



DAILY CURRENT AFFAIRS 25-10-2024

GS-1

1. Z-Morh tunnel

GS-2

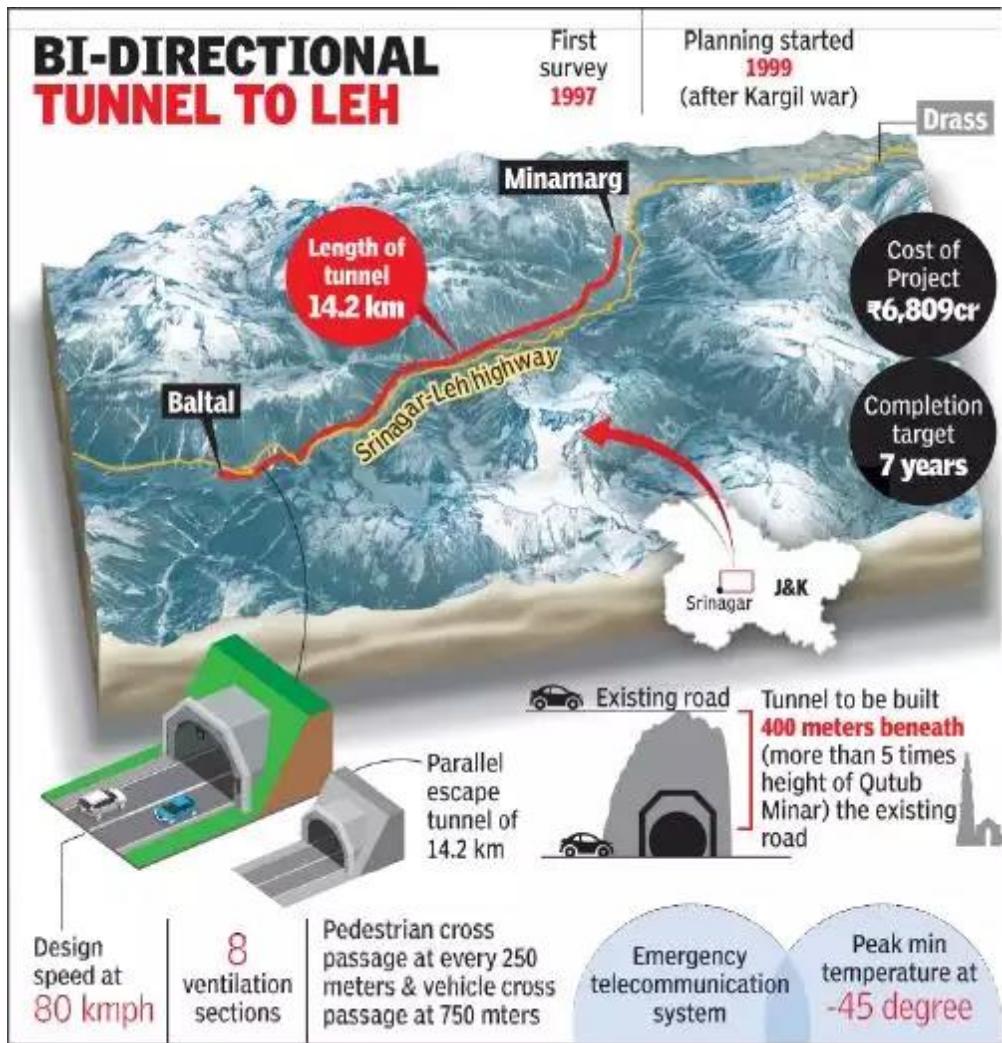
2. Article 21 & PMLA
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Z-Morh tunnel

Syllabus: GS-1; Geography-Mapping

Context

- Militants attack Z-Morh tunnel



About

- The **Z-Morh Tunnel** is a strategic road tunnel in Jammu and Kashmir, India, which aims to improve year-round connectivity to the Kashmir Valley, particularly the popular tourist destination **Sonamarg**.

Overview

- **Location:** The Z-Morh Tunnel is located on the Srinagar-Leh highway (NH-1), near **Ganderbal district** in Jammu and Kashmir.
- **Length:** The tunnel spans **6.5 kilometers** and is built at an altitude of around **2,637 meters** above sea level.
- **Purpose:** It provides **all-weather connectivity** between Srinagar and Sonamarg, which otherwise remains cut off during the winter months due to heavy snowfall in the Zojila Pass area.

