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MINISTRY OF SCIENCE AND TECHNOLOGY



MK Yadav Sir

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FIRE SAFETY REGULATION IN INDIA

(Syllabus: GS Paper 3 – Disaster Management)



On fire safety regulations in India

What happened at the Rajkot gaming centre and at the New Born Baby Care Hospital in New Delhi? What are the various laws and guidelines which stipulate rules around fire safety in buildings? How have courts responded to negligence over public safety?

EXPLAINER

THE GIST

Context: A recent deadly fire at a gaming centre in Rajkot, Gujarat, killed at least 32 people, highlighting safety concerns in public buildings and venues.

Fire Safety Regulation in India

- **Model Building Bye-Laws, 2016**: The Union of India's position on fire safety is that the Model Building Bye-Laws, 2016 and its component Chapter 11 on "Fire Protection and Fire Safety Requirements" provides the necessary framework for State governments.
- **State Responsibility:** State governments bear responsibility for fire safety under law.
- **Fire Safety Norms**: Ensuring adherence to fire safety norms and standards laid down in Part 4 of the National Building Code (NBC) and incorporating mandatory provisions in the process is left to the States.
- **Constitutional Provision**: Fire service comes **under the state list** and included in **12th schedule** of the Indian Constitution dealing with Municipal functions.
  - At present, fire prevention and fire fighting services are organised by the concerned States and Union Territories (UTs), and Urban Local Bodies (ULBs).

Fire Safety Initiatives:

- **Scheme for Expansion and Modernization of Fire Services in the States**: Launched by the Indian Government in 2023, this initiative is funded through the Preparedness and Capacity Building Funding Window under the National Disaster Response Fund (NDRF).
  - It aims to strengthen state fire services through 2025-26.
- **Model Bill for Fire and Emergency Services**: The central government has circulated a model bill to assist states in maintaining effective fire and emergency services.
- **NDMA Guidelines**: The National Disaster Management Authority (NDMA) has issued comprehensive guidelines detailing equipment standards, scaling, and training protocols for fire services nationwide.

EVACUATION SLIDES
(Syllabus GS Paper 3 – Sci and Tech)

WHAT ARE EVACUATION SLIDES IN AIRCRAFT, WHY ARE THEY NEEDED?

ALIND CHAUHAN
NEW DELHI, MAY 28

SOON AFTER a Varanasi-bound Indigo flight received a bomb threat at the Indira Gandhi International Airport in Delhi on Tuesday, the 176 passengers on board the flight were quickly evacuated with the help of evacuation slides. A search of the plane found the threat to be a hoax.

What are evacuation slides?

An evacuation slide is an inflatable slide that allows passengers to safely exit the aircraft during an emergency, when no ladders can be put.

Slides are generally packed and installed within a door or into an external fuselage compartment. A lever on the interior door connects the slide to the door. At the start of every flight, the lever is in the "armed" position, and if the door is opened, the slide will be deployed. Notably, the door cannot be opened mid-flight due to the difference in air pressure inside the cabin and outside in the atmosphere.

There are four types of evacuation slides: inflatable slide, inflatable slide/raft, inflatable exit ramp, and inflatable exit ramp/ slide.

The inflatable slide helps passengers exit the aircraft to the ground. An inflatable slide/ raft does the same job, but it can also be used as a life raft, in case the aircraft has to land on water.

The inflatable exit ramp helps passengers descend from certain overwing exits on to the wing (in case the exit doors are unavailable) — not to the ground. The inflatable exit ramp/ slide is there to assist in descending from an overwing exit to the aeroplane wing and then to the ground. It is a combination ramp and wing-to-ground slide.

The evacuation slides are typically made from carbon fibre and a nylon material coated with urethane for fire resistance. Strong fibres are used to build these slides so they don't get torn as passengers use them.



Indigo flight after evacuation at IGI airport, Delhi. *PTI*

They are inflated with the help of high-pressure carbon dioxide or nitrogen gas containers and ambient air through suction machines.

What are the protocols for deploying the slides?

An evacuation slide must be deployed when the distance between the ground and the flight exit door is six feet or more. The European Union Aviation Safety Agency's guidelines say that a slide should be automatically deployed once the door is opened. The slide must be inflated within 6-10 seconds, depending on its location.

