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Institute of Civil Services

# DAILY CURRENT AFFAIRS



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## THE SYSTEMIC CHANGE IN PROCUREMENT OF WHEAT THAT LED TO GRAIN DRAIN IN UTTAR PRADESH

### The systemic change in procurement of wheat that led to grain drain in Uttar Pradesh

**SPOTLIGHT**  
A. M. Jigeesh

Struggle is not new to Shahjahanpur, a district in the Terai region of Uttar Pradesh that has produced young martyrs – Ram Prasad Bismil, Ashfaqulla Khan, and Thakur Roshan Singh – in India's freedom movement. It is also known for the handlooms of its farmers and the vast tracts of arable land that play an important role in feeding the country and its most populous State. Today, U.P. produces a little less than 30% of India's wheat, more than any other State, as per government data.

Powayan taluka, less than 30 kilometres from Shahjahanpur, is known as 'mini Punjab', as most farmers here are descendants of those who came from the land of the five rivers in the late 1960s and early 1970s, in search of cultivable land.

Avtar Singh, 72, was one of them. Balwinder Singh, his strapping 38-year-old son, remembers the diffi-



**Golden treasure:** Harvested wheat at Shahjahanpur, Uttar Pradesh. The production of wheat this year is estimated by farmers and traders to have increased by at least 6% in the State. SHASHI SHEKHAR KASHYAP

cult times his family had when crops such as wheat and paddy were new to the region.

Avtar was one among about 37,000 Sikhs (as per the 2011 Census) who brought modern ways of farming wheat and paddy from Punjab to Powayan. Balwinder cultivates wheat on more than 100 acres, most of it leased from his neighbours.

**Costs and prices**  
In 1972, there were no markets in Powayan, and no good fertilizers, seeds, or machinery available close by. Farmers like Avtar went to Shahjahanpur to sell their produce. Now, the district has about four foodgrain markets. Mechanisation has become the norm. The problem that persists is the prices for the produce.

From the 100 acres, the Singhs get about 1,300 quintals of wheat in a year. "We got ₹50-60 a quintal in 1972, when we started. Now, it's ₹2,275 per quintal. This price doesn't match our production cost," says Balwinder, hoping that the minimum support price (MSP) of wheat is increased.

"Seed sellers offer us ₹2,450 per quintal; multinational companies offer ₹2,500. Farmers naturally try to get better money to realise their input costs and hard work." He is wary of the big players though. "They may reduce prices, so it is for the government to ensure that foodgrains are procured at a remunerative price," Balwinder says, suggesting that a model similar to Haryana and Punjab be employed in Uttar Pradesh.

Every year, for the past

three years, farmers in Shahjahanpur and similar markets for wheat in Uttar Pradesh have been holding their harvest for a few months. They wait for big corporations to enter the market with a price higher than the MSP.

This year, they hope that a bonus will be announced after the Lok Sabha election. The Shahjahanpur market, one of the largest foodgrain markets in Uttar Pradesh, wears a deserted look even as the wheat harvest is over.

To attract farmers to markets, APMCs have started lucky draws. In 2023, the APMC in Powayan gave out three tractors worth ₹6 lakh each, along with other farm machinery. This hasn't helped the markets.

Balwinder cites the decreasing procurement from Uttar Pradesh. "The State produced about 340 lakh metric tonnes (LMT) of wheat in the last rabi (winter) crop season of 2022-23. In the last 10 years, we see that on average, 30 LMT of wheat has gone to the Food Corporation of India (FCI) from Uttar Pradesh. But the agency [that ensures food security by procuring, storing, and distributing foodgrain] procured just 3.3 LMT in the last season. Where has the wheat gone? It all went to the big players who can hoard it for long," Balwinder says.

The production of wheat this year is estimated by farmers and traders to have increased by at least 6% in the State. Millers and traders are feeling the pinch as they have no system to take on organised players in processing foodgrains. They too believe the government is helping big players to gain control over the food supply chain in the area, disrupting age-old practices involving commission agents, traders, and small and medium enterprises.

**Covert market control**  
Uma Shankar Gupta is the president of Arti Vyapar Mandal, the association of commission agents in the Shahjahanpur market. He has been asking, on behalf of his colleagues, for a system where commission agents can procure foodgrains from farmers for the Food Corporation of India. So far, he says the government has ignored their pleas.

"We used to get more than 50,000 quintals per day in this market. Now, it is as low as 1,000 quintals, as farmers are holding their grain. They are expecting better prices," he says, adding that big businesses that entered the market about five years ago directly purchase from the farmers now.

