



THE HINDU ANALYSIS

29th Feb 2024

by saurabh
pandey



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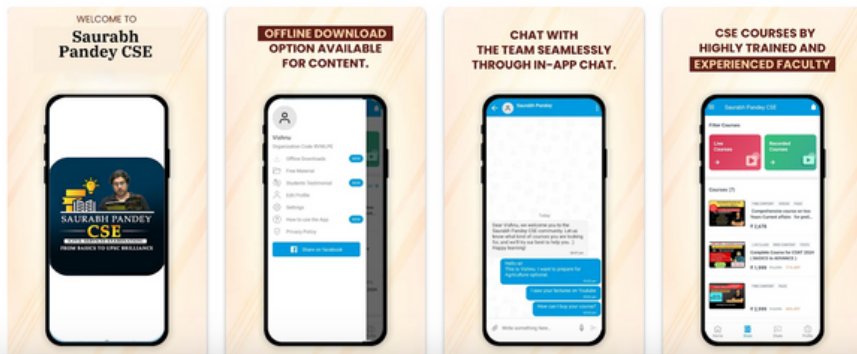
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Topic-Article 371 A

- **Article 371A of the Constitution of India has been the major hurdle in the Nagaland government's efforts to regulate small-scale illegal coal mining activities in the State. Specifically to Nagaland, Article 371A has special provisions guaranteeing the protection of land and its resources apart from the Naga customary law and procedure.**

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Article No.	Subject-matter
371	Special provision with respect to the states of Maharashtra and Gujarat.
371 – A.	Special provision with respect to the state of Nagaland.
371 – B.	Special provision with respect to the state of Assam
371 – C.	Special provision with respect to the state of Manipur
371 – D.	Special provisions with respect to the state of Andhra Pradesh or the state of Telangana
371 – E.	Establishment of Central University in Andhra Pradesh
371 – F.	Special provisions with respect to the state of Sikkim
371 – G.	Special provision with respect to the state of Mizoram
371 – H.	Special provision with respect to the state of Arunachal Pradesh
371 – I.	Special provision with respect to the state of Goa
371 – J.	Special provisions with respect to the state of Karnataka

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Article 371 – A → Special Provisions for Nagaland

- Act of parliament relating to following matters would not apply to Nagaland unless state assembly so decides:
 - Religious & social practices of Nagas
 - Nagas customary law & procedure
 - Administration of civil or criminal justice involving decisions according to Naga customary law
 - Ownership & transfer of land & its resources
- Special responsibility of governor wrt law & order in the state (after consulting COMs, but his decision will be final) regarding internal disturbances occurring in Naga hills mainly in Tuesang area (Special responsibility ceases if President directs so)

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Jacaranda and climate change

- Jacaranda mimosifolia is a subtropical tree native to south-central South America that has been widely planted elsewhere because of its attractive and long-lasting violet-colored flowers.
- It is also known as the jacaranda, blue jacaranda, black poui, Nupur or fern tree

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- **Local scientists have begun investigating how widespread the early-bloom phenomenon is, but they point to climate change as the first culprit.**
- **“They are starting to flower in January, February, which is winter, when it is not yet their time.**

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Medicinal properties of cannabis

- The cannabis plant (*Cannabis sativa*) has long been of interest to psychiatrists for its perceived effects on mood and cognition.
- There is currently significant research interest in using cannabis-based compounds to manage and/or treat schizophrenia and cannabis-use and heroin-use disorders.

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- The major psychotomimetic agent in *C. sativa* is a compound called delta-9-tetrahydrocannabinol (THC).
- There is growing interest in another cannabinoid, cannabidiol (CBD), which may have antipsychotic, anti-inflammatory, and neuroprotective properties.
- The plant's □flowering parts are more potent than its leaves.

