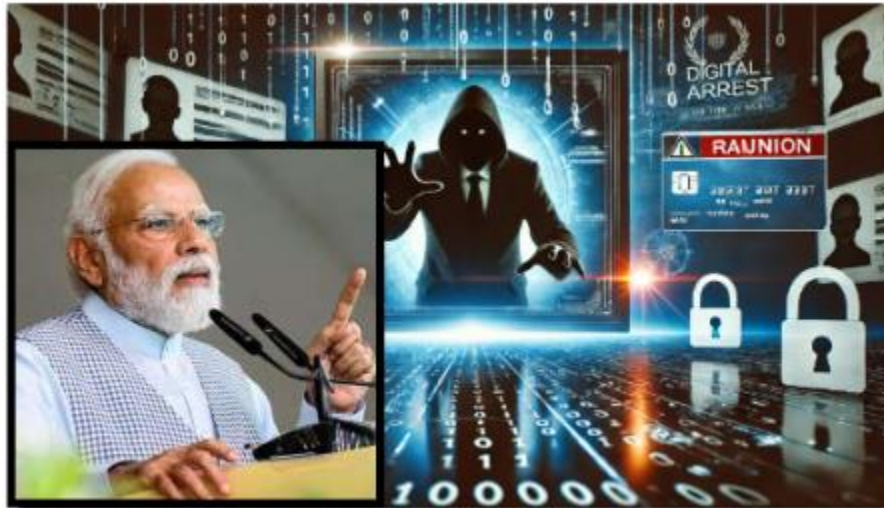
#### Impact

## Daily News Analysis

- The ruling has significant implications for how Aadhaar is utilized in legal and administrative contexts.
- Aadhaar was mooted first as a “unique ID (UID) for below-poverty-line families” to access government schemes, and then as a national exercise to register and issue unique IDs to every resident in India.
- It reinforces the notion that while Aadhaar serves as a crucial tool for identity verification, it is not a comprehensive solution for all identification needs, particularly those requiring age verification.
- This decision may lead to a reevaluation of Aadhaar's role in various administrative processes and bolster the reliance on more traditional forms of documentation for specific legal purposes.
- Additionally, it underscores the ongoing dialogue regarding privacy and the appropriate use of personal data in India's legal framework.

**In News : Digital Arrest**

The Prime Minister in his recent broadcast of "Mann Ki Baat" warned about the 'Digital Arrest' scams in India.



**What is Digital Arrest?**

	Details
What are they?	A fraudulent scheme where scammers impersonate law enforcement officials to extort money from victims under the false pretence of an arrest.
Modus Operandi	<ul style="list-style-type: none"> <li>• Scammers use audio or video calls to intimidate victims.</li> <li>• Claim involvement in illegal activities (e.g., drugs, contraband).</li> <li>• Victims are kept under constant visual surveillance until demands are met.</li> </ul>
Common Tactics	<ul style="list-style-type: none"> <li>• Use of deepfake videos and fake arrest warrants.</li> <li>• Threats regarding family members being involved in crimes.</li> </ul>

## Daily News Analysis

	<ul style="list-style-type: none"> <li>• Fake claims about parcels containing illegal goods.</li> </ul>
Victim Impact	Victims may face significant financial losses, emotional distress, and a sense of vulnerability due to the intimidation tactics employed by scammers.
Recent Trends	<ul style="list-style-type: none"> <li>• Increase in reported cases; over 11 lakh complaints of financial cyber fraud in 2023.</li> <li>• Rising incidents attributed to the expansion of internet users.</li> </ul>
Prevention Measures	<ul style="list-style-type: none"> <li>• Awareness of scams and verification of callers' identities.</li> <li>• Immediate disconnection of suspicious calls.</li> <li>• Reporting incidents to local police and cybercrime helplines.</li> </ul>
Legal Framework	<ul style="list-style-type: none"> <li>• Governed by the Information Technology Act, 2000.</li> <li>• Reports can be filed through the National Cyber Crime Reporting Portal (<a href="http://www.cybercrime.go">www.cybercrime.go</a>)</li> </ul>

# The under-representation of women in the judiciary

The absence of women in the judicial system, which is glaring and widely discussed, almost always revolves around entry-level measures that are aimed at ensuring that more women enter the profession as lawyers/judges. While such entry-level measures are necessary, it is crucial to recognise that this is insufficient to ensure the continued support and encouragement and retention of women in the judiciary.