Gupta, a BJP supporter, says since the party-led government has come to

power, his income has come down to half.

Sonu Khandelwal, a trader based in Bareilly, says there's a trend to note here. Khandelwal's trading agency, Jagdish International, buys foodgrains and lentils from almost all markets across seven States in north India.

Khandelwal also thinks more shrewdly. "If 10 farmers in one village hold their wheat and gain good prices, the next year the number will increase. Some farmers are holding thousands of quintals of wheat expecting better prices," he says, adding that FCI's buffer stock is decreasing.

"There's a perception that all middlemen are bad. No, this is also a trade, a work involving lakhs of people and their families. Most traders are farmers too." He is more hopeful than most. "It will take several years for MNCs to end the present system," he says, also indicating that the struggles of farmers and traders against the big players will continue.

**LINK TO FULL STORY**  
➤ <https://bit.ly/440jm16>

#### Things to Note Down:

- ❖ Content of News
- ❖ 2 What is MSP
- ❖ Difference in models of HR, Pg and Up
- ❖ What is FCI
- ❖ What is APMC
- ❖ Role of middlemen brokers .

#### About Minimum Support Price (MSP):

- ❖ In 1966-67, as a part of extensive agricultural reforms, MSP was introduced for the first time by the Central Government.
- ❖ Minimum support price (MSP) is a "minimum price" for any crop that the Government considers as remunerative for farmers and hence deserving of "support".
- ❖ It is also the price that Government agencies pay whenever they procure the particular crop from the farmers.



- ❖ It is a way of protecting the farmers in India from the uncertainties of the markets as well as those of the natural kind.
- ❖ There is currently no statutory backing for these prices, nor any law mandating their enforcement.

#### Crops Covered Under MSP:

- ❖ At present, the Central Government sets MSP for 23 crops.
- ❖ These include:
  - ☛ 7 cereals (bajra, wheat, maize, paddy barley, ragi and jowar);
  - ☛ 5 pulses (tur, chana, masur, urad and moong);
  - ☛ 7 oilseeds (safflower, mustard, niger seed, soyabean, groundnut, sesame and sunflower);
  - ☛ 4 commercial crops (raw jute, cotton, copra and sugarcane).

#### How Does the Government Decide on the MSP?

- ❖ The Government announces the MSP at the start of each cropping season (Rabi and Kharif).
- ❖ The MSP is decided after the Government exhaustively studies the recommendations made by the Commission for Agricultural Costs and Prices (CACP).
  - ☛ CACP is an attached office of the Ministry of Agriculture and Farmers Welfare.

#### Q. Who fixes the Minimum Support Price for the crops?

- 1 Cabinet Committee on Economic Affairs
- 2 Parliament of India
- 3 Commission for Agricultural Costs and Prices
- 4 NITI Ayog

Ans. A

#### About Food Corporation of India (FCI):

- ❖ The FCI is a statutory body formed by the enactment of the Food Corporation Act, 1964 by the Parliament.
- ❖ Objectives of FCI:
  - ☛ Effective price support operations for safeguarding the interests of the farmers,
  - ☛ Distribution of food grains throughout the country for Public Distribution System (PDS),
  - ☛ Maintaining satisfactory level of operational and buffer stocks of food grains to ensure National Food Security.
- ❖ Nodal Ministry: Ministry of Consumer Affairs, Food and Public Distribution

#### Role of FCI in Ensuring Food Security in India: (Procurement, Storage, Distribution)

- ❖ Procurement of food grains at Minimum Support Price (MSP):
  - ☛ One of the important functions of FCI is its involvement in the procurement of the food grains. The objectives of procurement include:
- ❖ Ensuring MSP to the farmers
- ❖ Availability of food grains to the weaker sections at affordable prices



- FCI procures food grains to ensure that effective market intervention is in place to keep the prices under check and also to ensure country's food security.
- FCI, along with other state agencies takes up the procurement of Wheat and Paddy.
- This is done under the Price Support Scheme.
- Apart from these two, Coarse grains (Jowar, Bajra etc.) are also procured. This is taken by the State Government agencies as per the directions issued by Government of India.
- The Government of India announces the MSP as per the recommendation of Commission of Agricultural Costs and Prices (CACP), prior to every harvest ( Rabi/kharif season).
- The farmers have the freedom to sell elsewhere (i.e. to traders, millers etc.) if a higher price is offered.
- FCI and other government agencies are required to provide safeguards such that farmers are compelled not to sell at a lower price.
- ❖ Increase in FCI-owned Storage Capacity:
  - FCI is also required to hold huge volumes of procured food grains for a sustained period of time, both for the planned delivery through PDS as well as for any unforeseen situations. Therefore, Storage function of FCI is very important.
  - To meet the storage obligation, FCI has an extensive network of storage depots and silos in strategic locations across the country.
- ❖ Movement & distribution of the stock to deficit regions:
- ❖ FCI undertakes movement for the following purposes:
  - To evacuate food grain stocks from the surplus regions.
  - Supply them to deficit regions for distribution through PDS and other schemes.
  - To create buffer stocks in deficit region.
- ❖ FCI also undertakes the supply of food grains for:
  - Defence and Paramilitary forces
  - Natural Calamities