It should be properly deployable in all weather conditions — as cold as minus 40 degree Celsius and as hot as 71 degree Celsius, according to the US Federal Aviation Administration's guidelines.

The slide should be able to sustain rainfall of up to one inch an hour and winds up to the speed of 46 km/hr at 45 degree angles around the aircraft.

Context: Recently, a Varanasi-bound Indigo flight faced a bomb threat at Delhi's Indira Gandhi International Airport, prompting the swift evacuation of its 176 passengers using evacuation slides.

Evacuation Slides

- **About:** These are inflatable devices designed to facilitate safe passenger exit from aircraft during emergencies, particularly when the flight door is positioned high above the ground.
- **Types**: They come in four main types: inflatable slide, inflatable slide/raft, inflatable exit ramp, and inflatable exit ramp/slide.
- **Functionality**: Inflatable slides enable passengers to descend from aircraft exit doors to the ground, or alternatively, from aircraft wings with the aid of the slide. Rafts or mats may be deployed on the ground for additional safety.
- **Versatility**: The inflatable slide/raft serves dual purposes, functioning both as an exit slide and a life raft in water landings.
- **Construction:** Typically constructed from carbon fibres and nylon coated with fire-resistant urethane, evacuation slides are engineered to withstand tearing during descent.
- **Deployment Mechanism**: Evacuation slides are packed within cabin doors or external fuselage compartments and are linked to a lever that triggers deployment upon door opening. Mid-flight door opening is prevented due to cabin pressure differences.
- **Process**: It is facilitated by high-pressure gas containers containing carbon dioxide or nitrogen, along with suction machines drawing in ambient air.

Protocols for Deployment

- **Deployment Criteria**: Evacuation slides must deploy when the distance between the exit door and the ground exceeds six feet, as stipulated by aviation safety regulations.
- **Automatic Deployment**: EUASA guidelines mandate automatic slide deployment upon door opening, with inflation typically occurring within six to ten seconds.
- **Weather Resilience**: Slides must be deployable in various weather conditions, including extreme temperatures ranging from -40°C to 71°C, and capable of withstanding heavy rain and winds up to 46 km/hr from 45-degree angles around the aircraft, as per FAA standards.

DTE

May 28

GOLDEN RICE

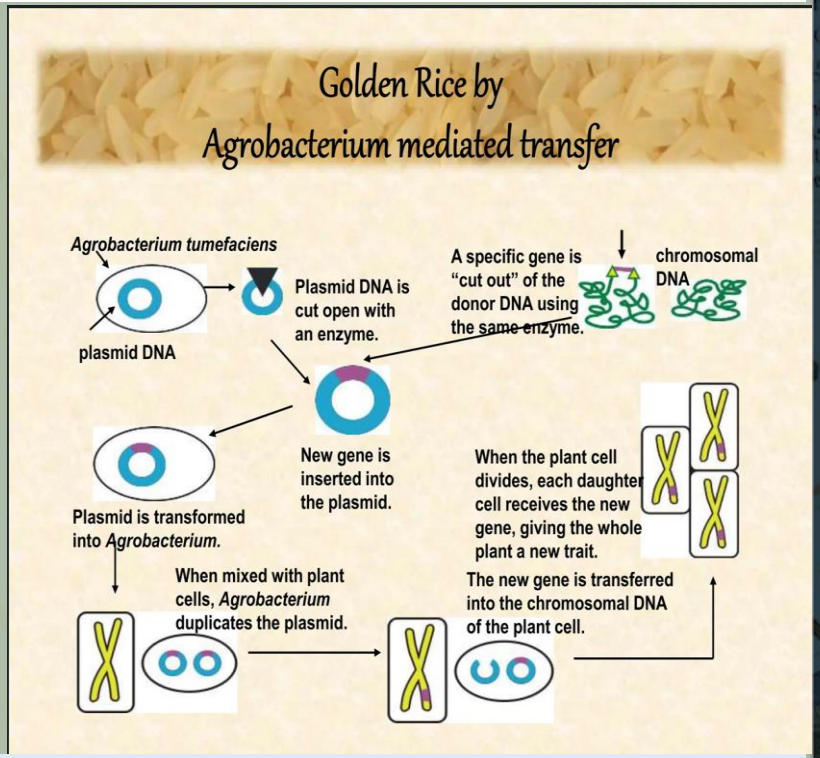
(Syllabus: GS Paper 3 – Agriculture)

What is golden rice — and why has a Philippine court put a stop to its commercial production?

