

13 September, 2022

The Benami Transactions (Prohibition) Amendment Act, 2016

❖ Context

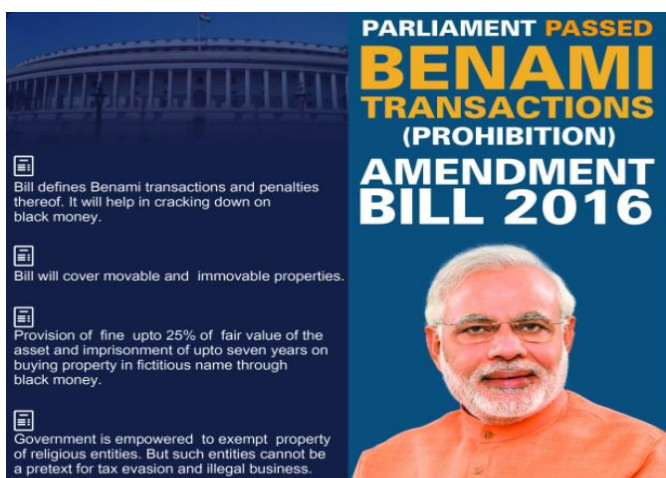
- All proceedings initiated under the 2016 Act for alleged benami transactions **predating October 25, 2016**, were **quashed by the Supreme Court (SC)** in a recent verdict in **Union of India vs Ganpati Dealcom Pvt Ltd** case.

❖ Key Highlights

- The apex court in the case was posed with the question whether the **Prohibition of Benami Property Transactions Act, 1988**, as amended by the **Benami Transactions (Prohibition) Amendment Act, 2016**, has a retrospective or prospective application.
- The amended act came into force w.e.f October 25, 2016 to :
 - To rectify the defect of lack of procedure.
 - Ensure that no immunity was granted to individuals who engaged in benami transactions.

❖ Opinion of the SC

- The 1988 Act did not capture the essence of a benami transaction as its definition was worded too broadly to include legitimate transactions as well.
- The language of the 1988 Act also ignored the aspect of ***mens rea* (guilty mind or attribution of criminal intent)** – a vital concept in criminal law.

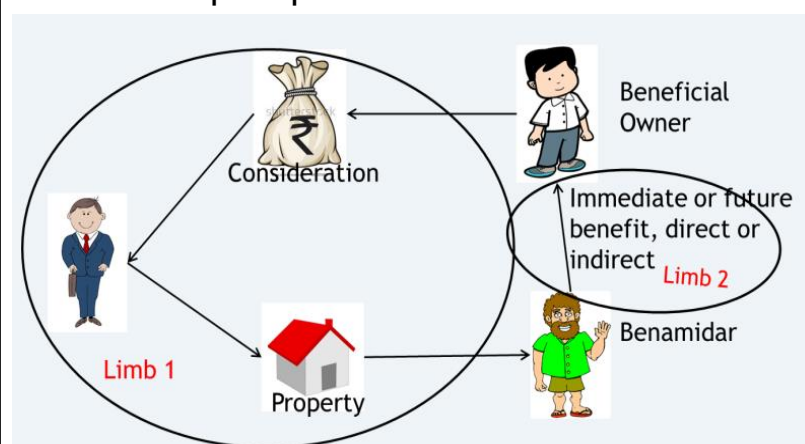


- It was **unconstitutional** on account of manifest arbitrariness.
- Since certain provisions of the 1988 Act pertaining to criminalisation of benami transactions (Sections 3 and 5) were held to be unconstitutional, there was **no question of retroactive application**.

- The 2016 Act, in effect, created new provisions and new offences.

❖ What is Benami?

