

2nd Dec, 2024

1. Research security should be a national priority **GS 2 (Security)**

- **Why in News:** India is aiming to achieve its **development goals by 2047**, and science and technology play a pivotal role in this vision. As the country invests heavily in cutting-edge technologies like space, defence, semiconductors, and AI, a new challenge has emerged — **research security**. The need for safeguarding scientific research from threats like espionage, cyberattacks, and intellectual property theft is becoming increasingly critical in India's rapidly advancing innovation ecosystem.
- **The Importance of Research Security**
 - **Geopolitical Risks and Threats:** The global landscape, with rising geopolitical tensions, has seen various instances of research security breaches. Notable cases include foreign interference in U.S. academic institutions, cyberattacks on COVID-19 vaccine research, and theft of sensitive data from European Space Agency labs. These incidents highlight the vulnerability of strategic research and the growing threats posed by adversarial actors.
 - **Global Policies on Research Security:** Countries like the U.S. and Canada have developed comprehensive policies to safeguard sensitive research. For example, the **S. CHIPS and Science Act** addresses research security and the protection of critical technologies. Similarly, Canada has set up national guidelines for sensitive technology research, focusing on countries like China, Iran, and Russia. These frameworks aim to ensure the protection of national interests in a competitive global technological landscape.
 - **National Security Implications:** India's focus on advancing in technologies like AI, quantum computing, biotechnology, and defense needs robust research security measures. Any breach in the security of strategic research could delay technological progress, expose sensitive data to foreign actors, or compromise national security. This is why India's policymakers need to prioritize a national strategy for research security.
- **India's Approach to Research Security**
 - **Mapping Vulnerabilities and Risks:** India must begin by identifying vulnerabilities in its research ecosystem, including foreign influence in universities, insider threats, and risks related to foreign funding in strategic sectors. Mapping these vulnerabilities will help create a targeted research security framework tailored to India's specific needs.
 - **Collaboration Between Security Agencies and Researchers:** To effectively address research security, there must be a partnership between security agencies and academic institutions. Researchers must be engaged in formulating policies to protect sensitive research areas while avoiding over-regulation. This partnership can help ensure that security measures align with the needs of scientific progress.
 - **Balancing Security and Open Science:** One of the core challenges of research security is balancing it with the principles of open science. While it is essential to protect national interests, restricting international collaborations or open data could stifle innovation. A risk-based approach, with clear guidelines on sensitive technologies, could help maintain this balance.
- **Challenges and Implementation**
 - **International Collaboration vs. Security:** Science is inherently international, and curbing collaborations or imposing stringent security measures could restrict academic freedom. However, certain collaborations, especially with nations posing strategic risks, need to be evaluated and controlled. Striking the right balance is key.

Research security should be a national priority

A India aims to achieve its development objectives by 2047, the government has laid an emphasis on the role of science and technology in strategic and emerging sectors. Investment in cutting-edge technologies is essential to stay globally competitive, address societal challenges and unlock economic opportunities. Like in many nations, India is looking at innovation ecosystems to harness the transformative power of these technologies. However, along with this intensification of research and development (R&D) arises a new challenge - research security.

While collaboration and the free exchange of knowledge are fundamental to scientific progress, there are new risks in the rapidly evolving geopolitical landscape. Foreign interference, intellectual property theft, insider threats, cyberattacks, and unauthorised access to sensitive information are concerns for countries investing in advanced technologies. If left unaddressed, these could undermine India's research thrusts towards confidentiality, economic value, or national interest. India is ramping up investments in research technologies which include space, defence, semiconductors, nuclear technology, cyberwarfare, biotechnology, clean energy, artificial intelligence, and quantum technology. So, ensuring strategic research outputs remain protected is critical. Any breach of security could compromise national interests, delay technological advancements, and expose sensitive data to exploitation by foreign actors.

Indo-US relations must focus on strengthening research security as a part of India's broader science and technology strategy. This involves a concerted effort to protect sensitive data, intellectual property, research infrastructure, and personnel. Preventing espionage, sabotage, and adversarial foreign influence are essential to safeguard India's R&D investment.

The global landscape, China factor
The issue of research security is not far-fetched, as there have been several cases of research security breaches around the world with serious consequences. In Germany, a senior professor at Harvard University and his two Chinese students were accused for not disclosing their links to Chinese funding, while also receiving funding from the U.S. Department of Defense. In another case, COVID-19 vaccine research facilities were subject to cyber attacks in 2020 to steal sensitive vaccine research and development data. The European Space Agency (ESA) has also suffered several cyberattacks to sabotage or steal sensitive information, prompting ESA to develop a partnership with the European Defence Agency on cybersecurity.



Sanjay Kumar Nandini
Senior Research Analyst, Indian Institute of Science, Bangalore, and a member of the Indian National Young Academy of Science



Moumita Koley
Senior Research Analyst, Indian Institute of Science, Bangalore and a member of the Indian National Young Academy of Science

Such incidents have prompted several countries to develop policies and guidelines to strengthen research security. The US CHIPS and Science Act has several provisions on research security, which are complemented by other guidelines; these include the research security framework of the National Institute of Standards and Technology. Canada has come up with Technology Research and Innovation of Concern, along with a list of sensitive technologies.

Moreover, the country has identified research institutions - primarily from China, Iran, and Russia - with which collaborations should be avoided. The European Council's recommendation is taking a different approach, based on the principle of self-governance by the sector, a risk-based and proportionate response, and country-specific regulations. It underlines the need to establish a centre of expertise on research security and highlight research security-related guidelines for European countries. The primary research funding programme of the EU. Several of these initiatives are partially driven by responses to the military-civil fusion strategy of the Chinese Communist Party, which promotes the use of dual-use technology, technology transfer, funding and foreign collaborations; there is a close nexus between China's defence industry, universities and research institutions to develop and share strategic research and technologies between the civilian and military sectors.

Promoting research security in India
Ultimately, the concept of research security has received little attention in academic circles and government policymaking, leading to vulnerabilities that adversarial actors could exploit. The first step would be to systematically map the security vulnerabilities in our research ecosystem. This would involve understanding the nature of foreign influence in our universities,

assessing the vulnerabilities of key research labs and sensitive research infrastructure, analysing foreign collaborations and funding in strategic technologies, and reviewing the personnel hiring and access control practices to comprehend the risks to the research ecosystem. For this, government agencies and research institutions need to deliberate on possible steps to make strategic research more secure while avoiding over-regulation. Further, engagement with trusted international partners could be explored for the initial capacity building and awareness raising in this area.

Concrete steps would require security and intelligence agencies to engage with researchers and develop an understanding of the sensitive research areas. This would also necessitate classification of research in different categories based on strategic value, possible economic impact and for national security implications. Then, a research security framework could be developed providing research security guidelines. Here, a risk-based and proportionate response approach similar to the one recommended by the European Council could be considered as it seeks to avoid over-regulation while reducing security risks. There would be a requirement to develop a research security surveillance mechanism to keep tabs on emerging risks.

Oversee these cautions
There are several in-principle and practical challenges for research security. For instance, science is inherently international and collaborative in nature and international collaborations are crucial drivers of scientific progress. Research security seeks to restrict certain funding and collaborations, which would be opposed by researchers for curtailing on academic freedom and hindering scientific progress. Similarly, research security would also have to find a balance with open science, which includes sharing of research infrastructure, open data, and involving the general public in the scientific research via citizen science. Rightfully, open science is promoted by governments, funding agencies, science academies, and individual researchers.