The Supreme Court of India's "State of the Judiciary" report (2023) showed 36.3% of women in the district judiciary, which is heartening. In 14 States, more than 50% of candidates successfully recruited into the civil judge (junior) division were women. However, at the higher levels, the representation of women in the judiciary falls short. As of January 2024, only 13.4% of judges in the High Court and 9.3% judges in the Supreme Court are women. Further, the representation of women is uneven across High Courts, with States which include Bihar, Chhattisgarh, Jharkhand, Manipur, Meghalaya, Odisha, Tripura and Uttarakhand having either no women judges or just one woman judge.

The situation in the Bar is also bleak. Data published by the Department of Legal Affairs in 2022 show that approximately 15.31% of all enrolled advocates are women. Although comprehensive data in this regard has not been made public by all State Bar Councils, women are drastically under-represented as senior advocates, advocates-on-record, and Bar Council representatives. This results in a funnel effect, creating a smaller pool of candidates who may be able to establish themselves in the system and be considered for elevation.

## Policy gaps

The under-representation of women in the judiciary is part of a vicious cycle. Women are excluded while even those women who have been included are unable to rise to positions of power to address these concerns. Access for women in the judiciary, therefore, is hindered at two levels: entry and retention.

While several States have taken commendable steps in ensuring that women enter the lower levels of the judiciary, direct recruitment continues to be a challenge for female aspirants. The Judicial Service Rules of many States stipulate that advocates must have a minimum period of 'continuous' practice for elevation to the Bench. For women advocates who are required to juggle family responsibilities in the absence of maternity benefits and minimum stipends, meeting this threshold is difficult.

However, even when women have managed to enter the system, continued career growth



**Priyamvada Shivaji**

a Research Fellow with the Justice, Access and Lowering Delays in India (JALDI) Initiative at Vidhi, working towards a user-centric, accessible, and efficient Indian judiciary



**Prathiksha Ullal**

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There is a need for women-centric perspectives which would pave the way for greater participation of women in the judiciary

becomes difficult in the face of a discouraging and unsupportive environment which fails to take into account their specific needs. There is a continuously diminishing pool of women judges eligible for elevation to the High Court, and eventually the Supreme Court. This reverse funnel effect is caused by transfer policies which are often harsh and demanding, leaving little room for negotiation or sensitivity towards women's continued responsibilities as primary caretakers in the household.

Every day interactions within courts also cause difficulties for women lawyers, judges and staff working in the judiciary, due to the absence of basic infrastructural requirements. A survey in 2019, by the Vidhi Centre for Legal Policy highlighted that nearly 100 district courts have no dedicated washrooms for women. Multiple courts, including prominent High Courts, lack adequate washrooms even for women judges, let alone for female staff, lawyers, or litigants. There are only limited sanitary facilities and hygienic waste disposal systems. The burden of familial responsibilities continues to be the social reality of women in India. With women expected to be primary caretakers, courts must provide family-friendly amenities including feeding rooms and crèches. However, although some courts have taken steps in this regard, the limited availability of resources results in restrictions which render them ineffective. For example, the Delhi High Court's crèche only caters to children younger than six years.

## Need for course correction

It is quite intuitive from the issues above that the twin threshold of entry and retention of women in judiciary as equal stakeholders to access is important, but the solutions have been instituted in silos. The main consequence is that the problem persists as there are fewer women represented in the higher echelons of the judiciary, and far fewer amenities that enable their access to court complexes for their continued retention in the justice delivery system.

This is a classic problem of the ever-widening public-private divide espoused by Carole Pateman in her theory wherein she points out that as women increasingly entered the public sphere traditionally occupied by men, there was a lag in the laws as well. She further elaborates that this public-private divide is the main reason why the public sphere does not cater to the specific needs of women upon their transition from the private sphere to the public. This theory can be extended to the design and regulation of the public sphere as well, which is usually not a conducive environment for women to thrive and feel safe.

Similarly, it is important to acknowledge that as more women enter courts which have been male-dominant institutions for a long time now, it is all the more necessary to employ a female gaze to implement inclusive policies to enable their entry and retention. Simply put, the female gaze in implementation means the employment of a feminist lens to recognise the differential needs of women and course-correct to diminish the unintended impacts of neutral-yet indirectly discriminatory policies and infrastructural mandates. The employment of a female gaze breaks the male standard view employed by an all-male administrative committee of judges or all-male Bar Councils, particularly in cases where there is no women representation. This helps further in an inclusive visualisation of how 'public spaces' – in this case, courts and their access – are constructed, aiding in the construction of a lens through which gendered impact of policies and mandates can be filtered to enable the entry and retention of women in courts.