Strategic Importance

- **Boost to Tourism:** The tunnel is expected to significantly enhance tourism by providing access to **Sonamarg** and nearby regions throughout the year.
- **Connectivity to Leh-Ladakh:** Although not directly connecting Leh-Ladakh, it improves access to Zojila Pass, which leads to Leh. Along with the **Zojila Tunnel**, it is part of broader infrastructure development aimed at improving connectivity to Ladakh.
- **Defense Importance:** The tunnel is strategically important for the movement of defense personnel and equipment between the Kashmir Valley and Ladakh, a region with critical border areas.

Features

- **Twin-Tube Design:** The Z-Morh Tunnel has a **single-tube, bi-directional tunnel** with **escape tunnels** for safety.
- **Modern Technologies:** It includes state-of-the-art features such as **ventilation systems, fire-fighting provisions, and emergency exits** for enhanced safety.

Construction and Timeline

- **Project Initiation:** The tunnel project was initiated to enhance the region's connectivity and boost economic development.
- **Completion:** While construction faced delays, the tunnel is expected to be operational in **2024**.

Article 21 & PMLA

Syllabus: GS-2; Judiciary

Context

- The relief granted under Article 21 (right to life and personal liberty) of the Constitution pertaining to delay in trial and long incarceration is superior to the twin conditions under Section 45 of the Prevention of Money Laundering Act (PMLA), said a Delhi court while granting bail to Aam Aadmi Party (AAP) leader and former Health Minister Satyendar Jain.

More to know

Article 21 of the Indian Constitution

- **Right to Life and Personal Liberty:** Article 21 guarantees the fundamental right to life and personal liberty. It states:
 - "No person shall be deprived of his life or personal liberty except according to the procedure established by law."
- **Interpretation:** The Supreme Court has interpreted Article 21 broadly to include the right to a dignified life, privacy, education, health, and environment among others.

Prevention of Money Laundering Act (PMLA)

- **Purpose:** The PMLA was enacted in 2002 to prevent money laundering and to provide for the confiscation of property derived from money laundering activities.
- **Regulatory Framework:** The Act establishes the Enforcement Directorate (ED) as the principal agency for enforcement and implementation.
- **Key Provisions:**
 - It defines the offense of money laundering and prescribes punishment for the offenders.
 - It mandates reporting of suspicious transactions by financial institutions and professionals.

Relationship between Article 21 and PMLA

- **Right to a Fair Trial:**
 - **Implications:** Article 21 implies that individuals accused under PMLA have the right to a fair trial. Any procedural law must ensure that the rights of the accused are not violated.

- **Judicial Precedents:** Courts have emphasized that the provisions of the PMLA must adhere to the principles of natural justice and fair play.
- **Protection against Arbitrary Action:**
 - **Due Process:** The phrase "procedure established by law" in Article 21 ensures that any action taken under PMLA, such as arrest or attachment of property, must follow lawful procedures.
 - **Judicial Review:** Any arbitrary action taken by authorities under the PMLA can be challenged in court, emphasizing the protection of personal liberties under Article 21.
- **Right to Privacy:**
 - **Data Collection and Surveillance:** The enforcement actions under the PMLA may involve data collection and surveillance, which could potentially infringe upon an individual's right to privacy as recognized under Article 21.
 - **Balancing Interests:** Courts may need to balance the state's interest in preventing money laundering with the individual's right to privacy.
- **Custodial Rights:**
 - **Detention Conditions:** Individuals detained under the PMLA must be treated in accordance with humane standards, reflecting the dignity aspect of Article 21.
 - **Legal Aid:** Accused persons have the right to legal representation and access to legal aid, as mandated by Article 21.

Key Case Laws

- **P. Chidambaram vs. Directorate of Enforcement:**
 - The Supreme Court examined the application of PMLA in relation to the rights guaranteed under Article 21, emphasizing the need for procedural safeguards.
- **K.S. Puttaswamy vs. Union of India:**
 - This landmark judgment recognized the right to privacy as part of the right to life under Article 21, influencing how enforcement agencies operate within the boundaries of personal liberties.

Conclusion

- The relationship between Article 21 and the PMLA highlights the delicate balance between the need for effective law enforcement in preventing money laundering and the protection of individual rights. Understanding this interplay is crucial for UPSC aspirants, particularly in the context of constitutional law, human rights, and criminal justice.