- The word “benami” in the context of a property typically implies that the property is purchased in the name of a person (benamidaar) who otherwise does not hold a beneficial interest in the property.
- In 1988, the **Prohibition of Benami Property Transactions Act** was enacted to **criminalise** benami transactions.
- In **Jaydayal Poddar vs Bibi Hazra** case, the SC outlined a **host of factors for determining whether a transaction is benami or not**. These include, - the source of money, nature of possession post purchase, motive of the purchase, relation between parties involved in the transaction, and the custody of the title deeds post purchase.



NIA Raids at 60 Locations Across the Country

❖ Context

- The National Investigation Agency (NIA) recently conducted raids at 60 locations across the country to crack down on gangs and crime syndicates.



National Investigation Agency
Government of India

❖ Key Highlights

National Investigation Agency (NIA)

- Works under the Ministry of Home Affairs.
- Established under the National Investigation Agency Act 2008.
- It is a central agency to investigate and prosecute offences:
- Affecting the sovereignty, security and integrity of India, security of State
- against atomic and nuclear facilities.
- smuggling in High-Quality Counterfeit Indian Currency.
- empowered the National Investigation Agency (NIA) to investigate offences under the Narcotic Drugs and Psychotropic Substances (NDPS) Act
- It is also the Central Counter Terrorism Law Enforcement Agency.
- empowered to deal with terror related crimes across states without special permission from the states.

- The 60 locations include places in Delhi, National Capital Region, Haryana, Uttar Pradesh and Punjab.
- The NIA is conducting an investigation after the Delhi Police Special Cell registered two FIRs under the Unlawful Activities (Prevention) Act (UAPA) against 10 gangsters who belong to various gangs.

❖ About National Investigation Agency

- The **National Investigation Agency (NIA)** is the primary counter-terrorist task force of India.
- The agency is empowered to deal with the investigation of terror related crimes across states without special permission from the states under written proclamation from the Ministry of Home Affairs.
- The Agency came into existence with the enactment of the National Investigation Agency Act 2008 by the Parliament of India on 31 December 2008, which was passed after the deadly 26/11 terror attack in Mumbai.
- The NIA functions under **the Ministry of Home Affairs**.
- It is headed by a Director-General (an IPS officer).

Face to Face Centres

DELHI MUKHERJEE NAGAR: 9205274741, 42 | **LAXMI NAGAR :** 9205212500, 9205962002 | **RAJENDRA NAGAR:** 9205274743 | **UTTAR PRADESH PRAYAGRAJ:** 0532-2260189, 8853467068 | **LUCKNOW (ALIGANJ):** 0522-4025825, 9506256789 | **LUCKNOW (GOMTI NAGAR):** 7234000501, 7234000502 | **GREATER NOIDA:** 9205336037, 38 | **KANPUR:** 7887003962, 7897003962 | **GORAKHPUR :** 7080847474, 9161947474 | **ODISHA BHUBANESWAR:** 9818244644/7656949029



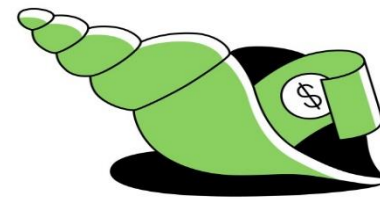
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Shell Companies

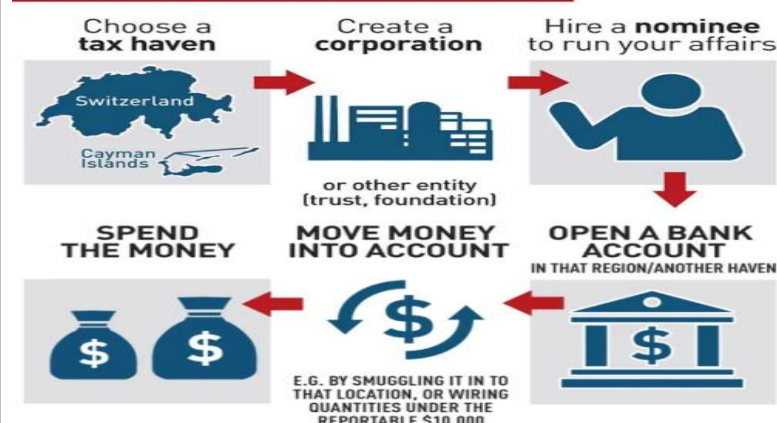
❖ Context

- The **Serious Fraud Investigation Office (SFIO)** recently arrested a person to be the mastermind behind a slew of Chinese shell companies operating in the country.