Another major challenge would be the additional administrative and regulatory burden that research security would bring to research institutions and individual researchers, already strangled by the overly bureaucratic nature of our institutions and funding agencies. It is crucial that research security is implemented in close collaboration with the technical experts rather than security and intelligence agencies making decisions without full understanding of the matter. It is important that research security should not become an instrument of political interference in academic institutions.

Research security would require significant funding, effective communication, engagement, and capacity building to create a cadre of professionals who could design, develop, implement and lead research security efforts in India. A dedicated office similar to one at the U.S. National Science Foundation could be created for research security in the newly established Autonomous National Research Foundation (ANRF). Such an office could become a focal point for coordinating and synergising efforts for research security across security agencies and academic institutions. Finally, researchers should be engaged at all levels of decision-making to lead the right balance of security issues with open science, regulatory burden and scientific progress. Here, the spirit of as open as possible, as closed as necessary could help guide decision-making.

- **Administrative and Regulatory Burdens:** Introducing research security measures could add to the already burdensome regulatory environment in Indian research institutions. Policymakers must ensure that security measures do not hinder scientific innovation and are implemented without causing undue bureaucratic delays.
- **Capacity Building and Funding for Research Security:** A dedicated office, like the one in the U.S. National Science Foundation, could be established within **India's National Research Foundation (ANRF)**. This office would coordinate efforts between security agencies, academic institutions, and the government to ensure robust research security practices and create a specialized cadre of professionals.

2. India's cities, their Non-Communicable Disease Burden GS 2 (Health)

- **Why in News:** A recent tragic incident where a BMTC bus driver died due to cardiac arrest while on duty has brought attention to the **rising poor health outcomes in urban India**, especially among **marginalised and informal workers**. This incident highlights the urgency of addressing the health challenges faced by those working in hazardous environments, often with limited access to healthcare and social protections.

● Health Challenges in Urban India

○ Triple Health Burden of Marginalised Communities

Marginalised urban communities face a triple health burden due to hazardous work conditions, limited healthcare access, and financial instability during health crises. These factors are compounded by social and economic marginalisation, leading to poor health outcomes for informal workers, migrants, and people living in slums.

○ Rising Non-Communicable Diseases (NCDs):

Data from the **National Family Health Survey (NFHS)** show a worrying rise in NCDs like hypertension, diabetes, and obesity in India, even as tobacco and alcohol consumption have declined. The silent nature of NCDs necessitates regular screening and early detection, but the lack of preventive care and health education creates significant financial burdens for vulnerable populations.

○ Inadequate Access to Public Health Systems:

Public healthcare, which should cater to the lowest socio-economic strata, is often inaccessible to urban marginalised populations. Poor availability and access to primary health care in urban areas, especially for informal workers and migrants, prevent the effective implementation of universal health coverage and exacerbate the health crisis in these communities.

● Importance of Early Detection and Screening

- **Screening and Early Detection:** Regular screening for NCDs can help in early detection and reduce out-of-pocket expenditures by identifying risks at an individual and community level. This, in turn, supports evidence-based public health planning and informs strategies for health education and promotion, particularly in underserved urban areas.
- **Community-Based Health Promotion:** Community engagement is crucial for sustainable health interventions. By co-creating health promotion activities, communities can reduce the burden on public health systems while simultaneously increasing awareness about healthcare pathways, social protection schemes, and preventive measures for NCDs.
- **Leveraging Technology for Monitoring:** In the era of digital technology, real-time health monitoring could help track vital parameters like blood pressure and blood sugar levels, providing accessible health data for vulnerable groups. This could aid in epidemiological modelling and inform public health responses to prevent the spread of NCDs in urban areas.

India's cities, their non-communicable disease burden

The recent case where a Bangalore Metropolitan Transport Corporation (BMTC) bus driver passed away after cardiac arrest while on duty, has set off discussions on rising poor health outcomes in our cities.

Our cities are spread over pockets and layers. These pockets house the most marginalised and vulnerable urban citizens such as informal workers, cab and auto drivers, bus drivers and conductors. Our cities shape and are shaped by these workers, who are often at the frontlines of hazardous work conditions, often with limited access to healthcare and social protections.



Aruna Bhattacharya
Health expert, health director at the School of Human Development, Indian Institute of Technology, Delhi

estimated at 40% UN Habitat World Bank, 2020, lives in slums, further underscoring the complex socio-economic landscape of India's cities.

The health burden in urban India
Poor urban communities face a triple health burden: hazardous work environments, limited health care access, and financial vulnerability during health crises, that are exacerbated by social and economic marginalisation. As for national data on health indicators, NFHS data showed a decline in tobacco and alcohol consumption from 2005-06 to 2019-21 (NFHS-3 and 5), which is alarmingly juxtaposed with a rise in hypertension, diabetes, and obesity rates (NFHS-3 and 5).

Importantly, NCDs are silent, necessitating regular screening which needs to fit within a robust health promotion and referral system. The lack of understanding of this need for screening, early detection and preventive pathways for NCDs, create catastrophic cost of pocket (COP) expenditures, in turn jeopardising financial stability and impacting the overall livelihood and life trajectory of the entire family.

This writer's experience of working with marginalised communities aligns with the fundamental of social determinants of health (SDH) which are workplace, work, housing, community, family connections to health, employment, language, migration status, and accessing primary health systems.

In a country whose foundation of health systems sit on strong primary health care, it is problematic that the availability and access to publicly run primary health care are abysmally poor among urban marginals. Public health systems are, by design, supposed to cater to all, and, most specifically, to the lowest 80% of the population. The idea of universal health coverage falls. Preventing COP expenditure falls, and our

urban marginals are laden with poor health outcomes, which, for many, runs across generations. This necessitates having an active dialogue between employers, municipalities, traffic systems, schools, as well as health systems. As interconnected systems, there is a need to co-create solutions with the community, and for the community.

Tracking technology
In this age of digital technology and ease of tech-based monitoring, we could bring real-time monitoring of parameters on the lines of "health is your leader" for those who have hypertension and diabetes. Screening, as a methodology, has a two-fold advantage. It gives us evidence from the population level which could be used for epidemiological modelling and public health planning.

On the other hand, this creates awareness at the individual and community level for health risks. It makes room for the implementation of community based, co-created health promotion, and health education activities which are sustainable and in turn our leaders health systems. This also creates an awareness for pathways for health care, referral and knowledge on social protection schemes to limit COP expenditure.

This is the time for state-level action plans for NCD health care, which by an emphasis on access to primary health care for marginalised communities and poor urban neighbourhoods—migrants, informal workforce, people living in informal settlements. We need to join hands with urban local bodies, the city administration, health departments and community-based organisations, experts and think tanks and discuss ideas to create healthy cities for all. This should also lead to a scaling up of ideas for community-led, community-based NCD surveillance systems for marginalised urban settlements.