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The cannabinoid system

- The human cannabinoid system has two cannabinoid receptors, called CB1 and CB2.
- The naturally occurring substrate of the CB1 receptor is anandamide, a compound whose name comes from the Sanskrit word 'ananda', meaning bliss. CB2 is found in the spleen and testes and to a lesser extent in the central nervous system (CNS).
- CB1 is found diffusely throughout the CNS.
- The CNS is involved in the release of various neurotransmitters, including dopamine, noradrenaline, and serotonin. CB1 is like a traffic cop: it controls the level

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- The endocannabinoid system (ECS) comprises a dense network of chemical signals and cellular receptors.
- The cannabis plant works its effect by hijacking this machinery.
- The cannabinoid system modulates a host of bodily functions, including pain, memory, psychomotor control, sleep, and appetite

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Rare diseases

- According to the World Health Organization, rare diseases afflict 1 or less per 1,000 population.
- Barely 5% of the over 7,000 known diseases worldwide are treatable.
- India accounts for one-third of the global rare disease incidence, with over 450 identified diseases.

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- Rare diseases are broadly defined as diseases that infrequently occur in a population, and three markers are used – the total number of people with the disease, its prevalence, and the availability/non-availability of treatment options.
- WHO defines rare disease as having a frequency of less than 6.5-10 per 10,000 people.
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- According to the Organization for Rare Diseases India, these include inherited cancers, autoimmune disorders, congenital malformations, Hirschsprung's disease, Gaucher disease, cystic fibrosis, muscular dystrophies and Lysosomal Storage Disorders (LSDs)



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Editorial special Rare diseases

India's fight against rare diseases

The tragic death of 19-year-old child actress Suhani Bhatnagar from dermatomyositis, a rare disorder that causes inflammation in muscles, came in the same month as Rare Disease Day, which is marked today. The last day of February every year is consecrated to support cores of individuals who, because of their rare medical conditions, have long been neglected and stigmatised.

According to the World Health Organization, rare diseases afflict 1 or less per 1,000 population. Barely 5% of the over 7,000 known diseases worldwide are treatable. Most patients typically receive only basic treatment that alleviates symptoms. Some require exorbitantly priced antidotes and supportive medication throughout their lives, which they can't afford.

Rare diseases in India
India accounts for one-third of the global rare disease incidence, with over 450 identified diseases. These range from widely known ones such as Spinal Muscular Atrophy and Gaucher's disease to lesser-known ones such as Mucopolysaccharidosis type 1 and Whipple's disease. Roughly about 8 crore-10 crore Indians suffer from one rare disease or another; over 75% are children. Yet these diseases are largely overlooked.



Shashi Tharoor
is third term MP (Congress) for Thiruvananthapuram in the Lok Sabha and the Sahitya Akademi Award-winning author of 25 books



Shashank Shekhar
is his Legislative and Legal Adviser

not the government's job.

Timely and accurate diagnosis is indispensable for the robust management of any disease, yet for rare disease patients, it takes an average of seven years for their conditions to be diagnosed (if at all). Physicians are generally unaware of how to interpret the signs and symptoms; healthcare professionals must be trained to improve their diagnostic accuracy. Expectant mothers with a history of rare diseases in their family must undergo mandatory pre-natal screening and post-natal diagnosis and care.

Less than 1% of the over 7,000 rare disease Article with title: India's fight against rare diseases are treatable. Worse, treatments approved by the Drugs Controller General of India are available for just about 20 rare diseases and can be availed only from Centres of Excellence (CoEs). Since CoEs are few (12), unevenly distributed, and uncoordinated, late diagnosis, inadequate therapies and lack of timely availability are the norm.

Funds are a major challenge too. The Budget's allocation for rare diseases, although increasing over the years, remains low at ₹33 crore for 2023-2024, with previous years having seen reductions of up to 75% from the Budget Estimate stage to the Revised Estimates and an even worse reduction of 90% in actual expenditure. Under the

than 20%. And in a classic case of abdication of governmental responsibility, NFRD has urged the CoEs to crowdfund to treat rare disease patients. A portal with over 1,400 registered patients has collected less than ₹3 lakh in three years. Can crowd-funding ever be a sustainable national policy?