## Prioritising women's needs

Greater participation of women in the judiciary must be driven by women-centric perspectives, which identify specific issues hindering future career growth and progress.

Former judge, Justice Hima Kohli, one of the few women judges in the Supreme Court recently noted the unconscious gender bias in courts which results in women judges being sidelined in administrative duties. This is highlighted by the fact that according to information published on High Court websites, none of the High Court Building Committees aside from Delhi, Allahabad and Himachal Pradesh currently has even a single woman judge as a member. Infrastructure needs for women are often de-prioritised as a result, with ad hoc decisions such as the construction of a single toilet block or a temporary waste disposal bin being insufficient to address women's needs.

Similarly, in the absence of adequate representation in High Court Registries and judicial academies, women's perspectives and experiences for policy-making, addressing bias through gender-sensitisation training are not fully taken into account.

A female-centric gaze would recognise and prioritise the needs of women and allow for greater support within the judiciary. Taking the lived experiences and realities of women into account would ensure that women's needs are no longer invisibilised during policy-making. Infrastructural amenities, gender-sensitive recruitment and transfer policies, and adequate training and support are crucial to ensure that the judiciary lives up to its promise of empowering women.

**GS Paper 01&2 : Indian Society and Social Justice**

**PYQ: UPSC CSE (M) GS-1 2021) Discuss the desirability of greater representation to women in the higher judiciary to ensure diversity, equity and inclusiveness. (150 words/10m)**

## Context :

- There is a need for women-centric perspectives which would pave the way for greater participation of women in the judiciary.

## Introduction

- The absence of women in the judicial system, which is glaring and widely discussed, almost always revolves around entry-level measures that are aimed at ensuring that more women enter the profession as lawyers/ judges. While such entry-level measures are necessary, it is crucial to recognise that this is insufficient to ensure the continued support and encouragement and retention of women in the judiciary.

## What is the state of women in the judiciary?

- Representation in District Judiciary: The Supreme Court of India's "State of the Judiciary" report (2023) showed 36.3% of women in the district judiciary, which is heartening.
- In 14 States, more than 50% of candidates successfully recruited into the civil judge (junior) division were women.
- Representation at higher levels: However, at the higher levels, the representation of women in the judiciary falls short.
- As of January 2024, only 13.4% of judges in the High Court and 9.3% judges in the Supreme Court are women.
- Further, the representation of women is uneven across High Courts, with States which include Bihar, Chhattisgarh, Jharkhand, Manipur, Meghalaya, Odisha, Tripura and Uttarakhand having either no women judges or just one woman judge.

## What is the situation in the Bar?

- Overall Representation: Data published by the Department of Legal Affairs in 2022 show that approximately 15.31% of all enrolled advocates are women.
- Under-representation in senior positions: Although comprehensive data in this regard has not been made public by all State Bar Councils, women are drastically under-represented as senior advocates, advocates-on-record, and Bar Council representatives.



- This results in a funnel effect, creating a smaller pool of candidates who may be able to establish themselves in the system and be considered for elevation.

### Policy gaps

- Entry and Retention challenges: The under-representation of women in the judiciary is part of a vicious cycle.
- Women are excluded while even those women who have been included are unable to rise to positions of power to address these concerns.
- Access for women in the judiciary, therefore, is hindered at two levels: entry and retention.
- Barriers to entry: While several States have taken commendable steps in ensuring that women enter the lower levels of the judiciary, direct recruitment continues to be a challenge for female aspirants.
- The Judicial Service Rules of many States stipulate that advocates must have a minimum period of 'continuous' practice for elevation to the Bench.
- For women advocates who are required to juggle family responsibilities in the absence of maternity benefits and minimum stipends, meeting this threshold is difficult.
- Unsupportive environment: However, even when women have managed to enter the system, continued career growth becomes difficult in the face of a discouraging and unsupportive environment which fails to take into account their specific needs.
- There is a continuously diminishing pool of women judges eligible for elevation to the High Court, and eventually the Supreme Court.
- Reverse funnel effect: This reverse funnel effect is caused by transfer policies which are often harsh and demanding, leaving little room for negotiation or sensitivity towards women's continued responsibilities as primary caretakers in the household.

