

12th Aug, 2024

1. Adani-Hindenburg Dispute Recent events of importance

- **Why in News:** The ongoing conflict between Hindenburg Research and the Adani Group has escalated with new allegations. This dispute has significant implications for market regulation and corporate governance in India.
- **Who is Adani and Hindenburg?**
 - **Adani Group:** Founded by Gautam Adani, who began as a commodities trader and grew to become Asia's richest person. The Adani Group has businesses in ports, power, airports, mining, and more.
 - **Hindenburg Research:** A U.S.-based forensic financial research firm founded by Nathan Anderson in 2017. Known for investigating corporate misconduct and short-selling. One of their key practices is short selling, wherein their reports on certain companies inform their position in predicting whether the market prices of certain companies will fall.
- **What has happened?**
 - **Hindenburg Report:** In January 2023, Hindenburg Research accused Adani Group of using **tax havens** and having **high debt levels**. This led to a massive \$150 billion drop in Adani's stock prices.
 - SEBI is investigating the Adani Group as a result of the Hindenburg report. Hindenburg continues to push for scrutiny of both Adani and the regulators involved.
 - Notably, in January 2023 and in a review in July 2024, the Supreme Court ruled that they could not interfere in the **SEBI's jurisdiction to investigate claims** against Adani made in the Hindenburg report.
 - **Adani's Response:** Adani Group dismissed the allegations as baseless and speculative.
- **What are Hindenburg's latest accusations?**
 - **Conflict of Interest:** Hindenburg has recently alleged that Madhabi Puri Buch, the chairperson of India's market regulator **SEBI**, and her husband had investments in offshore funds linked to Adani Group.
 - **Specifics:** Hindenburg claims that the Buchs invested in a **Bermuda-based fund** that was connected to Adani Group. They are accusing Buch of having a **potential conflict of interest** due to this past investment, which they argue may explain the slow regulatory response to the Adani allegations.
- The allegations add pressure on SEBI and raise questions about its impartiality in regulating the Adani Group. It highlights the complex interplay between corporate accountability, market regulation, and the potential conflicts of interest that can affect oversight.
- **What is short-selling?**
 - Short selling is a **trading strategy** where investors bet that the price of a stock will decrease.
 - Unlike the traditional method of buying a stock with the hope that its price will rise (going long), short selling involves borrowing shares of a stock and selling them at the current market price, to buy them back later at a lower price.
 - The difference between the **selling price and the buying price is the profit for the short seller**.
 - In India, short selling is recognised as a **legitimate trading strategy** and is allowed for all categories of investors, including retail and institutional investors, under a framework by Sebi.
 - **How does short selling work?** Short-selling can be broken down into four steps, which are:
 - **Borrowing shares:** The short seller borrows shares of a stock from a broker.
 - **Selling shares:** The borrowed shares are sold in the open market at the current price.
 - **Buying back (covering):** The short seller later buys back the same number of shares, ideally at a lower price.

Hindenburg report on SEBI chief raises political storm

Cong. seeks JPC probe into allegations by investment research firm; BJP sees bid by global forces to halt India's progress; recycling of discredited claims already dismissed by SC, says Adani Group

Devesh K. Pandey
NEW DELHI

Leader of the Opposition in the Lok Sabha, Rahul Gandhi, on Sunday demanded a Joint Parliamentary Committee (JPC) inquiry into the charges against Securities and Exchange Board of India (SEBI) Chairperson Madhabi Puri Buch in the latest Hindenburg report. The BJP dismissed the allegations, saying many global forces, with the help of the Congress "dynasty", were attempting to hinder India's progress. Even as Ms. Buch and her husband have denied "the baseless allegations and insinuations made in the report", Mr. Gandhi, in a videographed statement, termed the regulations



The savings of millions of Indians are at risk. It is, therefore, imperative that this matter is investigated
RAHUL GANDHI
Leader of the Opposition in the Lok Sabha

SEBI, Buch deny charges

Lalendu Mishra
Ashokamithran T.
MUMBAI

Denying allegations in the latest Hindenburg report, the Securities and Exchange Board of India (SEBI) on Sunday advised investors to remain calm and exercise due diligence before reacting to such reports. SEBI Chairperson Madhabi Puri Buch and her spouse Dhaval Buch denied favouring the Adani Group, which said its overseas holding structure was "fully transparent" in a regulatory filing.

The U.S.-based short seller on Saturday had said that the chief of India's stock market regulator, in charge of probing allegations against the Adani group of companies, herself had a stake in offshore entities linked to what it claimed was "the Adani money siphoning scandal".

CONTINUED ON
PAGE 10
MORE REPORTS
PAGE 10

CONTINUED ON
PAGE 10

- **Returning shares:** The purchased shares are returned to the broker, and the short seller pockets the difference between the selling and buying prices

2. Parties, Serious Crimes, and the Need for Judicial Clarity GS 2 (Judiciary)

Why in News:

- **Two recent observations** from different Benches of the Supreme Court of India in the bail petitions of **Delhi CM and former Delhi Deputy CM highlight critical issues** that warrant in-depth analysis
- These **observations pertain to the involvement of political parties in criminal cases under the Prevention of Money Laundering Act (PMLA)** and the distinction between policy-making and criminality.
- Therefore, it is necessary to explore these observations, analysing their legal implications and the potential consequences for India's political and judicial landscape.

A Legal Analysis of Implication of Political Parties Under PMLA, Section 70 and ED's Argument to Implicate Under PMLA

- **Can a Political Party be Implicated Under PMLA?**
 - The **observation by the SC Bench has sparked a broader debate** on the legal and constitutional implications of treating political parties as entities liable under criminal law, particularly in the context of the PMLA.
- **Understanding Section 70 of the PMLA**
 - **To analyse this issue, it is essential to first understand the legal framework of the PMLA**, particularly Section 70, which the Enforcement Directorate (ED) invoked to include the Aam Aadmi Party (AAP) as an accused in the case.
 - **Section 70 of the PMLA deals with offenses by companies**, stating that if a contravention of the Act is committed by a company, then every person in charge of and responsible for the company at the time of the offense is deemed guilty.
 - The **section also includes an explanation that defines a company as any body corporate and includes a firm** or other association of individuals.
 - At first glance, **this provision appears to apply broadly to various types of entities**, including firms and associations of individuals.
 - However, the **question arises whether this definition extends to political parties**.
 - The **explanation within Section 70 is primarily aimed at business entities engaged in economic activities**, which are often involved in generating and handling funds that could potentially be laundered.
- **Political Parties: Distinct from Business Entities**
 - **Political parties, by their very nature, are distinct from the types of entities typically covered under Section 70 of the PMLA.**
 - Unlike companies or firms, which are transactional and profit-driven, **political parties are ideological organisations.**
 - Their primary function is to mobilise citizens, contest elections, and form governments to implement policies reflecting their platforms.
 - **They do not engage in business activities in the traditional sense**, nor do they generate revenue through commercial transactions.
- **ED's Argument to Implicate AAP Under PMLA**
 - The **ED's argument is based on the definition of political parties from the Representation of the People Act (RPA) 1951**, posits that a political party can be considered an association of individuals under Section 70 of the PMLA.