The way forward

Admittedly, the situation is not easy for the government, and to its credit, India has at least recognised rare diseases. However, the efforts are far from satisfactory. It is imperative for the

government to take the following steps: increase budgetary outlays, dedicate funding for drug development and therapy, and increase the number of CoEs while also ensuring better coordination and responsible utilisation of funds. State governments must introduce social assistance programmes and develop satellite centres under the CoEs. Public and private companies could be co-opted for funding. CSR initiatives and partnerships can be leveraged to meet shortfalls.

Finally, the issue of exorbitant drug prices and availability must be addressed. Last year, the government waived off GST and customs duty on medicines for rare diseases. But this exemption

The nagging problem of Katchatheevu

Though fisherfolk want to resume fishing in the islet, India cannot allow it

STATE OF PLAY

L. Srikrishna
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Katchatheevu islet, a part of Sri Lanka and located about 14 nautical miles from Rameswaram in Tamil Nadu, is back in the limelight for the wrong reasons.

On February 17, fishermen associations in Ramanathapuram district announced that they were boycotting the annual two-day festival, scheduled for February 22 and 24, at the St. Anthony's Church in the uninhabited islet. Every year, this event brings together the people from both sides of the Palk Bay separating India and Sri Lanka. The fisherfolk also announced that they would observe an indefinite strike. These decisions were a mark of protest against the Sri Lankan government's continuing arrests of Indian fishermen on charges of poaching.

Shift in approach

Though the response of the Sri Lankan authorities is not new, there seems to be a shift in the way the island nation's judicial

and legal assistance to the imprisoned fishermen and work towards their early release. New Delhi has been asking Colombo to treat the fishermen issue as "a purely humanitarian and livelihood concern." It says both sides should ensure that force is not used under any circumstance. Even though the Sri Lankan authorities release the fishermen as a matter of routine, they do not return the impounded fishing vessels. The Ramanathapuram fishermen believe that this adds insult to injury. This time too, vessels were impounded and not returned.

Resolving the issue


For about 10 years, the fishermen have been hoping that their issue will get resolved. Sudama Swaraj, as External Affairs Minister, had even organised a high-level meeting of fishermen from both the countries to work out a solution. "But this could not deliver results fully due to various political developments," Mr. Jesu Raja said.

Now, sections of the fisherfolk expect the Indian government to impress upon the Sri Lankan government to allow



THE SCENARIO IN INDIA

FROM OVER 7,000 IDENTIFIED RARE DISEASES, 95% DO NOT HAVE ANY FDA APPROVED ORPHAN DRUGS

 **80%** of the diseases occur at birth and are genetic in nature

 **50%** babies born with rare diseases die within a year of birth

ESTIMATES

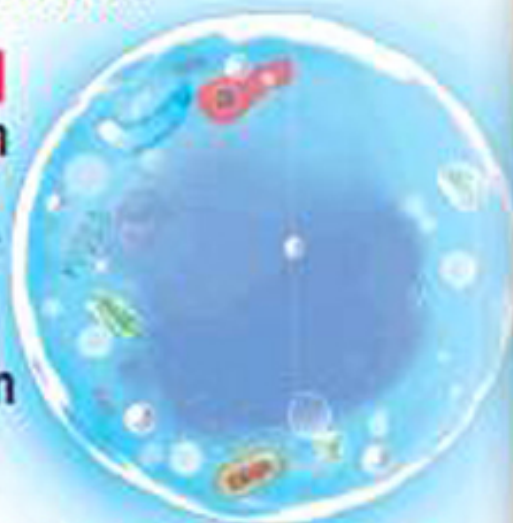
9-10 crore | No. of people in India who suffer from rare diseases, which is 25% of global patients

5.4 to 6.5 lakh | No. of people in Hyderabad, of a population of 90 lakh, who suffer from rare diseases

40% | Chances of error in diagnosis during a patient's first visit

4.8 years | Average time taken for diagnosis

20 years | Maximum time taken to detect



SOME RARE DISEASES

- ▶ Thalassaemia
- ▶ Sickle cell anaemia
- ▶ Ataxia
- ▶ Lysosomal storage disorder
- ▶ Congenital insensitivity to pain (rarest of rare)
- ▶ Acquired aplastic anaemia
- ▶ Muscular dystrophy
- ▶ Multiple sclerosis
- ▶ Sweet syndrome
- ▶ Paediatric cardiomyopathy

HOW INDIA CATEGORIZES RARE DISEASES

Group 1

Disorders amenable to one-time curative treatment:

Treated with stem cell transplantation

Treated with organ transplantation

Group 2

Diseases requiring long term or lifelong treatment with relatively low cost

Managed with special dietary formulae or food for special medical purposes

Amenable to hormones or specific drugs

Group 3

Diseases for which definitive treatment is available but challenges are to make optimal patient selection for benefit, very high cost and lifelong therapy



What is Dermatomyositis?

