

SEALED COVER REPORT

GS Paper - 2 - Judiciary - Indian Constitution - Fundamental Rights



Why in News?

Recently, while hearing a criminal appeal against the Bihar Government, **Chief Justice of India (CJI)** admonished a counsel for submitting a 'sealed cover report' to the court.

- Sealed cover jurisprudence has been frequently employed by courts in the recent past for example *Rafale Fighter Jet Deal 2018, 2014, BCCI Reforms Case, Bhima Koregaon case 2018* etc.

WHAT IS SEALED COVER JURISPRUDENCE?

- It is a practice used by the **Supreme Court** and sometimes lower courts, of **asking for or accepting information from government agencies in sealed envelopes** that can only be accessed by judges.
- While a specific law **does not define the doctrine of sealed cover**, the Supreme Court derives its power to use it from **Rule 7 of order XIII of the Supreme Court Rules** and **Section 123 of the Indian Evidence Act of 1872**.
 - **Rule 7 of order XIII of the Supreme Court Rules:**
 - According to the rule, if the **Chief Justice or court directs certain information to be kept under sealed cover or considers it of confidential nature, no party would be allowed access to the contents of such information**, except if the Chief Justice himself orders that the opposite party be allowed to access it.
 - It also mentions that **information can be kept confidential if its publication is not considered** to be in the interest of the public.
 - **Section 123 of the Indian Evidence Act of 1872:**
 - Under this act, **official unpublished documents relating to state affairs are protected** and a public officer cannot be compelled to disclose such documents.

- Other instances where information may be sought in secrecy or confidence are **when its publication impedes an ongoing investigation**, such as details which are part of a police case diary.

WHAT ARE THE ISSUES WITH THE SEALED COVER JURISPRUDENCE?

- **Against the Principles of Transparency and Accountability:**
 - It is **not favourable to the principles of transparency and accountability of the Indian justice system**, as it stands **against the idea of an open court**, where decisions can be subjected to public scrutiny.
 - In any process of adjudication, especially one that **involves fundamental rights, evidence “must be shared with both parties to the dispute”**.
- **Reduce the Scope of Reasoning:**
 - To **enlarge the scope for arbitrariness in court decisions**, as judges are supposed to lay down reasoning for their decisions, but this cannot be done when they are based upon **information submitted confidentially**.
 - What is further contested is whether the **state should be granted such a privilege to submit information in secrecy**, when existing provisions like in-camera hearings already provide sufficient protection to sensitive information.
- **Obstruction to Fair Trial and Adjudication:**
 - It is also argued that **not providing access to such documents to the accused parties obstructs their passage to a fair trial and adjudication**.
- **Arbitrary in Nature:**
 - Sealed covers are **dependent on individual judges** looking to substantiate a point in a particular case rather than common practice. **This makes the practice ad-hoc and arbitrary**.

WHAT IS THE SUPREME COURT'S VIEW ON SEALED COVER JURISPRUDENCE?

- In *Modern Dental College vs State of Madhya Pradesh (2016)*, the apex court adopted the **proportionality test proposed by Aharon Barak, the former Chief Justice, Supreme Court of Israel**, “a limitation of a constitutional right will be constitutionally permissible if:
 - It is **designated for a proper purpose**.
 - The measures undertaken to effectuate such a limitation are **rationally connected to the fulfilment of that purpose**.
 - The **measures undertaken are necessary** in that there are no alternative measures that may similarly achieve that same purpose with a lesser degree of limitation.
 - There **needs to be a proper relation** (‘proportionality stricto sensu’ or ‘balancing’) between the importance of achieving the proper purpose and the social importance of preventing the limitation on the constitutional right.
- This was reiterated in *K.S. Puttaswamy vs Union of India (2017)*.
- In the 2019 judgement in the case of *P. Gopalakrishnan vs The State of Kerala*, the Supreme Court had said that **disclosure of documents to the accused is constitutionally mandated**, even if the investigation is ongoing and documents may lead to a breakthrough in the investigation.
- In the *INX Media case in 2019*, the Supreme Court had **criticised the Delhi High Court for basing its decision to deny bail to the former union minister on documents submitted by the Enforcement Directorate (ED) in a sealed cover**.