• Pathway for Action

- **State-Level Action Plans for NCD Care:** India needs comprehensive state-level action plans for NCD care, with a focus on improving access to primary healthcare for marginalised urban communities such as migrants, informal workers, and people in informal settlements. Collaboration between urban local bodies, health departments, and community-based organisations will be key to addressing these gaps.
- **Scaling Up Community-Led NCD Surveillance:** Establishing community-based NCD surveillance systems in marginalised urban areas will ensure that health risks are monitored and addressed at the grassroots level. This can create healthier cities by fostering a collective approach to health promotion, surveillance, and education.
- **Multi-Stakeholder Collaboration for Healthy Cities:** Creating healthy cities requires collaboration between city administrations, health experts, think tanks, and community organisations. Through co-created solutions, urban health systems can be improved, ensuring better access to healthcare and reducing health inequities in growing urban populations.

3. What India's AI Safety Institute could do GS 2 (Governance)

- **Why in News:** In October 2024, the **Ministry of Electronics and Information Technology (MeitY)** convened meetings with experts to discuss the establishment of an **AI Safety Institute** under the **IndiaAI Mission**. This initiative comes on the heels of global discussions on AI safety, including Prime Minister Modi's U.S. visit and the United Nations' Summit of the Future. The rising global focus on AI governance presents India with an opportunity to lead in shaping AI safety practices on the global stage.

- **India's Strategic Role in AI Safety**

- **Building on Global Leadership:** India's leadership at the G20 and the Global Partnership on Artificial Intelligence (GPAI) positions it as a key player in AI governance. India has the potential to unify the global majority's concerns, especially regarding the human-centric safety of AI, and contribute significantly to global discussions on AI regulation and oversight.
 - **AI Safety Institute's Design and Purpose:** The proposed AI Safety Institute should focus on building domestic capacity, leveraging India's advantages in AI, and connecting with international initiatives such as the Bletchley Process. It should serve as a non-regulatory technical institution, concentrating on AI risk assessments, safety research, and global collaboration without imposing restrictive regulations on AI deployment.
 - **Multistakeholder Collaboration in Governance:** The United Nations' Global Digital Compact emphasizes collaboration among governments, businesses, and civil society for AI governance. India's AI Safety Institute could play a pivotal role in championing these principles, promoting inclusive participation from developing countries, and focusing on the global majority's interests in AI safety.
- **Institutional Challenges and Considerations**
 - **Learning from Existing Models:** India should learn from the AI safety frameworks of the U.S. and U.K., which have already established AI Safety Institutes. These institutes focus on proactive information sharing, risk assessment, and safety testing without taking on regulatory enforcement roles, allowing for open collaboration across stakeholders while ensuring public safety.

What India's AI Safety Institute could do

In October, the Ministry of Electronics and Information Technology (MeitY) convened meetings with industry and experts to discuss setting up an AI Safety Institute under the IndiaAI Mission. Curiously, this came on the heels of Prime Minister Narendra Modi's visit to the U.S., the Quad Leaders' Summit, and the United Nations Summit of the Future. AI appeared high on the agenda in the run up to the Summit of the Future, with a high-level UN advisory panel producing a report on Governing AI for Humanity.

Policy-makers should build on India's recent leadership at the G20 and the GPAI, and position it as a unifying voice for the global majority in AI governance. The design of the Safety Institute should prioritise raising domestic capacity, capitalising on India's comparative advantages, and plugging into international initiatives.

Notably, the Summit of the Future yielded the Global Digital Compact that identifies multi-stakeholder collaboration, human-centric oversight, and inclusive participation of developing countries as essential pillars of AI governance and safety. As a follow up, the UN will now commence a Global Dialogue on AI. It would be timely for India to establish an AI Safety Institute which engages with the Bletchley Process on AI Safety. If executed correctly, India can deepen the global dialogue on AI safety and bring global majority perspectives on human-centric safety to the forefront of discussions.

Institutional reform
In designing the institute, India should learn from concerns stemming from MeitY's AI Advisory in March 2024, which proposed that there be government approvals before the public roll-out of experimental AI systems. Some asked what kind of institutional capability the Indian government had to suitably determine the safety of novel AI



Sidharth Deb
Manager, Public Policy at The Quantum Hub, a public policy firm based in Delhi

deployments. Other provisions on bias, discrimination, and the one-size-fits-all treatment of all AI deployments indicated that the advisory was not based on technical evidence.

Similarly, India should be cautious and avoid prescriptive regulatory controls which have been proposed in the European Union (EU) and China. The threat of regulatory sanction in a rapidly evolving technological ecosystem quells proactive information sharing between businesses, governments, and the wider ecosystem. It nudges labs to only undertake the minimum steps towards compliance. Yet each jurisdiction demonstrates a recurring recognition of establishing specialised agencies – for example, China's Algorithmic Registry and the EU's AI Office. However, to maximise the promise of institutional reform, India should decouple institution building from regulation making.

The Bletchley process is underscored by the U.K. Safety Summit in November 2023 and the South Korea Safety Summit in May 2024. The next summit is set for France and this process is yielding an international network of AI Safety Institutes.

The U.S. and the U.K. were the first two to set up these institutes and have already signed an MoU to exchange knowledge, resources, and expertise. Both institutions are also signing MoUs with AI labs and receiving early access to large foundation models. They have installed mechanisms to share technical inputs with the AI labs before their public roll-outs. These Safety Institutes facilitate proactive information sharing without being regulators. They are positioned as technical government institutions that leverage multi-stakeholder consortiums and partnerships to assess the risk of frontier AI models to public safety. However, they largely consider AI safety through the lens of cybersecurity, infrastructure security, safety of the biosphere, and other national

security threats.

These safety institutes aim to improve government capacity and mainstream the idea of external third-party testing and risk mitigations and assessments. Government-led AI safety institutes aim to deliver insights which can transform AI governance into an evidence-based discipline. The Bletchley process presents India with an opportunity to collaborate with governments and stakeholders from across the world. Shared expertise will be essential to keep up with AI's rapid innovation trajectories.

Charting India's approach
India should establish an AI Safety Institute which integrates into the Bletchley network of safety institutes. For now, it should be independent from rulemaking and enforcement authorities and, instead, operate exclusively as a technical research, testing, and standardisation agency. It would allow India's domestic institutions to tap into the expertise of other governments, local multi-stakeholder communities, and international businesses. While upscaling its AI oversight capabilities, India can also use the Bletchley network to advance the global majority's concerns with AI's individual-centric risks.

The institute could champion perspectives on risks relating to bias, discrimination, social exclusion, gendered risks, labour markets, data collection and individual privacy. Consequently, it could deepen the global dialogue around harm identification, big picture AI risks, mitigations, red-teaming, and standardisation. If done right, India may become a global stevedore for forward-thinking AI governance which embraces many stakeholders and government collaboration. The AI Safety Institute can demonstrate India's scientific temper and willingness to implement globally compatible, evidence-based and proportionate policy solutions.

