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ANALYSIS**



LAKSHYA ACADEMY®

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1 - Bill for Maratha Reservation:

GS II

Government Policies and Interventions

- **Context:**
- The Maharashtra State Reservation for Socially and Educationally Backward Classes Bill 2024, just enacted by the Maharashtra Assembly, reserves 10% of jobs and education for the Maratha population under socially and educationally backward categories.
- **Which Maratha Reservation Bill Points Stand Out?**
- Based on a recommendation of the Maharashtra State Backward Class Commission, the Maharashtra State Reservation for Socially and Educationally Backward Classes Bill 2024 was created.
- This report supported the need for reservations by characterising the Marathas as being socially and educationally backward.
- Article 342A (3) of the Indian Constitution designates the Maratha community as a Socially and Educationally Backward Class, as per the Bill. In accordance with Articles 15(4), 15(5), and 16(4) of the Constitution, it reserves space for this class.
- Every state or union territory is permitted to create and maintain a list of socially and educationally backward classes (SEBCs), according to Article 342A (3). The Central List may not match these lists.
- The state may provide specific arrangements for the progress of any SEBCs of people, as well as Scheduled Castes and Scheduled Tribes, under Article 15(4).
- With the exception of minority educational institutions, the state is permitted by Article 15(5) to reserve seats for members of the scheduled castes and tribes, as well as members of the backward classes, for admission to educational institutions.
- According to Article 16(4), the state may reserve appointments or positions for any underrepresented citizen class that it deems to be inadequately represented in state-run services.
- The Bill targets the most marginalised members of the community by ensuring that the creamy layer principle is applied and limiting reservation to Marathas who do not fall into this category.
- "Exceptional circumstances and extraordinary situations" were highlighted in the commission's report to support reservations to the Maratha community above the Supreme Court's 50% ceiling (the Indira Sawhney verdict, 1992).
- Currently, 52% of the population in Maharashtra is reserved; this group includes a number of groups like OBC, Vimukt Jati, SC, ST, and nomadic tribes. The state's total reserve percentage will now be 62% after the Marathas' 10% reservation was added.

- **The Maratha Reservation's history:**

- A commission headed by Narayan Rane suggested a 16% reservation for Marathas in 2014 before the elections; however, the Bombay High Court later overturned and suspended the recommendation.

- **The Gaikwad Commission:**

- Based on the recommendations of the Gaikwad Commission, the Maharashtra government passed the Socially and Educationally Backward Class (SEBC) Act in 2018, which provided 16% reservation.
- This was lowered to 12% for education and 13% for employment by the Bombay High Court.
- Then, in May 2021, the Supreme Court completely overturned the quota, stating that there was insufficient scientific evidence to support going over the 50% quota ceiling.
- The Supreme Court made it clear in the 1992 Indira Sawhney ruling that the 50% rule would apply unless there were very specific, extraordinary circumstances that would allow the people of distant and isolated places to become more mainstream.

- **State Backward Class Commission of Maharashtra:**

- To reevaluate the Maratha reservation problem, the Maharashtra State Backward Class Commission was constituted in December 2023 and is chaired by Justice (retd) Sunil B Shukre.
- According to the Shukre committee, 28% of the state's population is Maratha, and 84% of them are not progressed. It further states that a group this size cannot be included in the OBC category because it is so backward.
- The Commission attributes the Maratha community's predicament to land holding divisions, widespread poverty, and declining agricultural revenue. It further emphasises that Maratha farmers account for 94% of farmer suicides in the state.
- The Commission observes that the community is not adequately represented in public services and attributes this to its backwardness.
- In order to boost Maratha participation in government positions and developed industries, it suggests introducing distinct reservations.

- **What are the reasons for and against the bill pertaining to Maratha reservations?**

- **Arguments in Support:**

- The Shukre Commission's empirical research highlights the socio-economic obstacles that the Maratha community faces, supporting the necessity of a quota in order to elevate them out of poverty and marginalisation.