Way Forward

- The process of **judicial review** is significant since it holds the executive accountable.
- The executive **must cogently answer its actions** – especially when **fundamental rights such as free speech are curtailed**. India's Constitution **does not give a free hand to the executive** to pass arbitrary orders violating such rights.
- A court that **sits as a mute spectator** to any executive action is a **crude manifestation of democratic decay**.
- When an action is alleged to have curtailed fundamental rights, the **court is bound to examine the legality of the action** through the lens of proportionality.

Source:TH



INDIA'S SOLAR CAPACITY AND WAY FORWARD

GS Paper - 2 - Government Policies & Interventions - GS Paper - 3 - Environmental Pollution & Degradation - Growth & Development - Conservation



Why in News?

India added a **record 10 Gigawatt (GW) of solar energy** to its cumulative installed capacity in 2021.

- This has been the **highest 12-month capacity addition**, recording nearly a 200% year-on-year growth.
- India has now **surpassed 50 GW of cumulative installed solar capacity**, as on **28th February 2022**.
- Of the **50 GW installed solar capacity**, an overwhelming **42 GW comes from ground-mounted Solar Photovoltaic (PV) systems**, and only **6.48 GW comes from Roof Top Solar (RTS)**; and **1.48 GW from off-grid solar PV**.

WHAT IS THE SIGNIFICANCE OF THE ACHIEVEMENT?

- This is a milestone in **India's journey towards generating 500 GW from renewable energy by 2030**, of which **300 GW is expected to come from solar power**.
- India's capacity **additions rank the country fifth in solar power deployment**, contributing nearly **6.5% to the global cumulative capacity of 709.68 GW**.

WHY IS INDIA FALLING SHORT IN ROOF-TOP SOLAR INSTALLATIONS?

- **Fails to Exploit the Benefits of Decentralised Renewable Energy:**
 - The large-scale solar PV focus fails to exploit the many benefits of **Decentralised Renewable Energy (DRE) options**, including reduction in **Transmission and Distribution (T&D) losses**.

- **Limited Financing:**
 - One of the **primary benefits of solar PV technology** is that it can be installed at the point of consumption, significantly reducing the need for large capital-intensive transmission infrastructure.
 - This is not an **either/or situation**; India needs to deploy both large and smaller-scale solar PV, and particularly needs to expand RTS efforts.
 - However, there is **limited financing for residential consumers and Small and Medium Enterprises (SMEs)** who want to install RTS.
- **Lukewarm Responses from Electricity Distribution Companies (DISCOMS):**
 - Lukewarm responses from electricity **Distribution Companies (DISCOMS)** to supporting net metering, **RTS continues to see low uptake across the country.**

WHAT ARE THE CHALLENGES TO INDIA'S SOLAR POWER CAPACITY ADDITION?

- Despite significant growth in the **installed solar capacity**, the contribution of solar energy to the country's power generation has **not grown at the same pace.**
- In 2019-20, for instance, **solar power contributed only 3.6%** (50 billion units) of India's total power generation of 1390 BU.
- The utility-scale **solar PV sector continues to face challenges** like land costs, high T&D losses and other inefficiencies, and grid integration challenges.
- There have also been **conflicts with local communities and biodiversity protection norms.** Also, while India has **achieved record low tariffs for solar power generation** in the utility-scale segment, this has not translated into cheaper power for end-consumers.
- The **International Renewable Energy Agency (IRENA)** estimates that the global value of recoverable materials from solar PV waste could exceed USD15 billion.
- Currently, **only the European Union has taken decisive steps in managing solar PV waste.**
- India could look at developing appropriate guidelines around **Extended Producer Responsibility (EPR)**, which means holding manufacturers accountable for the entire life cycle of solar PV products and creating standards for waste recycling.
 - This could give **domestic manufacturers a competitive edge** and go a long way in addressing waste management and supply side constraints.

WHAT IS THE STATE OF INDIA'S DOMESTIC SOLAR MODULE MANUFACTURING CAPACITY?

