

**DAILY
CURRENT
AFFAIRS
ANALYSIS**



LAKSHYA ACADEMY®

28 JULY 2023

1 – INS Kirpan:

GS III

Internal Security

- **Context:**
- The INS Kirpan was decommissioned from the Indian Navy and given to Vietnam.
- **In relation to INS Kirpan:**
- A Khukri class corvette is called INS Kirpan.
- It was recently decommissioned and given to the Vietnamese People's Navy.
- India has never before provided a functioning warship to another country.
- It is a locally produced missile corvette.

• *Source* → *The Hindu*

2 - King Mihir Bhoj:

GS I

Modern Indian History

- **Context:**
- The controversy over Mihir Bhoj's ancestry has recently surfaced in Haryana.
- **Haryana's ongoing conflict is:**
- In Kaithal, Haryana, the Gurjar people will honour Mihir Bhoj with a statue since they consider him to be their "king" or "Pratihara Samrat."
- The Rajput community voiced its opposition to this.

- **In relation to Mihir Bhoj:**
- Mihir Bhoj (c. 836-885 CE), the eminent and ambitious king of ninth-century India, ruled the country.
- At the period, the Gurjara-Pratiharas ruled over a huge kingdom that stretched from Gujarat to Kashmir.
- Mihir Bhoj effectively seized control of regions in the Deccan and Malwa.
- Since it was believed that whomever controlled Kannauj would govern as the country's monarch, control of that city was the primary political issue in the ninth century.
- He drove the Gujarat-Rashtrakutas out of Malwa and parts of Gujarat.
- Similar to this, the emperor launched an offensive against Bengal and expropriated Bengali Pala estates from Gorakhpur.
- **His dubious lineage:**
- Mihir Bhoj was a member of the Gurjar Pratiharas, who are also known as Rajputs and Gurjars.
- The Gurjars were a nomadic clan that initially arose in Rajasthan and Gujarat in ancient India.
- It is said that Mihir Bhoj belongs to this tribe.
- However, it's possible that he also openly acknowledged his Kshatriya status.
- The Pratihara branch of the dynasty had ties to the Rajputs.
- It was thought that only a Kshatriya (warrior) could succeed to the throne.
- In ancient India, all kings identified as Kshatriyas.
- *Source → The Hindu*

3 - Swaraj is my birthright and I shall have it:

GS I

Modern Indian History

- **Context:**
- Recently, the birth anniversary of Bal Gangadhar Tilak was honoured.
- **Important details:**

- Mahatma Gandhi referred to him as "the Maker of Modern India".
- The word with which Tilak is most frequently linked, "Lokmanya," which means "the beloved of the people," aptly represents Tilak's contribution to the Indian liberation struggle: making the movement accessible to the general population.

- **His evaluation:**

- Tilak has drawn criticism for emphasising the community nature of the freedom struggle.
- His efforts to mobilise the public were centred on Hindu festivities and heroes, such as Shivaji Jayanti and Ganesh Chaturthi.
- His resistance to women's equality and caste reform.

- **About Tilak:**

- Tilak was born on July 23, 1856.
- Tilak joined the Indian National Congress in 1890. He was a lawyer, professor, and writer who produced the newspapers Kesari in Marathi and Maratha, respectively.
- Tilak was annoyed by the Congress' moderate approach of using petitions and prayers to ask for a more equitable form of British rule.
- Tilak joined the Lal Bal Pal troika, which, along with Lala Lajpat Rai and Bipin Chandra Pal, advocated complete independence from the British as the goal and the use of illegal measures, including violence, to achieve it.
- The gulf between moderates and extremists widened, and the Congress eventually disintegrated in 1907.
- In 1916, the year Tilak returned to the Congress after doing time for sedition and being found guilty, he wrote his famous declaration on Swaraj.
- Tilak famously proclaimed, "Swaraj is my birthright and I shall have it," as he steadfastly worked towards swaraj (self-governance or freedom from foreign rule).