- The alarmingly high rate of farmer suicides among Marathas underscores the depth of their financial hardship and the pressing need for focused initiatives aimed at improving the community.
- Because of their backwardness, marathas have long been shut out of mainstream chances. Their representation and engagement in a variety of sectors can be improved by reservations in government employment and education, which promotes inclusive development.
- **Rebuttals to the Maratha Reservation:**
- There are concerns about the new Bill's ability to withstand judicial scrutiny given the history of prior Maratha reservation attempts that faced legal challenges and ultimately failed in higher courts, particularly in light of the Supreme Court's previous decision to invalidate Maratha reservations for lacking sufficient empirical data to support quota extension beyond the 50% ceiling.
- There was debate over a draft notification that suggested recognising "sage soyare"—extended cousins of Marathas with Kunbi lineage—as Kunbi people eligible for OBC reservation.
- The new reservation's feasibility and possible effects on already-existing OBC reservations have been questioned by opposition parties.
- Several Maratha officials and activists voiced their displeasure with the separate reservation, saying they would rather be included in the OBC group.
- Reservation might take care of short-term issues, but it might not deal with Maratha's underlying backwardness in a meaningful way. Sustainable development requires a multifaceted strategy that addresses problems with infrastructure, skill development, and education.
- **Way Ahead:**
- Provide solid empirical evidence to support the reservation above and beyond the Supreme Court-imposed 50% quota ceiling in order to ensure that the Maratha Reservation Bill is both legally sound and resilient against judicial examination.
- To guarantee the comprehensive development of Marathas, the government should implement integrated policies that incorporate infrastructure projects, skill development efforts, and targeted welfare programmes with reservations.
- Initiatives for sustainable development that tackle the underlying causes of backwardness and strive for inclusive growth and social justice for all communities ought to take precedence over short-term concerns.
- Encourage comprehension of and support for affirmative action policies that attempt to rectify historical injustices and advance equity in order to promote social cohesion and inclusivity.

2 - Reforms in Legal Education:

GS II

Government Policies and Interventions

- **Context:**
- In a recent report on legal education in India, the Parliamentary Standing Committee on Personnel, Public Grievances, Law, and Justice made some important recommendations.
- **Which are the Committee's Principal Recommendations?**
- **Restructuring Legal Education Regulation:** The Bar Council of India's regulatory authority was to be curtailed by establishing the National Council for Legal Education and Research (NCLER) to supervise non-litigation areas of legal education.
- **Improving Academic Resources:** Hiring eminent scholars to join faculty in order to support law schools' capacity for research.
- admitting that more state money is needed to assist law schools.
- **Integration of Global Curriculum:** To promote international exchange programmes for professors and students, Indian law schools should integrate a global curriculum.
- providing students with a thorough legal education by exposing them to a variety of legal systems.
- **Mandatory Inclusion of Multidisciplinary Subjects:** It proposes that undergraduate courses must include subjects like banking laws, energy law, sports law, tech law/cyber law, energy law, securities law, securities arbitration, and telecom and banking laws.
- Governments, academic institutions, and BCI must work together to produce comprehensive curricula.
- **Stressing Practical Training Programmes:** In order to incorporate moot court competitions and other practical training programmes into the curriculum, universities should work with BCI.
- Through the application of legal theory in realistic courtroom situations, these programmes help students develop their critical thinking and oral advocacy abilities.
- **Quality Assurance in Legal Education:** When recognising new law institutions, the Committee emphasises the significance of giving quality precedence over number.
- It is imperative that immediate action be taken to stop the growth of inferior law schools in India.
- The Vedic age, when the legal framework was derived from the concept of Dharma, is the focal point of legal education in India. The Indian legal system that exists now was modelled after the Chola legal system. In the Chola dynasty, the current "Rule of law," or the tenet that "All are equal before the law," was upheld.

- **What is the Indian Bar Council?**

- About: Established by the Advocates Act, 1961, the Bar Council of India is a statutory body tasked with regulating and representing the Indian bar.

- **Regulatory Roles:**

- establishing guidelines for advocates' appropriate behaviour and manners in the workplace.
- putting in place disciplinary action procedures.
- establishing criteria for Indian legal education and identifying legal degrees that meet the requirements.

- **Further obligations:**

- defending the interests, rights, and privileges of advocates.
- arranging for the poor to receive legal aid.
- holding elections to choose members of the Bar Council.
- to handle and resolve any issue that a State Bar Council may refer to it.

- **Current Events:**

- Foreign solicitors and law firms were permitted to practise in India by BCI in 2023, although their scope was restricted to non-litigious subjects such as corporate law and intellectual property.
- They are unable to conduct title searches or handle property conveyancing.
- Similar limitations apply to Indian solicitors working for international firms.

- **The Advocates Act of 1961: What is it?**

- About: The Advocates Act of 1961 was passed in order to create the Bar Council, an All-India Bar, and to update and harmonise legislation pertaining to solicitors.
- The majority of the Legal Practitioners Act of 1879's provisions were superseded by this legislation.
- Recent Amendment: By addressing the touting issue, the Advocates (Amendment) Act, 2023 amends the Advocates Act, 1961.
- Those who solicit cash in exchange for bringing in clients for solicitors are known as touts.
- The modified provisions now give the authority to create and disseminate lists of touts to district magistrates, High Courts, session judges, district judges, and certain revenue authorities.
- Anybody whose name appears on the list of touts may be barred by the court or judge from the courtroom.