- Domestic manufacturing capacities in the solar sector do not match up to the present potential demand for solar power in the country.
 - India had **3 GW capacity for solar cell production and 8 GW for solar panel production capacity.** Moreover, **backward integration in the solar value chain is absent** as India has no capacity for manufacturing solar wafers and polysilicon.
 - In 2021-22, India **imported nearly USD 76.62 billion worth of solar cells and modules from China alone**, accounting for **78.6% of India's total imports that year.**
 - **Low manufacturing capacities, coupled with cheaper imports from China** have rendered Indian products uncompetitive in the domestic market.
- This situation can, however, be corrected if **India embraces a circular economy model for solar systems.**
 - This would **allow solar PV waste to be recycled and reused in the solar PV supply chain.** By the end of 2030, **India will likely produce nearly 34,600 metric tonnes of solar PV waste.**

WAY FORWARD

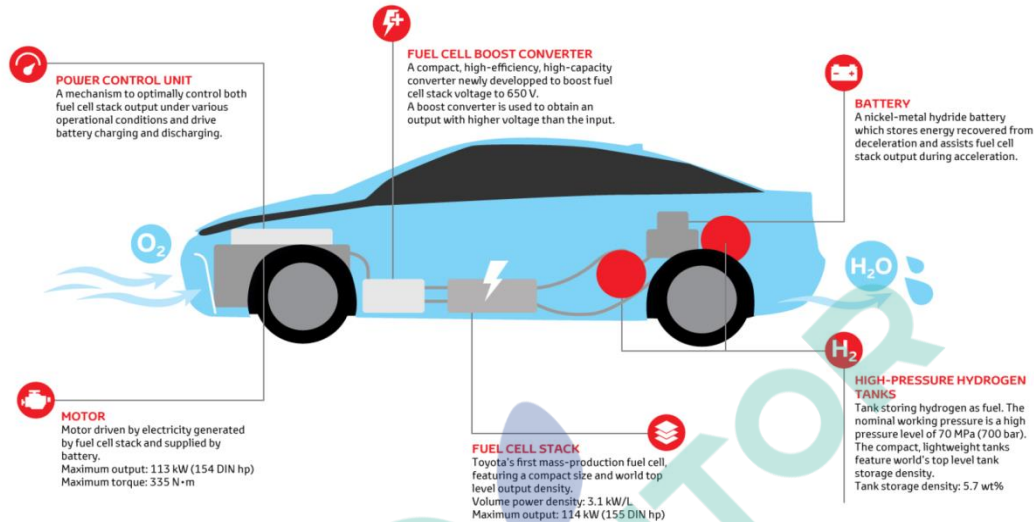
- Governments, utilities, and banks will **need to explore innovative financial mechanisms** that bring down the cost of loans and reduce the risk of investment for lenders.
- **Increased awareness, and affordable finance for RTS projects** could potentially ensure the spread of RTS across the scores of SMEs and homes around the country.
- Aggregating roof spaces could also **help reduce overall costs of RTS installations** and enable developing economies of scale.
- In addition to an impressive domestic track record, through the **International Solar Alliance (ISA)** established by India and France at **Conference of the Parties (COP-21)** in 2015, there is a global platform to bring countries together to facilitate collaboration on issues such as mobilising investments, capacity building, program support and advocacy and analytics on solar energy.
- **Technology sharing and finance** could also become important aspects of ISA in the future, allowing for meaningful cooperation between countries in the solar energy sector.

Source:TH

GREEN HYDROGEN FUEL CELL ELECTRIC VEHICLE

GS Paper - 3 - Technology Missions - Scientific Innovations & Discoveries - Infrastructure - Indigenization of Technology - Growth & Development

Fuel cell electric technology explained



Why in News?

Recently, the Union Minister for Road Transport and Highways launched the **world's most advanced technology, Green Hydrogen Fuel Cell Electric Vehicle (FCEV) Toyota Mirai**.

WHAT IS THE SIGNIFICANCE OF THIS ACHIEVEMENT?

- **Create Awareness about Green Hydrogen and FCEV Technology:**
 - This is a **first of its kind project in India** which aims to create a **Green Hydrogen based ecosystem in the country** by creating awareness about the unique utility of **Green Hydrogen** and **FCEV technology**.
 - An MoU was also signed by Toyota Kirloskar Motor Pvt Ltd and the **International Centre for Automotive Technology (ICAT)** for a pilot project to evaluate the vehicle's performance on Indian roads and climatic conditions.
 - ICAT is a **leading world class automotive testing, certification and R&D service provider** under the aegis of NATRiP (National Automotive Testing and R&d Infrastructure Project), Government of India.
- **Help India becoming Self-reliant' by 2047:**
 - It will **promote clean energy and environmental protection** by reducing dependence on **fossil fuels** and thereby make **India 'Energy Self-reliant' by 2047**.
- **Best Zero Emission Solutions:**
 - **Fuel Cell Electric Vehicle (FCEV)**, powered by Hydrogen is one of the **best Zero Emission solutions**. It is completely **environment friendly with no tailpipe emissions** other than water.