❖ What is a Shell Company?

How to create a shell company



Ways People Abuse Shell Companies for Fraud



- Shell corporation or Shell company is an entity that does not have active business operations but is set up to achieve specific business objectives such as reducing tax liabilities,
 - shielding an entity from legal risks,
 - raising capital,
 - for illegal purposes such as laundering money,
 - hiding beneficial ownership from law enforcement or circumventing sanctions.

- ❖ At present, neither Companies Act, 2013 nor Companies Act, 1956 nor any other Act gives a definition for a Shell company.

❖ About SFIO

- SFIO is a multi-disciplinary organization under the **Ministry of Corporate Affairs**, consisting of experts in the field of accountancy, forensic auditing, law, information technology, investigation, company law, capital market & taxation for detecting & prosecuting or recommending for prosecution white-collar crimes/frauds.
- It has its head office in **New Delhi**.
- SFIO is headed by a Director as Head of Department in the rank of Joint Secretary to the Government of India.
- **Section 211** of the Companies Act, 2013, has accorded statutory status to the SFIO.
- SFIO has powers to arrest people for the violation of the Company law

Pradhan Mantri Matsya Sampada Yojana (PMMSY)

❖ Context

- **Pradhan Mantri Matsya Sampada Yojana (PMMSY)** accomplished its successful second anniversary recently.



❖ Key Highlights

- Fishermen are provided with insurance cover, financial assistance and a facility of Kisan Credit Card as well under the scheme.
- Fisheries growth rate in last 2 years, shows an impressive growth of 14.3% from 2019-20 to 2021-22.
- Further, fish production reached an all-time high of 141.64 lakh tons during 2019-20 to 161.87 lakh tons (provisional) during 2021-22.
- The main motto of PMMSY is 'Reform, Perform and Transform' in the fisheries sector.

- **Implementing Agency:** The Department of Fisheries, Ministry of Fisheries, Animal Husbandry and Dairying, Government of India are implementing this scheme.
- PMMSY is being implemented in all the States and Union Territories for a period of 5 years from FY 2020-21 to FY 2024-25.
- **Aim:** It aims to modernize and strengthen the value chain, enhance traceability & establish a robust fisheries management framework while simultaneously ensuring the socio-economic welfare of fishers & fish farmers.

Objectives of PMMSY

PMMSY Objectives

- Harness the potential of the fisheries sector in a sustainable, responsible, inclusive and equitable manner
- Enhance fish production and productivity through expansion, intensification, diversification and productive utilization of land and water
- Modernize and strengthen the value chain including post-harvest management and quality improvement
- Double fishers and fish farmers' incomes and generate meaningful employment
- Enhance the contribution of the fisheries sector to Agricultural GVA and exports
- Ensure social, physical and economic security for fishers and fish farmers
- Build a robust fisheries management and regulatory framework

Targets of PMMSY

Fish Production and Productivity

- Increasing fish production to 22 million metric tons by 2024-25 from 13.75 million metric tons in 2018-19.
- Enhancing aquaculture productivity to 5 tons per hectare from the current national average of 3 tons.
- Augmenting domestic fish consumption from 5 kg to 12 kg per capita.

Economic Value Addition

- Increasing contribution of fisheries sector to the Agriculture GVA to about 9% by 2024-25 from 7.28% in 2018-19.
- Doubling export earnings to Rs.1,00,000 crores by 2024-25 from Rs.46,589 crores in 2018-19.
- Facilitating private investment and growth of entrepreneurship in the fisheries sector.
- Reduction of post-harvest losses from the reported 20-25% to about 10%.