Parties, serious crimes and the need for judicial clarity

Two recent observations from two different benches of the Supreme Court of India in the bail petitions of Delhi Chief Minister Arvind Kejriwal and former Delhi Deputy Chief Minister Manohar Lal Khattar have sparked a debate on the observation from the bench headed by Justice Sanjay Kumar. The judge asked the government to answer whether a political party is a "company" within the meaning of the Prevention of Money Laundering Act (PMLA) involving leaders of the Aam Aadmi Party (AAP). The party has a not been. What is the role of the political party? Can it be made an accused party? These questions from the bench prompted the Enforcement Directorate to make a submission to the court. The ED's submission is as follows: For the first time that a political party is being made an accused under the PMLA, it is a parliamentary democratic system, where political parties play a central role in mobilising people on the basis of ideologies and political programmes and run governments, making them the accused in some criminal cases is fraught with grave problems.

An analysis, in legal terms Let us look at the words "company" and not "person" or "individual" in the context of a particular case. So, let us analyse it in terms of the relevant legal provision. Newspaper reports show that the investigation agency invoked Section 70 of the PMLA to implicate the AAP. This section deals with offences by companies. The gist of this provision is that if a company contravenes the provisions of the Act, then every person who was in charge of the company shall be deemed to be guilty under the Act and shall be proceeded against and punished accordingly. In this section, there is an explanation which says that "company" means any body corporate and includes a firm or other association of individuals. Where does a political party come in under this definition?

The investigation agency reportedly picked up a definition of political parties from The Representation of the People Act (RPA), 1951 and brought it to the court. In the RPA, Section 2(a) defines a political party as "any association or body of individuals who, for the purpose of securing the election of persons to any office or position of profit or honour, are united together and have elected or intend to elect a common candidate or candidates for election to any office or position of profit or honour."

In a parliamentary democratic system, making political parties the accused in serious criminal cases is a problem. It is not very clear that the role played by the political parties in our democratic system, and, therefore, considerations to them, is, in a little difficult to understand the observation of the learned Bench about treating political parties within the purview of the PMLA.

Policy and criminality The second observation from a bench of Justice B.R. Gavai and Justice C.J. Vinodh Kumar in a bail petition filed by the Delhi Chief Minister, asked the lawyer of the Enforcement Directorate: "Where do you draw the line between policy and criminality?" This is the most relevant question that comes up in a case arising out of a party's involvement in a crime. The Constitution has assigned the legislative function of government to the Union and the States. Under the system, the highest decision-making body is the cabinet headed by the Prime Minister at the Centre and Chief Ministers in the States. The cabinet of the Union or of a State has no executive and final authority to frame a policy on any matter.

How judgments, the renowned authority on constitutional law, says "to influence the cabinet in its decision-making is to influence the policy. It may be a good policy or a bad one. In case a bad policy is made, it may be disapproved by the Parliament or the Assembly, as the case may be. And, if it is not disapproved, it is to be followed by the people. They can punish the government and the party which made it if they prefer to do so. But, for such a punishment, the government and the party must be shown to be guilty of a crime. The Supreme Court has consistently taken this view. It is, consequently, not to be assumed that the cabinet for a policy made by it. Therefore, a criminal charge against an individual Minister for a decision made by the cabinet is a legal, inasmuch as it is a part of the history of the cabinet form of government. Of course, a Minister or a public servant becomes culpable for an individual action which is in violation of the law and as part of the constitutional duty that he has to discharge. But, if the cabinet has framed a policy, by the case shown, the Bench is expected to have further observed that no cabinet can function if the Ministers are charged individually with criminality for a collective decision of the cabinet.

The judiciary must clarify Treating political parties within the purview of Prevention of Corruption Act and the Prevention of Money Laundering Act will have far-reaching consequences. In a country where political parties play a central role in mobilising people on the basis of ideologies and political programmes and run governments, making them the accused in some criminal cases is fraught with grave problems. It is not very clear that the role played by the political parties in our democratic system, and, therefore, considerations to them, is, in a little difficult to understand the observation of the learned Bench about treating political parties within the purview of the PMLA.

- **Section 29A of the RPA defines a political party as any association or body** of individual citizens of India calling itself a political party.
- **While this definition aligns with the broad language of association of individuals in Section 70 of the PMLA**, it does not necessarily mean that political parties should be treated the same as business entities under criminal law.
- The **distinction becomes clearer when considering the purpose and context of the PMLA**.
- The **Act is designed to prevent the laundering of money** obtained from illegal activities, primarily targeting economic offenses where illicit funds are concealed or integrated into the formal economy.
- **Political parties, however, do not operate within the same framework** as companies or firms.
- They receive donations from individuals and corporations, which are regulated by election laws, not by laws governing economic transactions.
- **The Debate on Policy-Making vs. Criminality and the SC's Role**
 - **Policy Making vs Criminality**
 - **The second observation, made by a Bench** raised the critical question of **where to draw the line between policy-making and criminality**.
 - This question is particularly relevant in cases arising from policies framed by a cabinet, which, under the Indian Constitution, holds exclusive and final authority in policy matters.
 - Under the British system of parliamentary democracy adopted by India, **the cabinet, led by the PM at the Centre and CMs in the States, directs national policy**.
 - **While a policy may be subject to public or legislative disapproval, the judiciary traditionally does not assess the correctness or motivation behind cabinet decisions**.
 - Consequently, **criminal charges against an individual Minister for decisions made collectively by the cabinet are legally unsustainable** and have no precedent in the history of cabinet governments.
 - **The Supreme Court's Role**
 - The **SC has consistently upheld the principle that policy decisions are beyond judicial scrutiny** unless they violate fundamental rights or are otherwise unconstitutional.
 - This **position underscores the need to protect the decision-making autonomy** of the executive branch.
 - **Charging Ministers with criminality for policies approved by the cabinet would undermine this autonomy** and could lead to a paralysis of governance.
 - **The judiciary, therefore, has a crucial role in ensuring that the line between policy and criminality is clearly defined and respected**.
- **Way Forward: The Need for Judicial Clarification**
 - The recent SC observations concerning the application of the PMLA to political parties and the distinction between policy-making and criminality highlight critical legal and constitutional issues.
 - **Bringing political parties within the purview of the PMLA could have far-reaching and potentially destabilising consequences** for India's political system.
 - Similarly, **blurring the line between policy-making and criminality could jeopardise the functioning of the cabinet** and the broader executive branch.
 - In this context, **it is imperative for the judiciary to clarify the law regarding these matters**.
 - **Such clarification would ensure that political parties are not unfairly targeted** under the PMLA and that Ministers are not wrongfully accused of criminality for collective cabinet decisions.
 - **Upholding these principles is essential to maintaining the integrity of India's democratic processes** and ensuring the effective functioning of its government.
- **Conclusion**
 - **The SC's observation** in the case involving Arvind Kejriwal and the subsequent inclusion of the Aam Aadmi Party as an accused under the PMLA **represents a significant legal development with potentially wide-ranging implications**.