- **Avoiding Over-Regulation:** India should be cautious in its approach and avoid prescriptive regulatory controls similar to the EU and China. Over-regulation stifles innovation, as seen in the EU's stringent AI regulations. India's AI Safety Institute should focus on technical research, testing, and standardisation rather than enforcement, thus encouraging proactive industry collaboration.
- **International Collaboration:** The Bletchley network of AI Safety Institutes, led by countries like the U.S. and U.K., offers an international platform for collaboration. India's AI Safety Institute should engage with this network, facilitating knowledge exchange and providing a technical backbone for AI governance. The exchange of insights and resources will help India keep pace with the rapid advancements in AI technology.
- **Charting India's Approach to AI Safety**
 - **Focus on Technical Research and Testing:** The AI Safety Institute should be designed as an independent, non-regulatory body focused on AI safety research and testing. By doing so, India can avoid unnecessary bureaucratic control and ensure that AI technologies are evaluated based on scientific evidence and international best practices.
 - **Championing Human-Centric Risks:** India's AI Safety Institute could focus on addressing AI risks related to bias, discrimination, social exclusion, privacy, and labor markets. This would allow India to bring a global perspective on the socio-economic and gendered impacts of AI to the forefront of international dialogues.
 - **Global Stewardship of AI Governance:** If successful, India could position itself as a global leader in AI governance, advocating for evidence-based, inclusive, and proportionate policy solutions. The AI Safety Institute could demonstrate India's commitment to scientific temper and responsible AI deployment, establishing India as a steward of forward-thinking global AI governance.

4. Religious Freedom and Minority Rights in Bangladesh GS 2 (International Relations)

- **Why in News:** In recent weeks, there have been growing concerns over the violation of religious minority rights in Bangladesh. This includes the **desecration of Hindu temples** and the arrest of Hindu monk Chinmoy Krishna Das on charges of sedition.
- **Bangladesh's Constitutional Promises**
 - The Constitution of Bangladesh, adopted in 1972, promises **secularism, democracy, and equal rights** for all religious communities. It establishes that **Bangladesh is not based on religion but on the secular idea of "Bangla" nationalism**. The Constitution enshrines several fundamental rights, including religious freedom and the right to practice one's religion without discrimination.
 - **Secularism and Equal Rights:** The preamble of Bangladesh's Constitution mentions **secularism, democracy, socialism, and nationalism** as its core principles. Secularism was initially a part of the Constitution but was removed during military rule in the 1970s. However, it was reinstated in 2011.
 - **Religious Freedom:** The Constitution guarantees **freedom of religion (Article 41)**, meaning citizens can practice, propagate, and manage their religious affairs. It also prohibits discrimination based on religion, as stated in **Article 28, which mirrors India's Constitution (Article 15)** in prohibiting religious discrimination in public spaces.
 - Despite these provisions, the treatment of religious minorities in Bangladesh, especially Hindus, has come under scrutiny due to recent events.

On the freedom of religion in Bangladesh

The preamble of the Bangladesh constitution mentions nationalism, democracy, socialism and secularism as its foundational principles. Article 41 guarantees freedom of religion. It says that every citizen subject to public order and morality has the right to profess, practice or propagate any religion.

LETTER & SPIRIT

Faith and Morality

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THE GIST

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- **The Role of Islam in Bangladesh's Constitution**

- Although Bangladesh's Constitution originally embraced secularism, it later underwent changes that brought Islam into a more prominent position.
- **Islam as State Religion:** In 1977, General Ziaur Rahman amended the Constitution to declare Islam as the state religion, although religious freedom was still allowed. Later, in 1988, General Ershad inserted Article 2A, explicitly stating that Islam is the state religion. However, the Constitution also promises equal rights for Hindus, Buddhists, and Christians, which creates a contradiction in the document.
- **Secularism Restored:** In 2011, following a court ruling, secularism was reinserted into the Constitution through the 15th amendment. The amendment removed certain religious references but retained others to maintain a balance between secularism and respect for Islam.
- This duality of secularism with Islam as the state religion has led to tensions, especially in the treatment of religious minorities in practice.

- **What Needs to Change?**

- For Bangladesh to fulfill its constitutional promises and ensure the safety of its minority communities, immediate steps are necessary:
 - **Strengthen Legal Protections:** The Bangladesh government must act swiftly to protect religious minorities from violence and discrimination. This includes implementing stronger legal measures and ensuring that offenders are held accountable.
 - **Uphold Secularism:** The government must reaffirm its commitment to secularism and prevent any religious-based discrimination from taking root in society. It should also ensure that the principle of secularism is effectively enforced, as guaranteed by the Constitution.
 - **Promote Tolerance and Inclusivity:** Bangladesh needs to foster a culture of tolerance and inclusivity, ensuring that all religious communities, regardless of their size or influence, are treated equally and with respect.
 - **International Support and Pressure:** As a neighbor and regional partner, India has the right to express concern over the violation of human rights and minority rights in Bangladesh. International human rights organizations and global diplomatic bodies must also pressure Bangladesh to uphold its commitments to minority protection.

- **Legal Provisions for Protecting Religious Minorities**

- The Constitution of Bangladesh outlines specific rights and protections for its religious minorities:
 - **Article 2A:** Declares Islam as the state religion, but emphasizes that other religions will be practiced in peace and harmony. However, this provision has been criticized for creating a contradiction between state religion and secular principles.
 - **Article 28(1):** Prohibits discrimination based on religion, race, caste, or sex in public life. This includes access to public places, educational institutions, and employment, ensuring that no citizen is discriminated against on religious grounds.
 - **Article 39:** Guarantees the freedom of thought and conscience, providing the right to practice and propagate one's religion freely, within the limits of public order and morality.
 - **Article 41:** Specifically guarantees the right to religious freedom, including the right of religious communities to establish and manage their own institutions.
 - **Article 23A:** Imposes a duty on the state to protect the culture and traditions of ethnic and religious minorities, ensuring their rights are upheld.

5. Bhopal Gas Tragedy at 40 GS 3 (Disaster Management)

- Why in News:** India has become the **sixth-largest chemical-producing country in the world**. However, this growth has come with a rise in chemical accidents, particularly in the past few years. Despite significant industrial growth, safety regulations and transparency in chemical processes remain insufficient, raising serious concerns about public health and the environment.
- Chemical Accidents in India (2020-2023)**
 - Between 2020 and 2023, 29 chemical accidents took place in India, leading to 118 deaths and around 257 injuries.
 - These incidents, which included plant malfunctions, chemical leaks, explosions, and factory fires, underline the inadequacy of safety measures in the chemical industry.
 - There is the lack of transparency due to the absence of a law governing trade secrets. In India, there is no dedicated law for trade secrets, and companies often use Non-Disclosure Agreements (NDAs) to shield information from public scrutiny, even if it poses environmental and health risks.
 - Trade secrets refer to proprietary information companies consider crucial to their competitive advantage.
 - The issue has persisted despite the **Bhopal Gas Tragedy of 1984**, which remains one of the deadliest industrial disasters in history. 40 years later, safety regulations for chemical processes in India have not improved significantly.
 - Continued Use of Hazardous Chemicals**
 - Methyl isocyanate (MIC):** Despite the **Bhopal Gas Tragedy** and the hazardous nature of chemicals involved, **methyl isocyanate (MIC)** is still used in India for the production of certain pesticides. It remains listed as a hazardous chemical under India's regulations.
 - Asbestos and DDT** are banned in other countries but still in use in India, such as asbestos and DDT. India has delayed banning it, with the latest phase-out deadline set for December 2024.
 - PFAS (Per- and Polyfluoroalkyl Substances)**, also known as '**forever chemicals**', remain under-regulated in India. These chemicals, commonly found in non-stick cookware, food packaging, and water-resistant products, are linked to adverse health effects but remain poorly regulated in India, despite significant efforts being made in other countries to address their dangers.
- Inadequate Regulation**
 - India's existing laws and regulations regarding chemicals are fragmented and often inadequate.
 - Currently, there are **15 laws and 19 rules related to the chemical industry**, but none are designed specifically to ensure comprehensive safety in the chemical sector.
 - For instance, the **Manufacture, Storage, and Import of Hazardous Chemicals Rules (1989)** do not fully address the growing complexity of the industry.
 - Meanwhile, the **Chemical Management and Safety Rules** are still in the draft stage and have not been finalized. This lack of regulatory clarity makes it difficult to address the challenges posed by hazardous chemicals effectively.
 - Moreover, India **does not have a system to register or track chemicals comprehensively**, unlike other countries like the **US (under the Toxic Substances Control Act)** or the **EU (under the REACH Regulation)**.
 - The industry continues to push for trade secret protections under the **Protection of Trade Secrets Bill, 2024**, which would make it even harder to obtain information about hazardous chemicals. Critics argue that the bill would further shield industries from scrutiny, increasing the risk to public health and the environment.

