



THE DESERVING INDIA

**CURRENT**  
**AFFAIRS**  
WEEKLY COMPILATION

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# CLIMATE GOVERNANCE

*The Supreme Court's judgment enhances climate rights, urging systematic and comprehensive climate legislation in India.*

The Supreme Court of India's recent judgment in M.K. Ranjith Singh and Ors. vs. Union of India & Ors. has significantly impacted India's climate change jurisprudence. By reading into the Constitution, the Court has recognized the right to be free from climate change's adverse effects, rooted in the right to life and equality (Articles 21 and 14). This opens avenues for climate litigation, empowering citizens to demand government action.

Alternatively, the judgment suggests an 'umbrella legislation' for comprehensive climate governance. This legislation would incorporate structured frameworks, sustainable development policies, and regulatory mechanisms. India must develop its model, drawing lessons from international experiences, to address its unique vulnerabilities and development needs. The judgment highlights the need for systematic climate governance. It raises crucial questions about prioritizing large-scale energy projects over environmental conservation and climate adaptation. One approach is the slow, incremental adaptation of climate legislation, integrating protection measures and community resilience over time.



For effective enforcement, India must strengthen its institutional frameworks, ensuring robust public participation and transparency. Collaborative governance involving state and local bodies, along with clear accountability measures, is essential. Aligning national and sub-national efforts with sustainable development goals can drive India's transition towards a low-carbon, climate-resilient future. Implementing such comprehensive legislation would mark a significant step in mainstreaming climate action and achieving sustainable progress.

# ECONOMIC GROWTH CHALLENGES

*Despite high GDP growth, insufficient job creation and increasing inequality have raised concerns about the economic strategy's effectiveness and sustainability.*



The Indian economy needs to generate 25 million-plus jobs over the next five years to employ the currently unemployed population. Despite the Modi government's claims of an 8% GDP growth, this has not translated into sufficient job creation. Official statistics reveal that unemployment for people aged 15 or above dropped from 4.2% in 2021 to 3.1% in 2023, but this does not align with the high GDP growth rate. The 2024 general election results indicate that the Bharatiya Janata Party (BJP) has suffered due to this employment crisis, losing its parliamentary majority and forming a coalition with ideologically contrary parties.

The income inequality gap has widened over the last two decades, with the top 1% of the population controlling 40% of the country's wealth. This disparity, described as "K-shaped" recovery, sees a rise in wealth for the few and a decline for many. Claims of lifting 25 crore people out of poverty and rapid GDP growth have been met with skepticism among voters. The BJP's economic management has been questioned, particularly with the sharp decline in GDP from 8% in 2019-20 to 3.8% in the fourth quarter of 2019-20.

The government's strategy needs a significant overhaul. The need for a new long-term economic plan is emphasized, especially as the BJP's coalition lacks a cohesive economic ideology. The private sector and government must focus on creating sustainable jobs in agriculture, industry, and services, with particular attention to the informal sectors.



# AI JURISPRUDENCE

*The article explores the legal intricacies of Generative AI in India, focusing on copyright laws and liability provisions.*

The article delves into the legal complexities and challenges posed by Generative AI (GAI) within Indian jurisprudence, particularly highlighting the "safe harbour" provisions under Section 79 of the IT Act. This section provides intermediaries with immunity from liability for user-generated content, contingent on due diligence. However, the application to GAI outputs presents difficulties, especially when GAI acts beyond a mere passive information transmitter. The discussion extends to the ambiguities in copyright laws regarding the authorship of GAI-generated content, raising questions about whether such outputs can be considered human or entity-authored under the Copyright Act of 1957. These legal grey areas necessitate new regulatory frameworks.

A "sandbox approach" is proposed to allow for regulatory experimentation to better understand and address the legal implications of GAI outputs. This approach emphasizes the importance of data rights and responsibilities, suggesting the need for updated training models and enhanced data integrity. The article also addresses broader privacy concerns, citing the Digital Personal Data Protection Act, 2023, and underscores the urgent need for comprehensive regulations that ensure a balance between technological innovation and the protection of user rights and data.