- The application of Section 70 of the PMLA to political parties raises complex legal and constitutional questions about the nature of political parties, their role in a democracy, and the limits of criminal liability under the PMLA.
- It is imperative for the judiciary to clarify whether political parties can be equated with business entities for the purposes of the PMLA and, if so, under what circumstances.

3. Waqf Amendment Bill GS 2 (Governance)

- **Why in News:** The Union government has referred the Waqf Amendment Bill 2024 to a Joint Parliamentary Committee (JPC), after opposition from various political parties.

- **What is Waqf?**

- In Islamic law, a "waqf" refers to a **property dedicated to God for religious or charitable purposes**.
- This can include both movable and immovable assets set aside to serve the public good.
- Establishing a waqf is seen as an act of piety that allows Muslims to continue their charitable contributions even after death.
- A waqf can be formally created through a deed or may be recognized as such if a property has been used for religious or charitable activities over a long period.
- The income generated from these properties is typically used for maintaining mosques, funding educational institutions, or supporting the poor.
- Notably, once a property is designated as waqf, **it cannot be inherited, sold, or transferred**.
- Non-Muslims can also establish a waqf, provided the purpose aligns with Islamic principles.

- **Regulation of Waqf in India:**

- In India, waqf properties are governed by the **Waqf Act of 1995**.
- The identification and documentation of these properties are carried out through a survey conducted by the State government.
- A survey commissioner, appointed under the Act, investigates the properties, gathers witness testimonies, and reviews public documents to identify waqf assets.
- Once identified, these properties are officially recorded in the State's gazette, and a detailed list is maintained by the State Waqf Board.
- The management of each waqf is overseen by a mutawalli, or custodian, who is responsible for its administration.
- While similar to trusts established under the Indian Trusts Act of 1882, waqfs differ in that they cannot be dissolved by a governing board.

- **Role of Waqf Board:**

- **State Waqf Boards:**
 - The Waqf Act of 1995 establishes Waqf Boards in each State to oversee the management of waqf properties within their jurisdiction.
 - These Boards are legal entities with the ability to sue or be sued in court.
 - Each State Waqf Board is led by a chairperson and includes representatives from the State government, Muslim legislators, recognized Islamic scholars, and mutawallis of waqfs.
 - The Act mandates the appointment of a full-time Chief Executive Officer (CEO) for each Board.

On amendments to the Waqf Act

What are the various contentious changes being proposed to the 1995 Waqf Act? How 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

Aratiya Bhattacharya

The story so far
In August 8, the Union government introduced a Bill in the Lok Sabha to amend the 1995 Waqf Act. The proposed amendments seek to significantly reform the law by enhancing the State's regulatory authority over waqf properties and, in the process, preventing the accumulation of non-Muslim members in Waqf Boards. The draft legislation, proposed to be renamed the United 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 flouting the Bill without adequate consultation with stakeholders, claiming it would curtail 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, including an act of piety that allows Muslims to continue 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 new Indian legal provision to treat a waqf as long as the objective of creating it is to serve the public good. In India, waqf is explained 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 field investigations, witness testimonies, and review of public documents. Identified properties are recorded in the State's official gazette, and the list is maintained by the State Waqf Board. Each waqf is managed by a mutawalli, or custodian, who oversees its administration. While similar to trusts established under the Indian Trusts Act of 1882, waqfs differ in that they cannot be dissolved by a governing board.

What is the role of the Waqf Board?
The Waqf Board is a statutory body established in each State to oversee the management of waqf properties within its jurisdiction. These Boards are considered public bodies, and their members are appointed by the State government. Each State Waqf Board has a chairperson and includes one or more members from the State government, Muslim legislators, recognized Islamic scholars, and mutawallis of waqfs. The Act mandates the appointment of a full-time Chief Executive Officer (CEO) 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, exchange, or lease. However, this would require the approval of at least two-thirds of the Board members. Amendments to the 1995 Act seek to further strengthen the Board's authority and make 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 statutory body under the Ministry of Minority Affairs. The Council's mandate is to coordinate the administration of waqf properties across the country and is headed by the Union Minister of Minority Affairs. It also advises the Union 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 legal 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 properties to be considered waqf based on long-term use. If the original deed was not available, the original deed was destroyed, or the properties were often dedicated orally and lacked documentation, the new 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 religious, educational, and social welfare waqfs to be established by non-Muslims.

Under the new Bill, the responsibility of surveying waqf properties, previously assigned by the survey commissioner under the 1995 Act, will now be assigned to 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 updated in this centralised system within six months of the new law's enactment. Moreover, any new waqf property registration must be submitted exclusively through this portal to the State Waqf Board. The Bill outlines waqf tribunals to determine whether a property qualifies as waqf. However, it designates the district collector as the first arbitrator 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 will be the collector's until the final report. This implies that until the final report is received, the collector must maintain the status quo.

What are the potential implications?
Provisional Muslim scholars, academicians and Vice-Chancellor of Charitable Endowment and University, Ponnai, said the Bill would curtail the autonomy of Muslim religious institutions. While welcoming the inclusion of non-Muslims and women in waqf management, the Muslim community, 'will not be allowed to be used as a tool to strip Muslims of their religious rights,' said the scholars. The Bill is expected to be passed in the next few months. In March last year, the Union government introduced the Waqf Amendment Bill in the Lok Sabha. It was referred to a joint parliamentary panel for further study. The panel's report is expected to be submitted to the government soon.