Context: A court in the Philippines recently revoked biosafety permits for commercial propagation of genetically modified golden rice and Bt eggplant.

Golden Rice

- **About**: It is rich yellow colour, was genetically engineered to contain higher levels of the micronutrients iron and zinc in the grains while also producing beta-carotene, a precursor to vitamin A.
- **Approval**: In 2021, the Philippines became the first country to approve commercial production of the rice variety. However, non-profit organisations such as Greenpeace and local farmers protested the decision.
- **Development**: It is developed through genetic engineering and produces two new enzymes that complete the beta-carotene expression in the rice grain.
- **Nutritional Benefit:** Research has indicated that one cup of Golden Rice can provide up to 50% of the daily requirement of an adult for vitamin A.



Vitamin A

- **About:** Vitamin A is a fat-soluble vitamin that is good for healthy vision, skin, bones, and other tissues in the body.
- **Deficiency**: Vitamin A deficiency (VAD) or hypovitaminosis A is a lack of vitamin A in blood and tissues. It is common in poorer countries but rarely is seen in more developed countries.
- **Health Implications**: Night blindness, A higher risk of infections, Follicular hyperkeratosis leading to dry skin, Fertility issues, and Delayed growth in children.

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DRAFT DIGITAL COMPETITION BILL

(Syllabus: GS Paper 3 – Economy)

‘Google, Amazon oppose antitrust bill’

Reuters
NEW DELHI

A U.S. lobby group representing tech giants Google, Amazon and Apple has asked India to rethink its proposed EU-like competition law, arguing regulations against data use and preferential treatment of partners could raise user costs, a letter shows.

Citing increasing market power of a few big digital companies in India, a government panel in February proposed imposing obligations on them under a new antitrust law, which will complement existing



regulations whose enforcement the panel said is “time-consuming”.

India’s “Digital Competition Bill” is on the lines of EU’s Digital Markets Act 2022. It will apply to big firms, including those with a global turnover of more than $30 billion and at least 10 million local users.

EU’s Digital Markets Act 2022

- **About:** It was proposed by the European Commission in December 2020 and entered into force on November 1, 2022.
- **Objective:** The DMA aims to create a level playing field for businesses operating in the digital sector and to prevent large platforms from abusing their market power.
- **Definition of "Gatekeepers":** The term “gatekeepers” in the DMA refers to large tech firms that are required to comply with the legislation in the EU.
- **Pre-loaded apps**: It cracks down on pre-installed apps, common in Apple, Google, and others.

Context: A U.S. lobby group representing tech giants Google, Amazon, and Apple has recently urged India to reconsider its proposed EU-like digital competition law, citing concerns that regulations targeting data use and partner preferences could potentially escalate user costs.

Draft Digital Competition Bill

- **Predictive regulation**: The bill aims to establish a regulatory framework to ensure fair competition, protect consumer interests, and prevent market monopolization by large digital enterprises.
- **Designation of Systematically Significant Digital Enterprises (SSDEs)**: The proposed legislation suggests the Competition Commission of India (CCI) designate certain companies as "Systematically Significant Digital Enterprises (SSDEs)" based on specific criteria such as turnover, size, user base, and market power.
    - **Self-Reporting Regime**: The bill introduces a self-reporting mechanism for companies engaged in "core digital services" to determine their designation as Systematically Significant Digital Enterprises (SSDEs).
    - **Quantitative Criteria**: If in the last 3 financial years, its turnover in India is not less than Rs 4,000 crore; or its global turnover is not less than $30 billion; or
        - ✓ Its gross merchandise value in India is not less than Rs 16,000 crore; or
        - ✓ Its global market capitalisation is not less than $75 billion; or
        - ✓ The core digital service provided by these companies should also have at least 1 crore end users, or 10,000 business users.
- **Associate Digital Enterprises**: SSDEs will be prohibited from engaging in practices like self-preferencing, anti-steering, and restricting third-party applications for identified services.
- Violations could lead to penalties of up to 10% of their global turnover.