**Q. With reference to the Objectives of The Food Corporation of India (FCI) consider the following statements:**

- 1 Effective price support operations for safeguarding the interests of the farmers.
- 2 Distribution of food grains throughout the country for public distribution system
- 3 Maintaining a satisfactory level of operational and buffer stocks of food grains to ensure National Food Security

Which of the following are Correct Statements?

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

**Ans. D**



### What is APMC ?

- ❖ The wholesaling of agricultural produce is regulated by the Agricultural Produce Marketing Acts of various State Governments. Agricultural Produce Marketing Committee (APMC) Act authorizes the concerned State Governments to notify the commodities, designate markets and market areas where regulated trade takes place and provides for the establishment of APMCs that are accountable for the functioning of the markets. An entire state is divided and declared as a market area, where markets are governed by the Market Committees that are constituted by the State Governments

### Objectives

- ❖ The objectives of APMC are mentioned below:
  - ☛ Developing an efficient marketing system.
  - ☛ Promotion of agri-processing and agricultural exports.
  - ☛ Specify procedures and systems to establish an effective infrastructure for the marketing of agricultural produce.





**RENEW THE GENERALISED SYSTEM OF PREFERENCES**

*Renew the generalised system of preferences*

In the pantheon of obscure international trade terminology, the “generalised system of preferences,” or GSP, has a special place. GSP refers to an approach that has been adopted by nearly all developed countries for roughly the last half-century to offer incentives for economic reform in developing countries through lower tariffs. Each developed country has customised its own GSP programme to identify qualification criteria it deems important in economic reform, although all ensure that their programmes are constructed to avoid harm to domestic production. In short, it is the oldest and most far-reaching approach to “aid for trade” in the modern multilateral trading system, embodied in the World Trade Organization.

**Renewing GSP**

What is unique about the GSP programme in the U.S. is that its authorising legislation periodically expires until Congress sees fit to renew the programme. New legislation is never an easy proposition, especially in a polarised environment, making bipartisan legislation a herculean endeavour. That is the case with GSP now. The U.S. programme expired in 2020 and despite repeated assurances of bipartisan support, it remains in limbo.

GSP can play a vital role in establishing stable market access for developing countries that otherwise struggle to tap into global trade flows. It can be especially valuable for small businesses and women-owned enterprises, thus helping to empower them beyond limited domestic markets. More recent analysis suggests that GSP is vital in offering alternatives to Chinese imports and providing an advantage to suppliers in trusted developing country markets. GSP criteria promote reforms on labour and environmental sustainability and intellectual property rights protection. GSP



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It is clear there needs to be higher ambition on trade in order to take the U.S.-India strategic relationship even further

imports also help reduce the tariff bills paid by American companies, many of which are small- and medium-sized enterprises.

The coalitions of support in the U.S. are diverse. Last November, a bipartisan group of Florida members of the House penned a letter expressing their strong support for GSP renewal on an urgent basis, highlighting its importance in sourcing away from China and lowering the tariff bill for Florida’s consumers and manufacturers. In an era of friendshoring and nearshoring, GSP can be an effective tool in pursuing new supply chain objectives. Surprisingly, there is even strong bipartisan support for restarting GSP talks with India.

**U.S.-India trade relationship**

While there should be no need to offer additional arguments in favour of renewing GSP without further delay, the U.S.-India trade relationship may help to put support over the top. It is accepted wisdom that GSP renewal would offer an avenue for wide-ranging U.S.-India trade negotiations that can help in vaulting the bilateral trade relationship from the \$200 billion it is presently at to a much higher level. It is clear there needs to be higher ambition on trade in order to take the U.S.-India strategic relationship even further.

Before the expiration of the GSP programme in 2020, negotiations between the Office of the U.S. Trade Representative and the Indian Ministry of Commerce and Industry had come close to sealing a wide-ranging deal. Estimates at the time suggested that an unprecedented bilateral trade agreement between the U.S. and India might cover as much as \$10 billion in trade, including medical devices, several agricultural commodities, corn-based ethanol used for fuel, and information technology products.