From left, 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.

their accounts, selecting auditors and appointing members to the State governments. Provisions will also be included to ensure that the Bill is implemented in a timely manner. The proposed law allows courts to intervene in waqf disputes, it removes the finality of decisions made by the Waqf Boards. It also allows the State government, through its revenue department, to appeal directly to the concerned High Courts. This is aimed at increasing judicial oversight and curbing instances of arbitrary exercise of power by Waqf Boards or tribunals.

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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, including an act of piety that allows Muslims to continue their charitable deeds beyond their lifetime.

One of the most contentious aspects of the Bill is the proposed inclusion of non-Muslims in 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 study. The panel's report is expected to be submitted to the government soon.

- The CEO must be a Muslim and hold at least the rank of Deputy Secretary in the State government.
- **Powers & Responsibilities:**
 - The Waqf Board is empowered to manage waqf properties and recover any assets that have been lost.
 - It can approve the transfer of immovable waqf property through sale, gift, mortgage, exchange, or lease, but such actions require the approval of at least two-thirds of the Board members.
 - Amendments made to the Waqf Act in 2013 further strengthened the Board's authority, making it **nearly impossible to sell waqf properties, as neither the mutawalli nor the Board can sell waqf assets without stringent conditions.**
- **Central Waqf Council:**
 - 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.
 - This Council, **headed by the Union Minister of Minority Affairs**, ensures uniform administration of waqf properties across India.
 - It advises the Union government on various waqf-related issues, including policy development, implementation of waqf laws, and resolving inter-State disputes.
 - This structured framework aims to preserve the religious and charitable intent behind waqf properties, ensuring their proper management and protection under Indian law.
- **Amending the 1995 Waqf Act:**
 - The Union government on August 8 introduced a Bill in the Lok Sabha to amend the 1995 Act (to be renamed as the Unified Waqf Management, Empowerment, Efficiency, and Development 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.
- **Key Changes Proposed in the Amendment Bill:**
 - **Revised Definition of 'Waqf':**
 - Only lawful property owners who have practiced Islam for at least five years can now create waqf properties through formal deeds.
 - The **concept of 'waqf by use,' which allowed properties to be deemed waqf based on usage even if the original deed was disputed, has been abolished.**
 - Government properties cannot be recognized as waqf.
 - Widows, divorced women, and orphans can benefit from waqf proceeds.
 - **Role of District Collectors:**
 - District collectors (or equivalent officers) will now survey waqf properties, replacing survey commissioners.
 - A centralized registration system for waqf properties will be established, and all details must be uploaded within six months of the law's enactment.
 - New waqf properties must be registered through this system.
 - The district collector will have the final say on whether a property is waqf, and a Waqf Board cannot control disputed land until the collector submits the final report.
 - **Inclusion of Non-Muslim Members:**
 - Non-Muslims can now be included in key waqf institutions like the Central Waqf Council, State Waqf Boards, and waqf tribunals.
 - The Central Waqf Council will include three Members of Parliament, who do not necessarily have to be Muslim.
 - State Waqf Boards must now include two non-Muslims and two women.
 - Waqf tribunals will now be reduced to a two-member body, consisting of a district judge and a State government officer, and must resolve disputes within six months.
 - **Financial Oversight:**
 - The Centre can order audits of any waqf property by an auditor appointed by the Comptroller and Auditor-General of India.

- Waqf Boards must audit their accounts annually, using auditors from a State government panel.
- Penalties will be imposed on mutawallis (custodians) who fail to maintain proper accounts.
- **Judicial Review:**
 - **Courts can now intervene in waqf disputes**, allowing appeals to be made directly to the High Court, increasing judicial oversight over waqf decisions.

4. Nitrogen-use efficiency in Indian rice varieties GS 3 (Agriculture)

- **Why in News:** Biotechnologists have discovered significant variations in **nitrogen use efficiency (NUE)** among popular rice varieties in India. This breakthrough could help develop new rice varieties that use less nitrogen, thereby reducing fertilizer costs and environmental pollution.
- **Key Findings:**
 - The study found a **five-fold variation in NUE** among different rice varieties, meaning some varieties are significantly better at using nitrogen efficiently.
 - The findings suggest that there are many untapped varieties with potentially high NUE, which could be further explored.
 - **Nitrogen Use Efficiency (NUE)** measures the yield of a crop relative to the nitrogen available to it, including both natural and artificial sources.
 - This research could lead to more efficient rice varieties that reduce fertilizer costs and environmental impact.
 - **Current Challenges:** India uses a large portion of its urea on cereals, especially rice. Inefficient use of nitrogen fertilizers results in a waste of ₹1 trillion annually in India and over \$170 billion globally.
 - Nitrogen fertilizers contribute to nitrous oxide and ammonia pollution, affecting air quality, water sources, and climate change.
 - **Potential Solutions:**
 - Improvements in fertilizer formulations and crop management practices can enhance NUE.
 - The study highlights the need for biotechnological advancements to develop rice varieties with higher NUE and better yields.
 - **Global Context:** India is the second-largest source of nitrous oxide emissions, mainly due to fertilizer use, contributing significantly to global greenhouse gas levels.
- **Rice Cultivation in India**
 - India is the world's second-largest producer of rice, and the largest exporter of rice in the world.
 - **Major rice producing states:** West Bengal, UP, Andhra Pradesh, Punjab and Tamil Nadu.
 - **Rice Growing Regions in India**
 - **North-Eastern Region:** Assam and other northeastern states. Rice is grown in the Brahmaputra River Basin. The region experiences heavy rainfall and relies on rainfed cultivation.
 - **Eastern Region:** Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Eastern Uttar Pradesh, and West Bengal. Rice is cultivated in the Ganga and Mahanadi river basins. This region has the highest rice cultivation intensity in the country, with heavy rainfall and primarily rainfed cultivation.

Biotechnologists detect difference in use of nitrogen by rice varieties

Jacob Koshy
NEW DELHI

Biotechnologists at Guru Gobind Singh Indraprastha University (GGSU) in New Delhi have discovered a wide variation among popular varieties of rice in India in their ability to use nitrogen. This knowledge can be used to develop newer varieties that use less nitrogen and are high yielding, thus slashing expenditure on imported fertilizers and reducing nitrogen-linked pollution.

"Cereals consume two-thirds of all urea in India, led by rice. Poor nitrogen-use efficiency (NUE) wastes N (nitrogen)-fertilizers worth ₹1 trillion a year in India and over \$170 billion per year globally," N. Raghuram, Professor at GGSU and lead author of the paper, said, reporting these findings.

Nitrogen use efficiency refers to the yield of a crop relative to the nitrogen (natural and artificial)



Nitrogen-use efficiency refers to the yield of a crop relative to the nitrogen, both natural and artificial, available to it.

available to it.