DTE May 28

GM MOSQUITOES
(Syllabus: GS Paper 3 – Sci and Tech)

Djibouti releases GM mosquitoes to fight malaria. How it works

Context: Recently, genetically modified (GMO) mosquitoes were released in Djibouti, East Africa to combat malaria.

- It is part of the 'Djibouti Friendly Mosquito Programme' started two years ago to stop the spread of Anopheles stephensi, an invasive species of mosquito.

Genetically Modified (GMO) Mosquitoes

- **About**: GM mosquitoes are mosquitoes that have been implanted with a gene that was not originally present or naturally occurring in the insect. They are mass-produced in a laboratory to carry two types of genes.
  - **Self-Limiting Gene**: This gene prevents female mosquito offspring from surviving to adulthood.
  - **Fluorescent Marker Gene**: This gene glows under a special red light, allowing researchers to identify GM mosquitoes in the wild.
- **Preferential Inheritance**: The development of gene drive enables the preferential inheritance of specific genes in targeted mosquitoes.
- **Disease Transmission Obstruction**: This technology potentially obstructs the transmission of the Plasmodium parasite.
- **GM Mosquitoes and Disease Outbreaks**
  - **Not for Active Outbreaks**: The release of GM mosquitoes is not intended to stop an ongoing disease outbreak.
  - **Prevention of Outbreaks**: GM mosquitoes are meant to help prevent future disease outbreaks.
  - **Population Reduction**: Releasing GM mosquitoes over several months can reduce the number of a specific mosquito species, such as Ae. aegypti.

THE PRINT May 28

ARTICLE 329(b)
(Syllabus: GS Paper 2 – Polity)

What's Article 329(b) invoked by EC in SC that restricts judicial intervention in poll process

Context: The Election Commission (EC) recently invoked Article 329(b) of the Constitution, which prohibits judicial intervention in the working of the commission in the middle of the election process.

Article 329(b)

- **About:** No election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.
- **Objective:** To prevent the court from hearing the matter and said this provision prohibits judicial intervention in the working of the commission in the middle of the election process.
- **Constitutional Context**: Article 329(b) is enshrined in Part XV of the Constitution, specifically addressing electoral matters alongside articles 324-329.
- **Role of the Judiciary**: It outlines the judiciary's limited role in electoral disputes, particularly in regards to challenging the constitutionality of electoral laws.
- **Amendment**: Amended by the Constitution (19th Amendment) Act, 1966, it establishes the exclusive method of addressing election disputes through election petitions.
- **Election Petitions:** Election-related inquiries are solely addressed through petitions presented to designated authorities as per laws enacted by the appropriate Legislature.
- **Legal Framework**: The Representation of the People Act, 1951, provides the legal framework empowering high courts to hear and decide election petitions.

Court verdicts on election petitions

- **Inderjit Barua vs Election Commission of India 1985**: It excluded electoral roll preparation from the definition of "election." It further stated that no election could be challenged on the grounds of defects in electoral rolls.
- **K. Venkatachalam vs A.Swamickan 1999**: It determined that Article 329(b) is inapplicable if the matter pertains to Articles 191 and 193, which deal with disqualifications and penalties related to parliamentary and legislative assembly membership, respectively.
- **Hari Krishna Lal vs Atal Bihari Bajpai 2002**: Allahabad hifh court clarified that only candidates officially recognised by the Election Commission are eligible to file election petitions.
- **N.C. Patel vs State of Gujarat 2007**: It affirmed that election petitions can only be filed under the Representation of People's Act, 1951, and not by way of a writ petition.

LIVEMINT

Page 2

LIQUIFIED NATURAL GAS (LNG)

(Syllabus: GS Paper 3 – Sci and Tech)

Shell pushes LNG mobility to displace diesel in India

The firm also plans to foray to compressed biogas, says country head of Shell Energy India

Rituraj Baruah
rituraj.baruah@livemint.com
NEW DELHI

Shell India is seeking to play a major role in attempts to build a green transport ecosystem in the country by displacing diesel—one of the dirtiest fuels—with liquified natural gas, or LNG.

In addition, alongside its conventional focus on LNG, it may also make a foray into compressed biogas as it looks to expand its footprint in India's clean energy ecosystem.

In an interview, Nakul Raheja, country head, Shell Energy India said that easing LNG prices over the past several months have led to a greater interest from all stakeholders for increasing the network of LNG suppliers for transport.