# REGULATORY APPROVAL CONCERNS

*The Indian regulatory authority approved the vaccine before completing Phase III trials, raising ethical and integrity concerns.*

On January 10, 2021, Rashida Bee and other representatives wrote to Prime Minister Narendra Modi and the then Minister of Health and Family Welfare, alleging ethical violations in Bharat Biotech's Covaxin clinical trial at People's Hospital in Bhopal. The letter highlighted issues such as exploitation of vulnerable participants, non-reporting of adverse events, and a lack of monitoring and follow-up.

The Indian regulatory authority, Central Drugs Standard Control Organisation, approved the vaccine candidate prior to the completion of Phase III trials under "Clinical Trial Mode," raising concerns about ethics and integrity. Dr. Jacob Puliyel, a member of the National Technical Advisory Group on Immunization (NTAGI), emphasized the need for independent review of clinical trials. Historical incidents like the Tuskegee Syphilis Study and Willowbrook Hepatitis Study reflect the persistent issues with informed consent and exploitation in clinical trials. Whistle-blowers like Nancy Olivieri and others have faced significant repercussions, highlighting the risks involved in exposing unethical practices.

In India, the protection for whistle-blowers is limited, as seen in the case of Anil Rai, who exposed the Vyapam scam. Innovative therapies often face regulatory challenges, and the ethics surrounding them are crucial. The deeper issues include power dynamics, loyalty, and social conformity, which hinder the ethical conduct of clinical trials. Without addressing these underlying issues, ethical violations in medical research will continue to persist.



# WPV1 RESURGENCE

***Wild-type poliovirus type-1 cases are rising in Pakistan and Afghanistan, posing a significant threat to eradication efforts. Increased environmental detection and refugee movements heighten the risk of international spread.***

The goal of eradicating wild-type poliovirus type-1 (WPV1) by 2026 faces challenges as cases resurge in Pakistan and Afghanistan. Both countries reported six WPV1 cases each in 2023, down from two in Afghanistan and 20 in Pakistan in 2022. However, 2024 has already seen six cases in Afghanistan and five in Pakistan, indicating a potential rise in total cases. More concerning is the increased detection of WPV1 in environmental samples. In 2023, 125 positive samples from 28 districts in Pakistan were found, with 119 linked to a genetic cluster from Afghanistan. By June 1, 2024, 153 samples from 39 districts were positive, alongside 34 samples from Afghanistan by April 8, 2024. The World Health Organization warns that positive samples in critical areas like Karachi, Quetta, Peshawar-Khyber blocks, and Kandahar pose a significant risk to past progress. This rise reflects incomplete polio campaign coverage and issues like fake vaccination markings. While urban children in Pakistan are mostly immunized, unvaccinated ones remain at risk. The situation in Pakistan appears worse, with WPV1 spread predominantly in Afghanistan in 2022 now being detected in Pakistan. The risk of international spread is heightened by the movement of over half a million Afghan refugees, with many unvaccinated children in southern Afghanistan, posing a significant cross-border threat.







# RELIGION AND JUDICIARY

*This article explores the Indian judiciary's role in defining and protecting essential religious practices amid evolving societal norms.*

The article discusses the intersection of spiritual orientation, religious practices, and the judiciary in India. It begins with a quote from Chief Justice Latham, emphasizing the deep-rooted presence of religion in human society. A significant case highlighted is P. Navin Kumar (2024), where Justice G.R. Swaminathan of the Madras High Court allowed the religious practice of angapradakshinam, involving devotees rolling over banana leaves, sparking debate on essential religious practices. The article notes that while religious freedom is protected under the Indian Constitution, it is subject to public order, health, and morality, leading to judicial scrutiny of what constitutes essential practices. Justice Swaminathan argued for privacy in religious expression but acknowledged the need for further evaluation.

The article also references landmark judgments, such as Commissioner of Police vs Acharya Jagadishwarananda Avadhuta (2004), which differentiated between essential and non-essential practices, and Sri Venkataramana Devaru vs State of Mysore (1958), which upheld that only essential religious practices merit constitutional protection. It discusses the challenges courts face in balancing individual rights with broader societal interests, highlighting cases like Bijoe Emmanuel vs State of Kerala (1986) and Shayara Bano vs Union of India (2017) to illustrate varying judicial approaches. Ultimately, the piece reflects on the evolving nature of religious freedoms and the courts' role in defining and protecting essential practices amid changing societal norms.