"Worse, N-fertilizers are the main source of nitrous oxide and ammonia pollution of air and nitrate/ammonium pollution of water, affecting our health, biodiversity, and climate change. Yet, we don't have a ranking of any Indian crop varieties in terms of their NUE for crop improvement by selection or breeding," Dr. Raghuram said.

The paper was published last week in the

peer-reviewed *Journal of Plant Growth Regulation*.

Wider approach
The NUE of the best varieties were five times as much as the least, the investigation found. However, a high NUE doesn't always mean the highest yields and farmers in India generally prefer varieties with the highest yields.

"The focus of Indian agriculture has for a long time been to solely increase yield. This was ne-

cessary during the Green Revolution but this also meant more synthetic fertilizers, more wastage, and pollution. India has tens and thousands of rice varieties but only a few are actually used and studied as part of agricultural research. To find newer crops that have improved NUE and yields, we have to have a wider approach," Dr. Raghuram told *The Hindu*.

The study was co-authored by Ashu Tyagi and Navjyoti Chakraborty, both scientists from the Centre for Sustainable Nitrogen and Nutrient Management, School of Biotechnology, GGSU.

While some improvements in NUE could be done by improving fertilizer formulations, legume-based crop-rotations, and crop management practices, it has now become necessary to lay more stress on improving the crop using biotechnology, the authors said.

- **Northern Region:** Haryana, Punjab, Western Uttar Pradesh, Uttarakhand, Himachal Pradesh, and Jammu & Kashmir. Experiences low winter temperatures. Rice is grown as a single crop from May-July to September-December.
- **Western Region:** Gujarat, Maharashtra, and Rajasthan. Rice is grown under rainfed conditions from June-August to October-December.
- **Southern Region:** Andhra Pradesh, Karnataka, Kerala, and Tamil Nadu. Rice is cultivated in the deltaic tracts of the Godavari, Krishna, and Cauvery rivers, as well as in the non-deltaic rainfed areas of Tamil Nadu and Andhra Pradesh. Irrigated cultivation is prominent in the deltaic tracts.
- Cultivation of the **carbohydrate-rich grain** is a **major contributor** to the emission of two greenhouse gases (GHG) - **methane and nitrous oxide**.

5. 109 high-yielding, climate-resilient, and biofortified seed varieties

GS 3 (Agriculture)

- **Why in News:** Prime Minister Narendra Modi recently released **109 new crop varieties** aimed at improving agricultural productivity and resilience. These varieties are designed to be high-yielding, climate-resilient, and biofortified to enhance nutrition and adapt to varying conditions.
- **About the Varieties:**
 - These seeds were developed by the Indian Council of Agricultural Research (ICAR) and state agriculture universities.
 - The released varieties encompass 61 crops of 109 varieties, including 34 field crops and 27 horticultural varieties.
 - **Field Crops:**
 - **Cereals and Millets:** New varieties of rice, barley, maize, sorghum, pearl millet, and finger millet.
 - **Pulses:** New types of chickpea, pigeon pea, lentils, and mungbean.
 - **Oilseeds:** Varieties include safflower, soybean, groundnut, and sesame.
 - **Forage Crops:** Includes forage pearl millet, berseem, oats, forage maize, and forage sorghum
 - **Sugarcane and Fibre Crops:** Four sugarcane varieties and six fibre crops, including cotton and jute.
 - **Potential Crops:** Includes buckwheat, amaranth, winged bean, adzuki bean, pillipesara, kalingda, and perilla.
 - **Horticultural Crops:**
 - **Fruits, Vegetables, Tubers, Spices, and More:** Includes 40 new varieties covering a wide range of horticultural products.
 - **Notable Varieties:**
 - **CR Dhan 416:** A rice variety suitable for coastal saline areas with a yield of 48.97 q/ha and resistance to multiple diseases and pests.
 - **Durum Wheat Variety:** Suitable for Maharashtra, Karnataka, and Tamil Nadu, with a yield of 30.2 q/ha, tolerance to heat, and biofortified with high levels of zinc and iron.
- **About Biofortification**
 - Biofortification is a process of enhancing the nutritional quality of edible parts of the plants through genetic approach such as plant breeding.
 - Biofortification is regarded as the most sustainable approach to alleviate malnutrition. It provides nutrients in natural form, thus nutrients enter the body as part of natural food matrix.
 - 'Biofortified varieties' are as high yielding as 'traditional varieties', thus no loss is incurred to the farmers.

Modi releases 109 high-yield, climate-resilient crop varieties

EXPRESS NEWS SERVICE
NEW DELHI, AUGUST 11

PRIME MINISTER Narendra Modi on Sunday released 109 high-yielding, climate-resilient and biofortified varieties of crops at an event at the India Agricultural Research Institute in New Delhi.

"The 109 varieties of 61 crops released by the Prime Minister included 34 field crops and 27 horticultural crops. Among the field crops, seeds of various cereals including millets, forage crops, oilseeds, pulses, sugarcane, cotton, fibre and other potential crops were released. Among the horticultural crops, different varieties of fruits, vegetables, plantation crops, tuber crops, spices, flowers and medicinal crops were released," the Prime Minister's Office said in a statement.

Modi also spoke with farmers and scientists on the occasion. "Discussing the importance of these new crop varieties, the



PM Narendra Modi with Agriculture Minister Shivraj Singh Chouhan at India Agricultural Research Institute in Delhi. PTI

Prime Minister stressed on the significance of value addition in agriculture. The farmers said that these new varieties will be highly beneficial as they will help reduce their expenditure and also have a positive impact on the environment," the PMO statement said.

The PM also discussed the importance of millets, and about the benefits of "natural farming and the increasing faith of com-

mon people towards organic farming".

"The farmers also lauded the role played by Krishi Vigyan Kendras (KVK) in creating awareness. The Prime Minister suggested that KVKs should proactively inform farmers about the benefits of the new varieties being developed every month to enhance awareness about their benefits," the statement said.

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Taliban took over. These events prompt questions about the effectiveness of India's foreign policy and security structures.