- **Tailpipe emissions:** Emission of something such as gas or radiation into the atmosphere.
- **Green Hydrogen** can be generated from **renewable energy** and abundantly available **biomass**.
- **Introduction and adoption of technology** to tap into the Green hydrogen's potential will play a key role in securing a **clean and affordable energy future for India**.

WHAT IS THE STATE OF ELECTRIC VEHICLES IN INDIA?

○ About:

- The **push for Electric Vehicles (EVs)** is driven by the **global climate agenda** established under the **Paris Agreement** to reduce carbon emissions in order to limit global warming.
 - The global electric mobility revolution is today defined by the **rapid growth in EVs uptake**.
 - Falling battery costs and rising performance efficiencies are also fueling the demand for EVs globally.

○ Need for Electric Vehicles: India is in need of a transportation revolution.

- The current trajectory of adding ever more cars running on expensive imported fuel and cluttering up already overcrowded cities suffering from infrastructure bottlenecks and **intense air pollution** is unfeasible.
- The transition to electric mobility is a **promising global strategy for decarbonising the transport sector**.
- EVs currently account for **less than 3% of all vehicles sold in India**. This is despite EV registrations crossing 50,000 units for the first time in December 2021, the highest ever monthly sale recorded.
- Although **80% of the volume of EVs** sold is occupied by low-cost and low-speed three-wheelers, **overall EV sales have picked up pace** due to the rise of next-gen two-wheeler companies.
- As per the **Accelerated e-Mobility Revolution for India's Transportation (e-AMRIT) portal in India**, only 7,96,000 EVs have been registered till December 2021, and just 1,800 public **EV charging stations** have been installed.
- While there has been a **growth of 133% in the sales of EV from FY 2015 to FY 2020**, when compared to sales of conventional ICE vehicles, the numbers seem insignificant. In FY 2021-22, **only 1.32% of the total vehicles sold in the country were electric**.

○ Associated Challenges:

- **Consumer Related Issues:** Lack of appropriate charging stations is a cause of concern, which is quite less than the neighbouring counterparts who already had over 5 million charging stations.
 - Lack of charging stations makes it **unsuitable for the consumers in covering long range**.
- **Policy Challenges:** EV production is a capital intensive sector requiring long term planning to break even and profit realisation, uncertainty in government policies related to EV production discourages investment in the industry.

DAILY CURRENT AFFAIRS 18 MARCH 2022

- **Lack of Technology and Skilled Labour:** India is **technologically deficient in the production of electronics** that form the backbone of the EV industry, such as batteries, **semiconductors**, controllers, etc.
- **Unavailability of Materials for Domestic Production:** Battery is the single most important component of EVs.
 - India does **not have any known reserves of lithium and cobalt** which are required for battery production.
 - Dependence on other countries for the import of **lithium-ion batteries is an obstacle** in becoming completely self-reliant in the battery manufacturing sector.
- **Related Initiatives:**
 - The remodelled **Faster Adoption and Manufacturing of Electric Vehicles (FAME II) scheme**.
 - **Production-Linked Incentive (PLI) scheme for Advanced Chemistry Cell (ACC)** for the supplier side.
 - **PLI scheme for Auto and Automotive Components** for manufacturers of electric vehicles.
 - **"Charging Infrastructure for Electric Vehicles—Guidelines and Standards,"** describing the roles and responsibilities of various stakeholders at the Central and State level for expeditious deployment of public EV charging infrastructure across the country, has been issued recently.
 - India is among a handful of countries that support the global **EV30@30 campaign**, which aims for at least 30% new vehicle sales to be electric by 2030.
 - India's advocacy of five elements for climate change — "Panchamrit" — at the **COP26 in Glasgow** is a commitment to the same.
 - Various ideas were espoused by India at the Glasgow summit, such as, renewable energy catering to 50% of India's energy needs, reducing carbon emission by 1 billion tonnes by 2030 and achieving **net zero by 2070**.