The U.S. and India have already come a long distance in their trade relationship. Yet the tools they have available to achieve this increase in trade are limited. Even

though India has gone into overdrive in negotiating free trade agreements (FTAs) with a wider circle of trading partners, including the European Union, the U.K., the European Free Trade Association, Australia, and the UAE, the Biden administration is clear that the U.S. will not negotiate FTAs with any country for the moment. There are several trade dialogues between the two, but these lack the leverage for a hard-nosed trade negotiation that can shoot for ambitious results.

The private sectors in both countries are teaming up to increase investments in high-profile sectors across critical and emerging technologies from smartphone manufacturing to semiconductor production, but they lack the stability in regulatory certainty and ease of doing business that a strong, enforceable trade agreement can bring.

This is where GSP should come into the picture. Each side would have much to gain through negotiations on India’s GSP benefits when the U.S. Congress acts to renew the programme. Short of a change in U.S. administration policy on negotiating FTAs again, no other trade tool or policy could be more effective with India than GSP. Depending on what qualification criteria the Congress includes in the final renewal legislation, a GSP negotiation could cover trade in goods and services, protections for internationally accepted labour rights and restrictions on child labour, enforcement of environmental laws, and provisions on good regulatory practice and other areas relevant to ease of doing business.

As the U.S.-India strategic partnership continues to grow and the two countries play critical, collaborative roles in the Indo-Pacific, they should aim much higher in their trade relationship. GSP is not the full answer to comprehensively achieving this, but it would be a strong statement of their mutual desire to be on this path.

**What you should Note?**

- ❖ What is GSP?
- ❖ How it can benefit India-US Trade.



### Generalized System of Preferences (GSP):

- ❖ **Withdrawal and India's Appeal:**
  - ☛ The Generalized System of Preferences (GSP) trade privilege for India was withdrawn by the Trump administration in June 2019.
  - ☛ India has been actively urging the Biden Administration to reinstate this trade privilege.
- ❖ **Overview of GSP:**
  - ☛ GSP is a U.S. trade program initiated on January 1, 1976, under the Trade Act of 1974.
  - ☛ GSP is a preferential trade program that allows certain developing countries to pay fewer or zero duties on their exports to developed countries.
  - ☛ The aim is to promote economic growth in the beneficiary countries by facilitating their exports.
  - ☛ Under GSP, eligible products from beneficiary countries receive preferential treatment in terms of reduced tariffs or duty-free access to the markets of the developed countries offering GSP privileges.
- ❖ **Non-Reciprocal Basis and Concerns:**
  - ☛ GSP has historically been granted on a non-reciprocal basis, supporting development in beneficiary countries.
  - ☛ However, the U.S. has linked GSP with market access and tariff reduction, deviating from its non-reciprocal nature.
- ❖ **Objective of GSP:**
  - ☛ The primary objective of GSP is to provide development support to less affluent countries by promoting their exports to developed nations.
  - ☛ It facilitates sustainable development by aiding beneficiary countries in increasing and diversifying their trade with the United States.
- ❖ **Benefits of GSP:**
  - ☛ Indian exporters indirectly benefit from GSP through reduced tariffs or duty-free entry granted to eligible Indian products.
  - ☛ The lowered import duty enhances the competitiveness of Indian products in the U.S. market, benefiting both new and established exporters.
  - ☛ GSP serves as a tool for market penetration and allows exporters to improve market share and profit margins in the donor country.



**WHY WAS PURKAYASTHA'S ARREST INVALIDATED?**

# Why was Purkayastha's arrest invalidated?

Why was the NewsClick founder's arrest considered 'illegal' and in violation of the fundamental right guaranteed under Article 22(1) of the Constitution? What had the High Court said earlier? Has the Court commented on the merits of the case?

**EXPLAINER**

Aaratrika Bhaumik

**The story so far:**

**I**n May 15, the Supreme Court ordered the release of the online portal NewsClick's founder Prabir Purkayastha from custody after concluding that his arrest and remand under the draconian Unlawful Activities Prevention Act, 1967 (UAPA) by the Delhi Police were "invalid in the eyes of law". A Bench of justices B.R. Gawai and Sandeep Mehta pointed out that neither Mr. Purkayastha nor his designated counsel were provided the grounds for his arrest in writing, which is "sacrosanct and cannot be breached under any situation". The ruling emphasises the need for law enforcement agencies to adhere to proper procedure and due process, especially in stringent UAPA cases where there is a reverse burden of proof on the accused. This makes obtaining bail extremely difficult in such cases.