Enhancing Income and Employment Generation

- Generating 55 lakh direct and indirect employment opportunities along the value chain.
- Doubling the incomes of fishers and fish farmers.

Face to Face Centres

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News in Between the Lines

New Changes in Adoption Procedure



❖ Context

- The **Juvenile Justice (Care and Protection of Children) Amendment Act, 2021** and corresponding rules came into force from 1 Sept 2022.

❖ Key Highlights

- The key changes include authorising **District Magistrates (DMs) and Additional District Magistrates** to issue adoption orders under Section 61 of the JJ Act by striking out the word “court”. This was done in order to ensure **speedy disposal** of cases and enhance accountability.
- The DMs have also been empowered to inspect child care institutions as well as evaluate the functioning of district child protection units, child welfare committees, juvenile justice boards, specialised juvenile police units, child care institutions etc.
- Adoptions in India are governed by two laws - **the Hindu Adoption and Maintenance Act, 1956 (HAMA) and the Juvenile Justice Act, 2015**.
- HAMA is a parent-centric law that provides adoption for reasons of succession, inheritance, continuance of family name and for funeral rights.
- The JJ Act handles issues of children in conflict with law as well as those who are in need of care and protection.

National Electricity Plan



❖ Context

- The **Central Electricity Authority (CEA)** has sought the comments of licensees, generating companies and the public to the **first volume of the draft plan** dealing with generation.

❖ Key Highlights

- As per **Section 3 of the Electricity Act 2003**, CEA has been entrusted with the responsibility of preparing the **National Electricity Plan (NEP)** in accordance with the National Electricity Policy and to notify such plan **once in five years**.
- It provides a short-term and long-term demand forecast related to fuel, power consumption, etc. CEA is preparing the National Electricity Plan for **2022-27**.

Gulf Cooperation Council



❖ Context

- The MoU was signed between the Secretariat General of the **Gulf Cooperation Council (GCC)** and the **Government of India** on the **mechanism of consultations** between India and the GCC.

❖ Key Highlights

- The **Cooperation Council for the Arab States of the Gulf**, also known as the Gulf Cooperation Council, is a **regional, intergovernmental, political, and economic union**.
- It comprises **Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates**.
- Established in **1981**, the council's headquarters is located in **Riyadh**, Saudi Arabia. The **Peninsula Shield Force** is the military arm of the **GCC**, formed in **1984**.
- **All current member states are monarchies**, including three constitutional monarchies (Qatar, Kuwait, and Bahrain), two absolute monarchies (Saudi Arabia and Oman), and one federal monarchy (the United Arab Emirates, which is composed of seven member states, each of which is an absolute monarchy with its own emir).

Phu

❖ Context

- **Nyukmadong**, an off-the-highway village in **West Kameng district, Arunachal Pradesh**, is protesting against a road project being undertaken by the Border Roads Organisation (BRO).

❖ Key Highlights

- BRO is constructing an alternative route to the strategic **Sela pass**.

Face to Face Centres



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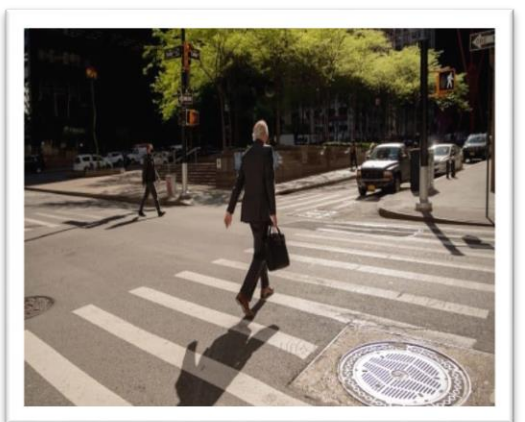


- Community representatives said more than 80% of the 36-sq. km **sacred forest, locally called phu**, have been destroyed.
- Local people have close association with Phu sacred groves as the soul of each person is believed to be spiritually linked with the Phu of the locality.

