

## Mains Master

### Selection and election

#### Context

- The Election Commission of India (ECI) is a constitutional body with the critical responsibility of organizing and overseeing all elections in India.
- The ECI's independence and impartiality are essential to the integrity of Indian democracy.

#### Background

- Historically, appointments to the ECI lacked a clear legislative framework, relying primarily on executive discretion.
- In March 2023, the Supreme Court of India highlighted this absence of a formalized process, mandating the need for a system that guarantees the ECI's distance from the influence of the ruling government.
- An interim selection arrangement was put in place, involving the Prime Minister, Leader of the Opposition, and Chief Justice of India, while Parliament worked on legislation.
- This new law, however, has sparked debate about whether it successfully addresses the Court's concerns about independence.

#### First Appointment Under New Law

- Two new Election Commissioners were swiftly appointed in line with the newly enacted legislation.
- This rushed appointment happened while a legal challenge to the law's constitutionality was still pending before the Supreme Court.
- Further fueling suspicion, an existing Commissioner resigned shortly before the announcement of the Lok Sabha election schedule, offering no clear explanation.

#### Concerns

- The crux of the criticism lies in the composition of the selection committee. The new law gives the executive branch a majority, with the Prime Minister and a Union Minister versus only the Leader of the Opposition (or leader of the largest opposition party).
- This raises significant concerns about potential political bias compromising the ECI's autonomy and its ability to act as a neutral arbiter of elections.
- The justification that Prime Ministers have traditionally held this power doesn't align with the constitutional principle of a truly independent electoral body.

#### Way Forward

- The Supreme Court of India is tasked with deciding whether the selection process mandated by the new law meets the standard of independence demanded by the Constitution.
- The outcome of this case will determine if reforms are crucial to ensure the ECI maintains its integrity, free from executive influence, and can continue safeguarding the fairness of Indian elections.

**SC will hear petitions to stay CAA on April 9**

#### Context

- The Supreme Court of India is considering petitions challenging the constitutionality of the Citizenship Amendment Act (CAA).
- The petitioners demand a stay on the recently notified CAA rules, fearing immediate implementation could lead to irreversible effects.

#### Background

- The CAA provides a path to citizenship for certain persecuted religious minorities (non-Muslims) from Afghanistan, Bangladesh, and Pakistan.

- Critics argue it violates the constitutional principles of equality and non-discrimination on the basis of religion.
- Concerns are heightened when linking the CAA to the National Register of Citizens (NRC) in Assam, where a large number of people, potentially including many Muslims, were excluded.

#### What the Supreme Court Said

- The Supreme Court agreed to hear petitions seeking a stay on the implementation of CAA rules on April 9th, right before general elections.
- The Chief Justice attempted to ease concerns about immediate implementation, noting the government may not have the infrastructure ready.
- Petitioners maintained the right to urgently approach the court if the government starts granting citizenship under the CAA.

#### What is the Issue

- Petitioners claim citizenship based on religion violates fundamental rights and, if granted, can't be reversed.
- Concerns focus on the potential for CAA, in conjunction with the NRC, to discriminate against Muslims, as those excluded from the NRC and not fitting the CAA's religious criteria could face consequences.
- Arguments also highlight how the CAA contradicts existing citizenship laws with different cut-off dates.

#### Conclusion

- The Supreme Court delayed its decision on staying CAA rules until April 9th.
- The central issue is whether the CAA's criteria for fast-tracked citizenship violate the Indian Constitution's secular principles and potentially harm those left out of the NRC process.

### Behind and beyond the water crisis in Bengaluru

#### Context

- Bengaluru faces a severe drinking water shortage, making international headlines. The city is short about 500 million liters per day.
- The crisis extends beyond Bengaluru, affecting Karnataka, Telangana, and Maharashtra.

#### Background

- Karnataka received 18% less rainfall than normal during the last monsoon, impacting reservoirs and groundwater recharge. This pattern is not unique to Karnataka.

#### Why Water Crisis in Bengaluru

- Rainfall Deficit:** The monsoon's failure is the immediate trigger for the water shortage.
- Aquifer Nature:** South India's rocky aquifers have limited storage and recharge quickly. They cannot sustain prolonged dry spells like the aquifers in North India.
- Depleting Reservoirs:** Karnataka's reservoirs are at only 26% capacity due to low rainfall.
- Prioritizing Urban Drinking Needs:** Bengaluru prioritizes drinking water from reservoirs for piped supply, leading to a greater crisis in areas dependent on groundwater.



## Causes

- **Unregulated construction:** Rapid urban growth without careful planning can lead to buildings and infrastructure encroaching on natural water bodies and drainage systems. This reduces the ability of the ground to absorb rainwater, impacting groundwater recharge.
- **Destruction of lakes:** Lakes and other water bodies play a vital role in storing water, regulating floods, and recharging groundwater. Urban expansion often leads to the destruction of these natural resources, significantly impacting the water cycle.
- **Disruption of natural water flow:** Urban development can create impermeable surfaces like roads and parking lots, preventing rainwater from naturally infiltrating into the ground. This alters the flow of water, causing runoff and depleting underground water sources.