3 - Regional Security Council Secretaries' Conversation on Afghanistan:

GS II

International Relations

- **Context:**

- In Bishkek, Kyrgyzstan, recently took place the 6th Regional Dialogue of Secretaries of Security Councils/National Security Advisers (NSA) on Afghanistan.
- India restated the United Nations Security Council Resolution's (UNSCR 2593) collective strategy for fighting terrorism.

- **What is the Afghanistan Regional Security Dialogue?**

- National Security Advisers (NSA) or top security officials from Afghanistan, Pakistan, Iran, China, Russia, India, and other Central Asian states participate in a series of high-level discussions known as the Regional Security Dialogue on Afghanistan.
- These discussions serve as forums for debating and organising regional strategies to deal with security issues and advance stability in Afghanistan and the surrounding area.
- Under UNSCR 2593, the goal of the Regional Security Dialogue on Afghanistan is pursued.
- The resolution, approved by the 15-member United Nations Security Council, demands that no country should utilise Afghan land as a base of operations or to threaten or attack another.
- The Security Council and the international community have sent a clear message about their expectations for Afghanistan with the resolution's passage.
- It emphasises how vital it is to fight terrorism inside Afghanistan.

- **What does India do to support the Afghan people?**

- Since August 2021, the Indian Council for Cultural Relations (ICCR) has admitted over 3,000 students, 600 of which are Afghan girls, in an effort to further the cause of education.
- A Humanitarian Air Corridor has been constructed between Delhi and Kabul in an effort to supply vital supplies.
- This corridor demonstrates India's proactive responsiveness to humanitarian needs by facilitating essential transit and assistance delivery.
- India has sent out many humanitarian aid cargoes, including 250 tonnes of medical supplies, 28 tonnes of earthquake relief supplies, and 50,000 MTs of wheat.

- India and the United Nations Office on Drugs and Crime (UNODC) in Afghanistan have teamed up to support the welfare of drug users in Afghanistan, particularly women.
- Since 2022, India has provided UNODC, Kabul with 11,000 hygiene kits, baby food, blankets, clothes, medical aid, and other miscellaneous supplies as part of this collaboration.
- India and Afghanistan continue to trade and conduct business, notably through the port of Chabahar.

- **What Are the Main Problems Affecting Relations Between Afghanistan and India?**

- **Impact on Regional Stability:** The drug trade, which has its origins in Afghanistan (the "golden crescent"), has posed difficulties for Afghanistan as well as for surrounding nations like India. It has also played a significant role in the region's instability and violence.
- **Indian Interests and Influence:** After the Taliban took control of Kabul in 1996, India's strategic interests and influence in the area suffered a blow.
- **Economic and Infrastructure Barriers:** India's attempts to build infrastructure, such as the Salma Dam and Parliament Building, and to make investments in the country have been severely hampered by the Taliban's takeover of Afghanistan in 2021. A number of obstacles, including security worries and corruption, have made these initiatives more difficult.
- **Attack on Indian Nationals:** India is concerned over the bombing of a Sikh gurdwara in Kabul, which was allegedly carried out by ISIS-K.
- **Change in Security Dynamics:** India's security up until August 2021 was dependent on the US military presence in Afghanistan and a cordial administration in Kabul.
- The US pullout from Afghanistan forced India to carefully reevaluate the security situation.

- **What is the state of India-Afghan relations?**

- **Past:**

- India's approach to Afghanistan is based on centuries-old historical and cultural connections.
- Since the 1950 Treaty of Friendship, India and Afghanistan have had generally positive relations.
- India has genuine economic and security interests in Afghanistan as a neighbour.

- **Financial Relations:**

- India has funded over USD 3 billion in vital areas including power, water supply, road connectivity, healthcare, education, agriculture, and capacity building through almost 500 projects spread across all 34 provinces.
- In 2009, the Border Roads Organisation of the Indian Army built a significant road that connected Zaranj and Delaram in the isolated Afghan province of Nimroz.
- This has shown to be a workable substitute path for the duty-free transit of commodities from Iran's Chabahar port to Afghanistan.
- Afghan traders are still granted tariff discounts under the South Asian Free Trade Agreement (SAFTA).