- **With regard to the Quote:**

- In 1916, Tilak is reported with remarking in Belgaum, Karnataka, that Swaraj is a birthright.
- Tilak thought that everyone in India was born with the essential right of swaraj, or the ability to self-govern.
- The ability of Indians to rule themselves more successfully than the British was not something they had to prove.
- Every Indian has a basic right to their unalienable birthright of freedom.
- The Swaraj that Tilak envisioned and worked to achieve was meant to set us free from both the yoke of foreign rule and the repressive social norms that are inherent to our country.
- His resolve to realising Swaraj by organising the populace and his vision for the future transformed our struggle for independence.

- *Source* → *The Hindu*

4 - Enforcement Directorate's power to arrest and seek custody:

GS II

Statutory and Non-Statutory Bodies

- **Context:**

- Tamil Nadu Minister V. Senthilbalaji suffered a serious setback when the Madras High Court upheld the validity of his detention by the Enforcement Directorate (ED) and subsequent remand in judicial custody in a money-laundering case related to a cash-for-jobs scheme.

- **Important details:**

- The fundamental question in the case was whether the ED had the right to ask for custody of someone who had been detained.
- The sessions judge placed Balaji in judicial detention in accordance with Section 167 of the Code of Criminal Procedure (CrPC).
- The CrPC should be applied mutatis mutandis (making the necessary changes without changing the law's essential provisions), and the word "police" must be understood to mean either the Investigating Agency or the Enforcement Directorate. This is because the Prevention of Money Laundering Act stipulates that for the CrPC to be applicable, its provisions must not conflict with those of the PMLA.
- It was also mentioned that the Court primarily based its decision to remove ED personnel from the definition of police officers on the fact that statements made to the former in a criminal case would qualify as admissible evidence before the trial court under the PMLA, but not to the latter.

- **Supreme Court rulings:**

- **Union of India vs. Vijay Madanlal Choudhary in India:**

- In its landmark 2022 ruling in *Vijay Madanlal Choudhary v. Union of India*, the Supreme Court upheld many provisions of the PMLA pertaining to the powers of arrest, attachment, search, and seizure conferred to the ED.

- The court determined that every provision of the PMLA was legitimately related to the objectives of the Act's intent to successfully combat money laundering.
- **Chidambaram v. P. Directorate of Enforcement:**
 - In *P. Chidambaram v. Directorate of Enforcement* (2019), which contained a money-laundering charge, the Supreme Court denied a move for anticipatory bail and instead awarded custody to the ED.
 - Pre-arrest bail, according to the court, would prevent the necessity for a "systematic and analysed" investigation into a money-laundering case, which involves numerous steps of money placement and layering.
 - In addition, the court issued a caution, indicating that it may only interfere with a criminal inquiry if it is certain that the investigating officer's authority has been misused or that the CrPC has not been adhered to.
- **The authority of the Enforcement Directorate:**
- **Concerning ED:**
 - The Enforcement Directorate (ED) was first established in 1956 as a "Enforcement Unit" by the Department of Economic Affairs, Ministry of Finance.
 - It was renamed the "Enforcement Directorate" in 1957, and the Department of Revenue, Ministry of Finance currently oversees it for operational purposes.
- **The Directorate is required by law to enforce the following Acts among others:**
- **The Prevention of Money Laundering Act of 2002, or PMLA:**
 - A criminal law was enacted to prevent money laundering and to allow for the confiscation of assets obtained from, connected to, or used in such conduct, as well as anything related to or incidental to such activity.
 - ED has been given the responsibility of upholding the PMLA's regulations by:
 - looking into the property acquired with the proceeds of crime,
 - to fasten the property momentarily and
 - to guarantee that offenders are brought before the Special court and that their property is seized.
- **The Foreign Exchange Management Act of 1999 is known as FEMA:**
 - It is a civil legislation that was created to define and update the laws governing payments and commerce outside of India as well as to promote the market's orderly expansion and maintenance.