Benami law

Syllabus: GS-2; Judiciary

Context

- A Special Bench of the Supreme Court on Friday (October 18, 2024) recalled its August 23, 2022 judgment which declared provisions and amendments made in the benami property law “unconstitutional and manifestly arbitrary.”

Benami Transactions (Prohibition) Act, 1988 and its Amendment (2016)

- The **Benami Transactions (Prohibition) Act**, also known as the **Benami Property Act**, was originally enacted in **1988** to curb illegal property transactions in India.
- However, due to loopholes and lack of enforcement mechanisms, it was largely ineffective until the **Benami Transactions (Prohibition) Amendment Act, 2016**, which strengthened the provisions and enforcement capabilities.

Key Features of the Benami Transactions (Prohibition) Act, 1988:

- **Definition of Benami Transaction:**
 - A **Benami transaction** refers to a transaction where property is purchased in the name of one person (benamidar) but the consideration is paid by another person.
 - The actual beneficiary is different from the person in whose name the property is registered.
- **Prohibition:**
 - The Act prohibits Benami transactions to prevent individuals from acquiring assets in another person's name to evade taxes or hide illicit income.
- **Penalties under the Original Act (1988):**
 - Initially, the punishment under the 1988 Act was not stringent. The law provided for confiscation of the Benami property, but the enforcement mechanisms were weak, and penalties were not clearly defined.

Amendments in the Benami Transactions (Prohibition) Amendment Act, 2016:

- **Enhanced Definition of Benami Transactions:**
 - The amendment expanded the scope of Benami transactions, covering not only immovable properties (land, buildings) but also movable properties like shares, gold, and other valuable items.
- **Exemptions:**

- Certain transactions are exempt from being considered Benami, such as property held by:
 - **Hindu Undivided Family (HUF)** for the benefit of its members.
 - A **trustee** or a person holding property in a fiduciary capacity.
 - Properties purchased in the name of **spouse** or **children** where the amount is paid out of known income.
- **Establishment of Authorities:**
 - The 2016 amendment created a comprehensive administrative structure for **enforcement**, consisting of four authorities:
 - **Initiating Officer**
 - **Approving Authority**
 - **Adjudicating Authority**
 - **Appellate Tribunal**
- **Confiscation of Benami Property:**
 - The law now allows the confiscation of **Benami property** without any compensation, which is vested with the **Central Government**.
- **Penalties:**
 - **Imprisonment** of 1 to 7 years for individuals found guilty of entering into Benami transactions.
 - A **fine** that may extend to **25% of the fair market value of the property**.
- **Stringent Punishment for Providing False Information:**
 - Individuals providing **false information** to authorities can face **imprisonment of 6 months to 5 years**, along with a fine.
- **Retrospective Effect:**
 - The Act applies retrospectively to **Benami transactions** that took place before the enactment of the 2016 amendment.

Importance of the Act:

- **Preventing Money Laundering:** The law helps curb money laundering by prohibiting individuals from acquiring assets in someone else's name to avoid taxes or hide black money.
- **Boosting Transparency:** It ensures more transparency in the real estate sector by preventing fraudulent property transactions.
- **Strengthening the Fight Against Corruption:** The law complements other anti-corruption measures like the **Prevention of Money Laundering Act (PMLA)** and efforts to eliminate black money.

Impact of the 2016 Amendment:

- **Increased Accountability:** The 2016 Amendment has led to increased scrutiny and accountability of property transactions.
- **Rise in Confiscations:** Several properties have been confiscated across the country under the Benami law, with the government using it as a significant tool in its anti-corruption drive.

Related Acts and Linkages:

- **Income Tax Act, 1961:** Benami transactions often involve tax evasion, making the law interconnected with tax enforcement.
- **Prevention of Money Laundering Act, 2002 (PMLA):** Both laws work together to prevent illegal financial transactions and confiscate assets acquired through unlawful means.

Kala azar

Syllabus: GS-3; General Science

Context

- India to seek WHO certification for eliminating disease.

About

- **Kala-azar (Visceral Leishmaniasis)** is a parasitic disease caused by the protozoan parasites of the genus *Leishmania*. It is primarily transmitted by the bite of infected female *Phlebotomus* sandflies. Kala-azar is endemic in parts of Asia, East Africa, and South America, and is a significant public health issue in many countries, including India.