## Solutions

- **Long-term Planning:** Sustainable urban design needs to be integrated into city planning. This includes:
  - Protecting existing water bodies.
  - Creating green spaces and permeable surfaces for groundwater recharge.
  - Rainwater harvesting systems to capture and store water.
- **Water Conservation Incentives:** Encourage conservation by:
  - Pricing water to reflect its true value.
  - Promoting water-efficient appliances and practices.
  - Penalizing wasteful water use.
- **Groundwater Regulation:** Implement strict regulations for groundwater extraction, particularly for household pumping. Explore alternatives like treated wastewater reuse for non-drinking purposes.

## Lessons for India's Urbanization

- **Climate-resilient Urban Planning:** Indian cities need to integrate climate risk assessments and adaptation strategies into their development plans.
- **Decentralized Water Management:** Encourage localized water harvesting and storage solutions to reduce reliance on distant reservoirs.
- **Nature-based Solutions:** Restore and protect wetlands, lakes, and green spaces within the urban landscape for enhancing water security.

## Way Forward

- **Community participation:** Water conservation campaigns and awareness programs to create a water-conscious society
- **Policy shifts:** Prioritize ecological concerns and long-term sustainability in urban development policies.
- **Innovation:** Encourage research and development in water-efficient technologies and sustainable water practices.

## Does retweeting allegedly defamatory content amount to defamation?

### Context

- The Supreme Court stayed a defamation case against Delhi CM Arvind Kejriwal for retweeting a video deemed defamatory against the BJP IT cell.
- Kejriwal challenged a Delhi High Court ruling that held him liable, potentially facing criminal charges.

### Background

- The case stems from a 2018 video by YouTuber Dhruv Rathee, which Kejriwal retweeted.
- The complainant alleges the video contained defamatory statements against him.

### What is Defamation?

- **Indian Law:** Defamation is both a civil wrong (under tort law) and a criminal offense (IPC Section 499).
- **Criminal Defamation:** Involves harming someone's reputation with intent, punishable by up to 2 years in jail.
- **Free Speech Considerations:** Article 19(1)(a) protects free speech, but Article 19(2) allows "reasonable restrictions" including defamation laws. The Supreme Court has upheld these laws, arguing that reputation falls under Article 21 (right to life).

## How is Defamation Defined in Law?

- IPC Section 499: Making or publishing any statement intending to harm or knowing it will harm someone's reputation.
- Key elements:
  - Lowering reputation in public eye.
  - Communication of defamatory statement to a third party.

## Key Concern: Retweeting & Defamation

- **Amplification:** Retweeting multiplies reach, potentially magnifying damage to reputation.
- **Endorsement vs. Sharing:** The legal distinction between retweeting as endorsement or simply sharing information is debated.

## Supreme Court's Stand

- Restrained trial court proceedings, acknowledging that retweeting doesn't always equal endorsement.
- Kejriwal's counsel expressed willingness to apologize if there were unintended consequences.

## Way Forward

- The case highlights the tension between free speech and protection of reputation in the digital age.
- It raises questions about:
  - The legal weight of retweets as expressions of opinion.
  - The responsibility public figures bear for online content they share.
  - The need to balance these considerations within free speech principles.

## Prelims Booster

### India to join US-led IPEF co-operative work programme on carbon market

- 🌐 India has decided to participate in the cooperative work programme on facilitating and promoting carbon market activities under the US-led Indo Pacific Economic Framework (IPEF), aiming to deepen the country's carbon markets and align with global standards for carbon trading, with the Ministry of Power and the Bureau of Energy Efficiency leading the initiative.
- 💡 The IPEF, initiated by US President Joe Biden and involving 14 regional partners, focuses on four pillars including connectivity, resilient supply chains, clean energy, and fair trade, with India opting to engage in the clean energy pillar while excluding itself from the trade component, reflecting efforts to address climate change and enhance energy sustainability through collaborative initiatives.
- ⚡ India's Ministry of Power is actively considering participation in the cooperative work programmes on clean electricity and sustainable aviation fuel, exploring opportunities to advance clean energy transitions and sustainable practices in the civil aviation sector, with ongoing discussions within relevant ministries to evaluate the potential benefits and alignment with national priorities.
- 🏢 The engagement in cooperative initiatives under the IPEF underscores India's commitment to accelerating the development of carbon markets, clean energy solutions, and sustainable practices, reflecting a proactive approach towards addressing environmental challenges and fostering international cooperation for a greener and more resilient future.

### States raise record ₹50,206 cr. in debt, push up bond yields

- 💰 State governments in India raised a record ₹50,206 crore through SDL bond auctions, surpassing weekly targets amid liquidity pressures.
- 📈 SDL bond yields increased to 7.45%, widening the gap with central government bond yields.
- 📅 Final auction next week with ₹29,400 crore target; borrowing costs expected to remain high.
- 🏠 States borrowed ₹9.28 lakh crore this year, likely falling short of projected amounts.

