



29 July, 2024

Right to be forgotten

Context: Last week, the Supreme Court agreed to hear a case that will likely shape the "right to be forgotten" (or "right to erasure" in European privacy regulation) in India.

➤ Supreme Court's Decision

- The Supreme Court must decide if the right to be forgotten is a fundamental right in India and its relation to other constitutional rights.
- A three-judge Bench, led by Chief Justice D.Y. Chandrachud, will hear a challenge against a Madras High Court ruling.
- The case involves a man denied Australian citizenship because his name appeared in a publicly accessible judgment on the Indian Kanoon legal portal.

➤ What is the Right to be Forgotten?

- The right to be forgotten allows individuals to remove digital footprints that violate their privacy.
- The European Court of Justice affirmed this right in 2014 in favor of Mario Costeja González, who asked Google to remove outdated information about him.

➤ Right to be Forgotten in India

- India lacks a statutory framework for the right to be forgotten.
- The 2017 Justice K.S. Puttaswamy v Union of India ruling recognized the right to privacy as a fundamental right, including the right to be forgotten.
- Justice S.K. Kaul noted that individuals should be able to remove unnecessary, irrelevant, or incorrect personal data.

➤ Court Rulings on the Right to be Forgotten

- **Rajagopal vs. State of Tamil Nadu (1994):** The Supreme Court distinguished between the right to privacy and the publication of public records.
- **Dharamraj Bhanushankar Dave vs. State of Gujarat (2017):** The Gujarat High Court denied a request to remove acquittal details from a public record.
- **[Name Redacted] vs. The Registrar General (2017):** The Karnataka High Court protected a petitioner's name in an annulment case.
- **Jorawar Singh Mundy (2021):** The Delhi High Court allowed the removal of a criminal case ruling from search results to protect the petitioner's social life and career prospects.
- **Orissa High Court (2020):** Addressed the need for debate and clarity on implementing the right to be forgotten in cases involving "revenge porn."

Government Steps to Protect Privacy

➤ Aadhaar Act (2016):

- Established a unique identification system for Indian residents.

- Includes provisions for data protection and privacy, requiring consent before collecting personal information.

➤ Personal Data Protection Bill (2019):

- Introduced to provide a comprehensive framework for personal data protection in India.
- Includes provisions on data privacy, data localization, and the right to be forgotten.

➤ National Cyber Security Policy (2013):

- Aimed at protecting personal data from cyber threats.
- Enhances cybersecurity measures in India.

➤ Information Technology Act (2000):

- Provides legal recognition for electronic transactions.
- Includes provisions for protecting electronic records and data, emphasizing data privacy and protection.

Appointment of Governors

Context: On Saturday, July 28, President Droupadi Murmu appointed new Governors for Rajasthan, Telangana, Maharashtra, Punjab, Sikkim, Meghalaya, Assam, Jharkhand, and Chhattisgarh.

➤ Appointment of State Governors

- The President of India appoints state Governors, who act as the Centre's representatives.
- **Article 153:** Mandates a Governor for each state; allows one person to be Governor for multiple states.
- **Article 155:** The President appoints Governors by warrant under their hand and seal.
- **Article 156:** Governors hold office during the President's pleasure, with a standard term of five years, but can be removed before that if the President withdraws pleasure, based on the Prime Minister's and Union Council of Ministers' advice.

Qualifications for State Governors

➤ Articles 157 and 158:

- Must be a citizen of India.
- Must be at least 35 years old.
- Should not be a member of Parliament or a state legislature, and must not hold any other office of profit.

Relationship Between Governors and State Governments

➤ Role and Powers:

- Governors are meant to be apolitical heads acting on the advice of the state's Council of Ministers.
- **Article 163:** Establishes a Council of Ministers, headed by the Chief Minister, to aid and advise the Governor, except where discretion is required by the Constitution.
- Governors can assent to or withhold bills, determine the time for a party to prove its majority in the Assembly, and decide which party to call first in case of a hung verdict.

