



## **DAILY CURRENT AFFAIRS 07-05-2024**

### **GS-2**

1. Election Rights of Prisoners
2. Repolling in an Election

### **GS-3**

3. Getting a new level in India's online gaming sector
4. Sahyadri reserve
5. Can a new organelle help engineer plants to fix nitrogen

---

## **Election Rights of Prisoners**

**Syllabus: GS-2: Elections and related laws.**

**Context:**

- *Amritpal Singh, leader of a pro-Khalistan group, wants to run for Lok Sabha elections from Khadoor Sahib seat in Punjab.*
- *He can still run for elections even though he's in jail, unless he's convicted.*
- *However, he can't vote in the upcoming elections, just like other accused individuals in prisons across India.*
- *The legal status of voting and candidacy rights for imprisoned individuals is a topic of discussion.*

**The right to vote and the right to be elected are 'statutory rights':**

- *The right to vote and the right to be elected are considered "statutory rights."*
- *In 1975, the Supreme Court ruled in the case of **Indira Gandhi v Raj Narain** that free and fair elections are part of the "**basic structure**" of the Indian Constitution.*
- *Any laws or policies **contradicting this principle** could be invalidated.*
- *Despite the high importance given to free and fair elections, the Supreme Court has ruled that the **rights to elect and be elected don't have the same level of importance.***
- *In the 2006 case of **Kuldip Nayar v. Union of India**, a five-judge constitution Bench determined that the **right to vote (or the right to elect) is merely a "statutory right."***
- *This means that voting isn't a fundamental right and can be changed or repealed by laws passed by Parliament.*
- *Similarly, the **right to be elected was also considered a statutory right** by the Bench, meaning that laws enacted by Parliament can regulate both these statutory rights.*

**Bar against contesting elections only after conviction**

- **Section 8 of the Representation of People Act, 1951 (RP Act)** outlines disqualification criteria for contesting elections.
- *Disqualification occurs after a person is **convicted of certain offenses** listed in the Act.*
- *The disqualification starts **from the date of conviction and lasts for six years** after their release.*
- *This disqualification rule **applies only after conviction**; it doesn't apply if a person is only charged with criminal offenses.*

## Two major challenges regarding this section were seen in the Supreme Court:

- In 2011, the **Public Interest Foundation** petitioned for disqualification of individuals with criminal charges framed against them or filing false affidavits about their criminal history. The court ruled that only the legislature could alter the RP Act.
- In 2016, **Ashwini Kumar Upadhyay** filed a petition seeking permanent disqualification for convicted persons. This case is ongoing.
- In November 2023, the **Supreme Court ordered Chief Justices of all High Courts to expedite criminal cases against MPs and MLAs.**
- However, as of April 2024, there are still 4,472 pending cases related to this issue.

## Exceptions to disqualification

- The Election Commission of India (ECI) has the authority, **under Section 11 of the RP Act**, to "remove" or "reduce" the period of disqualification.
- In 2019, the **ECI exercised this power to reduce the disqualification period** for Sikkim Chief Minister Prem Singh Tamang, who was convicted and imprisoned for misappropriating funds. He won in a bye-election afterward.
- Another exception is when a disqualified MP or MLA's conviction is **stayed on appeal to a higher court**. In such cases, the disqualification doesn't remain in effect.
- In 2019, the Supreme Court ruled that once a conviction is stayed, **the disqualification resulting from it cannot take effect.**
- Dhananjay Singh, a former Bahujan Samaj Party MP, was convicted for kidnapping in 2020. He sought a stay on his sentence to contest in Lok Sabha elections.
- Although he was granted bail, the court refused to stay the conviction, emphasizing the importance of political purity.

## Bar against the right to vote for confined persons

- **Section 62 of the RP Act outlines restrictions on the right to vote**, including sub-clause (5), which prohibits voting for individuals confined in prison or in police custody.
- An exception is provided for those in preventive detention.
- This **provision effectively bars individuals with criminal charges framed against them from voting unless they are released on bail or acquitted.**
- In 1997, the **Supreme Court rejected a challenge to Section 62(5)** in the case of Anukul Chandra Pradhan, Advocate, Supreme Court v. Union of India.
- The petitioners argued that **the rule violated the right to equality** by denying voting rights to undertrials and those detained for inability to furnish bail, while allowing those released on bail to vote.