**Why was the arrest 'illegal'?**

As per the arrest memo, Mr. Purkayastha was arrested on October 3, 2023, at 5:45 p.m. by invoking stringent UAPA provisions on the ground that he had allegedly received funds through Chinese firms to spread pro-China propaganda. Earlier on August 17, 2023, an FIR was lodged by the Delhi Police envisaging serious offences under Sections 13 (unlawful activities), 16 (terrorist act), 17 (raising funds for terrorist acts), 18 (conspiracy), and 22(C) (offences by companies, trusts) of the UAPA, and Sections 153A (promoting enmity between different groups) and 120B (criminal conspiracy) of the Indian Penal Code, 1860 (IPC).

During the proceedings, senior advocate Kapil Sibal, appearing on behalf of Mr. Purkayastha, contended that the FIR was neither made available in the public domain nor was a copy supplied to him until his arrest and remand, in violation of the fundamental right guaranteed under Article 22(1) of the Constitution. Further, the Court was apprised that on the morning of October 4, 2023, Mr. Purkayastha was produced before the remand judge at his residence without intimating his designated lawyer Mr. Arshdeep Khurana. He was instead represented by a legal aid lawyer whom he had never engaged before.

Mr. Purkayastha's lawyer was finally informed about the remand proceedings at 7:07 a.m. through a WhatsApp message – after the remand order granting seven days of police custody had already been passed. However, two sentences were subsequently inserted in the remand order to give the impression that the lawyer had been heard before the passing of the order. This, Mr. Sibal argued, violated the Supreme Court's verdict in *Pankaj Bansal versus Union of India and Others* (2023) wherein it was held that to give effect to constitutional safeguards, "it would be necessary, henceforth, that a copy of such written grounds of arrest is furnished to the arrested person as a matter of course and without exception."

On the other hand, additional Solicitor-General S.V. Raju, appearing for the Delhi Police, pointed out that the ratio of *Pankaj Bansal* applied only to money laundering cases under the Prevention of Money Laundering Act, 2002, (PMLA), and not those under the UAPA. The law officer argued that the UAPA required the police to only "inform" the accused of the reasons for arrest, without needing to provide them in writing to him.



**Brief relief:** Prabir Purkayastha, founder of NewsClick after his release from prison. SPECIAL ARRANGEMENT

**What does Article 22 stipulate?**

Mr. Purkayastha's case is based on the constitutional safeguard provided under Article 22(1) of the Constitution, which dictates that no person who is arrested can be detained in custody without being promptly informed of the grounds for their arrest. It further stipulates that an arrested person cannot be denied "the right to consult, and to be defended by, a legal practitioner of his choice."

Notably, both the PMLA as well as the UAPA contain similar provisions, which mandate the intimation of the grounds of arrest to an accused. Under Section 19 of the PMLA, the Enforcement Directorate (ED) officer should not only have material with him giving him "reasons to believe" that a person is guilty of an offence under the law but such reasons should also be "recorded in writing before effecting arrest of any person." Further, these written grounds of arrest must be communicated to the accused for a valid arrest to take place. This, according to the Supreme Court's verdict in *Pankaj Bansal*, affords an opportunity to the arrested person to prove before a trial Court that there are grounds to believe that he/she is not guilty of such offence, to avail the relief of bail. Similarly, Sections 43A and 43B of the UAPA mandate the furnishing of the grounds of arrest to an accused at the earliest.

Mr. Sibal had pointed out that the language of both the statutory provisions is *pari materia* (upon the same subject matter) and thus the law laid down in *Pankaj Bansal* squarely covers Mr. Purkayastha's case.

**What was the Delhi High Court's verdict?**

In a verdict delivered on October 13, 2023, Justice Tushar Rao Gedela of the Delhi High Court agreed with the Delhi police that the ratio of *Pankaj Bansal* would not apply to the facts of Mr. Purkayastha's case. He underscored that the verdict in *Pankaj Bansal* was delivered purely in relation to PMLA provisions and that it

cannot "by any stretch of imagination, be made applicable, *mutatis mutandis*, to the cases arising under UAPA."

Justice Gedela also noted that the offences alleged in the *NewsClick* case directly impact "the stability, integrity, and sovereignty of the country" and bear significant national security implications. He further reproduced Solicitor General Tushar Mehta's submission that the email exchanges between Mr. Purkayastha and other entities indicated an attempt to portray Jammu and Kashmir and Arunachal Pradesh as "disputed territories."