Dermatomyositis is a condition that affects the muscles, skin, and blood vessels, and it is both inflammatory and degenerative. Inflammatory myopathies are a category of disorders that cause the body's immune system to target healthy muscle tissue.





- There are fundamental challenges in the research and development for the majority of rare diseases as relatively little is known about the pathophysiology or the natural history of these diseases particularly in the Indian context.
- Rare diseases are also difficult to research upon as the patients pool is very small and it often results in inadequate clinical experience.
- Availability and accessibility to medicines are also important to reduce morbidity and mortality associated with rare disease.

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National Policy for Rare Diseases 2021 approved



सत्यमेव जयते
Ministry of Health and Family Welfare
Government of India

- Provides for financial support upto Rs 20L to individuals with certain rare diseases that require one-time treatment.
- Assistance to be extended to not just BPL families, but to about 40% of the population who are covered under Pradhan Mantri Jan Arogya Yojana
- The financial support will be provided under the umbrella scheme of Rastriya Arogya Nidhi & not PM-JAY

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Editorial special text category

seizure is estimated to be between ₹1,200 and ₹2,000 crore in the market. ^{PH} from ₹5.80, while urban consumers will pay ₹6.65 per unit, up from ₹6.30. ^{PH} currently operates 350 daily flights and has a fleet of 69 planes. ^{PH} ministry said. Nearly 1.5 million people are packed into the city of Rafah. ^{AFP} ₹2,000. ^{PH} COMPILED BY THE HINDU DATA TEAM

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On irregularities in vertical devolution

Agitations by different State governments in New Delhi have highlighted many disquieting issues in the practice of fiscal federalism in India. In light of this, the 16th FC must take initiative to correct historical wrongs in vertical devolution through compensations to the States

ECONOMIC NOTES

R. Ramakumar

The recent agitations by the governments of Kerala and Karnataka, and the support extended by several State governments, have highlighted many disquieting issues in the practice of fiscal federalism in India. These agitations show that the newly constituted 16th Finance Commission (FC) would have to proceed seriously and innovatively to justly address complaints of increasing vertical and horizontal inequalities in devolution. Within the domain of vertical devolution – that is the sharing of resources between the Union and States – there are two disturbing trends that need urgent redressal. First, the Union government has sought to keep an increasing share of its proceeds out of the divisible pool so that they need not be shared with States. Secondly, it has also

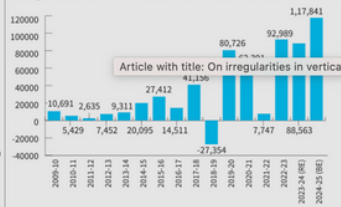
How much funding do States get from the Centre?

The net divisible pool is that part of the gross tax revenue from which a share would have to be vertically devolved by the Union to all States. These charts explain how they are actually distributed versus entitlements

Chart 1: The share of cesses and surcharges in the gross tax revenue from 2009-10 to 2024-25, in %



Chart 2: Difference between the entitlement of all States as per FC awards and actually devolved State's share in central taxes from 2009-10 to 2024-25, in ₹ crore



requirements of the Union government.