**However, the court rejected this argument on several grounds, including:**

- *Affirming that the **right to vote is a statutory right** and can be subject to statutory limitations.*
- *Mentioning a **"resource crunch"** in providing infrastructure and deploying police for voting in prisons.*
- *Asserting that a person in prison due to their conduct cannot claim equal freedom of movement, speech, and expression.*
- *Stating that **restrictions on prisoners' voting rights** are reasonable to keep individuals with a criminal background away from the election scene.*
- *This decision has been cited by **both the Supreme Court (in 2023) and the Delhi High Court (in 2020)** to dismiss pleas seeking voting rights for prisoners.*

### Practice Question

*Q. Discuss the legal complexities and societal implications of disenfranchisement laws in India, considering Supreme Court rulings and challenges to voting rights for prisoners. (10 marks, 150 words)*

## **Repolling in an Election**

**Syllabus: GS-2; The Representation of the People Act, 1951.**

### Context:

- *Repolling to be held at one voting booth in Ajmer Lok Sabha seat on May 2 2024: Rajasthan CEO.*

### More about news:

- **Reason for repolling:** *misplacement of the 17-A register by presiding officer*
- *Action taken against polling party by returning officer of Ajmer*
- *Webcasting of election process done at the affected booth*

***Some circumstances when the normal polling process is disrupted — and the options before the EC in each case.***

### Intentional destruction, taking away of EVMs

- **Under Section 58 of the RPA** (*'Fresh poll in the case of destruction, etc., of ballot boxes'*), the EC can declare the poll at a polling station to be void if:
- *an unauthorised person has **unlawfully taken away any EVM;***
- *any EVM has been **accidentally or intentionally destroyed, or lost, or damaged, or tampered with;** or*
- *a **mechanical failure develops** in any EVM during the recording of votes.*

### What EC can do?

- *Returning Officer informs **Election Commission (EC)** and Chief Electoral Officer (CEO) of the state about relevant facts and circumstances.*
- *EC can declare the **poll void and schedule a new poll** after considering the information.*
- ***Contesting candidates** or their agents are informed in writing.*
- *Notice posted in public places and announcement made in the polling area through drum beat to inform voters.*
- *All electors allowed to **vote in the fresh poll**.*
- ***Voters' left middle fingers inked during repoll** to distinguish from original poll mark on left forefinger.*

### Booth capturing

- *Booth-capturing, defined in **Section 135A of the RPA**, includes all or any of the following activities by any person or persons:*
  - *seizure of a polling station, affecting the conduct of elections;*
  - *taking possession of a polling station, allowing only his or their supporters to vote;*
  - *intimidating or threatening any elector and preventing him from going to the polling station;*
  - *seizure of a counting place affecting the counting of votes;*
  - *involvement of any person in government service in any of the above activities.*

### What law says?

#### Booth capturing punishable by law:

- *Term for lay people: not less than one year, extendable to three years.*
- *Term for government servants: not less than three years, extendable to five years.*
- *Section 58A deals with booth capturing.*

#### If booth capturing occurs:

- *Presiding Officer closes Control Unit of EVM.*
- *Detaches Ballot Unit(s) from Control Unit under **Rule 49X of Conduct of Election Rules, 1961**.*

### What EC can do?

- *Presiding Officer informs **Returning Officer (RO)** of booth capturing.*
- *RO reports full facts to **Election Commission (EC)** via fastest means of communication.*
- *EC, based on material facts, may:*
  - *Declare poll at that polling station void and direct a fresh poll on a new date.*
  - *Countermand election in the constituency:*

- *If booth capturing widespread across polling stations.*
- *If booth capturing affects counting of votes.*

### **Natural disasters and other disruptions to polling:**

- *Poll adjournment allowed under section 57(1) of the Representation of the People Act, 1951, due to:*
  - *Natural calamities like floods, severe storms.*
  - *non-receipt, loss, or damage to essential polling materials such as EVMs, electoral rolls, etc.*
  - *Interruption or obstruction due to riots or open violence.*
  - *non-arrival of polling party due to obstruction or other serious difficulties.*
  - *non-commencement of poll within two hours from scheduled time due to EVM malfunction or other reasons.*

### **What EC can do?**

- **EC's approval required** for the new date and hours.
- *Adjourned poll resumes from the stage where it was left before adjournment.*
- *Contesting candidates or their agents informed.*
- **Only electors who haven't voted** before adjournment permitted to vote.