"We are very excited by the opportunities emerging in the gas market in the next few years. We were one of the early movers in the gas market by taking up a position in Hazira (Gujarat) and setting up the Hazira LNG terminal nearly 20 years ago now. Three-and-a-half years ago we added a truck loading unit at Hazira which allows us to send out LNG which serves not only industrial customers but feeds into the network which is coming up for LNG as a transport fuel," Raheja said.

He said there was an "incredible opportunity" in India to displace diesel with LNG in heavy duty vehicles.



Easing LNG prices over the past several months have led to a greater interest from stakeholders for increasing the network of LNG suppliers for transport. BLOOMBERG

"And we see this as a multi-million dollar market over the next 10 years and that requires more import of LNG and the creation of downstream infrastructure to dispense that LNG as well as the availability of trucks that can run on LNG and that entire ecosystem is now working at pace to make that opportunity happen over the next few years."

He noted that in the past few months there has been increasing interest in the entire ecosystem, including investors, LNG stations, OEMs (original equipment manufacturers) who would manufacture LNG-fuelled vehicles, retrofitters who would convert diesel-fuelled trucks into LNG-fuelled ones, LNG suppliers and the government.

"A big driver for this is that the LNG prices are now back in the range where they make sense for the customer. There is a lot of energy being put into this space. More and more sites are getting commissioned which can dispense LNG," he said.

Spot Asian prices of LNG current hover in the range of $10-12 per mmBtu (million metric British thermal units), compared with about $18-19 per mmBtu a year ago. Going ahead, in the next year or two prices may ease further with supplies coming in from LNG capacities coming up in the US and Qatar.

To expand its portfolio of offerings in India's gas ecosystem, Shell is also looking at entering the compressed biogas (CBG) space. "We are also tracking developments in the compressed biogas space or renewable natural gas to see how we can add that to our portfolio as well and have our gas customers look to further decarbonize their gas supply chain how could we introduce CBG as part of that.

A lot of our customers are switching to gas as it makes both economic sense and helps reduce their carbon footprint. As they go forward they make look for solutions which may help in further reduction in their carbon footprint and CBG plays a role in that space," he said.

He noted that Shell is already a major player in the CBG space after its acquisition of Natured Energy, a CBG producer in Europe in February last year.

"As the needs of the Indian customers evolve we want to be ready with offerings in this space as well for our customers. So, its basically its a strategy that's driven sure by customer's needs, and making sure we have got something that's relevant to them when they need it," Raheja said.

On the plans for the firm to expand capacity of the Hazira LNG terminal, at Hazira port in Gujarat, Raheja said that there are no concrete plans as yet.

GREEN OPTION

LNG prices are now back in the range where they make sense for the customer

THE company sees a multi-million dollar LNG market in India over the next 10 years

AVAILABILITY of trucks running on LNG and an enabling ecosystem will help the market

Context: Shell India is seeking to play a major role in attempts to build a green transport ecosystem in the country by displacing diesel one of the dirtiest fuels with liquified natural gas, or LNG.

Liquified Natural Gas (LNG)

- **About:** LNG is natural gas transformed into a liquid state through intense cooling to approximately -161 degrees Celsius (-259 Fahrenheit), making it 600 times smaller than its original volume and half the weight of water.
- **Transportation by Ship**: The compressed fossil fuel, primarily composed of methane, can be shipped globally, facilitating its transportation from production sites to consumer markets.
- **Regasification and Distribution**: Upon arrival at its destination, LNG is regasified in floating terminals and distributed through pipelines for consumption.
- **Market Limitations**: Despite export potential, the high cost associated with liquefaction and production has hindered LNG's market growth. For instance, in Germany, building floating LNG terminals to substitute Russian gas has incurred significant expenses.
- **Energy Consumption**: The processes involved in LNG production, transportation, and regasification demand substantial energy, with estimates suggesting a loss of 10-25% of the gas's energy during liquefaction, posing environmental and economic challenges.

Climate Impact of LNG

- **Energy Intensive Extraction and Processing**: Extraction, transportation, and processing of natural gas into LNG require significant energy, contributing to its climate impact.
- **Methane Loss Along Supply Chain**: Methane leakage throughout the production, transport, and regasification process heightens LNG's emissions profile.
- **Comparative Emissions**: LNG emits approximately double the greenhouse gases compared to ordinary natural gas, as highlighted by the Natural Resources Defence Council (NDRC).