40 years after Bhopal gas tragedy, Union Carbide's toxic waste yet to be removed

Plan to dispose of 337 tonnes yet to be implemented; no plan for 11 lakh tonnes of contaminated soil plus mercury and waste dumps; Supreme Court and NGT orders ignored for years as groundwater contamination spreads; the Centre has released ₹26 crore to the Madhya Pradesh government

Nikhil M. Babu
NEW DELHI

Four decades after the Bhopal gas tragedy, hundreds of tonnes of toxic waste remains on the premises of Union Carbide India Ltd. (UCL) despite multiple court orders and warnings, government authorities have not disposed of the waste safely, officials confirmed to The Hindu.

The Union government has released ₹26 crore to the Madhya Pradesh government to carry out plans to dispose of 337 tonnes of the toxic waste, which was collected and kept on the premises of the factory in 2005, documents show.

However, a 2020 government-commissioned study showed that apart from this 337 tonnes of toxic waste, the factory premises contain about 11 lakh tonnes of contaminated soil, one tonne of mercury, and nearly 150 tonnes of underground dumps. The government has no plans yet on how to deal with this. The presence of waste dumps within the premises

shows that the 2005 collection of waste was "incomplete", the 2010 report noted. It had then recommended excavation of the toxic waste from the dumps in order to remove it. Subsequently, a "peer review committee", formed in 2010 to look into different government studies till that point, recommended a comprehensive assessment. Fourteen years later, however, a proper assessment is yet to be done.

"Though ₹26 crore was released in March this year for disposing 337 tonnes of waste, the State government is yet to actually begin the process of disposing it on the ground. We understand that there are some administrative issues," a Union government official told The Hindu.

Delayed reassessment
In June 2023, an oversight committee — which met 12 years after its last meeting on May 25, 2011 — had again recommended that the Madhya Pradesh government undertake fresh studies to quantify groundwater and soil contamination and the underground dumps of toxic waste.

Asked about the rest of the waste and the reassessment, the official said, "A proposal for reassessment of the toxicity after the 2010 study was also submitted to the State government about six months back, but that has also not made much headway. The government is first trying to deal with the 337 tonnes of waste and then look into the rest of it."

Another source privy to the development also said that reassessment is necessary as it has been 14 years since the 2010 study and



Children with congenital disabilities pay tribute to victims of Bhopal disaster in front of the abandoned Union Carbide factory. A.M.FARUQUI

the ground realities would have changed by now. "But there is no movement on this front as of now," the source added.

Water contamination
Over the years, various government and non-governmental studies have found groundwater in different residential areas outside the factory contaminated with heavy metals and other toxic substances, which could lead to cancer and other diseases. Now, experts say there are chances of the contamination spreading further.

On March 20 this year,

the National Green Tribunal (NGT) pulled up the government for its inaction. "It is a known fact that the chemical waste where it is accumulated is creating leachate and further contaminating the surface water, underground water, and in the rainy seasons, by flow to the other places and water of the river bodies are also being contaminated by this chemical waste," it observed.

The Madhya Pradesh government did not respond to The Hindu's queries.

The root cause of the problem is the solid, semi-solid, liquid and tarry wastes generated during the manufacture of pesticides and associated chemicals which were dumped by UCL between 1960 and 1984 within the factory premises, which closed down after the gas leak tragedy which occurred on the intervening night of December 2 and 3, 1984.

In 2004, the Supreme Court noted, "The report by a court-appointed committee records that due to indiscriminate dumping of hazardous waste due to non-existent or negligent

practices together with lack of enforcement by authorities, the ground water and, therefore, drinking water supplies have been affected/damaged."

In 2008, the Madhya Pradesh Pollution Control Board through a private company collected waste from the factory premises. A small portion was incinerated and the remaining 347 tonnes of waste was kept in a shed within the factory premises. In August 2015, the Central Pollution Control Board (CPCB) incinerated around 10 tonnes of this waste on a trial basis at a facility in Pithampur and recommended the same for the rest of the waste.

In 2022, an NGT-appointed committee said there was a "possibility of contamination of soil" and suggested "speedy disposal" of the waste. In March 2022, citing the "serious unsatisfactory" state of affairs as well as "apathy" and "failure" of the authorities, the NGT ordered the State government and other agencies to take action within six months. The order was not followed.

- **Bhopal gas tragedy**
 - The Bhopal gas tragedy occurred on the night of December 2-3, 1984.
 - It took place at the Union Carbide India Limited (UCIL) pesticide plant in Bhopal when a toxic gas leak, primarily **methyl isocyanate (MIC)**, released into the atmosphere, leading to widespread deaths, injuries, and ecological damage.
 - Over the last four decades, the survivors have suffered from recurring health issues like respiratory problems, vision defects, neurological problems and various kinds of cancer.
- **Methyl Isocyanate**
 - Methyl Isocyanate is a **colourless liquid** used for making pesticides.
 - MIC is safe when maintained properly. The chemical is **highly reactive to heat**. When exposed to water, the compounds in MIC react with each other causing a **heat reaction**.
 - Methyl Isocyanate is no longer in production, although it is still used in pesticides.
 - The **Bayer CropScience plant in Institute, West Virginia** is currently the only storage location of MIC left across the globe.

6. Government's Move to Increase Female Labour Force Participation GS 2 (Governance)

- **Why in News:** The Indian government is planning to release a **national policy document** focused on improving **female labour force participation (FLFP)**. This policy initiative comes after findings from a **World Bank report**, which highlighted a significant drop in **female employment rates post-marriage**. The government aims to address this issue by improving the **care economy** and creating an **enabling environment** for women to participate more actively in the workforce.
- **What is the Care Economy?**
 - The **care economy** refers to a sector that involves both **paid and unpaid** care activities.
 - These include direct care activities like **feeding babies**, as well as **indirect care** such as **cooking, cleaning, healthcare, and education**.
 - The government's policy will focus on developing this sector to create a more supportive environment for women, especially those who face barriers due to caregiving responsibilities.
 - **Why is This Important?** A major concern is that **married women** in India face a **sharp drop in labour force participation**. The **World Bank report** reveals that after marriage, women's employment rates drop by **12 percentage points**, which is about one-third of their pre-marital employment rate. This drop happens even when women do not have children, indicating that marriage itself is a major factor in reducing female participation in the workforce.
 - **Existing Schemes to Support Female Workers:** The **Ministry of Women and Child Development** already runs the '**Palna**' scheme, which provides **daycare facilities** for the children of working parents.
 - The scheme is aimed at children aged **6 months to 6 years** and provides various services, including:
 - **Nutritional support**
 - **Health monitoring**
 - **Cognitive development**
 - **Immunisation**
 - **Education**

Centre working on national policy document on female labour force participation

Sreeparna Chakrabarty
NEW DELHI

The Centre will soon bring out a national policy document on female labour force participation with a focus on providing an enabling atmosphere like a viable care economy structure.