Deviations from FC recommendations

Speaking in Parliament on February 8, 2024, the Union Finance Minister claimed: "whatever the Finance Commission has recommended [as the rate of devolution], I follow it to the last word". How robust is this claim? We have seen that a significant portion of the gross tax revenue is retained by the Union government as cesses and surcharges. One may disagree with such a devolution but it has some basis in constitutional provisions. However, what has happened to the recommendation of the FCs that a certain share of the net proceeds must be shared with all States? These shares were stipulated as 32% by the 13th FC (2010 to 2015), 42% by the 14th FC (2015 to 2020), and 41% by the 15th FC (2020 to 2025). Annual estimates of net proceeds can be obtained by deducting cesses, surcharges, and costs of collection of taxes from the gross tax revenue. These



vertical devolution and fiscal federalism

- The net divisible pool, or net proceeds, is that part of the gross tax revenue from which a share would have to be vertically devolved by the Union to all States.
- Such shares are assigned by each FC for a five-year period.
- Earlier, all corporation taxes and customs duties were fully absorbed by the Union, and only income taxes and excise duties were shared with the States.
- .

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- However, with changes over the years, culminating in a constitutional amendment in 2000, all taxes of the Union were added to the net proceeds.
- But there was a catch – cesses and surcharges under Article 270 and Article 271 were kept out of the net proceeds.
- In the past, such exclusion of cesses and surcharges were based on specific FC recommendations

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- But the amendment in 2000 provided a constitutional basis for it. Presently, the net proceeds consists of the gross tax revenue after the deduction of cesses, surcharges and the cost of collection of taxes.
- Over the past decade or more, several cesses and surcharges were introduced by the Union government.
- When the Goods and Services Tax (GST) was initiated in 2017, the expectation was that many cesses and surcharges would be discarded and subsumed into the GST system.
- On the contrary, new cesses and surcharges continued to be introduced, and many old cesses and surcharges remained outside the GST system.

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Q "Without transparent vertical devolution , fiscal federalism cannot be established" examine

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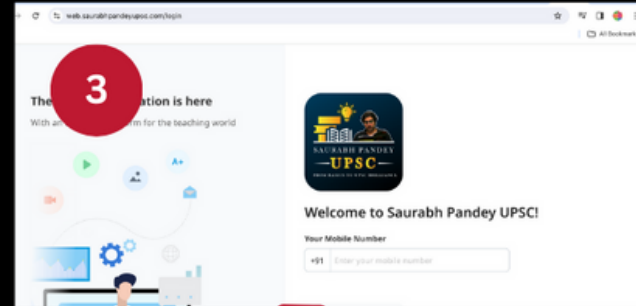
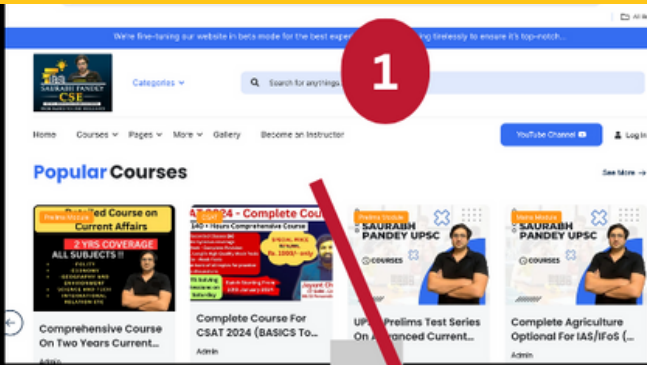
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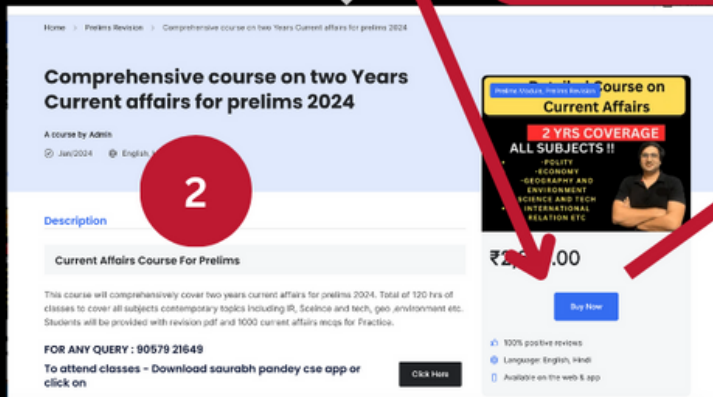
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