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## EDITORIAL 01

### Arrest and liberty: On the ED's actions

*Is proof of necessity a pre-requisite for ED to arrest accused under PMLA?*

Two observations made in different contexts by the Supreme Court of India have raised relevant issues concerning personal **liberty**. The cases related to actions under the Prevention of Money Laundering Act (PMLA), and the significance of these observations lies in the extent to which courts are inclined to protect personal liberty in the face of a determined government that wants its agencies to have their way. One concerned the question whether an officer arresting a person on money-laundering charges should demonstrate the necessity for arrest for the action to be **deemed** valid; and the other voiced shock and **revulsion** at the ease and quickness with which courts were staying reasoned orders granting bail. A Bench headed by Justice Sanjiv Khanna granted interim bail, for the second time since his arrest in March, to Delhi Chief Minister Arvind Kejriwal, in the course of a discussion on the legality of his arrest by the Enforcement Directorate (ED). The 64-page verdict ended with a





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reference to a larger Bench the question whether the ED would have to prove the need or “necessity to arrest” a person, before effecting an arrest. Section 19 of PMLA speaks of the arresting officer being required to have “reason to believe” that the person is guilty of money-laundering before effecting arrest.

The PMLA casts a **statutory obligation** on an officer to both record reasons for arrest and convey grounds for arrest to the accused. Whether these obligations include a duty to demonstrate the necessity to arrest the person will have to be decided. It is established that the existence of a power is not sufficient justification for exercising it. The heartening feature of the Court’s order is that it lays down the view that the authorised officer’s decision on arrest ought to be rooted in compliance with statutory requirements, and one that a magistrate or judge can examine. The Court has also done well to **reiterate** that arrests under the PMLA cannot be on a mere **whim**; and that decisions during investigation should consider **exculpatory** material too, and not merely material against the accused. The other issue, regarding another Bench’s shock over courts staying bail orders, touches upon a key aspect of **contemporary** judicial functioning. The **vehemence** with which the prosecution argues its case, be it against bail or challenging a

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court's order granting it, seems to be a major factor in the approach of higher courts. As the Bench noted, a stay on reasoned orders ought to be rare exceptions based on grounds such as **perversity** by the lower court, and not done as a matter of routine.

### **SUMMARY**

The Supreme Court of India has raised concerns about personal liberty in cases related to actions under the Prevention of Money Laundering Act (PMLA). The court questioned whether an officer must demonstrate the necessity for arrest for the action to be valid and the ease and quickness with which courts were staying reasoned orders granting bail. The PMLA requires officers to record reasons for arrest and convey grounds for arrest to the accused. The court emphasized that arrests under the PMLA cannot be on a whim and that decisions during investigation should consider exculpatory material, not just material against the accused. The court also noted that the vehemence with which the prosecution argues its case is a major factor in the approach of higher courts.



## Vocabulary

### 1. Liberty

**Synonyms:** Freedom, independence, autonomy

**Antonyms:** Oppression, captivity, constraint

### 2. Deemed

**Synonyms:** Considered, judged, regarded

**Antonyms:** Disregarded, ignored, neglected

### 3. Revulsion

**Synonyms:** Disgust, repulsion, abhorrence

**Antonyms:** Attraction, fondness, liking

### 4. Statutory Obligation

**Meaning:** Statutory obligation" refers to a duty or requirement that is imposed by law or statute. It is a legal responsibility that an individual or organization must fulfill according to legislative provisions.



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## 5. Reiterate

**Synonyms:** Repeat, restate

**Antonyms:** Retract, cancel

## 6. Whim

**Synonyms:** Caprice, fancy, impulse

**Antonyms:** Plan, purpose, determination

## 7. Exculpatory

**Synonyms:** Exonerative, absolving, vindicating

**Antonyms:** Incriminating, accusatory, implicating

## 8. Contemporary

**Synonyms:** Modern, current

**Antonyms:** Old-fashioned, outdated

## 9. Vehemence

**Synonyms:** Intensity, passion, fervor

**Antonyms:** Apathy, indifference, calmness

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## 10. Perversity

**Synonyms:** Stubbornness, obstinacy, willfulness

**Antonyms:** Compliance, obedience, submission

## EDITORIAL 02

### In search of jobs: On the challenge of employment generation

*Technology must be harnessed for easing burden and for  
efficiency*

Employment generation will remain a major challenge before the Narendra Modi government in its third term, and the upcoming Union Budget is expected to take note of it. There are no easy ways out, given the **swelling** numbers of young job seekers, and the changing nature of the economy that requires fewer workers, thanks to rapid technological advancement. Recent studies have highlighted the seriousness of the challenge. The Annual Survey of Unincorporated Sector Enterprises (ASUSE) notes that just 21% of the total establishments used the Internet for entrepreneurial activities. The survey, quite similar to a previous report of the International Labour Organisation (ILO), says the unincorporated non-agricultural economy employed about 11 crore workers during