- **Foreign Policy Setbacks**
 - **Bangladesh Crisis:** Sheikh Hasina's abrupt resignation and escape reflect a sudden and severe political instability in a key ally.
 - **Maldives Shift:** Mohamed Muizzu's presidency indicates a strategic pivot towards China, undermining India's regional influence.
 - **Afghanistan's Fall:** The swift Taliban takeover caught India off-guard, despite significant diplomatic investment in the Ghani administration.
- **Policy-making Structures**
 - **Role of MEA and IFS:** The Ministry of External Affairs and the Indian Foreign Service are responsible for managing foreign relations and should provide competent and informed guidance.
 - **Intelligence and Diplomacy:** The external intelligence service and diplomatic missions are expected to offer critical insights but may have failed to anticipate these rapid changes.
 - **Coordination Issues:** Effective foreign policy requires harmonious functioning among MEA, intelligence agencies, and other relevant bodies.
- **Security Structures and Challenges**
 - **NSA and NSCS Evolution:** Since the creation of the National Security Advisor and National Security Council Secretariat, there has been an effort to streamline strategic and security management.
 - **Complex Security Dynamics:** New global and regional security challenges necessitate updated and coordinated responses, which might be hindered by internal "turf" issues
 - **Surprise Element:** Despite robust structures, the Indian system's surprise at rapid changes in Afghanistan, Maldives, and Bangladesh raises concerns about the effectiveness of these mechanisms.

8. Japan Issues its First-Ever 'Megaquake Warning' GS 3 (Disaster Management)

- **Why in News:**
 - A recent earthquake (of magnitude 7.1 on Richter scale) in southern Japan was promptly followed by a major warning from Japan's meteorological agency, stating that there was a heightened risk of a first-ever "mega earthquake".
 - Earthquakes with a **magnitude greater than 8** (on Richter scale) are classified as megaquakes.
- **What Concerns are Japanese Authorities Currently Facing?**
 - **Japan is situated on the Ring of Fire:**
 - Though Japan is **no stranger to seismic activity** (experiencing approx. 1,500 earthquakes annually), most of these tremors cause minimal damage.
 - However, **there have been devastating exceptions**, such as the magnitude 9.0 quake that struck in 2011, triggering a tsunami and nuclear disaster that claimed over 18,000 lives along the north-east coast.
 - **The Nankai Trough:**
 - The Nankai Trough, situated off the southwest Pacific coast of Japan, is a significant geological feature that extends for roughly 800-900 km.
 - This trough is formed by the subduction of the Philippine Sea Plate beneath the Eurasian Plate.
 - The convergence of these two tectonic plates along the Nankai Trough results in the **accumulation of immense tectonic strains over time**.
 - These built-up strains have the potential to trigger a devastating megaquake approximately once every 100 to 150 years.

FIRST-EVER 'MEGAQUAKE ADVISORY' ISSUED BY JAPAN: WHAT THIS MEANS

AFTER A 7.1-MAGNITUDE earthquake shook southern Japan on Thursday, the country's meteorological agency issued its first-ever "megaquake advisory".

The warning said that there is a higher than normal likelihood of strong shaking and large tsunamis on the Nankai Trough, a subduction zone (a region where tectonic plates collide with each other, and the heavier one slides under the other) along Japan's southwest Pacific coast.

However, this does not mean that a major earthquake will definitely happen during a specific period, the advisory said.

What is the Nankai Trough?

The Nankai Trough is a nearly 900-km long underwater subduction zone where the Eurasian Plate collides with the Philippine Sea Plate, pushing the latter under the former and into the Earth's mantle. This accumulates tectonic stress which can cause a megaquake—an earthquake with a magnitude larger than 8.

The trough has produced large earthquakes roughly every 100 to 150 years, according to the 2023 study. High probability of successive occurrence of Nankai megathrust earthquakes, published in the journal *Nature*. These tremors usually come in pairs, with the second often rupturing in the subsequent two years—the most recent "twin" earthquakes took place in 1944 and 1946.

Notably, Thursday's magnitude-7.1 earthquake occurred on or near the Nankai Trough, according to the United States Geological Survey. As a result, experts worry that the next tremor along the trough could be devastating.

When can the next megaquake along the Nankai Trough occur?

In January 2022, Japan's Earthquake Research Committee said the next magnitude 8-9 megaquake along the trough has a roughly 70% probability of striking within the next 30 years.

Such a megaquake could send tremors to areas from central Shizuoka—about 150



Shaded area is region where Nankai Trough quakes may occur. *Courtesy of Japan*

km south of Tokyo—to southwestern Miyazaki, Reuters reported.

Tsunami waves of up to 98 feet may reach Japan's Pacific coasts within minutes after the quake.

A 2013 government report found that a major Nankai Trough earthquake could impact an area that covers about a third of Japan and where about half the country's population of more than 120 million people lives, according to a report by *Nikkei Asia* magazine.

The economic damage due to the disaster could go up to \$1.50 trillion, or more than a third of Japan's annual gross domestic product.

But can earthquakes be predicted?

No. An accurate prediction of an earthquake needs a precursory signal from within the earth, indicating a big quake is on the way. The signal must also occur only before large earthquakes so that it does not indicate every small movement within the earth's surface. Currently, there is no equipment to find such precursors.

Thursday's advisory by Japan's meteorological agency was just a warning, not a prediction—it had nothing to do with science, Robert Geller, professor emeritus of seismology at the University of Tokyo, told the BBC. The advisory asked residents to prepare, review evacuation routes, and consider potential future warnings. **ENS**

- **For example**, a rupture spanning the entire 600km length of the Nankai Trough triggered Japan's 2nd-largest recorded earthquake (followed by the eruption of Mount Fuji) in 1707.
 - According to experts, there is a **70% to 80% probability** of a magnitude 8 or 9 earthquake occurring somewhere along the trough within the next three decades.
- **Why was Alert Issued if Earthquakes can't be Predicted?**
 - According to experts, the issuance of the warning has almost nothing to do with science.
 - This is because earthquakes are known to be a "**clustered phenomenon**", and it is not possible to tell in advance whether a quake is a foreshock or an aftershock.
 - However, the alert was sent out urging individuals **to be ready for potential evacuation**. For example, in several towns authorities are encouraging elderly residents and others to voluntarily relocate to safer areas.
- **What is the Ring of Fire?**
 - **The Ring of Fire is a tectonic belt of volcanoes and earthquakes**, which is about 40,000 km long and up to about 500 km wide.
 - It surrounds most of the **Pacific Ocean**, hence it is also called **Circum-Pacific Belt**.
 - It contains between 750 and 915 active or dormant volcanoes, which is **around two-thirds** of the world total.
 - **About 90% of the world's earthquakes**, including most of its largest, occur within the belt.

9. Clean Plant Programme (CPP)

GS 2 (Governance)

- **Why in News:** The Cabinet has approved the Clean Plant Programme (CPP) with a budget of Rs.1,765.67 crore. This initiative is part of the Mission for Integrated Development of Horticulture (MIDH).