### Daily interactions and Infrastructure issues

- Basic Infrastructural Requirements: Every day interactions within courts also cause difficulties for women lawyers, judges and staff working in the judiciary, due to the absence of basic infrastructural requirements.
- A survey in 2019, by the Vidhi Centre for Legal Policy highlighted that nearly 100 district courts have no dedicated washrooms for women. Multiple courts, including prominent High Courts, lack adequate washrooms even for women judges, let alone for female staff, lawyers, or litigants.
- There are only limited sanitary facilities and hygienic waste disposal systems.
- Need for family-friendly amenities: The burden of familial responsibilities continues to be the social reality of women in India.
- With women expected to be primary caretakers, courts must provide family-friendly amenities including feeding rooms and crèches.
- However, although some courts have taken steps in this regard, the limited availability of resources results in restrictions which render them ineffective.
- For example, the Delhi High Court's crèche only caters to children younger than six years.

### Need for course correction

- ▶ Twin threshold of entry and retention: It is quite intuitive from the issues above that the twin threshold of entry and retention of women in judiciary as equal stakeholders to access is important, but the solutions have been instituted in silos.
- ▶ Consequences of silos: The main consequence is that the problem persists as there are fewer women represented in the higher echelons of the judiciary, and far fewer amenities that enable their access to court complexes for their continued retention in the justice delivery system.
- ▶ Public-Private Divide: This is a classic problem of the ever-widening public-private divide espoused by Carole Pateman in her theory wherein she points out that as women increasingly entered the public sphere traditionally occupied by men, there was a lag in the laws as well.
- ▶ She further elaborates that this public-private divide is the main reason why the public sphere does not cater to the specific needs of women upon their transition from the private sphere to the public.
- ▶ This theory can be extended to the design and regulation of the public sphere as well, which is usually not a conducive environment for women to thrive and feel safe.
- ▶ Need for inclusive policies: Similarly, it is important to acknowledge that as more women enter courts which have been male-dominant institutions for a long time now, it is all the more necessary to employ a female gaze to implement inclusive policies to enable their entry and retention.
- ▶ Definition of Female Gaze: the female gaze in implementation means the employment of a feminist lens to recognise the differential needs of women and course-correct to diminish the unintended impacts of neutral-yet indirectly discriminatory policies and infrastructural mandates.
- ▶ Breaking the Male standard view: The employment of a female gaze breaks the male standard view employed by an all-male administrative committee of judges or all-male Bar Councils, particularly in cases where there is no women representation.
- ▶ This helps further in an inclusive visualisation of how 'public spaces' — in this case, courts and their access — are constructed, aiding in the construction of a lens through which gendered impact of policies and mandates can be filtered to enable the entry and retention of women in courts.

### Prioritising women's needs

- ▶ Importance of Women-Centric perspectives: Greater participation of women in the judiciary must be driven by women-centric perspectives, which identify specific issues hindering future career growth and progress.
- ▶ Unconscious gender bias: Former judge, Justice Hima Kohli, one of the few women judges in the Supreme Court recently noted the unconscious gender bias in courts which results in women judges being sidelined in administrative duties.
- ▶ Lack of representation in High Court committees: This is highlighted by the fact that according to information published on High Court websites, none of the High Court Building Committees aside from Delhi, Allahabad and Himachal Pradesh currently has even a single woman judge as a member

- Insufficient Infrastructure decisions: Infrastructure needs for women are often de-prioritised as a result, with ad hoc decisions such as the construction of a single toilet block or a temporary waste disposal bin being insufficient to address women's needs.
- Need for adequate representation: in the absence of adequate representation in High Court Registries and judicial academies, women's perspectives and experiences for policy-making, addressing bias through gender-sensitisation training are not fully taken into account.

### Conclusion

- A female-centric gaze would recognise and prioritise the needs of women and allow for greater support within the judiciary.
- Taking the lived experiences and realities of women into account would ensure that women's needs are no longer invisibilised during policy-making.
- Infrastructural amenities, gender-sensitive recruitment and transfer policies, and adequate training and support are crucial to ensure that the judiciary lives up to its promise of empowering women. Empowering women in judiciary ensures equality and enhances justice delivery.