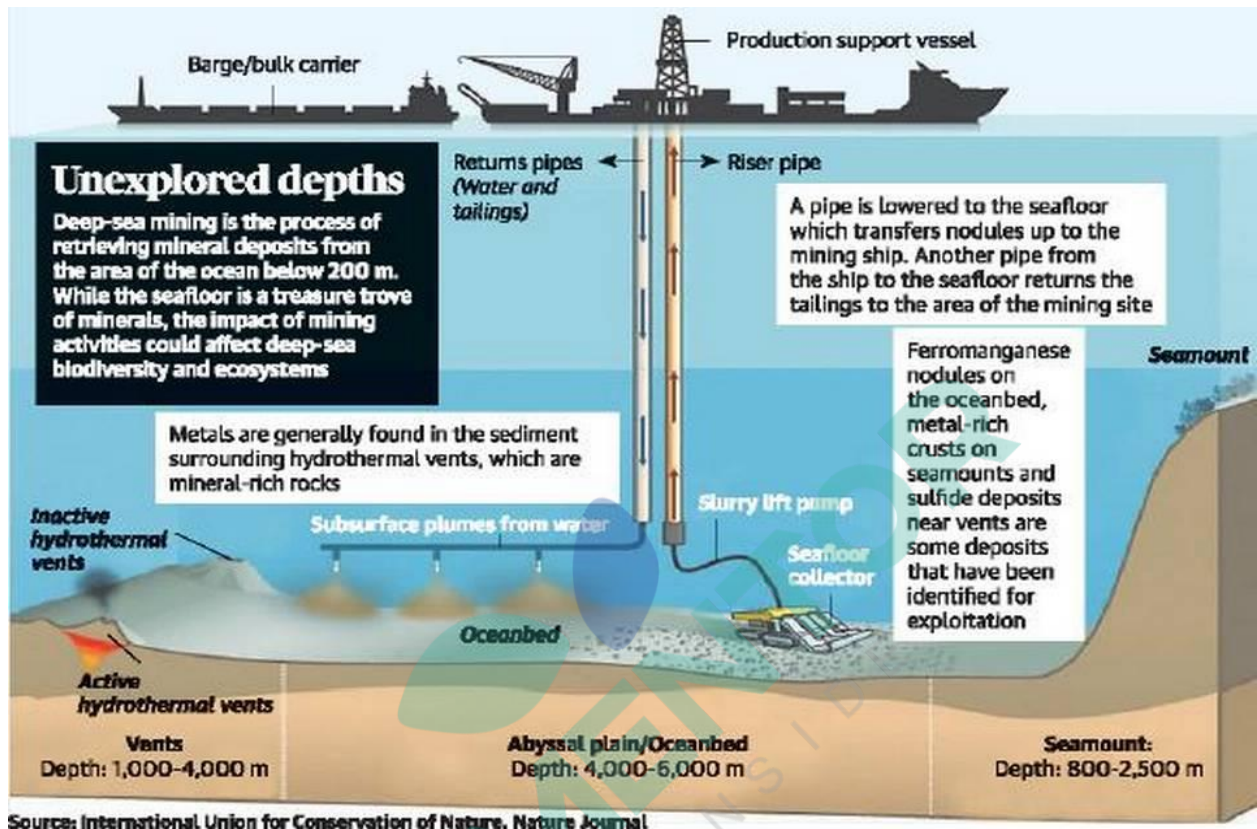
WAY FORWARD

- The Indian market **needs encouragement for indigenous technologies** that are suited for India from both strategic and economic standpoint.
- Breaking away the **old norms and establishing a new consumer behaviour is always a challenge**. Thus, a **lot of sensitisation and education is needed**, in order to bust several myths and promote EVs within the Indian market.
- **Subsidising manufacturing for an electric supplychain** will certainly improve EV development in India.

Source: PIB

MINISTRY OF EARTH SCIENCES HAS LAUNCHED THE DEEP OCEAN MISSION

GS Paper - 2 - GS Paper - 3 - Government Policies & Interventions - Scientific Innovations & Discoveries
- GS Paper - 1 - Water Resources



Why in News?

Recently, the Ministry of Earth Sciences has launched the **Deep Ocean Mission (DOM)**.