THE HINDU Page 13

PARVAAH PORTAL
(Syllabus: GS Paper 3 – Economy)

RBI unveils Pravaah portal for approvals

The Hindu Bureau
MUMBAI

Reserve Bank of India (RBI) Governor Shaktikanta Das on Tuesday unveiled three major initiatives of the Reserve Bank of India, namely the Pravaah portal, Retail Direct Mobile App and a FinTech Repository.

The Pravaah portal will make it convenient for any individual or entity to apply online for various regulatory approvals in a seamless manner, the RBI said.

The Retail Direct Mobile App will provide retail investors ease of transacting in G-Secs, it added. The Fintech Repository will contain information on data of Indian FinTech firms.

Context: The Reserve Bank of India (RBI) recently launched three significant initiatives, including a mobile app, to facilitate retail investor participation in the **government securities (G-Secs) market.**

Parvaah Portal

- **About:** The 'PRAVAAH' portal serves as a secure and centralized web-based platform, facilitating individuals and entities to request authorization, licenses, or regulatory approvals from the Reserve Bank.
- **Efficiency Enhancement**: This is designed to streamline and enhance the efficiency of various processes concerning regulatory approvals and clearances.
- **Timeline**: These initiatives, including the PRAVAAH portal, were initially disclosed as part of the RBI's bi-monthly Statements on Development and Regulatory Policies.
    - They were announced in April 2023, April 2024, and December 2023 respectively.
- **Retail Direct Mobile App**: The Retail Direct Mobile App complements the PRAVAAH portal by providing retail investors easy and convenient access to the Retail Direct platform. It enables seamless transactions in government securities (G-Secs).
- **Tracking and Monitoring:** Entities utilizing the PRAVAAH portal can efficiently monitor the status of their applications.
    - Additionally, the Reserve Bank can communicate decisions regarding specified applications in a timely manner, ensuring a streamlined process.

Government Securities Market in India

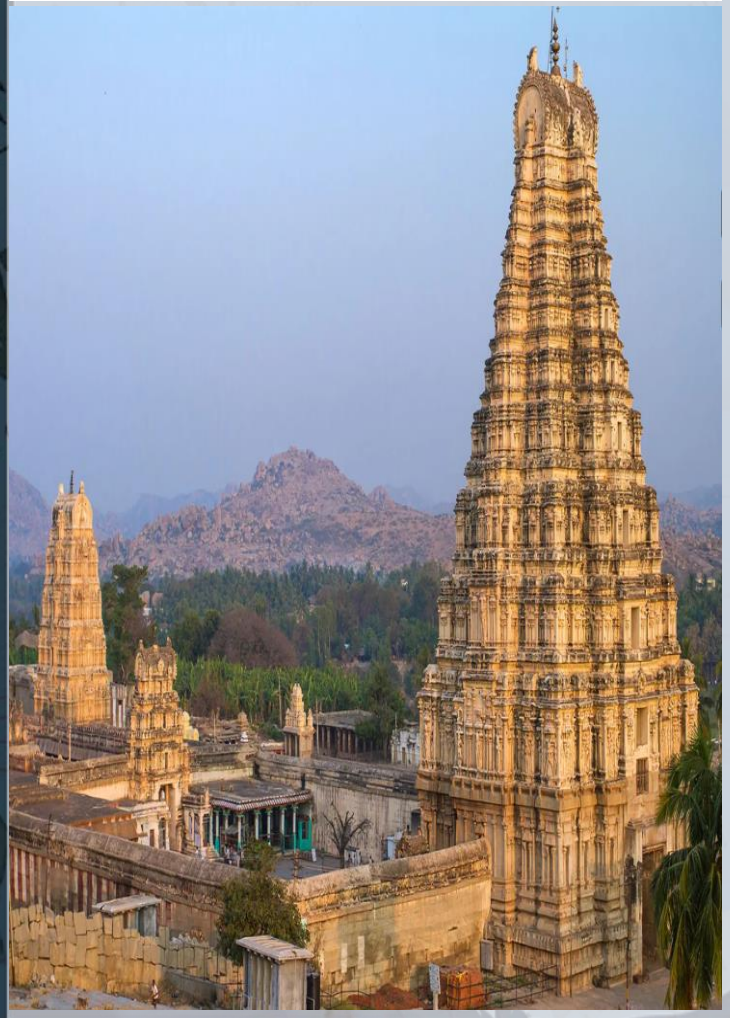
- **About**: These are tradeable instruments issued by the Central Government or State Governments, acknowledging their debt obligations.
- **Issuance by**: In India, the Central Government issues both treasury bills and bonds, while State Governments issue bonds or dated securities known as State Development Loans (SDLs).
- **Risk Profile**: G-Secs are considered risk-free gilt-edged instruments due to their practically non-existent risk of default.