- **What is the Clean Plant Programme (CPP)**
 - CPP is designed to address critical issues in horticulture by providing **access to high-quality, virus-free planting material**.

- The programme is poised to deliver numerous benefits across various stakeholders, from farmers to consumers, and bolster India's position in the global fruit market.
- The program aims to improve the quality and production of horticultural plants through state-of-the-art facilities.

- Under the program, nine advanced Clean Plant Centers (CPCs) are to be established across India.

- **Centers and Their Focus:**
 - **Grapes:** NRC, Pune
 - **Temperate Fruits (e.g., Apple, Almond, Walnuts):** CITH, Srinagar & Mukteshwar
 - **Citrus Fruits:** CCRI, Nagpur & CIAH, Bikaner
 - **Mango/Guava/Avocado:** IIHR, Bengaluru
 - **Mango/Guava/Litchi:** CISH, Lucknow

How Centre's Clean Plant Programme plans to boost production of fruits

HARKISHAN SHARMA
NCAE, AUGUST 11

THE UNION CABINET on Friday approved the Clean Plant Programme (CPP), aimed at increasing the yield and productivity of horticulture crops in India. First announced in Union Finance Minister Nirmala Sitharaman's interim budget speech in February 2022, the CPP is also targeted at enhancing the quality of fruit crops across the nation. The Ministry of Agriculture has sought an allocation of Rs. 1,765 crore for the programme. One-half of this will be sourced from the budget of the Mission for Integrated Development of Horticulture (MIDH), while the other half will be taken from a loan from the Asian Development Bank (ADB).

EXPLAINED POLICY

tain virus-free, high-quality planting material (plants used for vegetative propagation) to increase crop yields and improve income opportunities. These are:

- Development of nine Clean Plant Centers (CPCs) which will provide disease-free seedlings and therapeutic, create another plants to be used in nurseries, and quarantine all domestic and imported planting materials intended for commercial propagation and distribution.
- Enhancement of infrastructure, including the development of large-scale nurseries to facilitate the efficient multiplication of disease-free planting material – the mother plants obtained from the CPCs will be multiplied in nurseries and distributed to farmers.
- Creation of regulatory and certification processes to ensure through accountability and transparency in the production and sale of planting material.

How will the CPP work?
The programme has three main components planned towards helping farmers obtain virus-free, high-quality planting material (plants used for vegetative propagation) to increase crop yields and improve income opportunities. These are:

- Development of nine Clean Plant Centers (CPCs) which will provide disease-free seedlings and therapeutic, create another plants to be used in nurseries, and quarantine all domestic and imported planting materials intended for commercial propagation and distribution.
- Enhancement of infrastructure, including the development of large-scale nurseries to facilitate the efficient multiplication of disease-free planting material – the mother plants obtained from the CPCs will be multiplied in nurseries and distributed to farmers.
- Creation of regulatory and certification processes to ensure through accountability and transparency in the production and sale of planting material.

What is the need for the CPP?
India is the second largest producer of fruits and vegetables in the world. After China, from 2013 to 2023-24, the annual horticulture crops has risen from 24 million hectares to 28.63 million hectares, and production has increased from 277.4 million metric tonnes (mt) to 352 million mt.

NINE CITIES, NINE CLEAN PLANT CENTERS LINKED TO ICAR INSTITUTES

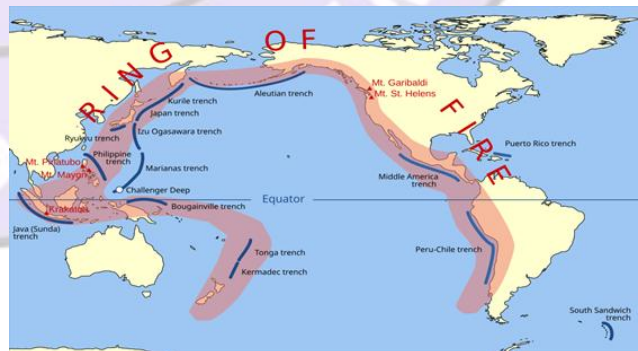
The CPCs will be established in collaboration with the Indian Council of Agricultural Research (ICAR) for specific horticulture crops. Each CPC will be linked to a different ICAR institute.

- **IN PUNE**, the CPC for grapes will be linked to the National Research Centre for Grapes, Pune
- **IN BIKANER**, another CPC for citrus fruits will be developed at the Central Institute of Arid Horticulture, Bikaner
- **IN BENGALURU**, the CPC will cater to four crops – mango, guava, dragon fruit, and avocado – and be linked to the Indian Institute of Horticultural Research, Bengaluru
- **IN SHIRANGAR**, a CPC for temperate fruits – apple, almond, walnut, berries, etc. – will be developed at the Central Institute of Temperate Horticulture (CITH), Srinagar
- **IN MUKTESHWAR**, another CPC for temperate fruits will be developed at the CITH regional station in Mukteshwar
- **IN SOLAPUR**, a CPC for pomegranate will be linked to the National Research Centre on Pomegranate, Solapur
- **IN EAST INDIA**, a CPC for tropical and subtropical plants will be developed in collaboration with ICAR's East India Horticulture Centres West Bengal and Jharkhand
- **IN LUCKNOW**, the Central Institute for Horticultural Horticulture will develop a CPC for mango, guava, and litchi

while it imported fruits worth \$2.77 billion. With the rising consumption of fruits in the country, demand for specific and virus-free planting materials of fruits, apples, and "etc." has increased steadily.

According to sources, between 2018-20, the CIMR committed for import of planting material of fruit plants permitted the import of 21.44 lakh apple plants in 2018, which increased to 45.57 lakh in 2020. In 2018, permission was given to import only 1,000 avocado plants which increased to 26,500 in 2020. Similarly, permissions for the import of blueberry plants went up from 1.55 lakh in 2018 to 4.25 lakh in 2020. Against the process of importing plants is very cumbersome, with imported plants having to be kept in quarantine for two years. The CPCs will cut this period down to six months, and thus make it easier for farmers to access disease-free and genuine planting material for horticultural crops in India.

The concept of CPCs is on the lines of projects in countries like the US, Israel, and the Netherlands.