### **In case of death of a candidate:**

- *Poll adjourned **only in case of death of recognized political party's** candidate as per Section 52 of the Representation of the People Act (RPA), amended in 1996.*
- **"Recognized political party"** refers to either a recognized national party or a party recognized as a state party in the concerned state, with a reserved symbol under the Election Symbols (Reservation and Allotment) Order.
- *Applies if candidate **with valid nomination dies after 11:00 a.m.** on last date for nominations until commencement of poll.*

### **What EC can do?**

- **Returning Officer (RO)** reports to EC and orders poll adjournment to later date.
- *EC asks concerned party **to nominate another candidate** within seven days.*
- *If contesting candidates list published before adjournment, fresh list prepared including nominee for deceased candidate.*
- **Example in Betul:** Polls adjourned as candidate died one day after last date for withdrawing candidature.
- **Example in Moradabad:** Candidate died after voting; by-election if candidate wins seat after counting.

### **Practice Question**

*Q. In the event of disruption to the normal polling process, elucidate the measures and powers vested with the Election Commission of India to ensure the integrity and continuity of*

*electoral procedures, highlighting its role in upholding democratic principles and safeguarding the electoral process. (15 marks, 250 words)*

## **Getting a new level in India's online gaming sector**

**Syllabus: GS-3: Indian Economy – Gaming Industry.**

**Context:**

- *The Prime Minister's vision to establish **India as a prominent global gaming hub** has received renewed attention as he engaged with seven of the top gamers in the country.*

**Background:**

- **Rapid growth:** *Online gaming industry in India expanded by 28% CAGR from FY20 to FY23.*
- **Projected growth:** *Expected to reach ₹33,243 crore by FY28, sustaining a 15% CAGR.*
- **Significant foreign and domestic investments:** *Industry attracts both, generating substantial direct and indirect employment.*
- **Potential leveraging India's IT prowess:** *Industry holds natural potential for India.*
- **Global context:** *Despite global gaming industry surpassing \$300 billion in 2021, India's online gaming segment accounts for only 1.1% of global online gaming revenue.*
- **Enormous growth potential:** *India's online gaming market poised for significant expansion.*
- **Opportunities for Indian startups:** *Online gaming presents a multi-billion-dollar opportunity for Indian startups.*
- **Contribution to India's digital economy:** *Online gaming can contribute to 'India Techade' and the goal of a \$1 trillion digital economy.*

**Positive developments:**

- *Establishment of taskforce by Ministry of Information and Broadcasting.*
- **Ministry of Electronics and Information Technology** *identified as the nodal ministry.*
- *Introduction of regulations through IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.*
- **Clarity on tax deduction** *at source on winnings.*
- **Policy framework clarity:** *Measures provide clarity and certainty for online gaming startups, fostering innovation powered by young Indians.*

**Issues that need scrutiny**

- **Unresolved regulatory issues:**



- *Ineffective implementation of self-regulatory bodies within the IT Rules of 2021.*
- *Lack of clarity on the role and impact of self-regulation in the fast-evolving gaming industry.*

### **NITI Aayog's proposal:**

- *Discussion paper suggests a **self-regulatory model** for online fantasy gaming sector.*
- *Proposes a self-regulatory organization to govern the sector.*

### **Taxation concerns:**

- *Revision in taxation, particularly the imposition of a 28% tax rate on the total face value of bets.*
- *Change effective from October 1, 2023, **replacing the previous 18% GST rate.***
- ***Initial increase in tax revenue** for the government but raises concerns about industry sustainability and job creation in the long term.*

### **Leveraging cultural heritage:**

- ***India's rich cultural heritage**, including stories, legends, and folklore, can be tapped to create games that cater to both domestic and international audiences.*
- *Increasing number of games **inspired by Indian mythology** present a unique opportunity for the gaming industry.*