An inter-ministerial team from the Ministries of Skill Development, Labour, Rural Development, and Women and Child Development is working on it, informed sources told *The Hindu*.

Care economy is the sector of economic activities related to the provision of care, both paid and unpaid, for the present and future populations. It includes direct care, such as feeding a baby, as well as indirect care, such as cooking and cleaning, health care, education, and other



The move comes amid a report which said women faced a sharp drop in their labour force participation after marriage.

personal and domestic services.

The move comes amid a recent World Bank report which said women faced a sharp drop in their labour force participation post-marriage in India. According to the report, it is estimated that in India post-marriage, female employment rates drop by 12 percentage points, about

one-third of the female pre-marital employment rate, even in the absence of children.

Core skilling package

One of the initiatives being explored is a core skilling package for caregivers for children, the sources said. The policy paper will also look at providing child care facilities for women in the informal sector such as for workers under the National Rural Employment Guarantee Scheme.

The Ministry of Women and Child Development already runs the 'Palna' scheme, or the National Programme on Anganwadi-cum-Crèche, which provides day-care facilities for children of working parents. A total of 1,000 Anganwadi creches have been made operational till now as part of this scheme, the sources said.

- As of now, **1,000 Anganwadi creches** have been operational under this scheme. These creches aim to create a safe environment for children, allowing women to participate in the labour market without worrying about their children's wellbeing.
- **Rural vs Urban Female Labour Force Participation**
 - Women's participation in India's workforce has seen a remarkable rise in recent years, according to the latest **Annual Periodic Labour Force Survey (PLFS) reports**.
 - The **Worker Population Ratio (WPR)** and **Labour Force Participation Rate (LFPR)** for women aged 15 years and above have steadily increased from 22.0% and 23.3% respectively in 2017-18 to 40.3% and 41.7% in 2023-24.
 - According to the **Union Labour Ministry data** for 2021-2022, the female labour force participation rate is higher in **rural areas** compared to **urban areas**. The data shows:
 - In **rural areas**, **6%** of women aged **15 years and above** are part of the labour force.
 - In **urban areas**, this figure is much lower at **8%**.
 - This difference suggests that women in rural areas are more likely to be involved in economic activities, although these jobs may often be informal or low-paying.
 - This disparity also highlights the need for more structured support systems, especially in urban areas, where women face different challenges related to employment.
- **Schemes to Promote Women Empowerment:**
 - **National Commission for Women:** Established in 1992, this statutory body is tasked with monitoring and addressing issues related to women's rights and welfare, including political representation.
 - **Reservation for Women in Local Self-Government:** The 73rd Constitutional Amendment Act of 1992 mandates one-third reservation for women in all elected offices in local bodies, aiming to enhance their participation in grassroots governance.
 - **Women's Reservation Act of 2023:** The Act provides that reserved seats for women may be allotted by rotation to different constituencies in States or Union Territories.
 - **Pradhan Mantri Jan-Dhan Yojana:** Improving access to financial services.
 - **Priority Sector Lending (PSL) Mandate:** Encouraging banks and microlenders to extend credit to underserved segments, including women entrepreneurs.
 - **RBI Regulations:** Mandating literacy centers in each district to promote financial education.
 - **Other Initiatives:** Various government schemes and programs, such as
 - Beti Bachao Beti Padhao
 - Pradhan Mantri Awas Yojana
 - National Social Assistance Programme
 - Samagra Shiksha
 - Mahila Shakti Kendra (MSK)
 - Mission Shakti (Integrated Women Empowerment Programme).

7. PM attends 59th All India Conference of Director Generals/Inspector Generals of Police

Recent events of importance

- **Why in News:**
 - PM Modi attended 59th All India Conference of Director Generals/ Inspector Generals of Police at Bhubaneswar on December 1.
 - The three-day conference was inaugurated by Home Minister Amit Shah on November 29. This conference serves as an important platform for discussing national security issues, law enforcement strategies, and coordination among various security and police agencies across India.

- The 58th All-India Conference of Directors General and Inspectors General of Police was held in Jaipur, Rajasthan January 2023.
- **59th All India Conference of Director Generals/Inspector Generals of Police**
 - **About**
 - The three-day Conference, from November 29 to December 1, 2024, was held in **hybrid format** at Bhubaneswar, Odisha.
 - The conference was attended by the Union Home Minister, the Principal Secretary to the Prime Minister, the National Security Advisor, Ministers of State for Home, and the Union Home Secretary.
 - DGsP/IGsP from all States/UTs and heads of CAPF/CPOs participated physically, while over 750 officers of various ranks joined virtually in the hybrid-format event.
 - The conference is the culmination of extensive deliberations involving police and intelligence officers from the district, state and national levels on identified themes.
 - **Hosted by:** Intelligence Bureau (IB).
 - **Outcomes**
 - Best practices from States and Union Territories was presented at the Conference so that **States can learn from each other.**
 - In depth discussions were held on existing and emerging challenges to national security, including counter terrorism, left wing extremism, cyber-crime, economic security, immigration, coastal security and narco-trafficking.
 - Deliberations were also held on **emerging security concerns along the border with Bangladesh and Myanmar, trends in urban policing and strategies for countering malicious narratives.**
 - Further, a review was undertaken of implementation of newly enacted major criminal laws, initiatives and best practices in policing as also the security situation in the neighborhood.
- **Key highlights of the speech delivered by PM Modi**
 - **Addressing Deepfakes and Digital Threats**
 - PM Modi emphasized the importance of using Artificial Intelligence (AI) to counter deepfakes and their potential to disrupt social and familial relationships.
 - Special teams should be created to tackle digital frauds, with a focus on updating crime data and educating the public, such as during school parents-teacher meetings.
 - The PM highlighted the need to dismantle the narco-trafficking nexus, suggesting strict action from top to bottom.
 - PM Modi had earlier raised concerns about 'digital arrests' and deep fakes in his Mann ki Baat address and in November 2023.
 - **Enhanced Police Engagement in Border Areas**
 - Police personnel in border regions were instructed to spend nights in villages with senior officials to understand local issues better and build community trust.
 - **Utilizing Technology for Policing**
 - Modi called for the use of technology to reduce the workload of the police constabulary and proposed that police stations become central hubs for resource allocation.
 - **Combating Cyber Fraud and Crime**
 - The PM addressed the need to update crime data electronically and improve measures to counter cyber-related issues.
 - **India reportedly lost approximately Rs 11,333 crore to cyber fraud until September 2024, according to the Indian Cyber Crime Coordination Centre (I4C).**

DGPs/IGPs CONFERENCE IN BHUBANESWAR

PM Modi asks police brass to focus on deepfakes, narco-terror, digital frauds

MAHENDER SINGH
MANRAL
NEW DELHI, DECEMBER 1

USE Artificial Intelligence (AI) and counter specifically the potential of deepfakes to disrupt social and familial relationships; officers in border areas should spend nights in villages to understand issues; dismantle the whole narco-trafficking nexus; upgrade electronically the crime data of village/areas; and make specialised teams to tackle digital frauds — these are some of the key directions Prime Minister Narendra Modi gave to the Directors/Inspectors General of Police on Sunday.