THE HINDU Page 1

VIRUPAKSHA TEMPLE

(Syllabus: GS Paper 1 – Art & culture)

Portion of Salu-mantapa at Hampi collapses



Context: A section of the pillars holding up the pavilion at Hampi's Virupaksha temple collapsed recently following heavy rains.

Virupaksha Temple

- **About:** It is located in Hampi in the Vijayanagar district of Karnataka.
- **Dedicated to:** Lord Virupaksha (Form of Shiva).
- **UNESCO status:** It is a part of the Group of Monuments at Hampi, a UNESCO World Heritage Site.
- **Construction:** Built in the 7th century CE.
  - Expanded between the 13th and 16th centuries
  - Constructed by Lakkan Dandesha, a nayaka (chieftain) under Deva Raya II (Prauda Deva Raya) of the Vijayanagara Empire.
  - Several portions expanded under Krishnadevaraya.
- **River:** Tungabhadra river flow through Hampi.
- **Architecture**
  - **Structures:** Over 1600 remains, including forts, temples, shrines, palaces, pillared halls, and more.
  - **Notable Temples:** Krishna temple complex, Narasimha, Ganesa, Hemakuta group, Achyutaraya, Vitthala, Pattabhirama, Lotus Mahal.
  - **Unique Features:** Large Dravidian temples, cloistered enclosures, lofty towers, and hydraulic technologies.
  - **Vitthala Temple:** Known for its ornate structure, Kalyana Mandapa, Utsava Mandapa, Garuda shrine, and grand bazaar street.

INDIAN EXPRESS | Page 12

RIGHT TO CONTEST AND VOTE

(Syllabus: GS Paper 2 – Polity)

Why an accused in jail can contest, but cannot vote in an election

AJOY SINHA KARPURAM
NEW DELHI, MAY 28

AMONG THE candidates for the Khadoor Sahib Lok Sabha seat that goes to polls with the rest of Punjab on Saturday is Amritpal Singh, head of the pro-Khalistan outfit Waris Punjab De. Amritpal Singh is currently in jail in Dibrugarh, Assam, and his campaign is being led by members of his family.

Amritpal does not have a right to vote. How then can he have the right to be elected to Parliament? What laws apply to voters and candidates who are imprisoned?

DECISION 2024

EXPLAINED LAW

Statutory rights

In *Indira Gandhi v Raj Narain* (1975), the Supreme Court said that free and fair elections are part of the basic structure of the Constitution, placing it on the highest constitutional pedestal. However, the SC has held that neither the right to elect nor the right to be elected enjoys the same status.

In *Kuldip Nayar v Union of India* (2006), a five-judge Constitution Bench held that the right to vote (or elect) is "pure and simple, a statutory right". This means that voting is not a fundamental right, and can be denied. The same applied to the right to be elected, the Bench said.

Laws enacted by Parliament could regulate both these statutory rights, the court ruled.

Must be convicted

Section 8 of the Representation of the People Act, 1951 (RPA) provides for disqualification from contesting elections to Parliament or state Assemblies "on conviction for certain offences". The disqualification applies from the date of conviction, and continues for six years after the end of the sentence.

However, the bar on contesting elections kicks in only after a person has been convicted, and not if they are only charged with criminal offences. This is what applies to Amritpal Singh.

Section 8 of the RPA has faced two major challenges in the SC in recent years.

■ In 2011, the nonprofit Public Interest Foundation filed a petition arguing that persons against whom criminal charges have been framed, or who have filed false affidavits regarding their criminal history, should also be disqualified. However, the SC held that only the legislature could alter the RPA.