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October 2022 to September 2023 in comparison to about 9.8 crore workers during 2021-22. The ILO's India Employment Report had also warned that the share of manufacturing employment was **stagnant**, at around 12%-14% and the slow transition of jobs from agriculture to non agriculture **reversed** due to the COVID-19 pandemic. A Citigroup report too said the current rate of job creation will not be sufficient to meet future demand. The ASUSE had also noted that 'Other Services' contributed the maximum share (36.45%) to the total employment followed by 'trading' (35.61%) and 'manufacturing' (27.94%). Various Periodic Labour Force Surveys had also noted that 45.76% of the total workforce was engaged in agriculture and allied sectors during 2022-23.

While the government cannot magically change the situation, it can initiate thoughts about solutions. The Swadeshi Jagran Manch has demanded that the Centre impose a robot tax and **incentivise** job creation in the Budget. The trade unions have asked the Centre to **convene** the long-pending Indian Labour Conference. Union Labour Minister Mansukh Mandaviya's decision to reach out to trade unions is a positive development, but he must have stronger **prescriptions** than the Labour Codes to stop job losses and generate more jobs. Technological innovations should be to reduce the workload of people, and not to create **hurdles** for their livelihood. To industrialize agriculture production, the government should consider more public and cooperative investment to create more

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jobs and ease the load on farmers. It has to bring on board the private and public sectors, labour unions, States and political parties to design a growth model with job creation at its centre. Recent global experiences suggest that economic growth without employment growth can cause social and political **upheavals**. This is not a problem that can be explained away, and an honest account of the problem will be a good starting point for **mitigative** measures.

### SUMMARY

Employment generation remains a significant challenge for the Narendra Modi government, with rapid technological advancements and a growing number of young job seekers. The unincorporated non-agricultural economy employed about 11 crore workers between October 2022 and September 2023, compared to 9.8 crore during 2021-22. The ILO's India Employment Report warned that manufacturing employment was stagnant, and the COVID-19 pandemic reversed the transition of jobs from agriculture to non-agricultural sectors. The government can initiate solutions by imposing a robot tax and incentivizing job creation in the Budget. Technological innovations should reduce workloads, not create hurdles for livelihoods. To industrialize agriculture production, the government should consider public and cooperative investment to create more jobs and ease the burden on

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farmers. An honest account of the problem will be a good starting point for mitigative measures.

## Vocabulary

### 1. Harnessed

**Synonyms:** Utilized, employed, controlled

**Antonyms:** Released, untapped

### 2. Swelling

**Synonyms:** Bulge, enlargement, puffiness

**Antonyms:** Deflation, shrinkage

### 3. Stagnant

**Synonyms:** Stationary, still, inactive

**Antonyms:** Flowing, dynamic, active

### 4. Reversed

**Synonyms:** Inverted, opposite, backward, flipped

**Antonyms:** Straight, forward, unchanged



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## 5. Incentivise

**Synonyms:** Motivate, encourage, stimulate

**Antonyms:** Discourage, deter

## 6. Convene

**Synonyms:** Assemble, gather, congregate

**Antonyms:** Disperse, adjourn

## 7. Prescriptions

**Synonyms:** Instructions, orders, directions, guidelines

**Antonyms:** Freedom, discretion

## 8. Hurdles

**Synonyms:** Obstacles, barriers, challenges

**Antonyms:** Aids, assists, helps

## 9. Upheavals

**Synonyms:** Turmoil, disturbance, agitation, tumult, chaos

**Antonyms:** Stability, calm, peace, tranquility

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## 10. Mitigative

**Synonyms:** Alleviate, lessen, reduce, diminish

**Antonyms:** Aggravate, worsen

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