Prime Minister Narendra Modi attends the 59th All India Conference of DGPs/IGPs in Bhubaneswar on Sunday. PTI

the police station be made the focal point for resource allocation. In his 45-minute speech, the PM suggested a countermeasure and called upon the police leadership to convert the challenge into an opportunity by harnessing India's 'double AI power of Artificial Intelligence and

Aspirational India'. 'Discussing the narco-organised crime nexus, he said all the users are also victims... strict action should be taken against the whole nexus from top to bottom and the whole nexus be dismantled,' a senior police officer said. India lost approximately Rs

11,333 crore to cyber fraud until September in 2024, according to data compiled by the Indian Cyber Crime Coordination Centre (I4C), a division of the MHA. On digital frauds, the officer said: 'PM Modi has asked for special teams to be made; to update the data with all the latest modus-

operandi, and start giving cyber-related information to all the people during the parents-teacher meeting in schools.'

According to the officer, the PM asked the police personnel posted in border areas to visit all the villages and, along with their seniors, spend a night to understand the problems of the residents. According to a statement issued by the Prime Minister's Office, during the meeting, 'deliberations were held on emerging security concerns along the border with Bangladesh and Myanmar, trends in urban policing and strategies for countering malicious narratives.'

Appreciating the steps taken in urban policing, Modi suggested that each initiative be collated and implemented entirely in 100 cities. He also expanded the mantra of SMART policing and called on the police to become Strategic, Meticulous, Adaptable, Reliable and Transparent.

- MHA has initiated a high-level committee and the I4C is collaborating with states and private sectors to combat these issues.
- Over 6.69 lakh SIM cards and 1.32 lakh IMEIs linked to cyber-crimes have been blocked, with over ₹3,431 crore saved through I4C's proactive measures.
- **Urban Policing and Emerging Security Concerns**
 - Modi suggested scaling successful urban policing initiatives to all 100 cities and advocated for the **SMART policing approach—Strategic, Meticulous, Adaptable, Reliable, and Transparent.**
- **Commemoration of Sardar Vallabhbhai Patel**
 - PM Modi recalled Patel's "unparalleled contribution" to the MHA and urged the security establishment to commemorate his 150th birth anniversary by setting goals to enhance police image and professionalism.

8. SC Mandates Prior Sanction to Prosecute Public Servants under PMLA GS 2 (Governance)

- **Why in News:** The Supreme Court, in its ruling on November 6th, for the very first time mandated that the Enforcement Directorate (ED) need to obtain prior sanction to prosecute public servants on money laundering charges.

Prior sanction: what SC said on ED cases against public officials

- **About Prevention of Money Laundering Act, 2002:**

- The Prevention of Money Laundering Act (PMLA), 2002 was enacted in January, 2003.
- **The Act seeks to combat money laundering in India and has three main objectives:**
 - To prevent and control money laundering
 - To confiscate and seize the property obtained from the laundered money; and
 - To deal with any other issue connected with money laundering in India.
- **Sec. 3** of the Act defines offence of money laundering.
- The Act was amended by the **Prevention of Money Laundering (Amendment) Act, 2009** and by the **Prevention of Money Laundering (Amendment) Act, 2012.**
- **Major Provisions of the Act:**
 - The Act prescribes obligation of banking companies, financial institutions and intermediaries for verification and maintenance of records of the identity of all its clients and also of all transactions.
 - PMLA empowers the **Directorate of Enforcement (ED)** to carry out investigations in cases involving offence of money laundering and also to attach the property involved in money laundering.
 - ED is a law enforcement agency and economic intelligence agency responsible for enforcing economic laws and fighting economic crime in India.
 - It was formed as an Enforcement Unit, in the Department of Economic Affairs, for handling Exchange Control Laws violations under **Foreign Exchange Regulation Act, 1947.**
 - PMLA envisages setting up of an **Adjudicating Authority** to exercise jurisdiction, power and authority conferred by it essentially to confirm attachment or order confiscation of attached properties.
 - It also envisages setting up of an **Appellate Tribunal** to hear appeals against the order of the Adjudicating Authority
 - PMLA envisages designation of one or more courts of sessions as **Special Court** or Special Courts to try the offences punishable under the Act.
 - **PMLA also allows Central Government to enter into an agreement with Government of any country outside India for enforcing the provisions of the PMLA.**

- **News Summary:**

- Delhi's former Chief Minister **Arvind Kejriwal** and Congress MP **P. Chidambaram** have sought relief from their respective trials, citing a **recent Supreme Court ruling** as precedent.

SONINGHOSH
NEW DELHI, DECEMBER 1

CITING AS precedent a recent ruling by the Supreme Court, former Delhi Chief Minister Arvind Kejriwal and Congress MP P. Chidambaram moved the Delhi High Court, seeking stay on their respective trials. While Chidambaram's trial in the Narela Masec case was stayed on November 20, the HC is still hearing Kejriwal's plea regarding the excise policy scam.

The SC ruling being cited here came on November 6, mandating for the first time that the Enforcement Directorate (ED) obtain prior sanction to prosecute public servants on money laundering charges.

What is the prior sanction provision?
Section 197 of the Code of Criminal Procedure, 1973 (CrPC) bars courts from taking cognizance of offences alleged to have been committed by a judge, a magistrate, or a public servant who was "acting or purporting to act in the discharge of his official duty" while committing the alleged offence, unless prior or "previous" sanction has been given by the government. An identical requirement is found under Section 218 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNS).

This provision is meant to shield public servants from unnecessary prosecution. However, the explanation to the provision clarifies that "no sanction shall be required" when public servants are accused of certain crimes—against women (such as rape, sexual harassment, stalking, and voyeurism), and other serious crimes such as human trafficking.

Several previous rulings on the provision have held that the provision does not extend its protective cover to every act or omission of a public servant while in service. It applies only to those acts or omissions which are done by public servants while discharging their official duties.

For instance, in *Devinder Singh v. State of Punjab* (2005), the SC held that "protection of sanction is an assurance to an honest and sincere officer to perform his duty honestly and to the best of his ability to further public duty. However, authority cannot be camouflaged to commit crime."

What does the recent SC verdict say?
On November 6, the SC held that Section 197(1) of the CrPC will apply to alleged offences under the Prevention of Money Laundering Act (PMLA) too. A Bench comprising Justices A.S. Okla and Augustine George Masih delivered the verdict in a case involving HS officers Bibhu Prasad Acharya and Adityanath Das, both of whom are facing money laundering charges. The case also implicates former Andhra Pradesh Chief Minister Nara Chandrababu Naidu.