However, the Court added that considering the stringent provisions of the UAPA, it would be advisable that the investigating agencies, henceforth, provide grounds of arrest in writing, after redacting what in their opinion would constitute "sensitive material."

**What about the Supreme Court?**

The top Court ruled that there is "no significant difference" in the language employed in Section 19(1) of the PMLA and Section 43B(1) of the UAPA which can support the Delhi Police's contention that the law laid down in *Pankaj Bansal* should not be applied to an accused arrested under the UAPA.

"...The requirement to communicate the grounds of arrest is the same in both the statutes. As a matter of fact, both the provisions find their source in the constitutional safeguard provided under Article 22(1) of the Constitution of India," it reasoned. Thus the judges emphasised that the "salutary and sacrosanct" requirement of informing the arrested person of the grounds of arrest in writing will henceforth apply to all UAPA cases as well. It will not suffice to convey them orally only. This, according to the Court, is the "only effective means" for the arrested person to consult his lawyer, oppose the police custody remand and seek bail.

It further asserted that the mere fact that a charge sheet has been filed "would

not validate the illegality and the unconstitutionality committed at the time of arresting the accused and the grant of initial police custody remand to the accused." The Bench also differentiated between the meaning of the terms "reasons of arrest" and "grounds of arrest". While the former relates to general parameters based on which a person had to be arrested, the latter requires the police to list out specific facts necessitating the arrest of the individual concerned, so that he/she could effectively oppose the plea for remand or seek bail, it said.

Notably, the judges expressed serious reservations that Mr. Purkayastha's lawyer was not informed about the remand proceedings despite the Delhi police having access to his phone number. The Court further remarked that the "charade of informing" the *NewsClick* founder's lawyer after the remand order had already been passed was an exercise in futility.

The judges also pointed out that the two sentences inserted in the remand order to give the impression that Mr. Purkayastha's lawyer Arshdeep Khurana was heard before its issuance was an afterthought. "A bare perusal of the remand order is enough to satisfy us that these two lines were subsequently inserted in the order because the script in which these two lines were written is much finer as compared to the remaining part of the order and moreover, these two lines give a clear indication of subsequent insertion," the Bench underscored.

**What happens next?**

After the pronouncement of the verdict, Mr. Raju sought a clarification from the Bench as to whether the ruling would preclude the police from exercising its "correct powers of arrest" in the case in the future.

In response, Justice Gawai said, "We have not said anything about that. Whatever you are permitted under the law, you can do."

**THE GIST**

The Supreme Court ordered the release of the online portal NewsClick's founder Prabir Purkayastha from custody after concluding that his arrest and remand under the draconian Unlawful Activities Prevention Act, 1967 (UAPA) by the Delhi Police were "invalid in the eyes of law".

Mr. Purkayastha's case is based on the constitutional safeguard provided under Article 22(1) of the Constitution, which dictates that no person who is arrested can be detained in custody without being promptly informed of the grounds for their arrest.

During the proceedings, senior advocate Kapil Sibal, appearing on behalf of Mr. Purkayastha, contended that the FIR was neither made available in the public domain nor was a copy supplied to him until his arrest.





## What you should note?

- Context of the News (Due Process)
- Grounds of illegality of arrest  
↓  
Purkayastha's side -  
↓  
Delhi: Police side  
↓
- What does Indian Const<sup>n</sup> says about such cases? (Art 22)  
↓
- UAPA (Section 43A & 43B)  
↓
- PMIA (Section 19)  
↓
- Delhi H.C verdict -  
↓
- S.C Ruling ← (Panraj Bansal case)  
Purkayastha case

### What is Unlawful Activities Prevention Act (UAPA)?

- ❖ It was first enacted in 1967 to deal with secessionist movements and anti-national activities.
- ❖ It was amended several times, most recently in 2019, to include provisions related to terrorist financing, cyber-terrorism, individual designation, and seizure of property.
- ❖ It empowers the National Investigation Agency (NIA) to investigate and prosecute cases under UAPA across the country.
- ❖ It provides for the death penalty and life imprisonment as the highest punishments for terrorist acts.
- ❖ It allows for the detention of suspects without charge or trial for up to 180 days, and for the denial of bail to the accused unless the court is satisfied that they are not guilty.
- ❖ It defines unlawful activity as any action that supports or incites the cession or secession of any part of India, or that questions or disrespects its sovereignty and territorial integrity.
- ❖ It defines terrorism as any act that causes or intends to cause death or injury to any person, or damage or destruction to any property, or that threatens the unity, security or economic stability of India or any other country.
- ❖ Sections 43-A and 43-B of the UAPA:
  - It pertains to arrest, search, and seizure.
  - Section 43A of UAPA states that, any empowered officer of the Designated Authority, by order of the Central or State Government, aware of or suspecting an offence under this Act, may authorize arrest or search, day or night.