- **Pomegranate:** NRC, Sholapur
- **Tropical/Sub-Tropical Fruits in Eastern India:** Location to be determined
- **Key Benefits of the Clean Plant Programme (CPP)**
 - **Increased Crop Yields:** By providing virus-free, superior planting material, the CPP aims to boost crop yields.
 - **Enhanced Income Opportunities:** Higher quality produce will lead to better market prices and income for farmers.
 - **Propagation:** Streamlined certification processes and infrastructure support will help nurseries in efficiently producing clean planting material.
 - **Sustainability:** Improved facilities will foster growth and sustainability in the nursery sector.
 - **Superior Produce for consumers:** The initiative ensures that consumers receive fruits that are not only virus-free but also enhanced in taste, appearance, and nutritional value
 - **Global Market Strengthening:** With higher-quality, disease-free fruits, India will enhance its position as a leading global exporter, thereby expanding market opportunities and increasing its share in the international fruit trade.
- **Horticulture schemes and initiatives**
 - India is the **second largest producer of vegetables and fruits** in the world. Country ranks **first** in the production of number of crops like **Banana, Lime & Lemon, Papaya, Okra**. The Horticulture production in the country has been steadily increasing over the years due to the proactive policies and initiatives of the Government:
 - **National Horticulture Mission (NHM):** It was launched in 2005 to enhance horticulture production and support farmers.
 - **Enhanced Support under PMFBY:** It caps premiums for horticultural crops to protect farmers.
 - **Horticulture Cluster Development Programme (HCDP):** It promotes specialized horticulture clusters to boost productivity and exports.
 - **Post-Harvest Infrastructure Development Scheme:** It supports modern facilities to reduce post-harvest losses.
 - **Soil Health Card Scheme:** The scheme provides soil test results and nutrient recommendations to improve crop yields.
 - **Horticulture Mission for North East and Himalayan States (HMNEH):** It focuses on developing horticulture in these regions based on local conditions.

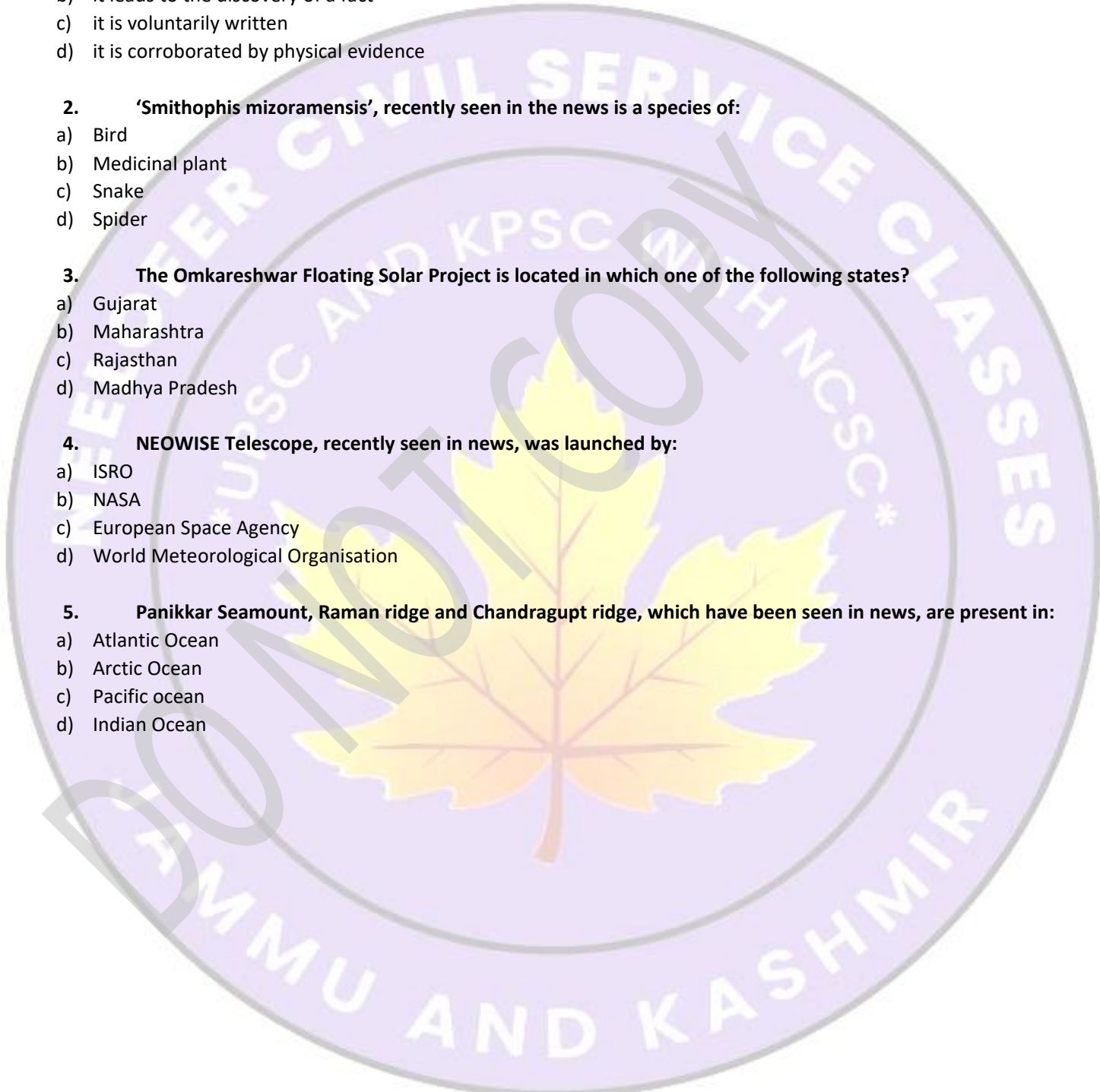
MCQ Current Affairs
12th Aug, 2024

1. **A confession made in police custody under Section 27 of the Indian Evidence Act is admissible if:**
 - a) it is made in the presence of a magistrate
 - b) it leads to the discovery of a fact
 - c) it is voluntarily written
 - d) it is corroborated by physical evidence

 2. **'Smithophis mizoramensis', recently seen in the news is a species of:**
 - a) Bird
 - b) Medicinal plant
 - c) Snake
 - d) Spider

 3. **The Omkareshwar Floating Solar Project is located in which one of the following states?**
 - a) Gujarat
 - b) Maharashtra
 - c) Rajasthan
 - d) Madhya Pradesh

 4. **NEOWISE Telescope, recently seen in news, was launched by:**
 - a) ISRO
 - b) NASA
 - c) European Space Agency
 - d) World Meteorological Organisation

 5. **Panikkar Seamount, Raman ridge and Chandragupt ridge, which have been seen in news, are present in:**
 - a) Atlantic Ocean
 - b) Arctic Ocean
 - c) Pacific ocean
 - d) Indian Ocean
- 

Answers Current Affairs
12th Aug, 2024

1. b
2. c
3. d
4. b
5. d