In a 18-page decision, the SC upheld an January 2019 order by the Telangana HC which set aside the trial court's order taking cognizance of the case. The challenge was on the ground that both of them were public servants and, therefore, it was necessary to obtain prior sanction under Section 197(1) of the CrPC before they could be prosecuted.

The SC noted that although there is no specific provision in the PMLA that states prior sanction is not required, it did not find "any provision therein which is inconsistent with the provisions of Section 197(1) of CrPC."

The Bench referred to Section 65 of PMLA which states the provisions of the CrPC applicable to all proceedings under the PMLA, unless they are inconsistent with the PMLA's provisions.

The SC also recorded that the accused were public servants, and that there was a connection between their duties and alleged criminal acts, thus satisfying both conditions for requirement of prior sanction under CrPC section 197(1).

What can be the impact of the prior sanction requirement?
While complaints and the investigation under PMLA will hold, cognizance of charge sheets accusing public servants of money laundering purportedly while in discharge of their duty by the trial court can go away.

In effect, this can mean that an accused public servant, even if convicted by the trial court, can argue during an appeal that the offences alleged were in discharge of their duty, and that the trial took place without obtaining prior sanction from the government. If this argument is accepted, it can result in the court setting aside the conviction.

In *P. P. Pushkar v. State of Jharkhand* (2001), the SC held that the argument that prior sanction under Section 197 was not obtained can be raised by the accused at any time during a trial, or even after conviction. However, the accused public servant must establish that his alleged act was in the course of the performance of his official duty.

As the SC held in the Bibhu Prasad Acharya judgement, "there is no embargo on considering the plea of absence of sanction, after cognizance is taken by the Special Court of the offences punishable under Section 4 of the PMLA."

- While the Delhi High Court is yet to decide on Kejriwal's plea related to the **excise policy scam**, Chidambaram's trial in the Aircel-Maxis case was stayed on **November 20**.
- **Supreme Court Precedent (November 6, 2023):**
 - The SC ruled for the first time that **prior government sanction** is mandatory for prosecuting public servants under the **Prevention of Money Laundering Act** if the alleged offenses are linked to their official duties.
 - This is based on **Section 197** of the **Criminal Procedure Code (CrPC)**.
- **Understanding the Legal Framework:**
 - **Prior Sanction Provision:**
 - **CrPC Section 197:** Courts cannot take cognizance of offenses committed by public servants in their official capacity unless prior government approval is obtained.
 - **Exceptions:** No sanction is required for certain grave offenses like sexual harassment, trafficking, or rape.
 - **Landmark Case:** In **Devinder Singh v. State of Punjab (2016)**, the SC clarified that this provision does not shield corrupt activities disguised as official duties.
- **Supreme Court's Recent Decision:**
 - The SC upheld the 2019 Telangana High Court ruling, which overturned the trial court's cognizance of charges against IAS officers Bibhu Prasad Acharya and Adityanath Das in a money laundering case linked to former Andhra Pradesh CM **Jagan Mohan Reddy**.
 - **PMLA Provisions and CrPC Compatibility:** Section 65 of the PMLA aligns with CrPC Section 197, requiring prior sanction for public servants.
 - **Link to Official Duty:** The accused's duties and alleged criminal acts were connected, necessitating prior sanction.
- **Application to Current Cases:**
 - **Chidambaram's Case:** He argued that the trial court's cognizance of chargesheets filed by the Enforcement Directorate (ED) violated this precedent, as no prior sanction was obtained.
 - **Kejriwal's Case:** He similarly challenged the cognizance of an ED chargesheet in the **liquor policy scam**, citing that even the CBI obtained prior sanction for similar allegations.
- **Impact of the Prior Sanction Requirement:**
 - **Implications for ED Cases:**
 - Investigations under the PMLA remain valid, but trial courts cannot take cognizance of chargesheets against public servants without prior sanction.
 - Convictions could be overturned on appeal if the absence of prior sanction is established.
 - Public servants can raise this argument at any stage of the trial, even post-conviction (**P K Pradhan v. State of Sikkim, 2001**).
 - **Challenges to Prosecution:**
 - Prosecution agencies may face delays as they must secure government approvals before moving forward with cases.
- **Significance of the Ruling:**
 - **Shield for Public Servants:**
 - The provision **aims to protect honest officials performing their duties from frivolous prosecutions** while ensuring accountability for misconduct.
 - **Political and Administrative Ramifications:**
 - High-profile figures are leveraging this provision to contest trial proceedings.
 - The ruling sets a critical precedent for cases involving public servants under the PMLA.

- The Nizam Gate, donated by the Nizam of Hyderabad in the 19th century, reflects the saint's widespread reverence.
- The Dargah embodies Mughal architectural influences, with contributions spanning from Humayun to Shah Jahan.
- **Key Features of the Complex**
 - The saint's grave is encased within a silver railing and surrounded by a marble screen.
 - A prayer room, built by Chimni Begum, daughter of Shah Jahan, provides a serene space exclusively for women.
- **Spiritual significance of Ajmer Sharif Dargah**
 - **Universal Appeal of Ajmer Sharif Dargah**
 - Recognized as one of India's holiest Muslim shrines, Ajmer Sharif attracts people from all faiths, symbolizing religious tolerance and syncretism.
 - Visitors include devotees from diverse backgrounds, as well as Bollywood celebrities, who come to seek blessings and spiritual solace.
 - **The Urs Festival**
 - The six-day **Urs festival, marking the death anniversary of Khwaja Moinuddin Chishti**, is the shrine's most significant event.
 - It features qawwali performances, special prayers, and offerings of chaddars at the tomb, drawing thousands of devotees from around the world to celebrate spirituality and devotion.
- **Khwaja Moinuddin Chishti and Chishti Order in India**
 - **Early Life of Khwaja Moinuddin Chishti**
 - Born in 1141 in Sistan (Persia), Moinuddin was orphaned at 14 and began his spiritual journey after meeting mystic Ibrahim Qandozi.
 - He studied various disciplines, including theology, philosophy, and ethics, in seminaries in Bukhara and Samarkand.
 - **Spiritual Mentorship and Travels**
 - Moinuddin met his mentor, Khwaja Usman Harooni, in Herath (Afghanistan) and was initiated into the Chishti order.
 - He accepted Qutbuddin Bakhtiyar Kaki as his first disciple and traveled to Multan, where he learned Sanskrit and interacted with Hindu scholars.
 - From Multan, he journeyed to Lahore, Delhi, and finally Ajmer in 1191.
 - **Life in Ajmer and Legacy**
 - Moinuddin settled in Ajmer after meeting his wife, Bibi Ummatullah, and established a modest home that became a sanctuary for the poor and needy.
 - His generosity and selflessness earned him the title Gharib Nawaz (Friend of the Poor), solidifying his reputation as a spiritual icon of compassion and inclusivity.
 - **The Chishti Order in India**
 - The Chishti Sufi order, followed by Moinuddin Chishti and later saints like **Qutbuddin Bakhtiyar Kaki** and **Hazrat Nizamuddin Auliya**, integrated local practices considered heretical by orthodox Islam.
 - **Sufism, a mystical branch of Islam**, emerged between the 7th and 10th centuries as a counter to orthodoxy and materialism, focusing on tolerance and spiritual devotion.
 - Chishti saints preached messages of tolerance and inclusivity, emphasizing devotion as the path to spiritual perfection.