Causative Agent:

- The disease is caused by the parasite *Leishmania donovani* in the Indian subcontinent.
- It affects the internal organs, particularly the liver, spleen, and bone marrow.

Transmission:

- Spread by the bite of female sandflies (Phlebotomus argentipes).
- The flies get infected by biting an infected person or animal (such as dogs or rodents).

Symptoms:

- Irregular bouts of fever, weight loss, enlargement of the spleen and liver (splenomegaly and hepatomegaly), and anemia.
- If untreated, Kala-azar can be fatal in over 95% of cases.

Epidemiology:

- Endemic in 76 countries, primarily in rural areas.
- Over 90% of new cases occur in seven countries: **India, Bangladesh, Brazil, Ethiopia, Kenya, Somalia, and South Sudan.**
- In India, the disease is endemic to Bihar, Jharkhand, West Bengal, and parts of Uttar Pradesh.

Public Health Impact:

- A neglected tropical disease (NTD).
- It affects the poorest and most marginalized communities, leading to socio-economic impacts.

Control and Treatment:

- **Control Measures:**
 - Vector control through insecticide spraying, use of bed nets, and improving housing conditions.
 - Surveillance and early diagnosis to reduce the transmission rate.
- **Treatment:**
 - The main drugs include Amphotericin B, Miltefosine, and Sodium Stibogluconate.
 - Liposomal Amphotericin B is a highly effective drug with fewer side effects.

National Programs:

- **India's Kala-azar Elimination Programme:** A part of the National Health Mission (NHM) aimed to eliminate Kala-azar by reducing the annual incidence to less than 1 case per 10,000 people at the sub-district level.
- Active case detection and treatment in affected areas.
- Collaboration with WHO and other international agencies to eradicate the disease.

Challenges:

- Poverty and lack of access to healthcare in endemic regions.
- Emergence of drug resistance in some areas.
- Difficulties in controlling the sandfly population.

BRICS summit 2024

Syllabus: GS-2; International Institutions

Context

- Russian President Vladimir Putin is hosting the annual BRICS summit.

About

- The BRICS Summit 2024 is set to be a key international event, involving Brazil, Russia, India, China, and South Africa—countries that represent significant emerging economies.
- As BRICS plays a vital role in global geopolitics and economics, the 2024 Summit will likely address a range of critical global and regional issues, including economic cooperation, development strategies, geopolitical challenges, and trade relations.

Key Agendas:

- **Global Economic Recovery:** The BRICS countries are expected to focus on collective strategies for economic recovery post-pandemic, including measures to mitigate the impact of global inflation, supply chain disruptions, and rising energy costs.

- **Trade and Investment Cooperation:** Strengthening intra-BRICS trade, reducing dependency on the U.S. dollar, and boosting the use of local currencies in trade deals are likely to be major topics, continuing the bloc's pursuit of financial independence.
- **BRICS Expansion:** There may be discussions about expanding the group's membership, as several countries, such as Argentina and Saudi Arabia, have expressed interest in joining BRICS to create a larger and more diverse alliance of developing nations.
- **Technological Cooperation:** The summit is likely to include discussions on cooperation in areas such as artificial intelligence, renewable energy, space exploration, and digital economies. Technology-sharing agreements and research collaborations could be expanded.
- **Geopolitical Issues:** The Russia-Ukraine war and its global impacts will be high on the agenda, with BRICS members navigating their stances carefully given their varying relationships with Russia. Broader geopolitical topics, such as the role of the Global South in a multipolar world, are also expected.
- **Climate Change and Sustainability:** Another critical area will be addressing climate change and sustainable development, including joint efforts to reduce carbon emissions, transition to green energy, and fulfill commitments made at COP meetings.

Significance:

- **Global South Leadership:** BRICS is positioning itself as a voice for the Global South in global governance, and the 2024 summit will continue shaping its role in influencing international institutions such as the UN, IMF, and World Bank.
- **Multipolar World Order:** The 2024 Summit could further promote the idea of a multipolar world order, reducing reliance on Western-dominated systems of trade and finance.
- **Strategic Alliances:** Strengthening strategic ties, especially between India, China, and Russia, will be crucial amid shifting global alliances and economic uncertainties.