- The Afghan-India Friendship Dam (AIFD), also known as Salma Dam, is a hydroelectric and irrigation project situated on the Hari River in the western Afghan province of Herat.
- India promised to provide the project's necessary funding in 2006.
- **Political Partnerships:**
 - The Strategic Partnership Agreement, which the two nations signed in October 2011, has improved ties between India and Afghanistan.
 - The two parties' Strategic Partnership Agreement (SPA) calls for technical assistance, education, and financial support to aid in the reconstruction of Afghanistan's institutions and infrastructure.
 - India has continuously pushed for a stable, peaceful, and wealthy Afghanistan and has been a steadfast backer of Afghan democracy.
- **Humanitarian Support:**
 - India has promised to supplying 75,000 MT of wheat to Afghanistan in 2020 in order to tackle the COVID-19 worldwide epidemic and related food security challenges.
 - In 2020, India has committed to providing the Afghan government with pairs of surgical gloves, paracetamol, and pills containing hydroxychloroquine.
 - About 1.5 million schoolchildren received food assistance in the form of 11 lakh tonnes of wheat that was given as grains and cookies.
 - In 2018, India sent 2000 tonnes of pulses to Afghanistan in an effort to increase food security, especially for children during droughts.
 - In Kabul, a Medical Diagnostic Centre was established in 2015. The Centre fosters goodwill for India by offering youngsters from Afghanistan access to the most up-to-date diagnostic tools.

Source → The Hindu

4 – Electronic Voting Machine:

GS II

Government Policies and Interventions

- **Context:**
- Concerns regarding the reliability and integrity of Electronic Voting Machines (EVMs) used in Indian elections have grown in the last several years.

- **An electronic voting machine: what is it?**

- An electronic voting machine (EVM) records votes. They were initially put to use in 1982 in Kerala's Paravur Assembly Constituency.
- The Election Commission has been substituting EMVs for vote boxes on a regular basis since 1998.
- EVMs were used in all state and by-election contests in 2003.
- This gave the Commission the impetus to make history in 2004 by deciding to exclusively deploy EVMs for the Lok Sabha elections.
- Development: Bharat Electronics Ltd., Bangalore (under the Ministry of Defence) and Electronic Corporation of India Ltd., Hyderabad (under the Department of Atomic Energy) are two public sector undertakings that worked with the Technical Experts Committee (TEC) of the Election Commission to devise and design the system.
- Functionality: It consists of a Control Unit and a Balloting Unit, which are wired together.
- While the Balloting Unit is inside the voting booth, the Control Unit remains with the poll worker.
- To record their vote, voters need only click the blue button on the Ballot Unit to indicate their preference for a certain candidate and symbol.

- **Important characteristics:**

- A maximum of 2,000 votes may be recorded by an EVM that ECI is using.
- Electricity is not needed for them. They are powered by a standard battery made by
- Electronics Corporation of India Limited / Bharat Electronics Limited.
- A one-time programmable/masked microchip that cannot be read or rewritten is the microchip used in EVMs.
- Additionally, the EVMs are standalone devices that do not require an operating system.

- **Advantages:**

- Accuracy: Electronic voting machines (EVMs) ensure a more accurate representation of voter choice by preventing the 'Invalid Votes' that are often associated with paper ballots. This also lowers the number of complaints and legal issues.
- Efficiency: Electronic vote machines (EVMs) expedite and improve the voting process by streamlining it. They shorten the time needed to announce election results by doing away with the necessity for manual counting.
- Transparency: By offering a precise and verifiable record of votes cast, electronic voting machines (EVMs) improve electoral transparency. Voters can confirm that their votes are accurately recorded by using features like VVPAT.
- Cost-effectiveness: Because electronic voting machines (EVMs) do not require millions of printed ballots for every election cycle, they provide cost savings in terms of paper, printing, transportation, and storage.

- **Issues:**

- **Lack of Transparency:** Some critics contend that there is insufficient transparency regarding the internal operations of EVMs, raising questions about the impartiality and correctness of the voting procedure.
- **Reliability:** Concerns have been expressed concerning the potential for technical issues or faults to impact the outcome of an election, as well as the dependability of EVMs.
- **Trust Issues:** Despite security precautions, some voters and political parties continue to have doubts about the validity and dependability of electronic voting machines (EVMs). This has prompted proposals for more protections or alternative voting procedures.

- **VVPAT: What is it?**

- **About:** Voters can confirm that their votes were cast as intended by using the independent Voter Verifiable Paper Audit Trail (VVPAT) system, which is connected to the electronic voting machine.
- It was proposed at the 2013 Nagaland byelection for the Noksen Assembly Constituency.
- Every constituency in the 2019 Lok Sabha elections used VVPATs.
- **Functionality:** Upon casting a ballot, a slip with the candidate's name, symbol, and serial number is produced and exposed for seven seconds through a transparent window.
- The printed slip is then automatically cut and drops into the VVPAT's sealed drop box.
- Only poll workers have access to the equipment.
- **Related Supreme Court Ruling:** The Supreme Court underlined the need for VVPAT in elections held using electronic voting machines (EVMs) in the 2013 Subramanian Swamy V. s. ECI case.
- Currently, VVPAT and the ECI-EVM M3 Model are in use.

Source → The Hindu