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➤ **Tensions and Issues:**

- Governors have often been seen as acting on behalf of the central government, leading to accusations from opposition state governments of them being "agents of the Centre."
- No constitutional provisions exist for public engagement between the Governor and the state in case of disagreements, traditionally guided by mutual respect.
- Recent examples of conflict include accusations of partisan conduct against Governors like R.N. Ravi and Arif Mohammed Khan by the Chief Ministers of Tamil Nadu and Kerala, respectively.

Capital Gains Tax

Context: The withdrawal of the indexation benefit in the long-term capital gains (LTCG) tax regime has become one of the most contentious decisions announced in the Union Budget for 2024-25.

Capital Gains Tax in India

➤ **Definition:**

- Profit or gain from the sale of a 'capital asset' is known as 'income from capital gains.'
- Taxable in the year the transfer of the capital asset occurs.
- Two types: short-term capital gains (STCG) and long-term capital gains (LTCG).

Defining Capital Assets

➤ **Examples of capital assets:**

- Land, building, house property, vehicles, patents, trademarks, leasehold rights, machinery, jewellery.
- Includes rights in or related to an Indian company and rights of management or control.

➤ **Exclusions from capital assets:**

- Stock, consumables, or raw materials for business or profession.
- Personal goods like clothes and furniture.
- Agricultural land in rural India.
- Specific bonds issued by the central government (e.g., 6½% gold bonds (1977), 7% gold bonds (1980)).
- Gold deposit bond (1999) or certificates under Gold Monetisation Schemes (2015, 2019).

➤ **Definition of Rural Area (Effective from AY 2014-15)**

- An area outside the jurisdiction of a municipality or cantonment board with a population of 10,000 or more.

➤ **Distance criteria:**

- < 2 km: Population > 10,000
- 2-6 km: Population > 1,00,000
- 6-8 km: Population > 10,00,000

Types of Capital Assets

➤ **Short-term Capital Asset (STCA):**

- Held for 36 months or less.
- Holding period reduced to 24 months for unlisted shares and immovable properties.
- 12 months or less for equity or preference shares, listed securities, UTI units, equity-oriented mutual fund units, zero-coupon bonds (post 10th July 2014).

➤ **Long-term Capital Asset (LTCA):**

- Held for more than 36 months.
- Holding period of 24 months for land, building, and house property (post FY 2017-18).
- 12 months or more for equity or preference shares, listed securities, UTI units, equity-oriented mutual fund units, zero-coupon bonds.

➤ **Capital Gains from Specific Assets**

- From April 1, 2023: Sale of units of specified mutual funds and market-linked debentures always treated as short-term capital gains.

➤ **Inherited Capital Asset Classification**

- Period held by the previous owner included for determining if it's short-term or long-term.
- For bonus shares or rights shares, the period starts from the date of allotment.

➤ **Update in Budget 2024**

- Assets are now classified with holding periods of 12 months or 24 months; the 36-month period has been removed.
- Listed securities require a 12-month holding period to be long-term; other assets require 24 months.
- Short-Term Capital Gains (STCG) on listed equity shares, equity-oriented mutual funds, and business trusts are taxed at 20%, up from 15%. STCG on other assets remains at slab rates.
- The Long-Term Capital Gains (LTCG) exemption limit for equity shares, equity-oriented mutual funds, and business trusts has increased to Rs. 1.25 lakh, but the tax rate has risen to 12.5% from 10%.
- The Rs. 1.25 lakh exemption limit applies for the entire year; the 12.5% tax rate has been effective since July 23, 2024.
- The LTCG tax rate for other financial and non-financial assets is reduced to 12.5%, with the removal of indexation benefits for sales after July 23, 2024.

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NEWS IN BETWEEN THE LINES

Bannerghatta Biological Park



Recently, the Butterfly Park inside the Bannerghatta Biological Park in Bengaluru, the first of its kind in India, provides a perfect environment to serve as home to exotic butterflies.