- Section 43B of UAPA states that an arresting officer under section 43A must promptly inform the arrested individual of the grounds for arrest.
- Every person arrested and article seized under section 43A shall be forwarded without unnecessary delay to the officer-in-charge of the nearest police station.
- The receiving authority must take necessary actions as per the law without delay.

### What is Prevention of Money Laundering Act (PMLA)?

- ❖ PMLA- The Prevention of Money Laundering Act, 2002 (PMLA) is an Act of the Parliament of India enacted to prevent money laundering and provide for the confiscation of property derived from money laundering
- ❖ It aims to combat money laundering related to illegal activities such as drug trafficking, smuggling, and terrorism financing.
- ❖ The PMLA was enacted by India's Parliament under Article 253 which empowers it to make laws for implementing the international conventions.

### Money Laundering?

- ❖ Money laundering is a complex process used by individuals and organisations to conceal the origins of illegally obtained money. It involves making illicit funds appear legitimate through a series of transactions.

#### PYQ:

The Indian government has recently strengthened the anti-terrorism laws by amending the Unlawful Activities (Prevention) Act (UAPA), 1967 and the NIA Act. Analyze the changes in the context of prevailing security environment while discussing the scope and reasons for opposing the UAPA by human rights organizations. (250 words/15m) (UPSC CSE (M) GS-3 2019)

#### Practice Question:

What are the key implications of the Supreme Court's decision to invalidate the arrest of NewsClick founder-editor Prabir Purkayastha in a terror case? Discuss the importance of procedural adherence and safeguarding individual rights in such legal proceedings. (250 words/15 m)

### EXPECTED UPSC QUESTIONS

#### Q1. Consider the following statement regarding Unlawful Activities Prevention Act

- 1 Investigation under UAPA is done by the CBI
- 2 10 years imprisonment is the highest form of punishment under UAPA.

Which of the following statement is correct?

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



**SOLUTION**

- ❖ STATEMENT A is incorrect because Investigation are done by the State police and the National Investigation Agency(NIA).
- ❖ STATEMENT B is incorrect because Death penalty and life imprisonment the highest form of punishment under UAPA.

**Q2. Consider the following statement regarding Unlawful Activities Prevention Act**

- 1 It is an anti-terror law which aimed at preventing certain unlawful activities of individuals and associations.
- 2 Introduced in 1950, UAPA purpose was to target separatist organizations.

Which of the following statement is incorrect?

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

**SOLUTION**

- ❖ STATEMENT A is correct because it is an anti- terror law which aimed at preventing certain unlawful activities of individuals and associations.
- ❖ STATEMENT B is incorrect because Introduced in 1967, UAPA purpose was to target separatist organizations.

**Q3. Consider the following statements regarding Prevention of Money Laundering Act (PMLA):**

1. An FIR is required before starting an investigation under the act.
2. Under PMLA, burden of proving innocence is on the accused.

Select the correct answer using the codes given below

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

**Notes:**

- ❖ Statement 1 is incorrect. : IN case of PMLA, an ECIR (Enforcement Case Information Report) is registered. It is an equivalent of the FIR, is considered an “internal document” and not given to the accused.
- ❖ Statement 2 is correct. In PMLA, this burden has been shifted to the accused persons; they will have to prove their innocence. Under general law every person is innocent until proven guilty.



## WHY IS THE EUROPEAN UNION PROBING FACEBOOK AND INSTAGRAM?

# Why is the European Union probing Facebook and Instagram?

The 27-nation bloc has said it is concerned that Facebook and Instagram's recommendation engine could 'exploit the weaknesses and inexperience' of children and stimulate 'addictive behaviour'

**Nabeel Ahmed**

### The story so far:

**T**he European Union has opened fresh investigation into Meta's Facebook and Instagram over suspicions that they are failing to protect children on their platform, a violation that could result in fines of up to 6% of their annual worldwide revenue.

### What led to the investigation?

The 27-nation bloc has said it is concerned that Facebook and Instagram's recommendation engine could "exploit the weaknesses and inexperience" of children and stimulate "addictive behaviour". The bloc's executive arm further said that these systems could reinforce the so-called "rabbit hole" effect that leads users to watch increasingly disturbing content. As part of the probe, the commission will look into Meta's use of age verification tools to prevent children under the age of 13 from accessing Facebook and Instagram. And also find out whether the company is complying with the bloc's Digital Service Act (DSA) and enforcing a high level of privacy, safety and security for minors.