■ In 2016, advocate Ashwini Kumar Upadhyay filed a petition seeking permanent disqualification for convicted persons. This case is ongoing and, in November 2023, the SC, taking note of delays in criminal cases against MPs and MLAs, asked the Chief Justices of all High Courts to register a *suo motu* case titled "In Re: Designated Courts for MPs/MLAs" for HCs and to issue directions for the "expeditious and effective" disposal of these cases.

A report submitted to the court in April 2024 showed 4,472 such cases were still pending.

Exceptions to provision

The Election Commission of India (ECI) is empowered under Section 11 of the RPA to "remove" or "reduce" the period of disqualification. In 2019, the ECI used this power to reduce the period of disqualification faced by Sikkim Chief Minister Prem Singh Tamang who was released following a one-year prison sentence in 2018 for misappropriating funds in the procurement of cows. The Sikkim Krantikari Morcha leader went on to win the byelection for the Poklok Kamrang Assembly seat.

Another situation where a disqualified MP or MLA can contest arises if their conviction is stayed on appeal to a higher court. In 2019 the Supreme Court held that once a conviction is stayed, "the disqualification which operates as a consequence of the conviction cannot take or remain in effect".

Dhananjay Singh, a former BSP MP who had been convicted of kidnapping by a district court in 2020, approached the Allahabad HC for a stay on his seven-year sentence, which would allow him to contest the Lok Sabha election. Last month, the HC granted him bail, but refused to stay the conviction, saying "it is the need of the hour to have purity in politics".

No voting right for jailed

Sub-clause (5) of Section 62 of the RPA states: "No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police."

With an exception provided for those in preventive detention, this provision effectively bars every individual who has criminal charges framed against them from casting their vote unless they have been released on bail or have been acquitted.

In 1997, the SC rejected a challenge to Section 62(5) in the case of *Anukul Chandra Pradhan v. Union of India*. The court re-affirmed that the right to vote was a statutory right and could be subject to statutory limitations. It also held that a person in prison because of their conduct "cannot claim equal freedom of movement, speech and expression", and that restrictions on prisoners' right to vote are reasonable as they are linked to keeping "persons with criminal background away from the election scene".

This decision has been relied upon by both the SC (in 2023) and the Delhi HC (in 2020) to dismiss pleas seeking voting rights for prisoners.

Context: Recently, the head of the pro-Khalistan outfit Waris Punjab De, currently incarcerated in Dibrugarh, Assam, has his family leading his campaign for the Khadoor Sahib Lok Sabha seat amidst the Punjab elections.

Right to vote and the right to be elected

- **Importance of Free and Fair Elections:** In **Indira Gandhi v Raj Narain (1975)**, the Supreme Court recognized free and fair elections as a fundamental aspect of India's constitutional framework and are a **part of the 'basic structure'** of the Constitution. Any laws or policies that would violate this principle could be struck down.
  - The Supreme Court clarified in **2006 (Kuldip Nayar v. Union of India)** that while free and fair elections are vital, the rights to vote and be elected differ in legal standing.
- **Nature of Voting Rights**: The right to vote, termed as the right to elect, is considered a statutory right rather than a fundamental one, subject to legislative regulation. This means that voting is not a fundamental right and can be repealed.
  - The same was held for the right to be elected by the Bench, ruling that laws enacted by Parliament could regulate both these statutory rights.
- **Regulation of Rights by Parliament:** Both the right to vote and the right to be elected can be regulated by laws enacted by Parliament.
- **Section 8 of the Representation of People Act, 1951**: It mandates disqualification from contesting elections upon conviction for certain offenses.
- **Application of Disqualification:** It applies upon conviction, not mere charges, and entails a six-year ban from contesting elections starting from the date of release.
- **Exceptions and Disqualification Reduction**: The Election Commission can reduce or remove disqualification periods, as seen in the case of Sikkim Chief Minister Prem Singh Tamang in 2019.
  - Disqualified individuals can still contest elections if their conviction is stayed on appeal, as clarified by the Supreme Court in 2019.
- **Section 62 of the RP Act:** It provides a series of restrictions on the right to vote including sub-clause (5) which states in broad terms "No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police".
  - **Exception:** This provision effectively bars every individual who had criminal charges framed against them from casting their vote unless they have been released on bail or have been acquitted.

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