About Bannerghatta National Park:

- Bannerghatta National Park is located in the **hills of the Anekal range of mountains** south of Bangalore, **Karnataka**.
- It was **established in 1940** and **declared a national park in 1974**.
- The stream of the **Suvarnamukhi river** serves as the primary water source for animals in the park as it runs through its center.
- In **2002**, a portion of the park became the Bannerghatta Biological Park, **the first biological park in India** with a fenced forested elephant sanctuary.
- **Flora:** The park boasts diverse flora including **Narcissus latifolia**, **Schleichera oleosa**, Sandalwood, Tamarind, **Eucalyptus**, etc.
- **Fauna:** The park is a prime habitat for various species, including **endangered Asian Elephants, Tigers, Leopards**, and other wildlife such as **Sambar deer**, Sloth bears and **Pangolins**.

Lok Adalat



The Supreme Court will organize a **Special Lok Adalat week** starting today on **29th of July** to commemorate its **75th anniversary**.

About the Lok Adalat:

- Lok Adalat, also **known as People's Court** is alternative dispute resolution mechanism that helps settle cases in court or before litigation.
- It is a **part of India's judicial system** and is meant to provide fair and simple justice in an amicable way.
- Lok Adalat can be **used for pending court cases, potential disputes, compulsory pre-litigation for public utility services and family disputes**.
- It has been **given statutory status** under the **Legal Services Authorities Act, 1987**.
- There are different types of Lok Adalats, including **regular Lok Adalats** and **daily Lok Adalats**.
- The **first Lok Adalat camp** was organized in **Gujarat in 1982**.
- The Lok Adalat shall have the **same powers as are vested in a Civil Court** under the **Code of Civil Procedure (1908)**.

National Education Policy 2020



Ministry of Education will celebrate the **fourth anniversary of the implementation of the National Education Policy 2020 (NEP 2020)** with **Akhil Bhartiya Shiksha Samagam (ABSS), 2024** at **Manekshaw Centre Auditorium in New Delhi** today on **29th of July**.

About the National Education Policy:

- The National Education Policy (NEP) **2020 was approved** by the Union Cabinet on **July 29, 2020**.
- It is the **first education policy of the 21st century** in India, which replaces the previous **National Policy on Education (NPE) 1986**.
- It **aims** to transform India's education system **by 2040**, focusing on making it more holistic, flexible and multidisciplinary.
- It seeks to align education to the needs of the **21st century** and bring out the unique capabilities of each student.
- Introduction of a new curricular **structure: 5+3+3+4 design**, corresponding to **ages 3-8 years** (Foundational Stage), **8-11 years** (Preparatory Stage), **11-14 years** (Middle Stage), and **14-18 years** (Secondary Stage).
- Teacher education emphasizes a shift to a minimum **4-year integrated B.Ed. degree by 2030** and continuous professional development for educators.
- Multilingualism focuses on using the mother tongue or local language as the medium of instruction until **Grade 5**, and preferably till **Grade 8 and beyond**, while promoting multilingualism in schools and higher education.

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Place in News

Latvia

Recently, India has operationalized the new resident mission in Riga, Latvia which will help expand India's diplomatic footprint and boost bilateral trade.

Latvia (Capital: Riga)

Location: Latvia is a country in the Baltic region of Northern Europe.

Boundaries: Latvia shares its land borders with **Russia** (East), **Estonia** (North), **Lithuania** (South) and **Belarus** (Southeast).

- It also shares its maritime borders with **Baltic Sea** and the **Gulf of Riga**

Physical Features:

- The highest point in Latvia is **Gaiziņkalns**.
- The major rivers in Latvia are the **Daugava**, **Gauja**, **Lielupe**, **Venta** and **Salaca**.
- Latvia has a **temperate climate**.

Membership: Latvia is a member of the **European Union**, **NATO**, the **United Nations**, the **World Trade Organization** and the **Schengen Area**.



POINTS TO PONDER

- Which country recently signed a Cultural Property Agreement with India to address the illicit trafficking of antiquities? – **USA**
- Which country has recently enacted its first Climate Change Act to set limits on greenhouse gas emissions? – **South Africa**
- Which port in India has been approved to host the country's first integrated agri-export facility? – **Jawaharlal Nehru Port**
- What is the name of the typhoon that recently affected Taiwan, the Philippines, and southeastern China? – **Typhoon Gaemi**
- Which country has taken over as Chair of the Asian Disaster Preparedness Centre (ADPC) for 2024-25? – **India**

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