❖ About Sela Pass

- At an **elevation of 4170 m**, it is located on the border between the Tawang and West Kameng districts.
- The pass, carrying the **National Highway 13** (previously NH 229) which connects Tawang with the rest of India, is a **sacred site in Tibetan Buddhism**.
- The place is known for a **Buddhist-style war memorial** overlooking the site of a **battle on November 18, 1962** as part of India-China war.

The Great Retirement



❖ Context

- Canada is grappling with “**The Great Retirement**” phenomenon.

❖ Key Highlights

- A **record number of Canadians aged 55-64** are now reporting they retired in the last 12 months to travel or spend time with their families.
- That is hastening a mass exodus of Canada's most highly skilled workers, **pushing wages sharply higher** and threatening to further **drag down the country's productivity**.
- The problem is **particularly dire in skilled fields** such as trades and nursing.
- The shrinking labour force can weigh on **economic growth** amid **rising interest rates** (to control inflation) fanning fears that the **economy will fall into recession**.
- **Canada has the largest working-age population, as a percentage of the overall population, in the G7**. It has ramped up immigration to help drive economic growth.

Operation Gear Box



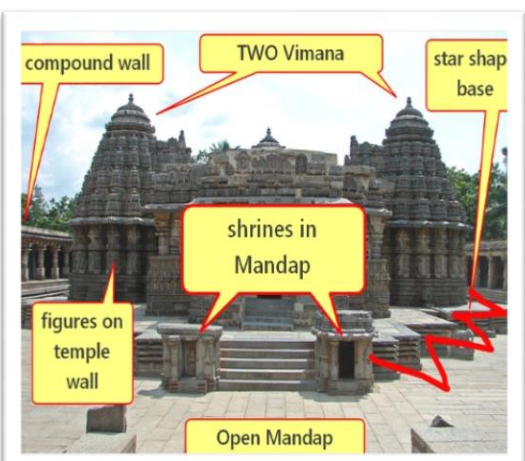
❖ Context

- Recently, the Directorate of Revenue Intelligence (DRI) launched operation ‘**Gear Box**’ to stop heroin smuggling, seizes 39.5 kg of contraband from Kolkata port.

❖ Key Highlights

- **Operation Gear Box** is conducted to detect the hidden drugs in the gear boxes.
- The gears from old and used gearboxes were removed after opening them and plastic packets containing the narcotic substance were placed in the created cavity and the gearboxes were refitted to avoid detection.

Hoysala Temples



[Daily Current Affairs](#)

❖ Context

- An expert team, including a representative from the **International Commission on Monuments and Sites (ICOMOS)**, and other officials will visit the **Hoysala temples at Belur, Halebid, and Somanathpur**.

❖ Hoysala Architecture

- It is the building style in Hindu temple architecture developed under the rule of the Hoysala Empire between the 11th and 14th centuries, in the region known today as Karnataka. Dedicated to either Lord Shiva or Lord Vishnu, while Jain temples dedicated to past Tirthankaras, who were spiritual teachers.
- Hoysala temples are sometimes called **hybrid or vesara** as their unique style seems between Dravida & Nagara styles. Both open & closed mandapas can be found in Hoysala architecture. Hoysala temples have circular pillars in their mandapas.
- **About ICOSMOS**: It is a professional association that works for the conservation and protection of cultural heritage places around the world. Now headquartered in Charenton-le-Pont, France, ICOMOS was founded in 1965.
- **Note**: A World Heritage Site is a landmark or area with legal protection by an international convention administered by the United Nations Educational, Scientific and Cultural Organization (UNESCO). There are 40 UNESCO World Heritage Sites in India.

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