### **Encouraging diversity and inclusivity:**

- *Efforts to promote the **participation of women in the gaming industry** are underway, aiming to foster diversity and inclusivity.*
- *Evolving perceptions about **gaming as a viable career option** can lead to a growing pool of talented individuals contributing to innovation in gaming.*

### **Transformative potential:**

- ***India is at a crucial juncture** to emerge as a prominent global gaming hub by addressing regulatory deficiencies.*
- ***Fostering an enabling environment** for skill gaming, promoting diversity and inclusion, and capitalizing on cultural narratives can contribute to India's vision of a \$1-trillion digital economy and shape the future of gaming globally.*

### **Practice Question**

*Q. Examine India's gaming industry growth, regulatory hurdles, and cultural influence, assessing strategies for global prominence, diversity, and navigating taxation challenges for sustainable development. (15 marks, 250 words)*



## **Sahyadri reserve**

**Syllabus: GS-3: Wildlife conservation.**

**Context:**

- *Maharashtra gears up for tiger translocation to Sahyadri reserve in bid to revive numbers.*

**More about news:**

- *Maharashtra forest department plans to move some tigers from **Tadoba-Andhari Tiger Reserve to Sahyadri Tiger Reserve.***
- ***Among the five tiger reserves in India with no tigers, STR is one of them, along with Kaval, Kamlang, Dampa, and Satkosia.***
- *The translocation **aims to increase the tiger population** in the northern Western Ghats forests.*
- *STR spans **Kolhapur, Satara, Sangli, and Ratnagiri districts** in western Maharashtra.*

**About Sahyadri Tiger Reserve:**

- *Sahyadri Tiger Reserve is located in the state of Maharashtra, **established by the Indian government in 2008.***
- *It lies within the **Sahyadri Ranges of the Western Ghats** of Maharashtra.*
- *The reserve is part of the North Western Ghats **moist deciduous forests and North Western Ghats montane rain forests** ecoregions.*
- *These ranges serve as a border between **Maharashtra, Karnataka, and Goa**, featuring diverse evergreen, semi-evergreen, and moist deciduous forests.*
- *The Sahyadri Tiger Reserve includes the **Koyna Wildlife Sanctuary**, which constitutes its northern portion.*
- *The southern part of the reserve comprises the **Chandoli National Park.***
- *Recently, the reserve has been extended to encompass the **Radhanagari Wildlife Sanctuary.***
- *The Sahyadri Tiger Reserve is **primarily focused on conserving the Bengal tiger.***
- *Besides tigers, other animals in the reserve include the leopard.*

## **Can a new organelle help engineer plants to fix nitrogen**

**Syllabus: GS-3: Biodiversity.**

### Context:

- *Two papers published recently, **one in the journal Science** and another in the Cell, have generated new interest in the endosymbiotic theory.*

### Natural Selection and Evolution:

- **Proposed by Charles Darwin**, natural selection drives species adaptation.
- *Lynn Margulis disagreed with the **Neo-Darwinist view**, proposing symbiogenesis as a factor in inherited variation.*

### Endosymbiotic Theory and Symbiogenesis:

- *Organelles like mitochondria and chloroplasts were once free-living bacteria.*
- *Margulis's theory faced significant challenges before acceptance.*
- *Recent studies revive interest in endosymbiotic theory.*

### Nitrogen Fixation and the Nitroplast Discovery:

- *Nitrogen fixation is crucial for life but **not performed by plants and animals**.*
- *Recent discoveries establish a cyanobacterium as a new organelle, "**nitroplast**."*
- **Nitroplast co-evolved** with its host cell, satisfying criteria for organelle status.

### Agricultural Implications:

- **Industrial ammonia production** revolutionized agriculture but causes pollution and climate change.
- **Nitroplast discovery** offers potential solutions for sustainable nitrogen fixation in agriculture.
- *Biotechnological applications include engineering host cells with nitroplasts for nitrogen **fixation in plants**.*

### Challenges and Future Prospects:

- *Transforming plant cells **with nitroplasts** is promising but technologically challenging.*
- *Further research is needed to **fully understand nitroplasts' genetic migration and integration into host cells**.*