- The task of conducting investigations into alleged contraventions of foreign exchange laws and regulations, pronouncing judgements, and punishing those found guilty of breaking the law has been given to ED.
- **The 2018-enacted Fugitive Economic Offenders Act (FEOA):**
 - In an effort to stop economic criminals from sidestepping Indian legal processes by evading the jurisdiction of Indian courts, this law was created.
 - It is a statute that allows the Directorate the power to confiscate and turn over to the Central Government the property of economic criminals who have fled India and are wanted for arrest.
- **Foreign Exchange Management Act of 1999:**
 - Any FEMA-related violations could be the focus of an ED inquiry.
 - The ED has the same authority as an income tax officer under the ITA.
- **Fugitive Economic Offenders Act of 2018:**
 - The Director has the power to conduct investigations, demand witnesses' presence, order the production of documents, and other actions in order to determine whether a person is a fugitive offender or not.
- **Survey-related ED authority:**
 - The Prevention of Money Laundering Act of 2002 and the Fugitive Economic Offenders Act of 2018.
- **The investigating authority may: During the survey:**
 - Identify the documents he has seen, make copies of them, or have extracts made from them.
 - Make a list of everything he has examined or confirmed.
 - Any witness whose testimony would be useful or pertinent to a proceeding under this Act should have it recorded.
- **Authorities of the ED during a search and seizure:**
 - The Prevention of Money Laundering Act of 2002 and the Fugitive Economic Offenders Act of 2018.
 - He may enter and search any structure, site, vessel, vehicle, or aircraft if he has reason to think that such records or the proceeds of crime are maintained there.

- Any lock that prevents access to the keys on a door, box, locker, safe, almirah, or other container should be broken.
- Any information or materials found during the search should be taken.
- Create or command the fabrication of copies or extracts from the record or property, or add identification markers if necessary.
- Create a note about the object in question or an inventory of it.
- Any person who is found to be in charge of or in possession of any property or papers should be questioned while under oath.

- **Foreign Exchange Management Act of 1999:**

- While conducting such an investigation, the ED is allowed to undertake searches and seizures.
- Having the power to summon.

- **Fugitive Economic Offenders Act of 2018:**

- The Director is empowered by the FEOA to issue summonses to compel anyone's attendance, the production of records, the reception of affidavits as attendance proof, the discovery and inspection of papers, etc.

- **Foreign Exchange Management Act of 1999:**

- Under the FEMA, a person may be summoned by the Director or Assistant Director of the ED.
- The person who does not appear before the ED may then receive a show cause notice from the adjudicating authority.

- **Personal Search Power:**

- The Prevention of Money Laundering Act of 2002 and the Fugitive Economic Offenders Act of 2018.
- If the Authorised Authority has cause, he may search the subject and seize any documents or property that may be relevant to or useful in any legal actions brought in accordance with the applicable statutes.

- **Property incorporation:**

- The Director, or any other officer not below the rank of Deputy Director authorised by the Director by an order in writing, may provisionally attach such property for a period not to exceed 180 days from the date of the order, in the manner permitted by law.

- **Recovering Fines, Penalties, and Penalty Arrears:**

- Any fine levied on a person may be recovered by the authority in accordance with the Income Tax Act of 1961 if it is not paid within six months of the day it was issued.

- **Appeals:**

- Within 45 days, the Director or any other party who feels wronged by an order issued by the Adjudicating Authority under this Act may file an appeal with the Appellate Tribunal.
- Any person who feels wronged by an Appellate Tribunal decision or order has sixty days to initiate an appeal with the High Court.

- *Source → The Hindu*

5 - Cantonment Towns:

GS III

Internal Security

- **Context:**

- The government has made the decision to contemplate merging several cantonments with nearby state municipalities.

- **About cantonment towns:**

- A cantonment area is a territory that the Indian central government has declared and taken control of in accordance with the Cantonments Act of 2006 in order to provide municipal services to the local populace.
- In India, a cantonment board is a local government agency that reports to the Ministry of Defence.
- According to the Cantonments Act of 2006, the board is made up of elected members in addition to ex-officio and nominated members.
- A board member's tenure on the job is five years.
- There are four classifications for cantonments:
 - Category I: More than 50,000 people in the population
 - Population in Category II is greater than 10 thousand but not more than fifty thousand.

- Population in Category III is greater than 2,500 but less than 10,000.
- Category IV: There are no more than 2,500 people in the population.

- *Source* → *The Hindu*



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