- DOM is a **mission mode project** to support the **Blue Economy Initiatives** of the Government of India.
- Earlier, the Ministry of Earth Sciences had also rolled out the draft **Blue Economy Policy**.
- **Blue Economy** is the sustainable use of ocean resources for economic growth, improved livelihoods and jobs, and **ocean ecosystem health**.

WHAT ARE THE MAJOR COMPONENTS OF DOM?

- **Development of Manned Submersible Vehicle:**
 - A manned submersible will be developed to carry three people to a depth of 6,000 metres in the ocean with a suite of scientific sensors and tools.
 - NIOT & ISRO is jointly developing a **Manned Submersible Vehicle**.
 - **National Institute of Ocean Technology (NIOT)**, an autonomous institute under the Ministry of Earth Sciences.
- **Development of Technologies for Deep Sea Mining:**
 - An **Integrated Mining System** will be also developed for mining polymetallic nodules at those depths in the central Indian Ocean.
 - **Polymetallic nodules** are rocks scattered on the seabed containing iron, manganese, nickel and cobalt.

- The exploration studies of minerals will pave the way for commercial exploitation in the near future, as and when commercial exploitation code is evolved by the **International Seabed Authority**, a **United Nations (UN) organisation**.
- **Development of Ocean Climate Change Advisory Services:**
 - It entails developing a suite of observations and models to understand and provide future projections of important climate variables on seasonal to decadal time scales.
- **Technological Innovations for Exploration and Conservation of Deep-sea Biodiversity:**
 - Bio-prospecting of deep-sea flora and fauna including microbes and studies on sustainable utilisation of deep-sea bio-resources will be the main focus.
- **Deep Ocean Survey and Exploration:**
 - It will explore and identify potential sites of multi-metal **Hydrothermal Sulphides** mineralization along the Indian Ocean mid-oceanic ridges.
- **Energy and Freshwater from the Ocean:**
 - Studies and detailed engineering design for offshore **Ocean Thermal Energy Conversion (OTEC)** powered **desalination plants** are envisaged in this proof of concept proposal.
 - OTEC is a technology that uses ocean temperature differences from the surface to depths lower than 1,000 metres, to extract energy.
- **Advanced Marine Station for Ocean Biology:**
 - It is aimed at the development of human capacity and enterprise in ocean biology and engineering.
 - It will translate research into industrial application and product development through on-site business incubator facilities.

WHAT IS THE SIGNIFICANCE OF DOM?

- **Leveraging Ocean Resources:** Oceans, which cover **70% of the globe**, remain a key part of our life. About 95% of the **Deep Ocean remains unexplored**.
 - Three sides of India are surrounded by the oceans and around **30% of the country's population lives in coastal areas**, the ocean is a major economic factor supporting fisheries and aquaculture, tourism, livelihoods and blue trade.
 - Considering the importance of the oceans on sustainability, the UN has declared the decade, 2021-2030 as the **Decade of Ocean Science for Sustainable Development**.
- **Long Coastline:** India has a unique maritime position. Its **7517 km long coastline** is home to nine coastal states and 1382 islands.
 - The Government of India's Vision of New India by 2030 announced in February 2019 highlighted the **Blue Economy as one of the ten core dimensions of growth**.
- **Technology Expertise:** The technology and expertise needed in such missions are now available in only five countries - the US, Russia, France, Japan and China.
 - **India will now be the sixth country to have it.**

WHAT ARE OTHER BLUE ECONOMY INITIATIVES

- **India-Norway Task Force on Blue Economy for Sustainable Development:**
 - It was inaugurated jointly by both the countries in 2020 to **develop and follow up joint initiatives between the two countries**.

- **Sagarmala Project:**
 - The **Sagarmala project** is the strategic initiative for **port-led development** through the extensive use of IT-enabled services for the modernization of ports.
- **O-SMART:**
 - India has an umbrella scheme by the name of **O-SMART** which aims at regulated use of oceans, marine resources for sustainable development.
- **Integrated Coastal Zone Management:**
 - It focuses on the conservation of coastal and marine resources, improving livelihood opportunities for coastal communities etc.
- **National Fisheries Policy:**
 - India has a **National Fisheries policy** for promoting the '**Blue Growth Initiative**' which focuses on sustainable utilisation of fisheries wealth from marine and other aquatic resources.