### What does the DSA mandate?

The bloc's DSA came into effect in

February. It stipulates very large online platforms, which have over 45 million users in the EU, to provide an option in their recommender systems that is not based on user profiling and share their data with the Commission and national authorities to assess compliance under the law.

The platforms are also required to take measures to protect minors from content that may impair their physical, mental or moral development. Additionally, platforms must take targeted measures to protect the rights of minors, including age verification and parental control tools that are aimed at helping minors signal abuse or obtain support. Facebook and Instagram have more than the stipulated number of users, and so are designated as very large platforms, bringing them under the law's purview.

The EU regulator will now carry out an in-depth investigation as a "matter of priority" and gather evidence by sending additional requests for information, conducting interviews and inspections. The commission can also accept commitments made by Meta to remedy the issues raised during the investigation.

### What has Meta done to protect children on its platforms?

Earlier this year, Meta announced it was

testing an AI-driven "nudity protection" tool that would find and blur images containing nudity that were sent to minors on the app's messaging system.

Additionally, the company said it would roll out measures to protect users under 18 years of age by tightening content restrictions and boosting parental supervision tools.

This is not the only investigation Meta's platforms are facing in the EU. In April, the regulator opened an investigation, accusing Meta of having failed to tackle deceptive advertising and disinformation in the run-up to the European Parliament elections.

The antitrust regulator's move against Meta stemmed from the platform being used as a potential source of disinformation by Russia, China and Iran to influence voters in EU.

### Are these platforms under scrutiny of other countries outside the EU?

Even before the DSA was implemented in the EU, Meta's Instagram faced backlash in the U.S. after a report by the *Wall Street Journal*, published in June 2023, said the platform "helps connect and promote a vast network of accounts openly devoted to the commission and purchase of under age sex content".

At the time, the company said it was

working on "improving internal controls", and that it had eliminated 27 paedophile networks in addition to removing 4,90,000 accounts that breached its kid safety regulations in just one month.

### What are the general practices of protecting minors online?

With children growing up in an increasingly digital world, it has become increasingly difficult for parents and caregivers to ensure their online safety.

Parents are advised to ensure they are up to date with online risks and have set up safeguards to protect their child's digital experience.

These could include setting up of kid's profiles, choosing age-appropriate apps and games and setting up child-friendly sites and search engines, and ensuring age restricted content is inaccessible on the devices and platforms they are using. Parents are also advised to supervise and spend time with their children online to ensure they do not engage in harmful activities or fall prey to online predators.

And minors using social media platforms must ensure they know how to report and "block" accounts with offensive material and foster open conversations to ensure an adult is available if something doesn't feel right.

## What you should Note:

- ❖ Context
- ❖ What measures meta taken
- ❖ Issue
- ❖ Rabbit hole effect

## Question

- ❖ Discuss the effect of use of social media on mirrors. Also suggest measures to protect them. (150 w/10m)



## IBU VOLCANO



Mt. Ibu, on the remote Indonesian island of Halmahera, erupts spectacularly, spewing a grey ash cloud 4 km into the sky as streaks of lightning flash around its crater. Authorities have evacuated people from seven nearby villages. Ibu's eruption follows a series of such outbursts from different volcanoes in Indonesia, which sits on the Pacific 'Ring of Fire' and has 127 active volcanoes. AFP

### About Ibu Volcano:

- ❖ It is a stratovolcano in the Maluku region of East Indonesia.
- ❖ It is one of Indonesia's most remote and inaccessible volcanoes.
- ❖ It reaches a height of 1,377 meters above sea level.

### What is a Stratovolcano?

- ❖ A stratovolcano is a type of volcano that is tall, steep, and cone-shaped.
- ❖ They have taller peaks than flat-shield volcanoes. Stratovolcanoes typically feature a tiny crater at their summit.
- ❖ During relative inactivity, the crater may be filled with water or ice, or it may contain a volcanic dome.
- ❖ Stratovolcanoes account for most of the Earth's volcanoes (60%) and are typified by eruptions of andesite and dacite, which are colder and denser than basalt.
- ❖ These more viscous lavas allow for large gas pressures to develop up. As a result, these volcanoes frequently have violent eruptions.



- ❖ They are frequently half lava and half pyroclastic debris, and the layering of these products lends them their other popular name of composite volcanoes.

**Q. Consider the following statements about Ibu volcano-**

1. It erupted in Japan
2. Its a type of Stratovolcano

How many statements are incorrect?

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