[Source:PIB](#)

SUPPLEMENTARY DEMANDS FOR GRANTS IN LOK SABHA

GS Paper - 3 - Mobilization of Resources - Government Policies & Interventions - Fiscal Policy - Government Budgeting - GS Paper - 2 - Indian Constitution



Why in News?

Recently, the government has tabled a third batch of **Supplementary Demands for Grants** in Lok Sabha.

WHAT IS THE SUPPLEMENTARY DEMAND FOR GRANTS?

- It is needed when the amount authorised by the **Parliament through the appropriation act** for a particular service for the current financial year is found to be insufficient for that year.
- This grant is **presented and passed by the Parliament before the end of the financial year**.

WHAT ARE THE OTHER TYPES OF GRANTS?

- **Additional Grant:** It is granted when a **need has arisen during the current financial year for additional expenditure** upon some new service not contemplated in the budget for that year.
- **Excess Grant:** It is granted **when money has been spent on any service during a financial year in excess** of the amount granted for that service in the budget for that year. It is voted by the Lok Sabha after the financial year. Before the demands for excess grants are submitted to the Lok Sabha for voting, they must be approved by the **Public Accounts Committee of Parliament**.
- **Vote of Credit:** It is granted for **meeting an unexpected demand** upon the resources of India, when on account of the magnitude or the indefinite character of the service, the demand cannot be stated with the details ordinarily given in a budget.
 - Hence, it is like a blank cheque given to the Executive by the Lok Sabha.
- **Exceptional Grant:** It is granted **for a special purpose** and forms no part of the current service of any financial year.
- **Token Grant:** It is granted when **funds to meet the proposed expenditure on a new service** can be made available by reappropriation.

- A demand for the grant of a token sum (of Re 1) is submitted to the vote of the Lok Sabha and if assented, funds are made available.
- Reappropriation involves transfer of funds from one head to another. It does not involve any additional expenditure.

WHAT ARE THE RELATED CONSTITUTIONAL PROVISIONS?

- **Article 115** pertains to supplementary, additional or excess grants.
- **Article 116** of the Constitution pertains to **Votes on account, Votes of credit and exceptional grants.**
- Supplementary, additional, excess and exceptional grants and vote of credit are regulated by the same procedure which is applicable in the case of a regular **budget.**

Source:TH

UN GENERAL ASSEMBLY APPROVED INTERNATIONAL DAY TO COMBAT ISLAMOPHOBIA.

GS Paper - 2 - Global Groupings - Issues Related to Minorities



Why in News?

Recently, the **UN General Assembly** approved a resolution for setting **March 15th** as the **International Day to Combat Islamophobia.**

- The resolution was introduced by Pakistan on behalf of the **Organisation of Islamic Cooperation (OIC).**
- Though the resolution has been passed at **UNGA, India has highlighted several concerns.**

WHAT ARE THE KEY POINTS OF THE RESOLUTION?

- The resolution, adopted by consensus by the **193-member world body** and cosponsored by **55 mainly Muslim countries.**

- The resolution asks all countries, U.N. bodies, international and regional organisations, civil society, private sector and faith-based organisations **“to organise and support various high-visibility events aimed at effectively increasing awareness of all levels about curbing Islamophobia.**
- The resolution emphasizes the right to freedom of religion and belief and recalls a 1981 resolution calling for **“the elimination of all forms of intolerance and of discrimination based on religion or belief”.**

WHAT IS INDIA’S STAND?

- India expressed **concern over phobia against one religion being elevated to the level of an international day**, saying there are growing contemporary forms of **religiophobia**, especially **anti-Hindu, anti-Buddhist and anti-Sikh phobias.**
- It also cited that that word **‘pluralism’ finds no mention in the resolution.**
- India hopes the resolution adopted **“does not set a precedent”** which will lead to multiple resolutions on phobias based on **selective religions and divide the United Nations into religious camps.**
- The term Islamophobia does not have any agreed definition in **international law, contrary to the freedom of religion or belief.**

WHAT IS INTERNATIONAL DAY COMMEMORATING THE VICTIMS OF ACTS OF VIOLENCE BASED ON RELIGION OR BELIEF?

- Earlier in 2019, UNGA has also passed a resolution to celebrate August 22nd, **International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief.**
- Its resolution **envisages recognizing the importance of providing victims of acts of violence based on religion or belief** and members of their families with appropriate support and assistance in accordance with applicable law.

[Source:ET](#)